

**Town Of Otisco Local Law No. 6 of 2024 Imposing
Regulations on Mass Gatherings Within the Town of Otisco**

Be it enacted by the Town Board of the Town of Otisco, Onondaga County, New York, as follows:

1. LEGISLATIVE INTENT/APPLICABILITY.

A clean, wholesome, attractive and safe environment is declared to be of importance to the health, safety and welfare of the inhabitants of the Town of Otisco (sometimes hereinafter referred to as the "Town") and persons visiting the Town. The Town Board of the Town of Otisco (the "Town Board") is vested by the State of New York with authority to regulate certain activities within the Town to protect the health, safety, and welfare of its residents, those who visit the Town and the environment. The unrestrained effect of mass gatherings of individuals in the Town is a hazard to such health, safety, and welfare of the citizens of the Town and those who visit the Town necessitating the regulation and restraint thereof. This local law is intended to preserve the public peace and good order, to prevent riots and civil disorder, unreasonably loud or disturbing noises, disorderly or tumultuous conduct and to promote the health, safety, morals and general welfare of the residents of the Town of Otisco and the community harmoniously with the rights of its citizens, inhabitants and others to peacefully assemble.

2. TITLE.

This local law shall be known as the "Regulations on Mass Gatherings Local Law" and shall be referred to hereinafter as the "Local Law".

3. APPLICABILITY.

Unless specifically exempted under this Local Law, this Local Law shall regulate the assembly of 250 or more persons collectively at one time at public gatherings for the furnishing of entertainment or sport, the amplification of music or sounds through electronic means, whether recorded or live, and any other event at which 250 or more persons are expected to congregate.

4. DEFINITIONS.

Unless otherwise expressly stated, for the purposes of this Local Law, the following terms shall have the meanings ascribed to them below:

- a. **ASSEMBLY** - The gathering, collecting or congregating of 250 or more persons, with or without the levy of an admission fee.
- b. **BUILDING** – A structure wholly enclosed within exterior walls and a roof, of permanent or temporary nature, affording shelter to persons, animals or property.
- c. **PERMIT** – A written authorization or consent issued by a governmental agency having jurisdiction to specified persons or entities to allow an Assembly at a Public Place (defined below) for the purposes specified therein and which may also contain restrictions and conditions imposed in such Permit.

- d. **PERSON** – An individual or entity, including by way of example only but expressly not limited to a corporation, limited liability company, partnership, association, firm, organization or other type of entity.
- e. **PUBLIC PLACE** - A place to which the public or a substantial group of persons is invited or has access, whether owned or controlled by a government or by private persons or entities.
- f. **STRUCTURE** - A combination of materials to form a construction that is safe and stable as required by applicable laws, codes, rules and regulations and includes, by way of example only, but is expressly not limited to stadiums, stages, decks, platforms or towers utilized to transmit amplified sounds, tents, canopies, billboards and display signs.
- g. **TOWN** – The Town of Otisco, County of Onondaga, State of New York.

5. Written Permit Required; Town Property Exempt.

No person shall use, allow, let or permit to be used property for the Assembly of 250 or more persons, nor promote an Assembly, by advertising, by posting on social media or otherwise, unless a written Permit shall first have been issued for such Assembly by the Town of Otisco Town Board and/or by other governmental agencies having jurisdiction over the Assembly. Town parks and cemeteries, the Town of Otisco Town Hall, the Town of Otisco Fire Department and Town of Otisco Highway Department property shall be exempt from this requirement.

6. Filing of Application.

Application for a Permit from the Town shall be by a verified applications 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 35 days prior to the date of the proposed Assembly, unless such 35-day period is waived by the Town Board for good cause shown, in writing. Applications shall be available at the Town Clerk’s Office, 1924 Barker St., Tully (Otisco), NY 13159 during regular business hours or online on the Town’s website, Townofotisco.com

7. Information and Material to be Submitted with Application.

Such application shall include the following, in writing:

- a. A statement of the name, age and residence address of the applicant; if the applicant is an entity the official name of the entity, the names and residence addresses of the directors, officers, stockholders, members, managers, partners or other persons owning 5% or more of the number of shares of each outstanding class of stock, membership or partnership interests; if the applicant does not reside in the County of Onondaga, the name and physical address (PO boxes are not acceptable) 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, appearance tickets,

summonses or other forms of process issued with respect to violations of any laws, ordinances, rules or regulations, including this Local Law.

- b. A written statement containing:
 - (i) the street address(es) of all property(ies) where the Assembly is to occur;
 - (ii) the name and address of the record owner of the subject property or properties upon which the Assembly is proposed, the nature and interest of the applicant therein and written proof that the such owner(s) of such property consent to the holding of the Assembly or any activities incidental or ancillary to the Assembly on the property owner's property or properties;
 - (iii) the purpose of the Assembly, including the nature of the activities to be carried on and the admission fee to be charged, if any.
 - (iv) the proposed dates and hours of the conducting of such Assembly;
 - (v) the expected maximum number of persons intended to attend the Assembly collectively at one time;
 - (vi) the expected number of automobiles and other vehicles intended to use the Assembly property collectively at one time; and
 - (vii) whether the Assembly will involve the operation of any radio, phonograph, loudspeaker, public address system, amplifier or similar device, or the use of any musical instrument(s).
- c. A map showing the size of the property where the Assembly will occur, including the property boundary lines and the approximate acreage of the property, and showing the size and location of any existing Buildings or Structures or of any proposed Buildings or Structures to be erected for the purpose of conducting the Assembly.
- d. A plan or drawing showing the method to be used for the disposal of sanitary sewage including permanent or temporary bathroom facilities, sewers or septic systems.
- e. A plan or drawing showing the method to be used for the supply, storage and distribution of potable water to persons attending the Assembly.
- f. A statement specifying the method of disposing of any garbage, trash, rubbish or other refuse to be generated during such Assembly, including the removal of garbage, trash, rubbish or other refuse generated during such Assembly from public roads, streets and highways and any road, street and highway right-of-way

and that any such garbage, trash, rubbish or other refuse generated during the Assembly will be removed within 72 hours after the conclusion of the Assembly.

- g. A plan or drawing showing the layout of any parking area for automobiles and other vehicles and the means of ingress to, and egress from such parking area onto roads, streets or highways abutting said parking area. Such parking area shall provide one parking space for every four (4) persons anticipated to be in attendance and be at least 9 feet wide by 18 feet long. The number, location and size of parking places for disabled persons as are required by applicable laws, rules and regulations shall also be shown.
- h. Whether any food, beverages or any other product will be sold or otherwise be available for distribution at the Assembly and, if so, the nature of such food, beverage, substance or product and, if a person or entity, other than the person or entity applying for the Permit, will be engaged in the sale or distribution of the same, the name and address of such person shall be submitted.
 - (i) If food will be sold or will otherwise be available for distribution at the Assembly, submit with the application a copy of a currently valid license or other certificate issued by the Onondaga County Health Department permitting the sale or distribution of food products from the subject Assembly property. If no such license is currently issued, the Town reserves the right to condition any Assembly Permit on the issuance of such license or certificate and the furnishing of a copy to the Town Board.
 - (ii) If alcoholic beverages will be sold or will otherwise be available for distribution at the Assembly, submit with the application a copy of a currently valid license issued by the State of New York allowing the sale or distribution of alcoholic beverages from the subject Assembly property. If no such license is currently issued, the Town reserves the right to condition any Assembly Permit on the issuance of such license and the furnishing of a copy to the Town Board.
 - (iii) **NOTE:** Town of Otisco Local Law # 2 of 2021 prohibits allowing adult-use cannabis retail dispensaries and on-site consumption licenses being issued for any location within the Town of Otisco.
- i. A statement specifying whether any private security guards or police will be engaged for the Assembly, 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 and/or personnel to be available for emergency treatment of any person who might require immediate medical attention.
- l. A statement specifying whether any camping or temporary housing facilities are to be available and, if so, a plan showing the intended number and location of the same.

- (i) If camping or temporary housing facilities are to be available at the Assembly property, submit with the application a copy of a currently valid license or permit issued by the State of New York and/or the Onondaga County permitting camping or temporary housing facilities at the subject Assembly property. If no such license or permit is currently issued, the Town reserves the right to condition any Assembly Permit on the issuance of such license or certificate and the furnishing of a copy to the Town Board.
 - (ii) A statement that no soot, cinders, smoke, noxious acids, fumes, gases or unusual odors or loud or excessive noises shall be permitted to emanate from the Assembly property beyond the property line of the Assembly.
- m. A statement that no light on any part of the Public Place for which an Assembly Permit is being applied for shall be permitted to shine beyond the property line of the subject Public Place with an intensity sufficient to disturb the peace, health, safety or comfort of any adjacent residents or the general public. All exterior lights on the subject Public Place shall be so situated or equipped with shielding devices so that no unreasonable glow shall shine beyond the property line of the subject Public Place.

8. Conditions for Granting Permit.

- A. Prior to the submission of the application for the Assembly Permit and the Town Board Meeting to review the application, a mailing shall be sent by the applicant by first class U.S. mail by certified mail, return receipt requested, to each landowner of record within 1,000 feet of the property line of the property where the Assembly is proposed to be held. The contents of such notice shall set forth:
 - (i) A description of the type of event to be held, the dates and times of the proposed Assembly and the information to be provided in Paragraph 7, above. The notice shall also set forth the time and place of the Town Board meeting at which such application will be considered.
 - (ii) Proof of such mailing shall be provided to the Town Board prior to the Town Board meeting at which such application will be considered.
- B. No Assembly Permit shall be issued unless the permittee shall furnish the Town with written authorization to allow Town officials or its lawful agents to enter upon the subject Assembly property for the purpose of inspecting the same, to provide adequate police and fire protection and take measures for the protection of persons and property from danger or damage.
- C. No Assembly Permit shall be issued unless the applicant shall furnish the Town with a Certificate of Insurance evidencing 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 \$1 million for bodily injury or death per occurrence/ \$2 million in the

annual aggregate and with limits of not less than \$500,000 for property damage, which said policy shall name the Town and its officers and employees as additional insured, and shall contain an endorsement that the policy shall not be modified or cancelled without at least 15 days' prior written notice to the Town.

- D. If required by the Town Board as a condition of the Assembly Permit, each applicant shall deposit with the Town Clerk cash or a valid surety company bond in an amount to be determined by the Town Board as a condition of the Permit insuring that no damage will be done to any public or private property and that the applicant will not permit any litter, debris or other refuse to remain upon any public or private property after 72 hours after the termination date of the Permit, which cash shall be refunded or surety company bond canceled upon certification to the Town Board by the Town Code Enforcement Officer that all conditions of the Permit in this regard have been complied with.

The amount of such cash deposit or bond shall be established by the Town Board based upon the expected size and duration of the Assembly.

- E. The Town may issue an Assembly Permit upon such other conditions as the Town Board may in its sole discretion impose to ensure compliance with this Local Law and other applicable laws, rules, codes and regulations and for the protection of the health, safety and welfare of persons and property in the Town, including, but not limited to:

- (i) Setting the hours during which the Assembly may take place;
- (ii) Precluding or restricting the sale and consumption of alcohol;
- (iii) Precluding or restricting camping or temporary housing on the Assembly premises;
- (iv) Establishing required levels of security and/or traffic control; and/or
- (v) Establishing maximum sound levels and the restriction of audible discrete tones for the Assembly.

- F. If the Town Board shall decide upon a showing of good cause that certain conditions or requirements as herein-above set forth shall not be applicable to a particular Assembly, the Town Board may modify the foregoing requirements on a case-by-case basis.

- G. No Permit issued by the Town Board shall be transferred or assigned to any person or used by any person other than the Person to whom it was issued, nor shall such Permit be used at any other time or on any location other than the date and location stated on the Permit application.

9. Denial, Restrictions On and Expiration of Permit.

- A. The Town Board may deny the issuance of an Assembly Permit if it shall find that any of the matters stated in the application required for the Permit 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 therefor. In no event shall the Town withhold its written approval or denial of a Permit for a period in excess

of 35 days after the Town's receipt of a complete an application to the Town by an applicant, except by an extension in writing given by the applicant; provided, however, the Town may issue any Permit conditioned upon the satisfaction of any conditions deemed necessary by the Town within a specified period of time.

- B. If a Permit is granted by the Town, such Permit may 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 highways 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 and promotion of the Assembly.
- C. Each Permit issued shall be non-transferable and shall expire upon the conclusion of the Assembly for which the Permit was issued on such date and time of conclusion as stated in the Permit.

10. Fees.

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 by resolution and kept on file in the Town Clerk's Office. The Town Board, in its discretion, may modify or waive the payment of the fee for good cause shown.

11. Modification or 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 for the Permit 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 Paragraph 7 (a) of this Local Law, above, a notice of hearing before the Town Board upon at least 2 days prior notice specifying the manner in which the permittee has not complied with the terms of the Permit, at which hearing the Town Board, for good cause, may modify or rescind such Permit, either absolutely or upon conditions.

Additionally, any Permit granted hereunder may be revoked by the Town Code Enforcement Officer by issuing an order stopping the Assembly if the Town Code Enforcement Officer finds that the Assembly is in violation of the terms of the Assembly Permit, or if the Public Place for which a Permit was issued is maintained, operated or occupied in violation of any applicable Local Law or the laws, rules and regulations of the County of Onondaga or State of New York.

12. Penalties for Offenses.

- A. Any Person who shall use, allow, let or permit property to be used for the Assembly of persons in excess of 250, or any Person who shall cause the gathering, collecting or congregating of persons in excess of 250 in a Public Place without having a written Permit in accordance with the provisions of this Local Law, or any permittee who shall violate any of the terms or

conditions of a Permit issued pursuant to this Local Law, shall be guilty of a violation of this Local Law.

- B. The failure to comply with any of the provisions of this Local Law shall be a Violation, as defined under Article 10 of the NY Penal Law and, upon conviction thereof, shall be punishable by a fine of not more than Two Hundred-Fifty Dollars (\$250.00) or imprisonment for not more than 10 days, or both, for the first offense. Any subsequent failure to comply with any of the provisions of this Local Law within a 365-day period shall be an Unclassified Misdemeanor as defined by Section 80.05 of the New York State Penal Law, punishable by a fine of not more than One-Thousand-Five Hundred Dollars (\$1,500.00) or imprisonment for a period of not more than 30 days, or both. For purposes of this subparagraph B, each day that a Person fails to comply with any of the provisions of this Local Law shall constitute a separate and distinct offense.
- C. Compliance with this Local Law may also be compelled, and violations of this Local Law shall be subject to being restrained by Court Order or by other injunctive relief, without any requirement of the Town posting a bond by a Court of competent jurisdiction in an action brought on behalf of the Town of Otisco.
- D. In the event the Town is required to take legal action to enforce this Local Law, upon conviction, the violator shall be responsible for any and all necessary costs incurred by the Town in enforcing this Local Law, including the Town's reasonable attorney's fees, costs, including Court costs and expenses, and such amounts shall be determined and assessed by the Court. If such costs and expenses are not paid in full within thirty (30) days from the date they are determined and assessed by the Court, such costs and expenses shall be charged to the property(ies) within the Town on which the violation occurred, by including such costs and expenses in the next annual Town Tax Levy against such property(ies), and such costs and expenses shall be a lien upon such property(ies) until paid.
- E. If a Court determines that a violation of this Local Law results from the acts or omissions of an employee or agent of a corporation, limited liability company, partnership, association, firm, organization or other type of entity while such employee or agent is acting within the scope of such employee's or agent's employment or agency, in addition to finding such employee or agent liable for the fines, penalties and expenses of the Town in taking legal action to enforce this Local Law as provided in this paragraph 12, the Court may also find such corporation, limited liability company, partnership, association, firm, organization or other type of entity to be vicariously liable for the fines, penalties and expenses of the Town in taking legal action to enforce this Local Law as provided in this paragraph 12. Further, to the extent permitted by other applicable law, a Court may impose the imprisonment penalties set forth in subparagraph B, above, on such employee or agent and/or on one or more shareholders, members, partners or owners of a corporation, limited liability company, partnership, association, firm, organization or other type of entity found by the Court to be vicariously liable for the acts or omissions of any of its

employees or agents.

13. **AUTHORITY.** This Local Law is enacted pursuant to the provisions of the Town Law and the Municipal Home Rule Law of the State of New York.

14. **CONSTRUCION/SEVERABILITY.** This Local Law shall be liberally construed so as to effectuate the purposes described in this Local Law.

If any clause, sentence, paragraph, section, article, subdivision, provision, or part of this Local Law shall be adjudged by any Court of competent jurisdiction to be void, invalid or unenforceable, such adjudication or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operations and only apply to the clause, sentence, paragraph, section, article, subdivision, provision, or part thereof directly involved in the controversy in which such adjudication or judgment shall have been rendered or so adjudged, and the remainder of this Local Law shall remain valid and in full force and effect.

15. **EFFECTIVE DATE.** This Local Law shall become effective upon filing with the New York State Secretary of State.

Town Board of the Town of Otisco

4-8, 2024.

Be it so Ordered by the Town Board of the Town of Otisco.

[Signature]
Glenn R. Hall, Town Supervisor

[Signature]
Georgette T. Waldau, Town Clerk

STATE OF NEW YORK)
COUNTY OF ONONDAGA) ss.:

On the 8 day of April in the year 2024 before me, the undersigned, personally appeared **Glenn R. Hall**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

[Signature]
NOTARY PUBLIC
CRAIG J. BILLINSON
Notary Public in the State of New York
Qualified in Onondaga County
No. 4758216
My Commission Expires 5-31-26

STATE OF NEW YORK)
COUNTY OF ONONDAGA) ss.:

On the 8 day of April in the year 2024 before me, the undersigned, personally appeared **Georgette T. Waldau**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

[Signature]
NOTARY PUBLIC
9
CRAIG J. BILLINSON
Notary Public in the State of New York
Qualified in Onondaga County
No. 4758216
My Commission Expires June 30, 2026
5-31-26

TOWN CLERK CERTIFICATION

**STATE OF NEW YORK, COUNTY OF ONONDAGA
TOWN OF OTISCO**

I, the undersigned, **Georgette T. Waldau**, Town Clerk of the Town of Otisco, do hereby certify that the above Town of Otisco Town Board Local Law No. 6 of 2024 is a true and accurate copy of the original Town of Otisco Town Board Local Law No. 6 of 2024 dated April 8, 2024, as set forth above.



Georgette T. Waldau, Town Clerk

_____ 4-8 _____, 2024.