

# Local Law Filing

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**COUNTY OF LEWIS**

**AUG 11 2020**

**Local Law No. 5 of the Year 2020**

**DEPARTMENT OF STATE**

## **A LOCAL LAW REGULATING AND PERMITTING SPECIAL EVENTS ON COUNTY ROADS, TRAILS OR OTHER COUNTY PROPERTY**

**BE IT ENACTED** by the Board of Legislators of the County of Lewis, as follows:

### **SECTION 1. TITLE**

This Local Law shall be known as “**A LOCAL LAW REGULATING AND PERMITTING SPECIAL EVENTS ON COUNTY ROADS, TRAILS OR OTHER COUNTY PROPERTY**”.

### **SECTION 2. STATUTORY AUTHORITY**

This local law is enacted pursuant to Municipal Home Rule Law (“MHL”) § 10(1)(i), which provides that a county may adopt local laws relating to its property, affairs or government provided it is not inconsistent with the provisions of the constitution or any general law.

### **SECTION 3. LEGISLATIVE FINDINGS**

The Board of Legislators makes the following findings in support of this Local Law:

A. Planned special events include but are not limited to sporting events, concerts, parades, walking & running events, bicycle races, & motorized vehicle rallies. These types of events can have direct and indirect impacts on county properties, roads, trails. There are several events organized and held in Lewis County where county roads, county public rights-of-way, trails, parks, and lands are used for the event, or are adversely affected by the event because of road closure, traffic congestion, parking, etc.

B. The occurrence of such events as described and defined herein may place an unwarranted burden on the County resources related to the provision of emergency services, law enforcement, health and sanitary services, road and property repairs, and similar items, depending upon the special event, its size, and the conduct of participants.

C. The purpose of this law and the requirement for a permit and fee for same, is to enable the county to be able to anticipate the impacts posed by the event and to coordinate efforts of

various departments and other municipalities which may be affected by the special event; to take appropriate steps and measures to provide for the safety of event participants and residents; to provide for the least impact on the county's roads, trails, and lands.

D. When a person(s), corporation(s), organization(s), landowner(s), lessee(s) and others seek to conduct a special event on county roads and/or county property, provision must be made for adequate financial assurance to protect persons and property (both public and private) within the County. The Board of Legislators of Lewis County therefore finds and declares that it is necessary for government protection, order, conduct, safety, health and well-being of persons and county property, that certain rules and regulations be established for special events involving county roads, trails, parks and other lands, and, further, that it is necessary to adopt under the police power of the County, a local law to regulate and license by permit the holding of such special events on or effecting access and use of County roads, trails, parks and other lands.

#### **SECTION 4. DEFINITIONS**

A. For purposes of this Local Law, the word "person" shall be deemed to include any person, persons, firm, company, corporation, partnership, association, club, limited liability company, limited liability partnership, joint venture, owner or lessee of real property, promoter, sponsor, or any other group or organization whether formalized or not.

B. For purposes of this Local Law, "special event on county roads and trails" shall mean any outdoor gathering of TWO HUNDRED FIFTY (250) or more people and activities involving pedestrians, vehicles, bicycles, skateboards, motorcycles, ATVs, UTVs, or other recreational equipment, or any combination thereof which involve:

1. Any organized formation, parade, procession or other event taking place on County roads or trails which may interfere, impede or obstruct the flow of traffic or which do not comply with normal traffic regulations or controls; or

2. Any event intended to include and/or to take place on the Lewis County Off Highway Vehicle Trail System.

C. For purposes of this Local Law, "special event on other county lands" shall mean gatherings of TWO HUNDRED FIFTY (250) or more people and activities on county-owned lands.

D. For purposes of this Local Law, a special event involving a gathering of TWO HUNDRED FIFTY (250) or more people and activities involving snowmobiles shall mean such events which may:

1. interfere, impede or obstruct the flow of traffic or which do not comply with normal traffic regulations or controls on County roads; or

2. snowmobile activity or event on private property which may result in damage to County roads or other County lands as a result of the event; or

3. snowmobile activity or event which requires placement of signage or pavement markings on County roads.

## **SECTION 5. PERMITS**

A. No person may organize, operate, promote, or conduct a special event on a County road, trail, park or other land in Lewis County, without first obtaining a permit to do so from the Lewis County Director of Recreation, Forestry and Parks (DRFP).

B. The Director of Recreation, Forestry and Parks will consult with the County Superintendent of Highways, the Emergency Management Director, the Lewis County Sheriff and any other relevant County Department(s), as the event may warrant in processing the permit application.

## **SECTION 6. PERMIT APPLICATION PROCESS AND FEE**

A. All applications shall be made to the Lewis County Director of Recreation, Forestry and Parks, by submission of three (3) copies to the DRFP, by the person(s) sponsoring or running the event involving County roads, trails, park or other lands, or by the duly authorized agent or attorney thereof. The appropriate application fee, as set forth in the fee schedule in effect for said event permit, must be submitted with the application along with all the other documentation required therein. No action will be taken upon any application until it is deemed complete by the Director of Recreation, Forestry & Parks, in consultation with the appropriate County Departments.

B. 1. The non-refundable application fee charged for a special event permit shall be in accordance with the fee schedule set forth under Section 10 of this Local Law. The fee schedule may be amended from time to time, by Resolution adopted by the Lewis County Board of Legislators.

2. A permit application fee shall not be required for any special event that is otherwise licensed, sponsored or organized in whole or in part by the County or any other municipal government located within the County; but said municipality shall submit an application for the event.

C. The application for a permit hereunder shall be made in writing upon such form or forms as may be crafted by the Director of Recreation, Forestry & Parks (DRFP), and shall be submitted to the DRFP at least ninety (90) or more days prior to the first day such special event is anticipated to be held. Such application shall include the following information:

1. The applicant's name, age, and residence address; if the applicant is a corporation, partnership or association, the name of the entity, address for its principal office, together with the names and addresses of its directors, partners or associates. If the applicant is not a resident or have a place of business within Lewis County, the name of a natural person, over the age of eighteen (18) years of age who resides within Lewis County and who is authorized by the applicant and who shall agree by acknowledged statement to accept service of notices and summons on behalf of the applicant with respect to this application, the conduct of the outdoor public assembly or any other matter relating to the enforcement of this Local Law;

2. The proposed dates and hours of operation for the proposed special event, and a description of the event;

3. The expected minimum and maximum number of persons and vehicles/other equipment, if any, per day of the event to use the roads and/or property(s), if any, per day and collectively;

4. A description of the purpose for the special event and the activities to take place thereat, including without limitation, concessions, entertainment, vehicles, equipment, etc.;

5. The admission/participation fee to be charged, if any.

D. 1. After careful review and consultation with other Departments, the DRFP shall determine whether the permit application will be approved or denied. The DRFP shall communicate her decision on the application in writing, by issuing a permit with any and all conditions to which the applicant may be required to meet prior to and during the event. If denied, the DRFP shall indicate the reason for such denial.

2. Simultaneously with notification of approval/denial of a permit to the applicant, the DRFP shall notify the County Manager, Board of Legislators and any appropriate Departments of the special event permit issued, including any conditions and information on the type of event, date, location, estimated size, and any other relevant information.

E. 1. Depending upon the activities and estimated size of assembly of persons participating in the special event, the applicant shall be required to comply with any and all other applicable State and Local Laws, [including but not limited to NYS Department of Health rules and regulations pertaining to mass gatherings (assembly of 5,000 people or more), Public Health Law §225, and Lewis County Local Law No. 2- 1970 (mass assembly of 10,000 people or more)], with the application reviewed and approved by the Public Health Director, Emergency Management Director, Lewis County Sheriff, Superintendent of Highways, and any other relevant County Department(s) requested by the DRFP.

2. In such cases, the DRFP will notify the applicant of the additional review by relevant County Departments before the application will be deemed fully submitted. The preliminary application may then be reviewed and commented upon by the those appropriate Department Heads/ Directors to determine from the information supplied, the potential effect or impact the proposed special event and assembly will have upon the public health, safety, and welfare of the people and property of Lewis County.

F. The County, through the DRFP, shall have the right, in its sole discretion, at any time to terminate the permit, or any portion thereof, should it be necessary due to county operations, conditions, or other circumstances which may arise. Any termination of the permit shall not constitute a breach of the permit, and no liability shall be incurred by or arise against the County, its agents and employees for loss of profits or any other damages.

## **SECTION 7. CONDITIONS OF USE AND INSURANCE REQUIREMENTS**

A. The County makes no affirmation that the county-owned road/trail/site/property to be used for the special event has been designed, constructed, or maintained for the purpose of the conduct of the event. The applicant and all its participants assume full risk and responsibility for the event. The applicant and its participants assume full risk and responsibility for planning and conducting a safe and orderly event that does not expose participants or the public to any unreasonable hazards, with minimal disruption to normal uses of the county roads, trail system

and properties. It shall be the sole obligation of the applicant to determine whether the county site(s) is suitable for the purpose of safely conducting the event.

B. The applicant shall exercise due care in its use of the county property and shall upon the expiration, termination or cancellation of the issued permit, surrender the county property/site in as good a condition as on the effective date of the permit. Depending upon the nature of the event and the anticipated number of participants, the issuance of a permit may be conditioned upon an undertaking, bond or guaranteed deposit, to guarantee restoration of the county property to its previous condition.

C. The applicant/permittee agrees to notify the DRFP about any hazardous or unsafe conditions, and about any accidents that occur during the event immediately upon the discovery of such condition or accident.

D. At the time a permit is issued, the DRFP shall provide the applicant/permittee with a statement of responsibilities and obligations of the Applicant/Permittee. Said statement shall be signed by the applicant/permittee and returned to the DRFP forthwith. The statement of responsibilities and obligations shall include the insurance requirements of this local law together with such other itemized responsibilities the DRFP may deem appropriate for the event. The applicant/permittee shall provide the DRFP with proof of insurance prior to the commencement of the event, i.e., a certificate of insurance is required to be in full force and effect prior to and during the event, and shall include but not be limited to the following coverage, if applicable:

1. Workers' Compensation and Disability Insurance as required by New York State for any and all employees.

2. Commercial General Liability Insurance. The applicant shall maintain an occurrence form of commercial liability policy or policies insurance against liability from premises, personal injury or death, advertising injury, liability under an insured contract, negligence, occurring on or in any way related to the premises or occasioned by reason of the operations of the applicant. Such coverage shall be written on an ISO occurrence form (CG 0001 12 07 or equivalent) in an amount not less than \$1,000,000.00 per occurrence and not less than \$2,000,000.00 aggregate. The insurance must be endorsed to provide primary insured coverage to the County of Lewis and all of its Departments, and any other local municipality in which the event is conducted.

3. Automobile and/or other motorized vehicle insurance. The applicant shall maintain automobile, other vehicle and equipment policy(s) insurance against liability for bodily injury, death, damage to property and other coverages relating to the use, operation, loading or unloading of any automobiles, motorized vehicles and other equipment on an around the event site, in an amount not less than \$1,000,000.00. If the event involves participants' use of motorized vehicles (autos, ATVs, UTVs, motorcycles, motorbikes, snowmobiles, etc.) it is the applicant/permittees' responsibility to assure that all participants motorized vehicles are properly licensed, registered and insured, as may be required under the law.

E. In addition to the protection afforded to the County by the insurance provisions hereinabove set forth, the County shall not be liable for any damage or injury to the applicant, employees, event organizers, volunteers, participants, or any other person, or to any property, occurring on the event site covered by the permit. The applicant/permittee agrees to defend, indemnify and hold harmless the County of Lewis, and its agents from and against all claims, damages, losses and expenses including but not limited to attorneys' fees, arising out of any

claim for personal injuries, property damage or wrongful death associated in any way with the applicant's or participants' use of the permitted site/property, or in any way related to the event, no matter how caused.

F. The DRFP, upon prior consultation with and approval of the County Attorney, may adjust the required insurance coverages and amounts, depending upon the nature of the event, i.e., activities, size, duration.

## **SECTION 8. PENALTIES FOR NON-COMPLIANCE AND ENFORCEMENT**

A. If after a permit is issued (but prior to the actual event), the County determines, through its lawful agent(s), i.e., the DRFP, Highway Superintendent, etc., that any of the items required as a condition under the permit is not adhered to or accomplished within the required time limits, then the permit may be immediately terminated by action of the DRFP, after notification to the County Board of Legislators. Notice of such termination shall be in writing and delivered to the applicant at the mail address and e-mail address set forth on the application.

B. 1. Any person (as defined in this Local Law) who shall organize, promote, conduct or cause to be conducted a special event on County roads, trails, or other county property as defined in this Local Law, without having a written permit in accordance with the provisions of this law shall be deemed to have violated this Local Law.

2. Any person violating this Local Law shall be subject to a civil penalty, enforceable and collectible by the County of Lewis, in the amount of \$250.00 to \$750.00, depending upon the violation, the nature and size of the special event which was or is being held without issuance of or compliance with a permit as herein required. Said violation shall be enforced in any Court of competent jurisdiction within the County of Lewis.

3. In addition to the above penalty, the County of Lewis may 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(s) of such local law.

## **SECTION 9. SEPARABILITY**

If any clause, sentence, paragraph, section or part of this local law 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 10. FEE SCHEDULE**

A permit application fee of \$20.00\*\*, made payable to Lewis County, shall apply, unless and until amended by the Lewis County Board of Legislators by an adopted Resolution.

\*\* If the event involves 10,000 or more participants, applicant is subject to additional permit fees under Local Law No. 2-1970.

**SECTION 11. EFFECTIVE DATE**

This Local Law shall become effective immediately after filing with the office of the New York Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this Local Law and strike out that which is not applicable)

**1. (Final Adoption by Local Legislative Body Only.)**

I hereby certify that the Local Law annexed hereto, designated as Local Law No. 5 of 2020, of the County of Lewis was duly passed by the Lewis County Board of Legislators on August 4, 2020, in accordance with the applicable provisions of law.

~~**2. (Passage by Local Legislative Body with Approval, No Disapproval or Repassage After Disapproval by the Elective Chief Executive Officer\*).**~~

~~I hereby certify that the Local Law annexed hereto, designated as Local Law No. \_\_\_\_\_ of 20\_\_, of the County, City, Town, Village of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_, 20\_\_, and was approved, not approved, repassed after disapproval, by the \_\_\_\_\_, and was deemed duly adopted on \_\_\_\_\_, 20\_\_, in accordance with the applicable provisions of law.~~

~~**3. (Final Adoption by Referendum.)**~~

~~I hereby certify that the Local Law annexed hereto, designated as Local Law No. \_\_\_\_\_ of 20\_\_, of the County, City, Town, Village of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_, 20\_\_, and was approved, not approved, repassed after disapproval, by the \_\_\_\_\_ on \_\_\_\_\_, 20\_\_. Such Local Law was submitted to the people by reason of a mandatory/permissive referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the general/special/annual election held on \_\_\_\_\_, 20\_\_, in accordance with the applicable provisions of law.~~

~~**4. (Subject to a Permissive Referendum and Final Adoption Because No Valid Petition was Filed Requesting Referendum.)**~~

~~I hereby certify that the Local Law annexed hereto, designated as Local Law No. \_\_\_\_\_ of 20\_\_, of the County of Lewis was duly passed by the Lewis County Board of Legislators on \_\_\_\_\_, 20\_\_, and was approved, not approved, repassed after disapproval, by the \_\_\_\_\_ on \_\_\_\_\_, 20\_\_. Such Local Law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_, 20\_\_, in accordance with the applicable provisions of law.~~

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis, or if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto Local Laws or Ordinances.

**5. ~~(City Local Law Concerning Charter Revision Proposed by Petition.)~~**

I hereby certify that the Local Law annexed hereto, designated as Local Law No. \_\_\_\_\_ of 20\_\_, of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of Section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the special/general election held on \_\_\_\_\_, 20\_\_, became operative.

**6. ~~(County Local Law Concerning Adoption of Charter.)~~**

I hereby certify that the Local Law annexed hereto, designated as Local Law No. \_\_\_\_\_ of 20\_\_, of the County of \_\_\_\_\_, State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_, 20\_\_, pursuant to the subdivisions 5 and 7 of Section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification).**

I further certify that I have compared the preceding Local Law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original Local Law, and was finally adopted in the manner indicated in Paragraph 1, above.

Cassandra Moser  
CASSANDRA MOSER, CLERK  
LEWIS COUNTY BOARD OF LEGISLATORS  
Dated: 8/6 2020

(Seal)

**(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)**

STATE OF NEW YORK )  
COUNTY OF LEWIS ) ss:

I, the undersigned, hereby certify that the foregoing Local Law contains the correct text and that all proper proceedings have been had or taken for the enactment of the Local Law annexed hereto.

Joan E. McNichol  
JOAN E. McNICHOL, ESQ.  
LEWIS COUNTY ATTORNEY  
Dated: 8/6, 2020