§ 204-a. Raising of funds for fire company purposes. 1. Definitions. As used in this section:

a. "Fire company" means:

(1) A volunteer fire company of a county, city, town, village or fire district fire department, whether or not any such company has been incorporated under any general or special law,

(2) A fire corporation the members of which are volunteer firefighters and was incorporated, and which is not included within subparagraph (1) of this paragraph, if such corporation is by law under the general control of, or recognized as a fire corporation by, the governing board of a city, town, village or fire district, or

(3) A fire corporation the members of which are volunteer firefighters and which was incorporated under, or established pursuant to the provisions of, any general or special law, which is not included within this subparagraph and subparagraph (2) of this paragraph, if such corporation is by law under the general control of, or recognized as a fire corporation by, the governing board of a city, town, village, fire district or a district corporation other than a fire district.

b. "Fund raising activity" means a method of raising funds to effectuate the lawful purposes of a fire company, but shall not include any method prohibited by the state constitution or the penal statutes of this state, public fireworks displays unless conducted in compliance with section 405.00 of the penal law, or the conduct of a business or other commercial enterprise except on temporary basis for a period or periods not to exceed a total of ninety days in any calendar year. Such term "fund raising activity" shall not include drills, parades, inspections, reviews, competitive tournaments, contests or public exhibitions, described in paragraphs e and i of subdivision one of section five of the volunteer firefighters' benefit law, even though prizes are awarded at such events.

c. "Governing board of the political subdivision" means the governing board of the county, city, town, village, fire district or other district corporation, as the case may be, where the fire company is under the general control of, or recognized as a fire corporation, by

such governing board.

2. Subject to the provisions of this section, a fire company may engage in a fund raising activity. Two or more fire companies may join in any such activity, and for the purposes of this section such group shall be deemed a "fire company."

3. A fund raising activity shall not be conducted contrary to the by-laws, rules or regulations of the fire company or of the fire department of which it is a part.

4. A fund raising activity must be conducted within the state of New York. It shall be under the exclusive auspices of a fire company and shall not be conducted in partnership with any other person, organization, firm or corporation. This subdivision shall not be deemed to prohibit the letting of concessions, or the entering into of contracts for rides or other attractions, at such activities, or the acceptance of aid and assistance of persons who are not active members of the fire company, or of other organizations, firms or corporations, in connection with such activities. The acceptance of such aid and assistance shall not subject the political subdivision to any liability as an employer under the volunteer firefighters' benefit law, section two hundred seven-a of this article, the workers' compensation law, or any other comparable law.

5. The firehouse, firehouse grounds, fire vehicles and apparatus, or other property, real and personal, generally used by the fire company for its purposes may be used by it in the conduct of any such activity.

6. The governing board of a political subdivision may, by resolution,

(a) prohibit the fire company from engaging in fund raising activities or in any general or specific type of fund raising activity,

(b) require the fire company, at its expense, to provide any insurance protection which such governing board deems necessary to protect the political subdivision against claims and actions for damages by third parties arising out of or in connection with a fund raising activity.

7. Participation by volunteer firefighters in fund raising activities shall not be deemed to constitute "duty as volunteer firefighters" within the meaning of section two hundred five-b of this article.

8. Notwithstanding the foregoing provisions of this section, the provisions of this subdivision shall be applicable only in relation to fund raising activities for which benefits would be paid and provided pursuant to paragraph m of subdivision one of section five of the volunteer firefighters' benefit law:

(a) Before engaging in a fund raising activity the fire company shall cause the governing board of the political subdivision to be notified in writing that it proposes to conduct such activity. Any such notice shall contain a general description of the method which will be used to raise funds and shall specify the time or times when, the place or places where, and the period or periods during which the activity will be conducted and shall set forth the names of the firefighters who will serve on each of the committees or subcommittees in connection with the activity. Any such notice shall be filed with the clerk, secretary or other comparable officer of such governing board. In the event that no action is taken by such governing board prohibiting such activity within thirty days after the filing of such notice, then it shall be deemed that the governing board has no objection to such activity and the fire company may proceed to conduct the same.

(b) Sales of tickets for admission to or in connection with a fund raising activity shall be by persons appointed as a committee for such purpose and shall be for or in relation to a fund raising activity to be held within sixty days after the sale of the tickets commences.

(c) Members of the fire company conducting the fund raising activity who attend or participate in the activity for their own pleasure or convenience, and not as a worker in connection therewith, shall not be deemed to be engaged in the conduct of such activity.