

# Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County  City  Town  Village  
*(Select one.)*

of Warren

FILED  
STATE RECORDS

Jan 25 2019

Local Law No. 1 of the year 2019

DEPARTMENT OF STATE

A local law to regulate mass gatherings in the Town of Warren  
*(Insert Title)*

Be it enacted by the Town Board of the  
*(Name of Legislative Body)*

County  City  Town  Village  
*(Select one.)*

of Warren

as follows:

1. Legislative purpose.

A. The purpose of this chapter is to protect public health, welfare, safety, peace and tranquility by regulating mass gatherings within the Town of Warren. The Town Board therefore determines that it is necessary for the public order and protection and the safety, health and well-being of persons and property within the jurisdiction of the Town of Warren to adopt and establish certain rules and regulations and to regulate and license the holding of mass gatherings reasonably expected to attract more than 500 persons within any twenty-four-hour period.

2. Definitions.

For the purpose of this chapter, the following term shall have the meaning indicated:

AGENT

The property owner's representative, if the property owner does not reside in the Town of Warren.

APPLICANT

The owner of the real property upon which a mass gathering is to be held.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

## **MASS GATHERING**

Any assemblage or gathering of people at a public or private amusement or event of a temporary nature, which is likely to attract 500 people or more within a twenty-four-hour period, whether or not in connection therewith any charge is made. Such term, "mass gathering," shall not include any activity having fewer than 500 people in attendance; functions sponsored by schools and held on school property; athletic or sporting competitions of a recurring nature that occur at a facility set aside for that purpose (e.g., league competitions; Little League; family celebrations; auctions; funerals); or functions sponsored by the Town of Warren.

## **NEW YORK STATE MASS GATHERING**

Any gathering which is likely to attract 5,000 people or more and continue for 24 hours or more but shall not include a temporary residence under permit, as defined in New York State Public Health Law Section 225.

## **POTABLE WATER**

Water provided or used for human consumption, food preparation, or for lavatory, culinary, bathing or laundry purposes.

## **REFUSE**

All putrescible and nonputrescible solid wastes, including garbage, rubbish, ashes, incinerator residue, street cleanup, dead animals, offal and solid commercial waste.

## **SEWAGE**

Excreta and the waste from a flush toilet, portable toilet, bath, sink, lavatory, dish washing or laundry machine, or the water-carried waste from any other fixture or equipment or machine.

## **SPONSOR**

The entity, if other than the real property owner, responsible for the operation of the mass gathering.

### 3. Permit required.

#### A. Mass gathering permit required.

(1) No person, persons, partnership, association or corporation or any combination thereof shall hold or promote, by advertising or otherwise, a mass gathering in the Town of Warren unless a mass gathering permit has been issued by the Town of Warren Town Board.

(2) A separate permit is required for each such event, which may last longer than a 24 hour period. Only one permit is required per event.

#### B. Property owner/applicant required to obtain mass gathering permit.

(1) No owner, lessee, licensee or other person, persons, partnership, association, or corporation, or any combination thereof, owning, having any right to, or any interest in, any real property within the jurisdiction of the Town of Warren shall license, rent, lease or otherwise

permit the use of such real property, or any part thereof, for a mass gathering, except pursuant to a mass gathering permit issued for such purpose by the Town Board of the Town of Warren as hereinafter provided.

(2) Furthermore, if the property owner/applicant resides outside of the Town of Warren, the property owner/applicant shall set forth the name and address of an agent, who shall be a natural person, who shall reside in or have a place of business in the Town of Warren and who shall be authorized to and shall agree by acknowledged statement to accept notices issued with respect to the application, construction or enforcement of this chapter.

(3) Furthermore, if the event is going to be held on property owned by the municipality, the sponsor would be the applicant.

#### 4. Application for mass gathering permit.

##### A. Procedure; time periods; fees.

(1) Written application for a permit for such mass gathering shall be made to the Town Board of the Town of Warren by filing with the Town Clerk, in triplicate, and verifying the accuracy of the application information as hereinafter required.

(2) Mass gatherings expected to attract 500 but no more than 3,000 persons during the course of an event must submit an application at least 60 days prior to the first day upon which such mass gathering is to be held. A determination granting or denying the application for a permit shall be made by the Town Board within 35 days after the completed application is filed with the Town Clerk.

(3) Mass gatherings reasonably expected to attract 3,000 or more persons during the course of the event but no more than 5,000 persons at one time must submit an application at least 120 days prior to the first day upon which such mass gathering is to be held. A determination granting or denying the application for a permit shall be made by the Town Board within 60 days after the application is filed with the Town Clerk.

(4) New York State mass gatherings, which reasonably expect to attract 5,000 or more persons at one time must first obtain all required New York State permits, including all required permits from the New York State Commissioner of Health. Once all New York State Permits are obtained, all documentation must be provided to the Town Board at least 60 days prior to the event for review and approval.

(5) Applicants are encouraged to meet with the Town Board in advance of submitting an application.

(6) No permit shall be granted unless the applicant complies with the requirements of this chapter to the satisfaction of the Town Board. The Town Board may, upon a showing of good cause that certain conditions or requirements as hereinbefore set forth are not applicable,

modify the application requirements after review of the circumstances presented by the applicant and/or sponsor.

(7) Permit fees shall, from time to time, be set by resolution of the Town Board.

(8) Upon approval of a mass gathering permit application, the Town Clerk shall immediately furnish a copy of said permit to the New York State Police Zone Commander and, as appropriate, to the Fire Department having jurisdiction over the premises.

B. Specific information required. The application shall include the following information, as may be applicable to the nature and location of the mass gathering:

(1) The name and contact information of the applicant(s) and/or sponsor(s) and/or agent(s) including physical and mailing addresses. If the sponsor(s) is a corporation, the name of the corporation, the names and addresses of the directors, officers and stockholders owning more than 10% of the number of shares outstanding of each class of stock; or, if the sponsor is a partnership or other organized group of individuals, the name of the partnership or organization and the names, addresses of each and every individual associated with the partnership or other entity.

(2) The address of the real property upon which the event is to occur and the nature and interest of the applicant in such property including a notarized authorization for (1) any sponsor(s) to use the property for the mass gathering including any limitations to such use, and (2) for the Town of Warren to go upon the property for the purpose of inspecting the same to determine if there is compliance with the requirements of this chapter.

(3) The purpose of the function, including the nature of the activities to be carried on and the admission fees to be charged, if any.

(4) The proposed dates and hours of such event, including rain dates.

(5) The names and addresses of all adjoining real property owners. The applicant shall be required to mail notice of the event, if the permit is approved, to all adjoining real property owners.

(6) The expected minimum and maximum number of persons intended to attend the event at any one time and collectively, including proposed measures and facilities to limit the number of persons attending to the maximum expected number including methods of entering the area, the number and location of ticket booths and entrances, and provisions for restricting non-ticket holders from the area.

(7) Acknowledgement by the applicant and/or sponsor that any advertisement and promotional endeavors will specify the limitation on the number of tickets to be sold or otherwise issued as specified in the permit.

(8) The expected number of automobiles and other vehicles intended to use the property for such event.

(9) A description of crowd control including security personnel who will be engaged to serve on or about the site during the event. The Town Board may require the applicant to obtain the consent of the Zone Commander of the New York State Police having jurisdiction over the Town of Warren as to the capacity and qualifications of the security personnel.

(10) Providing an adequate water body rescue plan or cliff rescue plan, including all reasonable safety measures taken by the applicant, if applicable.

(11) Providing for complete removal of refuse and cleanup of the area and location within 24 hours following the gathering or the next business day.

(12) Providing the names and addresses of all concessionaires and other persons providing any services or facilities under contract, lease or other arrangement for the event.

(13) Specifying the facilities and services to be available for medical and first aid service.

(14) A description of fire safety measures including personnel who will be engaged to serve on or about the site during the event. The Town Board may require the applicant to obtain the consent of the Fire Chief of the jurisdictional Fire Department as to the proposed fire safety measures and qualifications of engaged personnel.

C. Detailed drawings, prepared to scale, to accommodate the expected number of persons including the size of the property, and depicting:

(1) The names of record owners of the adjoining properties.

(2) Site constraints such as tree lines, water bodies, cliffs.

(3) The streets or highways abutting said property.

(4) The size and location of any existing building, lighting, structures or other facilities to be erected or temporary lighting to be located thereon for the purpose of the event.

(5) The placement of the proposed water system for supply, storage and distribution of potable drinking water.

(6) The location and layout, onsite or off-site, of any parking areas for automobiles or other vehicles, the means of ingress and egress to such parking areas, and the methods of traffic control to be used. Such parking areas shall provide parking space of acceptable size for one motor vehicle for every three persons in attendance.

(7) The adequacy of and locations for sanitation facilities and for the disposal and treatment of sanitary sewage, in accordance with all New York State Department of Health rules and regulations.

(8) The facilities for the preparation, storage, sale and distribution of food and the means of servicing such area. Such plan shall also detail the method and means of disposing of any garbage, trash, rubbish or other refuse.

(9) The location of all service and other roads serving any camping areas, food services, toilet facilities, garbage and refuse collection facilities and the entertainment and performance areas.

(10) The location of fire lanes, water supply and equipment or apparatus to be available for such purposes.

#### 4.1. Insurance and bonds.

A. Comprehensive liability insurance. No permit shall be issued unless the applicant shall furnish the Town of Warren with a comprehensive liability insurance policy insuring the Town against liability for damage to persons or property with limits of not less than \$1,000,000 for bodily injury or death to one person or \$2,000,000 for bodily injury or death in one event, and with limits of not less than \$500,000 for property damage, sufficient in form to save the Town harmless from any liability or causes of action which might arise by reason of the granting of the permit, and noncancelable without 10 days' prior written notice to the Town.

(1) Each applicant for a permit shall submit proof of an adequate comprehensive liability insurance policy, in an amount to be determined by the Town Board, insuring the Town of Warren, its officers and employees from liability to persons or property and naming the Town of Warren, its officers and employees as being coinsured persons or as additional insured parties. Such policy shall not be cancelable by the insurer without 10 days' prior written notice to the Town of Warren.

(a) Certificates of such insurance and bonds shall be submitted to the Town Board at least 30 days prior to the commencement date of the event.

(2) Performance bond. The Town Board shall have the discretion to require, on a case by case basis, that an applicant deposit with the Clerk of the Town of Warren cash or a surety company bond in an amount to be determined by the Town Board which shall be sufficient to ensure that all requirements of the permit will be fully performed by the applicant; that no damage will be done to any public or private property; and that the applicant will not permit any litter, debris or other refuse to remain upon any public or private property by reason of granting of the permit. Such surety bond or cash shall serve as an indemnity to save and protect the streets, pavements, bridges, road signs and other property of the Town of Warren from any and all damage that may be caused by vehicles, employees or participants in such event and shall be used, if necessary, to restore the ground where such event is held to a sanitary condition and pay all charges and losses to the Town for damages to streets, pavements, bridges, and other

property, and to reimburse the Town for any expense necessitated by the event in the employment of additional Town personnel.

(3) Cancellation of bond; return of deposit. Within 90 days, in cases where a performance bond is required by the Town Board under Subsection A(2) above, the surety company bond shall be canceled or the cash deposit or its balance shall be returned if the Town Board has determined that no such damage has been done and that the Town did not incur any additional expense due to said event or that the costs thereof have been paid by the applicant.

5. Limitation on attendance.

If a permit is granted by the Town Board, such permit shall set forth the maximum number of persons to be permitted to attend the event. The Town Board, in determining the maximum limit, shall take into consideration the capacity of the site and of available public highways and other means of transportation to and from the site and the available parking and sanitation facilities and water distribution system. The applicant shall limit attendance to such maximum numbers and shall include such limitation in all advertising.

6. Limitations on noise.

A mass gathering permitted under this local law must comply with the performance standards for noise set forth in Local Law 1 of 2011 of the Town of Warren.

7. Prohibited activities.

A. Any dog allowed at the premises, except for dogs which have been identified as guide dogs, hearing dogs, service dogs or police work dogs, must be licensed, on a leash and under the control of its adult owner. The adult owner is responsible for any and all liabilities that result from said dog being at the mass gathering.

B. No person shall be allowed to possess any firearm or weapon on the premises of such mass gathering other than a police officer, peace officer or other such person authorized to possess firearms, including a licensed pistol permit holder.

8. Revocation of permit.

Any permit granted hereunder may be revoked by the Town Board of the Town of Warren if it finds that the mass gathering for which a permit was issued is maintained, operated or occupied in violation of this chapter or the Sanitary Code of the State of New York.

9. Grounds for denial of permit.

The permit shall not be granted if any of the information set forth in the application is determined by the Town Board to be insufficient to properly safeguard the safety, health, welfare and well-being of persons or property or does not comply with any of the requirements of this chapter. The Town Clerk of the Town of Warren shall notify the applicant, in writing, by

certified, return receipt mail of the disapproval and shall include therein the reasons for such disapproval.

10. Transferability of permit.

No permit issued by the Town Board shall be transferred or assigned to any person or used by any person other than the person to whom it was issued, nor shall any permit be used on any location other than the location stated in the permit application.

11. Waiver of Provisions.

Upon written application of an applicant setting forth the reasons why a waiver of any provision of this local law is necessary or desirable, the Town Board may entertain such application. If the Town Board finds that, because of certain circumstances of the event and/or the property involved, that a hardship would result from the strict compliance with this article, it may waive certain provisions of this article so that substantial justice may be done and the public interest secured, provided that no such waiver shall be granted which will have the effect of nullifying the intent and purpose of this local law. In granting such a waiver, the Town Board may require such conditions as will, in its sole discretion, substantially secure the objectives of the standard requirements so changed or modified.

12. Enforcement and penalties.

A. A failure to comply with the provisions of this chapter shall be deemed a violation and shall be punishable by a fine of up to \$5,000 or imprisonment for not more than 15 days, or both.

B. The Town Building Codes Enforcement Officer and/or a designee of the Town Board, are hereby authorized to issue and serve an appearance ticket with respect to violations of this local law.

C. In addition to the above-provided penalties, the Town Board may maintain an action or legal proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or restrain by injunction any violation of this chapter.

D. A subsequent permit may not be issued unless all previous fines have been paid.



(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2019 of the (County)(City)(Town)(Village) of Warren was duly passed by the Town Board on January 14 2019 in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted *(Elective Chief Executive Officer\*)* on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. *(Elective Chief Executive Officer\*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. (City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section ~~(36)~~(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph   2   above.

*Diana K. Walkovich*  
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date:   January 14, 2019  

