# TOWN OF VESTAL APPLICATION FOR LIVE ENTERTAINMENT LICENSE

DAT	OF APPLICATION:
1.	A. APPLICANT'S NAME:
	APPLICANT'S ADDRESS:
	PHONE:
	B. Operator and/or Manager's Name:
	Address:
	PHONE:
2.	Name under which business is conducted:
3.	ARE ALCOHOLIC BEVERAGES SOLD? YES NO
	If "YES" – LICENSE NO.
	Date of Issuance:
4.	Type of Entertainment (e.g. Band, Stage Show, Singers, etc.)
5.	A. ATTACH FLOOR PLAN WITH LOCATION OF STAGE:
	B. SEATING CAPACITY:
6.	A. Has applicant, owner, operator or manager had a license for entertainment
	SUSPENDED, CONDITIONED OR TERMINATED WITHIN THE PAST FIVE YEARS?
	YES No
	B. If "Yes" - (1) Date:
	(2) EXPLANATION:
7.	A. HAS APPLICANT, OWNER, OPERATOR OR MANAGER BEEN CITED FOR A VIOLATION OF ANY
	STATUTE PERTAINING TO NOISE, STRUCTURAL, OR FIRE SAFETY WITHIN THE PAST FIVE YEARS:
	YES No
	B. If "YES" (1) DATE:
	(2) EXPLANATION:

8. ADDITIONAL INFORMATI	ON:		
I HEREBY CERTIFY THAT I AM TO OBTAIN SUCH LICENSE AND WILL LOCAL LAW #6 OF 1989.	LL ABIDE BY ALL CONDITION	NS IN ACCORDANCE WITH	SECTION 12-131,
STATE OF NEW YORK : : SS: COUNTY OF BROOME :			
NOTARY PUBLIC	_ DAY OF	, 2011.	STAMP
FEE - \$50.00	DATE PAID		Initial

shall be in writing and shall be signed by the sponsor of such exhibition or performance and shall be filed with the town clerk for consideration by the town board. The application shall state the name and address of the applicant, the name and address of the person who will stage the exhibition or performance and the place where and time when the exhibition or performance will be staged.

(Code 1966, § 7-3)

## Sec. 12-47. Hearing.

A public hearing must be held prior to the issuance of a permit required by this division by the town board for any exhibition or performance. The town clerk shall give ten (10) days' notice of such hearing by the publication of a notice in at least one (1) newspaper circulating in the town, specifying the time when and the place where such hearing will be held, in general terms the nature of the exhibition or performance which is to be staged, the sponsor, and the place where and time when the exhibition or performance is to be staged.

(Code 1966, § 7-4)

## Sec. 12-48. Insurance and bonds.

Before granting and issuing a permit for conducting a carnival, circus, rodeo, or similar exhibition or performance, the applicant therefor, or the person who is to conduct such exhibition or performance, shall file a bond in a sum to be fixed by the town board, conditioned for the payment of all damages which may be caused to person or persons or to property arising by reason of the exhibition or performance so permitted and arising from any acts of the permittee, his agents, employees, contractors or subcontractors or the person who is to conduct the exhibition or performance. The bond shall run to the town and shall be for the use and benefit of any person or any owner of any property so injured or damaged. Such person or owner shall be authorized to maintain an action thereon, which right of action also shall accrue to the heirs, executors, administrators, successors or assigns of such person or owner. The town may accept, in lieu of a bond, an indemnity insurance policy with liability coverage and indemnity protection equivalent to the terms

and conditions upon which the bond is predicated and for the purposes provided in this section. (Code 1966, § 7-5)

### Sec. 12-49. Fees.

For each permit for a carnival, circus, rodeo, or similar exhibition or performance, for each week or any portion thereof, there must be deposited with the town clerk, upon the filing of the application, the sum of one hundred dollars (\$100.00). Such sum shall be retained by the town in the event that the permit is granted. If the permit is denied or withdrawn by the applicant after the publication of the notice of public hearing, fifty dollars (\$50.00) of such fee shall be retained by the town and the balance returned to the applicant. (Code 1966, § 7-6)

#### Sec. 12-50. Issuance.

The town board shall issue all permits under the provisions of this division, which shall be signed by the supervisor and countersigned by the town clerk, and the latter shall keep a record thereof. A permit shall be issued to or for only such persons as the town board shall deem to be fit and proper to conduct the exhibition or performance for which such permit is required. (Code 1966, § 7-7(A))

## Sec. 12-51. Suspension, revocation.

The supervisor may suspend any permit granted under the provisions of this division until the next meeting of the town board, and thereupon such permit may be continued or revoked by the town board for good cause after notice to the applicant. Whenever any permit shall be revoked by the town board, notice of such revocation shall be served by the town clerk upon the applicant, either personally or by mail, whereupon such permit shall be of no force or effect. (Code 1966, § 7-7(B))

Secs. 12-52-12-70. Reserved.

# ARTICLE VI. LIVE ENTERTAINMENT LICENSE\*

#### Sec. 12-126. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Entertainment and live entertainment means every form of live musical entertainment.

Licensee means any person to whom a license has been issued under this article. (Code 1966, § 18-38)

Cross reference—Definitions and rules of construction generally,  $\S$  1-2.

## Sec. 12-127. Legislative intent.

The town board recognizes that the furnishing of live entertainment is a legitimate business but that it can become a public nuisance. This article shall be deemed an exercise of the police powers of the state and of the town, for the protection of the peace, safety, health, convenience and general welfare of the people of the town and all of its provisions shall be liberally construed to accomplish that purpose.

(Code 1966, § 18-37)

## Sec. 12-128. License required.

No person shall provide or permit any live entertainment on any property, either indoors or outdoors, for which an admission fee is charged or a donation is required and/or at which alcoholic beverages are sold, without first obtaining and maintaining in effect at all times and posting in a conspicuous place a license for live entertainment from the town.

(Code 1966, § 18-39)

## Sec. 12-129. Exemptions.

A license for live entertainment shall not be required of or for live entertainment performed on the property, with permission of the property owner, of any educational institution (including

\*State law reference-Authority of town to license and

the state university, Vestal Central School District and private schools), the town, any other municipal corporation or any church. (Code 1966, § 18-40)

## Sec. 12-130. License application.

Applicants for live entertainment licenses shall file a written, signed and acknowledged application with the town clerk, together with the required fee, showing:

- (1) The names, addresses, mailing addresses (if different) and telephone numbers of the applicant, the owner or operator, manager and the owner of the real property.
- (2) All names under which the business is conducted.
- (3) Whether alcoholic beverages are sold on the premises and, if so, the alcoholic beverage control board license number and date of its issuance.
- (4) A reasonable description of the type of entertainment to be carried on.
- (5) A floor plan of the building, including the location of any stage or of the entertainment and the seating capacity.
- (6) The dates, days of the week, hours and location where the entertainment is proposed.
- (7) Whether the applicant has ever had a license hereunder suspended, restricted, conditioned or terminated, setting forth the details; whether the owner, operator or manager of the applicant, or any partner or stockholder or director thereof, has ever had a license hereunder suspended, restricted, conditioned or terminated.
- (8) Such other information as the town may require to facilitate the enforcement of this article.

(Code 1966, § 18-41)

## Sec. 12-131. License fee and term; renewals.

No license fee shall be required for a license issued solely by the town clerk for a period of less than one (1) month, but not more than two (2) free licenses shall be issued to the same

<sup>\*</sup>State law reference—Authority of town to license and regulate performances or entertainments, Town Law, § 136(3).

person or for the same property in any calendar year. A fee of fifty dollars (\$50.00) shall be charged for other licenses issued solely by the town clerk. A license fee of seventy-five dollars (\$75.00) shall be charged for licenses for indoor live entertainment approved by the town board, and the fee specified in section 12-49 shall be charged for licenses for outdoor live entertainment. The application fee or renewal fee shall be paid to the town with the application. Licenses issued hereunder shall expire on December 31 at 12:00 midnight of the year for which they were issued unless issued for a lesser period or sooner revoked. Applications for renewal of licenses which can be issued by the town clerk which are not filed at least five (5) days before the expiration of the existing license may be delayed in issuance, at the discretion of the town clerk, up to five (5) days after the filing of the application. A renewal application which can only be issued by town board will become effective as of the date specified by the town board, which date may be subsequent to the expiration of the existing license and may be retroactive to a date prior to the final action by the town board, at the discretion of the town board. The town board or town supervisor may waive or reduce the fee where the application is for a permit for only a portion of the year.

(Code 1966, § 18-42; L.L. No. 6 of 1989, § 1)

### Sec. 12-132. Approval by town board.

Whenever an application is made by a licensee whose license has been suspended, terminated, restricted or conditioned under section 12-133, or whenever the application is for outdoor live entertainment, the town clerk shall not issue a license unless and until authorized by the town board to do so. The limitations shall also apply where any owner, operator, manager, partner or stockholder or director of the applicant was connected in any of the ways with any person whose license hereunder was so suspended, terminated, restricted or conditioned. Applicants and licensees for outdoor live entertainment shall comply with all of the requirements of article III of this chapter. Before issuing any license the town clerk shall confer with the town supervisor and the police department to ascertain whether they have any information which would require that the application be referred to the town board. The town board may:

- (1) Issue the license, subject to such conditions and restrictions it deems appropriate to assure compliance with this article, if it finds that the operation of the entertainment by the applicant can be expected to be consistent with the peace, health, convenience and general welfare of the public and in compliance with the terms of the license, this local law and all other applicable laws, codes, rules and regulations pertaining to noise, structural, fire and safety requirements and can be expected not to be a nuisance, hardship or burden upon nearby properties.
- (2) Deny the license if it does not make said finding, in which event the town shall give the applicant notice pursuant to section 12-133 that the application has been denied but that the applicant may request a hearing before the town board to appeal the denial. Following the hearing, the town board may grant the license, subject to such conditions and restrictions as it deems appropriate to assure compliance with this article, if it then makes the finding, or deny the application if it does not make the finding. The town board shall be deemed to have made the finding in any case where it grants the license and shall be deemed to have not made the finding in any case where it denies the application.

(Code 1966, § 18-43)

## Sec. 12-133. Action upon finding of violation.

Whenever the town board makes a finding of probable cause that a licensee is in violation of this article or any other applicable laws, codes, rules and regulations pertaining to noise, structural, fire and safety requirements, the town board may take any one (1) or more of the following actions:

- Direct that any act which is in such violation or apparent violation cease immediately.
- (2) Direct immediate action to comply with the license and/or this article and any other such laws, codes, rules and regulations.

- (3) Suspend the licensee's license for any period of up to fifteen (15) days.
- (4) Add permanent restrictions and/or conditions to the license to correct any condition deemed to violate the license and/or this article or any other applicable laws, codes, rules and regulations pertaining to noise, structural, fire and safety requirements.
- (5) Notify the licensee to appear before the town board to show cause why the license should not be suspended for a period in excess of fifteen (15) days or terminated.

(Code 1966, § 18-44)

## Sec. 12-134. Hearings.

- (a) Whenever an application for a license is denied or is restricted or conditioned or suspended under section 12-133, the town shall serve a notice upon the applicant/licensee, owner, operator, manager or director, which shall state or be accompanied by the following statement: "The applicant may request an appeal hearing before the Town Board by delivering a written request therefor to the Town Clerk within seven (7) days of personal service or ten (10) days after service by registered or certified mail." The suspension, restriction or condition will go into effect automatically upon expiration of the time to appeal, unless a notice of appeal is timely delivered to the town clerk for a request for a hearing. A request for a hearing shall be signed by the licensee or applicant and shall state his address, that a hearing is requested and the facts and law relied upon by the licensee or applicant.
- (b) Whenever the town directs a licensee to show cause why his license should not be suspended for more than fifteen (15) days or terminated or whenever a licensee or applicant delivers to the town clerk a timely request for an appeal hearing, the town shall give the appealing party at least five (5) days' written notice of the time and place of such hearing, but the appealing party may waive the five-day notice provision by filing a written waiver thereof with the town clerk. (Code 1966, § 18-45)

## Sec. 12-135. Grounds for suspension, restrictions, conditions or termination.

It shall be grounds for suspending, restricting, conditioning or terminating a license or denying an application for a license that any licensee, his agent or employee or any person connected or associated with the licensee as a partner, director, officer, stockholder, general manager or person who is exercising managerial authority of or in behalf of the licensee or any entertainer acting under the authority of such licensee:

- (1) Violated any provisions of this article or any other applicable statute, code, rule or regulation pertaining to noise, structural, fire or safety requirements, even though no charge of such violation is made or conviction therefor is made; or
- (2) Made any false, misleading or fraudulent statement of a material fact in the application for a license or any report or record required to be kept or filed with the town; or
- (3) Operates the establishment in a manner so as to be detrimental to the health, welfare, safety and comfort of the residents of the town or so as to be a nuisance, hardship or burden upon nearby property; or
- (4) Causes or permits to be caused any entertainment which causes a disturbance or permits or causes any loud or unnecessary or unusual noise which when made or continued to be made either annoys, disturbs, injures or endangers or tends to annoy, disturb, injure or endanger the comfort, repose, health, peace or safety of other persons or the public.

(Code 1966, § 18-46)

## Sec. 12-136. Transferability of license.

No license issued under this article shall be transferred or assigned to any person or used by any person other than the licensee to whom it was § 12-136 VESTAL CODE

issued, nor shall such license be used or displayed at any location other than the location stated in the license.

(Code 1966, § 18-46.1)

#### Sec. 12-137. Production of license.

Upon request by any authorized official the license issued under this article shall be produced for inspection, restriction, conditions, suspension or termination, as the case may be. (Code 1966, § 18-46.2)

# Sec. 12-138. Notification of changes in application.

When any material fact contained in the application for any outstanding license changes, the licensee shall notify the town clerk in writing of the change within fifteen (15) days thereof. (Code 1966, § 18-46.3)

#### Sec. 12-139. Waiver of provisions.

The town board may waive any of the provisions of this article in cases when it deems such waiver appropriate. (Code 1966, § 18-46.4)

#### Sec. 12-140. Right of entry.

The town reserves the right to enter on a property where an apparent violation of the provisions of this article exists to determine the nature and extent thereof. (Code 1966, § 18-46.5(E))

## Secs. 12-141-12-155. Reserved.

## ARTICLE VII. PEDDLERS, HAWKERS AND SOLICITORS\*

## DIVISION 1. GENERALLY.

#### Sec. 12-156. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Established place of business means and includes a building, commercial or residential, in which or where a person transacts business and deals in goods, wares, merchandise or services, which shall have been in operation for at least ninety (90) days.

*Person* means and includes one (1) or more persons of either sex, a firm limited liability company, partnership, a corporation or any individual representative or agent thereof with proper identification (ID), such as a driver's license or photo ID with proper addresses.

Solicitor means and includes any person who, by going door to door or by standing in any street or public place:

- (1) Offers to sell merchandise, wares or other goods.
- (2) Takes orders for the future delivery of merchandise, wares or other goods.
- (3) Offers to purchase goods, wares or other articles of value.
- (4) Offers to perform services immediately or at any future date or offers to make, manufacture or repair any article or thing whatsoever for future delivery.

Cross reference—Hawking or peddling in parks, § 16-35(c).

<sup>\*</sup>Editor's note—L.L. No. 3 of 1999, § 1, deleted former Art. VII of Ch. 12 in its entirety. Former Art. VII, §§ 12-156—12-172, 12-181—12-194, pertained to similar subject matter and derived from the 1966 Code, §§ 21-1—21-6, 21-8, 21-10(B)—(H), 21-11, 21-12, 32-10(A); L.L. No. 11 of 1988, § 1; L.L. No. 5-1992, §§ 1—4; and L.L. No. 4 of 1997, §§ 1, 2. Section 2 of L.L. No. 3 of 1999 enacted new provisions as Art. VII to read as herein set out.



DAVID A. PATERSON

# WORKERS' COMPENSATION BOARD 20 PARK STREET ALBANY, NY 12207

www.wcb.state.ny.us



July 27, 2010

## Dear Government Official:

Workers' compensation law requires the heads of all municipal and state entities to ensure that businesses applying for permits, licenses, or contracts carry workers' compensation and disability benefits insurance. This applies to both original issuances and renewals, whether the governmental agency is having the work done or is simply issuing the permit, license or contract.

Verifying insurance is necessary to ensure benefits are available, should workers get injured. It also levels the playing field for honest businesses, because they are less likely to be undercut by unscrupulous employers who gain a cost advantage by not carrying insurance. Enforcing these provisions of the law improves New York's economic climate. Municipal and state agency cooperation is a critical component of encouraging business compliance.

An instruction manual, *Prove It to Move It*, available on the home page of the Board's website under "Board Announcements," will further clarify the requirements. The Board's webpage address is <a href="https://www.wcb.state.ny.us">www.wcb.state.ny.us</a>.

Under the <u>Prove It to Move It</u> program, applicants must prove compliance with NYS workers' compensation and disability benefits requirements to move their government permit, license or contract along the approval process. This program reflects requirements under Workers' Compensation Law §57 and §220(8), and General Municipal Law §125.

The Prove It to Move It instruction manual formally names the program that has been in place, by statute, since 1922. Nothing has changed in enforcing this program since the last manual was issued in December, 2008. However, based on requests from government agencies, this manual reflects more comprehensive instructions on the program's requirements.

Government officials without access to the web may call (518) 486-6307 to have a copy of this instruction manual mailed to them.

Sincerely,

Robert E. Beloten

Robert E. Beloten Chair, NYS Workers' Compensation Board

## Effective December 20, 2011

CE-200 (12/08) Certificate of Attestation of Exemption from NYS Workers Compensatio and/or Disabilibration of Exemption from NYS Workers Compensation and Form C-105.21)	State that are not required to carry NYS workers' compensation	contract. (Examples: The New York City Department of Buildings or the New York State	These exemption forms can ONLY be used to attest to a government entity that an applicant requesting a permit, license or contract from that government entity is not required to carry NYS workers' compensation and/or disability benefits insurance. (Instructions)
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CE-200 APPLY (2/09)  Used as a paper application for Form CE-200 which replaces Forms WC/DB-100 and C-105.21.	Paper application for the CE-200, Certificate of Attestation of Exemption from NYS Workers' Compensation and/or Disability Benefits Coverage	A paper application to obtain the CE-200. The CE-200 is used by the applicant to certify they are not required to carry workers' compensation and/or disability benefits when obtaining a license, permit, or contract from State, county or municipal agencies in New York State.  Applicants using this paper application process may wait up to four weeks before receiving a CE-200. This delay results from Workers' Compensation Board staff having to manually enter information from the applicant's paper application into the web based application.  Accordingly, to avoid delays, all applicants for exemptions are strongly encouraged to use the on-line Form CE-200.	Form CE-200 100 Broadway Albany, NY 12241-0005 or Fax: 800-486-7175	Please also print the related instructions for filling out Form CE-200 APPLY (Instructions)
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# **New York State Workers' Compensation**

**CE-200 EXEMPTION FORM** is available at <a href="https://www.wcb.ny.gov">www.wcb.ny.gov</a> **FOR AN ON-LINE APPLICATION**:

**CE-200** (12/08) is an on-line application that allows an immediate print of the exemption form.

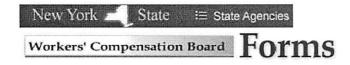
- Click on **On-Line Services** on the right side of the screen.
- Then click on **Request for WC/DB Exemption** and follow the directions.

### FOR AN APPLICATION BY MAIL:

**CE-200 (2/09)** is an application which must be printed and mailed/faxed to Albany. The exemption certificate is then mailed to the applicant.

- Click on **Forms** at the top center of the page.
- Click on List of ALL Common Workers Compensation Board Forms.

The forms are in ALPHABETICAL ORDER. Scroll down to **CE-200 (2/09)** – which is half way down the page.





## **Workers' Compensation Forms**

## Applicant Instructions for Form CE-200 - Effective December 1, 2008

Form CE-200 reflects a totally new process for granting exemptions from workers' compensation and disability benefits insurance coverage requirements. Effective December 1, 2008, exemptions will no longer be valid for multiple permits, licenses or contracts for which the applicant applied. Further, exemptions no longer have to be notarized; nor do they have to be stamped by the NYS Workers' Compensation Board. (Please note that government agencies may continue to use insurance and Self-Insurance certificates for multiple permits, licenses or contracts issued to a specific legal entity during the coverage period listed on insurance/self-insurance related certificates).

Starting December 1, 2008, ONLY applicants eligible for exemptions must file a new CE-200 for each and every new or renewed permit, license or contract issued by a government agency. Each CE-200 will specifically list the issuing government agency and the specific type of permit, license or contract requested by the applicant. Applicants for building permits will also need to supply additional information including identifying the specific job location and the estimated cost of the project.

Please ensure that the legal entity name on Form CE-200 exactly matches the legal entity name that is applying for the permit, license or contract. Please also ensure that the applicant signs and dates Form CE-200.

Each CE-200 will have a certificate number printed on it. Form CE-200s may be verified on the Board's web site at www.wcb.ny.gov.

The applicant attests under penalty of perjury that the information contained in the CE-200 is accurate – the Board does not initially verify this information. However, Board staff may investigate applicants filing Form CE-200.

Government agencies have the authority to verify that the business is eligible for the workers' compensation and/or disability benefits exemption reason described on the CE-200 and notify the Board's investigative staff if there are discrepancies. For example, if you are applying for a license for a 150 seat restaurant and indicate on the CE-200 exemption form that you are a sole proprietor with no employees, this may indicate a problem.

To make this process as easy and as efficient as possible for business owners, the vast majority of these forms will be processed electronically on-line. Applicants having access to the internet will be able to fill out the CE-200 on the internet and immediately upon completion, be able to print out a hard copy of the CE-200 that they will then submit to the government agency issuing the permit, license or contract. Computers with internet access will also be available for CE-200 electronic application processing at Customer Service Centers located in Workers' Compensation Board District Offices.

Filling out the electronic Form CE-200 on the internet is very similar to filling out a hotel reservation request on the internet for frequent travelers. The applicant will create a pin and password so that they can easily access their information. Once an applicant enters his/her basic information on the Board's web site, it can be retrieved by that applicant in the future by using that pin number and password when the applicant is applying for another permit, license or contract.

Applicants without access to a computer may obtain a paper application for the CE-200 by writing or visiting the Customer Service Center at any District Office of the Workers' Compensation Board. Applicants using the manual process may wait up to four weeks before receiving a CE-200. Once the applicant receives the CE-200, the applicant can then submit that CE-200 to the government agency from which he/she is getting the permit, license or contract. This delay results from Workers'

Compensation Board staff having to manually enter information from the applicant's paper application into the web based application.

Employees of the Workers' Compensation Board cannot assist applicants in answering questions about this form. Please contact an attorney if you have any questions regarding Form CE-200.

However, if you have questions regarding workers' compensation coverage requirements, please call the Bureau of Compliance at (866) 546-9322.