

Local Law Filing

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

Town of Little Falls

Local Law No. 1 **of the year** 1978

A local law Mass Gathering Law **(AMENDMENT MADE SEE #1-94)**

Be it enacted by the Town Board **of the**

Town of Little Falls **as follows:**

A. Title

This local law shall be known and may be cited as the Town of Little Falls, New York, Mass Gathering Local Law No.1 for the Year 1978.

B. Purpose

The Town Board of the Town of Little Falls, in order to promote proper government and insure the proper protection, order, conduct, safety, health, welfare and well-being of persons and property within the Town of Little Falls, Herkimer County, New York, finds that it is in the public interest to enact this Local law, which shall regulate the assembly of persons where such assembly Exceeds one thousand (1000) persons at any place within the Town of Little Falls, Herkimer County, New York.

C. Definitions and Word Usage

1. Word Usage- Words used in the present tense include the future; the singular number includes the plural, and the masculine shall include the feminine.
2. Definitions- For the purpose of this local law, the terms used herein are defined as follows:

Mass Gathering-The gathering, collecting or congregating of persons out of doors in excess of five hours **(amended to 11 hours by Local Law #1-94)** at any place within the town, exclusive of the village, with or without the levy of an admission fee, for a purpose, such as, but not limited to, sports events, circuses, carnivals, festivals, music festivals, religious observances, etc. Established existing businesses in the Town of

Little Falls, which conduct non-prohibited events out of doors in the normal course of regular business shall not be deemed to be a mass gathering.

Building- A structure wholly or partially enclosed with exterior walls and a roof, of permanent or temporary nature, affording shelter to persons, animals or property.

Person- Any individual, firm, company, association, society, corporation

Shall-Is mandatory and May is permissive.

Structure- A combination of any materials to form a construction that includes among other things, stadiums, stages, prop forms, radio towers, sheds, storage bins, tents, billboards, space signs, bleachers, ramps and seats.

D. Exemptions from Applicability

The provisions of this local law shall not apply to the following:

A gathering sponsored, organized and under the direct control of an Established public school located within the Town of Little Falls.

E. Permit: Application and Requirements

1. No person shall use, allow, let or permit to be used, property for the assembly of persons in excess of one thousand (1000) persons, nor shall any person use, allow, let or permit to be used property for any part or portion of such gathering of persons, which total gathering in the aggregate is in excess of one thousand (1000) persons, unless upon written permit authorizing such use and gathering issued by the Town Board through its Clerk.
2. Application for such permit shall be by verified petition on forms to be furnished by the Town, addressed to the Town Board, filed with the Town Clerk at least ninety (90) days prior to the date upon which such use and assembly are requested.
3. Application for a permit to promote or hold a mass gathering shall be made to the town permit issuing official, on a form and in a manner prescribed by the Town Board, by the person who will promote or hold the mass gathering, or by the owner of the property upon which said gathering shall be held.
4. Water and sewage facilities shall be constructed and operational not later than 48 hours prior to the first day of the mass gathering.
5. The application shall be accompanied by plans, reports and specifications showing necessary water supply and sewage facilities, drainage, toilet and lavatory facilities, refuge storage and disposal facilities, sleeping areas if

necessary, and facilities for wholesome and sanitary food service. Also, medical facilities, fire protection and such other matters as may be appropriate for security of life or health in no event less than required by the State Sanitary code.

6. All applications for a permit to conduct a mass gathering shall be accompanied by the following information:
 - a. The name, age, residence, mailing address and telephone number of the applicant, a statement of the applicant's legal status, such as individual, partnership, corporation, etc.. If the applicant is a partnership, state the names and addresses of all partners, and if a corporation, the names and addresses of all corporate officers, together with a list of the names and addresses of all persons directly in charge of the activity.
 - b. The location and legal description of the property where the activity is proposed, including all lands to be used directly, indirectly and incidental to the proposed activity or any part thereof; also, attach to the application statements disclosing the nature of the interest of the applicant relating to such property.
 - c. The date of or dates and hours during which the activity is to be conducted.
 - d. If the gathering is to continue from one day to another, a statement specifying housing facilities available or to be made available on the premises the premises shall be submitted.
 - e. Applicant shall also furnish the program and plans of the activity in its Entirety, with particular emphasis on the following:
 1. A Statement specifying the plans for parking facilities off public roadways able to serve all reasonable anticipated requirements at a rate of up to 150 passenger cars per acre or 50 buses per acre.
 2. A Statement from the County Sheriff, State Police, New York State Department of Transportation, or other law enforcement agency certifying that the traffic control plan is satisfactory
 3. An outline map of the area to be used showing the location of all Privies or toilets and handwashing facilities, all water supply sources (lake, ponds, streams, wells, storage tanks, etc.), all areas of assemblage, including separate overnight camping areas for sleeping, including number of occupants, all food service areas and all refuse storage handling and disposal areas, and emergency access and egress roads.

4. A plan for limiting attendance, including methods of entering the area, number and location of ticket booths and entrances, and provisions for keeping non-ticket holders out of the area.
 5. A statement agreeing to complete all construction and installation of services and facilities, including water supply, toilet and handwashing facilities, sewage disposal, roads, food service equipment, and refuse handling facilities, at least 48 hours prior to the commencement of the event.
 6. A statement specifying whether food or beverage is intended to be prepared, served or distributed. If food or beverages are intended to be prepared, sold or distributed, a statement shall be submitted specifying:
 - a. A plan for sanitary food service in compliance with the New York State Sanitary Code then on effect.
 7. A detailed plan for use of signs to locate all facilities and roadways.
 8. A statement from local fire authorities having jurisdiction over the area verifying that they are aware of the event and are willing to cooperate if needed.
 9. A detailed plan for emergency situations including:
 - (i) medical supplies, facilities and personnel;
 - (ii) an evacuation program;
 - (iii) emergency access roads.
 10. A communication system satisfactory to the town permit issuing official shall be established for gatherings in excess of 2500 persons.
 11. A statement specifying whether any private security guards or police will be engaged, together with plans for security enforcement.
- f. The location and construction of toilet and handwashing facilities designed to serve fully all reasonably anticipated requirements which meet the requirements of the New York State Sanitary Code.
 - g. The location and construction of water supply facilities, designed to serve fully all reasonably anticipated requirements at a rate of one pint of potable water per person per hour, for the maximum estimated hourly attendance.

- h. Detailed plans for internal storage and collection of refuse, including provisions for disposal and cleaning of the property and immediate surrounding properties within 48 hours after the event.
- i. A statement containing the type, number and location of any radar device, sound amplifier, loudspeaker, sound track or other similar equipment, including detailed plans for amplifying equipment designed to control the noise level at the perimeter of the site to no more than 85 decibels on the A scale of a sound level meter which meets the specifications of the American National Standards Institute.
- j. Detailed plans for lighting designed to illuminate the area of the site.
- k. A plan showing that the proposed activity is adequately buffered, as determined by the town permit issuing official and/or Town Board from all residential areas within 500 feet.

7. Public Liability and Property Damage Insurance

The applicant shall provide public liability and property damage insurance in a recognized company licensed to do business in the State of New York in an amount of at least \$500,000/\$1,000,000 to cover the Town of Little Falls against any risks or hazards in any way arising out of the proposed activity, together with a hold harmless agreement to the Town of Little Falls for any loss or damage above and beyond insurance coverage.

8. Additional Requirements of a Permittee for a Mass Gathering

- a. No permit shall be issued unless the applicant deposits with the Clerk of the Town of Little Falls, cash or a bond with sufficient sureties approved by the Town Board, in such sum not less than one hundred thousand dollars as the Town Board 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. The cash shall be refunded or surety company bond cancelled upon certification by the Little Falls Town Board that all conditions of this chapter have been complied with. The 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 Little Falls, the county of Herkimer and any other town and village with the county, from any and all damage that may be caused by vehicles, employees or participants in the event, to be used to restore the ground where the event is held to a sanitary condition and to pay all charges and losses to the Town of Little Falls, and the County of Herkimer and its respective towns and villages for damages to streets, pavements, bridges and other property.

- b. A maintenance, and if deemed necessary, an internal security staff acceptable to the town permit issuing official and/or Town Board shall be provided.
 - c. The operator of a mass gathering shall see to it that no flammable or volatile liquids or materials shall be stored in or adjacent to the area of the gathering, unless adequate fire fighting equipment is available.
9. A separate permit shall be required for each mass gathering. No mass Gathering shall be allowed to continue for a period of more than three (3) days without a new permit being issued.
 10. A permit may be revoked by the Town Board, the permit issuing official of the town, the Herkimer County Health Department, or the State Commissioner of Health, if any of them find that the mass gathering for which the permit was issued is maintained, operated or occupied in violation of this local law, or the sanitary code of the health district in which the mass gathering is located. A permit may be revoked upon request of the permittee or upon abandonment of the operation.
 11. A permit issued for the operation of a mass gathering shall be posted or kept on file and made available by the operator on request of any person.
 12. No permit shall be issued unless the owner and his tenant or lessee, if any, shall furnish the town with written authorization to permit the town or its lawful agents to go upon the property at any time for the purpose on inspecting the same, the facilities provided thereon and the cleaning of the premises after the termination of the assemble.
 13. Any permit issued may be revoked by the Town Board through its Clerk if at any time it should be determined that the applicant has failed to provide the facilities as specified in the application or that the setting upon the facilities provided for in the application cannot be reasonable accomplished within the time or date set for the mass gathering.

F. Fees

Each applicant shall be accompanied by a fee in the amount of Five Hundred Dollars (\$500) at the time of its submission. The fee shall compensate the town for its examination and processing of such application and shall not be refundable in whole or in part.

The applicant shall further provide a security deposit of Five Hundred Dollars (\$500) per 15 acres of assemblage areas or portion thereof to the town to insure the removal of trash and other waste material, as provided for by this local law, which deposit shall be returned to the applicant within ten (10) days from the date of termination of the assembly after deduction therefrom of all expenses caused by the applicant's noncompliance with this local law and nonremoval of said trash and other waste material.