

LOCAL LAW NO. 1 - 1976 - TOWN OF NUNDA

A LOCAL LAW, TOWN OF NUNDA, RELATING TO REGULATING AND LICENSING OUTDOOR PUBLIC MUSICAL ENTERTAINMENTS, AMUSEMENTS AND ASSEMBLIES IN EXCESS OF 500 PERSONS ESTABLISHING LICENSING PROCEDURES AND FEES THEREFOR: AND PRESCRIBING OFFENSES AND PENALTIES.

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF NUNDA 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 500 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 the Town of Nunda for such events in numbers of 1500 or more would temporarily greatly increase the normal population of the Town of Nunda thereby causing problems and demands considerably beyond the capability of existing municipal services and facilities now available in the Town of Nunda. 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 500 or more persons similarly requires municipal approval, and regulation.

Also, the conduct of such events would create a mass movement of people through the Town of Nunda, principally upon its public streets and highways, with the likelihood of damage and injury to

persons and property within the Town of Nunda. 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 Town.

The Town Board of the Town of Nunda 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 Town of Nunda 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 Town, 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 Town of Groveland, catering to the general public for which said person, persons, corporation, organization, landowner or lessee believes or had reason to believe that it will attract 500 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 Supervisor of the Town of Nunda and said application must be submitted in seven copies to the Clerk of the Town Board of the Town of Nunda 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 45 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 Town Board of the Town of Nunda shall be in writing.

Section 4: Contents of Application

Application for such permit shall be by verified petition addressed to the Town Board of the Town of Nunda 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 protections, 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 Town Board of the Town of Nunda, 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 Livingston and its various public bodies, and the Town of Nunda within which such event is to be held. Certificates of such insurance and bonds shall be submitted to the Town Board of the Town of Nunda at the time of application.

(l) A subscribed authorization from the land owner and the applicant to the Town of Nunda within which the event is held to permit the Town of Nunda 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 of Nunda with a comprehensive liability insurance policy insuring the Town against liability for damage to persons or property with limits of not less than \$500,000.00 - \$1,000,000.00 for bodily injury or death and limits of not less than \$500,000.00 for property damage, sufficient in form to save the Town 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 Town.

No permit shall be issued unless the applicant shall deposit with the Clerk of the Town of Nunda cash or good surety company bond, approved by the Town of Nunda, in such sum not less than \$10,000.00 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; which cash shall be refunded or surety company bond cancelled upon certification by the Town Board of the Town of Nunda 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 Livingston and the Town of Nunda 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 Town 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 Town Board of the Town of Nunda has determined that no such damage has been done and that the Town did not incur such additional expense due to said event or that the costs 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 Town, cash or good surety company bond approved by the Town of Nunda 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 Town Board of the Town of Nunda, such permit shall set forth the maximum number of persons to be permitted to attend the event. The Town Board of the Town of Nunda, 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 Town Board of the Town of Nunda 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 Town Board of the Town of Nunda 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 Town Board of the Town of Nunda, unless breach or failure is promptly remedied within such time limit as may be reasonably imposed by the Town Board of the Town of Nunda. Notice of termination of the permit shall be in writing addressed to the applicant and 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 Town of Nunda catering to the general public for which said person, persons, corporation, organization, land owner or lessee believes or had reason to believe will attract 500 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



misdeemeanor against such local law, and shall be liable for the penalties provided. A separate offense against this local 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 Town of Nunda in the amount of \$1,000.00 for each offense.

In addition to the above provided penalties, the Town Board of the Town of Nunda may also 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 such local law.

Section 10: Separability

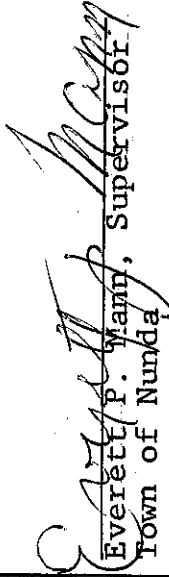
If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 11:

This local law shall become effective immediately after filing in the Office of the Secretary of State, New York.

Approved:

Dated:

  
Everett P. Mann, Supervisor  
Town of Nunda