

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

(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~~

of NEW SCOTLAND

Local Law No. 9 of the year 20 01.

A local law Amending the Public Assemblage Ordinance of the Town of New
(Insert Title)

Scotland

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

~~COUNTY~~

~~CITY~~

Town

~~VILLAGE~~

of New Scotland as follows:

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

(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. 9 of 2001 of the ~~(County)(City)~~(Town)(Village) of New Scotland, was duly passed by the Town Board on September 12, 2001, 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)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.
(Elective Chief Executive Officer)*

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)(repassed after disapproval) by the _____ on _____ 20____. 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.
(Elective Chief Executive Officer)*

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)(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)*

* 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 _____, above.

Deanne R. Deschenes

Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

(Seal)

Date: September 12, 2001

(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 ALBANY

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.

[Signature]

Signature

Town Attorney

Title

~~County~~
~~City~~ of New Scotland
Town
~~Village~~

Date: September 12, 2001

Public Assemblage Ordinance
DRAFT

- § I. Legislative intent
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- § IV. Exceptions
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[HISTORY: Adopted by the Town Board of the Town of New Scotland 0-0-01]

§ I. Legislative intent.

The purpose of this chapter is to protect the public health, welfare, safety, peace and tranquility of the inhabitants of the Town of New Scotland and sojourners therein by regulating public assemblages occurring within the town.

§ II. Definitions and word usage.

A. Definitions. As used herein, the following words shall have the meanings below set forth:

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

SPECIAL USE PERMIT - A permit for public assemblage in the Town of New Scotland.

PERSON - Any individual, firm, company, association, society, partnership, corporation, (private or public) or group.

PUBLIC ASSEMBLAGE - The gathering, collecting or congregating of five

hundred (500) or more persons at any place within the town, where any part or all of the activity of said persons is held out-of-doors or in nonpermanent or temporary structure(s).

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

TOWN - The Town of New Scotland

B. Word usage. In this chapter, words used in the present tense include the future; the singular number includes the plural; and the masculine shall include the feminine. The word "shall" is mandatory; and "may" is permissive.

§ III. Special Use Permit required.

No person or persons shall hold, sponsor, conduct, operate, promote or allow or permit the use of their property or premises, whether improved or not and whether contiguous or not, for the conduct of a public assemblage unless a permit authorizing said assemblage has been obtained from the Town Planning Board or its designee, except as hereinafter provided.

§ IV. Exceptions.

Nothing herein shall require any duly established municipal, educational, historical, fire-fighting, recognized fraternal or civic order or religious organization or institution located in the town or a political party qualified for a line on the ballot in a general election to apply for or obtain a permit with regard to any of its operations or its affairs at a location where regularly required fire, health, and safety inspections are conducted except when it acts as sponsor(s) for a public assemblage which is not its own operation or affair.

§ V. Application requirements

A. Preliminary application, procedure and content.

(1) An application for a special use permit shall be in writing, and in conformance with Article IV section 4.300 of the Town of New Scotland Zoning Law and also include the following items, addressed to the Town Planning Board or its designee and filed Building Department at least sixty (60) calendar days prior to the date upon which such public assemblage is proposed to occur, unless otherwise directed by the Building Department.

(2) The Town Planning Board or its designee shall act upon the application within Forty-five (45) calendar days after its submission.

(3) Application shall be made by the owner of record of real estate situate in the Town of New Scotland upon which real property said proposed public assemblage is to take place, or a lessee thereof or a duly authorized agent or attorney of the owner or lessee.

(4) Such application shall include the following information:

(a) A statement of the name, age, and residence address and phone number of the applicant.

(b) If the applicant is other than a natural person, the application must state the name of the entity, its legal status, its legal address, the names and addresses and phone numbers of its principals, a certified copy of the Articles of Incorporation and a list of names and addresses of all persons directly in charge of the public assemblage.

(c) The name and address of an agent who shall be a natural person and who shall reside in or have a place of business in the County of Albany and who shall be authorized and shall agree by a written acknowledged statement attached to the preliminary application to accept notices or summons, issued with respect to the application, the conduct of the public assemblage in any manner involving it or arising out of the application, construction or application of this chapter. Should said agent not be available when attempted to be contacted in connection with any of the above, the public assemblage permit may be subject to immediate revocation by the Town Board.

(d) A statement containing the name, address and record owner(s) of the property(ies) where the public assemblage is proposed to occur and the nature and interest of the applicant therein.

(e) The proposed date(s) and hours of such public assemblage.

(f) The expected maximum number of persons intended to use the property(ies) at one (1) time and collectively.

(g) The expected number of automobiles, trucks, motorcycles and other vehicles intended to use the property(ies) at one (1) time and collectively.

(h) The purpose of the public assemblage, including the nature of the activities to be carried on.

(i) The amount of admission fee to be charged, if any.

(5) A public hearing shall be set upon the application submitted under the provisions of this chapter, which hearing shall be held only after reasonable notice thereof.

B. Additional requirements for detailed permit applications.

(1) A plan or drawing to scale showing the size of the property(ies); the zoning district in which it is located; the names and record owners of the adjoining properties; the streets or highways abutting said property(ies); the size and location of any existing building; and buildings or structures to be erected for the purpose of the public assemblage and use, and if required by the Planning Board, a map.

(2) A plan or drawing to scale prepared by a New York State licensed professional engineer or licensed land surveyor showing the method and

manner in which:

- (a) Sanitary facilities are to be provided for the disposal of human waste, garbage and other debris.
 - (b) The method and manner in which water will be supplied, stored and distributed to those people attending.
- (3) A plan, drawn to scale, showing the layout of any parking area on or off premises for motor vehicles, including the means of ingress and egress to such parking area, and the method of traffic control to be used thereon.
- (4) A statement containing the type, number and location of any radio device(s), sound amplifier(s) or loudspeaker(s) or sound track or other similar sound equipment or device(s) to be used in connection with such public assemblage and the manner and purpose of its proposed use.
- (5) A statement specifying whether food or beverages are intended to be prepared, served or distributed; if food or beverages are intended to be prepared, sold or distributed, a statement specifying the method of preparation and distribution of such food or beverages and the method of disposing of garbage, trash, rubbish or any other refuse arising there from. If food or beverages are to be prepared, sold or distributed, a Plan or drawing to scale must be attached to the application, showing the buildings or other structure from which the food or beverages shall be prepared, sold or distributed; also a statement specifying whether alcoholic beverages are intended to be prepared, sold or distributed.
- (6) A statement specifying whether any private security guard or police will be engaged and, if so, the numbers of and duties to be performed by such persons, including the hours to be worked and areas of responsibility and the names and addresses of such persons and the qualifications and source of such persons.
- (7) A statement specifying the precautions to be utilized for fire protection, including a plan or drawing to scale specifying the location of fire lanes and water supply for fire control.
- (8) A statement specifying whether any outdoor lights or signs are to be utilized and, if so, a map showing the number, location, size, type and illuminating power of such lights and signs.
- (9) A statement specifying the facilities to be available for emergency treatment of any person who may require medical or nursing attention and the names and addresses of all doctors, nurses, pharmacists and ambulance services the applicant will provide for the event.
- (10) A statement specifying whether any camping or housing facilities are to be available and, if so, a plan, drawn to scale, showing the intended number and location of the same.
- (11) A statement specifying the contemplated duration of the public assemblage.
- (12) If the assemblage and use is to continue from one day into another, a statement specifying the camping and housing facilities available or to be

made available on the premises and, if such facilities available on the premises are insufficient for camping and housing the contemplated number of people in attendance, such facilities available off the premises or to be made available to persons attending such public assemblage.

(13) A detailed plan, with drawings and written explanation, showing the method and means of disposing of garbage, trash, rubbish and other refuse.

(14) A detailed description of all insurance policies and surety bonds to be provided by the applicant for the protection of the general public, the Town of New Scotland and its various public bodies, officers and employees.

(15) The names and addresses of all concessionaires and other persons providing services or facilities under contract, lease or other arrangements for the event.

(16) A subscribed authorization from the landowner and the applicant to the Town of New Scotland and the State of New York to permit the town and the state and their lawful agents to go upon the property to inspect the seine to determine if there is compliance with the requirements of this chapter and any permit issued there under, to inspect to determine if there is compliance with all other state and local laws, to provide adequate police and fire protection and to protect persons and property from danger:

(17) A detailed plan for emergency situations, including:

(a) Food supplies.

(b) Medical supplies, facilities and personnel.

(c) An evacuation plan.

(d) Emergency access roads.

(18) Detailed plans and the methods to be employed for limiting the size of the proposed function to the number of participants for which facilities are designed and external, as well as internal, crowd control.

(19) Detailed plans for transportation arrangements from noncontiguous parking facilities to the site to fully serve all reasonably anticipated requirements including statements from The Albany County Sheriff's Department or NYS Police, State Department of Transportation or other law enforcement agencies certifying that the traffic control plan is satisfactory.

(20) Such other information as the Town Planning Board or its designee may, from time to time, determine necessary to review and evaluate before deciding whether to issue or not issue a particular. requested permit.

§ VI. Special Use Permit issuance.

A. No special use permit shall be issued unless all the provisions for the public assemblage described in the application are determined by the Town Planning Board or its designee to sufficiently safeguard the safety,

health, welfare and well being of persons and property and that the permit would be in compliance with all the requirements of this chapter, other local laws of the town, the regulations of the New York State Department of Health, the State Environmental Quality Review Law and any other applicable laws and regulations.

B. No special use permit shall be issued unless the owner of the property and his tenant or lessee, if any, and the applicant have provided notarized written authorization to the town and New York State and their lawful agents to go upon the property at any time for the purposes of inspecting the same to determine if there is compliance with the requirements of this chapter and any or all other state and local laws and to provide adequate police and fire protection and to protect persons and property from danger.

C. No special use permit shall be issued unless the applicant furnishes the Town with a comprehensive liability insurance policy issued by an insurance company licensed to do business within the State of New York, insuring the town, it's officers and employees against liability for damage to persons or property with limits of not less than Two Million (2,000,000) Dollars for bodily injury or death of one person and Five million (\$5,000,000) Dollars for bodily injury or death of more than one person arising out of negligence or any tort liability for which the town might be liable and limits of not less than Five Hundred Thousand (\$500,000) Dollars for property damage arising out of negligence or any other tort liability for which the town, it's officers and employees might be liable which might arise by reason of the granting of the special use permit or the existence of such assembly of persons, which said policy of insurance shall contain a provision that it shall not be cancelable without ten (10) days' prior written notice to the Town of New Scotland.

D. The Applicant shall deposit with the Town Clerk cash or good surety company bond, in the amount to be determined by the Planning Board, conditioned that no damage will be done to any public or private property after seventy-two (72) hours after the termination date of the special use permit; which cash shall be refunded or surety company bond cancelled upon certification to the Town Planning Board by the Building Inspector that all conditions of this ordinance have been complied with.

E. The Town Planning Board or its designee may impose such conditions upon the issuance of any permit as it determines are necessary to protect the health, safety and general welfare of the inhabitants of this town and their property and any person who may participate in any such permitted public assemblage.

F. Special Use Permit application fee

(1) Each application for a public assemblage permit shall be accompanied by a fee as set forth in the Town of New Scotland fee schedule.

(2) The Applicant shall bare the cost on any review of the assemblage permit.

G. No special use permit issued under the provisions of this chapter shall be transferred or assigned to any person or used by any person other than

the person to whom it was issued, nor shall such permit be used on any location other than the location stated in such permit.

H. A valid Special Use permit must be displayed in plain view continuously during the event for which it was issued.

§ VII. Contents of Special Use permit

The contents of a public assemblage special use permit shall be as follows:

- A. The signature and seal of the Town Clerk.
- B. Name and address and phone number of applicant.
- C. Specify the activity being permitted and dates and times.
- D. Date of issuance.
- E. Length of time that the permit is valid.
- F. Location of permitted activity.

§ VIII. Denial of special use permit application.

A. If the Town Planning Board or its designee shall deny an application for a special use permit under this chapter, it shall notify said applicant of the disapproval of said application and shall include a statement of the reasons for disapproval. The nature of denial shall be served upon the applicant's designated agent. The applicant may appeal this denial to the Zoning Board of Appeals.

§ IX. Revocation of special use permit.

A. If after the permit is issued, the Town Planning Board or its designee determines that any of the items set forth in § IV of this chapter is not adhered to and accomplished within a reasonable time prior to the date or dates of such public assemblage, or, if the Town Board or its designee determines that any of the provisions of any section of this chapter have been or are being violated, then such permit shall become null and void.

B. The Town Planning Board may grant a waiver of certain provisions contained herein where by reason of the exceptional shape of a specific piece of property, or where by reason of exceptional topographic conditions, the strict application of these regulations would result in extreme practical difficulties upon the owner of such property; provided, however, that such relief only be granted without detriment to the public good and without substantially impairing the intent and purpose of these regulations.

C. In granting such waiver, the Town Planning board may require such conditions as will, in it's judgment, secure substantially the objectives of the standards or requirements so waived.

§ X. Penalties for offenses.

A. Any person who shall commit an offense against any provision of this chapter is guilty of a violation and shall, upon conviction thereof, be subject to a fine not exceeding two hundred fifty dollars (\$250.) or imprisonment not exceeding fifteen (15) days, or both.

B. In lieu or in addition to any fine or imprisonment, or both, imposed for a conviction of an offense against this chapter, each such offense may be subject to a civil penalty not to exceed two hundred fifty dollars (\$250.) to be recovered in an action or proceeding in a court of competent jurisdiction.

C. The Town Attorney may maintain an action or proceeding in a court of competent jurisdiction to compel compliance with this chapter notwithstanding the provisions of Subsections A and B hereof.

D. In the event of a continuing offense of any section or provision of this chapter, each day such offense shall continue shall be a separate violation and subject to a separate fine, imprisonment or a combination thereof.

E. Where any offense of this chapter causes expense to the town, such offense may also be punished by a civil suit against the offender, brought by the Town Attorney in the name of the town in a court of competent jurisdiction to recover such cost.

§ XI. Enforcement

The enforcement of this chapter shall be by the Code Enforcement Officer, the Albany County Sheriff's Department or the NYS Police.