

## Chapter 253, GOLF AND GOLF COURSES

[HISTORY: Adopted by the City Council of the City of Binghamton as indicated in article histories.  
Amendments noted where applicable.]

### GENERAL REFERENCES

Parks and recreation -- See Ch. 301.

### ARTICLE I, Miniature Golf Courses and Driving Ranges [Adopted 10-5-1970 (Ch. 3, §§ 3-51 through 3-57, of the 1970 Code)]

#### § 253-1. License required.

No person shall, within the limits of the City, construct, erect, maintain or operate any miniature golf course or driving range by whatever name the same may be designated without having obtained a license to carry on such business.

#### § 253-2. Council permission required for issuance of license.

No license shall be issued under the provisions of this article until permission therefor is granted by the City Council.

#### § 253-3. License fee.

Any person to whom permission required by § 253-1 is granted shall pay an annual license fee in an amount as set from time to time by resolution of the City Council (See Exhibit J).

#### § 253-4. Construction of courses and ranges on premises approved by Planning Commission.

No miniature golf course or driving range shall be located, constructed, erected or maintained except upon premises which are approved by the Planning Commission.

#### § 253-5. Use of licensed locations required.

No person licensed pursuant to this article shall carry on such business in any other place than the one designated in said license.

#### § 253-6. Hours of operation.

Businesses licensed pursuant to this article shall not be conducted on Sunday before 2:00 p.m., nor shall such business be conducted between 12:00 midnight and 7:00 a.m. upon weekdays.

#### § 253-7. Conduct of business after revocation of license prohibited.

It shall be unlawful for any person to continue to carry on the business for which a license is required hereunder after revocation of such license.

### ARTICLE II, Ely Park Golf Course [Adopted 3-20-1972 by Ord. No. 46-72 (Ch. 15, §§ 15-22 and 15-23, of the 1970 Code); amended in its entirety 4-15-1991 by Ord. No. 43-91]

#### § 253-8. Rules regulating play; fees; hours of operation; revocation of permits or memberships. [Last amended 6-5-2000 by Ord. No. 00-48]

The following rules and regulations shall apply to Ely Park Golf Course:

- A. Each person desiring to play must register with the starter and pay the greens or annual membership fee as hereinafter provided with eighteen-hole limit. The golf course shall open at 7:00 a.m. on Saturdays, Sundays and holidays and shall open at 8:00 a.m. on all other days.
- B. Rates for memberships, play and services shall be in amounts as set from time to time by resolution of the City Council (See Exhibit J).

- C. For purposes of this section only, a resident is a person who either resides within the limits of the City of Binghamton, or owns real property subject to City property taxes, within the City of Binghamton, and a nonresident is anyone who does not qualify as a resident.
- D. Senior citizen rates will apply only upon the presentation of a validated senior citizen's identification card, including but not limited to a picture identification driver's license.
- E. The Deputy Commissioner of Public Works for Parks and Recreation shall have the power and authority to revoke the permit or membership of any player violating any rules or regulations in effect regulating play. A revocation of a permit or membership does not entitle the player to receive the return of any or all of his greens fee or membership fees.

**§ 253-9. Fees for privately owned golf carts.**

- A. Seasonal golf cart fees. Each person desiring to use a privately owned golf cart at the Ely Park Golf Course must first apply for and obtain a seasonal permit and pass from the club professional, subject to the approval of the Director of Parks and Recreation.
- B. Permit application: Each person seeking a seasonal permit and pass for the use of a privately owned golf cart must make an application to the club professional containing the following information:
  - (1) The type of golf cart to be used by applicant.
  - (2) The name and address of the applicant.
  - (3) A certificate of insurance showing that the applicant has obtained minimum liability insurance in the amount of \$300,000.
  - (4) Such other information as may be required by the club professional.
- C. Additional restrictions.
  - (1) All seasonal permit and pass applications must be approved by the Director of Parks and Recreation.
  - (2) Each applicant for a seasonal permit and pass must agree to abide by the following restrictions:
    - (a) No overnight storage on the Ely Park premises shall be allowed at any time.
    - (b) Liability insurance must be kept in force for the duration of the permit.
    - (c) All gas, oil and repair of the vehicle must be the responsibility of the owner and must be accomplished off the premises.
    - (d) The owner of the cart shall not allow the use of the cart by other golfers unless said owner is with them.
    - (e) No off-season storage will be permitted.
    - (f) The permission granted herein is conditioned upon the owner of a registered golf cart reimbursing the City for any injury or damage to any City property that may arise directly or indirectly from said operation of golf carts at Ely Park. The owner shall save harmless and indemnify the City of Binghamton of and from any and all claims, actions, damages and all liability arising directly or indirectly from said golf cart operation of any name and nature which may arise hereafter or be incurred by the City of Binghamton as a consequence of the giving of such permission pursuant to this section.
  - (3) Violation of any of the above restrictions shall be cause for the termination of this permit and the forfeiture of all fees paid pursuant to this section.

D. Annual fee. An annual fee for the use of private golf carts shall be in an amount as set from time to time by resolution of the City Council (See Exhibit J).

**ARTICLE III, Concession Privileges at Ely Park Golf Course [Adopted 4-3-1972 by Ord. No. 53-72 (Ch. 15, §§ 15-40 through 15-50, of the 1970 Code); amended in its entirety 12-16-1974 by Ord. No. 279-74]**

**§ 253-10. Privileges to be disposed of at public auction; term. [Amended 3-17-1995 by Ord. No. 32-75]**

The concession privileges at Ely Park Golf Course in the City of Binghamton shall be disposed of by the City Clerk to the highest bidder at public auction, as required by law. Said bids shall be for a three-year concession period commencing on the first day of February of the year that said bid is awarded and shall expire on the 31st day of January, in the year of the expiration of the three-year period.

**§ 253-11. Commodities which may be sold.**

The concession privileges shall be limited to the sale of cigars, cigarettes, tobacco, coffee, popcorn, peanuts, fruit, soft drinks, ice cream, candy, sandwiches, hot and cold meals, magazines, newspapers, beer, spirituous wines and liquors, and such other commodities as are incident to the business of and on sale at restaurants, except that the concession privilege shall not include the privilege of operating any coin-operated juke box, musical instrument or instrumentality.

**§ 253-12. Hours of operation.**

The concession privileges shall be operated only during such days and hours as permitted by law.

**§ 253-13. Rules and regulations governing conduct and operation.**

The concession privilege shall be conducted and operated under and subject to the rules and regulations therefor, including the maximum prices to be charged and the hours which said concession shall be operated, as will or may be stipulated by the Commissioner of Parks of the City of Binghamton.

**§ 253-14. Responsibility of operator for damages and loss to property.**

The operator of said concession privilege shall be responsible for all damage or loss to any property entrusted to his care, subject to reasonable wear and tear.

**§ 253-15. Liability insurance required.**

The successful bidder therefor at such public auction shall be required to give public liability insurance, naming the City of Binghamton as a party insured against personal injuries in the limits of \$100,000 for one accident and \$300,000 for more than one accident, which policy shall also provide coverage for products liability in the limits of \$50,000 and \$100,000.

**§ 253-16. Deposit to guarantee amount of bid.**

The City Clerk of the City of Binghamton shall be directed and empowered to require the successful bidder at such public auction to deposit with the City Clerk 10% of the highest actual bid as a guarantee that the bidder will pay to the City of Binghamton the amount of such bid. Such deposit of guarantee shall be forfeited by the successful bidder should he or she fail to comply with the provisions set forth in § 253-17

**§ 253-17. Balance of bid and delivery of insurance policies required prior to assumption of rights and privileges.**

The successful bidder at said public auction shall be required to pay to the City Clerk the balance of the amount of his or her bid, and to deliver the aforementioned insurance policies to the City Clerk before assuming any of the rights or privileges obtained under such bid, and not later than 10 days after said auction.

**§ 253-18. Authority of Mayor to enter into contract with successful bidder.**

The Mayor shall be and he or she hereby is authorized to enter into a contract on behalf of the City of Binghamton, with the successful bidder, for said privilege, in accordance with this article. Said contract shall contain such other provisions, not inconsistent herewith, as the Mayor may deem for the best interests of the City.

**§ 253-19. Established upset bid.**

The established upset bid, for the three-year concession period, shall be \$2,000 plus an upset percentage of at least 5% of gross sales.

**§ 253-20. Qualifications of successful bidder.**

The successful bidder shall be a citizen of the United States of America and shall meet all of the requirements deemed necessary by the New York State Liquor Authority for applicants of on-premises restaurant liquor licenses.