

## Chapter 10

### ASSEMBLIES, PUBLIC

**[HISTORY: Adopted by the Town Board of the Town of Benton 9-14-1987 by L.L. No. 2-1987. Amendments noted where applicable.]**

#### **§ 10-1. Legislative intent and purpose.**

The Town Board of the Town of Benton, Yates County, New York, is concerned with the effect that large assemblies or gatherings of persons shall have on the health, safety, public peace, good order and welfare of the residents of the Town of Benton and other persons within the Town of Benton. The concentration of large groups of persons for assemblies or gatherings may create problems and demands beyond the existing municipal services and facilities available for police and fire protection, the free flow of traffic, the sanitary conditions, noise and damage to person and property. The Town Board is also concerned with the adequate provision of sanitation, water supply, food services, garbage and refuse collection and disposal, medical and ambulance service, traffic control, parking facilities, communications systems, policing in general and all factors which are of concern to protecting the health, safety and welfare of the town.

#### **§ 10-2. Permit required.**

- A. No person, partnership, association, joint venture, corporation, or combination thereof shall organize, promote, conduct, operate or cause to be held an assembly or gathering of persons within the Town of Benton which shall consist of 400 persons or more unless a permit has first been obtained for the operation of the gathering or assembly pursuant to this chapter. Each separate event must have a separate permit.
- B. No owner, lessee or occupant of land shall permit the use of real property within the Town of Benton for a gathering or assembly of persons consisting of 400 or more unless a permit has been obtained pursuant to this chapter.

#### **§ 10-3. Application for permit.**

A written application for a permit shall be made to the Town Board at least 90 days prior to a gathering or assembly of persons in excess of 400 in number. Such application shall be verified and be in triplicate. The application shall be accompanied by an application fee of \$25. The application shall consist of the following:

- A. Name, age, and residence of all persons or entities organizing, promoting, conducting, operating or causing to be held an assembly or gathering in excess of 400 persons. Any address utilizing a post office box must also include the actual residence or business address of the applicants.
- B. The date and time of the proposed event.

- C. A statement as to the purpose of such event and the proposed activities to occur at such gathering and admission fee to be charged.
- D. The names and addresses of the record owners of the real property on which the event is to occur, the lessees, tenants and other occupants of real property, and a statement from such persons or officers of entities that they consent to the use of the premises for these events.
- E. The number of persons reasonably believed to attend, both maximum and minimum.
- F. A scale map showing:
  - (1) The size of the property.
  - (2) The zoning district.
  - (3) The streets, highways and roads providing access to the property.
  - (4) All existing structures.
  - (5) Structures or buildings to be erected for the event.
  - (6) All parking areas.
  - (7) All means of entrance and exit to the property and the parking facilities.
  - (8) Placement of the proposed distribution system of water.
  - (9) Location of toilet facilities and other sanitation facilities.
  - (10) Location of garbage and refuse collection facilities.
  - (11) Areas for assembly of persons and/or entertainment or performance areas.
- G. A detailed statement and plan with drawings showing the supply, storage and distribution systems for drinking water. All proposed water supplies must conform to the state's sanitary code and evidence of potability of water must be submitted. A determination of the adequacy of the water supply shall be made by the Town Board with the advice and consent of the local health department official. If such consent is required, it shall be the obligation of the applicant to obtain such consent.
- H. A detailed plan and statement as to the method and location of toilet facilities and facilities for the disposal and treatment of sewage. The adequacy of such plan shall be determined by the Board with the advice and consent of the local health department official. If such advice and consent is required, it shall be the obligation of the applicant to obtain such consent.
- I. A detailed plan for water for handwashing and other purposes.
- J. A detailed plan and layout of parking facilities and methods to be used for traffic control. Parking space must be adequate size for the maximum attendance permitted under the permit. One parking space shall be provided for every three persons attending.
- K. A detailed plan, contracts, license or permits showing the facilities for the preparation, storage, sale and distribution of food and beverages; and the names and addresses of the providers of such services. Approval of the local health department official shall be

obtained by the applicant if required. No alcoholic beverages may be sold under town laws and ordinances.

- L. A detailed plan for the disposal and collection of all garbage, trash or other refuse.
- M. A statement fully describing all private security personnel who will be engaged by the applicant to serve for the event; the plan for security enforcement, including prevention of the unlawful use of alcohol, narcotics and dangerous drugs at the site; and the methods for limiting the number of attendees at the event.
- N. A detailed plan and statement specifying adequate facilities to be available for medical and ambulance service and emergency care.
- O. A detailed plan and statement showing provisions for fire protection, specifying the location of fire lanes, water supply and equipment or apparatus to be available for such purpose.
- P. A statement detailing any camping or housing facilities and the location thereof.
- Q. A detailed plan for the use of directional signs.
- R. A statement from local fire and ambulance authorities covering the area verifying that they are aware of the event and are willing to cooperate if needed.
- S. A verified authorization from the owner and occupant of the real property and from the applicants that the agents of the Town of Benton shall be authorized to enter upon the property for the purpose of determining compliance with this chapter, or any other law, ordinance, rule or regulation of the Town of Benton or the State of New York.
- T. A verified statement that the applicant will specify in all advertisements and promotional endeavors the limitation on the number of persons to be admitted.
- U. Detailed plans for amplifying equipment and other communications systems.
- V. Plan showing that the proposed activity adequately buffers all residential areas within 500 feet of the proposed activity, including but not limited to: noise, lighting and traffic.
- W. Insurance policies. The following policies must be provided prior to issuance of the permit:
  - (1) A liability policy insuring the Town of Benton, the applicant, the owners, lessees and occupants of the premises against liability for damage to person or property with limits of at least \$1,000,000/\$5,000,000 for bodily injury or death and \$1,000,000 for property damage. The policy shall contain a provision that it shall not be cancelable without 30 days' prior written notice to the town. Failure to keep such a policy in effect shall automatically revoke any permit issued.
  - (2) The applicant must also sign an indemnity agreement whereby they agree to indemnify and save harmless the Town of Benton from any and all liability costs, attorneys fees and other disbursements due to claims, causes of actions or other damages arising out of the use of the premises by the applicant.
- X. Detailed plans for removal of all temporary structures, sanitary facilities, food service facilities and refuse removal from the premises.

Y. Proof of financial resources showing finances sufficient to execute the plans submitted.

**§ 10-4. Permit issuance.**

The Town Board shall issue a permit if the requirements of § 10-3 are met and show plans which shall satisfactorily protect the public health, safety, welfare and order of the town. In making such a determination, the town may impose conditions necessary to maintain peace and order and to protect the persons and property within the town. If, for good cause shown, the town shall decide that certain requirements set forth herein are not applicable, it may waive that requirement. Written approval or denial shall be mailed to the applicant within 10 days after the Town Board meeting following submission of the application. An application must be received at least 10 days prior to a Town Board meeting to be heard at such a meeting. The Town Board may elect to have a special meeting to consider the application and such meeting shall be on notice to the applicant by mail seven days prior to the meeting.

**§ 10-5. Modification or revocation of permit.**

If, after a permit is issued, the Town Board determines that any of the representations or statements contained in the application or any of the conditions set forth in the permit have not been complied with or were false, the Town Board may serve upon the applicant by mail a notice of hearing specifying the manner in which the application or conditions were not complied with or were false, within two days prior to the hearing date. At the hearing, the Town Board may modify or revoke the permit absolutely or upon conditions for good cause shown.

**§ 10-6. Penalties for offenses.**

Any person, corporation, partnership, joint venture, or other business entity, who shall use, allow or permit to be used property for the assembly or gathering of persons in violation of this chapter shall be guilty of a misdemeanor which shall be punishable by a fine of \$100 or imprisonment not to exceed 15 days. Each day that a violation continues shall constitute a separate offense. In addition, the Town Board may institute an action or proceeding to prevent violation of this chapter and to compel compliance with this law, or seek any other remedies available under the laws of the state or laws, ordinances and rules and regulations of the town.