

MASS GATHERINGS

LOCAL LAW NO.3 OF THE YEAR 1981

A Local Law Regulating the Assembly of Persons Within the Town of Kirkwood

Adopted June 2, 1981

Be it enacted by the Town Board of the Town of Kirkwood 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 within the Town of Kirkwood.

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 3,000 people or more.**
- b. Permit-issuing official shall mean, except as otherwise provided in this law, the Town Clerk of the Town of Kirkwood.
- 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, dish-washing 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 garbage, rubbish, ashes, incinerator residue, street cleanup, dead animals, offal and solid commercial waste.

SECTION 3. Application: The requirements of this local law shall apply to any mass gathering of 3,000 people or more, except:

- a. Functions sponsored by the Windsor and/or Susquehanna Valley Central School District;
- b. Functions sponsored at Kirkwood River Park and/or Kirkwood Valley Park;
- c. Functions sponsored at the Broome County Sportsmen's Association facilities;
- d. Functions sponsored at the Binghamton Gun Club facilities;
- e. Functions sponsored at the Police Athletic League facilities;
- f. Sanctioned racing events at Five Mile Point Speedway

Nothing contained in this Section 3 shall authorize any person to hold a mass gathering for purposes of providing musical entertainment to the general public at the premises identified in subsections c, d, e and f of this section without securing a permit as otherwise provided in this local law.

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 Clerk of the Town of Kirkwood.
- b. Application for such permit shall be by verified petition on forms to be furnished by the Town of Kirkwood, addressed to the Town Board of the Town of Kirkwood, and shall be filed with the Town Clerk at least three (3) months prior to the date upon which such use and assembly shall occur.

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- c. A determination granting or denying permits as herein provided for shall be made within two (2) months after application therefore. No permit shall be granted unless the applicant complies with all requirements of this Local Law. Denial of the permit by the Town Board shall be in writing.
- d. 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.
- e. 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 law, 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.
- f. A permit issued for the operation of a mass gathering shall be kept on file and made available by the operator on request.

SECTION 5. Water:

- a. Every existing and proposed water supply serving a mass gathering shall conform to all applicable requirements of Part 5 of the State's Sanitary Code, and, in addition, shall meet the following requirements:
 - 1. Drinking water shall be of a quality satisfactory to the permit-issuing official. Such determination of quality shall be made by the permit-issuing official with the advice and consent of the County Health Department.
 - 2. There shall be no physical connection between a pipe carrying drinking water and a non-potable water supply. A fixture, installation or equipment from which back siphonage may occur, shall not be supplied water from a pipe carrying drinking water.
 - 3. A common drinking utensil shall not be provided. Drinking fountains shall be of approved sanitary design and construction.
 - 4. Any interruption in treatment of a drinking water supply shall be reported immediately to the permit-issuing official. No change in the source or method of treatment of the drinking water supply shall be made without first notifying and securing the approval of the permit-issuing official.

SECTION 6. Hand washing Facilities: Suitable and adequate facilities shall be provided, convenient to the toilets and food handling facilities.

SECTION 7. Contents of Application: All applications for a permit to conduct a mass gathering shall include 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, etc.; and whether the applicant has ever been convicted of a felony or misdemeanor. If the applicant is a partnership, state the name, age, residence, mailing address and telephone number of each partner; and if a corporation, the names and addresses of all corporate officers and directors, together with a certified copy of the articles of incorporation and a list of the names and addresses of all persons directly in charge of the activity.
- b. The location and survey 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

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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.

c. The date or dates and the hours during which the activity is to be conducted and the total time period of such activity.

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 facilities to the site to fully serve all reasonably anticipated requirements at a rate of no less than 20,000 persons, or the sum of the number of acres included in such non contiguous parking area multiplied by 120 (whichever is less), per hour; including a statement from the Broome County Sheriff certifying that the traffic control plan within Broome County is satisfactory, and the New York State Police certifying that the traffic control plan outside Broome County is satisfactory.

3. An outline map of the area to be used, to an appropriate scale, showing the location of all toilets and hand washing facilities, all water supply sources (lakes, ponds, streams, wells, storage tanks, etc.), all 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, which shall be determined by providing a net assembly area of at least 50 square feet per person in addition to providing at least 50 square feet per person in a separate camping area for 50 percent of the population.

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 hand washing facilities, sewage disposal, roads, food service equipment and refuse handling facilities, 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.

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 the 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.

10. A detailed plan for emergency situations, including:

(i) food supplies;

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- (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 State Department of Health personnel or the permit-issuing official and his lawful representatives, or both, consisting of a minimum of one building or trailer equipped with a communication system satisfactory to the permit-issuing official.

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 nor 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 96 hours before commencement of the mass gathering.

15. 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.

e. The location and construction of toilet and hand washing facilities designed to serve fully and reasonably anticipated requirements at a rate of no more than 100 persons per toilet seat and 750 persons per hand washing facility, 50 percent of the male toilets to be urinals, and plans for construction and reports, including copies of all rental and service contracts, 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.

g. Detailed plans for internal storage and collection of refuse, including provisions for disposal and cleaning the property and immediate surrounding properties 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 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.

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 neighboring homes within 500 feet of the perimeter of the site.

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SECTION 8. Public Liability and Property Damage Insurance: No permit shall be issued unless the applicant shall furnish the Town of Kirkwood with a comprehensive liability insurance policy insuring the Town of Kirkwood against liability for damage to person or property with limits of not less than \$1,000,000/\$5,000,000 for bodily damage, to save the Town of Kirkwood 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 cancelled without ten (10) days prior written notice to the Town of Kirkwood and which shall be in effect during the entire period of the mass gathering. Failure to keep such policy in effect will result in automatic revocation of the permit without hearing.

SECTION 9. Proof of Financial Resources: The applicant shall submit a statement of financial resources, prepared by a certified public accountant, showing finances sufficient to execute the plans as submitted.

SECTION 10. Additional Duties of a Permittee for a Mass Gathering:

L 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.

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

e. 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.

f. The permittee shall provide the services and facilities outlined in the permit application and approved by the permit-issuing official.

g. The permittee shall provide such emergency health-care services and facilities as may be required under applicable provisions of the State Sanitary Code.

h. Each permittee will notify the Broome County Health Department of any proposed mass gathering and will submit to a pre-operational inspection by the Broome County Health Commissioner.

i. 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.

j. Satisfactory arrangements shall be made to assure adequate medical and nursing supervision and care at the site of any mass gathering.

k. The person to whom a permit to operate or hold a mass gathering has been issued 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 or available to the property during reasonable hours of the day while the property is occupied or open for occupancy.

l. 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 representative to enter the premises at any reasonable time to ascertain compliance with this local law.

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- m. A maintenance staff of one maintenance employee for every 400 persons in attendance at any mass gathering shall be provided to assure proper operation of all facilities.
- n. No permittee will sell, or offer for sale, nor allow any other person to sell, or offer for sale, any alcoholic beverage other than beer upon the premises designated in the permit application during the time period delineated for such mass gathering.
- o. Each permittee shall provide for the removal of any temporary structures erected for use during such mass gathering within 48 hours 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.
- p. No permittee will allow any person to possess any firearm on the premises of such mass gathering other than a policeman or peace officer otherwise authorized to possess firearms.

SECTION 11. Fees: Each application shall be accompanied by a fee in the amount of Five Hundred Dollars (\$500.00) payable at the time of its submission. A fee shall be compensation to the Town of Kirkwood for its examination and processing of such application and shall not be refundable in whole or in part.

SECTION 12. Enforcement and Penalties:

- a. Any person who shall use, allow, let or permit to be used property for a mass assembly as defined herein or any person who shall promote or advertise such mass assembly 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 \$500, nor less than \$100, or imprisonment not to exceed one year, or both.
- c. In addition to the above provided penalties, the Town of Kirkwood may maintain an action or proceeding in the name of the Town of Kirkwood in a Court of competent jurisdiction to compel compliance with or to restrain by injunction, the violation of this Local Law.

SECTION 13. 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 14. Effective Date:

This Local Law shall become effective immediately.

SECTION 15. 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 Section 7-1.40 through 7-1.44 of Chapter 1 of the New York State Sanitary Code.