

# 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. Do not use italics or underlining to indicate new matter.

SECRET NEW YORK  
DEPARTMENT OF STATE  
**FILED**  
DEC 12 2003  
MISCELLANEOUS  
& STATE RECORDS

~~XXXXXX~~  
~~City~~ of Riverhead  
Town  
~~Village~~

Local Law No. 23 of the year 2003

A local law ADOPTS LOCAL LAW TO REPEAL AND REPLACE CHAPTER 90  
(Insert Title)  
ENTITLED "SPECIAL EVENTS" OF THE RIVERHEAD TOWN CODE.

Be it enacted by the Town Board of the  
(Name of Legislative Body)

~~XXXXXX~~  
~~City~~ of Riverhead as follows:  
Town  
~~Village~~

SEE ATTACHED:

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

(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. 23 of 2003 of the ~~(County)(City)(Town)(Village)~~ of Riverhead was duly passed by the The Town board on December 2, 2003, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*

**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.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

**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.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

**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 \_\_\_\_\_ 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.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

\* 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.

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.

Barbara Sutton Town Clerk  
Clerk of the County legislative body, City, Town or Village Clerk  
or officer designated by local legislative body

(Seal)

Date: December 8, 2003

(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 Suffolk

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

[Signature]  
Signature

\_\_\_\_\_  
Title Town Attorney

~~County~~  
~~City~~ of Riverhead  
~~Town~~  
~~Village~~

Date: December 8, 2003

## **Chapter 90**

### **SPECIAL EVENTS**

- § 90-1. Repealer.**
- § 90-2. Definitions.**
- § 90-3. Licensing.**
- § 90-4. Conditions for granting permit.**
- §90-5. Review of application; public hearings; approval or denial of permit.**
- § 90-6. Application fees.**
- § 90-7. Modification or recession of permit.**
- § 90-8. Other approvals.**
- § 90-9. Alcoholic beverages.**
- § 90-10. Persons prohibited from attending.**
- § 90-11. Prohibited conduct.**
- § 90-12. Prohibited exhibitions.**
- § 90-13. Hours.**
- §90-14. Severability.**
- § 90-15. Penalties for offenses.**

#### **GENERAL REFERENCES**

**Alcoholic beverages - See Ch. 46.**  
**Sunday activities - See Ch. 93**  
**Fire Prevention – See Ch 64**  
**Outdoor Assembly – See Ch 83**

**§ 90-1. Repealer.**

The Shows and Exhibitions Ordinance of the Town of Riverhead, adopted by the Town Board of the Town of Riverhead during codification; see Chapter 1, General Provisions, Article II, and any subsequent amendments thereto, is hereby repealed. All rules and regulations of the Town of Riverhead or any agency, department or board thereof inconsistent herewith are hereby repealed as of the effective date of this chapter

**§ 90-2. Definitions.**

Unless otherwise expressly stated, the following terms shall, for the purposes of this chapter, have the meanings set forth below:

**AMBULANCE CHIEF** – The Chief of the Riverhead Volunteer Ambulance Corps.

**CHIEF OF POLICE** -- The Chief of Police of the Town of Riverhead.

**FIRE CHIEF** – The Fire Chief of the fire district in which the planned event shall be located.

**FIRE MARSHAL**--The Fire Marshal of the Town of Riverhead.

**PERSON** -- Any individual, firm, partnership, association, corporation, company or organization of any kind, including a charitable, religious, membership, hospital or not-for-profit corporation.

**SPECIAL EVENT** – Any form of entertainment, eight (8) weeks duration or less, open to the public with or without an admission fee and held on a one-time or occasional basis, which may include, but not be limited to, for example, carnivals, circuses, fairs, bazaars and outdoor shows, horse shows or exhibitions, concerts, road rallies and parades. A special event will not include any activity conducted at a permanent facility which has a valid USE Permit covering such activity. A special event shall not include any activity having less than 100 spectators at any one time during the duration of the event. Special event with less than 100 spectators expected shall apply for necessary permits under Town Code Chapter 83 and/or Town Code Chapter 64. A special event includes, but is not limited to, a temporary and exclusive use by any person of any of the following events or combination thereof; with a maximum expected attendance of more than 100 persons at any one time;

- (1) Use of amusement devices;
- (2) Carnivals or circuses, including any exhibition involving amusement attractions or rides, spectacles, animals, side shows, games and the like.
- (3) Use of inflatable devices in excess of four feet in diameter, including any hot air balloons or any other inflatable object;
- (4) Noise disturbances as defined and regulated under Chapter 81 of this code, including activities for which a variance has been granted;
- (5) Use of powered equipment requiring connection to public power supplies or separate generator or power supply equipment, including;
  - (i) heating, cooling, refrigerating or cooking devices;
  - (ii) sound amplification, public address, loud speaker, audio, video or television systems;

- (6) Racing or athletic competitions and uses including motor vehicle racing or running marathons, cross country, bicycle, moped, skateboards, roller blades, or any other contest or exhibition that is competitively times, or speed related;
- (7) Sales of alcohol beverages, including any activity requiring a special designated permit or other permit under the NYS Liquor Authority;
- (8) Sales of goods and merchandise, including food, clothing, supplies, equipment, concession, souvenirs, balloons, candy, jewelry or any other similar items offered for sale;
- (9) Use of permanent or temporary structures, including stages, booths, canopies, tents, awnings, risers, bleachers, fences, partitions, stands, or similar constructions;

Special event shall not include (i) the use of public space by governmental agencies acting within the scope of their authority or (ii) authorized uses in the public space permitted by other chapters of this title.

TOWN -- The Town of Riverhead.

TOWN CLERK -- The Town Clerk of the Town of Riverhead.

**§ 90-3. Licensing.**

**A. Written permit required.**

- (1) Special Event Short Form application – small gathering. Where 100 to 1,000 spectators are expected at any one time during the duration of the event and the event duration is twelve (12) hours or less per calendar day, no person shall use, allow, let or permit property to be used for a special event unless a special event permit has been issued by the Town Board of the Town of Riverhead.
- (2) Special Event Long Form – large gathering. Where more than 1,000 spectators are expected at any one time during the duration of the event or the event duration is more than twelve (12) hours per calendar day, no person shall use, allow, let or permit property to be used for a special event unless a special event permit has been issued by the Town Board of the Town of Riverhead.

**B. Required filing date.** Application for such permit shall be on the form provided by the Town Clerk, addressed to the Town Board and filed with the office of the Town Clerk in accordance with the below filing dates based on the type of special event. The Town Board, in its discretion, may provide for an expedited review for a special events permit under this Chapter.

- (1) Special Event Short Form Application shall be filed at least forty (40) calendar days prior to commencement date of special event.
- (2) For an event where more than 1,000 spectators but less than 5,000 spectators are expected at any one time during the duration of the event, a Special Event Long Form Application shall be filed at least one-hundred twenty (120) days prior to commencement date of the special event.
- (3) For an event where more than 5,000 spectators are expected at any one time during the duration of the event, a Special Event Long Form Application shall be filed at least one-hundred eighty (180) days prior to commencement date of the special event.

- C. Information and material to be submitted with completed Special Event Short Form Application. Such application shall include the following written material:
- (1) The name, age and address of the applicant; if the applicant is a corporation, the name of the corporation and the names and addresses of directors and officers of the corporation; if the applicant does not reside in Suffolk County, the name, address and phone number of any agent, who shall be a natural person and shall reside or have a place of business in the County of Suffolk 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.
  - (2) The name and address of the record owner of the subject property or properties and the nature and interest of the applicant in the property; proposed use of town or other publicly owned property; proposed dates and hours of the special event, including setup and shutdown times; expected maximum number of persons intended to use the property at one time and collectively, including organizers, employees, vendors, exhibitors and spectators; the expected number of automobiles and other vehicles intended to use the property at one time and collectively; the purpose of the event, describing in detail the nature of the activities to be carried on and the admission fee to be charged, if any; and the name of groups, organizations, charities or individuals who shall benefit from the proceeds of the event.
  - (3) A plan and drawing showing the size of the property; 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 or signs to be erected for the temporary event; the location of the stage or tents, if any, proposed to be erected; the designated areas of use for spectators, exhibitors, vendors, employees, and organizers; the location of all exits; the location of all fire extinguishers and other fire safety equipment; and the location of all temporary utilities to be installed for the event.
  - (4) A plan and 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 provide one parking space for every four persons in attendance and shall be in accordance with the Fire Marshal's setback guidelines.
  - (5) The name, address and telephone number of the person(s) who will be engaged in the preparation and sale of food.
  - (6) A plan for the use of live music, loudspeakers, horns, or other sounds which will be used, if any, and the type and location of speakers and other audio equipment.
  - (7) The name and address of the security company, if any, which will work on the premises, and a description of the duties to be performed, subject to the approval of the Chief of Police.
  - (8) A description of the communications plan to be utilized by the event organizer to facility command and control of all routine and emergency activities related to the event, subject to approval by the Chief of Police and Fire Marshal.
  - (9) A description of tents or other temporary structures, camping or housing facilities to be available, if any, and a plan showing the intended number and location of them, compliance with the applicable requirements of the NFPA Life Safety Code

(NFPA 101); the NFPA Temporary Membrane Structures/Tents (NFPA 102) and the Fire Code of New York State.

D. Information and material to be submitted with completed Special Event Long Form Application. Such application shall include the following written material:

- (1) The name, age and address of the applicant; if the applicant is a corporation, the name of the corporation and the names and addresses of directors and officers of the corporation; if the applicant does not reside in Suffolk County, the name, address and phone number of any agent, who shall be a natural person and shall reside or have a place of business in the County of Suffolk 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.
- (2) The name and address of the record owner of the subject property or properties and the nature and interest of the applicant in the property; proposed use of town or other publicly owned property; proposed dates and hours of the special event, including setup and shutdown times; expected maximum number of persons intended to use the property at one time and collectively, including organizers, employees, vendors, exhibitors and spectators; the expected number of automobiles and other vehicles intended to use the property at one time and collectively; if there are animals, the approximate number and types of animals, the name, address and telephone number of the contractor providing and/or transporting the animals, the storage and provisions for disposal of all animal wastes; the purpose of the event, describing in detail the nature of the activities to be carried on and the admission fee to be charged, if any; and the name of groups, organizations, charities or individuals who shall benefit from the proceeds of the event.
- (3) A plan and drawing showing the size of the property; the zoning district in which it is located; 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; the type and location of all signs to be erected for the temporary event; the location of the stage or tents, if any, proposed to be erected; the designated areas of use for spectators, exhibitors, vendors, employees, and organizers; the location of all exits; the location of all fire extinguishers and other fire safety equipment; and the location of all temporary utilities to be installed for the event.
- (4) An Environmental Impact Study, if so required by the Town Attorney.
- (5) A plan and drawing showing the method to be used for the disposal of sanitary waste and sewage, subject to approval by the Town of Riverhead and Suffolk County Health Department.
- (6) A plan and drawing showing the method to be used for the supply, storage and distribution of water, subject to approval by the Town of Riverhead and Suffolk County Health Department.
- (7) A plan and 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 provide one parking space for every four persons in attendance and shall be in accordance with the Fire Marshal's setback guidelines.

- (8) Provisions to dispose of any garbage, trash, rubbish or other refuse, subject to approval by the Town of Riverhead and Suffolk County Health Department.
- (9) The name, address and telephone number of the person(s) who will be engaged in the preparation and sale of food, beer or alcohol and a copy of their State and/or County license/permit for said activity
- (10) A plan for the use of live music, loudspeakers, horns, or other sounds which will be used, if any, and the type and location of speakers and other audio equipment.
- (11) A plan for the use of lighting, if any, and the type and location of such equipment.
- (12) The name and address of the security company, if any, which will work on the premises, and a description of the duties to be performed, subject to the approval of the Chief of Police.
- (13) A description for fire protection and a map specifying the location of fire lanes and water supply for fire control, subject to approval of the Fire Chief and Fire Marshal..
- (14) A copy of the completed application filed with the Suffolk County Department of Health – Emergency Medical Services. The Town Board may require applicant to contract for its own medical and or ambulance services.
- (15) A description of the communications plan to be utilized by the event organizer to facility command and control of all routine and emergency activities related to the event, subject to approval by the Chief of Police and Fire Marshal.
- (16) A description of tents or other temporary structures, camping or housing facilities to be available, if any, and a plan showing the intended number and location of them, compliance with the applicable requirements of the NFPA Life Safety Code (NFPA 101); the NFPA Temporary Membrane Structures/Tents (NFPA 102) and the Fire Code of New York State.
- (17) A plan demonstrating that the event shall be handicap accessible to the extent practical. The applicant shall provide handicap accessibility for restroom facilities and adequate handicapped parking as close to the event as practical.
- (18) If any type of banner is to be displayed adjacent to a town, county or state road, the applicant shall include the size of the banner, location of the banner and the dates that it will be displayed and submit approvals from the appropriate County and State agencies.
- (19) A plan describing the rehabilitation of the event site to its original condition, including but not limited to rubbish and trash removal, removal of all temporary structures and restoration of all landscaping and other public property to a condition comparable to that prior to the event.

**§ 90-4. Conditions for granting permit.**

A. Prior to the issuance of a permit, the permittee shall furnish the town with written authorization to permit the town or its lawful agents to enter the subject property for the purpose of conducting an initial site inspection and a pre-event inspection for the protection of health, safety and welfare of citizens of the Town of Riverhead.

B. The applicant shall file with the Town Board before obtaining such license a certificate of public liability insurance covering the applicant and the Town of Riverhead for personal injuries, comprehensive general liability in an amount satisfactory to the Town Attorney, which policy shall name the town as an additional insured and shall be noncancellable without prior written

notice to the town. Said insurance policy shall be approved as to form, sufficiency and limits of coverage by the Town Attorney.

C. Where the special event will impact the health, safety and welfare, as a condition of the granting of the permit, the Town Board may require the permittee to reimburse the town for costs of police, ambulance protection and/or other Town services as may be deemed necessary by the Town Board to adequately and safely control and protect the persons attending the event, the event area and traffic in and around the area of the event. In no event, however, will the Town be obligated to provide police, ambulance protection or other Town services. Costs for such police, ambulance protection and/or other services provided by Town employees in processing the permit application shall include those over and above routine staffing, including costs for overtime and for the hiring of special police officers and or emergency medical services personnel. The estimated costs for services shall be provided to the applicant and the Town Board by written report from the Chief of Police, Ambulance Chief, Fire Marshal or other Town Department Head prior to the issuance of the permit. Based on the number of people, date of the event, the time of the event and the location of the event, the applicant shall be required to reimburse the Town for the cost of police to ensure public health and safety through the smooth flow of traffic in and around the area of the event. The applicant may be required to pay these fees prior to the event, but all fees shall be due and payable within ten (10) of rendering of an invoice for said expenses by the Town of Riverhead.

D. The Town Board may require applicant to provide a letter of credit, bond or other suitable security instrument to secure compliance with conditions in the permit and to insure adequate clean up of the property after the event. The Town Board shall set the amount by resolution, and no permit shall be issued until the security has been provided to the Town Clerk. If the applicant fails to honor the permit conditions or does not clear the property of debris seven (7) days of mailing of written notice by return-receipt requested mail, the Town may use such portion of the security as is required to remedy the situation.

E. Permit available on premise. The special event permit issued hereunder shall be displayed on the premise during the special event and shall available for inspection by a police officer or other enforcement officer of the Town of Riverhead upon request of such officer.

F. The Town may issue a permit upon such other reasonable conditions necessary to ensure compliance with this law and for the general protection of the health, safety and welfare of the persons and property in the town. The Town may require the applicant to provide notice, in a form prescribed by the Town, to any residents, business owners or persons that may be affected by the special; event.

#### **§90-5. Review of application; approval or denial of permit.**

A. All applications for a permit shall be reviewed by the Town Board, Town Attorney, Chief of Police and Fire Marshal. The Town Attorney, Chief of Police and Fire Marshal shall submit a written report to the Town Board explaining any issues and/or concerns that must be addressed concerning the application. The Fire Marshal shall obtain such further reports from local public safety organizations, including ambulance and fire districts, as appropriate. The Chief of Police shall also provide a written estimate of additional police services that shall be necessary to adequately protect the public during the event. The Town Board may also request an advisory

report from the Planning Board and from any other advisory board whose expertise and evaluation may be appropriate.

B. In determining whether to approve or deny an application, the Town Board shall consider the information provided in the application and such other information as may be available, including but not limited to:

- (1) The Environmental Impact Study
- (2) Impact of the event on the safe and orderly movement of traffic within and contiguous to the event.
- (3) Need for the town to police such event, and whether the numbers of police officers assigned to properly police such event will prevent the town from providing adequate police protection to the remainder of the Town.
- (4) Impact of the event on fire and police protection and ambulance service to the areas contiguous to the event and to the town in general.
- (5) Impact of the event on the movement of fire-fighting equipment or ambulance service to the town or to areas contiguous to the event.
- (6) Impact of the event on the general health, safety and welfare of the Town as identified through the State Environmental Quality Review process pursuant to New York State Code of Rules and Regulations, Part 6-17.
- (7) Verification that there are no outstanding violations on the property at which the event will be held or any outstanding or unsatisfied conditions of a town agency approval, including but not limited to the Planning Board or the Zoning Board of Appeals.
- (8) Verification that the information contained in the application is not found to be false or nonexistent in any material detail.
- (9) Verification that the grant of the permit would not violate any existing covenants on the property.
- (10) If one or more events are scheduled for the same date that are within a half a mile radius of each other, the Town Board will determine if there are adequate resources for all these events. If there are not sufficient resources to ensure public health and safety the Town Board shall deny one or more permits if the impacts of the vents cannot be mitigated. When deciding which event to deny the Town Board shall consider the following:
  - a. Whether the event is recurring.
  - b. Whether this recurring event has been subject to a violation within the last three years.
  - c. The date the permit application was submitted to the Town Clerk.
  - d. If events occurred the prior calendar year, the Town Board shall consider what their impact was on that area of the Town.
- (11) A donation to one or more local charities.
- (12) If an applicant is requesting a special event permit that was held he previous year, verification must be submitted from those charities listed on the previous application.

D. If permission to hold a special event is granted the permit may set forth the maximum number of persons permitted to attend the event. The Town Board, in determining the maximum

limit, shall take into consideration the capacity of the site, the facilities to be available and the availability of public highway and other means of transportation to and from the site.

E. A special event permit is not transferable and shall expire at the close of the event for which it is issued.

**§ 90-6. Application fees.**

A. A fee schedule will be determined by resolution of the Town Board of the Town of Riverhead for application fees required by Section 90-3A.

B. The application for a permit shall be accompanied by the appropriate application fee unless waived at the discretion of the Town Board at the time of filing application. Application fees shall be collected by the Town Clerk.

**§ 90-7. Modification or rescission of permit.**

If, after a permit is issued, the Town Board determines that any of the representations and/or statements contained in the application are materially inaccurate or any of the conditions of the permit have not been complied with, the Town Board may serve the permittee's agent, a Notice of Rescission of Special Permit specifying the manner in which the Permitted has not complied with the terms of its permit and/or identifying the incorrect information supplied in the application. The Town Board may for good cause modify or rescind such permit, absolutely or upon conditions.

**§ 90-8. Other approvals.**

A. The provisions of this chapter are not exclusive, and applicant remains subject to all other applicable governmental permits and approvals as may be required, including but not limited to, approvals/permits from the Suffolk County Department of Health, the New York State Department of Health and approvals/permits for tents, fireworks and any further permit(s) as may be required for animal shows, carnivals, circuses and similar events.

**§ 90-9. Alcoholic beverages.**

The applicant remains subject to the provisions of Chapter 46 of the Code of the Town of Riverhead, except upon waiver granted by the Town Board. Applicant planning to serve alcohol must receive necessary permits from NYS Liquor Authority.

**§ 90-10. Persons prohibited from attending.**

It shall be unlawful for the owner, proprietor, manager or person in charge of any place licensed under the provisions of this chapter, or for any employee of said place, to harbor, admit, receive or permit to be or remain in and about any such place any lewd or dissolute person, any drunken or unruly person or any person whose conduct tends in any way to corrupt the public morals or create a public safety hazard.

**§ 90-11. Prohibited conduct.**

A. It shall be unlawful for any person to conduct himself in an unruly manner or to use any profane, obscene or indecent language in or about any place licensed under the provisions of this chapter.

B. Attendance at a special event in excess of the attendance allowed pursuant to the permit shall be prohibited. Applicants allowing excess attendance which requires unanticipated police, Fire Marshal, fire protection, ambulance and/or EMS services shall be responsible to reimburse the public safety agency for services and fees incurred.

**§ 90-12. Prohibited exhibitions and sales.**

A. It shall be unlawful to give or permit the giving of any entertainment or exhibition of a lewd, suggestive, vulgar or immoral type or to use therein any indecent or obscene language or to behave in any manner tending to corrupt the public morals.

B. It shall be unlawful to sell or permit the selling of any merchandise of a lewd, suggestive, vulgar or immoral type that in any manner tends corrupt the public morals.

**§ 90-13. Hours.**

A. No exhibition, performance for hire, carnival, carrousel, bazaar, open-air show or place of amusement shall be open to any child under the age of seventeen (17) years between the hours of 10:00 p.m. until 9:00 a.m. of the succeeding day unless accompanied by his parents or a person over twenty-one (21) years of age.

B. No exhibition, performance for hire, carnival, circus, carrousel, bazaar, open-air show or place of amusement shall be open any day between the hours of 12:01 a.m. and 9:00 a.m. of the succeeding day, unless expressly waived by the Town Board in the Special Event Permit.

**§90-14. Severability.**

If any clause, sentence, paragraph, subdivision, section or other part of this Local Law shall for any reason be adjudged by any court of competent jurisdiction to be unconstitutional or otherwise invalid, such judgment shall not affect, impair, or invalidate the remainder of this local law, and it shall be construed to have been the legislative intent to enact this local law without such unconstitutional or invalid parts therein.

**§ 90-15. Penalties for offenses.**

A violation of any of the provisions of this chapter shall, upon conviction thereof, be punishable by a fine of not less than two-hundred fifty dollars (\$250.00) nor more than one thousand dollars (\$1,000.00) for each offense or by imprisonment for a period not exceeding

thirty (30) days, or by both such fine and imprisonment. In addition to any fines imposed hereunder.