

RAVEN

V

ELMIRA

II



REQUEST FOR JUDICIAL INTERVENTION SUPREME COURT, COUNTY OF

UCS-840
(rev. 12/16/2024)

Index No: 2026-1056 Date Index Issued: MAY 26, 2026

For Court Use Only:

CAPTION Enter the complete case caption. Do not use et al or et ano. If more space is needed, attach a caption rider sheet.

Juan Marcus Raven

IAS Entry Date

-against-

Plaintiff(s)/Petitioner(s)

Judge Assigned

CITY OF ELMIRA;
CITY OF ELMIRA CITY MANAGER;
CITY OF ELMIRA CITY CLERK;
and JOHN/JANE DOE CITY OFFICIALS RESPONSIBLE FOR APPROVING, REVIEWING, OR ENFORCING THE JUNE 6, 2026
ELMIRA PRIDE FESTIVAL SPECIAL EVENT PERMIT,

Defendant(s)/Respondent(s)

RJI Filed Date

NATURE OF ACTION OR PROCEEDING Check only one box and specify where indicated.

COMMERCIAL

- Business Entity (includes corporations, partnerships, LLCs, LLPs, etc.)
- Contract
- Insurance (where insurance company is a party, except arbitration)
- UCC (includes sales and negotiable instruments)
- Other Commercial (specify): _____

*NOTE: For Commercial Division assignment requests pursuant to 22 NYCRR 202.70(d), complete and attach the **COMMERCIAL DIVISION RJI ADDENDUM (UCS-840C)**.*

TORTS

- Asbestos
- Environmental (specify): _____
- Medical, Dental or Podiatric Malpractice
- Motor Vehicle
- Products Liability (specify): _____
- Other Negligence (specify): _____
- Other Professional Malpractice (specify): _____
- Other Tort (specify): _____

SPECIAL PROCEEDINGS

- Child-Parent Security Act (specify): Assisted Reproduction Surrogacy Agreement
- CPLR Article 75 – Arbitration [see *NOTE* in **COMMERCIAL** section]
- CPLR Article 78 – Proceeding against a Body or Officer
- Election Law
- Extreme Risk Protection Order
- MHL Article 9.60 – Kendra’s Law
- MHL Article 10 – Sex Offender Confinement (specify): Initial Review
- MHL Article 81 (Guardianship)
- Other Mental Hygiene (specify): _____
- Other Special Proceeding (specify): _____

MATRIMONIAL

- Contested
*NOTE: If there are children under the age of 18, complete and attach the **MATRIMONIAL RJI ADDENDUM (UCS-840M)**.
For Uncontested Matrimonial actions, use the Uncontested Divorce RJI (UD-13).*

REAL PROPERTY

 Specify how many properties the application includes: _____

- Condemnation
- Mortgage Foreclosure (specify): Residential Commercial

Property Address: _____

*NOTE: For Mortgage Foreclosure actions involving a one to four-family, owner-occupied residential property or owner-occupied condominium, complete and attach the **FORECLOSURE RJI ADDENDUM (UCS-840F)**.*

- Partition
*NOTE: Complete and attach the **PARTITION RJI ADDENDUM (UCS-840P)**.*

Tax Certiorari (specify): Section: _____ Block: _____ Lot: _____

Tax Foreclosure

Other Real Property (specify): _____

OTHER MATTERS

- Certificate of Incorporation/Dissolution [see *NOTE* in **COMMERCIAL** section]
- Emergency Medical Treatment
- Habeas Corpus
- Local Court Appeal
- Mechanic’s Lien
- Name Change/Sex Designation Change
- Pistol Permit Revocation Hearing
- Sale or Finance of Religious/Not-for-Profit Property
- Other (specify): _____

STATUS OF ACTION OR PROCEEDING Answer YES or NO for every question and enter additional information where indicated.

- | | YES | NO | |
|---|-----------------------|-----------------------|------------------------------|
| Has a summons and complaint or summons with notice been filed? | <input type="radio"/> | <input type="radio"/> | If yes, date filed: _____ |
| Has a summons and complaint or summons with notice been served? | <input type="radio"/> | <input type="radio"/> | If yes, date served: _____ |
| Is this action/proceeding being filed post-judgment? | <input type="radio"/> | <input type="radio"/> | If yes, judgment date: _____ |

NATURE OF JUDICIAL INTERVENTION Check one box only and enter additional information where indicated.

- Infant’s Compromise
- Extreme Risk Protection Order Application
- Note of Issue/Certificate of Readiness
- Notice of Medical, Dental or Podiatric Malpractice Date Issue Joined: _____
- Notice of Motion Relief Requested: _____ Return Date: _____
- Notice of Petition Relief Requested: _____ Return Date: _____
- Order to Show Cause Relief Requested: _____ Return Date: _____
- Other Ex Parte Application Relief Requested: _____
- Partition Settlement Conference
- Request for Preliminary Conference
- Residential Mortgage Foreclosure Settlement Conference
- Waiver of Court Costs, Fees, and Expenses
- Writ of Habeas Corpus
- Other (specify): _____

RELATED CASES List any related actions. For Matrimonial cases, list any related criminal or Family Court cases. If none, leave blank. If additional space is required, complete and attach the **RJI ADDENDUM (UCS-840A)**.

Case Title	Index/Case Number	Court	Judge (if assigned)	Relationship to instant case

PARTIES For parties without an attorney, check the "Un-Rep" box and enter the party's address, phone number and email in the space provided. If additional space is required, complete and attach the **RJI ADDENDUM (UCS-840A)**.

Un-Rep	Parties List parties in same order as listed in the caption and indicate roles (e.g., plaintiff, defendant, 3 rd party plaintiff, etc.)	Attorneys and Unrepresented Litigants For represented parties, provide attorney's name, firm name, address, phone and email. For unrepresented parties, provide party's address, phone and email.	Issue Joined For each defendant, indicate if issue has been joined.	Insurance Carriers For each defendant, indicate insurance carrier, if applicable.
<input type="checkbox"/>	Name: Role(s): Petitioner	Julian Marcus Raven	<input type="radio"/> YES <input checked="" type="radio"/> NO	
<input type="checkbox"/>	Name: Role(s): Respondent	City of Elmira	<input type="radio"/> YES <input type="radio"/> NO	
<input type="checkbox"/>	Name: Role(s): Respondent	CITY OF ELMIRA CITY MANAGER	<input type="radio"/> YES <input type="radio"/> NO	
<input type="checkbox"/>	Name: Role(s): Respondent	CITY OF ELMIRA CITY CLERK	<input type="radio"/> YES <input type="radio"/> NO	
<input type="checkbox"/>	Name: Role(s): Respondent	JOHN/JANE DOE CITY OFFICIALS RESPONSIBLE	<input type="radio"/> YES <input type="radio"/> NO	
<input type="checkbox"/>	Name: Role(s):		<input type="radio"/> YES <input type="radio"/> NO	
<input type="checkbox"/>	Name: Role(s):		<input type="radio"/> YES <input type="radio"/> NO	
<input type="checkbox"/>	Name: Role(s):		<input type="radio"/> YES <input type="radio"/> NO	
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<input type="checkbox"/>	Name: Role(s):		<input type="radio"/> YES <input type="radio"/> NO	
<input type="checkbox"/>	Name: Role(s):		<input type="radio"/> YES <input type="radio"/> NO	

I AFFIRM UNDER THE PENALTY OF PERJURY THAT, UPON INFORMATION AND BELIEF, THERE ARE NO OTHER RELATED ACTIONS OR PROCEEDINGS, EXCEPT AS NOTED ABOVE, NOR HAS A REQUEST FOR JUDICIAL INTERVENTION BEEN PREVIOUSLY FILED IN THIS ACTION OR PROCEEDING.

Dated: 05/26/2026

Pro se

Attorney Registration Number



Signature

Julian Raven

Print Name

**APPLICATION FOR INDEX NUMBER
FEE \$210.00**

Pursuant to CPLR 306-a


For help in completing this form, click on the yellow question marks or comment symbol for instructions. Please make sure that your **Highlight Fields** option is on so that the fields that need to be completed are light blue in color on the form. Turn it on by clicking on the **Highlight Fields** button that is on the far right side of the purple message bar.


 STATE OF NEW YORK
_____ County Clerk

Index Number

Do Not Write In This Space


FULL TITLE OF ACTION OR PROCEEDING *(Please type or print.)*

 _____ Court, _____ County




Plaintiff(s)/Petitioner(s)

VS.




Defendant(s)/Respondent(s)

Name and address of
Attorney for Plaintiff(s)/
Petitioner(s). *



*** Your name and address if you are representing yourself.**


Name and address of
Attorney for Defendant(s)/
Respondent(s).



Indexed and Entered
Do not write on line above.

DO NOT DETACH

FULL TITLE OF ACTION OR PROCEEDING *(Please type or print.)*

 _____ Court, _____ County

**INDEX NUMBER
FEE \$210.00**

Endorse this Index Number on
ALL papers and advise your
adversary of the number
assigned.

Plaintiff(s)/Petitioner(s)

VS.

Defendant(s)/Respondent(s)

**COMPLETE
THIS STUB**

SUPREME COURT OF THE STATE OF NEW YORK

COUNTY OF CHEMUNG

JULIAN RAVEN,

Petitioner,

-against-

CITY OF ELMIRA;
CITY OF ELMIRA CITY MANAGER;
CITY OF ELMIRA CITY CLERK;
and JOHN/JANE DOE CITY OFFICIALS
RESPONSIBLE FOR APPROVING,
REVIEWING, OR ENFORCING THE JUNE 6,
2026 ELMIRA PRIDE FESTIVAL SPECIAL
EVENT PERMIT.

Respondents.

**NOTICE OF EMERGENCY APPLICATION AND NOTICE PURSUANT
TO UNIFORM RULE 202.7(f)**

PLEASE TAKE NOTICE that Petitioner Julian Raven will present the annexed
Emergency Order to Show Cause with Temporary Restraining Order, Preliminary
Injunction Request, Verified Petition, Affidavit of Emergency and Notice,
Memorandum of Law, exhibits, and supporting papers to the Supreme Court of the

State of New York, Chemung County, seeking emergency relief pursuant to CPLR Article 78, CPLR 6301, CPLR 6313, CPLR 7803, CPLR 7805, and Uniform Rule 202.7(f).

This emergency application concerns the June 6, 2026 Elmira Pride Festival scheduled to occur in Wisner Park, Elmira, New York, and seeks immediate judicial review requiring Respondents to issue a written municipal code determination and, if necessary, impose content-neutral minor-protection safeguards before the event proceeds.

Petitioner gives this notice because the relief requested is time-sensitive. The challenged event is scheduled to occur on June 6, 2026, and ordinary motion practice, municipal response, FOIL production, or public-comment procedures may not provide meaningful review before the event occurs.

Petitioner respectfully requests that the Court set this matter for the earliest possible hearing and, pending such hearing, grant temporary relief sufficient to preserve the status quo and prevent the requested pre-event relief from becoming academic.

Petitioner will serve this Notice, together with the Emergency Order to Show Cause, Verified Petition, Affidavit, exhibits, and all supporting papers, upon

Respondents by personal delivery, on Wednesday May, 27, or such other method as the Court directs.

A handwritten signature in blue ink that reads "Julian Raven". The signature is stylized with large, flowing loops and a long horizontal stroke at the bottom.

Respectfully submitted,

Julian Raven
Petitioner Pro Se
714 Baldwin Street
Elmira, New York 14901
607-426-0029
julianmarcusraven@gmail.com

May 26, 2026

**NOTICE TO RESPONDENTS OF EMERGENCY APPLICATION FOR
TEMPORARY RESTRAINING ORDER, PRELIMINARY INJUNCTION,
AND ARTICLE 78 RELIEF**

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF CHEMUNG**

JULIAN RAVEN,
Petitioner,

-against-

CITY OF ELMIRA;
CITY OF ELMIRA CITY MANAGER;
CITY OF ELMIRA CITY CLERK;
and JOHN/JANE DOE CITY OFFICIALS
RESPONSIBLE FOR APPROVING,
REVIEWING, OR ENFORCING THE JUNE 6,
2026 ELMIRA PRIDE FESTIVAL SPECIAL
EVENT PERMIT.

Respondents.

PLEASE TAKE NOTICE that Petitioner Julian Raven, proceeding pro se, is presenting or has presented to the Supreme Court of the State of New York, Chemung County, an emergency application seeking an Order to Show Cause, Temporary Restraining Order, Preliminary Injunction, stay under CPLR 7805, and Article 78 relief concerning Respondents' approval, issuance, authorization, review, or enforcement of the June 6, 2026 Elmira Pride Festival special-event permit for Wisner Park.

PLEASE TAKE FURTHER NOTICE that the application seeks emergency relief requiring Respondents to issue a written municipal code determination before the June 6, 2026 event proceeds, including a determination whether the advertised drag show, children’s programming, public-park location, church proximity, family-friendly advertising, and related performance content trigger any City of Elmira adult-use, sexually oriented business, public-decency, public-park, minor-protection, special-event, or zoning restrictions.

PLEASE TAKE FURTHER NOTICE that Petitioner also seeks temporary relief restraining Respondents from authorizing, permitting, facilitating, or allowing any adult-use or sexually oriented performance content, nudity, semi-nudity, exposed buttocks, exposed pubic area, exposed genitalia, less-than-opaque intimate-area coverage, lingerie-style exposure, simulated sexual conduct, lewd gestures, erotic choreography, adult-cabaret content, adult-show promotion, adult-venue marketing, or material harmful to minors at the June 6, 2026 Elmira Pride Festival unless and until Respondents issue a written code determination and impose content-neutral safeguards applicable to any public performer at a family-friendly public event.

PLEASE TAKE FURTHER NOTICE that Petitioner is providing this notice pursuant to Uniform Rule 202.7(f) because the relief requested is time-sensitive.

The challenged event is scheduled to occur on June 6, 2026, and Petitioner contends that ordinary municipal review, FOIL production, public-comment procedures, and ordinary motion practice may not provide meaningful review before the event occurs.

PLEASE TAKE FURTHER NOTICE that formal service of the Order to Show Cause, Verified Petition / Complaint, supporting affidavits, exhibits, memorandum of law, and all other papers will be made in the manner and within the time directed by the Court upon signing of the Order to Show Cause, or as otherwise required by law.

A handwritten signature in blue ink that reads "Julian Raven". The signature is stylized and cursive.

Respectfully submitted,

Julian Raven

Petitioner Pro Se

714 Baldwin Street

Elmira, New York 14901

607-426-0029

julianmarcusraven@gmail.com

May 26, 2026

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF CHEMUNG**

JULIAN RAVEN,

Petitioner,

-against-

CITY OF ELMIRA;
CITY OF ELMIRA CITY MANAGER;
CITY OF ELMIRA CITY CLERK;
and JOHN/JANE DOE CITY OFFICIALS
RESPONSIBLE FOR APPROVING,
REVIEWING, OR ENFORCING THE JUNE 6,
2026 ELMIRA PRIDE FESTIVAL SPECIAL
EVENT PERMIT.

Respondents.

Index No.: _____

**PRO SE AFFIRMATION OF NOTICE PURSUANT TO UNIFORM RULE
202.7(f)**

I, Julian Raven, affirm under penalty of perjury as follows:

1. I am the Petitioner Pro Se in this proceeding.
2. I submit this affirmation in support of my emergency application for an Order to Show Cause, Temporary Restraining Order, Preliminary Injunction, stay under CPLR 7805, and Article 78 relief.
3. This affirmation is submitted pursuant to Uniform Rule 202.7(f), which requires an application for temporary injunctive relief to state the notice

given to the opposing parties, or to explain why notice should not be required.

4. The emergency application concerns Respondents' approval, issuance, authorization, review, or enforcement of the June 6, 2026 Elmira Pride Festival special-event permit for Wisner Park, including an advertised drag show component and children's programming.
5. On May ____, 2026, at approximately ____ a.m./p.m., I provided notice of this emergency application to Respondents by personal delivery.
6. The notice advised Respondents that I am presenting, or have presented, an emergency application to the Supreme Court of the State of New York, Chemung County, seeking a Temporary Restraining Order, Preliminary Injunction, stay under CPLR 7805, and Article 78 relief concerning the June 6, 2026 Elmira Pride Festival special-event permit.
7. The notice further advised Respondents that I seek emergency relief requiring Respondents to issue a written municipal code determination before the June 6, 2026 event proceeds, including a determination whether the advertised drag show, children's programming, public-park location, church proximity, family-friendly advertising, and related performance content trigger any City of Elmira adult-use, sexually oriented business,

public-decency, public-park, minor-protection, special-event, or zoning restrictions.

8. The notice further advised Respondents that I seek temporary relief restraining Respondents from authorizing, permitting, facilitating, or allowing any adult-use or sexually oriented performance content, nudity, semi-nudity, exposed buttocks, exposed pubic area, exposed genitalia, less-than-opaque intimate-area coverage, lingerie-style exposure, simulated sexual conduct, lewd gestures, erotic choreography, adult-cabaret content, adult-show promotion, adult-venue marketing, or material harmful to minors at the June 6, 2026 event unless and until Respondents issue a written code determination and impose content-neutral safeguards.
9. The challenged event is scheduled for June 6, 2026. Because the event date is imminent, ordinary motion practice, municipal response, FOIL production, or public-comment procedures may not provide meaningful review before the event occurs.
10. I respectfully submit that immediate judicial attention is necessary because, without emergency review, the requested pre-event relief may become academic before the Court can determine whether Respondents complied with Elmira's own Code.

11. I am not seeking to avoid notice to Respondents. I have provided notice, or will provide notice as soon as practicable, and formal service of the Order to Show Cause, Verified Petition / Complaint, supporting papers, exhibits, and any signed order will be made in the manner and within the time directed by the Court.

12. To the extent the Court determines that additional or different notice is required, I respectfully request that the Court direct the method and timing of such notice in the Order to Show Cause.

13. To the best of my knowledge, no prior application has been made for the same relief requested in this emergency application.

I affirm under penalty of perjury under the laws of the State of New York that the foregoing is true and correct.

A handwritten signature in blue ink, appearing to read "Julian Raven". The signature is stylized with large, sweeping loops and a long horizontal stroke at the bottom.

Julian Raven

Petitioner Pro Se

714 Baldwin Street

Elmira, New York 14901

julianmarcusraven@gmail.com - 607-426-0029 May 26, 2026

TABLE OF AUTHORITIES

Cases

Authority

City of Renton v. Playtime Theatres, Inc., 475 U.S. 41

City of Los Angeles v. Alameda Books, Inc., 535 U.S. 425

Erie v. Pap's A.M., 529 U.S. 277

Nobu Next Door, LLC v. Fine Arts Housing, Inc., 4 N.Y.3d 839

Winter v. Natural Resources Defense Council, Inc., 555 U.S. 7

Statutes and Rules

Authority

CPLR Article 63

CPLR Article 78

CPLR 6301

CPLR 6313(a)

CPLR 7803

CPLR 7805

Uniform Rule 202.7(f)

Public Officers Law, Freedom of Information
Law / FOIL

Municipal Authorities

Authority

City of Elmira Zoning Ordinance — Adult-Use / Sexually Oriented
Business Provisions

City of Elmira Code — Public-Decency, Public-Park,
Minor-Protection, Special-Event, and Zoning Provisions

SUPREME COURT OF THE STATE OF NEW YORK

COUNTY OF CHEMUNG

JULIAN RAVEN,

Petitioner,

-against-

CITY OF ELMIRA;
CITY OF ELMIRA CITY MANAGER;
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RESPONSIBLE FOR APPROVING,
REVIEWING, OR ENFORCING THE JUNE 6,
2026 ELMIRA PRIDE FESTIVAL SPECIAL
EVENT PERMIT.

Respondents.

**MEMORANDUM OF LAW IN SUPPORT OF PETITIONER’S ORDER TO
SHOW CAUSE, TEMPORARY RESTRAINING ORDER, PRELIMINARY
INJUNCTION, AND VERIFIED ARTICLE 78 PETITION**

Preliminary Statement

Petitioner Julian Raven respectfully submits this Memorandum of Law in support of his emergency Order to Show Cause, request for a Temporary Restraining Order, preliminary injunction, and Verified Article 78 Petition. This proceeding does not seek to ban protected speech, Pride expression, religious sponsorship, drag expression, theatrical expression, costume, parody, music, or public assembly. It seeks a narrower and lawful remedy: immediate municipal code review, a written

determination, and content-neutral permit conditions before the City of Elmira permits a family-friendly public event involving children's programming and advertised drag-show entertainment to proceed in Wisner Park on June 6, 2026.

The City's own zoning ordinance regulates sexually oriented businesses and adult-use activities by reference to performances, materials, services, or matters that depict, describe, or relate to specified sexual activity or specified anatomical areas. The ordinance restricts sexually oriented businesses to Industrial B districts and imposes 500-foot separation requirements from churches, public parks, community centers, schools, day-care centers, residential zoning districts, and other sexually oriented businesses.

The issue is therefore one of municipal consistency and lawful procedure. If Respondents believe the event is nonsexual expressive activity, they should be required to say so in writing and impose enforceable conditions ensuring that no adult-use content appears before minors. If Respondents believe the event includes adult-themed or sexually oriented performance content, they must explain how such content may be permitted in a public park beside a church when the City Code separates sexually oriented uses from parks, churches, schools, day-care centers, residences, and minors.

Emergency relief is necessary because the event is scheduled for June 6, 2026.

Petitioner will seek records and municipal explanation through FOIL and demand for code determination, but the time remaining before the event is too short to rely upon ordinary administrative delay. CPLR 6313(a) authorizes a temporary restraining order where immediate and irreparable injury will result before a preliminary-injunction hearing can be held, and CPLR 7805 authorizes a stay in an Article 78 proceeding.

Statement of Relevant Facts

The June 6, 2026 Elmira Pride Festival is publicly advertised as a free, family-friendly celebration in Wisner Park. The event advertising states that “Highlighting each year’s Pride festival is the drag show,” described as a staged karaoke drag revue, and further states that there will be a story-time program for children presented by drag performers. The same advertising describes food trucks, vendors, tabling organizations, stage entertainment, and grant-supported artist activity.

Wisner Park is a City public park. The event is scheduled in or around a public civic space near The Park Church, public sidewalks, streets, civic facilities, and public gathering areas. Upon information and belief, the event has required or will require City special-event permission, City park use, public-safety coordination,

street or sidewalk coordination, insurance review, vendor coordination, and City administrative approval.

Petitioner intends to file a FOIL request seeking the permit application, issued permit, insurance documents, site plan, City communications, Special Events Committee review, City Clerk approval, Code Enforcement review, Corporation Counsel review, Police Department review, and any written determination that the event does or does not trigger adult-use, sexually oriented business, park-use, public-decency, minor-protection, or zoning restrictions. Because the event date is imminent, however, ordinary FOIL timing is inadequate to preserve meaningful pre-event review.

Petitioner further alleges that ordinary local public dialogue has been restricted because Elmira City Hall has shut down general public comment on non-agenda items, preventing citizens from directly presenting this emerging public concern to City officials unless the government itself places the issue on the agenda. That restriction does not itself determine the adult-use issue, but it helps explain why immediate judicial review is necessary where public questioning has been channeled away from ordinary municipal dialogue.

Legal Standard

CPLR 7803 authorizes review of whether a body or officer failed to perform a duty enjoined upon it by law, proceeded or is about to proceed without or in excess of jurisdiction, or made a determination in violation of lawful procedure, affected by an error of law, arbitrary and capricious, or an abuse of discretion. CPLR 7805 permits the Court to stay further proceedings or enforcement of a determination under review upon appropriate terms.

CPLR 6313(a) authorizes a temporary restraining order where the movant shows that immediate and irreparable injury, loss, or damage will result before a preliminary-injunction hearing can be held. New York courts generally require a preliminary-injunction movant to show likelihood of success on the merits, irreparable injury absent provisional relief, and a balance of equities in the movant's favor. In *Aetna Ins. Co. v. Capasso*, the Court of Appeals stated that a movant must show probability of success, danger of irreparable injury, and a balance of equities in its favor. New York courts continue to apply that standard under CPLR 6301 and 6313(a).

Argument

I. Petitioner Is Likely to Succeed Because the City Must Apply Its Own Code Before Permitting a Family-Friendly Public-Park Event Featuring Advertised Drag Performance and Children’s Programming.

Respondents are likely to argue that the event is protected expression, not an adult-use business. That response misses the point. Petitioner does not ask the Court to hold that drag is categorically unlawful or that protected expression may be suppressed because of viewpoint. Petitioner asks the Court to require Respondents to apply Elmira’s own Code and to explain, before the event occurs, whether the event’s advertised performance content and children’s programming trigger any adult-use, sexually oriented business, public-decency, park-use, minor-protection, or zoning provisions.

Elmira’s ordinance does not merely regulate a label. It regulates performances, services, matters, and materials that depict, describe, or relate to specified sexual activity or specified anatomical areas. The ordinance then imposes cumulative restrictions: sexually oriented businesses are limited to Industrial B districts and may not be located within 500 feet of churches, public parks, community centers, schools, day-care centers, residential districts, or other sexually oriented businesses. The 500-foot restriction is not an alternative to zoning; it is an

additional protective buffer that prevents sexually oriented uses from being placed on the edge of an otherwise permissible district near sensitive locations.

The purpose of the ordinance is consistent with the adult-use “secondary effects” doctrine. In *City of Renton v. Playtime Theatres, Inc.*, the Supreme Court upheld adult-theater zoning restrictions because the city regulated the secondary effects of adult theaters, not the protected expression itself. In *City of Los Angeles v. Alameda Books, Inc.*, the Supreme Court likewise recognized that municipalities may regulate adult-use concentration and location based on evidence of adverse secondary effects. In *Erie v. Pap’s A.M.*, the Court recognized that sexually expressive performance may have First Amendment value while still being subject to regulation aimed at public nudity and secondary effects.

Elmira’s code embodies that same principle. The City need not—and may not—suppress drag because it is drag. But the City also may not avoid its own adult-use review by accepting the words “family friendly” or “festival” as a substitute for legal analysis. If a performance includes nudity, exposed buttocks, exposed pubic area, exposed genitalia, less-than-opaque intimate-area coverage, lingerie-style exposure, simulated sexual conduct, lewd gestures, erotic choreography, adult-cabaret content, adult-show promotion, adult-venue

marketing, or material harmful to minors, then the City must address those facts under its own Code.

This is particularly true because the event's own advertising states that the drag show "highlight[s]" the Pride festival and that children's story time will be presented by drag performers. That makes the drag programming not incidental, but central enough to require review. Where an event is staged in a public park, near a church, marketed as family-friendly, surrounded by vendors and public activity, and includes children's programming, Respondents must provide a written legal determination rather than silently assume compliance.

II. Respondents' Failure to Issue a Written Code Determination Is Arbitrary, Capricious, Affected by Error of Law, and in Violation of Lawful Procedure.

A municipal determination is arbitrary and capricious where it lacks a rational basis, fails to consider relevant factors, applies the wrong legal standard, or departs from governing law. Here, the relevant municipal factors are obvious: public park location, church proximity, children's programming, family-friendly advertising, drag-show programming, vendor activity, public-stage presentation, prior public concern, Code Enforcement review, police/public-safety review, Corporation Counsel review, and whether any permit conditions prohibit adult-use content before minors.

If Respondents did not review those factors, the approval was arbitrary and capricious. If Respondents did review those factors but issued no written determination, the Court should require one before the event proceeds. If Respondents concluded that Elmira's adult-use ordinance applies only to fixed businesses and never to temporary public performances, that conclusion is an error of law or at minimum a reviewable legal position requiring judicial scrutiny. A special-event permit should not become a loophole through which activity restricted in fixed adult venues is temporarily relocated into a public park.

Petitioner's position is not that every public drag event is adult-use activity. It is that Elmira cannot presume either way. The City must determine whether the actual event is nonsexual expressive activity, or whether it includes adult-use elements requiring safeguards. The difference matters, and it is the City's duty to draw that line lawfully.

III. Petitioner Has Standing as a Taxpayer, Property Owner, Park User, Citizen Within the Zone of Interests Protected by the Ordinance, and Public-Interest Mandamus Petitioner.

Petitioner has standing under multiple reinforcing theories. He is an Elmira property owner, taxpayer, regular user of City public and civic spaces, civic advocate, and mayoral candidate. He is within the class of persons protected by

Elmira's adult-use, sexually oriented business, zoning, public-park, public-decency, and minor-protection provisions. Those provisions exist to protect public parks, churches, schools, day-care centers, residences, property values, children, community spaces, and public order.

Petitioner also has taxpayer standing because the challenged permit involves public property, public-event administration, City staff resources, public-safety coordination, possible street or sidewalk use, insurance review, vendor coordination, and public park facilities. If no taxpayer or property owner may demand code compliance before City property is used for a public event allegedly inconsistent with the City's own Code, municipal officials could avoid adult-use restrictions by moving adult-themed programming from fixed establishments into temporary public events.

Petitioner also invokes public-interest mandamus principles. He does not seek damages or viewpoint suppression. He seeks to compel a public body to perform a public duty: apply the City Code and issue a written determination. Where ordinary public-comment channels have been restricted and the event is imminent, the need for judicial review is heightened. Public law must not become unenforceable merely because the municipality can delay until the event is over.

IV. Irreparable Harm Exists Because the Event Will Occur Before Ordinary FOIL, Administrative Response, or Motion Practice Can Provide Effective Relief.

Irreparable harm is present because the relief sought is pre-event review. Once June 6 passes, the public park will already have been used, children and citizens will already have been exposed to whatever content occurs, and the City will already have bypassed the opportunity to apply its own Code before the event.

FOIL is not an adequate substitute for emergency judicial relief. Even a prompt FOIL request can be acknowledged rather than fully answered, and production may occur after the event. An after-the-fact record disclosure cannot restore a lost pre-event code determination. Nor can damages remedy the asserted injury because Petitioner seeks lawful governance, public transparency, child-protective conditions, and equal code application, not compensation.

CPLR 6313(a) exists for exactly this kind of emergency timing problem: where immediate and irreparable injury may occur before a hearing can be had. CPLR 7805 further permits a stay in Article 78 to prevent the challenged municipal action from becoming complete before judicial review.

V. The Balance of Equities Favors Narrow Relief Because Petitioner Seeks Code Compliance, Not Suppression of Expression.

The balance of equities favors Petitioner because the requested relief is narrow, neutral, and administratively reasonable. Petitioner does not ask the Court to cancel all Pride programming or prohibit drag expression. Petitioner asks for a written municipal determination and enforceable permit conditions prohibiting adult-use content before minors at a family-friendly public event.

Such conditions are straightforward: no nudity, no exposed buttocks, no exposed pubic area, no exposed genitalia, no less-than-opaque intimate-area coverage, no lingerie-style exposure, no simulated sexual conduct, no lewd gestures, no erotic choreography, no adult-cabaret content, no adult-show promotion, no adult-venue marketing, and no material harmful to minors. These conditions apply equally to all performers and do not depend on viewpoint, identity, politics, religion, or Pride association.

If the event is truly family-friendly, such conditions should not burden lawful expression. If the City has already performed review, it can produce the written determination. If it has not, it should perform the review before the event proceeds. The equities favor requiring government to obey and explain its own law.

Conclusion

For the foregoing reasons, Petitioner respectfully requests that the Court grant the Order to Show Cause, issue a Temporary Restraining Order and/or Article 78 stay, set an expedited preliminary-injunction hearing, and require Respondents to issue a written code determination and impose content-neutral minor-protection safeguards before the June 6, 2026 event proceeds.

May 26, 2026
Elmira, New York

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Julian Raves". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

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SUPREME COURT OF THE STATE OF NEW YORK

CHEMUNG COUNTY

JULIAN RAVEN,

Petitioner,

-against-

CITY OF ELMIRA;
CITY OF ELMIRA CITY MANAGER;
CITY OF ELMIRA CITY CLERK;
and JOHN/JANE DOE CITY OFFICIALS
RESPONSIBLE FOR APPROVING,
REVIEWING, OR ENFORCING THE JUNE 6,
2026 ELMIRA PRIDE FESTIVAL SPECIAL
EVENT PERMIT.

Respondents.

**EMERGENCY ORDER TO SHOW CAUSE WITH TEMPORARY
RESTRAINING ORDER AND PRELIMINARY INJUNCTION REQUEST**

Upon the annexed Verified Petition, the Affidavit of Julian Raven, the exhibits attached thereto, including the public event advertisement, screenshots, and Petitioner's FOIL request and demand for code determination, and upon all papers and proceedings herein, let Respondents show cause before this Court at the Supreme Court, Chemung County Courthouse, at a date and time to be fixed by the

Court, why an Order and Judgment should not be entered pursuant to CPLR Article 78, CPLR 6301, CPLR 6313, and CPLR 7805:

(1) preliminarily enjoining Respondents from allowing any sexually oriented performance content, adult-use entertainment content, public nudity, semi-nudity, exposed buttocks, exposed pubic area, exposed genitalia, less-than-opaque intimate-area coverage, lingerie-style exposure, simulated sexual conduct, erotic choreography, lewd gestures, adult-cabaret content, adult-venue promotion, or material harmful to minors at the June 6, 2026 Elmira Pride Festival in Wisner Park unless and until Respondents issue a written determination applying Elmira's adult-use, sexually oriented business, public-decency, park-use, minor-protection, and zoning provisions;

(2) directing Respondents to produce a written determination before the event stating whether the advertised drag show, children's programming, public-park location, church proximity, and family-friendly advertising trigger any Elmira adult-use, sexually oriented business, public-decency, park-use, minor-protection, or zoning restrictions;

(3) directing Respondents to impose written, content-neutral permit conditions prohibiting nudity, semi-nudity, exposed buttocks, lingerie-style exposure, simulated sexual conduct, lewd gestures, erotic choreography, adult-cabaret

content, adult-show promotion, and adult-venue marketing before minors at any family-friendly public event;

(4) alternatively, temporarily staying or suspending the special-event permit until Respondents conduct and disclose lawful code review;

(5) granting such other and further relief as the Court deems just and proper.

Pending the hearing and determination of this application, Respondents are temporarily restrained from authorizing, permitting, facilitating, or allowing any sexually oriented performance content, adult-use entertainment content, nudity, semi-nudity, exposed buttocks, exposed pubic area, exposed genitalia, less-than-opaque intimate-area coverage, lingerie-style exposure, simulated sexual conduct, lewd gestures, erotic choreography, adult-cabaret content, adult-show promotion, adult-venue marketing, or material harmful to minors at the June 6, 2026 Elmira Pride Festival in Wisner Park unless and until Respondents issue a written code determination and impose content-neutral minor-protection safeguards.

Sufficient reason appearing therefore, service of a copy of this Order to Show Cause, together with the papers upon which it is granted, shall be made upon Respondents by personal delivery, email, and/or overnight mail on or before May 27, 2026, at 5:00 p.m.

**VERIFIED PETITION AND EMERGENCY MOTION FOR TEMPORARY
RESTRAINING ORDER, PRELIMINARY INJUNCTION, AND ARTICLE
78 RELIEF**

Petitioner Julian Raven, proceeding pro se, respectfully submits this Verified Petition and Emergency Motion for a Temporary Restraining Order, Preliminary Injunction, and Article 78 relief.

REQUEST FOR JUSTICE EMERGENCY ATTENTION

Petitioner respectfully requests immediate emergency attention from the assigned Justice because the challenged public event is scheduled to occur on June 6, 2026, and the ordinary pace of motion practice, FOIL production, and municipal response will not permit meaningful judicial review before the event occurs. This application is not presented for delay, publicity, or tactical advantage. It is presented because the relief sought is inherently time-sensitive: a written municipal code determination and, if necessary, narrowly tailored content-neutral safeguards must occur before the City permits a family-friendly public-park event involving

children’s programming and advertised drag-show entertainment to proceed in Wisner Park.

New York law expressly authorizes emergency injunctive review when immediate action is necessary to prevent irreparable harm before a preliminary-injunction hearing can be held. CPLR 6313(a) provides that, on a motion for a preliminary injunction, if the moving party shows that “immediate and irreparable injury, loss or damages will result” unless the opposing party is restrained before a hearing can be had, a temporary restraining order may be granted, and the court must set the preliminary-injunction hearing at the earliest possible time. CPLR 7805 separately authorizes the court, in an Article 78 proceeding, to stay further proceedings or enforcement of the determination under review upon appropriate terms, including notice, security, and costs.

The ordinary preliminary-injunction standard also supports immediate judicial attention. New York courts repeatedly hold that a party seeking preliminary injunctive relief must demonstrate likelihood or probability of success on the merits, danger of irreparable injury absent the injunction, and a balance of equities in the movant’s favor. In *Aetna Ins. Co. v. Capasso*, the Court of Appeals stated that the movant must show probability of success, danger of irreparable injury, and a balance of equities in its favor. The Court of Appeals repeated that standard in *Nobu Next Door, LLC v. Fine Arts Housing, Inc.*, holding that

preliminary-injunction relief requires probability of success, danger of irreparable injury, and favorable equities. The Appellate Division has likewise applied the same standard, citing CPLR 6301, *Aetna*, and related authority.

Federal emergency-injunction doctrine is consistent with the same principle. In *Winter v. Natural Resources Defense Council, Inc.*, the United States Supreme Court held that a preliminary-injunction movant must establish likelihood of success on the merits, likelihood of irreparable harm absent preliminary relief, that the balance of equities tips in the movant's favor, and that an injunction is in the public interest. Although this application is brought in New York Supreme Court, the federal standard underscores the same equitable concern: where imminent public action may render later judicial review ineffective, courts may act before the challenged act occurs.

This application also complies with the procedural requirements governing emergency applications for temporary injunctive relief. Uniform Rule 202.7(f) requires that an application for temporary injunctive relief, including a stay or temporary restraining order, contain an affirmation demonstrating that there will be significant prejudice if notice is given, or, if notice has been given, the time, place, manner of notice, and the person to whom notice was given. Petitioner will provide notice to Respondents by personal delivery, and any additional method directed by the Court, and will immediately thereafter submit an affidavit or affirmation

identifying the manner, time, and recipients of such notice. If full notice and ordinary briefing are required before temporary relief is considered, the June 6 event may occur before the Court can review the City's failure to issue a written code determination, thereby rendering the requested pre-event relief ineffectual.

Immediate attention is also warranted because FOIL cannot realistically supply a timely substitute for judicial review. Petitioner intends to file a FOIL request and demand for code determination on Tuesday, May 26, seeking the permit application, issued permit, City communications, Code Enforcement review, Corporation Counsel review, public-safety conditions, and any written determination that the event does or does not trigger Elmira's adult-use, sexually oriented business, public-decency, park-use, minor-protection, or zoning provisions. But FOIL's ordinary timing does not guarantee production before June 6. If the City merely acknowledges receipt, delays production, or withholds records, the event will likely occur before Petitioner and the Court can know whether the City performed the required review. A post-event FOIL production would not restore the lost opportunity for lawful pre-event code compliance.

The harm here is irreparable because it is not compensable by money damages and cannot be undone after the fact. If Respondents permit the event to proceed without a written code determination and without content-neutral safeguards, the public park will already have been used, the family-friendly event will already have

occurred, children and citizens will already have been exposed to whatever content is performed, and the City's own adult-use and public-park safeguards will already have been bypassed. The requested relief is therefore designed to preserve the status quo and prevent the Court's eventual judgment from becoming academic.

The equities favor immediate attention because Petitioner does not seek a broad ban on protected expression. Petitioner seeks only narrow, legally neutral relief requiring the City to apply its own Code in writing before the event and, if necessary, to impose the same basic content-neutral safeguards that would apply to any performer at a family-friendly public event: no nudity, no exposed buttocks, no less-than-opaque intimate-area coverage, no simulated sexual conduct, no lewd gestures, no erotic choreography, no adult-cabaret content, no adult-show promotion, no adult-venue marketing, and no material harmful to minors. Such conditions regulate objective public conduct and minor exposure, not viewpoint, identity, Pride expression, religious sponsorship, or drag expression as such.

For these reasons, Petitioner respectfully requests that the assigned Justice give this application immediate emergency attention, set the matter for the earliest possible hearing, and grant temporary relief sufficient to require Respondents to issue a written code determination and impose neutral minor-protection safeguards before the June 6, 2026 event proceeds.

**REQUEST FOR CONDITIONAL EX PARTE TEMPORARY RELIEF IF
RESPONDENTS FAIL TO RESPOND WITHIN 48 HOURS OF SERVICE**

Petitioner does not seek to avoid notice to Respondents. To the contrary, Petitioner intends to file this emergency application on Tuesday morning, May 27, 2026, and to serve Respondents as soon as practicable thereafter by all available lawful means, including personal delivery, and any additional method directed by the Court. Petitioner's request for ex parte relief is therefore made only as a necessary fallback, not as an attempt to deprive Respondents of an opportunity to be heard.

The problem is the calendar. The challenged event is scheduled for June 6, 2026. If Petitioner files and serves this application on May 27, only ten calendar days remain before the event. Ordinary notice, municipal routing, Corporation Counsel review, departmental consultation, FOIL acknowledgment, permit-file retrieval, and briefing could easily consume the entire remaining period. If Respondents do not respond promptly, the practical effect will be to defeat meaningful pre-event judicial review. By the time opposition papers are filed or the City provides a code determination, the event may be imminent or already complete.

CPLR 6313(a) authorizes a temporary restraining order without notice where immediate and irreparable injury, loss, or damage will result before a hearing can be held. Uniform Rule 202.7(f) requires an emergency application to disclose either the notice given or the significant prejudice that would result from giving

notice. Petitioner will give immediate notice. But Petitioner respectfully submits that significant prejudice will result if Respondents are permitted to remain silent, delay response, or rely on ordinary briefing schedules where the time remaining before June 6 is so compressed that delay itself will render the requested pre-event relief ineffectual.

Accordingly, Petitioner respectfully requests that the Court direct Respondents to respond within forty-eight hours after service of this application, or by such shorter time as the Court deems just. If Respondents do not respond within that period, Petitioner requests that the Court consider and grant temporary ex parte relief pursuant to CPLR 6313(a), or issue such interim stay under CPLR 7805 as is necessary to preserve the Court's jurisdiction and prevent the June 6 event from proceeding without a written municipal code determination and content-neutral minor-protection safeguards.

The requested temporary relief is narrow. Petitioner does not ask this Court to ban protected 1st amendment expression. Petitioner seeks only a temporary order requiring Respondents, before the June 6 event proceeds, to issue a written determination applying Elmira's adult-use, sexually oriented business, public-decency, public-park, minor-protection, and zoning provisions, and to impose content-neutral safeguards prohibiting nudity, semi-nudity, exposed buttocks, exposed pubic area, exposed genitalia, less-than-opaque intimate-area

coverage, lingerie-style exposure, simulated sexual conduct, lewd gestures, erotic choreography, adult-cabaret content, adult-show promotion, adult-venue marketing, and material harmful to minors at a family-friendly public event.

Because the event date is fixed and rapidly approaching, Respondents should not be permitted to defeat review through silence or delay. If the City has already performed lawful code review, it can say so within forty-eight hours and produce the written determination or permit conditions. If the City has not performed such review, the Court should not allow the absence of a City response to become the mechanism by which a public-park event proceeds without lawful review. The narrow conditional ex parte request is therefore necessary to preserve the status quo, protect minors and public spaces, and prevent this Article 78 proceeding from becoming academic before it can be heard.

PRELIMINARY STATEMENT

This emergency proceeding is brought to preserve the status quo and to prevent Respondents from using a special-event permit to authorize a family-friendly public-park event involving advertised drag-show entertainment and children's programming without first applying the City of Elmira's own adult-use, sexually oriented business, public-decency, public-park, minor-protection, and zoning provisions.

Petitioner does not seek to ban protected speech. The issue is narrower and more basic: whether the City of Elmira may approve a public event in Wisner Park, adjacent to or near a church, advertised as family friendly and involving children's programming, without making any written determination that the advertised drag show and related performance content will comply with the same municipal rules that separate sexually oriented businesses and adult-use entertainment from parks, churches, schools, day-care centers, residences, and minors.

The emergency exists because the event is scheduled for June 6, 2026. Petitioner will submit a Freedom of Information Law request on Tuesday, together with a demand for code determination, but the ordinary FOIL response window may not produce records before the event occurs. New York's Committee on Open Government explains that an agency must grant access, deny access, or acknowledge receipt within five business days, and an acknowledgment may project a later determination date. If Respondents do not respond in time, judicial review after June 6 will be largely ineffective because the public event will already have occurred.

CPLR 7803 permits this Court to review whether a public body failed to perform a duty enjoined by law, proceeded or is about to proceed without or in excess of jurisdiction, or made a determination in violation of lawful procedure, affected by an error of law, arbitrary and capricious, or an abuse of discretion. CPLR Article

63 authorizes injunctive relief, and CPLR 6313 permits a temporary restraining order where immediate and irreparable injury, loss, or damage will result before a preliminary-injunction hearing can be held.

Petitioner therefore seeks emergency relief requiring the City to do what its own Code already requires: make a written, neutral determination before the event proceeds and impose content-neutral safeguards protecting minors, public parks, churches, schools, residences, and public order from adult-use or sexually oriented performance content.

STATEMENT OF FACTS

The June 6, 2026 Elmira Pride Festival is publicly advertised as a free, family-friendly celebration in Wisner Park.(Exhibit A) The event materials state that the event includes music, community organizations, food trucks, vendors, art activities, stage entertainment, a drag show, and children’s story-time programming presented by drag performers.(Exhibit A)

Wisner Park is a City public park and civic gathering place. It is adjacent to or near The Park Church and lies within a public downtown environment involving streets,

sidewalks, public buildings, residences, and public pedestrian areas. Upon information and belief, the event requires or has received a City special-event permit, City park approval, insurance review, police or public-safety coordination, street or sidewalk coordination, vendor coordination, and/or use of City resources.

Elmira's Zoning Ordinance regulates sexually oriented businesses and adult uses by reference to performances, materials, services, or matters that depict, describe, or relate to specified sexual activity or specified anatomical areas. Elmira's ordinance restricts sexually oriented businesses to Industrial B districts and imposes separation requirements from churches, public parks, community centers, schools, day-care centers, residential zoning districts, and other sexually oriented businesses. The relevant point is not merely that a "business" is involved. The protective principle is that sexually oriented performance content and adult-use secondary effects are to be kept away from children, parks, churches, schools, residences, and community spaces.

Elmira's adult-use ordinance was drafted in the historical vocabulary of fixed adult establishments: adult bars, theaters, bookstores, cabarets, and similar venues. But the principle behind the ordinance is broader than the historical vehicle. When adult-themed performance content is moved from a fixed establishment into a public park under a temporary special-event permit, the risk to children and protected spaces does not disappear. It may become more direct.

Petitioner will file a FOIL request seeking the permit application, issued permit, site plan, insurance documents, police and public-works review, City communications, Code Enforcement review, Corporation Counsel review, and any written determination that the drag show and children's programming do or do not trigger adult-use, sexually oriented business, public-decency, park-use, minor-protection, or zoning restrictions. The FOIL request will be annexed as Exhibit B. Petitioner will also submit a demand for immediate written code determination. If the City does not respond before June 6, Petitioner will have no meaningful administrative answer before the event occurs.

Petitioner also alleges that ordinary political presentation of this issue to the City has been obstructed because the Elmira City government has shut down public comment on non-agenda items and now allows public comment only on items placed on the City's own agenda. That policy prevents Petitioner and other citizens from directly raising this urgent non-agenda code-compliance issue at a City Council meeting before the event. Petitioner therefore seeks judicial intervention because ordinary public comment has been curtailed, the event is imminent, and the City has not issued a written code determination.

Petitioner further submits that Exhibit E, a photograph identified as originating from the Elmira Pride Festival in Wisner Park on July 14, 2008, depicts a public performance involving attire resembling intimate apparel or lingerie-style

presentation occurring in a public park setting. Petitioner does not ask the Court to conclude, solely from the photograph itself, that a Code violation occurred. Rather, the exhibit is offered to demonstrate why permit files, municipal review records, prior complaints, Code Enforcement review, and municipal justification are material to determining whether Elmira previously evaluated such public performances under its adult-use, sexually oriented business, public-decency, zoning, and minor-protection provisions, or whether such provisions have historically gone unapplied.

STANDING

Petitioner has standing under multiple, reinforcing grounds. Petitioner is an Elmira property owner, City taxpayer, regular user of Elmira public parks and civic spaces, civic advocate, and candidate for Mayor of Elmira. Petitioner is not asserting a generalized objection to protected expression. Petitioner asserts an interest in lawful municipal administration, lawful use of public property, lawful use of taxpayer-supported City resources, protection of public parks and civic spaces, equal application of the City Code, and enforcement of ordinances designed to protect children, churches, parks, schools, day-care centers, residential areas, public order, property values, and neighborhood character.

New York standing doctrine generally requires an injury-in-fact and an injury falling within the zone of interests protected by the statute or ordinance invoked.

Here, Elmira's adult-use and public-location restrictions protect exactly the interests Petitioner invokes: residents, taxpayers, property owners, park users, children, parks, churches, schools, day-care centers, residences, and civic spaces. Petitioner therefore falls within the zone of interests protected by the municipal scheme.

Petitioner also has taxpayer standing because the challenged conduct involves City-owned public park property, public-event permitting, public-safety coordination, possible street or sidewalk controls, police and public works resources, insurance review, fee decisions, City listing or promotion, and other municipal resources. If no taxpayer or property owner may demand code compliance before City property and City resources are used for a public event allegedly inconsistent with City Code, then municipal officials could avoid adult-use restrictions simply by moving adult-themed performance content from fixed establishments into temporary public events.

Petitioner also has public-interest mandamus standing. This proceeding seeks to compel Respondents to perform a clear public duty: apply Elmira's own Code and issue a written determination before authorizing a family-friendly public-park event involving advertised drag-show entertainment and children's programming. Petitioner is not asking this Court to micromanage policy or censor protected

speech. Petitioner asks only that the City be required to apply its own laws in writing before the event occurs.

Petitioner's standing is further strengthened by the City's closure of non-agenda public comment. Because City Council no longer allows citizens to address non-agenda matters, Petitioner cannot reliably bring this urgent code-compliance issue directly to the governing body through ordinary public-comment channels before the event. That does not itself create the underlying violation, but it demonstrates why administrative and political remedies are inadequate before June 6.

LEGAL STANDARD

CPLR 7803 authorizes this Court to decide whether Respondents failed to perform a duty enjoined upon them by law, proceeded or are about to proceed without or in excess of jurisdiction, or made a determination in violation of lawful procedure, affected by an error of law, arbitrary and capricious, or an abuse of discretion.

CPLR 6301 authorizes preliminary injunctive relief where a party threatens or is about to do an act in violation of the movant's rights respecting the subject of the

action and tending to render judgment ineffectual. CPLR 6313 authorizes a temporary restraining order where immediate and irreparable injury will result before a hearing can be held. New York courts generally require a movant seeking a preliminary injunction to show likelihood of success on the merits, irreparable harm absent relief, and a balance of equities in the movant's favor. Emergency applications for temporary injunctive relief must also comply with the notice requirements of Uniform Rule 202.7(f), unless the movant explains why notice should not be required or would cause significant prejudice.

ARGUMENT

I. Petitioner Is Likely to Succeed Because Respondents Have Failed to Apply Elmira's Own Code Before Authorizing a Family-Friendly Public-Park Event Involving Advertised Drag Performance and Children's Programming.

The likely merits issue is not whether drag is protected expression. Petitioner assumes, for purposes of this motion, that drag, costume, parody, theatrical persona, gender expression, story reading, and political or cultural expression may be protected by the First Amendment. The issue is whether the City may use a special-event permit to avoid applying its own adult-use, sexually oriented business, park-use, public-decency, minor-protection, and zoning standards.

Elmira's Code regulates sexually oriented businesses by reference to performances, materials, services, or matters that depict, describe, or relate to specified sexual activity or specified anatomical areas. It separates sexually oriented businesses from churches, public parks, community centers, schools, day-care centers, residential districts, and other sensitive uses. The City's protective logic is plain: sexually oriented performance content may be lawful for adults, but it does not belong in protected locations without strict time, place, manner, age, visibility, and licensing controls.

That principle is supported by adult-use case law. In *City of Renton v. Playtime Theatres, Inc.*, the United States Supreme Court upheld adult-theater zoning restrictions separating adult theaters from residential zones, churches, parks, and schools because the ordinance was aimed at secondary effects rather than suppression of protected expression. In *City of Los Angeles v. Alameda Books, Inc.*, the Court recognized that municipalities may regulate adult uses based on evidence of adverse secondary effects. In *Erie v. Pap's A.M.*, the Court recognized that sexually expressive performance may have First Amendment value while still being subject to public-nudity and secondary-effects regulation. These cases confirm that protected expression and adult-use regulation are not mutually exclusive.

The City's error is treating the public label "family friendly" as if it answers the legal question. It does not. If the event is genuinely nonsexual theatrical expression, the City should issue a written determination saying so and impose objective conditions ensuring no adult-use content appears before children. If the event includes adult-themed performance content, exposed anatomical areas, lingerie-style exposure, lewd gestures, erotic choreography, simulated sexual conduct, adult-cabaret presentation, adult-venue promotion, or material harmful to minors, then the City must explain how such content may be permitted in a public park beside a church when Elmira's own Code separates sexually oriented uses from parks, churches, schools, day-care centers, residences, and minors.

Respondents' failure to make that determination is an error of law, a violation of lawful procedure, arbitrary and capricious, and an abuse of discretion under CPLR 7803.

II. Petitioner Will Suffer Irreparable Harm Because the Event Will Occur Before FOIL or Ordinary Administrative Review Can Produce a Meaningful Answer.

The event is scheduled for June 6. Petitioner will file a FOIL request and demand for written code determination, but FOIL's ordinary timing may not yield records before the event. New York FOIL allows an agency five business days to grant access, deny access, or acknowledge receipt. If the City merely acknowledges the

request or delays production, the event may occur before Petitioner can obtain the permit record, Code Enforcement review, Corporation Counsel determination, or permit conditions.

That harm cannot be cured after the fact. Once the City permits the event to proceed without code review, children and the public may be exposed to adult-themed content in a public park under a family-friendly label, and the City's own adult-use protections will have been bypassed. A later FOIL response or post-event judicial ruling will not restore the lost opportunity for lawful pre-event review.

Petitioner does not seek damages. He seeks prospective public-law compliance. Without a TRO and preliminary injunction, the Court's eventual judgment may be rendered ineffectual.

III. The Balance of Equities Favors Narrow Relief Because Petitioner Does Not Seek to Ban Protected Expression, but Only to Require Code Compliance and Content-Neutral Safeguards.

The requested relief is narrow. Petitioner does not ask this Court to cancel all Pride programming, prohibit drag expression, or suppress viewpoint-based speech.

Petitioner asks that the City be required to issue a written code determination and

impose neutral safeguards prohibiting adult-use content before minors at a family-friendly public event.

Such safeguards are minimal and reasonable: no nudity, no exposed buttocks, no exposed pubic area, no exposed genitalia, no less-than-opaque intimate-area coverage, no lingerie-style exposure, no simulated sexual conduct, no lewd gestures, no erotic choreography, no adult-cabaret content, no adult-show promotion, no adult-venue marketing, and no material harmful to minors. These conditions would apply equally to drag performers, burlesque performers, musicians, dancers, comedians, theater performers, and any other public performer. They regulate conduct and child exposure, not identity or viewpoint.

If the event is truly family friendly, Respondents and event organizers should have no legitimate objection to those safeguards. If they do object, that objection itself demonstrates the need for judicial review before the event occurs.

AFFIDAVIT OF EMERGENCY AND NOTICE

I, Julian Raven, being duly sworn, state as follows:

I am the Petitioner in this proceeding. The event challenged in this application is scheduled for June 6, 2026. I will file a FOIL request and demand for written code determination on Tuesday, but the ordinary FOIL response period may not produce records before the event. The City has closed public comment on non-agenda items

and now allows public comment only on items placed on the City's agenda, preventing me from bringing this urgent non-agenda code-compliance issue directly to City Council through ordinary public-comment channels before the event.

I request emergency relief because the event will occur before ordinary administrative, FOIL, or political remedies can provide meaningful review. I will make a good-faith effort to provide notice of this application to Respondents by email, personal delivery, and/or other available means unless the Court directs otherwise.

To the best of my knowledge, no prior application for this same relief has been made.

Sworn to me this day.

REQUEST FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court grant a temporary restraining order, preliminary injunction, stay under CPLR 7805, and Article 78 relief directing Respondents to issue a written code determination before the June 6, 2026 event proceeds; restraining Respondents from authorizing or permitting adult-use or sexually oriented performance content before minors in Wisner Park unless and until Respondents apply Elmira's own Code; requiring written

content-neutral safeguards; awarding costs and disbursements; and granting such other and further relief as the Court deems just and proper.

May 26, 2026

Elmira, New York

Respectfully submitted,

Julian Raven, Petitioner Pro Se
714 Baldwin St.
Elmira, New York, 14901
607-426-0029
julianmarcusraven@gmail.com

EXHIBITS

Exhibit A: Event advertisement / screenshots.

Exhibit B: FOIL request.

Exhibit C: Elmira adult-use code excerpts.

Exhibit D: Prior photo and video from 2022 from a New York City ‘drag’ event held in a NYC ‘church’ from an article including drag show activity. Also included

is an interview with the Elmira church's pastor Gary Brinn, in the Park Church called "Worship is a Drag," the Park Church is the sponsor of the upcoming June 6, Pride event. Gary Brinn is also a councilman on the Elmira City Council who represents the 4th District of the City of Elmira.

Exhibit E: Photo from Elmira Pride/Darg Show July 14, 2008

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF CHEMUNG**

JULIAN RAVEN,

Petitioner,

-against-

CITY OF ELMIRA;
CITY OF ELMIRA CITY MANAGER;
CITY OF ELMIRA CITY CLERK;
and JOHN/JANE DOE CITY OFFICIALS
RESPONSIBLE FOR APPROVING,
REVIEWING, OR ENFORCING THE JUNE 6,
2026 ELMIRA PRIDE FESTIVAL SPECIAL
EVENT PERMIT.

Respondents.

Index No.: _____

**VERIFIED PETITION / COMPLAINT
FOR RELIEF UNDER CPLR ARTICLE 78**

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May 26, 2026

Elmira, New York

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SUPREME COURT OF THE STATE OF NEW YORK

COUNTY OF CHEMUNG

JULIAN RAVEN,

Petitioner,

-against-

CITY OF ELMIRA;
CITY OF ELMIRA CITY MANAGER;
CITY OF ELMIRA CITY CLERK;
and JOHN/JANE DOE CITY OFFICIALS
RESPONSIBLE FOR APPROVING,
REVIEWING, OR ENFORCING THE JUNE 6,
2026 ELMIRA PRIDE FESTIVAL SPECIAL
EVENT PERMIT.

Respondents.

VERIFIED PETITION / COMPLAINT

FOR RELIEF UNDER CPLR ARTICLE 78

Petitioner Julian Raven, proceeding pro se, respectfully submits this Verified Petition and Complaint pursuant to Article 78 of the Civil Practice Law and Rules.

PRELIMINARY STATEMENT

This Article 78 proceeding challenges Respondents’ approval, issuance, authorization, or threatened authorization of a special-event permit for the June 6,

2026 Elmira Pride Festival in Wisner Park, including an advertised drag show component and children's programming, without lawful review under the City of Elmira's own adult-use, sexually oriented business, public-park, public-decency, child-protection, and zoning restrictions. The petition does not ask this Court to ban protected speech, Pride events, LGBTQ expression, theatrical expression, drag expression, political expression, religious expression, music, parody, costume, or expressive association. The question presented is narrower and more fundamental: whether the City of Elmira may issue a public-park permit for an event advertised as family friendly, featuring a drag show and children's programming, without making any written determination that the event complies with the same municipal code restrictions the City applies to sexually oriented businesses, adult-use entertainment, public parks, churches, schools, day-care centers, residences, and minors.

Elmira's own zoning ordinance restricts sexually oriented businesses to designated districts and imposes separation requirements from sensitive locations, including churches or places of worship, public parks, community centers, schools, day-care centers, residential zoning districts, and other sexually oriented businesses. The ordinance also defines sexually oriented businesses by reference to performances, materials, services, or matters that depict, describe, or relate to specified sexual activity or specified anatomical areas. Those provisions reflect a classic time,

place, and manner framework: sexually oriented expression may have constitutional protection, but it may still be regulated through content-neutral location, licensing, visibility, age, and public-safety rules aimed at secondary effects.

The advertised June 6, 2026 event is described as a family-friendly celebration. At the same time, the event advertises a drag show as part of the stage programming and includes children’s story-time programming presented by drag performers. Petitioner does not allege that drag, by itself, is sexually oriented entertainment. Petitioner does not allege that Pride events, by themselves, are adult-use events. Petitioner does allege that where a public event in a City park beside a church is advertised as family friendly, includes children’s programming, and includes a drag show as a featured performance component, Respondents have a legal duty to determine whether the performance content triggers adult-use, sexually oriented business, public-decency, park-use, minor-protection, or zoning restrictions. Respondents may not substitute labels such as “family friendly,” “Pride,” or “church-sponsored” for legal review under the City Code.

Under CPLR 7803, this Court may review whether a body or officer failed to perform a duty enjoined by law, proceeded without or in excess of jurisdiction, or made a determination in violation of lawful procedure, affected by an error of law,

arbitrary and capricious, or an abuse of discretion. Here, Respondents' action is reviewable because the City either failed to perform the necessary code review, failed to issue a written determination explaining why the event does or does not trigger relevant code provisions, misapplied its own adult-use and public-park standards, or unlawfully used a special-event permit process to authorize what the City Code otherwise restricts. Respondents' approval should therefore be annulled, stayed, or remitted for lawful review under Elmira's own Code.

PARTIES

Petitioner Julian Raven is a resident, taxpayer, property owner, civic advocate, and candidate for public office in the City of Elmira, New York. Petitioner is within the class of residents, taxpayers, property owners, park users, and civic participants protected by Elmira's zoning, public-park, public-decency, adult-use, sexually oriented business, and minor-protection provisions.

Respondent City of Elmira is a municipal corporation organized under the laws of the State of New York. Respondent City Manager is responsible for municipal administration and implementation of City policy and permit processes.

Respondent City Clerk is responsible, upon information and belief, for special-event permit processing, municipal records, and coordination of public-event approvals. The John/Jane Doe Respondents are those City officials,

employees, officers, agents, departments, or boards who reviewed, approved, authorized, recommended, or conditioned the June 6, 2026 Elmira Pride Festival permit.

JURISDICTION AND VENUE

This Court has jurisdiction under CPLR Article 78 because this proceeding challenges municipal action, municipal inaction, legal error, arbitrary and capricious permitting, abuse of discretion, failure to follow local law, and action taken without or in excess of lawful authority. Venue is proper in Chemung County because Respondents are located in Chemung County, the challenged action occurred or is occurring in Chemung County, and the event at issue is scheduled to occur in Wisner Park in the City of Elmira, Chemung County.

PETITIONER HAS STANDING TO SEEK ARTICLE 78 REVIEW AND MANDAMUS RELIEF

Petitioner has standing to bring this Article 78 proceeding as an Elmira property owner, taxpayer, regular user of Elmira's public parks and civic spaces, and as a person within the zone of interests protected by Elmira's adult-use, sexually oriented business, zoning, public-park, public-decency, and minor-protection provisions. In addition, this proceeding presents a matter of great public interest

because Respondents' conduct concerns whether City officials may, by special-event permit, bypass or decline to apply Elmira's own Code restrictions governing sexually oriented performance content in public parks, near churches, schools, day-care centers, residential districts, and children.

New York's general standing rule requires a petitioner to show an injury-in-fact and that the asserted injury falls within the zone of interests protected by the statute or ordinance being invoked. The Court of Appeals has described the zone-of-interests test as tying "the in-fact injury asserted to the governmental act challenged" and limiting the universe of persons who may challenge administrative action. *Society of Plastics Indus., Inc. v. County of Suffolk*, 77 N.Y.2d 761 (1991).

Here, Petitioner's asserted interests are not ideological abstractions. Petitioner is a City property owner and taxpayer whose municipal taxes support Elmira's parks, streets, police, public works, permitting, insurance review, and public-event infrastructure. Petitioner is also a regular user of Elmira's public civic spaces and is within the class of residents, taxpayers, property owners, park users, and community members protected by zoning and adult-use regulations designed to protect public parks, churches, schools, day-care centers, residences, neighborhood character, public order, minors, and the quality of urban life. Those interests fall

within the zone of interests protected by Elmira's adult-use and public-location restrictions.

This proceeding also fits the recognized New York doctrine allowing citizen standing in matters of great public interest, especially where mandamus is sought to compel a public officer to perform a clear legal duty. In *Albert Elia Building Co. v. New York State Urban Development Corp.*, 54 A.D.2d 337 (4th Dept. 1976), the Fourth Department held that where a citizen, in common with other citizens, is interested in having an act of a general public nature performed by a public body or officer, and the officer refuses to perform it, the act may be compelled by a proceeding brought by that citizen. The court further stated that where the matter is one of great public interest and the relief sought is for the general public benefit, "the only interest necessary is that of the people at large."

That rule was reaffirmed in *Police Conference of N.Y. v. Municipal Police Training Council*, 62 A.D.2d 416 (3d Dept. 1978), which held that in matters of great public interest, a citizen may maintain a mandamus proceeding to compel a public officer to perform his or her duty. This case falls squarely within that doctrine because Petitioner seeks to compel Respondents to perform a public duty: apply Elmira's own Code and issue a written determination before authorizing a public-park event

advertised as family friendly, featuring a drag-show component and children's programming.

The public-interest standing doctrine is especially applicable where a local official's conduct allegedly violates a clear statutory command or effectively alters public law without legislative authority. In *Matter of Hebel v. West*, 25 A.D.3d 172 (3d Dept. 2005), a local resident and village trustee had standing to challenge the New Paltz mayor's solemnization of marriages without valid licenses. The court emphasized that the governing statutes afforded the mayor no discretion to solemnize marriages without proper licenses and that knowingly doing so was unlawful. The analogy here is direct: Respondents may not use a special-event permit to suspend, ignore, or evade Elmira's adult-use, zoning, public-park, and minor-protection restrictions without a lawful written determination.

Petitioner does not ask the Court to regulate protected 1st Amendment expression because of disagreement with its viewpoint. Petitioner asks only that Respondents be required to perform the threshold legal duty of applying Elmira's own Code neutrally. If Respondents' position is that the event does not trigger Elmira's sexually oriented business, adult-use, public-decency, park-use, or minor-protection provisions, Respondents may say so in writing and identify the legal basis for that determination. If Respondents' position is that those provisions

do apply, then the City must explain how a special-event permit can authorize public-park performance content that the Code otherwise separates from parks, churches, schools, day-care centers, residences, and minors.

Taxpayer standing also supports review. New York recognizes common-law taxpayer standing where refusal to recognize standing would erect an “impenetrable barrier” to judicial scrutiny of important governmental action. In *Boryszewski v. Brydges*, 37 N.Y.2d 361 (1975), the Court of Appeals recognized taxpayer standing where denying it would effectively prevent judicial scrutiny of legislative action. In *Schulz v. State*, the Court of Appeals reiterated that standing may be recognized where failure to accord it would create an “impenetrable barrier to any judicial scrutiny of legislative action.”

While taxpayer standing is not unlimited, it applies with particular force where public property, public funds, or municipal resources are allegedly being used for an illegal purpose. Here, the challenged conduct involves City-owned public park property, public streets or sidewalks, City permitting authority, police/public-safety coordination, possible street closures, public works support, insurance review, fee waivers, and other municipal resources. If no taxpayer, property owner, park user, or member of the protected public may demand a written code determination before the City uses public property to facilitate an allegedly code-inconsistent

event, then the City could evade adult-use zoning and public-decency restrictions by converting restricted uses into temporary public-park events.

Petitioner recognizes that New York courts apply the public-interest standing exception narrowly. Courts have rejected public-interest standing where the claimed public concern lacks a sufficient nexus to the challenged government action or where the petitioner seeks to force discretionary enforcement rather than performance of a clear legal duty. For example, in *Matter of Reisner v. Cantone*, the court rejected public-interest standing where the petitioner sought to compel an investigation into professional misconduct and the asserted public concern was too generalized. This proceeding is different. Petitioner does not seek discretionary punishment or viewpoint-based enforcement. Petitioner seeks a threshold legal determination required by ordinary municipal administration: whether the permit and event comply with Elmira's own Code.

The requested relief is therefore narrow and judicially manageable. Petitioner seeks mandamus and Article 78 review to require Respondents to apply their own Code, issue a written determination, and explain whether the event's advertised drag show, children's programming, public-park location, church proximity, and family-friendly designation trigger any adult-use, sexually oriented business, zoning, public-decency, park-use, or minor-protection restrictions. CPLR 7803

expressly authorizes review of whether a public body failed to perform a duty enjoined by law, proceeded without or in excess of jurisdiction, made a determination in violation of lawful procedure, committed an error of law, or acted arbitrarily and capriciously.

Accordingly, Petitioner has standing under multiple, reinforcing theories: injury-in-fact and zone-of-interests standing as an Elmira property owner, taxpayer, and park user; taxpayer standing based on use of public property and municipal resources; and public-interest mandamus standing because this proceeding seeks to compel City officials to perform a clear public duty in a matter of general public importance. The petition should not be dismissed for lack of standing.

LEGAL BACKGROUND AND ANALYSIS

The Development of Adult-Use Regulation, Transvestism Definitions, and the Need to Apply Elmira's Protective Principles Beyond Fixed Adult Businesses

Elmira's adult-use ordinance(EXHIBIT C) must be understood against the historical background in which such laws were drafted. When municipalities adopted sexually oriented business regulations in the late twentieth century, the ordinary adult-use problem was a fixed commercial establishment: an adult bookstore, adult movie theater, peep show, adult cabaret, strip club, massage parlor,

or sexually oriented bar. For that reason, the language of many adult-use ordinances, including Elmira's, speaks in terms of "businesses," "establishments," "revenues," "profit," "stock-in-trade," licenses, premises, exterior walls, and distance measurements. But the underlying municipal concern was never the mere existence of a business entity. The concern was the public effect of sexually oriented performances, materials, displays, and services when located near children, churches, schools, parks, residences, and public civic spaces.

Elmira's own Code confirms that the ordinance is not limited in principle to a narrow historical business model. The City defines "Sexually Oriented Business" by reference to any establishment having as a substantial or significant portion of its revenues or stock-in-trade the presentation or provision of any "material, service, matter or performance" by any visual or sensory medium "now known, or later developed," that depicts, describes, or relates to specified sexual activity or specified anatomical areas. The ordinance separately defines "Sexually Oriented Material" as any matter, material, device, or performance, whether or not otherwise specifically enumerated, that depicts, describes, or relates to specified sexual activity or specified anatomical areas. That broad language shows that the Code's center of gravity is not merely a building, lease, or commercial form. It is the presence of sexually oriented performance content.

Elmira’s protected-location rules then state the principle in location terms. Sexually oriented businesses are restricted to the Industrial B District and are separated from churches or places of worship, public parks, community centers, community sports complexes, schools, day-care centers, residential zoning districts, and other sexually oriented businesses. The ordinance’s structure reflects a legislative judgment that sexually oriented performances and materials require categorical separation from places associated with children, worship, education, family use, residence, and public civic life. The fact that the ordinance uses the word “business” reflects the historical form in which adult entertainment was commonly delivered. It does not erase the broader public purpose of the law: preventing sexually oriented content and adult-use secondary effects from being introduced into sensitive public spaces.

New York Penal Law uses similar conduct-based concepts when addressing sexual material involving minors. Penal Law § 235.20 defines “harmful to minors” by reference to descriptions or representations of nudity, sexual conduct, sexual excitement, or sadomasochistic abuse that, taken as a whole, appeal to minors’ prurient interest, are patently offensive under adult community standards concerning what is suitable for minors, and lack serious literary, artistic, political, or scientific value for minors. The same provision defines nudity, sexual conduct, sexual excitement, and related categories in objective terms. This statutory

framework is important because New York law does not regulate sexual content by guessing a performer's internal thoughts. It regulates observable content, exposure, conduct, and suitability for minors.

The medical and psychological background also supports a careful, conduct-based inquiry rather than a categorical presumption in either direction. Historically, American psychiatric manuals classified "transvestism" or "transvestitism" within broad categories of sexual deviation. DSM-I identified "sexual deviation" as including homosexuality, transvestism, pedophilia, fetishism, and sexual sadism. DSM-II continued to list sexual deviations, including fetishism, pedophilia, transvestitism, exhibitionism, voyeurism, sadism, masochism, and other sexual deviation. These older classifications show that cross-dressing was historically understood by American psychiatry, at least in some contexts, as connected to sexual deviation or atypical sexual behavior.

Modern psychiatric manuals narrowed that framework substantially. The American Psychiatric Association removed homosexuality from DSM-II in 1973, a change now widely understood as part of psychiatry's movement away from moralized diagnostic categories and toward narrower clinical definitions. DSM-5 then expressly distinguished atypical sexual interests from mental disorders, explaining that the distinction makes it possible for an individual to engage in consensual

atypical sexual behavior without being inappropriately labeled with a mental disorder. Merck's professional reference summarizes the current transvestic-disorder distinction: transvestism involves recurrent and intense sexual arousal from cross-dressing, while transvestic disorder is transvestism that causes clinically significant distress or functional impairment.

That modern narrowing does not mean the older sexual-arousal concern disappeared. It means the diagnosis was refined. Current medical authority does not support a blanket claim that drag, cross-dressing, costume, theatrical persona, gender nonconformity, or cross-gender performance is automatically a mental disorder. But current authority also does not deny that cross-dressing may, in some cases, be part of a recognized paraphilic disorder when tied to recurrent, intense sexual arousal and clinical distress or impairment. The point for municipal law is therefore not that every drag performer is disordered or sexually aroused. The point is that the City may not avoid review by pretending that all drag-branded activity is necessarily nonsexual, child-suitable, or outside the adult-use logic. The legally responsible inquiry is factual: what is being performed, what is being worn, what is being displayed, what is being promoted, who is in the audience, and whether minors are being exposed to adult-themed performance content.

The World Health Organization's ICD-11 revisions reflect the same narrowing principle. Peer-reviewed discussion of ICD-11 explains that the proposed classification of paraphilic disorders distinguishes conditions relevant to public health and clinical psychopathology from private consensual behavior, and limits paraphilic-disorder classifications to patterns involving nonconsenting persons, substantial distress, or direct risk of injury or death. That history matters because it prevents overstatement. It would be legally weak to argue that all drag is pathology. But it is legally sound to argue that when a public event includes drag performance before children, the City must determine whether the performance is nonsexual theatrical expression or whether it includes adult-use elements such as nudity, exposed buttocks, lingerie-style exposure, erotic choreography, lewd gestures, simulated sexual activity, adult-cabaret presentation, or promotion of adult venues.

The adult-use cases draw the same line between protected expression and regulable secondary effects. In *City of Renton v. Playtime Theatres, Inc.*, the Supreme Court upheld an ordinance restricting adult motion-picture theaters from locating near residential zones, churches, parks, and schools. The Court treated the law as a valid time, place, and manner regulation because the ordinance was aimed at the secondary effects of adult theaters, not the suppression of adult expression itself. In *City of Los Angeles v. Alameda Books, Inc.*, the Supreme Court likewise

recognized that cities may rely on evidence connecting adult establishments with crime and neighborhood impacts and may regulate the concentration and location of such establishments to address those secondary effects.

New York courts have applied the same doctrine. In *Stringfellow's of New York, Ltd. v. City of New York*, the Court of Appeals upheld adult-use zoning where the regulation served a purpose other than censorship and addressed the secondary effects of adult establishments. In *For the People Theatres of N.Y., Inc. v. City of New York*, the Court of Appeals addressed businesses that attempted to avoid adult-use regulation by mixing adult and non-adult content, the so-called “60/40” problem. The Court accepted the inquiry into whether those businesses retained a predominant focus on sexually explicit materials or activities, and the City characterized nominal compliance as a “sham” where the actual operation remained adult-focused.

That “sham” or evasion principle is directly relevant here. If adult-themed performance content would be restricted inside a fixed establishment near a park, church, school, day-care center, or residential district, the City cannot simply ignore the same content when it is moved outside into a public park and presented through a temporary special-event permit. A law drafted around fixed adult businesses may be textually underinclusive when modern sexually themed

entertainment moves from enclosed commercial venues into public festivals, park stages, church-sponsored events, social media promotion, and “family friendly” branding. But underinclusion in the text does not eliminate the legal principle. It exposes the need for the City either to apply the existing ordinance according to its protective purpose or to amend the Code so that public sexually themed performances are expressly governed by the same time, place, manner, minor-protection, and secondary-effects safeguards.

This is not an argument for viewpoint suppression. Drag, costume, theater, parody, music, story reading, gender expression, and political or cultural messaging may be protected expression. Modern drag cases and First Amendment doctrine would likely reject a law that targets drag merely because it is drag. But protected expression and regulated adult-use content are not mutually exclusive categories. Nude dancing, adult films, sexually explicit theater, and adult cabaret may all contain expressive elements, yet courts have repeatedly allowed government to regulate their location and operation when the purpose is to address secondary effects and protect sensitive places. The City’s obligation is not to condemn drag as such. The City’s obligation is to classify the actual conduct and content neutrally.

The legal inconsistency is therefore plain. Elmira’s Code was designed to keep sexually oriented performances and materials away from parks, churches, schools,

day-care centers, residences, and children. If the City reads the word “business” so narrowly that a sexually themed performance is restricted when sold inside a bar or theater, but unrestricted when staged in a public park before children under a special-event permit, the City has defeated the purpose of its own law. The medium and venue have changed; the protective principle has not. The relevant question is not whether the event is called Pride, drag, family friendly, church-sponsored, expressive, artistic, or inclusive. The relevant question is whether the event includes conduct or promotion that depicts, describes, relates to, normalizes, advertises, or invites minors into sexually oriented performance content of the kind the Code was enacted to separate from protected locations.

A court does not need to decide that all drag is sexual to grant relief requiring lawful municipal review. It need only recognize that Elmira’s adult-use ordinance rests on a protective principle broader than the historical category of fixed adult businesses. That principle is child protection, neighborhood protection, park protection, church and school protection, and secondary-effects prevention. Where the City approves a public-park event marketed as family friendly and involving drag performance and children’s programming, the City must issue a written determination explaining whether the event is nonsexual expressive activity or whether it includes adult-themed elements requiring restrictions. Without such

review, the City risks allowing a special-event permit to operate as a loophole around the very public safeguards Elmira adopted.

The proper remedy is not to ban protected expression. The proper remedy is to require the City to update and apply its Code consistently. At minimum, Elmira should require written permit conditions for any public event involving minors: no nudity, no exposed buttocks, no less-than-opaque intimate-area coverage, no lingerie-style exposure, no simulated sexual conduct, no erotic choreography, no lewd gestures, no adult-cabaret content, no distribution of adult-venue promotional materials to minors, and no invitations to adult shows or sexually oriented establishments. Such conditions would apply neutrally to drag performers, burlesque performers, comedians, dancers, musicians, theater performers, and any other public performer. They would regulate conduct and secondary effects, not identity or viewpoint.

Accordingly, the Court should understand the medical and legal history together. Older psychiatric manuals treated transvestism as a sexual deviation; modern manuals narrowed the diagnosis and do not classify drag or cross-dressing itself as mental illness. Elmira's adult-use ordinance was drafted around fixed businesses; modern public events may now present similar adult-themed content outside that historical form. Adult-use case law permits regulation of secondary effects; it does

not permit viewpoint censorship. The logical result is a narrow but necessary rule: Elmira may not presume drag is sexually oriented merely because it is drag, but it also may not presume that a drag-branded, family-friendly public event is code-compliant without examining the actual performance content, promotional materials, audience, venue, and safeguards. The City's Code must be applied according to its protective purpose, and if its text is too narrow to reach modern public sexually themed events, the City has a duty to update it rather than allow the principle of child and public-space protection to be defeated by a change in venue.

FACTUAL ALLEGATIONS

The Park Church Elmira publicly announced the June 6, 2026 Elmira Pride Festival to be held in Wisner Park.(EXHIBIT A) The public advertisement describes the event as free, open to the public, and a family-friendly celebration.

The advertisement states that the festival includes music, community organizations, food trucks, vendors, art activities, stage entertainment, a drag show described as the highlight, including staged karaoke drag revue by local drag queens and kings, and a story-time program for children presented by two drag performers.

The event is scheduled for Wisner Park, a public park in the City of Elmira. Wisner Park is immediately adjacent to, near, or in close proximity to The Park Church, and is also a central public civic space near public streets, sidewalks, civic

buildings, residences, and other public gathering areas. Upon information and belief, the City of Elmira has listed, approved, permitted, coordinated, or otherwise authorized the event as a public special event. Upon information and belief, the event requires or has required a special-event permit, street-closure approval, insurance review, police or public-safety coordination, vendor coordination, and use of City property.

The City's special-event permit process applies to public events held on City streets, sidewalks, or parks. Because this event is scheduled to occur in a City park and is advertised as open to the public, Respondents were required to review the event for compliance with all applicable municipal laws, including park-use rules, public-safety rules, zoning restrictions, adult-use restrictions, public-decency standards, and minor-protection requirements.

Elmira's Zoning Ordinance(EXHIBIT C) regulates sexually oriented businesses and adult uses. The ordinance restricts sexually oriented businesses to Industrial B districts and imposes separation requirements from churches and places of worship, public parks, community centers, schools, day-care centers, residential zoning districts, and other sexually oriented businesses. The ordinance also regulates displays, advertisements, goods, services, and performances that depict, describe, or relate to specified sexual activity or specified anatomical areas. Those

provisions are not merely symbolic. They reflect the City's legislative judgment that certain sexually oriented activities, while not necessarily unlawful for adults, require location, licensing, visibility, and age-related controls when placed near parks, churches, schools, day-care centers, residences, and children.

Elmira's ordinance reflects the established secondary-effects doctrine recognized in federal and New York adult-use zoning law. Under that doctrine, sexually oriented expression may possess First Amendment protection, but municipalities may regulate the location and conditions of adult-use businesses to address secondary effects, including crime, neighborhood deterioration, property-value impacts, exposure of minors, public safety, and impacts on churches, schools, parks, residences, and community institutions. In *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986), the United States Supreme Court upheld adult-theater zoning restrictions separating adult theaters from residential zones, churches, parks, and schools where the ordinance was aimed at secondary effects rather than suppression of speech. In *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002), the Supreme Court recognized that zoning laws need not be blind to the secondary effects of adult speech so long as the purpose of the law is not to suppress the speech itself. In *Erie v. Pap's A.M.*, 529 U.S. 277 (2000), the Supreme Court recognized that nude dancing has some First Amendment protection, while

also upholding public-nudity regulation aimed at public order and secondary effects associated with adult entertainment.

New York law follows the same general distinction. In *Stringfellow's of New York, Ltd. v. City of New York*, 91 N.Y.2d 382 (1998), and *For the People Theatres of N.Y., Inc. v. City of New York*, 29 N.Y.3d 340 (2017), New York courts upheld adult-use zoning where regulations were aimed at negative secondary effects rather than suppression of protected expression. The New York Court of Appeals has recognized that adult-use review may examine whether an establishment retains a predominant focus on sexually explicit activities and materials, even where non-adult materials or non-adult elements are also present. That principle matters here because the City may not treat a family-friendly label or mixed festival programming as a substitute for determining whether a featured performance component contains or is likely to contain adult-themed, sexually oriented, or code-triggering content.

Petitioner does not allege that all drag is adult entertainment. Petitioner does not allege that all Pride events are adult entertainment. Petitioner does not allege that all gender-expression performance is sexual. Petitioner alleges that where a permitted public event includes a drag show as an advertised performance component, children's programming, public park use, church proximity,

family-friendly marketing, and possible sexualized performance content, the City must conduct a neutral review under its own laws. Respondents failed to conduct such review, failed to disclose such review, or failed to issue a written determination explaining why the event does or does not trigger Elmira's adult-use, sexually oriented business, public-decency, park-use, minor-protection, or zoning provisions.

Attached as Exhibit D is an image from a separate New York City church-related drag performance, showing a drag performer in a short dress with exposed or apparently exposed buttocks or intimate-area exposure during a public performance. Exhibit D is not offered as proof that the June 6, 2026 Elmira Pride Festival has already involved identical conduct. It is offered as illustrative evidence of the type of sexualized performance content that can arise in drag-performance settings and that municipal officials must account for when approving a family-friendly public drag performance before children in a public park.

If Elmira possesses prior photographs, videos, complaints, reports, permit records, internal communications, Code Enforcement review materials, Special Events Committee materials, Corporation Counsel review, or other official records reflecting revealing attire, lingerie-style costuming, exposed specified anatomical areas, eroticized choreography, lewd gestures, adult-cabaret presentation

characteristics, or other objectively sexualized performance elements at prior Elmira Pride events, such records are material and discoverable because they bear directly upon notice, prior municipal knowledge, prior municipal practice, consistency of enforcement, and whether the challenged permit approval process was rational, lawful, and consistent with Elmira's adult-use and sexually oriented business framework.

Petitioner further submits that Exhibit E, a photograph identified as originating from the Elmira Pride Festival in Wisner Park on July 14, 2008, depicts a public performance involving attire resembling intimate apparel or lingerie-style presentation occurring in a public park setting. Petitioner does not ask the Court to conclude, solely from the photograph itself, that a Code violation occurred. Rather, the exhibit is offered to demonstrate why permit files, municipal review records, prior complaints, Code Enforcement review, and municipal justification are material to determining whether Elmira previously evaluated such public performances under its adult-use, sexually oriented business, public-decency, zoning, and minor-protection provisions, or whether such provisions have historically gone unapplied.

If a performer's buttocks, pubic area, genitalia, or other specified anatomical areas are less than completely and opaquely covered during a live performance, such content falls directly within the adult-use vocabulary commonly used in sexually oriented business codes, including Elmira's code. If such content would trigger adult-use review when presented by a strip club, burlesque revue, lingerie show, adult cabaret, or sexually oriented business, the City may not exempt the same content merely because the event is branded as Pride, hosted by a church, or advertised as family friendly. The governing principle must be same conduct, same audience, same location, same law.

LEGAL STANDARD

CPLR 7803 authorizes judicial review of whether Respondents failed to perform a duty enjoined upon them by law, acted without or in excess of jurisdiction, violated lawful procedure, made an error of law, acted arbitrarily and capriciously, or abused discretion. A municipal determination is arbitrary and capricious where it lacks a rational basis, fails to consider relevant factors, applies improper legal standards, or departs from governing law. A determination is affected by an error of law where the municipality misinterprets or refuses to apply its own code. A municipality violates lawful procedure where it issues a permit without required review, without required findings, without required conditions, or without applying

relevant ordinances. A municipality acts in excess of jurisdiction where it authorizes what its own code prohibits or allows a permit process to override zoning restrictions without lawful authority.

FIRST CAUSE OF ACTION

CPLR 7803(3): ERROR OF LAW — FAILURE TO APPLY ELMIRA’S ADULT-USE AND SEXUALLY ORIENTED BUSINESS CODE

Petitioner repeats and realleges the preceding allegations as though fully set forth herein. Elmira’s Zoning Ordinance regulates sexually oriented businesses and adult-use entertainment by reference to performances involving specified sexual activity and specified anatomical areas. The ordinance restricts sexually oriented businesses to Industrial B districts and imposes separation requirements from churches, parks, schools, day-care centers, residential districts, and similar protected areas.

Respondents approved, authorized, listed, permitted, or are preparing to permit a public event in Wisner Park that includes an advertised drag show and children’s story-time component. Wisner Park is itself a public park and is located beside or near The Park Church. The advertised event is specifically described as family friendly and is open to children. These facts required Respondents to determine

whether the advertised drag show and related performance content triggered Elmira's adult-use, sexually oriented business, public-decency, minor-protection, or park-use provisions.

Respondents failed to apply the correct legal standard. Rather than issuing a written determination explaining why the event does or does not trigger the City's adult-use and sexually oriented business provisions, Respondents treated the event's family-friendly label, Pride branding, church sponsorship, or cultural message as sufficient to bypass legal review. That action was affected by an error of law. Respondents' permit approval should therefore be annulled, stayed, or remitted for lawful code review.

SECOND CAUSE OF ACTION

CPLR 7803(3): ARBITRARY AND CAPRICIOUS PERMIT APPROVAL

Petitioner repeats and realleges the preceding allegations as though fully set forth herein. Respondents' approval was arbitrary and capricious because Respondents failed to consider the material facts and legal factors required by Elmira's own Code. Those factors include the public-park location, the proximity to a church, the family-friendly advertisement, the presence of children's programming, the advertised drag show, whether the drag show is a principal attraction, whether prior

events included adult performers in revealing underwear, lingerie, or exposed anatomical areas, whether attire and choreography restrictions were imposed, whether nudity, semi-nudity, lewd gestures, eroticized dancing, simulated sexual conduct, profanity, or adult-cabaret elements were prohibited, whether minors would be present, whether public visibility and audibility would expose non-consenting minors and passersby to adult-themed content, and whether Elmira’s adult-use ordinance required location, licensing, age, content, or permit restrictions.

A public body may not approve sensitive public events by label alone. A family-friendly label is not a substitute for code compliance. Respondents’ failure to create a written determination explaining why the event does or does not trigger adult-use review is irrational and arbitrary. Respondents’ approval lacks a rational basis and should be annulled, stayed, or remitted for lawful review.

THIRD CAUSE OF ACTION

CPLR 7803(3): VIOLATION OF LAWFUL PROCEDURE

Petitioner repeats and realleges the preceding allegations as though fully set forth herein. Respondents were required to apply all relevant municipal laws before approving the June 6, 2026 event, including special-event permit requirements,

zoning restrictions, adult-use restrictions, park-use standards, public-safety requirements, public-decency protections, and minor-protection standards.

Respondents were also required to ensure that a special-event permit did not operate as an unlawful workaround to zoning and adult-use restrictions.

Respondents failed to make written findings, impose appropriate conditions, conduct adult-use review, require performer-content limitations, document compliance, or identify the legal standard under which the event was approved.

This failure violated lawful procedure within the meaning of CPLR 7803(3). The permit should therefore be annulled, stayed, or remitted for lawful procedure.

FOURTH CAUSE OF ACTION

CPLR 7803(2): EXCESS OF JURISDICTION / ULTRA VIRES ACTION

Petitioner repeats and realleges the preceding allegations as though fully set forth herein. The City of Elmira may not use a special-event permit to authorize conduct that its zoning and adult-use code otherwise prohibits. If sexually oriented performance content may not be located within 500 feet of a church, park, school, day-care center, or residential district, then Respondents exceeded their authority by permitting comparable performance content in the public park itself without lawful findings, restrictions, exemption authority, or written code determination.

A special-event permit cannot repeal, suspend, or evade zoning law. To the extent Respondents have authorized or are preparing to authorize code-triggering performance content without applying the City's own restrictions, Respondents have proceeded or are about to proceed without or in excess of jurisdiction.

FIFTH CAUSE OF ACTION

EQUAL APPLICATION / SELECTIVE ENFORCEMENT / VIEWPOINT FAVORITISM

Petitioner repeats and realleges the preceding allegations as though fully set forth herein. Respondents may not suppress drag expression because of disagreement with its message. Respondents also may not exempt sexualized conduct from neutral adult-use rules because it is presented under a favored message, sponsor, identity, political cause, religious host, or cultural label. The First Amendment permits content-neutral time, place, and manner rules that regulate secondary effects, including adult-use zoning. Elmira's own code embodies such restrictions.

If the City would not permit a strip club, burlesque show, lingerie revue, adult cabaret, or sexually oriented entertainment performance for children in Wisner Park beside a church, the City must identify a neutral legal distinction allowing materially similar sexualized performance content when branded as drag.

Respondents' failure to apply the same legal standard to the same conduct is arbitrary, capricious, legally erroneous, and constitutionally suspect.

REQUEST FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court enter judgment declaring that Respondents are required to apply Elmira's adult-use, sexually oriented business, public-decency, park-use, special-event, minor-protection, and zoning provisions neutrally to the June 6, 2026 Elmira Pride Festival permit; annulling the special-event permit approval unless and until Respondents conduct lawful review under all applicable City Code provisions; or, in the alternative, remitting the matter to the City for immediate written review and determination before the event proceeds.

Petitioner further requests that the Court direct Respondents to produce a written determination stating whether the advertised drag show and children's programming trigger any adult-use, sexually oriented business, public-decency, minor-protection, park-use, or zoning restrictions. Petitioner also requests that the Court direct Respondents to impose content-neutral permit conditions prohibiting nudity, semi-nudity, exposed buttocks, exposed pubic area, exposed genitalia, revealing underwear, lingerie-style exposure, erotic dancing, simulated sexual conduct, lewd gestures, adult-cabaret elements, or any other performance content

that would trigger Elmira's sexually oriented business provisions if performed by any other adult entertainer.

Petitioner further requests that the Court direct Respondents to require age-appropriate safeguards if any content is not suitable for minors; stay or enjoin Respondents from allowing sexually oriented performance content in Wisner Park unless and until the City complies with its own Code; award Petitioner costs and disbursements; and grant such other and further relief as the Court deems just and proper.

Respectfully submitted,

Julian Raven
Petitioner Pro Se
714 Baldwin St.
Elmira, N.Y., 14901

May 26, 2026

VERIFICATION


STATE OF NEW YORK)
COUNTY OF CHEMUNG) ss.:

I, Julian Raven, being duly sworn, depose and say:

I am the Petitioner in this proceeding. I have read the foregoing Verified Petition / Complaint and know the contents thereof. The same is true to my own knowledge, except as to matters stated upon information and belief, and as to those matters I believe them to be true.

EXHIBIT A

Time: June 6 11a-4pm
Location: Park Church in Elmira
9:52

 **The Park Church Elmira**
2h · 🌐

Elmira PRIDE Festival - June 6, 2026 program details:

The Park Church is completing its planning for the June 6th Elmira Pride Festival (fourth annual) to be held in Wisner Park and announces these details:

- The free event kicks off at 11 AM and will be a wrap at 4 PM, rain or shine, a family friendly celebration.
- Starting off the event schedule will be welcoming remarks from Brent Stermer, Chemung County legislative minority chair and Reverend Gary Brinn, Park Church Pastor and Teacher. Rev. Brinn will relate how this festival can be a life-saving celebration and why The Park Church is committed to bringing it annually to Elmira.
- Featured musicians on the Gazebo stage this year include Andy G. Fagan, Lori Lynn Barrett and Lisa Bloom, and JOGO (Jose Gomez).
- Also returning to the festival is Transpose a ten-voice a Capella queer singers alliance from Ithaca and a theatrical piece by local playwright Kai DonDero.
- New to the event this year is a set with Big Mama and the Collective and the BloomVEST chorus with a sing-along of social justice ballads.
- Highlighting each year's Pride festival is the drag show, a staged set of karaoke drag review, this year by nine local drag queens and kings. Plus a story time program for children presented by two of the drag queens.
- Additionally, Latin Dancers with Sandra Thomas will be featured.
- At the close of the festival, members of the LGBTQI+ community who lost their lives to hate crimes, AIDS and/or suicide, will be remembered as doves are released in their names.
- The ARTS Council of the Southern Finger Lakes has again granted funding to support artists on stage. This project is made possible with funds

will be featured.

- At the close of the festival, members of the LGBTQ+ community who lost their lives to hate crimes, AIDS and/or suicide, will be remembered as doves are released in their names.
- The ARTS Council of the Southern Finger Lakes has again granted funding to support artists on stage. This project is made possible with funds from the Statewide Community Regrant program, a regrant program of the New York State Council on the Arts with support of the Office of the Governor and the New York State Legislature and administered by The ARTS Council of the Southern Finger Lakes.
- Community Arts of Elmira is collaborating again this year with interactive art activities, such as the performance artist Caren Hill aka Hazel Shimmerleaf Bubble Fairy; The Elmira Infinite Canvas Mural Board; Face Painting with artist Courtney Keegan; a Stained Glass Demonstration by artist Erica Unterwoman of Aubergine Glass & Jewelry; and an interactive Community Art Pastel with artist Jharmi "Cuba" Leach.
- Food trucks and vendors will line up along the closed section of Main Street between Gray and Church Streets. At 10 AM, Elmira Downtown Development will be offering the Chalk It Up children's sidewalk chalking program, in preparation for the Elmira Street Painting Festival July 10-11.
- Over twenty community organizations that support the LGBTQ+ community have signed up to table at Elmira Pride including religious and political organizations; health, fitness and social services, plus arts, literacy and youth advocacy non-profits. Space is available for more – contact the church before the deadline of May 26.
- The intention of the Elmira Pride Festival is to foster understanding and acceptance through open, honest and non-judgmental learning and dialogue between those who identify as LGBTQ+ and those who would like to support and foster relationships with LGBTQ+ individuals in the community. The church remains steadfast in its desire to create a safe and inclusive community for everyone.

For more information about...



Raven for Mayor 2027

**An Independent Citizens' Campaign for Mayor of the City of Elmira —
Where Frustration Becomes Action, Action Becomes Renewal,
and Renewal Becomes Hope.**

Elmira City Clerk
City of Elmira
317 East Church Street
Elmira, NY 14901

Re: Freedom of Information Law Request — June 6, 2026 Elmira Pride Festival, Wisner Park

Dear Elmira City Clerk:

Pursuant to the New York Freedom of Information Law, Public Officers Law Article 6, I hereby request copies of all records concerning the June 6, 2026 Elmira Pride Festival scheduled for Wisner Park and sponsored or hosted in connection with The Park Church.

This request includes, but is not limited to, the following records:

1. The complete special event permit application for the June 6, 2026 Elmira Pride Festival.
2. The final issued special event permit, including all permit conditions, restrictions, approvals, denials, amendments, attachments, maps, site plans, street-closure approvals, insurance documents, indemnification documents, vendor documents, and public-safety conditions.
3. All communications between the City of Elmira and The Park Church, event organizers, performers, vendors, sponsors, volunteers, or any other person or entity concerning the June 6, 2026 Elmira Pride Festival.
4. All communications between or among the City Manager, Mayor, City Clerk, Code Enforcement, Corporation Counsel, Police Department, Fire Department, Public Works

Department, Parks Department, City Council members, or any other City official or employee concerning the June 6, 2026 Elmira Pride Festival.

5. All records showing whether the City reviewed the advertised drag show component of the June 6, 2026 Elmira Pride Festival for compliance with Elmira's sexually oriented business ordinance, adult-use zoning provisions, park-use rules, special-event permit requirements, public-decency standards, obscenity standards, child-suitability conditions, public-safety rules, or any other applicable law, rule, policy, or ordinance.
6. Any written determination, legal opinion, memorandum, email, note, internal review, checklist, or other record by Code Enforcement, the City Clerk, Corporation Counsel, the Police Department, the City Manager, the Mayor, or any other City official concluding that the event, including the advertised drag show component, does not constitute or include adult-oriented entertainment, sexually oriented entertainment, a sexually oriented business, an adult-use entertainment establishment, adult cabaret, obscene performance, lewd public performance, or any other category requiring age restrictions, performer-content restrictions, zoning review, public-decency review, or relocation away from churches, parks, schools, day-care centers, residential districts, or other protected locations.
7. All records concerning whether the drag show was identified, described, advertised, reviewed, approved, conditioned, or discussed as a highlight, principal attraction, stage performance, family-friendly performance, adult-themed performance, sexually expressive performance, or otherwise regulated component of the festival.
8. All records concerning any restrictions or conditions placed on the performance content, including but not limited to restrictions regarding nudity, semi-nudity, lingerie, revealing underwear, exposure of anatomical areas, sexually suggestive conduct, simulated sexual activity, lewd gestures, profanity, obscenity, age-appropriateness, minors in attendance, children's programming, music selection, choreography, costumes, or public-decency standards.
9. All records concerning any children's story-time component, children's programming, family programming, youth programming, or "all ages" designation connected to the event, including any review of whether such programming was appropriate in connection with a drag show or other stage entertainment.
10. All records concerning any prior complaints, concerns, objections, warnings, discussions, photographs, videos, or reports relating to prior Elmira Pride events, drag performances, performer attire, revealing clothing, lingerie, underwear, sexualized content, children's attendance, park use, church proximity, or public-decency concerns.
11. All records showing whether the City considered the location of the event in Wisner Park, including its proximity to The Park Church, schools, day-care centers, residences, public streets, public sidewalks, municipal buildings, and other protected or sensitive locations.
12. All records concerning City resources used for the event, including police presence, fire/police review, public works support, barricades, traffic control, street closures, sanitation, park preparation, insurance review, waived fees, grants, sponsorships, public funds, in-kind support, overtime, or any other municipal expenditure or contribution.
13. All records concerning any legal distinction made by the City between a temporary permitted public drag performance in Wisner Park and a fixed-location drag bar, adult cabaret, sexually oriented business, adult-use entertainment establishment, burlesque performance, lingerie performance, or other similar entertainment business located near a park, church, school, day-care center, or residential district.

14. All City policies, rules, checklists, permit standards, review procedures, ordinances, memoranda, or written guidance used to determine whether a public-park event involving stage entertainment, drag performance, sexually suggestive performance, or children's programming may be approved.

For clarity, this request seeks records regardless of format, including emails, text messages, letters, memoranda, handwritten notes, permit files, agendas, minutes, photographs, videos, attachments, calendars, internal messages, legal memoranda, draft documents, final documents, and communications made through personal devices or accounts if used for City business.

The basis for this request is the City's public approval and/or listing of a public festival in Wisner Park that includes an advertised drag show component. The issue is not whether protected expressive activity may occur in Elmira. The issue is whether the City reviewed the event neutrally and consistently under its own ordinances, including adult-use zoning provisions, public-park permitting standards, public-decency standards, child-suitability concerns, and location restrictions near churches, parks, schools, day-care centers, and residential areas.

If any portion of this request is denied, please identify each withheld record or category of records, state the specific statutory basis for withholding, and explain how the claimed exemption applies. If any record contains exempt and non-exempt material, please redact only the exempt portion and produce the remainder as required by law.

I request that the records be provided electronically by email where possible. If fees will exceed \$25.00, please notify me before processing.

Please acknowledge receipt of this request and respond within the time required by Public Officers Law § 89.

Respectfully,

A handwritten signature in blue ink that reads "Julian Raven". The signature is stylized and cursive.

Julian Raven
714 Baldwin St.
Elmira, New York, 14901
julianmarcusraven@gmail.com
May 26, 2026

- (b) Swimming pools, except wading pools not permanently affixed to the realty and not greater than two feet (2') in depth, shall not be permitted in any front yard and shall not be located closer than ten (10) feet from any building as defined by Section 110.9 of this ordinance and shall not be located closer than five (5) feet from any lot line.
- (c) A building permit shall be required prior to the installation of swimming pools.

Section 455. Outdoor drive-in theaters.

Outdoor drive-in theaters are specifically prohibited anywhere in the City of Elmira.

Section 456. Temporary construction buildings and construction trailers .

Temporary construction buildings and construction trailers shall be permitted on any site in any district when used in conjunction with ongoing construction work taking place on such site. Such buildings or trailers shall be used only for such purpose and for no other, and shall be removed within one (1) month following the completion of the construction or the issuance of a certificate of occupancy, whichever is earlier. The location of all such buildings or trailers shall conform to the required minimum yard dimensions for principal buildings in the district in which it is located.

Section 457. Sexually Oriented Businesses.

457.1 Purpose and Intent.

- (a) **Recognition of Need.** It is hereby specifically recognized that sexually oriented businesses have promoted serious adverse secondary effects in many of the municipalities in which they operate; including, but not necessarily limited to: increases in prostitution, pandering, child endangerment, violent crimes against persons and property, as well as increases in other types of serious crimes and criminal enterprises; the increased proliferation of sexually transmitted diseases, as well as other serious communicable diseases such as Hepatitis and the like; the spread of urban blight and commensurate decrease in property values, and the general degradation of the quality of urban life. In addition, that these adverse secondary effects precipitate a deleterious impact on sensitive areas of the community, such as churches, synagogues and other places of worship, schools, child care centers, adult care facilities and the like, as well as promote the spread of urban blight which decreases property values and hinders economic vitality generally. As a result of said adverse secondary effects associated with sexually oriented businesses, said sexually oriented businesses require heightened supervision from public health and safety agencies in order to protect the health, safety and welfare of the patrons of such businesses, as well as the residents of the City of Elmira. Furthermore, the City Council recognizes that licensing, zoning, and other traditional municipal regulations are legitimate, reasonable means of accountability to insure compliance with this ordinance so as to control and

minimize the adverse secondary effects associated with sexually oriented businesses.

- (b) **Due Diligence.** The City Council in and for the City of Elmira, has carefully and meticulously reviewed: numerous case studies which relate the existence and impact of these adverse secondary effects on various municipalities; evidence of the existence of said secondary effects and their impact on the City of Elmira; implications regarding the introduction and expansion of such secondary effects within the City of Elmira and the potential impact thereof; various United States Supreme Court and New York court decisions relating to the regulation of Sexually Oriented Businesses; as well as the various and balanced comments and concerns advanced by the citizens of the City of Elmira and community-at-large.
- (c) **Non-Prejudiced Representation.** The City Council in and for the City of Elmira is charged with, and dutifully respects and adheres to, the mandate to effectively govern without bias for, nor prejudice against any entity residing or doing business within the City of Elmira.
- (d) **Pro-Active Government.** In furtherance of this charge, the City Council in and for the City of Elmira, specifically recognizes that it need not remain quiescent and thereby risk the expansion of, or influx of, said adverse secondary effects, but rather may pro-actively govern in order to manage and reduce the secondary effects that currently do exist as well as effectively manage and control future secondary effects, including, but not limited to the legitimate concern of the City Council to protect the health and safety of its citizens, all of which therefore, compels the implementation of reasonable regulation of Sexually Oriented Businesses.
- (e) **Need for Distance Buffer Zones.** In drafting and passing this ordinance, the City Council in and for the City of Elmira has carefully considered, among other issues, the need to protect sensitive areas and uses of land within the City of Elmira, by establishing minimum distances buffering said sensitive areas and uses from sexually oriented businesses thereby reducing the potential for impact by the secondary effects associated with said sexually oriented businesses. These sensitive areas are generally and normally associated with a decreased need to be on the alert for, and defend against, the heretofore mentioned adverse secondary effects associated with sexually oriented businesses, or represent areas which are generally and normally used by, or associated with, certain segments of the population at-large, who because of age or mental capacity are unable to defend against said adverse secondary effects. Such considerations include, but are not necessarily limited to the following:
 - (1) in order to protect children from the dangers of the heretofore referenced adverse secondary effects associated with sexually oriented businesses, areas within the vicinity of single and multiple family dwellings, as well

as uses normally associated with the care, education or housing of children, should be free of said sexually oriented businesses;

- (2) in order to protect the serene quality of certain areas normally associated with a decreased level of a need to be on heightened alert for the heretofore mentioned adverse secondary effects associated with sexually oriented businesses, areas within the vicinity of churches, public parks, schools, places of public assembly and residential uses should be free of said sexually oriented businesses; and
 - (3) that no evidence has been presented to demonstrate that the location of sexually oriented businesses within the City of Elmira, in violation of the provisions of this ordinance will improve the commercial viability or quality of life in the community.
- (f) **Need for Additional Regulations.** In addition, the City Council in and for the City of Elmira, has determined that the distance buffer zone criteria alone does not adequately protect the health, safety and general welfare of the people of the City of Elmira, and that therefore, certain additional regulations with respect to the ownership, management and operation of sexually oriented businesses is in the public interest. Therefore, this ordinance is enacted to more effectively manage, control, minimize and abate said harmful secondary effects that do exist; reduce the possibility of a future increase in said secondary effects; protect the health, safety and general welfare of the residents of the City of Elmira; promote, preserve and protect the distinguished character of the City of Elmira and quality of urban life, and to further the revitalization of the City's industrial, commercial and residential tax base and overall economic vitality.
- (g) **Non-Content Based Regulation.** It is neither the purpose, intent, nor effect in enacting this ordinance to impose any limitations or restrictions on the content of any expressive material, including sexually oriented material; nor to impede or hinder the free exchange of ideas, expressions and/or communications based on the content thereof; nor to restrict or deny the community-at-large legal access to said sexually oriented materials, ideas, expressions, and communications as protected by the First Amendments of the U.S. Constitution and the New York State Constitution or any other applicable legal precedence; nor to deny lawful access by the distributors and retailers of sexually oriented material to their intended market. Rather, it is the good-faith determination of the City Council in and for the City of Elmira, that in enacting this ordinance, it is furthering the important and substantial governmental interest of reducing and controlling the objectionable secondary effects that are, or may be in the future, precipitated by sexually oriented businesses upon the residents of the City of Elmira, in a manner no more restrictive than is necessary.
- (h) **Condemnation of Obscene Materials.** Furthermore, it is not the intent, in enacting this ordinance, to in any way condone or legitimize the distribution of

obscene materials, ideas, expressions or communications not protected by the First Amendments of the U.S. Constitution or New York State Constitution or any other applicable legal precedent, and the City Council recognizes that State and Federal law prohibits the distribution of obscene materials and expects and encourages the proper law enforcement entities to enforce said laws.

457.2 Definitions.

- (a) **Generally.** Unless otherwise specifically defined below, words or phrases used in this ordinance shall be interpreted so as to attribute to them the meaning they have in common usage and to accord this ordinance its broadest and most reasonable application.
- (b) **Specific Terms.** As used in this ordinance, unless otherwise specifically defined, the following terms shall have the meanings indicated:
 - (1) **Entity.** The term "entity" as used herein shall include any and all natural persons and legally recognized identities, which have a pecuniary interest or ownership interest (of any degree or category) in the subject Sexually Oriented Business.
 - (2) **Establishment.** The term "establishment" as used herein, is intended to limit the ordinance to the entities' ownership and/or operation of the Sexually Oriented Business within the subject building or structure, and does not include any non-sexually oriented business or establishments owned or operated by said entity; noting however, that the intent of this ordinance is that its mandates apply completely, though individually, to each and every sexually oriented business establishment owned or operated by said entity.
 - (3) **Sexually Oriented Bookstore.** Any establishment, having as a substantial or significant portion of its revenues or stock-in-trade, the selling, leasing, trading or renting of; for any form of consideration whatsoever: books, magazines, periodicals, photographs, video tapes, films, slides, computer generated material, or any other visual or sensory medium now known or later developed, which depicts, describes or relates to any specified sexual activity and/or specified anatomical area.
 - (4) **Sexually Oriented Business.** General term used herein to refer to any establishment, whether or not otherwise specifically enumerated herein, having as a substantial or significant portion of its revenues or stock-in-trade, the presentation, selling, leasing, trading or renting of; for any form of consideration whatsoever: any material, service, matter or performance, by way of any visual or sensory medium now known or later developed, which depicts, describes or relates to any specified sexual activity and/or specified anatomical area.

- (5) **Sexually Oriented Computer Center.** See, "Sexually Oriented Bookstore".
- (6) **Sexually Oriented Drive-in Theater.** Any establishment, having as a substantial or significant portion of its profit or stock-in-trade, the presentation of, for any form of consideration whatsoever: motion pictures, films, video tapes, slide shows or any other visual or sensory medium now known or later developed, in a drive-in theater setting as that term is commonly interpreted, which depicts, describes or relates to any specified sexual activity and/or specified anatomical area.
- (7) **Sexually Oriented Entertainment Establishment.** Any establishment, having as a substantial or significant portion of its profit or stock-in-trade, the live presentation of; for any form of consideration whatsoever: human-beings who depict, describe or relate to any specified sexual activity or specified anatomical area.
- (8) **Sexually Oriented Hotel/Motel.** Any establishment which rents or leases any room or rooms, for any period of time, which has as a substantial or significant portion of its profit or stock-in-trade, the selling, leasing, or renting of; for any form of consideration whatsoever: presentations, performances, material, goods and/or services which depict, describe or relate to any specified sexual activity and/or specified anatomical area.
- (9) **Sexually Oriented Massage Parlor.** Any establishment, having as a substantial or significant portion of its profit or stock-in-trade, the providing, selling or trading of; for any form of consideration whatsoever: body rubs or massages, as those terms are commonly interpreted, which depict, describe or relate to any specified sexual activity and/or specified anatomical area.
- (10) **Sexually Oriented Material.** General term used herein to refer to any matter, material, device, or performance, whether or not otherwise specifically enumerated herein, which depicts, describes or relates to any specified sexual activity or specified anatomical area.
- (11) **Sexually Oriented Novelty Store.** Any establishment, having as a substantial or significant portion of its profit or stock-in-trade, the selling, leasing, trading or renting of; for any form of consideration whatsoever: instruments, devices and/or paraphernalia, which depict, describe or relate to any specified sexual activity and/or specified anatomical area.
- (12) **Sexually Oriented Peep Show.** Any establishment, having as a substantial or significant portion of its profit or stock-in-trade, the presentation, selling, leasing, trading or renting of; for any form of

consideration whatsoever: material in the form of live shows, video tapes, films, slide shows, computer generated material or any other visual or sensory medium now known or later developed, which depicts, describes or relates to any specified sexual activity or specified anatomical area and which is viewed from an enclosure within the establishment which is usually occupied by a single patron.

- (13) **Sexually Oriented Theater.** Any establishment, having as a substantial or significant portion of its profit or stock-in-trade, the presentation, selling, leasing, trading or renting of; for any form of consideration whatsoever: motion pictures, films, videotapes, slide shows, computer generated material or any other visual or sensory medium now known or later developed, which depicts, describes or relates to any specified sexual activity and/or specified anatomical area.
- (14) **Sexually Oriented Video Store.** See, "Adult Bookstore".
- (15) **Specified Anatomical Areas.** Specified anatomical areas shall include the following:
- (A) less than completely and opaquely covered human: genitalia, pubic area, and/or buttocks;
 - (B) the human female breast below a point immediately above the areola;
 - (C) human male genitals in a discernibly turgid state even if completely and opaquely covered.
- (16) **Specified Sexual Activities.** Depictions, descriptions and relations to "Specified sexual activities" shall include and be defined as follows:
- (A) algolagnia - the receiving of sexual stimulation, excitement or erotic pleasure from the infliction of or suffering of pain, humiliation and/or maltreatment and includes therein, sadism, masochism and sadomasochism;
 - (B) anal intercourse - see, intercourse;
 - (C) anilingus - contact, however slight, between the mouth and anus;
 - (D) bestiality - any specified sexual activity between human and animal;
 - (E) coprophilia - the use of fecal matter for sexual stimulation and/or erotic pleasure;

- (F) cunnilingus - contact, however slight, between the mouth and vulva or mouth and clitoris;
 - (G) deviate sexual intercourse - see, sodomy;
 - (H) ejaculation - the act or portrayal of discharging semen, whether from a human penis or animal penis;
 - (I) fellatio - contact, however slight, between the mouth and penis or mouth and testes;
 - (J) flagellation - the receiving of sexual stimulation, excitement or erotic pleasure from whipping one's self or another;
 - (K) frottage - the receiving of sexual stimulation, excitement or erotic pleasure produced by rubbing against another person, animal or object;
 - (L) masochism - passive algolagnia; the receiving of sexual stimulation, excitement or erotic pleasure by being abused, humiliated or maltreated;
 - (M) masturbation - stimulation of human or animal genitals, whether such stimulation is being performed by the depicted human or animal, by another human or animal, or by means of an inanimate object;
 - (N) sadism - active algolagnia; the receiving of sexual stimulation, excitement or erotic pleasure by abusing, humiliating or maltreating another human or animal;
 - (O) sadomasochism - see, algolagnia;
 - (P) sexual intercourse - any penetration, however slight, of penis into vagina or penis into anus;
 - (Q) sodomy - any contact, however slight, between: penis and anus, mouth and penis, mouth and vulva, penis and another penis, or vulva and another vulva;
 - (R) urolognia - the receiving of sexual stimulation, excitement or erotic pleasure by viewing the act of urination.
- (17) **"Stock-in-trade"**. When used in this ordinance, the term "stock-in-trade" may include goods, merchandise, displays, advertisements, performances, and/or services; or any combination thereof.

- (c) **Overlapping of Definitions.** It is possible for one or more of the above-listed definitions to be inclusive, in whole or in part, of another definition.

457.3 Regulation of Sexually Oriented Businesses.

- (a) **Disbursed Zoning of Sexually Oriented Business.** Sexually Oriented Businesses, as defined in Subsection "B" above, are to be restricted as to location in the following manner, in addition to any other requirements of this Zoning Ordinance:
- (1) **Industrial B Districts.** No sexually oriented business shall be located in any zoning district, other than those districts zoned Industrial B Districts.
 - (2) **Separate Buildings.** No sexually oriented business may be operated in the same building, structure or portion thereof containing another sexually oriented business;
 - (3) **Other Sexually Oriented Businesses.** No sexually oriented business may be located within a five hundred foot (500') radius of any other sexually oriented business;
 - (4) **Churches and Places of Worship.** No sexually oriented business may be located within a five hundred foot (500') radius of any church, temple, synagogue, mosque, or other place of religious worship by a recognized religious organization.
 - (5) **Parks and Community Centers.** No sexually oriented business may be located within a five hundred foot (500') radius of any public park, community center or community sports complex.
 - (6) **Schools and Day Care Centers.** No sexually oriented business may be located within a five hundred foot (500') radius of any New York State accredited grammar school, junior high school, high school or day-care center duly licensed with the State of New York.
 - (7) **Residential Zones.** No sexually oriented business shall be located within five hundred feet (500') of any boundary of a Residential Use Zoning District Planned Residential District or Planned Low-Density Residential District.
 - (8) **Measuring of Distances.** For the purposes of this Ordinance, measurement of the distances enumerated herein, shall be made in a straight line, without regard to intervening structures or objects, from the exterior wall of the building or structure being used as a sexually oriented business located closest to the property line of the preserved property.

"Preserved property" shall mean those properties enumerated herein, a specified distance from which a sexually oriented business may not operate.

457.4 Licensing Requirements.

- (a) **Operating Without License Prohibited.** It shall be unlawful for any entity to own and/or operate a sexually oriented business without having first obtained a license as hereinafter provided.
- (b) **Pre-existing Sexually Oriented Businesses.** Where an entity lawfully owned and/or operated a sexually oriented business prior to the effective date of this ordinance, said entity shall have sixty (60) calendar days from the effective date hereof to apply for said license, at which time the business must be in compliance with the requirements of this ordinance. Said business may continue to operate until its application is either approved or disapproved.
- (c) **License Application.** Any entity desirous to own and/or operate a sexually oriented business within the City of Elmira shall file with the City Clerk, a Sexually Oriented Business License Application on a form as prescribed and amended from time to time by resolution of the City Council, and shall therewith pay a non-refundable application processing fee in an amount to be set and readjusted from time to time by resolution of the City Council, but which should be reflective of the estimated administrative costs associated with said application process.
 - (1) **Contents of Application.** The Sexually Oriented Business Application shall, at a minimum, contain the following information:
 - (A) **Name.** The complete, legal name of the entity applying for said license, including any and all aliases of said entity, as well as the names of all owners (to any degree) of said entity.
 - (B) **Address.** The entity's legal address and if said entity be a corporation the address of its principle place of business, name and address of the place to be served with process, and a copy of its certificate of incorporation and good standing with the State of New York or certificate of ability to operate in the State of New York.
 - (C) **d/b/a.** If the entity is or plans to conduct business under any other name, the exact name thereof as well as a copy of the entity's "Doing Business As (d/b/a)" form.

(Subsection (c)(1)(D) was repealed by Ordinance No. 99-330 dated August 16, 1999 and subsections (c)(1)(E) through (c)(1)(J) were re-lettered.)

- (D) **Prior Suspensions or Revocations.** Whether said entity, as owner (to any degree) and/or operator of a sexually oriented business, has had its license to own and/or operate a sexually oriented business within the State of New York revoked or suspended within the past twelve (12) months, and if so, the Applicant shall provide, with the Application, a copy of the actual notice of revocation or suspension from the municipality so issuing, or if such notice is unavailable, the Applicant shall provide the name of the municipality which suspended or revoked the Applicant's license and the dates thereof. (*Ordinance No. 99-330 dated August 16, 1999*)
- (E) **Landlord Not to be Currently under Suspension or Revocation.** The application shall require the applicant to indicate whether the real property on which the sexually oriented business is to be located, including any buildings thereon, is owned, rented by, or leased by any entity which has had its license to own or operate a sexually oriented business within the City of Elmira or elsewhere revoked within the past twelve (12) months or is currently under suspension. And furthermore, whether said entity has any proprietary, fiscal, or managerial interest in the sexually oriented business which is the subject of the current application.
- (F) **Age of Employees.** A statement that any and all current and future employees of the sexually oriented business are and shall be, at least the age of majority as that term is defined in New York State Penal Law.
- (G) **Prior Criminal Convictions.** A statement as to whether the applicant, other present owners and/or any of the employees of said sexually oriented business have, within the past twenty (20) years been convicted of a "sex Offense" in violation of New York State Penal Law Article 130, as that Article may be from time to time amended, or a crime occurring on or in the premises of the Sexually Oriented Business, or if known, within a one hundred foot (100') radius thereof.
- (H) **Continuing Duty to Notify City of Changes.** A statement that the entity shall have a continuing duty to notify the Clerk in and for the City of Elmira within five (5) calendar days of any change of the above.
- (I) **Verification.** The truthfulness, accuracy and completeness of the application shall be sworn to by the entity or entities who shall own and/or operate said sexually oriented business.

(2) **Inspections.** Commensurate with the filing of the Application, said entity must supply therewith, the following:

- (A) **Letter of Compliance.** A Letter of Compliance issued by the Superintendent of Buildings. Said Letter shall be dated no earlier than forty five (45) days from the date of the application and shall evidence compliance or non-compliance with all applicable laws, ordinances and regulations of the Codes Enforcement Department as well as compliance or non-compliance with all applicable laws, ordinances, and regulations of the Zoning Board.
- (B) **Inspection Preference.** The applicant shall make a written request to the Superintendent of Buildings of the City of Elmira for all necessary inspections to be completed and shall indicate in said letter that said inspections are for the purpose of operating a Sexually Oriented Business. The Superintendent of Buildings shall then cause all necessary inspections to be completed, with either the applicable Certificates issued or a written explanation of why any inspection was failed, within ten (10) business days from the receipt of said written request.
- (C) **Inspection Failure Only for Health and Safety Related Violations.** Failure to provide the required certificates shall be based only upon violation(s) which could reasonably impact on the health or safety of patrons, employees or the community at large.
- (D) **Continuing Duty to Notify City of Changes.** The entity shall have a continuing duty to notify the Clerk in and for the City of Elmira within five (5) calendar days of any change of any information provided for in the application process.
- (E) **Processing by Clerk.** Upon the receipt of an application, and non-refundable application processing fee, the Clerk shall review the application for facial completeness and factual correctness to the best of his/her knowledge, and shall, within five (5) business days, notify the entity by way of regular mail, of any errors or omissions and allow said entity ten (10) additional business days to correct or supply said information and initial same as true without reapplying or filing additional fees; provided however, that if each and every error or omission is not corrected or supplied within said ten (10) business days, the license application must be denied and the Sexually Oriented Business shall not be allowed to begin operating nor continue to operate without correcting or supplying said information.

- (1) **Issuance of License.** If the application is facially in order, the clerk shall call for, or conduct any further necessary investigation and shall issue or deny said license within twenty (20) business days after receipt of said application or corrected version thereof as above provided.
 - (A) **Only One License.** The Clerk shall issue only one (1) license per property site. Each property site containing a sexually oriented business must separately apply for a Sexually Oriented Business License regardless of whether it is owned and/or operated by the same entity or entities and/or under the same business name as the business which is the subject of the current application.
 - (B) **Non-Assignable.** The license shall not be transferable or assignable in whole or in part, to any other entity or any other location than the one described therein.
- (2) **Denial of Application.** If the application is denied, or license subsequently revoked, for the refusal of the entity to supply any information after being notified pursuant to the above, or if any false, misleading or incorrect information (which would have a material bearing on the denial or approval of said license) is discovered, the Clerk shall deny said application and shall so notify the entity, with the reasons therefore, within five (5) business days of the denial. The entity may reapply after twelve (12) months from the date of denial or revocation, however said applicant shall then pay another non-refundable application processing fee and be required to resupply updated information and certificates.
- (F) **Display of License.** The license shall be prominently displayed in the business in a conspicuous area. The license shall be available at all times of operation for inspection by the public. No person shall mutilate, cover, obstruct or remove a license so displayed. In the event that any information portrayed by said license becomes unreadable to the general public, the entity shall request, and the Clerk shall provide a new license in conformity with the City's normal course of operations for such issuances.
- (G) **Term of License.** All licenses issued hereunder shall be for a term of one (1) calendar year and shall commence on the date of the granting of same and continue until and including the same day and month of the following year.
- (H) **Yearly Renewal of License.** The entity shall be entitled to a renewal of its license as a matter of course with the payment of the appropriate yearly fee and the filing of a statement as hereinafter proscribed that there have been no changes since the previous inspection.



New Video Shows Drag Queen Performing at NYC Church-Affiliated High School Chapel

CBN NEWS

08-01-2022

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[The New York Post](#) now reports the incident took place at [Grace Church High School](#) which celebrates LGBT Pride as an independent Episcopal school.

[The Iowa Standard](#) initially reported the drag queen had posted the video to Instagram, writing: "A Catholic High School here in NYC invited me to their Pride Chapel. Visibility matters and I'm so honored to have had the chance to talk to you about my work as a LGBTQ+ Drag Queen Activist." It turns out the drag queen's post was inaccurate - it wasn't a Catholic high school but was associated with a left-leaning Protestant church.

The video shows the drag queen being introduced as "the queen of New York." As he struts down the chapel's main aisle dressed in a blue and orange dress, wearing make-up and a red wig, congregants on both sides rise to their feet, applauding and cheering for the decadent display.

Evangelist Sean Feucht also tweeted the stunning video, writing that "many think we're just overreacting" to drag queens being invited into churches and settings with children.

Feucht's "[Hold the Line](#)" group shared the video, warning: "The stakes have never been higher. The church must WAKE UP! #HoldTheLine"

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NYC church hosts a drag queen show today 🙄.

And many think we're just overreacting 😬

[View more on Instagram](#)

7,375 likes

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Also in June, the Park Church in Elmira, New York, celebrated Pride Month by hosting drag queens at its Sunday worship service called "Worship is a Drag", according to [WENY News](#).

The church, according to its website, is affiliated with the United Church of Christ. The denomination has been very supportive of the LGBTQ movement, even adjusting its logo to include the Pride rainbow on its Twitter account.

The church's pastor J. Gary Brinn is described in his bio on the church's website as "a committed anti-racist and feminist, and as a gay man who has actively promoted LGBTQ+ equality."

According to Brinn, the June 5 service was held to "celebrate Pentecost, kick-off LGBTQ+ Pride Month and come to Christ's table of love," [The Standard](#) reports.

Brinn's message that morning was titled "God loves everyone."

Yet the Bible teaches that Jesus Christ came to earth to die on a cross because of our sins. Jesus showed us love by taking the punishment for our sins. He never excused immorality, telling everyone, "Go and sin no more."

But on his personal blog dated June 6, and titled A New Spirit: 5 June 2022, Brinn wrote, "Just as there have always been queers, has always been diversity in gender expression and affectional orientation, so there has always been diversity within Christianity."

Jenny Monroe, the president of the Park Church council, told [WENY-TV](#) that the church's message is to be open and affirming.

"The affirming piece is the important part...that means that we affirm your choices of gender identity, or sexual preference, or who you love, or what you talk about, how you

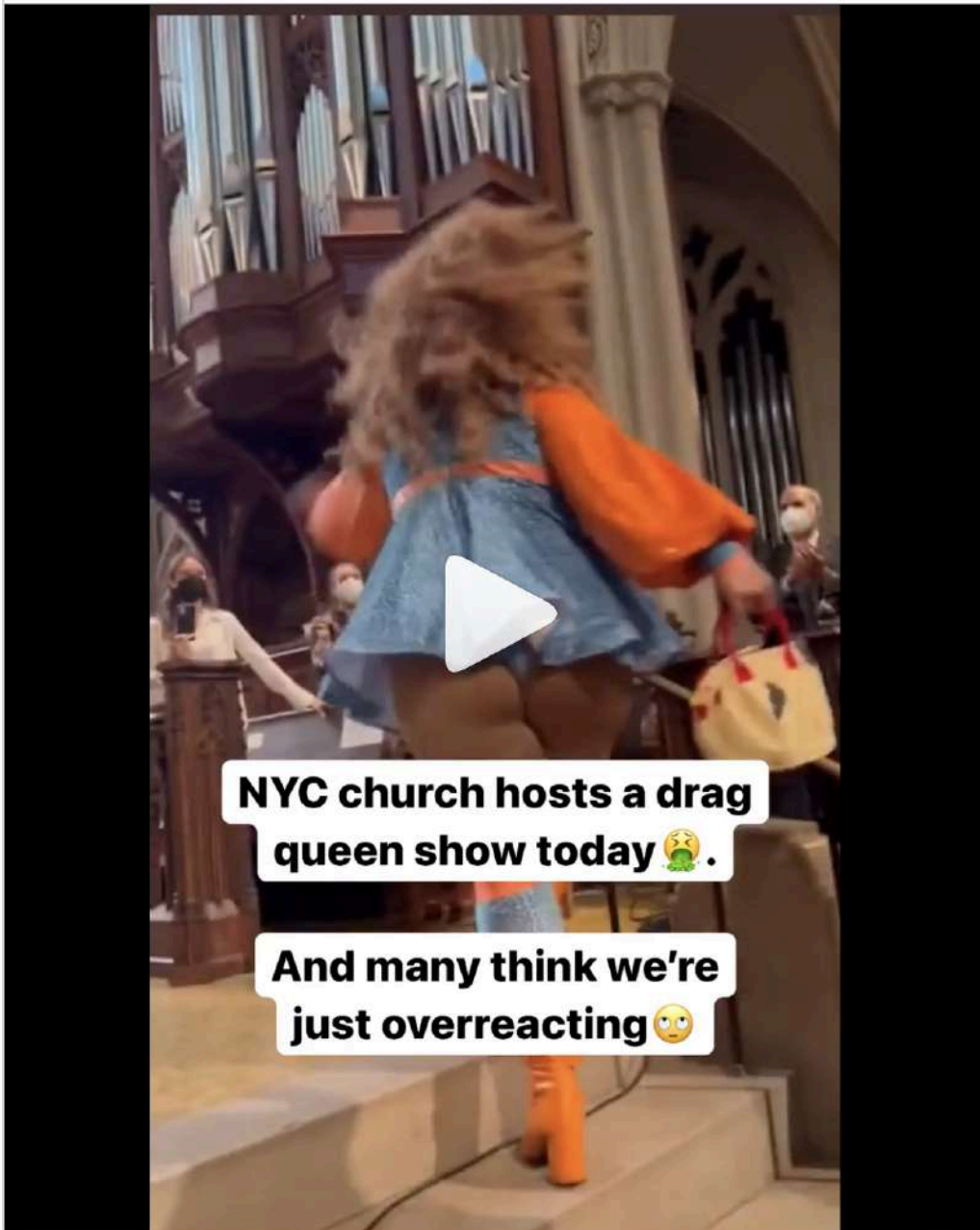
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holdtheline_
Original audio

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NYC church hosts a drag queen show today 🤢.

And many think we're just overreacting 😬

[View more on Instagram](#)

Screen shot from the video attached to the article in the link:
<https://cbn.com/news/us/new-video-shows-drag-queen-performing-nyc-church-affiliated-high-school-chapel>
EXHIBIT D

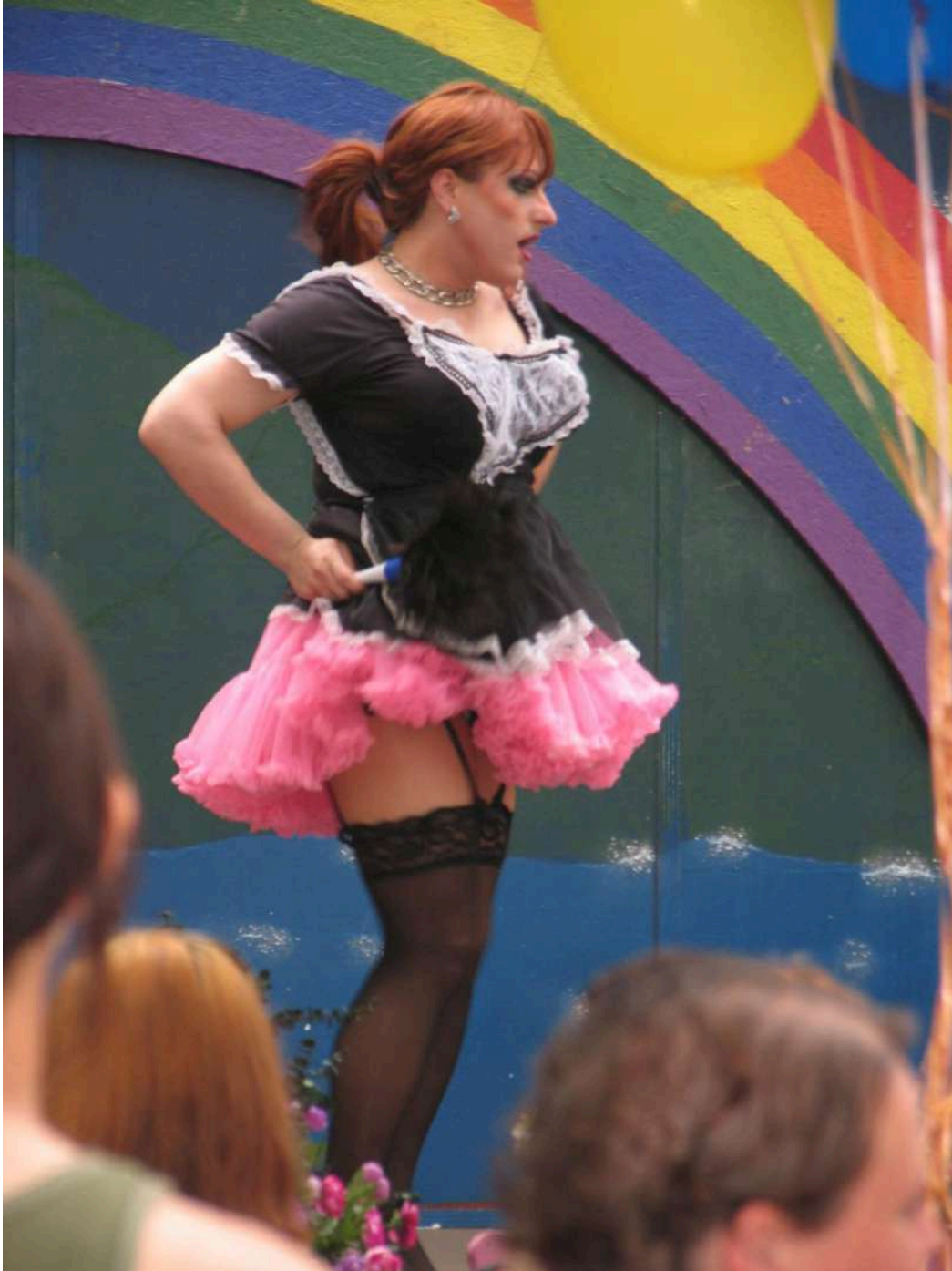


EXHIBIT E

Photograph from the Elmira Pride Festival July 14, 2008 in Wisner Park