

(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

of Lewis

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Local Law No. 2 of the year 19 70

A local law RELATING TO, REGULATING AND LICENSING OUTDOOR PUBLIC MUSICAL ENTERTAINMENTS, AMUSEMENTS AND ASSEMBLIES IN EXCESS OF 10,000 PERSONS: ESTABLISHING LICENSING PROCEDURES AND FEES THEREFOR, AND PRESCRIBING OFFENSES AND PENALTIES.

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

County

of Lewis as follows:
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See Attached Sheets

COUNTY OF LEWIS

Introduced by Legislator Patterson, a member of
the Board Committee on COURTS AND LAW ENFORCEMENT.

A LOCAL LAW RELATING TO, REGULATING AND LICENSING
OUTDOOR PUBLIC MUSICAL ENTERTAINMENTS, AMUSEMENTS AND
ASSEMBLIES IN EXCESS OF 10,000 PERSONS: ESTABLISHING
LICENSING PROCEDURES AND FEES THEREFOR; AND PRESCRIBING
OFFENSES AND PENALTIES.

BE IT ENACTED BY THE BOARD OF LEGISLATORS OF THE COUNTY OF LEWIS
AS FOLLOWS:

Section 1: Purpose

Outdoor public musical entertainments, amusements and assemblies have occurred in New York State and other states on previously undeveloped sites, attended by assemblies exceeding 100,000 persons who camp on the site during the event in tents, trailers and other similar facilities usually furnished by the individual. The mass assembly of persons in Lewis County for such events in numbers of 10,000 or more would temporarily increase the number of persons residing within the County of Lewis from approximately 50% to several times its normal population, thereby causing problems and demands considerably beyond the capability of existing municipal services and facilities now available in Lewis County. 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 service; 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 entertainment, amusement or assembly intended to be attended by 10,000 or more persons similarly requires municipal approval, and regulation.

Also, the conduct of such events would create a mass movement of people through the County of Lewis, principally upon its public

streets and highways, of a magnitude never before experienced by the County of Lewis with the likelihood of damage and injury to persons and property within the County of Lewis. It is believed necessary that persons, corporations, organizations, landowners and lessees conducting such events must provide adequate financial assurance to protect persons and public and private property within the County.

The Board of Legislators of Lewis County therefore finds and declares that it is necessary for the government, protection, order, conduct, safety, health and well being of persons and property within the County of Lewis in regard to outdoor public musical entertainments, amusements and assemblies catering to the general public, that certain rules and regulations be established, and, further, that there is danger to the people attending or taking part in such events if proper sanitary, police and other health and safety measures are not adequately provided for, and, further, that it is necessary to adopt under the police power of the County a local law to regulate and license the holding of such outdoor public musical entertainments, amusements and assemblies.

Section 2: Basic Clause

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 within the County of Lewis, 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 under this local law for the operation of said outdoor public musical entertainment, amusement or assembly as provided by this local law. 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 shall be submitted with the application.

Section 3: Filing of Application

Written application for a permit for such outdoor public musical entertainment, amusement or assembly shall be made to the Lewis County Board of Legislators and said application must be submitted in seven copies to the Clerk of the Board of Legislators of Lewis 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 Board of Legislators shall be in writing.

Section 4: Contents of Application

Application for such permit shall be by verified petition addressed to the County Board of Legislators 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, 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.

(b) A statement containing the name and address of the owner of the property upon which the event is to occur and the nature and interest of the applicant therein; 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 and the admission fees to be charged, if any; 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.

(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 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 area; all service and other roads serving the camping area, food services, toilet facilities, garbage and refuse collection facilities, and entertainment and performance areas.

(d) A detailed plan and statement with drawings showing the methods to be used for the disposal of sanitary sewage.

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

(f) A detailed plan and statement with drawings showing the layout of any parking area for automobiles and other vehicles and the methods of traffic control to be used thereon. Such parking area shall provide parking space of acceptable size for one motor vehicle for every four persons in attendance.

(g) 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.

(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 and the qualifications and source of such personnel.

(i) 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.

(j) A detailed plan and statement specifying the facilities to be available for medical, surgical, nursing

and ambulance service. Applicant shall furnish to the 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.

(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 Lewis and its various public bodies, and the Town and Village within which such event is to be held. Certificates of such insurance and bonds shall be submitted to the Board of Legislators at least 15 days prior to the commencement date of the event.

(l) A subscribed authorization from the land owner and the applicant to the Town and Village within which the event is held and the County of Lewis 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; providing adequate police and fire protection; and protecting persons and property from danger.

(m) 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.

Section 5: Insurance and Bonds

No permit shall be issued unless the applicant shall furnish the Town in which the event is to occur and the County of Lewis with a comprehensive liability insurance policy insuring the Town, Village and County against liability for damage to persons or property with limits of not less than \$500,000 - One Million Dollars 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 10 days prior written notice to the County.

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 Lewis, in such sum not less than \$100,000 as the 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 Lewis and the Town and Village within which such event is to be held, and any other Town and 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 and Villages for damages to streets, pavements, bridges and other property.

Provided further, that should the licensed event necessitate the employment of additional county or town 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 Board of Legislators has determined that no such damage has been done and that the County did not incur such additional expense due to said event or that the cost of the above have been paid 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 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 Lewis 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.

Section 6: Limitation on Attendance

If a permit is granted by the Board of Legislators, such permit shall set forth the maximum number of persons to be permitted to attend the event. The 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.

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 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.

Section 8: Non-Compliance with Permit.

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 if 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 this permit may immediately thereupon be terminated by action of the Board of Legislators, unless breach or failure is promptly remedied within such time limit as may be reasonably imposed by the Board of Legislators of Lewis County. 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 Penalties

Any person, persons, corporation, 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 Lewis 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 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 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.

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

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.

Section 10

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

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 judgement 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 judgement shall have been rendered.

Section 12

This Local Law shall become effective immediately after filing in the office of the Secretary of State, New York.

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

(Final adoption by local legislative body only.)

1. I hereby certify that the local law annexed hereto, designated as local law No. 2 of 1970 of the County of Lewis was duly passed by The Lewis County Board of Legislators on May 5, 1970 in accordance with the applicable provisions of law.

(Passage by local legislative body with approval or no disapproval by Elective Chief Executive Officer or repassage after disapproval.)

2. I hereby certify that the local law annexed hereto, designated as local law No. of 19 of the County City Town Village of was duly passed by not disapproved on 19 and was approved by the Elective Chief Executive Officer repassed after disapproval and was deemed duly adopted on 19, in accordance with the applicable provisions of law.

(Final adoption by referendum.)

3. I hereby certify that the local law annexed hereto, designated as local law No. of 19 of the County City Town Village of was duly passed by the not disapproved on 19 and was approved by the Elective Chief Executive Officer repassed after disapproval on 19. Such local law was submitted to the people by reason of a mandatory referendum and received the affirmative vote of a majority of the qualified electors voting permissive general thereon at the special election held on 19, in accordance with the applicable provisions of law.

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

4. I hereby certify that the local law annexed hereto, designated as local law No. of 19 of the County City Town Village of was duly passed by the on 19 and was approved by the Elective Chief Executive Officer repassed after disapproval on 19. Such local law being subject to a permissive referendum and no valid petition requesting such referendum having been filed, said local law was deemed duly adopted on 19, 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 chairman of the board of supervisors, the mayor of a city or village or the supervisor of a town, where such officer is vested with power to approve or veto local laws or ordinances.

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

5. I hereby certify that the local law annexed hereto, designated as local law No. of 19..... of the City of..... having been submitted to referendum pursuant to the provisions of § 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 election held on the general 19 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 one (1) above.

Harvey E. Kotel
Clerk of the Board of
Legislators

Date: May 7, 1970

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK
COUNTY OF Lewis

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Richard B. Wolfe
(Title of Officer) County Attorney
County of Lewis

Dated: May 7, 1970