

LOCAL LAW NO. 2 ~ YEAR 2015

A Local Law Regulating Public Assemblies

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF WYOMING AS FOLLOWS:

SECTION 1. PURPOSE

The purpose of this Local Law is to repeal Local Law No. 11, Year 1996, entitled “A Local Law Repealing Local Law No. 14 of 1987 and Regulating Outdoor Public Musical Entertainments, Amusements and Assemblies” **and** further repeal Local Law No. 3, Year 2011, entitled “A Local Law Amending Local Law No. 11, Year 1996, entitled “A Local Law Repealing Local Law No. 14 of 1987 and Regulating Outdoor Public Musical Entertainments, Amusements and Assemblies” and to establish a new Local Law entitled “A Local Law Regulating Public Assemblies”.

SECTION 2. DEFINITIONS

a. “Application” shall mean the form, a sample of which is appended to this Local Law and as may be amended, used by the Chairman of the Board of the Wyoming County Board of Supervisors to determine the advisability of issuance of a Public Assembly Permit in light of the safety, health, welfare and well-being of persons and/or property of Wyoming County and to ensure compliance with all State and local statutes, rules, regulations and requirements and provide for review and written approval of:

1. Wyoming County Health Department.
2. Wyoming County Sheriff’s Department.
3. Wyoming County Office of Emergency Services.
4. Wyoming County Fire and Building Codes.
5. Wyoming County Insurance Agent.
6. Bureau of Pyrotechnics, if applicable.

b. “Chairman” shall mean Chairman of the Board of the Wyoming County Board of Supervisors.

c. “Permit” shall mean Public Assembly Permit.

d. “Public Assembly” shall mean a non-private gathering or event of 5,000 people or more (including all participants if a multi-day event or gathering) organized for social, recreational, cultural, educational, commercial or entertainment purposes.

SECTION 3. FILING OF APPLICATION

The Application, as appended and as it may be amended by the Chairman, must be fully completed and submitted with the appropriate fee to the Chairman no less than ninety (90) days prior to the Public Assembly. The Chairman, in his discretion upon a showing of good cause,

may consider a late application upon payment of the late fee set forth in Section V of the Application. The Chairman, upon a finding of undue hardship, may reduce or waive any late fee.

SECTION 4. NECESSARY APPROVALS

As required by the Application, the following County agencies or departments must provide their written consent.

1. Wyoming County Health Department.
2. Wyoming County Sheriff's Department.
3. Wyoming County Office of Emergency Services.
4. Wyoming County Fire and Building Codes.
5. Wyoming County Insurance Agent.
6. Bureau of Pyrotechnics, if applicable.

The applicant shall consent and permit the above agencies to perform, inspect and conduct inquiries in their sole discretion as deemed necessary.

SECTION 5. DENIAL OF PERMIT

The Permit shall not be granted if any of the items set forth in said Application are determined by the Chairman to be insufficient to properly ensure the safety, health, welfare and well-being of persons and/or property.

SECTION 6. ACTUAL ISSUANCE OF PERMIT

The Permit, if approved, shall be issued in writing by the Chairman no fewer than thirty (30) days prior to the event.

SECTION 7. NON-COMPLIANCE WITH PERMIT

If after a Permit is issued, the County of Wyoming, through its lawful agents, determines that any of the items required as a condition of the Permit are not adhered to and accomplished within the required time limits in any of the contracts, lease or other arrangements for provision of services and facilities or any insurance or surety bond shall become terminated prior to the completion of the event, then this Permit may immediately thereupon be terminated by the action of the Chairman, unless breach or failure is promptly remedied within such time limits as may be reasonably imposed by the Chairman. Notice of termination of the Permit shall be in writing, Certified Mail Return Receipt Requested, addressed to the applicant at the address set forth in the application, or by personal service.

All physical facilities, including but not limited to food concessions and water and sewage facilities, must be in operable condition in a timeframe that will allow for their inspection by lawful agents of the County of Wyoming, before the general public will be allowed on the site.

SECTION 8. ENFORCEMENT AND PENALTIES

Any person, persons, corporation, organization, land owner, or lessee who shall organize, promote, conduct, or cause to be conducted a Public Assembly or an assembly of persons within

the County of Wyoming catering to the general public for which said person, persons, corporation, organization, land owner or lessee believes or has reason to believe will attract 5,000 or more persons, without having a written Permit in accordance with the provisions of this Local Law shall be deemed to have violated this Local Law. Any person who commits or permits any act in violation of any of the provisions of this local law shall be deemed to have committed a misdemeanor against such Local Law and shall be liable for the penalties provided. A separate offense against this Local Law shall be deemed committed on each day during which the violation occurs or continues. A separate penalty may be imposed for each separate offense.

Each violation of a provision of this Local Law shall be a Class A misdemeanor and the person violating the same shall be subject to a fine of not more than \$1,000.00 or imprisonment not to exceed one year or to both such fine and imprisonment.

Any person violating this Local Law shall be subject to a civil penalty enforceable and collectable by the County of Wyoming in the amount of \$1,000.00 for each offense.

In addition to the above provided penalties, the Wyoming County Board of Supervisors may also maintain an action or proceeding in the name of the County in a Court of competent jurisdiction to compel compliance with, or to restrain by injunction, the violation of such local law.

SECTION 9.

This local law shall not apply to the area of any Village or Town if such Village or Town has issued a permit to protect life and property, and the promoter has met his/her/its requirements and State Health regulations.

SECTION 10. SEPARABILITY

If any clause, sentence, paragraph, section or part of this policy shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 11. MISCELLANEOUS

The Application may be amended in the discretion of the Chairman without further amendment of this Local Law.

SECTION 12. EFFECTIVE DATE

This local law shall become effective upon the filing with the New York State Secretary of State.

DATED at Warsaw, New York
January 20, 2015 (Introduced)
February 10, 2015 (Adopted)
Cheryl J. Ketchum,^{CMC}
Board Clerk