

## Chapter 5

### AMUSEMENTS AND ENTERTAINMENT

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### ARTICLE I. IN GENERAL

#### Sec. 5-1. Prohibited Amusements.

No person shall promote, conduct or operate any contest, amusement, or collection of amusements, shows or concessions, commonly known as carnivals, or any street fair, street show, or freak show where any artificial or natural curiosity is exhibited, or any shooting gallery, mechanical ride, or tent show within the City.

(Code 1957, § 7.111)

#### Secs. 5-2. -- 5-15. Reserved.

### ARTICLE II.

### MECHANICAL AND ELECTRICAL AMUSEMENT DEVICES

#### DIVISION 1. GENERALLY

#### Sec. 5-16. Defined.

*Mechanical and Electrical Amusement Device.* The term “mechanical and electrical amusement device” as used in this subsection shall mean any machine which, upon insertion of a coin, slug, token or similar item, may be operated by the public generally for use as a game, entertainment or amusement. It shall include such devices as marble machines, pinball machines, video games, skill ball, air hockey and all similar mechanical or electrical machines.

(Ord. No. 94, § 1(7.114(1)), 2-1-82)

Cross reference-Definitions and rules of construction generally, §§ 1-2.

#### Secs. 5-17. -- 5-30. Reserved.

## DIVISION 2. LICENSE<sup>1</sup>

### **Sec. 5-31. Required.**

It shall be unlawful for any person to operate or maintain any place or establishment in which any mechanical and electrical amusement device may be operated without first obtaining a license for each mechanical and electrical amusement device therein as provided in this division. (Ord. No. 94, § 1(7.114(2)), 2-1-82)

### **Sec. 5-32. Application.**

Application for a mechanical and electrical amusement device license shall be made on forms provided by the director of public service. Each application shall contain the following information:

- (1) Name and address of applicant, age, date and place of birth;
- (2) Place or establishment where the device is to be displayed or operated, the number of mechanical and electrical devices therein, and the business conducted at that place;
- (3) Description of devices to be covered by the license, mechanical or electrical features, name of manufacturer, serial number;
- (4) The name and address of the owner of the place or establishment in which the devices are located.

(Ord. No.94, § 1(7.114(3)), 2-1-82)

### **Sec. 5-33. Restrictions on Issuance.**

No more than five (5) licenses shall issue for mechanical and electrical amusement devices at any one place or establishment. For the purposes of this article, “place or establishment” shall be liberally construed to prevent any attempted circumvention of this section. A license shall not issue unless the place or establishment and uses or businesses conducted therein are in conformity with all ordinances of the City.

(Ord. No. 94, § 1, 2-1-82)

Editor’s note-section 5-33 was modified, at the discretion of the editor.

### **Sec. 5-34. Display.**

Every mechanical and electrical amusement device shall have the license issued therefore permanently affixed to the device so as to be visible at all times.

(Ord. No. 94, § 1, 2-1-82)

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<sup>1</sup> Cross reference-Licenses generally, Ch. 13.

**Sec. 5-35. Suspension or revocation.**

A mechanical and electrical amusement device license may be revoked or suspended as provided in Section 13-19. Cause of suspension or revocation shall include the cessation of or noncompliance with any of the conditions set forth in Section 5-33.  
(Ord. No. 94, § 1, 2-1-82)

**Secs. 5-36. -- 5-45. Reserved.**

**ARTICLE III. THEATERS**

**Sec. 5-46. Definitions.**

The following words and phrases, when used in this article, shall have the meanings respectively ascribed to them:

*Guardian.* The word “guardian” shall include any responsible person aged eighteen (18) years or more in whose care or custody a parent or legally appointed guardian shall have placed a minor under the age of sixteen (16) years.

*Theater.* The word “theater” means any moving picture house, show house, theater, or other place of amusement, but shall not be deemed to include any theater while the same is being operated by or for a municipal, school, church or charitable organization.  
(Code 1957, § 9.50, 9.51)

Cross reference-Definitions and rules of construction generally, §§ 1-2.

**Sec. 5-47. Attendance by Minors Restricted.**

(a) No minor shall attend or remain in any theater:

- (1) After 7:00 p.m. if under ten (10) years of age, unless accompanied by a parent or guardian;
- (2) After 10:30 p.m. if under sixteen (16) years of age, unless accompanied by a parent or guardian;
- (3) Between the hours of 2:00 a.m. and 6:00 a.m., if under eighteen (18) years of age;
- (4) Between the hours of 8:00 a.m. and 1:00 p.m. if under sixteen (16) years of age, except during vacation days.

(b) No owner, manager, operator, ticket seller, ticket taker, usher or other employee of any theater shall permit a minor to attend or remain in any theater contrary to the provisions of subsection (a). No person, by furnishing a ticket or otherwise, shall in any way assist any minor to gain admission to any theater, when such admission is unlawful under the terms of this Section.

(c) The owner of every theater in the city shall post in a conspicuous place in the lobby of such theater, a notice of the provisions of this Section.  
(Code 1957, §§ 9.52-9.54; Ord. No. 57, § 1, 4-1-72)