

## CHAPTER 111: EXHIBITIONS AND AMUSEMENTS

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## ***EXHIBITIONS***

### **§ 111.01 LICENSE REQUIRED.**

No person shall exhibit or cause to be exhibited nor assist in exhibiting any out-of-door, tented transient or traveling show, fair, carnival, circus, theatrical performance or exhibition, nor perform nor assist in performing any public game, play or concert, nor conduct any Ferris Wheel or any similar amusement or device on any lot, street, park or alley or other ground, nor upon or from any barge, boat, float or floating device upon water within the city for which any pay or compensation of any kind may or shall be demanded, without first having obtained a license therefore. (1981 Code, § 920.01)

### **§ 111.02 APPLICATION FOR SUCH LICENSE.**

Application for such license shall be made to the City Council upon blanks to be furnished by the City Clerk. The City Clerk shall present the application at the next regular meeting of the Council, and the Council may grant or refuse the license as it may deem fit. (1981 Code, § 920.03)

### **§ 111.03 LICENSE FEE.**

The license fee to be paid for any such license is as set forth in § 110.34. (1981 Code, §920.05)

### **§ 111.04 EXCEPTIONS.**

This section shall not be construed to prohibit any person or society or organization of persons, who are residents of the city, from making, assisting or presenting any public performance not contrary to good morals, law or public policy and receiving pay or compensation therefore for any religious, charitable, educational or literary purpose or community betterment. (1981 Code, § 920.07)

### **§ 111.05 REVOCATION.**

Any license granted under this subchapter may be revoked at any time. (1981 Code, § 920.09)

## ***MECHANICAL MUSICAL DEVICES***

### **§ 111.20 LICENSE REQUIRED.**

No person, either as principal, agent, lessor or lessee, shall possess, keep, permit or maintain any mechanical musical device on any premises under his or her control, within the city and open to the public or any group or class thereof, without first having applied for and received a license for each such machine. A ***MECHANICAL MUSICAL DEVICE*** under this section shall mean and include any device for producing, reproducing or playing musical selections or numbers, either vocal or instrumental, or both, which is operated by depositing therein a coin or token. It shall also include any such device which is operated mechanically to render definite musical

selection or numbers selected by the operators or others, as aforesaid, after the direct or indirect payment therefore, but the provisions hereof shall not include radios nor phonographs playing records or musical recordings upon which the records or recordings are played and removed by hand and for the operation of which no payment is required either by the deposit of a coin or token in the device itself or by giving the same to the owner or operator. (1981 Code, § 910.01)

#### **§ 111.21 APPLICATION FOR LICENSE; FEES.**

Any person desiring a license for any machine or device hereunder shall file an application therefore with the City Clerk on a form to be provided by the city and shall give the name of the applicant, the trade name and general description of the device to be licensed, the name and address of the owner of the device if other than the licensee, the address of the premises where the licensed device is to be operated, together with the character of the business carried on at that place and the denomination of the coin or coins required for the operation of the device or the value of the token used in lieu thereof or a statement of any other payment, direct or indirect, that will be required and received for such operation. Every such application shall be accompanied by an annual license fee as stated in § 110.34. If the license is denied the fee shall be refunded. (1981 Code, § 910.03)

#### **§ 111.22 ISSUANCE AND TERM OF LICENSE.**

Application for licenses hereunder shall first be referred by the Clerk to the Police Department and if the business operated on the premises where the permit is requested is as described in the application and the same is being legally operated and the device to be licensed will not clearly constitute a nuisance in the proposed location, the Department shall approve the application. Every application shall then be submitted to the Council for approval. No license issued hereunder shall be transferred to another location without Council approval. (1981 Code, § 910.05)

#### **§ 111.23 POSTING OF LICENSE REVOCATION.**

Licenses granted hereunder shall be for one year from the date of issue. Every license shall describe with sufficient detail for identification purposes the machine for which it was issued and shall be attached to or posted in a conspicuous place near the device for which it was issued. Licenses shall be revoked for a violation of this provision, upon due notice and hearing. (1981 Code, § 910.07)

### ***GAMES OF SKILL***

#### **§ 111.35 DEFINITION.**

The term *A GAME OF SKILL* as used herein shall include any device played by manipulating special equipment by hand or mechanically and propelling balls, figures or numbers across a board or filed into respective positions, the object of which is to secure a special number or numbers or high total score or to place the figures or numbers in a special position, which games may be played by the public generally or a place paid either directly or indirectly for such

privilege, whether known as an amusement device or by any other name. (1981 Code, § 905.01)

**§ 111.36 LICENSE REQUIRED.**

No person shall operate or keep for operation any game of skill without having applied for and received a license therefore from the City Council as herein provided. Each operator of each individual machine or device shall make an application at the City Clerk's office upon forms furnished by the city for an operator's license and shall give the name and address of the owner and applicant, the place where such game or device is to be operated, what business is conducted at that place, the name, number and description of the game or particular piece of equipment to be licensed and the fee for playing the game and such other information as the Council may require. (1981 Code, § 905.03)

**§ 111.37 FEE.**

Every application for an owner's license shall be accompanied by an annual license fee as set forth in § 110.34, which shall permit the owning and placing of not more than ten machines for operation in any one location in the city. (1981 Code, § 905.05)

**§ 111.38 POSTING.**

Every license granted hereunder shall be posted in a conspicuous place on or near the game so licensed and shall identify the same by number and description. (1981 Code, § 905.07)

**§ 111.39 CHANGE OF LOCATION.**

Such license may be transferred to another location in the city upon the filing of notice thereof with the City Clerk of such transfer and upon the payment of \$5.00. (1981 Code, § 905.09)

**§ 111.40 PROHIBITED PRACTICES AND RESTRICTIONS.**

No person having such a machine or device in his or her place of business and no licensee shall permit any person to use any machine licensed hereunder for gambling purposes. (1981 Code, §905.11)

**§ 111.41 GRANTING OF LICENSES.**

An application for a license shall be considered by the City Council which may grant or deny any application. If the license is granted such license may be revoked by the City Council at any time without a hearing and without notice to the licensee. (1981 Code, § 905.13)

**§ 111.42 REFUNDS.**

No license fee shall be refunded if at such time the license is revoked because of the failure of the owner or the merchant to comply with the provisions of this subchapter. If the license is revoked, or the machines ordered removed, during the period covered by the license, for reasons

other than the failure of the owner or merchant to comply with the provisions of this subchapter, then the unearned portion of such license fee shall be refunded to the licensee. (1981 Code, § 905.15)