

County of Tioga

Local Law No. 2 of the Year 1988.

A Local Law amending Local Law No. 3 of 1976 regulating outdoor public musical entertainments.

Be It Enacted by the Legislature of the County of Tioga as follows:

***SECTION 1: PURPOSE***

The purpose of this Local Law is to amend Sections 2, 3, 4, 5, 6, 7, 9, 10, 11 and 12 of Local Law No. 3 of 1976 and to add a new section entitled "Waiver" to Local Law No. 3 of 1976.

***SECTION 2: PERMIT REQUIRED***

No person, persons, corporation, organization, or association shall organize, sponsor, promote, stage, conduct, and no land owner or lessee of land shall allow or permit to be held on property owned by the land owner or leased by the lessee an outdoor musical event within the County of Tioga unless a permit has first been obtained for such in accordance with this local law if the said person, persons, corporation, organization, association, land owner, lessee, Tioga County Sheriff, or Tioga County Commissioner of Health has reason to believe will attract 10,000 or more persons.

***SECTION 3: AMENDMENT OF SECTION 3***

Section 3 of Local Law No. 3 of 1976 is hereby amended to read as follows:

***"SECTION 3: DEFINITIONS"***

(a) 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 substance; and which meets the standards of the State Sanitary Code.

(b) 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.

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

(d) The term "musical event" includes but is not limited to assemblies, competitions, concerts, contests, dances, festivals, hoe downs and jamborees, the main purpose of which is to provide live or recorded musical entertainment whether or not an admission charge is made for attendance at the event. The term does not include parades along public highways or streets celebrating a community event or activity or a patriotic holiday.

#### ***SECTION 4: AMENDMENT OF SECTION 4***

Section 4 of Local Law No. 3 of 1976 is hereby amended to read as follows:

#### ***"SECTION 4; FILING OF APPLICATION AND PAYMENT OF FEE"***

Written application for a permit for such outdoor musical event shall be made to the Tioga County Commissioner of Health. Seven copies of the application and supporting papers and a non-refundable permit fee of \$750.00 must be submitted 90 or more days prior to the first day upon which such outdoor public musical event is to be held. A determination in writing granting or denying the application for a permit shall be made within 45 days after the application is submitted. No permit shall be granted unless the applicant complies with all requirements of this local law. Upon the issuance of a permit the permittee shall pay an additional non-refundable fee of \$750.00 to the Tioga County Commissioner of Health.

#### ***SECTION 5: AMENDMENT OF SECTION 5***

The first sentence of Section 5 of Local Law No. 3 of 1976 is hereby amended to read as follows:

***"Application for such permit shall be made to the County Commissioner of Health on a form prescribed by the County Commissioner of Health."***

***SECTION 6: AMENDMENT OF SECTION 5(D)(4)***

Section 5(d)(4) of Local Law No. 3 of 1976 is hereby amended by decreasing to 30 the number of square feet required for each person attending an event and to 300 square feet the land area required for parking and camping.

***SECTION 7: AMENDMENT OF SECTION 5(D)(5)***

Section 5(d)(5) of Local Law No. 3 of 1976 is hereby amended to read as follows:

***“A plan for determining attendance, in advance of the event including number and location of ticket booths and entrances, area of advertising, advance ticket locations, methods by which the Tioga County Commissioner of Health may verify from time to time the number of tickets sold, and provisions for preventing non-ticket holders from attending the event.”***

***SECTION 8: AMENDMENT OF SECTION 5(D)(7)***

Section 5(d)(7) of Local Law No. 3 of 1976 is hereby amended to delete “Article XIV of” in the last line of that section.

***SECTION 9: AMENDMENT OF SECTION 5(D)(9)***

Section 5(d)(9) of Local Law No. 3 of 1976 is hereby amended to read as follows:

***“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 and are able to respond to all related emergencies.”***

***SECTION 10: AMENDMENT OF SECTION 5(D)(11)***

Section 5(d)(11) of Local Law No. 3 of 1976 is hereby amended to read as follows:

***“A statement of approval of the planning for the event from the Director of the Office of Emergency Management.”***

***SECTION 11: DELETION OF SECTION 5(D)(13)***

Section 5(d)(13) of Local Law No. 3 of 1976 is hereby deleted.

***SECTION 12: RENUMBERING OF SECTIONS 5(D)(14) AND (15)***

Section 5(d)(14) and 5(d)(15) of Local Law No. 3 of 1976 are hereby renumbered 5(d)(13) and 5(d)(14) respectively.

***SECTION 13: AMENDMENT OF RENUMBERED SECTION 5(D)(15)***

Renumbered Section 5(d)(15) of Local Law 3 of 1976, now Section 5(d)(14) is hereby amended to read as follows:

***“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 have training and/or experienced in crowd control and emergency medical procedures satisfactory to the Tioga County Sheriff, have no police record and be approved by the Sheriff.”***

***SECTION 14: AMENDMENT OF SECTION 5(E)***

Section 5(e) of Local Law No. 3 of 1976 is hereby amended to increase to 300 the number of persons for which one toilet seat is required and to 2,000 the number of persons for which one handwashing facility is required.

***SECTION 15: AMENDMENT OF SECTION 5(F)***

Section 5(f) of Local Law No. 3 of 1976 is hereby amended to change the number of persons for which one tap and one drinking fountain is required to 2,000 persons.

***SECTION 16: AMENDMENT OF SECTION 5(I)***

Section 5(i) of Local Law No. 3 of 1976 is hereby amended to read as follows:

***“Detailed plans for amplifying equipment designed to prevent the noise level at the perimeter of the site from rising above the normal background noise levels for the area or the level permitted by regulations adopted pursuant to the Federal Occupational Safety and Health Act of 1970 as amended for workers at the perimeter of musical events, whichever is higher.”***

***SECTION 17: AMENDMENT OF SECTION 6***

Section 6 of Local Law No. 3 of 1976 is hereby amended to read as follows:

***“Additional Duties of Permittee”***

(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 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. All camping shall comply with the provisions of part 7 of the New York State Sanitary Code.

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

(e) The permittee shall insure that no flammable or volatile liquids or materials are stored in or adjacent to the area of the event and that adequate fire fighting equipment is available to protect the life and health of persons attending the event.

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

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

***SECTION 17: AMENDMENT OF SECTION 7***

Section 7 of Local Law No. 3 of 1976 is hereby amended to read as follows:

***“Limitation on attendance and advertising:***

Whenever a permit is granted, such permit shall specify the maximum number of persons to be permitted to attend. The permittee shall limit ticket sales to such maximum number. The applicant shall not advertise the event prior to the issuance of the permit. Each advertisement shall state the number to which attendance is limited. If camping facilities are not provided, the advertisement must so state. Immediately upon determining that all tickets to an event have been sold, the permittee shall advertise such fact and do so

where practical in the same locations and media where the event was originally advertised.”

***SECTION 18: AMENDMENT OF SECTION 8***

Section 8 of Local Law No. 3 of 1976 is hereby amended to change the reference to County Health Director to County Commissioner of Health and to add the following sentence at the end of the section:

“The County of Tioga shall be named as an additional insured on the policy.”

***SECTION 19: AMENDMENT OF SECTION 9***

The first sentence of the second paragraph of Section 9 of Local Law No. 3 of 1976 is hereby amended to read as follows:

“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 the amount of \$10,000 plus \$1 for each person in excess of 10,000 permitted to attend 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 from the event or from persons attending the event to remain upon any public or private property; which cash shall be refunded or surety company bond canceled after the event upon certification by the County Commissioner of Health that all conditions of the permit and the terms of this local law have been complied with.”

***SECTION 20: RENUMBERING OF SECTIONS 10, 11, 12, 13, 14 AND 15 AND ADDITION OF NEW SECTION 10:***

Sections 10, 11, 12, 13, 14 and 15 of Local Law No. 3 of 1976 are hereby renumbered Sections 11, 12, 13, 14, 15 and 16 respectively and the following new Section 10 is hereby added:

“Waiver

The County Commissioner of Health may for good cause shown may waive one or more of the provisions of this local law provided that it can be reasonably anticipated that the health and safety of the persons attending or the general public will not be endangered by such a waiver. A waiver of any provision of this local law must be applied for in writing and reasons stated why the health and safety of the persons attending and the public will not be endangered. The Commissioner of Health shall note in writing on the permit

any provisions of this local law which are being waived and set forth any conditions attached to such waiver.”

***SECTION 21: AMENDMENT OF RENUMBERED SECTIONS 10 AND 11***

Renumbered Sections 10 and 11 of Local Law No. 3 of 1976, now Sections 11 and 12 respectively are hereby amended to delete the references to “County Health Director” and to insert for such references, “Commissioner of Health”.

***SECTION 22: AMENDMENT OF RENUMBERED SECTION 12***

Renumbered Section 12 of Local Law No. 3 of 1976 now Section 13 is hereby amended to read as follows:

“Violators of this local law shall be guilty of a Class A misdemeanor and subject to a fine of not more than \$1,000 or imprisonment not to exceed one year or to both such fine and imprisonment. Violators shall also be subject to a civil penalty enforceable and collectable by the County of Tioga in the amount of \$1,000 for each offense. Each day a violation of this local law occurs shall be considered a separate offense.

In addition, the County Legislature may also at the same time maintain an action or a proceeding in the name of the County in a court of competent jurisdiction to compel compliance with or to restrain or enjoin the violation of this local law.”

***SECTION 23: EFFECTIVE DATE***

This Local Law shall become effective immediately upon filing in the Office of the New York Secretary of State.

(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. 2 of 1988 of the (County) of Tioga was duly passed by the Tioga County Legislature on May 23, 1988 , 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 on 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: