

Chapter 32¹

EXHIBITIONS, AMUSEMENTS AND
SOCIAL CLUBS

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[HISTORY: Adopted Liberty Village Board 5-18-81 as L.L. No. 2-1981. Amendments noted where applicable.]

§ 32-1. License required for conduct of public exhibitions.

No person shall conduct a public exhibition, including a circus, fair, carnival, rodeo, feat of horsemanship, menagerie, caravan of animals, animal show, exhibition of any natural or artificial curiosity, or performance or exhibition of such nature within the

¹ Editor's Note: Local Law No. 4-1978, adopted 5-15-78, superseded former Ch. 32, Fire Prevention, adopted as follows: Art. I, 6-25-13; Art. II, 5-15-22; Art. III, 12-2-40; Art. IV, 3-29-54; Art. V, 10-21-63; Art. VI, 5-15-22. For current provisions regarding fire prevention, see Ch. 33.

Village of Liberty without first obtaining a license for such performance or exhibition from the Village Board.

§ 32-2. License required for certain amusement devices.

No person shall operate any premises wherein are located any mechanical amusement devices for the playing of games, commonly known as "pinball machines"; shooting galleries; mechanical grabbing machines; billiard or pool tables; mechanical musical devices, commonly known as "jukeboxes"; or any game, operation or transaction similar thereto, under whatever name it may be indicated, whether or not a prize is offered and whether mechanical, electrical or electromechanical, where the amusements are the primary source of income, without first obtaining a license for each such premises from the Village Board.

§ 32-3. License required for operation of social clubs.

No persons shall occupy any premises within the Village of Liberty for the express purpose of having a club, whose social features are a material part of its activities and necessary to its existence and not merely incidental, without first obtaining a license for each such premises from the Village Board.

§ 32-4. Applications for licenses.

Applications for licenses shall be made upon forms to be supplied by the Village Clerk for that purpose. Applications shall contain the following information:

A. For all licenses required by this chapter:

- (1) The name and address of the applicant.
- (2) The type of person; whether individual, partnership, corporation or other type of legal person.
- (3) The age, date and place of birth and citizenship of applicant and any resident natural agent of applicant.

- (4) If the applicant is a partnership, the names, addresses and citizenship of all persons having an interest in the business.
 - (5) If the applicant is a corporation, the names, addresses and citizenship of all officers and stockholders.
 - (6) Any prior convictions of the applicant or any resident natural agent of the applicant for violation of any law or ordinance.
 - (7) A statement that applicants shall comply with all local, county, state and federal requirements.
 - (8) The maximum number of occupants, to be determined by the Building Inspector, Chief of Police and Fire Chief.
- B. For licenses to conduct public exhibitions as required by § 32-1 of this chapter:
- (1) The proposed location and duration of the exhibition.
 - (2) The nature of the exhibition to be presented.
 - (3) A detailed list of each exhibition, entertainment, performance and/or amusement device to be located on the proposed location of the event.
 - (4) The number of pieces of equipment for music and all loudspeaker devices and other devices for the amplification of sound.
- C. For licenses to operate any premises wherein are located any amusement devices as defined in § 32-2 of this chapter:
- (1) The place and description of the machines or devices to be displayed or operated and the business conducted at that place.
 - (2) Not to be located within one thousand (1,000) feet of any boundary line of a house of worship and/or public buildings.

- (3) The legal number of occupants permitted in premises at any one time shall be so stated in the license and posted.
- D. For licenses to operate any premises wherein is located a social club as defined in § 32-3 of this chapter:
- (1) The proposed location.
 - (2) Not to be located within one thousand (1,000) feet of any boundary line of a house of worship and/or public buildings.
 - (3) The legal number of occupants permitted in the premises at any one time shall be so stated in the license and posted.

§ 32-5. Investigation of applicants; issuance of licenses.

- A. Upon presentation of an application as provided herein, the Village Clerk shall refer such application to the Chief of Police or other person designated by the Board of Trustees for a full investigation as to the truth of the statements contained therein and as to any or all other matters which might tend to aid the Board of Trustees in determining whether or not such application should be granted.
- B. The Village Board, upon receipt of a written report by the investigator, shall decide whether or not a license shall be issued, considering among other things the effect of the amusement and/or social club or exhibition upon the peace, welfare and good order of the village.
- C. In granting licenses, the Board of Trustees may approve or disapprove each particular exhibition or amusement device and may also approve or disapprove any lighting system or device emitting or amplifying sound used at any exhibition, amusement and/or social club, as well as impose further conditions, the violation of which shall constitute a violation of this chapter and shall subject the violator, upon conviction, to the penalties provided for offenses against this chapter.

§ 32-6. Fees; expiration of licenses.

- A. License fee for places described in § 32-2 of this chapter shall be fifty dollars (\$50.) a year. An annual license renewal is required for places wherein are located any mechanical amusement devices as described in § 32-2 of this chapter. Renewals of such licenses shall require merely the updating of any obsolete information contained in the original application for a license, submission of the annual license fee and approval of the renewal by the Board of Trustees. Renewals shall be applied for at least sixty (60) days prior to the date of expiration of the current license.
- B. The license fee for each public exhibition as described in § 32-1 shall be fifty dollars (\$50.) for each day such exhibition shall continue, payable at time of application. No renewals of such licenses shall be granted, but subsequent exhibitions by past licensees shall require complete new applications and investigations, unless such requirements shall be waived by the Board of Trustees.
- C. The license fee for a social club shall be an annual fee of fifty dollars (\$50.). Application for renewals must be made sixty (60) days prior to expiration of current license.
- D. License fees submitted with applications which are either withdrawn by applicants or denied by the Board of Trustees shall be refundable, less actual costs of investigation incurred by the village. Unexpended or unused licenses shall not, however, enable the licensee to gain a refund of license fees paid for licenses after such license shall have been approved by the Board of Trustees.
- E. All license fees shall be payable annually, in advance, and shall accompany the application, provided that, where application is made after the expiration of any portion of any license year, a license may be issued for the remainder thereof upon payment of a proportionate part of the annual fee.
- F. All licenses shall expire on the 31st of May of each year.

§ 32-7. Insurance and bond requirements.

Before any license shall be issued for any exhibition, operation of amusement devices pursuant to § 32-2 and/or social club, the applicant may, at the discretion of the Board of Trustees, be required to secure a public liability insurance policy in such principal sum as the Board of Trustees may deem sufficient to protect members of the public, executed by the applicant and conditioned that the village will be saved harmless for any injury to persons or property because of fault or default by the licensees. Said policy shall be issued by a bonding company authorized to do business in the State of New York, in form approved by the Village Attorney and filed with the Village Clerk. A bond or certified check shall be required in the amount of two hundred fifty dollars (\$250.) for cleanup and return of property to previous condition for any exhibition. Such bond or certified check shall be returned upon satisfactory inspection by the Building Inspector.

§ 32-8. Rules of conduct for licensees.

A. No licensees shall permit:

- (1) Gambling at any licensed exhibition or on any licensed premises, except as may be permitted by the State of New York.
- (2) Persons under sixteen (16) years of age to play or operate any mechanical amusement device as described in § 32-2 of this chapter.
- (3) The giving of any performance of a lewd, suggestive, vulgar or immoral type or the use therein of any indecent or obscene language or any behavior tending to corrupt the public morals or incite the public to break any law or ordinance.
- (4) Any disorderly, lewd, dissolute, drunken or boisterous person, any person under the influence of intoxicating liquor or narcotic or hallucinogenic drug or any person whose conduct tends in any way to corrupt the public morals to be admitted to or to remain in or about any licensed exhibition or licensed premises.

- B. The owner, lessee, manager or employee of a public arcade or amusement center shall not:
- (1) Permit a child less than sixteen (16) years old to enter or remain in such place, unless the child is accompanied by his parent or guardian or an adult authorized by a parent or guardian.
 - (2) Permit any screen, blind, curtain, article, posters or thing covering any part of any window on said premises which prevents a clear and full view into the interior of said premises from the sidewalk at all times.
 - (3) During business hours have inadequate lighting. Said premises shall be well lighted so that all areas of the premises are clear and visible.
 - (4) Permit the premises to remain open, except during the following hours: Monday, Tuesday, Wednesday, Thursday and Sunday from 10:00 a.m. to 10:00 p.m. and Friday and Saturday from 10:00 a.m. to 12:00 p.m.

§ 32-9. Posting of licenses; transferability.

- A. Licensees shall post their licenses conspicuously at the location of the licensed exhibition or on the premises licensed.
- B. Licensees desiring to transfer their licenses to new locations within the village or to make any changes shall submit an application for such relocation, change or revision to the Village Clerk for approval by the Board of Trustees. No refund of any license fee shall be made if an application for relocation, change or revision is disapproved.
- C. No license shall be transferable.

§ 32-10. Revocation of licenses.

- A. The Board of Trustees reserves the power to revoke any license issued under the provisions of this chapter, at any time, in cases in which such licenses were procured by fraud or false representation of facts or for the violation of or failure to comply with any provision of this chapter by any licensee or servants, agents or employees of licensees or the conviction of the licensee of any crime or offense involving moral turpitude or conviction of any of his servants, agents or employees of any crime or offense involving moral turpitude committed on the location or premises licensed.
- B. In the case of any public exhibition as described in § 32-1 of this chapter, such revocation may be without notice, and, upon the service of a notice of revocation by either person, mail or posting on the location for which a license is issued, said public exhibition shall cease operations immediately.
- C. In the case of any amusement as described in § 32-1 of this chapter or social club as described in § 32-1 of this chapter, the Board of Trustees shall, at least three (3) days before revoking any license, cause to be mailed, in a prepaid envelope, to the licensee at his address as stated in his application for license, a notice stating the time and place of the hearing concerning the revocation. At the hearing the licensee shall be entitled to be heard and to introduce the testimony of witnesses. The Board of Trustees shall decide, upon the basis of the evidence presented at the hearing, whether or not the license in question shall be revoked. Licensees may appeal from decisions of the Board of Trustees as provided by law.

§ 32-11. Penalties for offenses.

Any person committing an offense against any provision of this chapter shall, in addition to being subject, if a licensee, to having his license revoked as provided in § 32-10 of this chapter, be guilty of a violation punishable by a fine not exceeding two

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hundred fifty dollars (\$250.) or by imprisonment for a term not exceeding fifteen (15) days, or by both such fine and imprisonment. The continuation of an offense against the provisions of this chapter shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

§ 32-12. Modifications and changes.

The Village Board reserves to itself the right to make modification and changes of this chapter by resolution.