



# **Chapter I**

## **State Sanitary Code**

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### **Subpart 7-4**

### **Mass Gatherings**

**(Statutory Authority: Public Health Law, § 225)**

**Effective December 23, 2009**

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**SUBPART 7-4**  
**Mass Gatherings**  
(Statutory Authority: Public Health Law §225)

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### **7-4.1 Definitions**

- (a) Adequate shall mean sufficient to accomplish the purpose for which something is intended, and to such a degree that no unreasonable risk to health or safety is presented. An item installed, maintained, designed and assembled, an activity conducted, or act performed, in accordance with generally accepted standards, principles or practices applicable to a particular trade, business, occupation or profession, is adequate within the meaning of the Subpart.
- (b) A mass gathering shall mean one which is likely to attract 5,000 people or more and continue for 24 hours or more but shall not include a temporary residence under permit.
- (c) Permit-issuing official (PIO) shall mean the State Commissioner of Health, the health commissioner or health officer of a city of 50,000 population or over, the health commissioner or health officer of a county or part-county health district, the State regional health director or district director having jurisdiction, or any county or public health director having all the powers and duties prescribed in section 352 of the Public Health Law.
- (d) Person shall mean an individual, group of individuals, partnership, firm, corporation, association, political subdivision, government agency, municipality, estate or any other legal entity.
- (e) Potable water shall mean water provided or used for human consumption, food preparation, or for lavatory, culinary, bathing or laundry purposes.
- (f) Refuse shall mean all putrescible and nonputrescible solid wastes, including garbage, rubbish, ashes, incinerator residue, street cleanup, dead animals, offal and solid commercial waste.
- (g) Sewage shall mean excreta and the waste from a flush toilet, bath, sink, lavatory, dish washing or laundry machine, or the water-carried waste from any other fixture or equipment or machine.

### **7-4.2 Permit required to hold or promote a mass gathering; application, issuance, revocation, posting.**

- (a) No person shall hold or promote, by advertising or otherwise, a mass gathering unless a permit has been issued for the gathering by the permit-issuing official.
- (b) Application for a permit to promote or hold a mass gathering shall be made to the permit-issuing official, on a form and in a manner prescribed by the State Commissioner of Health, by the person who will promote or hold the mass gathering. Application for a permit to promote or hold a mass gathering shall be made at least 15 days before the first day of advertising and at least 45 days before the first day of the gathering. Water and sewage facilities shall be constructed and operational not later than 48 hours before the first day of the mass gathering. The application

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shall be accompanied by such plans, reports and specifications as the permit-issuing official shall deem necessary. The plans, reports and specifications shall provide for adequate and satisfactory water supply and sewerage facilities, adequate drainage, adequate toilet and lavatory facilities, adequate refuse storage and disposal facilities, adequate sleeping areas and facilities, wholesome food and sanitary food service, adequate medical facilities, insect and noxious weed control, adequate fire protection, and such other matters as may be appropriate for security of life or health.

(c) A separate permit shall be required for each mass gathering.

(d) A permit may be revoked by the permit-issuing official or the State Commissioner of Health if he finds that the mass gathering for which the permit was issued is maintained, operated or occupied in violation of law, this Title, or the sanitary code of the health district in which the mass gathering is located. A permit may be revoked upon request of the operator or upon abandonment of operation.

(e) A permit issued for the operation of a mass gathering shall be posted or kept on file and made available by the operator on request.

#### **7-4.3 Miscellaneous: duties of an operator**

(a) The operator shall not knowingly employ or allow anyone to work at a mass gathering who would pose a significant risk of disease to the public.

(b) Children under 16 years of age not accompanied by an adult at a mass gathering shall be provided with adequate and competent adult supervision exercised by a supervisor or supervisors present on the property.

(c) Satisfactory arrangements shall be made to assure adequate medical and nursing supervision and care at, or readily available to, the mass gathering.

(d) A person to whom a permit to promote or hold a mass gathering has been issued shall employ or designate an individual, who is acceptable to the permit-issuing official to be in charge of the property to maintain the facilities, and who shall be on or available to the property at all times when the property is occupied or open for occupancy, who is capable of providing an adequate response to all matters affecting the life, safety and health of the occupants.

(e) A person to whom any permit is issued shall comply with the provisions of this Subpart and with all conditions stated in the permit and shall allow the permit-issuing official or his representative to enter the premises at any reasonable time to ascertain compliance with the conditions of the permit and with this Subpart.

(f) The site shall be provided with a network of interior roads to be kept clear at all times for service and emergency vehicles, and shall be serviced by access roads which will permit an adequate flow of traffic and ensure the free passage of emergency vehicles.

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- (g) Each person attending the mass gathering shall be provided with a site map showing the location of all facilities, and adequate signs shall be provided locating all facilities.
- (h) A separate overnight camping area or areas shall be provided.
- (i) Adequate light for toilet areas, service areas and walkways shall be provided.
- (j) A maintenance and internal security staff acceptable to the permit-issuing official shall be provided to assure proper operation of all facilities.
- (k) Traffic control measures that will preclude hazards to vehicular and pedestrian traffic shall be implemented.
- (l) The operator of a mass gathering shall make arrangements such that no flammable or volatile liquids or materials are stored in or adjacent to the area of the gathering, and that adequate fire fighting equipment is available to protect the life and health of the people attending the gathering.
- (m) The operator shall provide the services and facilities outlined in the engineering report and approved by the permit-issuing official.
- (n) The operator shall provide such emergency health-care services and facilities as may be required under applicable provisions of sections 18.3 and 18.4 of Part 18 of this Title.

#### **7-4.4 Variance and waivers**

- (a) **Variance.** In order to allow time to comply with certain provisions of this Subpart, an operator may submit a written request to the permit-issuing official for a variance from a specific provision(s). The permit-issuing official may grant a variance for a period not to exceed one year when the health and safety of the public will not be prejudiced by the variance and where there are practical difficulties or hardships in immediate compliance with the provision. An operator must meet all terms of an approved variance including the effective date, the time period for which the variance is granted, the requirements being varied and any special conditions the permit-issuing official specifies.
- (b) **Waiver.** In order to obtain a waiver permitting alternative arrangements that do not meet the provisions of this Subpart but do protect the health and safety of the occupants and the public, an operator may submit a written request to the permit-issuing official for a waiver from a specific provision of this Subpart. Such request must demonstrate to the satisfaction of the permit-issuing official that the alternate arrangements provide adequate protection of the health and safety of the patrons and the public. The permit-issuing official may grant or deny a waiver after obtaining and following the recommendation of the State Department of Health and may set conditions on such waiver. An operator must meet all terms and conditions of an approved waiver. A waiver will remain in effect unless revoked by the permit-issuing official or the facility changes operators.

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### 7-4.5 Water and sewage

(a) Every existing and proposed water supply serving a mass gathering shall comply with the maximum contaminant levels and the applicable turbidity requirements contained in Subpart 5-1 of this Title and, in addition, shall meet the following requirements:

- (1) Drinking water shall be adequate in quantity, of a quality which the permit-issuing official approves as complying with at least the applicable requirements of Part 5 of this Title, and shall be readily available to occupants of the property. Drinking water only shall be so delivered or piped as to be easily accessible. Nonpotable water shall not be easily accessible.
- (2) A well or spring source of drinking water shall be constructed, located and protected against pollution in a manner approved by the permit-issuing official or the State Commissioner of Health as properly designed against contamination. A pipe, pump or other outlet delivering drinking water shall be of an adequate type and installation, and provisions shall be made for proper disposition of wastewater.
- (3) There shall be no physical connection between a pipe carrying drinking water and a nonpotable water supply. Fixtures, installations or equipment from which back-siphonage may occur, shall not be supplied water from a pipe carrying drinking water.
- (4) A common drinking utensil shall not be provided. Drinking fountains shall be of adequate sanitary design and construction.
- (5) Where a water treatment process is employed, records of such treatment shall be properly maintained on a daily basis and submitted at least monthly to the permit-issuing official, on such forms as he or the commissioner may direct.
- (6) Any interruption in treatment of a drinking water supply shall be reported immediately to the permit-issuing official. No change in the source or method of treatment of a drinking water supply shall be made without first notifying and securing the approval of the permit-issuing official.
- (7) A minimum water pressure of 20 pounds per square inch, at peak demand, shall be maintained at all points in the distribution system.

(b) Facilities shall be provided and maintained for the satisfactory treatment and/or disposal of sewage. In addition, such facilities shall meet the following requirements:

- (1) A plan for proposed new or modified facilities for the satisfactory treatment and/or disposal of sewage shall be submitted to the permit-issuing official or the State Department of Health when the individual system treats a daily flow of less than 1,000 gallons of sewage. Plans for new or modified facilities designed to treat a daily sewage flow of 1,000 gallons or more shall be submitted to the Department of Environmental Conservation for approval.

(2) A permit or approval in writing for the discharge of sewage or sewage effluent as provided by the plans shall be obtained from the permit-issuing official or other official having jurisdiction.

(3) No construction shall be commenced for new or modified facilities for the treatment and/or disposal of sewage until such permit or approval in writing has been received by the operator. Construction shall be in accordance with approved plans.

(4) The presence of inadequately treated sewage on the surface of the ground is prohibited.

#### **7-4.6 Swimming pools and bathing beaches**

A swimming pool or bathing beach operated as a part or facility of a mass gathering for the use of occupants, guests, invitees or employees shall be constructed, maintained and operated so as to comply with the provisions of Part 6 of this Title.

#### **7-4.7 Engineering report**

All applications for a permit to conduct a mass gathering shall be accompanied by an engineering report containing the following information:

(a) The name, age, residence, mailing address and telephone number of the applicant; a statement of the applicant's legal status, such as individual, partnership, corporation, etc. If the applicant is a partnership, state the names and addresses, etc. of all partners; and if a corporation, the names and addresses of all corporate officers and stockholders, together with a certified copy of the articles of incorporation and a list of the names and addresses of all persons directly in charge of the activity.

(b) The location and legal description of the property where the activity is proposed, including all lands to be used directly, indirectly or incidental to the proposed activity or any part thereof; attaching to the application certified copies of documents disclosing the nature of the interest of the applicant relating to such property.

(c) The date or dates and the hours during which the activity, including travel time, is to be conducted and the total time period.

(d) The program and plans of the activity in its entirety, specifying:

(1) detailed plans for parking facilities off public roadways able to serve all reasonable anticipated requirements at a rate of up to 100 passenger cars per acre or 30 buses per acre;

(2) detailed plans for transportation arrangements from noncontiguous parking facilities to the site to fully serve all reasonably anticipated requirements at a rate of no less than 20,000 persons per hour; including a statement from the county sheriff, State police, New York State Department of Transportation or other law enforcement agency certifying that the traffic control plan is satisfactory;

- (3) an outline map of the area to be used, to an appropriate scale, showing the location of all privies or toilets and handwashing facilities, all water supply sources (lakes, ponds, streams, wells, storage tanks, etc.), all areas of assemblage, including separate overnight camping areas for sleeping, all food service areas and all refuse storage handling and disposal areas, and emergency access and egress roads;
- (4) the total number of persons permitted at the event, including performers, staff members and audience, which shall be determined by providing a net assembly area of at least 50 square feet per person in addition to providing at least 50 square feet per person in a separate camping area for 50 percent of the population;
- (5) a plan for limiting attendance, including methods of entering the area, number and location of ticket booths and entrances, and provisions for keeping nonticket holders out of the area;
- (6) a statement agreeing to complete all construction and installation of services and facilities including water supply, toilet and handwashing facilities, sewage disposal, roads, food service equipment and refuse handling facilities, and all work for noxious weed and insect control, at least 48 hours prior to the commencement of the event;
- (7) a detailed plan for food service, including a description of food sources, menu, mandatory use of single-service dishes and utensils, refrigeration, food handling and dispensing in compliance with Part 14 of this Title;
- (8) a detailed plan for use of signs to locate all facilities and roadways;
- (9) a statement from local fire authorities having jurisdiction over the area verifying that they are aware of the event and are willing to cooperate if needed;
- (10) a detailed plan for emergency situations, including:
  - (i) food supplies;
  - (ii) medical supplies, facilities and personnel;
  - (iii) an evacuation plan; and
  - (iv) emergency access roads;
- (11) a statement from the local civil defense director indicating that he/she has been advised of the event and has approved the plan from a civil defense standpoint;
- (12) a command post to be used by State Department of Health personnel and/or the permit-issuing official and his lawful representatives, consisting of a minimum of one building or trailer equipped with a communication system satisfactory to the permit-issuing official;

(13) a statement that, if adult mosquito and biting fly populations are found to be in excess of 15 specimens per trap/night, the applicant agrees to arrange for proper adult mosquito control measures to be instituted no earlier than 72 hours nor later than 48 hours before the advertised start of the gathering in order to reduce such populations to a satisfactory level;

(14) a detailed plan for elimination of noxious weeds 48 hours before commencement of the mass gathering;

(15) detailed plans for security enforcement, including prevention of the unlawful use of alcohol, narcotics or dangerous drugs at the site, methods for limiting the size of the proposed function to the number of participants for which the facilities are designed, and external as well as internal crowd control, including sufficient guards for crowd control and security enforcement; and

(16) a letter or other written document from the appropriate municipal official certifying that the proposed mass gathering site conforms with applicable municipal zoning and planning regulations.

(e) The location and construction of toilet and handwashing facilities designed to serve fully all reasonably anticipated requirements at a rate of no more than 100 persons per toilet seat and 750 persons per handwashing facility, 50 percent of the male toilets to be urinals, and plans for construction and reports, including copies of all rental and service contracts, showing that the construction and operation constitute no threat of pollution to surface or underground water locations, to be attached.

(f) The location and construction of water supply facilities, designed to serve fully all reasonably anticipated requirements at a rate of one pint of potable water per person, per hour, for the maximum estimated hourly attendance. One tap and one drinking fountain shall be provided per 1,000 persons and shall be separately located with adequate soakage pits or drainage. Detailed plans for approval by the permit-issuing official, showing that the water supply meets Part 5 of this Title and laboratory results of both bacteriological and chemical analyses of all new water supply sources, shall be attached.

(g) Detailed plans for internal storage and collection of refuse, including provisions for disposal and cleaning the property and immediate surrounding properties within 48 hours after the event.

(h) Detailed plans for emergency first aid to serve fully all reasonably anticipated requirements. Such plans shall state the arrangements made with hospitals and ambulances in the area, including names and locations, the number of doctors and nurses at the site and on call, and arrangements made with all other medical personnel and facilities, either at the site or on call.

- (i) Detailed plans for amplifying equipment designed to control the noise level at the perimeter of the site to no more than 70 decibels on the A scale of a sound level meter which meets the specifications of the American National Standards Institute.
- (j) Detailed plans for lighting designed to illuminate the public areas of the site at all times and demonstrating that the lighting will not reflect on any area beyond the boundary of said site.
- (k) A plan showing that the proposed activity is adequately buffered from all residential areas within 500 feet.

#### **7-4.8 Liability and property damage insurance.**

The applicant shall provide evidence of liability and property damage insurance in such form and amount as shall be determined by the permit-issuing official to be reasonable in relation to the risks and hazards involved and in relation to or in any way arising out of the proposed activity, together with a written hold-harmless agreement to the public at large for any loss or damage above and beyond insurance coverage.

#### **7-4.9 Proof of financial resources.**

The applicant shall submit proof of financial resources sufficient to execute the plans as submitted.

#### **7-4.10 Other Requirements**

Structures at a mass gathering which are available for workers for overnight occupancy shall meet the requirements of Subpart 7-1 of this Title.

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State of New York  
Department of Health