

Be it enacted by the Town Board of the Town of Chatham (the “Town”) as follows:

Section 1. Purpose:

The purpose of this Local Law is to protect the public health, welfare, safety, peace and tranquility by regulating mass gatherings or public assemblages within the Town.

Section 2. Definitions:

As used in this local law, the following words and terms shall have the indicated meanings:

- a. A “mass gathering” shall mean one which is likely to attract 300 people or more at any one time, shall occur over a period of time longer than eight hours and which are commercial in nature or for which an admission price or donation is expected or requested for attendance, participation or the provision of goods and/or services.
- b. “Permit-issuing official” shall mean, except as otherwise provided in this law, the Code Enforcement Officer of the Town of Chatham.
- c. “Person” shall mean any individual, group of individuals, partnership, firm, corporation, association, political subdivision, government agency, municipality, industry, estate or any legal entity whatever.
- d. “Drinking water” shall mean water provided for human consumption, food preparation, or for lavatory, culinary, bathing or laundry purposes.
- e. “Sewage” shall mean excreta and the waste from a flush toilet, bath, sink, lavatory, dishwashing or laundry machine, or the water carried away from any other fixture or equipment or machine.
- f. “Refuse” shall mean all putrescible and non-putrescible solid waste, including but not limited to garbage, rubbish, ashes, incinerator residue, street cleanup, dead animals, offal and solid commercial waste.
- g. “Town” shall mean the Town of Chatham.

Section 3. Application:

The requirements of this Local Law shall apply to any mass gathering of 300 people or more at any one time, shall occur over a period of time longer than eight hours and which are commercial in nature or for which an admission price or donation is expected or requested for attendance, participation or the provision of goods and/or services, except:

- a. Functions sponsored by the Chatham School District related to an educational activity;
- b. Functions sponsored at Town parks by the Town; and
- c. Functions which would otherwise require a permit under this local law, but which have already occurred at least once prior to the enactment of this local law and which possess a Certificate of Pre-Existence issued by the Code Enforcement Officer.
- d. In addition to the permit required herein, the Applicant shall also be required to obtain Site Plan Approval in accordance with the process and procedure set forth in the Town Code of the Town of Chatham §180-17.
- e. The Planning Board shall conduct a public hearing for the Mass Gathering Permit following the receipt of a complete application and contemporaneous with the site plan application public hearing. Notice of such public hearing shall be published in the official town newspaper at least, once no less than 10 days and not more than 30 days prior to the public hearing. The Applicant shall mail a copy of such notice of the public hearing, certified return receipt requested to all landowners owning parcels within 500 feet of the boundaries of the parcel on which the event shall occur, no less than 10 days and not more than 30 days prior to the public hearing.

The Town Code Enforcement Officer, his designee or a consultant retained as set forth in Section 8 hereinbelow shall enforce all requirements herein and both before, during and after any event which shall receive approval hereunder.

Section 4. Permit Required:

- a. No person shall hold or promote, by advertising or otherwise, a mass gathering unless a permit has been issued for the gathering by the permit-issuing official. No person shall use, allow, let or permit to be used property for a mass gathering as defined herein unless and until the written permit authorizing such use and assembly has been issued by the Town Planning Board. A permit may be issued in any zoning district provided all requirements hereunder are met.
- b. Application for such permit shall be by verified application on forms to be furnished by the Town, addressed to the Planning Board of the Town, which shall have jurisdiction and authority to review, approve or deny such application, and shall be filed with the Clerk of the Planning Board. In no event shall the Town accept an application greater than one year prior to the proposed mass gathering. The Applicant and the Planning Board shall also comply with all requirements under the NYS SEQRA.

- c. Separate permits shall be required for each mass gathering. A separate permit is required for any mass gathering which is separated by more than 48 hours from a previous mass gathering for which a permit had been granted. However, applications may be made for more than one permit within a twelve (12) month period when the applicant is prepared to provide the necessary information for each event.
- d. Any permit may be revoked by the permit-issuing official if, after a public hearing on notice to the permittee, it finds that the mass gathering for which the permit was issued is maintained, operated or occupied in violation of this law, any other law, or regulation enacted by the Town of Chatham, the County of Columbia or the Sanitary Code of the State of New York. A permit may be revoked upon request of the permittee or upon abandonment of operation.

A permit issued for the operation of a mass gathering shall be kept on file and made available by the operator and/or permittee on request.

#### Section 5. Contents of Application and Review:

All applicants for a permit to conduct a mass gathering shall include the following information and must be deemed sufficient by the Planning Board to appropriately handle the planned event and to protect the public health, safety and welfare:

- a. The name, residence, mailing address and telephone number and state drivers' license number of the applicant; a statement of the applicant's legal status, such as individual, partnership, corporation, etc.; and whether the applicant has ever been convicted of a felony or misdemeanor. If the applicant is a partnership, state the name, residence, mailing address, telephone number of each partner and the partnership EIN (Employer Identification Number); and if a corporation, the names and addresses of all corporate officers and directors, together with a certified copy of the articles of incorporation, a list of the names and addresses of all persons directly in charge of the activity and the corporate EIN (Employer identification Number). In the event the applicant is other than the landowner, all information shall be required from the landowner together with written permission from the landowner with regard to the event.
- b. A Statement of Qualifications discussing the Applicant's experience in planning and implementation of prior events. The Planning Board shall have the authority to deny or impose conditions of approval for any event in which it shall determine that due to the prior history or qualifications of the applicant it appears that the applicant is unable or unwilling to comply with the requirements hereunder.

- c. The location and best available description of the property where the activity is proposed, including all lands to be used directly, indirectly or incidental to the proposed activity or any part thereof; attaching to the application certified copies of documents disclosing the nature of the interest of the applicant relating to such property. If such interest is a leasehold, a copy of such lease shall be attached.
- d. The date or dates and the hours during which the activity is to be conducted and the total time period of such activity.
- e. The program and plans of the activity in its entirety, with particular emphasis on the following:
  - 1. Detailed plans for parking facilities off public roadways able to serve all reasonably anticipated requirements at a rate of up to 100 passenger cars per acre or 30 buses per acre.
  - 2. Detailed plans for transportation arrangements from noncontiguous parking facilities to the site to fully serve all reasonably anticipated requirements; including a statement from the New York State Police, the Columbia County Sheriff and the Village of Chatham Police certifying that the traffic control plan associated with the event is satisfactory. The transportation plan shall be reviewed and approved by the Town Highway Superintendent, who shall have the authority to require a restoration bond to repair and restore any Town road or drainage facility damaged as a result of the event. If the Highway Superintendent shall require such bond, the placing of same along with the amount thereof, shall be a condition of approval if same is granted by the Planning Board.
  - 3. An outline map of the area to be used, to an appropriate scale, showing the location of all areas of assemblage, including separate overnight camping areas for sleeping and emergency access and egress roads.
  - 4. The total number of persons permitted at the event, including performers, staff members and audience, which shall be determined by providing a net assembly area of at least 150 square feet per person in addition to providing at least 150 square feet per person in a separate camping area for 50 percent of the population with a minimum usable area of at least 5 acres. Parking areas shall not be included in such square footage calculation.
  - 5. A plan for controlling unauthorized admittance, 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.

6. A detailed plan for use of signs to locate all facilities and roadways.
7. A Fire Safety Plan detailing efforts and plans to avoid and suppress fires, including but not limited to, brush and grass management, camp fire management, and on-site fire suppression measures. The Applicant shall obtain a statement from local fire authorities having jurisdiction over the area verifying that the fire safety plan and other facilities available to such mass gathering are suitable to provide adequate fire safety, that they are aware of the event and are willing to cooperate if needed.
8. A detailed plan for emergency situations, including:
  - (i) medical supplies, facilities and personnel;
  - (ii) an evacuation plan;
  - (iii) emergency access roads.
9. A statement from the Columbia County Director of Emergency Preparedness indicating that he/she has been advised of the event and has approved the plan from an emergency preparedness standpoint.
10. A command post to be used by on-site security personnel, local, County and State Police, Department of Health personnel or the permit-issuing official and his/her lawful representatives, or both, consisting of at a minimum, a specific location equipped with a communication system satisfactory to the permit-issuing official.
11. Detailed plans for security enforcement, including prevention of the unlawful use of alcohol, narcotics and dangerous drugs at the site, methods for limiting the use of the proposed function to the number of participants for which the facilities are designed, and external as well as internal crowd control, including sufficient guards for crowd control and security enforcement.
12. A Restoration Plan detailing the manner in which the site shall be restored after the completion of the event, including but not limited to grading, seeding, and removal of structures. The restoration plan shall be reviewed and approved by the Planning Board who shall have the authority to require a restoration bond to complete the restoration of the site. If the Planning Board shall require such bond, the placing of same along with the amount thereof, shall be a condition of approval if same is granted by the Planning Board.
13. A Utility Plan detailing power and other utilities either present or proposed to be brought to the site through the use of power generators or direct connections to the power grid. The utility plan shall be reviewed

and approved by the Town Engineer who shall have the authority to require a restoration bond to complete the restoration of the site. If the Town Engineer shall require such bond, the placing of same along with the amount thereof, shall be a condition of approval if same is granted by the Planning Board.

14. A Water Supply Plan and a Wastewater Disposal Plan, detailing respectively, the manner in which potable water shall be brought to the site and that same shall be sufficient for the number of attendees and the manner in which the wastewater and sewerage shall be managed on the site and that same shall be sufficient for the number of attendees. The waters supply plan and the wastewater disposal plan shall be reviewed and approved by the Town Engineer who shall have the authority to require a bond to fully implement such plans. If the Town Engineer shall require such bond, the placing of same along with the amount thereof, shall be a condition of approval if same is granted by the Planning Board.
15. A Food Service Plan detailing the manner in which food shall be provided to attendees.

f. Detailed plans for internal storage and collection of refuse, including provisions for disposal and cleaning the property and surrounding properties within 72 hours after the event.

g. Detailed plans for emergency first aid to include a minimum of two (2) qualified EMTs, to serve fully all reasonably anticipated requirements. Such plans shall state the arrangements made with hospitals and ambulances in the area, including names and locations.h. Detailed plans for amplifying equipment designed to control the noise level at the perimeter of the site to no more than 75 decibels on the A scale of a sound-level meter, which meets the specifications of the American National Standards Institute, between the hours of 11:00 pm and 8:00 am.

i. Detailed plans for lighting designed to illuminate the public areas of the site as reasonably required and demonstrating that the lighting will not reflect on any area beyond the boundary of said site, when the event is planned to occur after daylight hours.

g. A plan showing that the proposed activity is adequately buffered by fencing or other crowd control device, from all neighboring homes within 500 feet of the perimeter of the site.

#### Section 6. Public Liability and Property Damage Insurance:

No permit shall be issued unless the applicant shall furnish the Town with a comprehensive liability insurance policy insuring the Town against liability for damage to person or property with limits of not less than \$1,000,000/\$2,000,000 for bodily injury or death and limits of not less an \$1,000,000 for property damage, to save the Town

harmless from any and all liability or cause of action which might arise by reason of the granting of the permit, which policy shall not be cancelable without ten (10) days' prior written notice to the Town and which shall be in effect during the entire period of the mass gathering, to include set up and take down. The Planning Board shall have the authority to require insurance at greater levels as set forth herein upon a determination that such minimum amounts are insufficient based upon the size and/or scope of the event. Failure to keep such policy in effect will result in automatic revocation of the permit without hearing.

Section 7. Additional Duties of a Permittee for a Mass Gathering:

- a. The site shall be provided with adequate interior roads to be kept clear at all times for service and emergency vehicles, and shall be serviced by access roads which will permit an adequate flow of traffic and ensure the free passage of emergency vehicles.
- b. Adequate signs shall be provided locating all facilities.
- c. Overnight camping area or areas shall be provided whenever necessary.
- d. The operator of a mass gathering shall prohibit storage of flammable or volatile liquids or materials in or adjacent to the area of the gathering.
- e. The permittee shall provide the services and facilities outlined in the permit application and approved by the permit-issuing official.
- f. Each permittee will notify the County Health Department of any proposed mass gathering and will submit to a pre-operational inspection by the County Health Commissioner.
- g. Children under 16 years of age not accompanied by an adult at a mass gathering shall be provided with adequate and competent adult supervision, such supervision to be provided by the permittee and exercised by a supervisor or supervisors present on the property.
- h. The person to whom a permit has been issued to operate or hold a mass gathering shall provide an individual who is acceptable to the permit-issuing official as suitable and responsible to be in charge of the property and who shall be on the property or available while the property is occupied or open for occupancy.
- i. A person to whom any permit is issued shall comply with the provisions of this Local Law and with all conditions stated in the permit, and shall allow the permit-issuing official or his/her representative to enter the premises at any reasonable time to ascertain compliance with the Local Law.

- j. No permittee will sell, or offer for sale, nor allow any other person to sell, or offer for sale, any alcoholic beverage upon the premises designated in the permit application during the time period delineated for such mass gathering unless the permittee shall possess a valid NYS Liquor License for the service of other types of alcohol on the premises.
- k. Each permittee shall provide for the removal of any temporary structures erected for use during such mass gathering within one week after the time specified in the permit application for termination of such mass gathering. Nothing contained in this subsection will relieve any party from the requirements of any other law regulating construction of such temporary structures.
- l. Unless authorized by the Planning Board, no permittee will allow any person to possess any firearm or other weapon on the premises of such mass gathering other than a policeman, peace officer or security personnel otherwise authorized to possess firearms or other weapon.
- m. The permittee shall comply with all federal, state and local laws and shall pay all required sales or other taxes arising from the event.

Section 8. Fees and Consultant Escrow:

Each application shall be accompanied by a fee in the amount set by the Town Board by resolution from time to time as it deems appropriate, payable at the time of its submission. A fee shall be compensation to the Town for its examination and processing of such application and shall not be refundable in whole or in part.

For the review of plans required hereinunder by the Town Engineer, Attorney, or other consultant or the event that the Planning Board shall deem it necessary to retain the services of a consultant to review the documentation submitted by the Applicant, the Planning Board shall have the authority to require the establishment of an escrow account in accordance with the requirements of Chapter 138 of the Town Code of the Town of Chatham.

Section 9. Certificate of Pre-Existence

Any landowner may apply to the Code Enforcement Officer for a Certificate of Pre-Existence to obtain an exception to the applicability of this local law as set forth in Section 3. (c) hereinabove. The Code Enforcement Officer shall consider all competent proof submitted by the applicant in determining whether to issue such Certificate. The Certificate of Pre-Existence shall set forth as much information as possible relating to the state of the pre-existence, including but not limited to location, area utilized, number of attendees, type of event, duration, and food, water, and septic provision and any other relevant information. Any aggrieved person may appeal the determination of the Code



Enforcement Officer to the Zoning Board of Appeals in accordance with the rules, process and procedure set forth in NYS Town Law §264-a.

Section 10. Enforcement and Penalties:

- a. Any person who shall use, allow, let or permit to be used property for a mass gathering as defined herein, or any person who shall promote or advertise such mass gathering without first obtaining 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 provisions of this Local Law shall be deemed to have committed a misdemeanor and shall be liable for the penalties provided.
- b. For each violation of the provisions of this Local Law, the person violating the same shall be subject to a fine of not more than \$1,000, nor less than \$100, or imprisonment not to exceed one year, or both.
- c. In addition to the above-provided penalties, the Town may maintain an 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 Local Law.

Section 11. Severability:

Should any section or provisions of this Local Law be declared by any court to be unconstitutional or invalid, such declaration shall not affect the validity of this Local Law as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

Section 12. Effective Date and Repealer:

This Local Law shall become effective immediately and is passed in accordance with the New York State Municipal Home Rule Law. This law shall also repeal and replace the current Town of Chatham Public Assemblies Law adopted as Local Law #1 of 1970 and known as Chapter 72 of the Town Code of the Town of Chatham.

Section 13. Construction:

The provisions of this Local Law shall be in addition to, and not in lieu of, nor construed to be in conflict with, the provisions contained in section 225 of the Public Health Law or sections 7-1.40 through 7-1.44 of chapter 1 of the State Sanitary Code.