

Chapter 30**Assemblies, Public¹****§ 30-1. Purpose.****§ 30-2. Definitions and word usage.****§ 30-3. Permits.****§ 30-4. Fees.****§ 30-5. Enforcement; penalties for offenses.****§ 30-6. Severability.****§ 30-7. When Effective.**

[History: Adopted by the Town Board of the Town of Windsor 8-5-70.²; Amended 4-2-97 LL No.1-1997, Amendments noted where applicable.]

§ 30-1. Purpose.

The Town Board, in order to promote proper government and ensure the proper protection, order, conduct, safety, health, welfare and well-being of persons and property within the Town of Windsor, Broome County, New York, finds that it is in the public interest to enact this chapter pursuant to the provisions of § 130, Subdivisions 11, 15 and 19, of the Town Law of the State of New York. This chapter shall regulate the assembly of persons where such assembly exceeds two thousand five hundred (2,500) persons at any place within the Town of Windsor, Broome County, New York.

§ 30-2. Definitions.

- A. Words used in the present tense include the future; the singular number includes the plural; and the masculine shall include the feminine. "Shall" is mandatory, and "May"

¹ Amended 4-2-97, LL No. 1-1997

² Editor's Note: Adopted as Chapter 19 of the 1972 Code of the Town of Windsor.

is permissive.

B. Unless otherwise expressly stated, the following terms shall, for the purpose of this chapter, have the meanings herein indicated:

Assembly - The gathering or collecting or congregating of persons at any place within the Town, with or without levy of admission fee, for a common purpose, such as, but not limited to, sports events, circuses, carnivals, festivals, music festivals, religious observances.

Building - A structure wholly or partially enclosed with exterior walls and a roof, of permanent or temporary nature, affording shelter to persons, animals, or property.

Person - Any individual firm, company, association, society, corporation or group.

SEQR – State Environmental Quality Review Act.

Structure - A combination of materials to form a construction that is safe and stable, and includes, among other things, stadiums, stages, prop forms, radio towers, sheds, storage bins, tents, billboards, space signs, bleachers, ramps, and seats.

Structure, Permanent – Shall be regarded as a structure that is required to meet the New York State Building Codes.

Structure, Temporary – Shall be regarded as a structure that is required to be inspected by and approved by the Town of Windsor Code Enforcement Officer.

§ 30-3. Permits.

A. An informational meeting may be required by the Town Board, at its discretion, prior to the submission of an application for a permit.

B. No person shall use, allow, let or permit to be used property for the assembly of persons in excess of two thousand five hundred (2,500) persons, nor shall any person use, allow, let or permit to be used property for any part or portion of such assembly of persons which total assembly in the aggregate is in excess of two thousand five hundred (2,500) persons, unless upon written permit authorizing such use and assembly issued by the Town Board through the Town Clerk.

C. Application for such permit shall be by verified petition to the Town Board and filed with the Town Clerk at least fifteen(15) days prior to the next regularly scheduled Town Board meeting, to permit the Town Board to advertise for a Public Hearing scheduled for the following regular meeting. The Town Board shall act upon the application within thirty(30) days after the Public Hearing. Such application shall include the following written statements:

(1.) A statement of the name, age, and residence address of the applicant; if the applicant is a corporation, the name of the corporation and the names and addresses of its directors and officers; if the applicant does not reside within the Town of Windsor, the name and address of an agent who shall be the natural person and who shall reside in or have a place of business in the County of Broome and who shall be authorized by appointment and shall have agreed by verified written statement to accept notices or summonses issued with respect to the application, the conduct of the assembly or use in any manner involving it arising out of the application, construction or application of this chapter.

(2.) A statement containing the Owners' names, addresses, tax map number of the properties, and a copy of the deeds where the assembly and use shall occur and the nature and interest of the applicant therein; the proposed dates and hours of such assembly and use; the expected maximum number of persons intended to use the property at one(1) time and collectively; the expected number of motor vehicles intended to be used at the property at one(1) time and collectively; and the purpose of the assembly and use, including the nature of the activity to be carried on and the admission fee to be charged, if any.

(3.) A Certified copy of a survey map by a licensed land surveyor or licensed public engineer showing the size of the property; the zoning district, (if any) in which it is located; the names and recorded owners of the adjoining properties; the streets or highways abutting the said property; the size and location of any existing building, buildings or structures to be erected for the purpose of the assembly and use; and the method, construction and materials to be used in any new building or structure.

(4.) A State Environmental Quality Review must be undertaken, as required by law.

(5.) A plan or drawing to scale prepared by a licensed public engineer or licensed land surveyor showing the method and manner in which:

(a) Sanitary facilities are to be provided for the disposal of human waste, garbage and other debris.

- (b) The method and manner in which water will be supplied, stored and distributed to those people attending.
 - (c) A plan drawn to scale showing the layout of any parking area for motor vehicles, including the means of egress and ingress to such parking area.
- (6.) A statement containing the type, number and location of any radar device, sound amplifier or loudspeaker or sound truck, or other similar sound equipment.
- (7.) A statement specifying whether food or beverage is intended to be prepared, served or distributed. If food or beverages are intended to be prepared, sold or distributed, a statement specifying the method of preparation and distribution of such food or beverage and the method of disposing of garbage, trash, rubbish or any other refuse arising therefrom. If food or beverage is to be prepared, sold or distributed, a plan or drawing to scale must be attached to the application showing the buildings or other structure from which the food or beverages shall be prepared, sold or distributed.
- (8.) A statement specifying whether any private security guard, guards, or police, will be engaged and, if so, the numbers and duties to be performed by such persons, including the hours to be worked and areas of responsibility. Attached shall be a letter of commitment or certification from the security agency.
- (9.) A statement specifying the precautions to be utilized for fire protection, including a plan or drawing to scale specifying the location of fire lanes and water supply for fire control.
- (10.) A statement specifying whether any outdoor lights or signs are to be utilized and, if so, a map showing the number, location, size, type and illuminating power of such lights and signs.
- (11.) A statement specifying the facilities to be available for emergency treatment of any person who may require medical or nursing attention.
- (12.) A statement specifying whether any camping or housing facilities are to be available and, if so, a plan drawn to scale showing the intended number and location of the same.
- (13.) A statement specifying the contemplated duration of the assembly and use.

(14.) If the assembly and use are to continue from one day into another, a statement specifying the camping or housing facilities available or to be made available on the premises.

D. No permit shall be issued unless it is clearly shown that all of the following are provided for and approved in writing by the Broome County Health Department and the Town Board of the Town of Windsor.

(1.) Drinking water adequate in quantity and quality satisfactory to the permit-issuing official. Drinking water shall be readily available to all persons attending the assembly or use. Drinking water shall be so delivered or piped as to be easily accessible. Any well or spring used as a source of drinking water and the structure used for the storage of drinking water shall be constructed and located as to protect the contents against pollution. A pipe or pump delivering the drinking water shall be located so as to protect the contents against ground or surface water pollution and shall be of the type and installation acceptable to permit-issuing officials. There shall be no physical connection between a pipe carrying drinking water and pipe carrying water not of a quality satisfactory to the permit-issuing authority. A fixture, installation or equipment from which back-siphonage may occur shall not be utilized. Water from a pipe carrying drinking water shall be buried to a sufficient depth below the surface of the ground to prevent their damage or destruction. A common drinking container shall not be provided or allowed to be used. Any drinking fountain shall be of approved sanitary design and construction. Where a water treatment process is employed, an accurate and complete report of the process and source, or in the method of treatment of a drinking-water supply, shall be made without first notifying the permit-issuing official and securing his written approval to do so.

(2.) Toilet facilities adequate for the capacity of the assembly or use. These facilities shall be so constructed and maintained that they will not be offensive or dangerous to public health. Toilet facilities for groups of people consisting of both sexes shall be so arranged that the facilities shall be separate for each sex. No privy shall be so located or constructed that it will, by leakage or seepage, possibly pollute a water supply, surface water or adjacent ground surface, and it shall be constructed in accordance with the requirements of the State Department of Health and shall be maintained so that it will not permit access of flies to the privy vault.

(3.) Adequate facilities for the satisfactory disposal or treatment and disposal of sewage shall be maintained. Such facilities shall meet with the standards and requirements of the New York State Department of Health and the Broome County Health Department.

(4.) Adequate facilities and arrangements for safe, clean disposal of solid waste, garbage and trash.

(5.) An adequate supply of food, including provisions for sanitary storage, handling and protection of food and beverages until served or used. A showing must be made that where food is to be prepared or consumed that there are facilities for washing, disinfecting and storing dishes and food utensils.

(6.) Adequate off-street and off-road facilities for the contemplated number of people attending the assembly or use. Parking space shall be provided for at least one (1) car for every (4) persons in attendance.

(7.) Adequate camping and housing facilities for the contemplated number of people in attendance, if it is contemplated that the assembly or use shall extend from one day to another.

(8.) An adequate number of access roads to and from the site of the assembly or use.

(9.) Adequate medical facilities, including a first-aid station. It must be shown that a least one(1) doctor shall be in attendance at all times and that at least four (4) registered nurses for each two thousand five hundred (2,500) people in attendance will be on duty at all times.

(10.) Adequate fire-protection arrangements for buildings.

E. No permit shall be issued unless the owner and his tenant or lessee, if any, shall furnish the Town with written authorization to permit the Town or its lawful agents to go upon the property at any time for the purpose of inspecting the same, the facilities provided thereon, and the cleaning of the premises after the termination of the assembly. Nothing herein shall be construed so as to require the Town to enter or clean the premises.

F. No permit shall be issued unless the applicant shall furnish the Town with a comprehensive liability insurance policy insuring the Town against liability for damage to person or property with limits of not less than One million/Two million dollars(\$1,000,00.00/\$2,000,000.00) for bodily injury or death, and limits of not less than One million dollars(\$1,000,000.00) for property damage sufficient to save the Town harmless from any liability or cause of action which might arise by reason of the granting of the permit and not cancelable without ten (10) days' prior written notice to the Town.

G. Within five (5) days from the date of the termination of the assembly, trash, papers, garbage, and other waste material shall be completely removed from the premises in a safe, clean and sanitary manner. A performance bond or irrevocable letter of credit in the amount of Seventy-five thousand dollars(\$75,000.00) shall be filed with the Town Clerk at the time of application.

H. Any permit issued may be revoked by the Town Board through its clerk if at any time it should be determined that the applicant has failed to provide the facilities as specified in the application or that the setting up of the requirements provided for in the application cannot be reasonably accomplished within the time or date set for the assembly or use.

§ 30-4. Fees

A. Each application for a Public Assembly permit, up to a maximum of Seventy-two(72) consecutive hours shall be accompanied by a non-refundable fee in the amount of Five hundred dollars (\$500.) at the time of its submission. The application can be extended for up to Four(4) additional consecutive days at the discretion of the Town Board at an additional charge of One hundred dollars(\$100.00) per day.

B. The Town Board may assess any additional professional service cost to the applicant including but not limited to engineering, legal or testing fees which may be required to process, investigate, inspect or enforce any provisions of this chapter.

§ 30-5. Enforcement; penalties for offenses.

A. Any person who shall use, allow, let or permit to be used property for the assembly of persons in the excess of Two thousand five hundred (2,500) or shall use, allow, let or permit to be used property for any part or portion of such assembly which total assembly in the aggregate is in excess of Two thousand five hundred(2,500) persons, or any person who shall cause the gathering, collecting or congregating of persons in excess of two thousand five (2,500) at any place within the town without first obtaining a written permit in accordance with the provisions of this chapter, shall be deemed to have violated this chapter and committed a misdemeanor against the chapter and shall be liable for the penalties provided.

B. For each violation of the provisions of this chapter the person violating the same shall be subject to a fine of not more than One thousand dollars (\$1,000.00) nor less than One hundred dollars (\$100.00) or imprisonment not to exceed one (1) year, or to both such fine and imprisonment.

C. In addition to the above-provided penalties, the Town Board may maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of such chapter, as well as any additional act or proceedings as are permissible by law.

§ 30-6. Severability.

Should any section or provision of this chapter be decided by any court to be unconstitutional or invalid, such decision shall not affect the validity of the chapter as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

§ 30-7. When effective.

This chapter shall become effective immediately after (10) days from date of publication and posting provided by statute.

PUBLIC ASSEMBLY PERMIT APPLICATION
This application is made pursuant to the Town Code of the
Town of Windsor, Chapter 30.

I. Applicant Information

- A. Name of Petitioner

- B. Legal Residence

- C. If corporation is petitioner, provide
 - 1.) Certificate of good standing
 - 2.) Address of corporation
 - 3.) Names/addresses of directors and officers.
 - 4.) Copy of deed, tax map number and landowner(s)' name(s)', legal address.

II. Local Authorized Agent

- A. Name

- B. Address

- C. Address for service of notice or process

- D. Signature of local agent authorizing service of notice or process

III. Land-Owner Information

- A. Name(s)

- B. Addresses

- C. (I) (We) (Corporate name) certify that we are the title owners of record of the premises which are the subject of this application and authorize this application for said premises.

- D. Evidence of ownership, attach certified copy of deed or indenture of title.

IV. Description of us.

- A. Times/date(s) to be covered by application(note, each assembly must have a separate permit).

_____.

_____.

_____.

B. Description of assembly purpose/use, nature of authority.

C. Number of persons attending. _____.

D. Number of Motor Vehicles expected. _____.

E. Fees to be charged for attendance. _____.

V. Premises Information.

A. Tax map number _____.

B. Address for location of event. _____.

C. Number of acres to be used. _____.

D. Zoning of premises. _____.

E. Names/addresses of adjoining land-owners.

F. List streets, highways abutting premises.

G. Attach site plan including location of buildings/structures on premises, or to be erected, with construction plans for buildings/structures to be erected.

H. Attach any other data applicable, as called for in the Public Assembly Ordinance.

VI. Required use specifications (must be attached)

- A. Plan/drawing for sanitary facilities and water pursuant to § 30-3(C) (5)
- B. Parking plan pursuant to § 30-3(D) (6) (7) (8)
- C. Radar, sound, loudspeaker statement pursuant to 30-3 (C) (6)
- D. Food beverage statement pursuant to § 30-3(C) (7)
- E. Garbage, trash, rubbish statement pursuant to § 30-3(C) (7)
- F. Security statement pursuant to § 30-3(C) (8)
- G. Fire protection statement plan, drawing pursuant to § 30-3(C) (9)
- H. Outdoor light statement pursuant to § 30-3B (10)
- I. Medical/health/emergency treatment statement pursuant to § 30-3(C) (10)
- J. Camping, housing facilities statement/plan pursuant to § 30-3(C) (12), (13), (14) and whether overnight camping or lodging is to be permitted

VII. Health Requirements (must be attached)

- A. Attach Broome County Board of Health that drinking water, safe and adequate an amount are provided pursuant to § 30-3(D) (1) and all applicable laws.
- B. Attach plan for toilet facilities, showing compliance with § 30-3(D) (2) (3) and certificates of compliance by New York State Department of Health and Broome County Health Department of all applicable laws.
- C. Attach plan for solid waste disposal and approval therefore by Broome County Waste Management and Department of Health § 30-3(D) (4)
- D. Plan for food service with pursuant to § 30-3(D) (5) and approval thereof by Broome County Health Department

VIII. Public safety requirements (must be attached)

- A. Parking plan pursuant to 30-3(D) (6) with drawing showing location and dimensions of all parking
- B. Camping housing plan for overnight assemblies with Broome County Health Department approval in writing § 30-3(C) (12)
- C. Description of effect on local road use and traffic impact on abutting and access roads
- D. Proof of compliance with § 30-3(D) (9) regarding medical treatment
- E. Proof of adequate fire-protection pursuant to § 30-3(C) (9)
- F. Plan for police and private security and traffic control § 30-3(C) (8)
- G. State whether alcohol will be served or permitted and plan for alcohol/controlled substance use control.

IX. Town Right to Enter

Attach written permission of owner and petitioner and any tenants pursuant to § 30-3(E)

X. Insurance

Attach written proof of paid policy having Town of Windsor as additional named insured pursuant to § 30-3(F)

XI. Performance Bond

Attach a performance bond or irrevocable letter of credit, to insure compliance with § 30-3(G), in the amount of \$75,000.

XII. Fee--Attach a money-order payable to the Town of Windsor, In the amount of \$500.00, non-refundable Fee, dated _____ day of _____.

