

Town of New Scotland

ORDINANCE NO# 6

Adopted May 27, 1981

Public Assemblage Ordinance

PUBLIC NOTICE

PLEASE take notice that the following ORDINANCE was duly adopted

At a special Town Board meeting of the Town of New Scotland, Albany County, New York, held at the Town Hall, New Scotland, New York, on the 27th day of May, 1981.

Present: Stephen P. Wallace, Supervisor; Wyman Osterhout, George Hotaling, Kenneth Tice, Herbert Reilly, Councilmen; Frederick Riester, Town Attorney; and Corinne Cossac, Town Clerk.

The following Ordinance was introduced by Councilman George Hotaling who moved its adoption, and the same was seconded by Councilman Kenneth Tice.

PUBLIC ASSEMBLAGE ORDINANCE OF THE TOWN OF NEW SCOTLAND

WHEREAS, a public hearing was duly held on the 27th day of May, 1981, and all other matters and things required to be done by the Town Law and the State of New York in order that the Town Board may avail itself of the powers conferred by said laws, having been complied with:

Now, therefore, be it

RESOLVED and ORDAINED by the Town Board of the Town of New Scotland as follows:

(Insert complete text of ordinance)

FURTHER RESOLVED and ORDAINED that the Town Clerk be, and she hereby is, directed to publish the foregoing Public Assemblage Ordinance in the Altamont Enterprise published in the Village of Altamont, New York, and post a copy of the same on the signboard maintained in the Town Clerk's Office and that Ordinance shall become effective ten (10) days after such publication and posting.

The foregoing was duly adopted by the following vote:

Aye: Stepehn P. Wallace  
Wyman Osterhout  
George Hotaling  
Kenneth Tice  
Herbert Reilly

STATE OF NEW YORK }  
COUNTY OF ALBANY }

Notary Public for the State of New York,  
Albany County, New York,  
do hereby certify that the foregoing is a true and correct copy of the original as shown to me by the Town of New Scotland, New York, on the 27th day of May, 1981.  
Present: Stephen P. Wallace

Such application shall include the following information:

(a) A statement of the name, age and residence address of the applicant, if the applicant is a corporation, the name of the corporation, the names and addresses of its directors; if the applicant does not reside within the Town of New Scotland, 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 to and who shall be acknowledged by acknowledged to accept notices or to be served 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 law.

(b) A statement containing the name, address and record owner(s) of the property(ies) where the public assemblage shall occur and the nature and interest of the applicant, showing the manner in which the applicant is authorized to apply for the same.

JAMES E. GARDNER of the Town of Guilderland, being duly sworn, says that he is the publisher of THE ALTAMONT ENTERPRISE AND ALBANY COUNTY POST, a weekly newspaper printed and published in the Village of Altamont, County of Albany, and that the notice of which the annexed is a true copy, has been regularly published in said ALTAMONT ENTERPRISE AND ALBANY COUNTY POST

..... *once each week for one week* .....

consecutively commencing on the *24<sup>th</sup>* day of

..... *July* ..... 19 *81* .....

..... *James E. Gardner* .....

..... *Robert Hagyard* .....

ROBERT HAGYARD  
Notary Public, State of New York  
Qualified In Albany County  
Commission Expires March 30, 19*83*

## Public Assemblage Ordinance

Be it resolved and ordained by the Town Board of the Town of New Scotland as follows:

Section I. TITLE. This ordinance shall be known and cited as the "Public Assemblage Ordinance of the Town of New Scotland."

Section II. PURPOSE. For the purpose of protecting, preserving and assuring the health, welfare, safety and morals of the residents and inhabitants of the Town of New Scotland and sojourners therein, as well as preventing riots, disorderly crowds and/or assemblages therein, unsafe, unsanitary, or other conditions, leading to, creating, causing, inciting or making possible a threat to the health, welfare, and safety of the town, its orderly administration and control by duly elected, acting or authorized officers, agents and/or employees and the prevention of the spread of disease, and the creation of unhealthy conditions, the violation of sanitary requirements, the elimination of excessive crowds, traffic congestion and/or other such hazards to the public safety and welfare, and the preservation of the peace in said town, its residents, inhabitants, property owners, both public and private and sojourners therein, together with the protection of public property, in said town and the general health, welfare, safety and morals of the towns surrounding, adjacent or near to the Town of New Scotland, in the County of Albany, and state, county and town roads and/or highways leading thereto and therefrom.

Section III. DEFINITION. Public assemblage shall mean:

(a) any gathering of people at a carnival, circus, music festival, concert, sporting or recreational event, or other

festival or public amusement for which an admission charge is required, or in connection with which a charge is made for the use of or enjoyment of any parcel of land or participation in any facility thereon or activity thereat or therein; except as otherwise sponsored or licensed by the Town of New Scotland; or

(b) any gathering of more than 1,000 persons.

Section IV. REQUIREMENT OF PERMIT. No person, firm, corporation (public or private) or company, may sponsor, conduct, operate or allow or permit the use of his 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 Board, except as hereinafter provided.

Section V. PROCEDURE FOR APPLICATION FOR PERMIT. A preliminary application for such permit shall be in writing addressed to the Town Board and filed with the Town Clerk at least sixty (60) days prior to the date upon which such public assemblage shall occur. In the event the permit applicant is in the business of organizing public assemblages within the Town of New Scotland on a routine or periodic basis, then the permit applicant may apply for, and the Town Board may grant, subject to the provisions of this ordinance, an annual permit to the permit applicant to expire December 31 following the date of issuance thereof, but such license may provide for an earlier expiration date. The Town Board shall act upon all applications within forty (40) days after submission.

Application shall be made by the owner of record of real estate situate in the Town of New Scotland upon which said

proposed public assemblage is to take place or lessee thereof, or duly authorized agent or attorney of the owner or lessee.

Such application shall include the following information:

(a) A statement of the name, age and residence address of the applicant, if the applicant is a corporation, the name of the corporation, the names and addresses of its directors; if the applicant does not reside within the Town of New Scotland, 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 to and shall agree by acknowledged statement 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 law.

(b) A statement containing the name, address and record owner(s) of the property(ies) where the public assemblage shall occur and the nature and interest of the applicant therein; the proposed dates and hours of such public assemblage; the expected maximum number of persons intended to use the property(ies) at one time and collectively; the expected number of automobiles, motorcycles and other vehicles intended to use the property(ies) at one time and collectively; and the purpose of the public assemblage, including the nature of the activity to be carried on and the admission fee to be charged, if any.

#### Section VI.

(a) If the Town Board is satisfied from the information supplied with the preliminary application that the potential effect of the proposed public assemblage will have minimal affect upon the public health, safety and welfare of the

people and property of the Town of New Scotland, a permit may be granted for such public assemblage.

(b) If the Town Board is not satisfied that the effect of the proposed public assemblage will be minimal as in (a) above, a detailed permit application as is set forth in Sections VII and VIII shall be required and after the submission to and review by the Town Board, a public hearing, set with appropriate notice sufficient for a public hearing upon an ordinance, shall be held upon said application.

Section VII. ADDITIONAL REQUIREMENTS FOR DETAILED PERMIT APPLICATIONS.

(a) A map prepared by a licensed land surveyor or licensed public engineer 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 the 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.

(b) A plan or drawing to scale prepared by a licensed public engineer or licensed land surveyor showing the method and manner in which (1) sanitary facilities are to be provided for the disposal of human waste, garbage and other debris, (2) the method and manner in which water will be supplied, stored and distributed to those people attending.

(c) A plan drawn to scale showing the layout of any parking area for motor vehicles including the means of ingress and egress to such parking area.

(d) A statement containing the type, number and location of any radio device, sound amplifier or loudspeaker or sound

track, or other similar sound equipment or device to be used in connection with such public assemblage and the manner and purpose of its proposed use.

(e) 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 therefrom. 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 distributed.

(f) 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.

(g) 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.

(h) 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.

(i) A statement specifying the facilities to be available for emergency treatment of any person who may require medical or nursing attention.

(j) 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.

(k) A statement specifying the contemplated duration of the public assemblage.

(l) 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.

Section VIII. REQUIREMENTS FOR ISSUANCE OF PERMIT. No permit requiring a public hearing shall be acted upon and issued unless it is clearly shown that the following are provided for:

(a) Drinking water adequate in quantity and quality satisfactory to the Town Board as meeting the State Sanitary Code. Drinking water shall be readily available to all persons attending the public assemblage. A well or spring used as a source of drinking water, and the structure used for storage of drinking water shall be so constructed and located as to protect the contents against pollution. There shall be no physical connection between a pipe carrying drinking water and pipe carrying water not of a quality satisfactory to meet the State Sanitary Code for public consumption. Where water treatment process is employed, an accurate and complete report of the process and operation thereof shall be maintained daily



and no change of the source of nor in the method of treatment of a drinking water supply shall be made without first notifying the Town Board and securing its written approval to do so.

(b) Toilet facilities adequate for the capacity of the public assemblage. These facilities shall be so located as to be conveniently available and shall be so constructed and maintained that they will satisfy the Town Board and comply with the State Sanitary Code. Toilet facilities for groups of people consisting of both sexes shall be so arranged that the facilities shall be separate for each sex. No sanitary facility shall be so located or constructed that it will by leakage or seepage possibly pollute a water supply, surface water or adjacent ground surface and shall be constructed in accordance with the requirements of the State Department of Health.

(c) Adequate facilities for the satisfactory disposal or treatment and disposal of sewage shall be maintained. Such facilities shall meet with the standards and requirements of the New York State Department of Health.

(d) Adequate supply of food including provisions for sanitary storage, handling and protection of food and beverages until served or used. A showing must be made that where food is to be prepared or consumed, there are facilities for washing, disinfecting and storing dishes and food utensils, or that a sufficient quantity of disposable dishes, cups and utensils will be provided.

(e) Adequate off-street and off-road facilities for the contemplated number of people attending the public assemblage.

Parking space shall be provided for at least one car for every four persons in attendance.

(f) Adequate camping or housing facilities for the contemplated number of people in attendance, if it is contemplated that the assemblage shall extend from one day to another.

(g) An adequate number of access roads to and from the site of the public assemblage.

(h) Adequate medical facilities including a first aid station. It must be shown that at least one doctor shall be on duty at all times; and that at least one registered nurse for each 500 people in attendance will be on duty at all times.

(i) If any external fires are to be started or maintained for any purpose and for which a permit is required, such permit shall be obtained from the Fire District having jurisdiction.

(j) Applicant shall furnish 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, its officers and employees against liability for damage to person or property with limits of not less than Two Million (\$2,000,000.00) Dollars for bodily injury or death of one person and Five Million (\$5,000,000.00) Dollars for bodily injury or death of more than one person arising out of negligence or any tort liability for which the town, its officers and employees might be liable and limits of not less than Five Hundred Thousand (\$500,000.00) Dollars for property damage arising out of negligence or any other tort liability

for which the town, its officers and employees might be liable which might arise by reason of the granting of the permit or the existence of such assembly of persons, which said policy of insurance shall contain a provision that it shall not be cancellable without ten (10) days' prior written notice to the Town.

(k) Applicant shall deposit with the Town Clerk cash or good surety company bond, approved by the Town Board, in the minimum sum of One Hundred Thousand (\$100,000.00) Dollars and conditioned 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 after seventy-two (72) hours after the termination date of the permit; which cash shall be refunded or surety company bond cancelled upon certification to the Town Board by the Building Inspector that all conditions of this ordinance have been complied with.

Section IX. ADDITIONAL PROVISIONS.

(a) Any person holding a permit under this ordinance and every place of public assemblage shall comply with the following provisions. Violation of any of these provisions shall be unlawful.

(b) No light on any part of premises licensed hereunder or on any place of public assemblage shall be permitted to shine beyond the property line of the premises with an intensity sufficient to disturb the peace, health, safety or comfort of any adjacent residents or the general public.

(c) No soot, cinders, smoke, fumes, gases or disagreeable or unusual odors shall be permitted to emanate from the premises so as to be detrimental to any person or to the

public or which either annoys, disturbs, injures, endangers or which may disturb, injure or endanger the health, safety, and welfare of any person or the public.

(d) At no time shall music be played by mechanical device or live performance which annoys, disturbs, injures, endangers or which might annoy, disturb or endanger any person or the public in their health, comfort, safety, repose and peace.

(e) No loud, unnecessary or unusual noise shall be permitted to be made, or caused to be made or continued at any time which either annoys, disturbs, injures or endangers the comfort, repose, health, peace and safety of any person or the public.

(f) In no event will activities be permitted before 7:00 a.m. or after 11:00 p.m.

Section X. DENIAL OF APPLICATION FOR PERMIT. If the Town Board of the Town of New Scotland shall deny an application for a permit under this ordinance, they or the Town Clerk of the Town of New Scotland shall notify said applicant of the disapproval of said application and shall include therewith a statement for the reasons for disapproval. The notice of denial shall be sent by first class mail to the person or entity making the application.

Section XI. PERMIT NOT TRANSFERABLE. No permit issued under the provisions of this ordinance 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.

Section XII. REVOCATION OF PERMIT. If after the permit is issued, the Town Board determines that any of the items set forth in Section VIII or in Section IX of this ordinance 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 determines that any of the provisions of any section of this ordinance has been or is being violated, then such permit shall become null and void.

Section XIII. EXCLUSIONS. Nothing herein shall require any duly established municipal, educational, historical, fire-fighting, recognized fraternal or civic organization or political party qualified for a line on the ballot in a General Election (i.e., one receiving at least 5% of the vote in the last gubernatorial election) or religious organization or institution located in the Town of New Scotland to apply for or obtain a permit with regard to any of its operations or its affairs.

Section XIV. VIOLATIONS.

(a) Any person who shall violate any provision of this ordinance shall be guilty of an offense punishable by fine not exceeding Two Hundred Fifty (\$250.00) Dollars or imprisonment for a period not exceeding thirty (30) days, or both. Each day's continued violation shall constitute a separate violation.

(b) In addition to the above provided penalties, the Town Board may also maintain any action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this ordinance.

Section XV. SEPARABILITY. In the event any clause, sentence, paragraph or part of this ordinance is adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect the validity of any other provision of this ordinance.

Section XVI. EFFECTIVE DATE. This ordinance shall take effect immediately pursuant to the provisions of Section 133 of the Town Law.