

**Chapter 56**  
**ASSEMBLIES, PUBLIC**

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**[HISTORY: Adopted by the Town Board of the Town of Rochester 10-3-1969 by L.L. No. 2-1969. Amendments noted where applicable.]**

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**§ 56-1. Purpose.**

- A. This Town Board, in order to promote proper government and to ensure the proper protection, order, conduct, safety, health, welfare and well-being of persons or property within the Town of Rochester, finds it is in the public interest to enact this chapter.
- B. This chapter shall regulate the assembly of persons, where such assembly exceeds 1,500 persons, in public places within the Town of Rochester. Excluded from this regulation shall be events held or sponsored by or for governmental entities.<sup>1</sup>

**§ 56-2. Definitions; word usage.**

- 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; "may" is permissive.
- B. Unless otherwise expressly stated, the following terms shall, for the purposes of this chapter, have the meanings herein indicated.

ASSEMBLY — The gathering, collecting, congregating, forum or conclave of persons at any one time in any one place with or without the levy of an admission fee.<sup>2</sup>

BUILDING — A structure wholly or partially enclosed within 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.

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<sup>1</sup> Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

<sup>2</sup> Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

**PUBLIC PLACE** — A place to which the public or a substantial group of persons is invited or has access.

**STRUCTURE** — A combination of materials to form a construction that is safe and stable and includes among other things, stadiums, stages, platforms, radio towers, sheds, storage bins, tents, billboards and display signs.

**TOWN OF ROCHESTER or TOWN** — Includes the Town Board of the Town of Rochester.

### **§ 56-3. Permit required.<sup>3</sup>**

No person shall use, allow, let or permit to be used property for the assembly of persons in excess of 1,500 unless a written permit authorizing such use shall have been obtained from the Town Board. An assembly permit shall not be required for those activities permitted or regulated in other chapter(s) of this Code nor where the assembly of persons is in connection with an event held or sponsored by or for a governmental entity including but not limited to school or fire districts.

### **§ 56-4. Application for permit; required material.**

Application for such permit shall be by verified petition addressed to the Town Board and shall be filed with the Town Clerk at least 30 days prior to the date upon which such assembly is contemplated. Such application shall include the following written material:

- A. A statement of the name, age and residence address of the applicant; if applicant is a corporation, the name of the corporation, the names and addresses of its directors; if the applicant does not reside in the Town of Rochester, the name and address of an agent who shall be a natural person and shall reside or have a place of business in the Town of Rochester and who shall be authorized to and shall agree by verified statement to accept notices or summonses issued with respect to violations of any law, ordinances, rules or regulations.
- B. A statement containing the name and address of the record owner of the property and the nature and interest of the applicant therein; the proposed dates and hours of such assembly; the expected minimum number of persons intended to use the property at one time and collectively; the expected number of automobiles and other vehicles intended to use the property at one time and collectively; and the purpose of the function, including the nature of the activities to be carried on and the admission fee to be charged, if any.
- C. A map showing the size of the property; the zoning district in which it is located; the names of the record owners of the adjoining properties; the streets or highways abutting said property; the size and location of any existing building, buildings or structures or of any proposed building, buildings or structures to be erected for the purpose of the assembly.
- D. A plan or drawing showing the method to be used for the disposal of sanitary sewage.

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<sup>3</sup> Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- E. A plan or drawing showing the method to be used for the supply, storage and distribution of water.
- F. A plan or drawing showing the layout of any parking area for automobiles and other vehicles and the means of ingress and egress to such parking area. Such parking area shall conform to the requirements of Chapter 140, Zoning.
- G. A statement containing the type, number and location of any radio device, sound amplifier, loud speaker, sound truck or other similar sound equipment.
- H. A statement specifying whether food or beverage is intended to be prepared, sold or distributed. If food or beverage is 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 any garbage, trash, rubbish or other refuse arising therefrom. If a person other than the person applying for the permit will be engaged in the sale and distribution of food or beverage, the name and address of such person shall be submitted. All garbage, trash, rubbish or other refuse shall be stored until removed at an unobtrusive area of the premises in securely covered containers. Such containers shall be maintained in a sanitary condition and shall be cleaned at least daily.
- I. A statement specifying whether any private security guards or police will be engaged and, if so, the names and addresses of such persons 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 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. Such lights and signs shall conform to the requirements of Chapter 140, Zoning. In addition, no light on any part of property of assembly shall be permitted to shine unreasonably beyond the property line of the property. All exterior lights on the property shall be so situated or equipped with shielding devices so that no unreasonable glow shall shine beyond the property line of the assembly.
- L. A statement specifying the facilities to be available for emergency treatment of any person who might require immediate medical or nursing attention.
- M. A statement specifying whether any camping or housing facilities are to be available and, if so, a plan showing the intended number and location of the same.
- N. A statement that no soot, cinders, smoke, noxious acids, fumes, gases or unusual odors shall be permitted to unreasonably emanate beyond the property line of the assembly.
- O. A statement that no music shall be played in any place of assembly, either by mechanical device or live performances, in such a manner that the sound emanating therefrom shall be unreasonably audible beyond the property line of the place of assembly.
- P. A statement that no loud, unnecessary or unusual noise shall be permitted to be made, continued or caused to be made or continued so as to be unreasonably audible beyond the property line of the assembly.

- Q. A statement that no law, ordinance, rule or regulation applicable to the place of assembly or enforceable by any governmental authority will be violated and that the regulations of the New York State Department of Labor Board of Standards and Appeals for places of public assembly will be adhered to.

**§ 56-5. Approval required from applicable agencies.**

The Town Board, before issuing any permit, shall require the approval of any or all of the following applicable governmental agencies:

- A. The Ulster County Health Department, the Town Sanitary Inspector, if one is appointed, the Town Health Officer, if one is appointed, and the New York State Water Resources Commission as to any proposed sanitary sewage disposal system.
- B. The Ulster County Health Department, the Town Code Enforcement Officer, the Town Sanitary Inspector, the Town Health Officer and the New York State Water Resources Commission as to any proposed system for the supply, storage and distribution of water.
- C. The Ulster County Highway Department, the New York State Department of Transportation, the Ulster County Sheriff's Department, the New York State Police, the Chief of the controlling Fire District, the Fire Commissioners of the controlling Fire District as to the proposed parking area and the means of ingress and egress to such parking area.
- D. The Zoning Board of Appeals and Code Enforcement Officer as to the proposed type, number and location of any sound-producing equipment.
- E. The Ulster County Health Department and the Town Health Officer, if one is appointed, as to the proposed method of preparing, selling or distributing food or beverage and the removal of trash, rubbish or garbage arising therefrom.
- F. The Ulster County Sheriff's Department and the New York State Police as to any proposed private security or police protection.
- G. The Chief of the controlling Fire District, the Fire Commissioners of the controlling Fire District and the Fire Coordinator of Ulster County as to any proposed fire protection system.
- H. The Zoning Board of Appeals and Code Enforcement Officer as to any proposed outdoor lights and signs.
- I. The Ulster County Health Department and Town Health Officer, if one is established, as to any proposed facilities for emergency medical or nursing treatment.
- J. The Town Code Enforcement Officer and the Zoning Board of Appeals as to any proposed camping or housing facilities.

**§ 56-6. Inspection required.**

No permit shall be issued unless the owner and his tenant or licensee, if any, shall furnish the town with written authorization to permit the town or its lawful agents to go upon the property

for the purpose of inspecting the same, providing adequate police and fire protection and protecting persons and property from danger.

**§ 56-7. Denial of application or permit.**

The town may deny the issuance of a permit if it shall find that any of the items as set forth in § 56-4 of this chapter are insufficient to properly safeguard the safety, health, welfare and well-being of persons or property or if the necessary approval of any governmental agency as set forth in § 56-5 of this chapter is not obtained. In no event shall the town withhold its written approval or denial of a permit for a period in excess of 10 days after a full submission to it by an applicant, except by an extension, in writing, given by the applicant.

**§ 56-8. Revocation.**

If after a permit is issued, the Town Board through its lawful agents determines that any of the items as set forth in § 56-4 of this chapter and as specified in the applicant's verified petition in support of the application for a permit are not adhered to and accomplished within a reasonable time of the date or dates set for the assembly through the time of the assembly or if the necessary approval of any governmental agency as set forth in § 56-5 of this chapter is revoked at any time, such permit shall become null and void.

**§ 56-9. Insurance and performance guarantee.<sup>4</sup>**

The Town Board shall require the applicant to procure a liability insurance policy in an amount to be set by the Board, which said policy shall include the town as an additional insured. The Town Board shall also require the applicant to provide a financial performance guarantee in a form or amount as established by the Board to ensure performance with the conditions of or requirements for a permit.

**§ 56-10. Fees.<sup>5</sup>**

The applicant shall pay to the town a nonrefundable fee set from time to time by resolution of the Town Board,<sup>6</sup> at such time as the application is submitted.

**§ 56-11. Enforcement; penalties for offenses; civil penalty.**

- A. Any person who shall use, allow, let or permit to be used property for the assembly of persons in excess of 1,500 or any person who shall cause the gathering, collecting or congregating of persons in excess of 1,500 persons in public places without having a written permit in accordance with the provisions of this chapter shall be deemed to have

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<sup>4</sup> Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

<sup>5</sup> Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

<sup>6</sup> Editor's Note: The fee schedule is on file in the town offices.

violated this chapter. Any person who commits or permits any act in violation of any of the provisions of this chapter shall be deemed to have committed a misdemeanor against such chapter and shall be liable for the penalties provided. A separate offense against this chapter shall be deemed committed on each day during or on which a violation occurs or continues. A separate penalty may be imposed for each separate offense.<sup>7</sup>

- B. For each violation of a provision of this chapter the person violating the same shall be subject to a fine of not more than \$1,000 or imprisonment not to exceed 15 days, or to both such fine and imprisonment.<sup>8</sup>
- C. Any person violating this chapter shall be subject to a civil penalty enforceable and collectible by the town in the amount of \$1,000 for each violation.<sup>9</sup>
- D. In addition to the above provided penalties, the Town Board may also 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.

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<sup>7</sup> Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

<sup>8</sup> Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

<sup>9</sup> Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).