

Chapter 51

ASSEMBLIES, PUBLIC

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[HISTORY: Adopted by the Town Board of the Town of Patterson 7-11-73. (readopted 4-13-2005 by L.L. No. 9-2005) Amendments noted where applicable.]

GENERAL REFERENCES

Bingo - See Ch. 55.

Entertainment - See Ch. 84

Games of chance - See Ch. 94.

Noise - See Ch. 109.

Trespassing - See Ch. 145

§ 51-1. 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 Patterson, Putnam County, New York, finds that it is in the public interest to enact this chapter pursuant to the Municipal Home Rule Law of the State of New York. This chapter shall regulate the assembly of persons where such assembly of persons exceeds five hundred (500) persons at any place within the Town of Patterson, Putnam County, New York.

§ 51-2. Definitions.

A. Definitions. 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 the levy of an 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.

MAY - Is permissive

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

SHALL - Is mandatory.

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

B. Word usage. Words used in the present tense include the future; the singular number includes the plural, and the masculine shall include the feminine.

§ 51-3. Permit required; application; necessary information; conditions.

A. No person shall use, allow, let or permit to be used property for the assembly of persons in excess of five hundred (500), 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 five hundred (500) persons, unless upon written permit authorizing such use and assembly, issued by the Town Board through its Clerk.

B. Application for such permit shall be by verified petition on forms to be furnished by the

town, addressed to the Town Board and filed with the Town Clerk at least sixty (60) days prior to the date upon which such use and assembly shall occur. The Town Board shall act upon the application within thirty (30) days after its submission, after a public hearing pursuant to notice published at least once in the official newspaper ten (10) days prior to such hearing. The application shall include the following information:

(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 Patterson, the name and address of an agent, who shall be a natural person and who shall reside in or have a place of business in the County of Putnam, and who shall be authorized to and shall agree by verified 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, or the construction or application of this chapter.

(2) A statement containing the name and address of the record owner of the property 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 time and collectively; the expected number of automobiles and vehicles intended to use the property at one 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 map prepared by a licensed land surveyor or licensed public engineer, showing:

- (a) The size of the property.
- (b) The zoning district (if any) in which the property is located.
- (c) The names and record owners of the adjoining properties.
- (d) The streets or highways abutting the said property.
- (e) The size and location of any existing building and of any buildings or structures to be erected for the purpose of the assembly and use.
- (f) The method, construction and materials to be used in any new building or structure.

(4) 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 disposal of human waste, garbage and other debris.

- (b) Water is to be supplied, stored and distributed to those people attending.
- (5) A plan, drawn to scale, showing the layout of any parking area for motor vehicles, including the means of egress from and ingress to such parking area.
- (6) A statement containing the type, number and location of any radar device, sound amplifier or loudspeaker, 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 and distributed, a plan or drawing, to scale, must be attached to the application, showing the buildings or other structures from which the food or beverages shall be prepared, sold or distributed.
- (8) A statement specifying whether any private security guards or police will be engaged, and, if so, the number of such persons and duties to be performed by such persons, including the hours to be worked and areas of responsibility.
- (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 housing facilities available or to be made available on the premises.
- (15) A statement of the maximum noise decibels contemplated by the assembly at the site of nearest adjoining or contiguous property.

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

(1) Drinking water adequate in quantity and quality satisfactory to the permit-issuing official.

- (a) Drinking water shall be readily available to all persons attending the assembly or use.
- (b) Only drinking water shall be so delivered or piped as to be easily accessible.
- (c) A well or spring used as a source of drinking water and the structure used for the storage of drinking water shall be so constructed and located as to protect the contents against pollution.
- (d) A pipe or pump delivering the drinking water shall be of the type and installation acceptable to the permit-issuing official.
- (e) There shall be no physical connection between a pipe carrying drinking water and a pipe carrying drinking water not of a quality satisfactory to the permit-issuing authority.
- (f) A fixture, installation or equipment from which back-siphonage may occur shall not be supplied water from a pipe carrying drinking water.
- (g) All pipes carrying drinking water shall be buried to a sufficient depth below the surface of the ground to prevent their damage or destruction.
- (h) A common drinking container shall not be provided or allowed to be used.
- (i) Any drinking fountain shall be of approved sanitary design and construction.
- (j) Where water treatment process is employed, an accurate and complete report of the process and operation thereof shall be maintained daily, and no change of the source or in the method or 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.

- (a) Facilities shall be so located as to be conveniently available and shall be so constructed and maintained that they will not be offensive.
- (b) Toilet facilities for groups of people consisting of both sexes shall be so arranged that the facilities shall be separate for each sex.
- (c) 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 Putnam County Health Department.

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

(5) 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, 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 the rate of at least one (1) car for every four (4) persons in attendance.

(7) Adequate 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 at least one (1) doctor will be in attendance at all times and that at least one (1) registered nurse for each five hundred (500) people in attendance will be on duty at all times.

(10) Adequate fire protection arrangements for buildings.

D. 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.

E. No permit shall be issued unless the applicant shall furnish the town with a comprehensive liability insurance policy insuring the town against liability for damages to persons or property, with limits of not less than one million dollars (\$1,000,000) for bodily injury or death, and limits of not less than two hundred fifty thousand dollars (\$250,000.) 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.

F. 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, and a bond shall be posted with the Town Clerk, in an amount fixed by the Town Board, to ensure said performance.

G. 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 facilities provided for in the application cannot be reasonably accomplished within the time or date set for the assembly or use.

§ 51-4. Fees.

Each application shall be accompanied by a fee at the time of its submission in the amount as set from time to time by resolution of the Town Board. The fee shall compensate the town for its examination and the processing of such application and shall not be refundable in whole or in part.

§ 51-5. Enforcement; penalties for offenses.

A. Any person who shall use, allow, let or permit to be used property for the assembly of persons in excess of five hundred (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 five hundred (500) persons, or any person who shall cause the gathering, collecting or congregating of persons in excess of five hundred (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 to have committed a misdemeanor against the chapter and shall be liable for the penalties provided. Any person who commits or permits any act in violation of any provisions of this chapter shall be deemed to have violated this chapter and to have 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 five hundred dollars (\$500.) nor less than one hundred dollars (\$100.) 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 this chapter.

§ 51-6. Exceptions. [Amended 10-8-1997 by L.L. No. 4-1997]

This chapter shall not apply to:

A. Persons legally conducting affairs or events on lands owned by the State of New York or any of its municipal divisions, including school district.

B. Winter recreation facilities including, skiing, snow boarding, snowmobiling, cross country skiing, sleigh rides, ice skating and winter carnivals at a skiing facility located within the Town's CR Zoning District.

C. Assemblies of less than 3,000 persons on property that has undergone site plan review (in accordance with the provisions set forth in Chapter 154, Article XIII), for the gathering in question.