

Legal Notice

NOTICE IS HEREBY GIVEN THAT the following Local Law No. 7 of 1974 which became effective July 10, 1974 is published pursuant to Section 214 (2) of the County Law.

A local law to provide for the regulation and licensing of outdoor public musical entertainments, amusements and assemblies in excess of ten thousand persons; the establishment of licensing procedures and fees therefor, and prescribing of offenses and penalties.

Be it enacted by the board of Legislators of the county of Allegany as follows:

Section 1. Purpose

Outdoor public musical entertainments, amusements and assemblies attended by 10,000 persons or more have occurred in the State of New York and elsewhere both upon developed and previously undeveloped outdoor sites where individuals camp and remain upon the event site and surrounding areas prior to, during and following the event.

The Counties of Sullivan and Schuyler have heretofore been the site of outdoor public entertainment events in which assemblies consisted of more than 500,000 persons. As a result of the magnitude of these assemblies, all municipal services were disrupted and halted both on and off assembly sites for long periods of time immediately prior to, during and after the events. These disruptions and halting of municipal services included fire and ambulance protection, mail, garbage and refuse collection and disposal, and police and traffic control. Residents of the said counties and transients were unable to obtain medical services, hospital treatment, food and other necessities as a result of the great influx of persons into the counties and the clogged and obstructed roads and highways. Personal safety and health were endangered and public and private properties were damaged extensively. Extraordinary municipal services were required to restore the site and highways to their original condition and to restore and preserve the health safety and well being of the communities involved.

The mass assembly of persons in Allegany County for such events in numbers of 10,000 or more would temporarily increase the number of persons residing within the County of Allegany substantially beyond its normal population, thereby causing problems and demands considerably beyond the capability of existing municipal services and facilities. In order to prepare for such an event, it would be necessary to provide a temporary community with all the services required for the health, welfare and safety of the persons in attendance. Adequate provision must be assured for sanitation and sanitary facilities and services, water supply, food services, garbage and refuse collection and disposal, hospital, medical, nursing and ambulance service, policing and traffic control, parking facilities and control, and communications and power systems, all of which are normally subject to governmental regulation and licensing. The temporary furnishing of such services and facilities for outdoor public musical entertainments, amusements or assemblies intended to be attended by 10,000 or more persons similarly requires municipal approval and regulation.

In addition, the conduct of such events would create a mass movement of people through the County of Allegany, principally upon its public streets and highways, of a magnitude never before experienced by the County of Allegany with the likelihood of damage and injury to persons and property within the County of Allegany. It is therefore deemed necessary that persons, corporations, organizations, land owners and lessees conducting such events provide adequate financial assurance to protect persons and public and private property within the county.

Municipal regulation of outdoor public musical entertainments, amusements and assemblies both on and off the utilized site is clearly required for the protection of the public and the community. The Board of Legislators of the County of Allegany deems it necessary and proper for the protection and preservation of person and property and the health, safety,

morals and well-being of the residents of Allegany County and others to adopt a local law relating to regulating and licensing outdoor public musical entertainments, amusements and assemblies in excess of 10,000 persons.

§ 2. Basic Clause

a. It shall be unlawful for any person, persons, corporation, organization, land owner, or lessee to organize, promote, conduct, or cause to be conducted an outdoor public musical entertainment, amusement, or assembly of persons at a fixed site within the County of Allegany, catering to the general public for which said person, persons, corporation, organization, land owner or lessee believes or has reason to believe will attract 10,000 or more persons unless a permit has first been obtained pursuant to the provisions of this local law for the operation of the said outdoor musical entertainment, amusement or assembly. Such permit shall be required for each such outdoor public musical entertainment, amusement, or assembly. The fee for such permit, to meet the cost of administering the same, shall be \$500.00, which fee shall be submitted with an application.

§ 3. Filing of Application

a. Written application for a permit for such outdoor public musical, entertainment, amusement or assembly shall be made to the Allegany County Board of Legislators and said application must be submitted in 20 copies to the Clerk of the Board of Legislators of Allegany County 90 or more days prior to the first day upon which such outdoor public musical entertainment, amusement or assembly is to be held. Determination granting or denying permits as herein provided for shall be made within 60 days after application therefor. No permits shall be granted unless the applicant complies with all requirements of this local law. Denial of the permit by the Allegany County Board of Legislators shall be in writing.

§ 4. Contents of Application

a. Application for such permit shall be by verified petition addressed to the Allegany County Board of Legislators and shall be filed in compliance with the provisions of section three of this local law. Such application shall include the following material:

(1) A statement of the name, age and residence address of the applicant; if applicant is a corporation, the name of the corporation, the names and addresses of directors, officers, and stockholders owning 5% or more of the number of shares outstanding of each class of stock; if the applicant is a partnership or other organized group of individuals, the names, addresses and ages of each and every individual associated with the partnership or other entity; a statement containing the names and addresses of all persons, corporations, partnerships or other entities to provide financing for the event.

(2) A statement containing the name and address of the record owner of the property upon which the event is to occur and the nature and interest of the applicant therein; the names and addresses of all adjoining property owners; the proposed dates and hours of such event; 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, the admission fees to be charged, if any, and the names and addresses of all entertainers or performers scheduled to perform at the site together with a statement for each entertainer or performer certifying that he or she has agreed to perform at the event, and the names and addresses of all concessionaires and other persons providing any services or facilities under contract, lease or other arrangement for the event, together with copies of such contracts, leases or other arrangements.

(3) An occupational survey map prepared by a professional engineer licensed by the State of New York showing the size of the property, the names of the record owners of the adjoining properties, the streets or highways abutting said property; the size and location of any existing building, buildings or structures or other facilities to be erected thereon for the purpose

of the assembly; the placement of the proposed distribution system of water, the location of any parking areas for automobiles and other vehicles and the means of ingress and egress to such parking areas; all service and other roads serving the camping area, food services, toilet facilities, garbage and refuse collection facilities, and entertainment and performance area.

(4) A detailed plan and statement with drawings showing the methods to be used for the gathering, collection and disposal of sanitary sewage and refuse, together with a statement from the person, corporation or other entity proposing to dispose of the said sewage and refuse that the material will be disposed of in an acceptable manner within a reasonable period of time following the event.

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

(6) A detailed plan and statement with drawings showing the layout of any parking area for automobiles and such other vehicles and the methods of traffic control to be used thereon. Such parking area shall provide sufficient parking space to serve all the reasonably anticipated requirements at a rate of up to one hundred passenger cars per acre or thirty buses per acre.

(7) A detailed plan and statement with drawings showing 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 resulting from the assembly event both on the site upon which the event is to occur and off the site and in the County of Allegany and in the towns and villages located therein.

(8) 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 and the qualifications and source of such personnel.

(9) A detailed plan and statement providing for fire protection, specifying the location of fire lanes, water supply, and equipment or apparatus to be available for such purposes.

(10) A detailed plan and statement specifying the facilities to be available for medical, surgical, nursing and ambulance service. Applicant shall furnish to the County Board of Legislators the addresses of all doctors, nurses, pharmacists and ambulance services applicant will provide for the event, prior to issuance of a permit.

(11) 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 Allegany and its various public bodies, and the Town or Village within which such event is to be held. Certificates of such insurance and bonds shall be submitted to the County Board of Legislators at least 40 days prior to the commencement date of the event.

(12) A subscribed authorization from the land owner and the applicant to the Town or Village within which the event is held and the County of Allegany to permit the Town, Village and County and their lawful agents to go upon the property for the purpose of inspecting the same to determine if there is compliance with the requirements of this local law and the permit, if granted.

(13) A statement subscribed by the applicant that the applicant will specify in all advertising and promotional endeavors the limitation on the number of tickets to be sold or otherwise issued as specified in the permit and that the applicant will neither sell nor otherwise issue tickets at the site while the event is in progress and a plan for limiting attendance, including methods of entering the area, the number and location of ticket booths and entrances, and provisions for keeping persons without tickets from the area.

§ 5. Insurance and Bonds

a. No permit shall be issued unless the applicant shall furnish the Town in which the event is to occur and the County of Allegany with a comprehensive liability insurance damage to persons or property with policy insuring the Town, Village and County against liability for

limits of not less than \$500,000 - \$1,000,000 for bodily injury or death and limits of not less than \$500,000 for property damage, sufficient in form to save the Town, Village and County harmless from any liability or causes of action which might arise by reason of granting of the permit and non-cancellable without 20 days prior written notice to the County.

b. No permit shall be issued unless the applicant shall deposit with the Clerk of the Board of Legislators cash or good surety company bond, approved by the County of Allegany in such sum not less than \$100,000 as the County Board of Legislators may reasonably require and conditioned 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 the granting of the permit; which cash shall be refunded or surety company bond cancelled upon certification by the County Board of Legislators that all conditions of this local law have been complied with. 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 County of Allegany and the Town or Village within which such event is to be held, and any other Town or Village within the County, from any and all damage that may be caused by vehicles, employees, or participants in such event and to 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 County and its respective Towns or Villages for damages to streets, pavements, bridges and other property; provided further, that should the licensed event necessitate the employment of additional County, Town or Village personnel and equipment, such added expense shall be recoverable from the principal and/or its surety. The deposit or its balance is to be returned when the County Board of Legislators has determined that no such damage has been done and that the County, Towns or Villages did not incur such additional expense due to said event or that the cost of the above have been paid by the applicant.

c. If the applicant has provided in his application that any services or facilities are to be supplied by contract, lease or other arrangement with third parties, then no permit shall be issued unless the applicant shall obtain and submit to the County cash or good surety company bond approved by the County of Allegany at least equal in amount to the consideration to be paid to or by such third parties for 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.

§ 6. Limitation on Attendance

a. If a permit is granted by the County Board of Legislators, such permit shall set forth the maximum number of persons to be permitted to attend the event. The County Board of Legislators, in determining such 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. The applicant shall limit all ticket sales to such maximum number and shall include such limitation in all advertising. No tickets shall be sold at or near the site of the event during the term of the event. Applicant shall specify in all advertising and promotional endeavors the limitation on number of tickets to be sold or otherwise issued and the unavailability of tickets at the site while the event is in progress and shall effectuate the plan for limitation of attendance required by paragraph 13 of subdivision a of section four of this local law for the duration of the event.

§ 7. Denial of Permit

a. The permit shall not be granted if any of the items set forth in said application are determined by the County Board of Legislators 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.

§ 8. Non-Compliance with Permit

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

b. All physical facilities, including, but not limited to, food concessions and water and sewage facilities, must be in an operable condition at least two working days prior to the commencement of the event and must be acceptable to the County Board of Legislators or its lawful agents at that time. Failure to comply with this provision, in whole or in part, shall be deemed sufficient grounds to revoke such permit.

§ 9. Enforcement and Penalties

a. Any person, persons, corporations, organization, land owner, or lessee who shall organize, promote, conduct, or cause to be conducted an outdoor public musical entertainment, amusement or assembly of persons within the County of Allegany catering to the general public for which said person, persons, corporation, organization, land owner or lessee believes or has reason to believe will attract 10,000 or more persons 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 misdemeanor against such local law, and shall be liable for the penalties provided. A separate offense against this local law shall be deemed committed on each day during which the violation occurs or continues. A separate penalty may be imposed for each separate offense.

b. Each violation of a provision of this local law shall be a Class A misdemeanor and the person violating the same shall be subject to a fine of not more than \$1,000.00 or imprisonment not to exceed one year or to both such fine and imprisonment.

c. Any person violating this local law shall be subject to a civil penalty enforceable and collectable by the County of Allegany in the amount of \$1,000.00 for each offense.

d. In addition to the above provided penalties, the County Board of Legislators may also maintain an action or proceeding in the name of the County in a Court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of such local law.

§ 10. Effect on Municipalities

a. This local law shall not apply to the area of any Village or Town within the County of Allegany during such time as such Village or Town is regulating or licensing the conduct of outdoor public musical entertainments, amusements and assemblies.

§ 11. Separability

If any clause, sentence, paragraph, subdivision, 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, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 12. Effective Date

This local law shall take effect on the date it is filed in the office of the Secretary of State of the State of New York.

FRANCES S. BARNES, Clerk
Allegany County Board of Legislators
Belmont, New York