

AMUSEMENTS, ETC.

**ORDINANCE LICENSING
AND
REGULATING AMUSEMENTS AND FORMS OF ENTERTAINMENT**

SECTION 1. Any person, firm or corporation who shall conduct for gain or profit within the Town of Kirkwood, any circus, carnival, musical or theatrical performance, auto race or races, show, public exhibition or performance shall first obtain a license from the Town Clerk to do so.

Exceptions

The foregoing provision shall not apply to amateur performances, concerts and exhibitions for charitable purposes, nor shall it apply to moving picture shows in an established moving picture house.

SECTION 2. The Town Clerk shall issue such a license upon application and it shall be signed by the Town Clerk. The Town Clerk shall keep a record thereof and the amount of the fee paid thereof.

SECTION 3. The amount of the fee for a license shall be Fifty Dollars (\$50.00) which shall be the fee for one day's performance. However, in the event that the activity scheduled for that date is cancelled by reason of inclement weather, then said activity may be rescheduled and conducted without the payment of an additional fee on another date within seven (7) calendar days from the cancellation date. (Last Amended 1-5-10 by LL #1-2010)

SECTION 4. Any form of activity mentioned in Section 1 which is being conducted in an outdoor area shall be closed and terminated at 11:00 P.M. However an activity which commences prior to 11:00 P.M. must terminate not later than 11:30 P.M. of that day. (Amended March 4, 2008 by LL No. 1-2008)

SECTION 5. Any activity mentioned in Section 1 hereinbefore shall be conducted in accordance with all provisions of the Public Health Laws of the State of New York, the New York State Sanitary Code, the requirements of the Broome County Health Department and, if applicable, A Local Law Regulating the Assembly of Persons Within the Town of Kirkwood (Local Law 3 of the year 1981). The Broome County Health Department shall have the right to inspect the premises being used by any person, firm or corporation conducting such activity and all of his or their equipment, to determine whether or not the sanitary conditions under which such activity is conducted are in accordance with the standards prescribed by the Public Health Law of the State of New York and the County of Broome. (Amended March 4, 2008 by LL No. 1-2008)

SECTION 6. Violation of ordinance; penalties therefore:
(Amended March 4, 2008 by LL No. 1-2008)

A. A violation of this ordinance is a violation and is punishable as set forth in Section 6(B). Note that the maximum fine on any one occasion cannot exceed \$1,000. (Amended 11/3/14)

B. Conviction of an offense as provided herein shall be punishable as follows:

1. An activity which commences prior to 11:00 o'clock P.M. and terminates between 11:31 P.M. and midnight shall for a first conviction thereof be punished by a fine of \$250.00; and for a conviction of a second or subsequent violation thereof committed during any calendar year by a fine of \$500.00.

AMUSEMENTS, ETC.

2. An activity which commences after 11:00 o'clock P.M. and terminates prior to 11:30 P.M. shall for a first conviction thereof be punished by a fine of \$250.00; and for a conviction of a second or subsequent violation thereof committed during any calendar year by a fine of \$500.00.

3. An activity which commences after 11:00 o'clock P.M. and terminates between 11:31 P.M. and midnight shall for a first conviction thereof, in addition to the fine set forth in subparagraph 2 above, be punished by an additional fine of \$250.00; and for a conviction of a second or subsequent violation thereof committed during any calendar year by an additional fine of \$500.00.

4. Any activity which terminates after midnight for a conviction thereof shall be punished by a fine of \$750.00 in addition to any other fine for such activity set forth above.

5. However, in no event, shall the cumulative fines imposed above exceed the sum of \$1,000.00 for any individual activity.

SECTION 7. The Town Clerk in issuing a permit under this ordinance may consider, with the advice of the Town Enforcement Officer, such matters as the safety of vehicular access and egress and parking facilities which might be required for the event being licensed. In addition thereto, no such license shall be issued unless the applicant shall furnish the Town of Kirkwood with a commercial liability insurance policy insuring the Town against liability for damage to person or property with limits of not less than \$1,000,000 per occurrence and \$1,000,000 annual aggregate, and to save the Town harmless from any and all liability or cause of action which might arise by reason of issuance of said license. Said policy shall not be cancelled without 10 days written notice to the Town and the policy shall remain in effect during the entire period of the event being so licensed. Failure to keep the policy in effect will result in automatic revocation of the license without hearing. The requirements of the above comprehensive liability insurance policy can be satisfied by naming the Town as an additional named insured to any existing policy of the applicant, in which case, the annual aggregate shall be \$2,000,000.
(Added May 6, 1997 by LL No. 2-1997)

Section 8. Repealer

All ordinances, Local Laws and parts thereof inconsistent with the Local Law are hereby repealed.

Section 9. Effective Date

This local law shall take effect immediately upon filing with the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

*See Fine Schedule on page 203.

AMUSEMENTS, ETC.

Fines to be Imposed for Violations(s) of Amusement Local Law

| | |
|--|--|
| Race starts before 11:00 PM and ends by 11:30 PM | No Violation → No Fine |
| Race starts before 11:00 PM and ends between 11:31 PM (ex: 11:35 PM) and 12 AM | Violation → <ol style="list-style-type: none"> 1. 1st Offense: \$250 fine 2. 2nd or subsequent Offense, within the same calendar year: \$500 fine |
| A race that starts after 11:00 PM and ends before 11:30 P.M. | Violation → <ol style="list-style-type: none"> 1. 1st Offense: \$250 fine 2. 2nd Offense: within the same calendar year, \$500 fine |
| A race that starts after 11:00 PM and ends between 11:31 PM and 12 AM | Violation → In addition to above fine <ol style="list-style-type: none"> 1. 1st Offense: \$250 fine 2. 2nd or subsequent Offense: within the same calendar year, \$500 fine |
| Race that extends beyond 12 AM | Violation → Fine of \$750 in addition to above fines |

Note: Maximum fine on any one occasion cannot exceed \$1,000.