

Local Law Filing

New York State Department of State
41 State Street
Albany, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underling to indicate a new matter.

Town of Wayland, Steuben County, New York

Local Law No. _2__ of the year 2013

A local law entitled “Amended Motor Sport Events Law” in the Town of Wayland

Be it enacted by the Town Board of the Town of Wayland as follows:

See Attached

If additional space is needed, attach pages the same size as this sheet, and number each.)

Section 1. Title:

This law shall be known as the “Amended Motor Sport Events Law” of the Town of Wayland, New York.

Section 2. Purpose:

Unregulated motor sport events, as defined hereinafter, are potential nuisances by reason of loud noise, possible misuse of drugs and alcohol by participants and/or spectators, littering, lack of sanitary sewage disposal facilities, lack of police and fire protection, and lack of accountability for any damages resulting therefrom. It is the purpose of this law to promote the health, safety, morals and general welfare of the inhabitants of the Town of Wayland, Steuben County, New York, by efficient regulation of motor sports events.

Section 3. Definitions:

A. For the purposed of this law, “motor sports event” shall mean any gathering of people for the purpose of participating in or watching a race, rally, time trial, hill climb, or other competition of any vehicle operated by an internal combustion engine held wholly or partly within the Town of Wayland. This local law shall not apply in the case of an event involving fewer than one hundred drivers or riders when no admission is charged and the general public is not admitted.

B. “Applicant” means any person holding or promoting a motor sport event by advertising or otherwise, or any person intending to sponsor such a motor sport event.

C. “Person” means any natural individual, firm, trust, partnership, association, corporation, or limited liability company(LLC).

D. “Permit” means written permission from the Code Enforcement Officer of the Town of Wayland, County of Steuben, State of New York.

Section 4. Holding or promoting a motor sport event:

It shall be unlawful for any person or persons to promote or hold a motor sport event (as defined above), unless such person shall first obtain a permit.

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It shall be unlawful for any person or persons to whom a permit has been issued as provided for in this local law to allow more than ten thousand persons to attend said motor sport event.

It shall be unlawful for any person or persons to whom a permit has been issued as

provided for in this local law to commence said motor sport event earlier than 9 o'clock A.M. on the date for which said permit is approved or to continue said motor sport event later than 9 o'clock P.M. on the date for which said permit is approved.

Section 5. Permit fee:

The annual fee for a motor sport event permit shall be One Hundred Dollars (\$100.00) and said fee shall be submitted to the Code Enforcement Officer of the Town of Wayland with the application for said permit. There shall also be a \$40.00 inspection fee for each event.

Section 6. Application for permit:

The application for the permit for the holding or promoting of a motor sport event in the Town of Wayland, Steuben County, New York, shall be submitted to the Code Enforcement Officer of the Town of Wayland. The application shall include the following:

A. The name and address(es) of the applicant(s) and the names and addresses of all principals of any partnerships, association, corporation, or LLC. If any applicant has been convicted of any crime, state the nature thereof.

B. The name(s) and address(es) of the owner(s) of the premises upon which the motor sport event is to be located and a written consent or lease by said owner(s) of the premises for the intended use.

C. A complete statement containing plans and availability of any proposed security, garbage, fire, water, sewage, toilet and lavatory, and medical services to be provided for the motor sport event.

D. An estimate as to the number of persons expected to be in attendance at such motor sport event.

E. The price of admission, if any, which will be charged.

F. The location of the land upon which the motor sport event is to be held.

G. Liability insurance in an amount of at least \$1,000,000.00 or such amount deemed appropriate by the Code Enforcement Officer, which names the Town of Wayland as an additional insured.

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H. Proof that the event is sanctioned by a nationally recognized association which has adopted rules intended to provide safety to participants and spectators and a statement that the applicant has or will comply with all such rules.

I. A plan for adequate traffic control for vehicles entering and leaving the event.

J. The application and all accompanying information shall be filed in duplicate. Said

application shall be filed no later than two weeks prior to the date scheduled for said motor sport event.

K. Upon receipt of the application, the Code Enforcement Officer shall transmit one (1) copy of the application to the Town Clerk of the Town of Wayland, for filing. The second copy shall remain with the Code Enforcement Officer.

Section 7. Approval of application for permits:

The Code Enforcement Officer, in reviewing applications for permits for approval, shall determine whether said event as proposed is in conformity with the requirements as herein set forth in order that the motor sport event can be held without hazard to health, safety and the public welfare.

Section 8. Motor sport event requirements:

A motor sport event shall conform to the following:

A. Garbage receptacles. Garbage receptacles must be provided to insure proper disposal of all garbage and rubbish. Receptacles shall be kept in a sanitary condition at all times. Garbage and rubbish shall be collected and disposed of as frequently as may be necessary to insure that such receptacles shall not overflow.

B. Fire protection. Every motor sport event shall be equipped at all times with adequate fire extinguishing equipment, in good working order, of such type, size and manner and so located on said premises as to satisfy any and all fire department regulation which may apply. No open fires shall be permitted at any place which may endanger life or property. No fires shall be left unattended at any time. Special care shall be taken in the handling and storage of any petroleum products.

C. Toilet and Lavatory Facilities. An adequate quantity of toilet and lavatory facilities shall be provided.

D. Sewage. Facilities shall be provided and maintained for satisfactory disposal of sewage.

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E. Medical. Adequate medical and first aid treatment personnel shall be provided.

F. Parking Facilities. Off-street parking facilities shall be provided such as to accommodate all vehicles. No parking shall be allowed either on the road or along the shoulder.

G. Security. The applicant shall provide security and safety to persons and property at the motor sport event site.

Section 9. Applicable Laws:

No permit shall be issued to any applicant for a motor sport event permit until such applicant has complied with all the sanitary and health codes, laws, regulations, and ordinances of the State of New York, County of Steuben, and the Town of Wayland.

Section 10. Revocation of Permit:

The Code Enforcement Officer may revoke any permit to hold or promote a motor sport event in the event the holder thereof has failed to comply with any of the requirements or provisions as hereinbefore set forth.

Section 11. Posting of Permit:

The permit shall conspicuously posted on the premises where the motor sport event is to be held.

Section 12. Separability:

If any clause, sentence, paragraph, section or part of this act 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 13. Penalty:

Any person, firm, corporation or other person violating any provisions of this local law shall deemed guilty of a violation and upon conviction thereof shall be subject to a fine not exceeding Five Hundred Dollars (\$500.00). Each day that such violation is carried on or continues shall constitute a separate violation.

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Section 14. Prior Law Repealed:

Local Law No. 1 of 2012 is repealed and replaced by this local law.

Section 15. Appeals:

An applicant may appeal the denial or revocation of a permit to the Wayland Town Board. Any appeal must be in writing setting forth the basis for the appeal and be submitted to the Town

Clerk not more than 30 days from the date of denial or revocation of the permit. The Town Board shall consider the appeal at a meeting to be held within seven days after the date the appeal is filed with the Town Clerk.

Section 16. Effective date:

This law shall take effect immediately in accordance with the applicable provisions of the Municipal Home Rule Law.

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(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. ____ of 2013 of the Town of Wayland was duly passed by the Town Board on _____, 2013, 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 _____ (Name of Legislative body) on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ (Elective Chief Executive Officer*) _____ 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 _____ (Name of Legislative body) on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ (Elective Chief Executive Officer*) _____ 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 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)(City)(Town)(Village) of _____ was duly passed by the _____ (Name of Legislative body) on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ (Elective Chief Executive Officer*) _____ 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 chairperson 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.

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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 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 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 _____, above.

Clerk of the county legislative body, City, Town or Village Clerk or officer
designated by local legislative body

(Seal)

Date:

_____, 2013

(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 Livingston

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.

John W. Vogel

Title Town Attorney
 Town of Wayland

Date: ____ October 14, _____, 2013