

County of Tioga

Local Law No. 3 of the Year 1976.

A Local Law relating to, regulating and licensing outdoor public musical entertainments, amusements and assemblies in excess of 10,000 persons; Establishing licensing procedures and fees therefor; and prescribing offenses and penalties.

Be It Enacted by the Legislature of the County of Tioga 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 100,000 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 Tioga County for such events in number of 10,000 or more would temporarily increase the number of persons residing within the County of Tioga from approximately 20% to several times its normal population, thereby causing problems and demands considerably beyond the capability of existing municipal services and facilities now available in Tioga County. 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 services; 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 10,000 or more persons similarly requires municipal approval and regulation.

Furthermore, the conduct of such events would create a mass movement of people through the County of Tioga principally upon its public streets and highways, of a magnitude never before experienced by the County of Tioga with the likelihood of damage and injury to persons and property within the

County of Tioga. 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 County.

The Tioga County Legislature 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 County of Tioga in regard to outdoor public musical entertainment, 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 County 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, landowner, or lessee to organize, promote, conduct, or cause to be conducted an outdoor public musical entertainment, amusement, or assembly of persons within the County of Tioga catering to the general public for which said person, persons, corporation, organization, landowner or lessee or County Official, Sheriff, County Health Director, County Civil Defense Director believes or has reason to believe will attract 10,000 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. A 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 \$750.00 which shall be submitted with the application and is non-refundable.

## ***SECTION 3: DEFINITIONS***

(a) The term mass gathering shall mean any outdoor public musical entertainment, amusement, assembly or other event likely to attract ten thousand or more persons.

(b) The term potable water shall mean drinking water which does not have an objectionable odor, color or pollution; which is not contaminated with bacteria, minerals or other substances and which meets the standards of Part

72 of the Administrative Rules and Regulations of the New York State Department of Health.

(c) The term refuse shall mean all putrescible and non-putrescible solid wastes, including garbage, rubbish, ashes, incinerator wastes, street clean-up, dead animals, offal and solid commercial wastes.

(d) The term sewage shall mean excreta and the waste from toilets, sinks, baths, lavatory, washing or water-carried waste.

#### ***SECTION 4: FILING OF APPLICATION***

Written application for a permit for such mass gathering shall be made to the Tioga County Health Director. Seven copies of said application and supporting papers must be submitted 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 60 days after application thereof. No permit shall be granted unless the applicant complies with all requirements of this local law. Denial of the permit by the County Health Director shall be in writing.

#### ***SECTION 5: CONTENTS OF APPLICATION***

Application for such permit shall be made to the County Health Director on a form prescribed by the County Health Director.

All applications for a permit to conduct a mass gathering shall be accompanied by an engineering report bearing the signature and seal of a professional engineer licensed by New York State Education Department and containing 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, joint venture, or other status. If the applicant is a partnership or joint venture, state the names and addresses, and telephone number of all parties and if a corporation, the names and addresses and telephone numbers of all corporate officers and stockholders, together with a certified copy of the articles of incorporation and a list of the names and addresses and telephone numbers of all persons directly in charge of the activity.

**(b) The location, name, address, telephone number of owner(s) and legal description of the property where the activity is proposed, including all lands to be used indirectly, or incidental to the proposed activity or any part thereof; attach to the application certified copies of document disclosing the nature of the interest of the applicant relating to such property.**

**(c) The date or dates and the hours during which the activity including travel time is to be conducted and the total time period.**

**(d) 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 reasonable 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 facility to the site which fully serve all reasonably anticipated requirements at a rate of no less than 20,000 persons per hour; including a statement from the Tioga County Sheriff or New York State Police Troop commander certifying that the traffic control plan is satisfactory.**

**(3) An outline map of the area to be used, to an appropriate scale, showing the location of all privies or toilets and handwashing facilities, all water supply sources (lakes, ponds, stream, wells, storage tanks, etc.), all areas of assemblage, including separate overnight camping areas for sleeping, all food service areas of assemblage, including separate overnight camping areas for sleeping, all food service areas, and all refuse storage handling and disposal areas, and emergency, access and egress roads.**

**(4) The total number of persons permitted at the event, including performers, staff members, and audience. The site of any mass gathering shall provide a land area of at least 50 square feet for each person authorized to attend, and shall provide an additional 400 square feet of land area for every two persons authorized to attend, which additional area shall be utilized for the purpose of parking motor vehicles and overnight camping.**

**(5) 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.**

**(6) 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 and all work for noxious weed and insect control at least 48 hours prior to the commencement of the event.

(7) A detailed plan for food service, including a description of food sources, menu, mandatory use of single service dishes and utensils, refrigeration, food handling and dispensing in compliance with Article XIV of the Sanitary Code.

(8) A detailed plan for use of signs to locate all facilities and roadways.

(9) 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.

(10) A detailed plan for emergency situations including:

- (i) Food supplies;
- (ii) Medical supplies, facilities and personnel;
- (iii) An evacuation plan;
- (iv) Emergency access roads.

(11) A statement from the local Civil Defense Director indicating that he has been advised of the event and has approved the plan from a civil defense standpoint.

(12) A command post to be used by the County Health Director or his lawful representatives, or both, consisting of a minimum of one building or trailer equipped with a communication system satisfactory to the County Health Director.

(13) A statement that if adult mosquito and biting fly populations are found to be in excess of 15 specimens per trap night, the applicant agrees to insure that proper adult mosquito control measures are instituted no earlier than 72 hours not later than 48 hours before the advertised start of the gathering in order to reduce such populations to a satisfactory level.

(14) A detailed plan for elimination of noxious weeds 48 hours before commencement of the mass gathering.

(15) Detailed plans for security enforcement, including prevention of the unlawful use of alcohol, narcotics, or dangerous drugs at the site, methods for limiting the size 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. All security personnel, whether designated as guards or otherwise, shall be graduates of a recognized and approved police training school. The credentials of each such person shall be presented to the County Health Director and must be verified before each such person may be included in this purpose.

(e) The location and construction of toilet and handwashing facilities designed to serve fully all reasonably anticipated requirements at a rate of no more than 100 persons per toilet seat and 750 persons per handwashing facility, 50 percent of the male toilets may be urinals, and plans for construction and reports, including copies of all rental and service contract, showing that the construction and operation constitute no threat of pollution to surface or underground water locations, to be attached.

(f) 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. One tap and one drinking fountain shall be provided per 1,000 persons and shall be separately located with adequate soakage pits or drainage. Detailed plans for approval by the County Health Director showing that the water supply meets Part 5 of the State Sanitary Code and laboratory results of both bacteriological and chemical analysis of all new water supply sources shall be attached.

(g) Detailed plans for internal storage and collection of refuse including provisions for disposal and cleaning the property and immediate surrounding properties to be completed within 48 hours after the event.

(h) Detailed plans for emergency first aid 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, the number of doctors and nurses at the site and on call, and arrangements made with all other medical personnel and facilities, either at the site or on call.

(I) Detailed plans for amplifying equipment designed to control the noise level at a perimeter of the site to no more than 70 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 public areas of the site at all times and demonstrating that the lighting will not reflect on any area beyond the boundary of said site.

(k) A plan showing that the proposed activity is adequately buffered from all residential areas within 500 feet.

(l) The applicant shall furnish an authorization from the landowner and/or lessee barring property that is to be used in connection with the event, including incidental use, which authorization shall permit the County Health Director or his designees to enter upon any area of the property or buildings thereon, whenever the County Health Director deems such to be necessary to determine if there is compliance with the requirements of the local law and permit and for the purpose of inspection in connection with the applications for a permit.

### ***SECTION 6: ADDITIONAL DUTIES OF PERMITTEE FOR A MASS GATHERING***

(a) The site shall be provided with a network of 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) Each person attending the mass gathering shall be provided with a site map showing the location of all facilities and adequate signs shall be provided locating all facilities.

(c) A separate overnight camping area or areas shall be provided for any persons who camp or stay at the site or in contiguous areas.

(d) Adequate light for toilet areas, service areas, and walkways shall be provided.

(e) 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 and that adequate fire fighting equipment is available to protect the life and health of the people attending the gathering.

(f) The permittee shall provide the services and facilities outlined in the engineering report and approved by the County Health Director.

(g) The permittee shall provide such emergency health care services and facilities in accordance with Part 18 of the State Sanitary Code.

## ***SECTION 7: LIMITATION OF ATTENDANCE***

Whenever a permit is granted, such permit shall specify the maximum number of persons to be permitted to attend. The permittee shall limit all ticket sales to such maximum number. No tickets shall be sold at or near the site during the term of the event. The applicant shall not advertise the event more than 30 days before the permit is granted. Each advertisement shall include a statement indicating the limitation on attendance and the unavailability of tickets at site while the event is in progress, and such statement shall be immediately below the heading in a type size at least one-half that of the heading.

## ***SECTION 8: INSURANCE***

The applicant shall provide evidence of public liability and property damage insurance by furnishing the County Health Director with a copy of the policy actually purchased, including all endorsements pertaining thereto. The policy shall be written by a New York licensed insurance carrier. Such policy shall cover both personal injury and property damage and be written on an "occurrence" basis in an amount of at least \$1,000,000 for each occurrence and an aggregate amount of at least \$5,000,000 and shall bear an endorsement preventing cancellation, by the named insured, or the insurance carrier, without first furnishing the County Health Director with 10 days written notice as evidenced by certified or registered mail, Return Receipt Requested.

## ***SECTION 9: FINANCIAL RESPONSIBILITY***

The applicant shall submit proof of financial resources sufficient to execute the plans as submitted.

No permit shall be issued unless the applicant shall deposit with the Treasurer of Tioga County cash or good surety company bond, approved by the County Treasurer in an amount of \$10,000 per person of permitted attendance, but no event less than \$100,000 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 County Health Director 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 Tioga and the Town

and Village 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 County and its respective Towns and Villages for damages to streets, pavements, bridges and other property.

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 County Treasurer cash or good surety company bond approved by the County Treasurer in amount equal 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 10: DENIAL OF PERMIT***

A permit shall not be granted if any of the items set forth in said application are determined by the County Health Director 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 or any applicable local, State or Federal laws, ordinances, regulations, rules or orders.

#### ***SECTION 11: NON-COMPLIANCE WITH PERMIT***

If after a permit is issued, the County Health Director 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 such permit is immediately thereupon terminated without action of the County unless breach or failure is immediately remedied the permittee shall be considered as having knowledge of a violator whenever such is consulted by or known to, or should have been known to any of his officers, employees, agents or contractors, or to the permittee himself. Notice of termination of the permit shall be sent to the applicant at the address set forth in the application, whenever known to the County Health Director, but the effective date of termination shall be immediately following the violation of non-compliance, so that the termination penalty may be a deterrent to violation, in as much as

the short time interval inherent, would allow for intentional violation without risk of termination.

## ***SECTION 12: ENFORCEMENT AND PENALTIES***

Any person, persons, corporation, organization, landowner, or lessee who shall organize, promote, conduct, or cause to be conducted mass gatherings within the County of Tioga catering to the general public for which said person, persons, corporation, organization, performers, landowner or lessee believes or has reason to believe will attract 10,000 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 misdemeanor against such local law, and shall be liable for the penalties provided. A separate offense against this local law 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 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 County of Tioga in the amount of \$1,000 for each offense.

In addition to the above provided penalties, the County Legislature may also maintain an action or proceeding in the name of the County in a Court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of such local law.

## ***SECTION 13: APPLICABILITY***

This local law shall apply throughout all areas of the County of Tioga.

## ***SECTION 14: 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 15: EFFECTIVE DATE*

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

(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. 3 of 1976 of the (County) of Tioga was duly passed by the Tioga County Legislature on September 13, 1976 , in accordance with the applicable provisions of law.

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 19 of the (County) (City) (Town) (Village) of was duly passed by the on , 19 , and was (approved)(not disapproved)(repassed after disapproval) by the and was deemed duly adopted on , 19 , in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19 of the (County)(City)(Town)(Village) of was duly passed by the on , 19 , and was (approved)(not disapproved)(repassed after disapproval) by the on , 19 . 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 , 19 , in accordance with the applicable provisions of law.

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 19 of the (County)(City)(Town)(Village) of was duly passed by the on , 19 , and was (approved)(not disapproved)(repassed after disapproval) by the on , 19 . Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of , 19 , in accordance with the applicable provisions of law.

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 19 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 , 19 , become operative.

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\*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 chairman 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.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19 \_\_\_\_\_ of the County of \_\_\_\_\_, State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_, 19 \_\_\_\_\_, 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 of 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 1, above.

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

(Seal)

Date:

(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 Tioga

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

Title

County of Tioga

City

Town

Village

Date: