

Local Law No. 1 of 2017, entitled:

“Mass Gatherings Law”

BE IT ENACTED BY, the Town Board of the Town of Clinton as follows:

1. Chapter 159 of the Code of the Town of Clinton (“Town Code”) is hereby repealed.
2. A new Chapter 159 is hereby added to the Town Code which shall read as follows:

Chapter 159. MASS GATHERINGS

§ 159-1. Purpose.

The Town Board of the Town of Clinton, in order to ensure the proper protection, order, conduct, safety, health, welfare and well-being of persons and property within the Town of Clinton, County of Dutchess and State of New York, consistent with the right of peaceful assembly, finds it is in the public interest to enact this Chapter.

§ 159-2. Applicability.

This Chapter shall regulate the assembly of persons, where such assembly exceeds 500 persons, even within a 24-hour period, at any place within the Town of Clinton, County of Dutchess and State of New York.

§ 159-3. Special Permit Required.

No person, group of persons, partnership, association or corporation, organization, entity, landowner, lessee or any combination thereof, shall maintain, conduct, promote or operate on any private lands or premises within the Town of Clinton other than in established theaters, auditoriums or other places licensed or permitted for public occupancy as limited by law, any use thereof for the purpose of any gathering or assembly which is to or shall reasonably attract 500 or more people even within a 24-hour period except pursuant to a special permit issued therefor by the Town Board of the Town of Clinton, as hereinafter provided.

§ 159-4. Application Fee.

Written application for a special permit for such gathering or assembly shall be made to the Town Board of the Town of Clinton and must be submitted in seven copies to the Town Clerk 90 days or more prior to the first day upon which such gathering or assembly is to be held.

Determination granting or denying permits as herein provided for shall be made within 60 days after application therefor. No permits shall be granted unless the applicant complies with all requirements of this Chapter. The fee for such permit shall be as provided in Town of Clinton Fee Schedule Resolution, as amended, which fee shall be submitted with the application.

§ 159-5. Materials to Accompany Applications.

Application for such permit shall be by verified petition addressed to the Town Board and shall be filed in compliance with the provisions of § 159-3 of this Chapter. Such application shall include the following material:

- A. A certificate from the Dutchess County Department of Health to the effect that sanitation facilities to be provided for such assembly or gathering are adequate to accommodate the needs of the persons to be assembled and attending the gathering.
- B. 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 shall be provided. 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 shall be provided.
- C. 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.
- D. A 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 other structures or 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; and all service and other roads serving the camping area, food services, toilet facilities, garbage and refuse collection facilities and entertainment and performance areas.

- E. A detailed plan and statement, with drawings showing the methods to be used for the disposal of sanitary sewage.
- F. A detailed plan and statement, with drawings showing the distribution and supply system for supply, storage, treatment and distribution of drinking water.
- G. 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 areas shall provide parking space of acceptable size for one motor vehicle for every four persons in attendance.
- H. 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 and other refuse.
- I. 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.
- J. A detailed plan and statement providing for fire protection, specifying the location of fire lanes, water supply and equipment or apparatus to be available for such purposes.
- K. A detailed plan and statement specifying the facilities to be available for medical, surgical, nursing and ambulance service. The applicant must furnish to the Town Board the addresses of all doctors, nurses, pharmacists and ambulance services the applicant will provide for the event, prior to issuance of a permit.
- L. A detailed description of all insurance policies and surety bonds to be provided by the applicant for the protection of the general public, the Town of Clinton and its various public bodies, officers and employees. Certificates of such insurance and bonds shall be submitted to the Town Board at least 15 days prior to the commencement date of the event.

- M. A subscribed authorization from the landowner and the applicant to the Town of Clinton and the County of Dutchess to permit the Town and County 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 Chapter and the permit, if granted, for providing adequate police and fire protection and protecting persons and property from danger.
- N. 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.

§ 159-6. Liability Insurance; Cash Deposit or Surety Company Bond.

- A. No permit shall be issued unless the applicant shall furnish to the Town of Clinton a comprehensive liability insurance policy insuring the Town against liability for damage to persons or property with limits of not less than \$500,000 per person and \$1,000,000 per occurrence for bodily injury or death and limits of not less than \$500,000 for property damage, sufficient in form to insure, indemnify and save the Town harmless from any liability or causes of action which might arise by reason of granting of the permit and noncancelable without 10 days' prior written notice to the Town.
- B. No permit shall be issued unless the applicant shall deposit with the Town Clerk cash, letter of credit, good surety company bond or other acceptable surety, approved by the County of Dutchess, in such sum not less than \$100,000 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, letter of credit voided or surety company bond cancelled upon certification by the Town Board that all conditions of this Chapter have been complied with. Such surety bond, letter of credit cash or other acceptable surety shall serve as an indemnity to save and protect the streets, pavements, bridges, road signs and other property of the Town of Clinton and the County of Dutchess 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 of

Clinton and the County of Dutchess and its respective towns and villages for damages to streets, pavements, bridges and other property. Any surety, regardless of form, shall be approved by the Attorney to the Town as to form, sufficiency, and manner of execution.

§ 159-7. 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 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 Chapter. Denial of the permit by the Town Board of the Town of Clinton shall be in writing.

§ 159-8. Suspension or Revocation of Permit.

Any permit issued pursuant to this Chapter may be immediately suspended or revoked within the sole discretion of the Town Board in the event that any of the provisions of this Chapter, requirements of the Dutchess County Health Department or conditions of the permit are not complied with or adhered to.

§ 159-9. Penalties for Offenses.

Violations of this Chapter shall be considered a Violation B, punishable as set forth in Chapter 137, Fines and Penalties.

§ 159-10. Enforcement.

This Chapter shall be administered, enforced and prosecuted by the Town Board, the Zoning Administrator, the Building Inspector and/or the Attorney to the Town.

3. Chapter 137-2 is hereby amended by removing the reference to “159-6” and inserting “159-9”.
4. If any section, subsection or specific part or provision or standard of this Local Law or the application hereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such section, subsection or specific part or provision or standard shall be deemed a separate, distinct and independent provision and such judgment shall not affect the validity of the remaining portions thereof.
5. To the extent that any provision of this Chapter is inconsistent with Town Law §§ 263, 274-a, 274-b or any other provision of Article 16 of the Town Law, or of the Public Health Law, or of Real Property Law, the provisions of this chapter are expressly intended to and do hereby

supersede any such inconsistent provisions under the Town's municipal home rule powers, pursuant to Municipal Home Rule Law §10(1)(ii)(d)(3); §10(1)(ii)(a)(14) and §22 to supersede any inconsistent authority.

6. This Local Law shall take effect immediately upon filing with the Secretary of State.