

## CHAPTER XX

### AMUSEMENT PARKS

#### SECTION 20.00. Licensing and Regulation of the Operation of Amusement Parks.

20.01. Definitions. "Amusement Park" as used herein shall mean an establishment wherein one or more shows, riding devices, devices for testing skill, carnival shows, music festivals or rock festivals or other activities or equipment for the amusement or entertainment of the public are maintained and operated.

20.02. License Required. No person, firm or corporation shall operate an amusement park within the Town of Lyons without first obtaining a license to do so from the Town Board as hereinafter provided.

20.03. Exemption. That the Volunteer Fire Department of the Town of Lyons shall not be required to secure a license for its Annual Volunteer Firemen's Picnic and Street Dance and is specifically exempt from the requirements of Section 20.00.

20.04. Application. Application for a license to operate an amusement park within the Town of Lyons shall be submitted in writing to the Town Board and shall set forth the following:

- a. Name, residence or office address of applicant.
- b. Description of the premises to be used.
- c. Zoning of the premises to be used.
- d. Statement of the nature of the proposed operation, including a description of all machinery, equipment, and other facilities, to be used, the type of buildings and land improvements to be constructed and used, together with a sketch of the area in which such establishment will be operated showing the public access, highways, and any other pertinent data which applicant deems material.
- e. A description of the surrounding property and its use.
- f. Hours of intended operation.

The application shall be accompanied by a fee of \$50.00 to defray the cost of publication, investigation and public hearing, if any.

20.05. Public Hearing. Upon receipt of an application submitted as provided by this ordinance, the Town Board shall cause to be inspected

or inspect the premises for which a license is requested, and shall set a date for a public hearing upon such application, which date shall be not more than 15 days after receipt of the application by the Town Board. The public hearing shall be held at the Town Hall in the Town of Lyons, and a notice of said hearing shall be published at least 5 days before the date of said public hearing. At such hearing, the Board shall hear all persons interested in the granting or denial of said license.

20.06. Determination by Town Board. Within 5 days after the public hearing, the Town Board shall make a determination as to whether the operation of the proposed use described in the application will be detrimental to the peace, health, safety, and general welfare of the public of the Town of Lyons. The Town Board shall thereupon grant or deny the license in accordance with such determination. The Town Board may issue limited licenses hereunder which will permit certain specified types of entertainment, rides, shows, etc. under certain prescribed conditions in such amusement park. The issuance of such limited license shall not permit the use of any facilities other than those specifically set forth in said license, and all unspecified facilities and activities shall be prohibited.

20.07. Term. Any license issued hereunder shall expire on June 30 and shall be renewable annually without hearing, provided, that the Town Board shall, as a condition precedent to such renewal make a determination that the continued existence of the amusement park will not be detrimental to the peace, health, safety and general welfare of the public of the Town of Lyons.

20.08. Denial of License. In the event a license is denied for the operation of an amusement park with respect to a particular location, no application for such operation on the same parcel of land, or any part thereof, may be filed within one year from the date of such denial.

20.09. Operation Conditions. Every such amusement park, including all premises in connection therewith, shall be maintained and operated so as to meet the following requirements:

- a. Said premises shall be closed and vacated by the public between the hours of twelve midnight and nine a.m. of each day.
- b. No intoxicating liquor or fermented malt beverage shall be sold or consumed on said premises unless a license therefor is granted by the Town.
- c. No immoral or disorderly conduct shall be allowed on said premises.
- d. No public address or loud speaker system shall be operated on said premises, nor shall any music be used in connection with



the operation of said amusement park unless the license issued by the Town Board specifically permits the same.

- e. All vehicles leaving said premises shall be required to stop immediately before entering a public street or highway; and the licensee shall enforce such condition by signs at all exits from said premises and by such traffic regulations as may be necessary.
- f. The premises shall be subject to inspection by the Town Board, or any member thereof, at any time.
- g. The applicant and license holder shall provide for and keep in full force and effect general liability policies of insurance in standard form protecting the license holder against any and all liability occasioned by accident or disaster. Such policy or policies of liability insurance shall be in the principal amount of \$1,000,000.00 in respect to any one accident or disaster and in respect to injuries to any one person, and in the amount of \$3,000,000.00 in respect in injuries or death to more than one person. A certificate of the existence of such policy shall be filed with the town and such policy of insurance shall not be cancelled without notice to the town.

SECTION 20.10. Enforcement. In case any premises are used as an amusement park in violation of this Ordinance, an action in the name of the Town of Lyons may be instituted to enjoin such violation or intended violation, and this remedy shall be in addition to other remedies set forth in this Ordinance.

SECTION 20.20. Revocation.

20.21. Causes for Revocation. The Town Board may revoke a license issued under this chapter for any of the following reasons:

- a. The licensee has made a false statement in the license application.
- b. Failure on the part of the licensee to operate and maintain the amusement park, equipment, buildings, and improvement thereon in accordance with the terms of the application and the terms and conditions of the license.
- c. Violation of any of the conditions for amusement park operation specified herein in this chapter.
- d. The operation of such amusement park has become detrimental to the peace, health, safety or general welfare of the Town of Lyons.

20.22. Hearing. Prior to revocation of a license issued hereunder, the Town Board shall hold a hearing. Notice of such hearing to revoke a license issued hereunder shall be given to the licensee at least 5 days before the date set for hearing by mailing such notice to the licensee at the address shown on the application for license. Applicant shall be entitled to appear personally or by attorney and present his defense to the proposed revocation of such license. The Town Board shall have 3 days after such hearing to make a determination of the issue of revocation. If such board shall find that any of the grounds, specified in this Ordinance, for revocation exist, the Town Board shall forthwith revoke such license and notify the licensee by mail addressed to the licensee at the address shown in the application. Licensee shall forthwith cease and desist from further operation of the amusement park.