

(Please Use this Form for Filing your Local Law with the Secretary of State)

Text of law should be given as amended. Do not use brackets for matter to be eliminated and do not use italics for new matter.

County  
~~City~~ of Orleans  
~~Town~~  
~~Village~~  
Local Law No. 2 of the year 19 77

A local law RELATING TO THE REGULATION AND LICENSING OF MASS GATHERINGS INVOLVING  
(insert title)  
GATHERINGS OR ASSEMBLY OF PERSONS CALCULATED TO OR LIKELY TO ATTRACT 2,500 OR MORE  
PERSONS: ESTABLISHING LICENSING PROCEDURES AND FEES THEREFOR: AND PRESCRIBING OFFENSES  
AND PENALTIES.

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

County  
~~City~~ of Orleans  
~~Town~~  
~~Village~~ as follows:

Section 1: PURPOSE

Mass gatherings or assembly of persons in excess of 2,500 persons have occurred in the State of New York and elsewhere upon both developed and undeveloped sites. As a direct result thereof, municipal services in said areas were disrupted and halted both on and off the site of the gathering. The disruptions and haltings of municipal services included, but were not limited to, sanitation, garbage and refuse collection and disposal, health services, fire and ambulance protection, police and traffic control, as well as food and other services involving life sustenance. Personal safety and well-being of both the citizens of the areas and the participants in the gathering were threatened and endangered. Public and private property was endangered and damaged. Following the gathering additional and extraordinary municipal services were required and money and equipment expended and used to remove trash, refuse and debris of every nature and kind to restore highways and to restore and preserve health and well-being of the community in which the gathering took place.

Therefore, municipal regulation and licensing of such mass gatherings, both on and off the utilized site, is clearly required for the protection of the public and the community. The Board of Supervisors of the County of Orleans deems it necessary and proper for the protection and preservation of persons and property, health, safety, morals and well-being of the residents of the County of Orleans and others to adopt a local law regulating and licensing mass gatherings or assembly of persons within the County of Orleans calculated to or likely to attract 2,500 persons or more.

Section 2: BASIC CLAUSE

It shall be unlawful for anyone, including by illustration but not limitation, any person, persons, corporation, organization, land owner or lessee to organize, promote, conduct or cause to be conducted a mass gathering or assembly of persons within the County of Orleans calculated to or likely to attract 2,500 persons or more unless and until a permit has first been obtained pursuant to this Local Law for the operation of said mass gathering or assembly as provided by this Local Law. Such permit shall be required for each separate mass gathering or assembly. The fee for such permit, to meet the cost of administering the same, shall be Two Hundred and Fifty and no/100 (\$250.00) Dollars which shall be submitted with the application in cash or by certified check.

### Section 3: FILING OF APPLICATION

A written application for a permit for such mass gathering or assembly shall be made to the Board of Supervisors of the County of Orleans and said application must be submitted in ten (10) copies to the Clerk of the Board of Supervisors at Aldion, New York, not less than ninety (90) days prior to the date of said mass gathering or assembly. In the event said mass gathering or assembly is stated to be for more than one (1) day, the period of ninety (90) days shall be computed prior to the first day of such gathering or assembly. Determination granting or denying the permit, as herein provided for, shall be made within sixty (60) days after the filing of said application. No permit shall be granted unless the applicant complies with all of the requirements of this Local Law. The denial of the permit by the Board of Supervisors shall be in writing.

### Section 4: CONTENTS OF APPLICATION

Application for such permit shall be by duly verified petition addressed to the Board of Supervisors of the County of Orleans and shall be filed in compliance with the provisions of Section 3 of this Local Law. Such application shall include the following material:

(a) A statement of the name, age, residence address and telephone number of the applicant; if the applicant is a corporation, the name of the corporation, its state of incorporation, the names and addresses and telephone numbers of its directors, officers and stockholders owning 5% or more of the number of shares of capital stock of each class of stock issued and outstanding; if the applicant is a partnership or other organized group of individuals, the names, addresses, ages and telephone numbers of each and every individual associated with the partnership or other entity.

(b) A statement containing the names and addresses of the record owners of the property upon which the event is to occur and the nature and interest of the applicant therein; the names, addresses and telephone numbers of all adjoining property owners; the proposed dates and hours of such mass gathering or assembly; the expected maximum number of persons intended to use the property at one time and collectively; the expected number of automobiles and other vehicles intended to use the property at one time and collectively; the purpose of the function, including the nature of the activities to be carried on and the admission fees to be charged, if any; the names, addresses and telephone numbers of all concessionaires and other persons providing any service or facility under contract, lease or other arrangement for the mass gathering or assembly.

(c) An occupational survey map prepared by a professional engineer licensed by the State of New York showing the size of the property, the names, addresses and telephone numbers of the record owners of adjoining properties; the streets or high-ways abutting and/or traversing the said property; the size and location of any existing building or buildings or structures or other facilities erected or to be erected thereon for the purpose of the mass gathering or assembly; the placement of proposed distribution systems for water; the location of any and all parking areas for automobiles and other vehicles; the means of ingress and egress to and from such parking area; all service and other roads serving the proposed site; all location of food services, toilet facilities, garbage and refuse collection facilities as well as the location and extent of all entertainment and performance areas.

(d) A detailed plan and statement with drawings showing the method to be used for the gathering, collecting and disposing of sanitary sewage.

(e) A detailed plan and statement with drawings showing the distribution and supply system for the supply, storage, treatment and distribution of drinking water.

(f) A detailed plan and statement with drawings showing the layout of all parking areas for automobiles and other vehicles and the method of traffic control to be used thereon. Such parking areas shall provide parking space of acceptable size for one (1) motor vehicle for every four (4) persons in attendance at the mass gathering or assembly.

(g) A detailed plan and statement with drawings showing the facilities for 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 resulting from the mass gathering or assembly, both on the site upon which the event is to occur and off the site and in the various municipalities within the County of Orleans.

(h) A detailed plan and statement fully describing any private security personnel who will be engaged by the applicant to serve on or about the site during the event giving the name or names of the agency or agencies furnishing the same with their addresses and telephone numbers and stating the qualifications and the source of the personnel to be so employed.

(i) A detailed plan and statement providing for fire protection, specifying the location of fire lanes, adequate water supply for fire fighting and the types and disposition of equipment and apparatus to be available for such purposes.

(j) A detailed plan and statement specifying the facilities to be available for medical, surgical, nursing and ambulance services. The applicant shall furnish as part of the application the names, addresses and telephone numbers of all doctors, nurses, pharmacists, ambulances and paramedical persons and services which the applicant will provide or cause to be provided for the mass gathering or assembly.

(k) A detailed description of all insurance policies and surety bonds to be provided by the applicant for the protection of the general public, the County of Orleans and its various public bodies, and the Towns and Villages within which such mass gathering or assembly is to be held. Certificates of such insurance and bonds shall be submitted to the Board of Supervisors not less than forty (40) days prior to the commencement of the mass gathering or assembly.

(l) A written and acknowledged authorization from the land owner and the applicant to the municipality within which the mass gathering or assembly is to be held and to the County of Orleans to permit the Town, Village and the County and their lawful agents to go upon the property at any and all times for the purpose of inspecting the same and to determine if there is compliance with the requirements of this Local Law and permit, if granted.

(m) A statement subscribed by the applicant that the applicant will specify in all advertising and promotional endeavors the limitations on the number of tickets to be sold or otherwise issued as specified in the permit, and that the applicant will neither sell or otherwise issue tickets at the site or otherwise while the event is in progress.

#### Section 5: INSURANCE AND BONDS

No permit shall be issued unless the applicant shall furnish the municipality in which the mass gathering or assembly is to occur and to the County of Orleans a comprehensive liability insurance policy insuring the municipality and the County against liability for damage to persons or property with a limit of not less than \$500,000 - One Million Dollars for bodily injury or death and a limit of not less than \$500,000 property damage, sufficient in form to save the municipality and the County harmless from any liability or cause of action which might arise by reason of granting of the permit and the conduct of the mass gathering or assembly, the participants or spectators and which policies shall be non-cancellable without twenty (20) days prior written notice to the County of Orleans.

No permit shall be issued unless the applicant shall deposit with the Orleans County Treasurer cash or a good surety company bond, approved by the Board of Supervisors of the County of Orleans, in such sum not less than \$300,000 as the Board of Supervisors may reasonably require and condition that all of the requirements of the permit will be fully performed by the applicant; that no damage will be done to any private or public property; that the applicant will not permit any litter, debris, or other refuse to remain upon any public or private property by reason of the granting of the permit; which cash shall be refunded or surety bond cancelled upon certification by the Board of Supervisors of the County of Orleans that all of the conditions

of this Local Law have been complied with. Such surety bond or cash will serve as an indemnity to save and protect the streets, pavements, bridges, road signs and other properties of the County of Orleans and the municipalities within which the event is to be held, and any other municipality within the County of Orleans from any and all damage that may be caused by vehicles, employees, spectators or participants in such event and shall be used, if necessary, to restore the ground where the event is held to a sanitary condition and pay all charges, costs and losses to the County and to the respective municipalities therein for the damages to streets, pavements, bridges and other public and private property.

Provided further that should the licensed mass gathering or assembly necessitate the employment of additional County or municipal personnel and/or equipment, such additional expense shall be recoverable from the principal and/or its surety. The deposit or its balance is to be returned when the Orleans County Board of Supervisors has determined that no such damage has been done and that the County and the municipality therein did not incur any such additional expenses due to the mass gathering or assembly or that the cost of the above have been fully paid and discharged by the applicant.

If the applicant has provided in his application that any services or facilities are to be supplied by contract, lease or other arrangement with a third party or parties, then no permit shall be issued until the applicant shall obtain and submit to the County of Orleans cash or good surety bond approved by the Board of Supervisors at least equal in amount to the consideration to be paid to or by such third parties for the services and/or facilities to be furnished and conditioned that each such third party will fully perform its contract, lease or other arrangement with the applicant for the provision of such services and/or facilities as set forth in the application.

#### Section 6: LIMITATION ON ATTENDANCE

If a permit is granted by the Board of Supervisors, such permit shall set forth the maximum number of persons to be permitted to attend the mass gathering or assembly. The Board of Supervisors, in determining such maximum limit, shall take into consideration the capacity of the site and the availability of public highways and other means of transportation to and from the site as well as the availability and/or practical useability of all facilities for public health, safety and welfare set forth in the application. The applicant shall limit all ticket sales to such maximum number and shall include such limitation in all advertising or other promotional activities. No tickets shall be sold or otherwise issued or disposed of at the site of the event or otherwise during the term of the event. The applicant shall specify, in all advertising and promotional endeavors, the limitation on numbers of tickets to be sold or otherwise issued and that tickets will not be available at the site or elsewhere while the event is in progress.

#### Section 7: DENIAL OF PERMIT

The permit shall not be granted if any of the items set forth in said application are determined by the Board of Supervisors to be insufficient to properly safeguard the safety, health, welfare and well-being of persons or property or do not comply with any of the requirements of this Local Law.

#### Section 8: NON-COMPLIANCE WITH PERMIT

If after a permit is issued, the Board of Supervisors, through its lawful agents, determines that any of the items required as a condition of the permit is not adhered to or accomplished within the required time limit or if any of the contracts, leases or other arrangements for the provisions of services and facilities or any insurance or surety bonds have become terminated prior to the completion of the mass gathering or assembly, then, and in that event, this permit may immediately thereupon be terminated by action of the Board of Supervisors, unless such breach or failure is properly and promptly remedied within such time limit as may be reasonably imposed by the Board of Supervisors of the County of Orleans. Notice of Termination of the permit shall be in writing addressed to the applicant at the address set forth in the application.

Section 9: ENFORCEMENT AND PENALTY

Any person, persons, corporation, organization, land owner or lessee who shall organize, promote or conduct or caused to be conducted a mass gathering or assembly of persons within the County of Orleans calculated or likely to attract 2,500 persons or more without having a written permit in accordance with the provisions of this Local Law shall be deemed to have violated this Local Law. Any person who commits or permits any act in violation of any of the provisions of this Local Law shall be deemed to have committed a violation and shall be liable for the penalties provided. A separate offense against this Local Law shall be deemed committed on each day during or which the violation occurs or continues. A separate penalty may be imposed for each separate offense.

Each violation of a provision of this Local Law shall be a violation and the person violating the same shall be subject to a fine of not more than \$250.00 or imprisonment for a term not to exceed thirty (30) days or both such fine and imprisonment.

Any person violating this Local Law shall be subject to a Civil Penalty enforceable and collectible by the County of Orleans in the amount of \$500.00 for each offense.

In addition to the above provided penalties, the Board of Supervisors of the County of Orleans may also maintain an action or proceeding in the name of the County, in any Court of competent jurisdiction, to compel compliance with or to restrain by injunction the violation of such Local Law.

Section 10: EXCEPTIONS

This Local Law shall not apply as follows:

(a) To a gathering or assembly of persons sponsored by or as a part of activities of a central school district or Board of Cooperative Educational Services.

(b) To a gathering or assembly of persons in the jurisdiction of any village or town within the County of Orleans during the time such village or town is regulating or licensing the conduct of such mass gatherings or assembly.

(c) To a gathering or assembly of persons under the direction and auspices of a volunteer fire company, or an established fair association, or an established agricultural association or grange, or an established church and conducted or to be conducted upon a premises or in a facility within the County of Orleans which has, prior to the enactment of this Local Law, been used by such organization for the same or comparable purposes therefor and no complaints or actual violations of any laws, rules, regulations or codes involving public health, safety and welfare are existing concerning the same.

Section 11: SEPARABILITY

If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 12: EFFECTIVE DATE

This Local Law shall become effective immediately after filing thereof in the Office of the Secretary of State and the Comptroller of the State of New York.

MARIO M. CUOMO  
Secretary of State

*Read  
8/4/77*



STATE OF NEW YORK

**DEPARTMENT OF STATE**

162 WASHINGTON AVENUE  
ALBANY, NEW YORK 12231

July 27, 1977

Uldine D Jurhs, Clerk  
Board of Supervisors  
of Orleans County  
Court House  
Albion, N. Y. 14411

Dear Sir / Madam:

Please be advised that Local Law(s) No. 2 & 3  
of 1977 of the County of Orleans  
~~was~~ were received and filed on July 25, 1977.

We are enclosing additional forms for your future  
use when filing local laws.

Very truly yours

MARIO M. CUOMO  
Secretary of State

by:

A handwritten signature in cursive script that reads 'James C. Aube'. The signature is written in dark ink and extends across the width of the page.

James C. Aube  
Chief Clerk  
State Records and Law Bureau

cc: State Comptroller  
Division of Municipal Affairs

G109-006 (4/77)