

TOWN OF LAFAYETTE
PUBLIC ASSEMBLIES LOCAL LAW
(Amended May 12, 2003)

Be it enacted by the Town Board of the Town of LaFayette as follows:

ARTICLE 1. Purposes and Definitions.

SECTION 1.1. Purpose.

In order to preserve the public peace and good order, to prevent riots and tumultuous assemblages, unreasonably loud or disturbing noises, disorderly, noisy, riotous or tumultuous conduct and to promote the health, safety, morals and general welfare of the community consonant with the rights of its citizens and inhabitants and others to peacefully assemble, this Local Law is enacted.

SECTION 1.2 Assembly of Persons for Temporary Outdoor Entertainment.

This Local Law shall regulate the assembly of persons at temporary outdoor public gatherings for the furnishing of entertainment or the amplification of music through electronic means whether recorded or live where two hundred fifty (250) or more persons are expected to congregate. **(Amended 5/12/03 Local Law 5-2003)**

SECTION 1.3 Definitions.

Unless otherwise expressly stated the following terms shall, for the purposes of this Local Law, have the meanings herein indicated:

1. "Assembly" shall mean the gathering, collecting or congregating of persons with or without the levy of an admission fee.
2. "Building" shall mean a structure wholly or partially enclosed within exterior walls and a roof, of permanent or temporary nature, affording shelter to persons, animals or property.
3. "Public place" shall mean a place to which the public or a substantial group of persons are invited or has access.

4. "Structure" shall mean a combination of materials to form a construction that is safe and stable and includes among other things, stadiums, stages, platforms, radio towers, sheds, storage bins, tents, billboards and display signs.
5. "Temporary outdoor entertainment" shall mean the furnishing of entertainment for a period of thirty (30) days or less where the persons assembled are not contained in an enclosed structure or building.

ARTICLE II. Permits

SECTION 2.1 Written Permit Required.

No person shall use, allow, let or permit to be used, property for the assembly of more than 250 persons for temporary outdoor entertainment unless a written permit shall first have been issued for such assembly by the Town Board. Town parks and other Town-owned property shall be exempt from this Local Law. **(Amended 1/27/2003 Local Law 1-2003).**

SECTION 2.2 Application to be Filed Thirty (30) Days Prior to Assembly.

Application for such permit shall be by verified petition, on a form provided by the Town, addressed to the Town Board and shall be filed with the office of the Town Clerk at least thirty (30) days prior to the date of the proposed assembly, unless such (30) day period is waived by the Town Board. **(Amended 1/27/2003 Local Law 1-2003).**

SECTION 2.3 Information and Material to be Submitted With Application.

Such application shall include the following written 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 five (5%) per cent or more of the number of shares outstanding of each class of stock; if the applicant does not reside in the County of Onondaga, the name and address of an agent who shall be a natural person and

shall reside or have a place of business in the County of Onondaga and who shall be authorized to and shall agree by verified statement to accept notices or summons issued with respect to violations of any law, ordinances, rules or regulations.

- B. A statement containing the name and address of the record owner of the subject property or properties and the nature and interest of the applicant therein; the proposed dates and hours of such assembly; 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; and the purpose of the function, including the nature of the activities to be carried on and the admission fee to be charged, if any.
- C. A map showing the size of the property; the zoning district in which it is located; the streets or highways abutting said property the size and location of any existing building, buildings, or structures or of any proposed building, buildings, or structures to be erected for the purpose of the assembly.
- D. A plan or drawing showing the method to be used for the disposal of sanitary sewage.
- E. A plan or drawing showing the method to be used for the supply, storage and distribution of water.
- F. A plan or drawing showing the layout of any parking area for automobiles and other vehicles and the means of ingress and egress to such parking area. Such parking area shall provide one parking space for every four (4) persons in attendance.
- G. A statement specifying the method of disposing of any garbage, trash, rubbish or other refuse arising therefrom.

- H. If a person, other than the person applying for the permit will be engaged in the sale and distribution of food and beverage, the name and address of such person shall be submitted.
- I. A statement specifying whether any private security guards or police will be engaged, and, if so, the number thereof, and the duties to be performed by such persons.
- J. A statement specifying the precautions to be utilized for fire protection, and a map specifying the location of fire lanes and water supply for fire control.
- K. A statement specifying the facilities to be available for emergency treatment of any person who might require immediate medical or nursing attention.
- L. A statement specifying whether any camping or housing facilities are to be available and, if so, a plan showing the intended number and location of the same.
- M. A statement that no soot, cinders, smoke, noxious acids, fumes, gases or unusual odors or loud or excessive noises shall be permitted to unreasonably emanate beyond the property line of the assembly.

SECTION 2.4 Conditions for Granting a Permit.

- A. No permit shall be issued unless the permittee shall furnish the Town with written authorization to permit the Town or its lawful agents to go upon the subject property for the purpose of inspecting the same, providing adequate police and fire protection and protecting persons and property from danger.
- B. No permit shall be issued unless the applicant shall furnish the Town with a comprehensive liability insurance policy, issued by a company duly licensed by the State of New York, insuring the applicant 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 \$100,000.00 for property damage, which said policy shall

name the Town as an additional insured, and shall be non-cancelable without prior written notice to the Town.

- C. The Town may issue a permit upon such other conditions as the Town may reasonably impose to insure compliance with this law and for the general protections of the health, safety and welfare of the persons and property in the Town, including but not limited to:
 - (a) setting the hours which the assembly may take place;
 - (b) precluding or restricting the sale and consumption of alcohol;
 - (c) precluding or restricting camping on the premises;
 - (d) establishing required levels of security and/or traffic control; and/or
 - (e) establishing maximum sound decibel levels for the assembly. (**Amended 1/272003 Local Law 1-2003**).

SECTION 2.5 Denial, Restrictions, and Expiration of Permit.

- A. The Town may deny the issuance of a permit if it shall find that any of the items as set forth in Section 2.3 of this Local Law are insufficient to properly safeguard the safety, health, welfare and well-being of persons or property. The denial shall be in writing and shall set forth the reason therefore. In no event shall the Town withhold its written approval or denial of a permit for a period in excess of ten (10) days after a full submission to it by an applicant, except by an extension in writing given by the applicant.
- B. If a permit is granted by the Town, such permit shall set forth the maximum number of persons to be permitted to attend the event. The Town, in determining such maximum limit, shall take into consideration the capacity of the site, the facilities to be available, and the availability of public highway, 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 limitations in all advertising.

- C. Each permit shall expire thirty (30) days from the effective date thereof or on such other date as may be provided by the Town Board. **(Amended 1/27/2003 Local Law 1-2003).**

SECTION 2.6 Modification of Rescission of Permit.

If after a permit is issued, the Town Board determines that any of the representations and/or statements contained in the application or any of the conditions of the permit have not been complied with, the Town Board may serve upon the permittee's agent for the service of process as appointed pursuant to Subdivision A of Section 2.3 hereof a two (2) day notice of hearing specifying the manner in which the permittee has not complied with the terms of its permit, and at which hearing the Town Board, for good cause, may modify or rescind such permit, absolutely or upon conditions.

SECTION 2.7 Fee.

The applicant shall pay to the Town at the time the application is submitted a nonrefundable fee as set from time to time by the town Board and kept on file in the Town Clerk's Office. The Town Board in its discretion may waive the payment of the fee for good cause shown. **(Amended 1/27/2003 Local Law 1-2003).**

ARTICLE III. Enforcement and Penalties.

SECTION 3.1 Penalties.

- A. Any person who shall use, allow, let or permit to be used property for the assembly of persons in excess of two hundred fifty (250) for temporary outdoor entertainment or any person who shall cause the gathering, collecting or congregating of persons in excess of two hundred fifty (250) in public places for temporary outdoor entertainment without having a written permit in accordance with the provisions of this Local Law, shall be guilty of a violation of this Local Law. **(Amended 5/12/03 Local Law 5-2003)**
- B. A violation of any of the provisions of this Local Law shall be a misdemeanor, and shall be punishable as hereinafter provided.
- C. A separate offense against this Local Law shall be deemed committed on each day during or on which a violation occurred or continues. A separate penalty may be imposed for each separate offense.
- D. For each violation of this Local Law, the person or entity violating the same shall be subject to a fine of not more than one thousand (\$1,000.00) dollars or imprisonment not to exceed one (1) year, or

both. **(Amended 1/27/2003 Local Law 1-2003).**