

Chapter 14 - AMUSEMENTS AND ENTERTAINMENTS^[1]

Footnotes:

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Cross reference— Advertising, ch. 6; alcoholic beverages, ch. 10; animals, ch. 18; businesses generally, ch. 26; cable communications, ch. 30; communication towers and structures; ch. 31; law enforcement, ch. 58; offenses and miscellaneous provisions, ch. 70; minors in pool halls or billiard parlors, § 70-3; park and recreation area requirements for subdivisions, § 102-51 et seq.; taxation, ch. 106; bicycles generally, § 110-91 et seq.

ARTICLE I. - IN GENERAL

Sec. 14-1. - Compliance with applicable laws and regulations.

All places of public amusement shall be operated and conducted in accordance with all applicable provisions of this Code, state law or city ordinances, rules and regulations.

(Code 1968, § 20-1)

Sec. 14-2. - Admittance of police officers.

Any police officer shall have the right, at any time such police officer shall see fit, to enter and remain in any place of public amusement. It shall be the duty of any owner, proprietor, manager or agent of such owner, proprietor or manager of any such place of public amusement to admit thereto any police officer in the discharge of his duties without the payment of any admission fee.

(Code 1968, § 20-2)

Sec. 14-3. - Bond or liability insurance required for amusement rides.

No person shall conduct, operate, manage or sponsor any Ferris wheel, merry-go-round or other amusement ride operated for hire, or for the purpose of promoting or advertising any trade or business, without first filing with the city secretary a bond or certificate of liability insurance, in the amount of at least \$25,000.00, indemnifying the public against damages sustained by reason of the operation of such ride. Such bond or certificate of insurance shall be subject to approval by the city attorney. This section shall apply to all persons, whether or not a license is required by any other provision of this chapter.

(Code 1968, § 20-6)

Secs. 14-4—14-30. - Reserved.

ARTICLE II. - CARNIVALS

DIVISION 1. - GENERALLY

Secs. 14-31—14-50. - Reserved.

DIVISION 2. - LICENSE^[2]

Footnotes:

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Cross reference— Registration of businesses generally, § 26-31 et seq.

Sec. 14-51. - Required.

- (a) It shall be unlawful for any person to show or exhibit any carnival within the city limits without first obtaining a license so to do from the city council.
- (b) Any person showing or exhibiting a carnival or in any manner connected with or taking part in the showing or exhibiting of a carnival within the city limits without first applying for and obtaining such license shall be guilty of a misdemeanor.

(Code 1968, § 20-27)

Sec. 14-52. - Filing and contents of application.

Any person desiring to conduct or show a carnival within the city limits shall make application for a license to the city council and file the application with the city secretary not less than two weeks prior to the time when it is desired to show or exhibit such carnival. Such application shall give the name and permanent address of the owner of the carnival, and, if the carnival is owned by a company or corporation, the application shall show such fact and shall also show the name of the manager or other officer in charge of the carnival. In any event, the application shall show the person in active charge and control of showing and exhibiting the carnival. The application shall further give a list of all shows, rides, booths and other businesses and attractions operated in connection with the carnival, listing the businesses and attractions by name and with a description of each show or attraction. Such applicant shall also submit with the application, in the form of affidavits and statements, evidence as to the solvency and responsibility of the owner of the carnival, and as to the kind and character of shows and attractions exhibited by the carnival. In making such application, the person making the application shall also state, at the end of the application, that he agrees to conduct the carnival and each and all shows, attractions and exhibits therein in a decent, orderly and law-abiding manner.

(Code 1968, § 20-28)

Sec. 14-53. - Council action on application.

After an application is filed under this division, the city secretary shall refer the application to the city council for action. If the city council is convinced from the evidence submitted that the owner of the carnival is solvent and that he has in the past conducted the carnival in a decent, law-abiding and orderly manner, and proposes to do so while showing in the city, the city council shall approve the application.

(Code 1968, § 20-29)

Cross reference— Denial, suspension or revocation of licenses or permits generally to conform to state law, § 2-7.

Sec. 14-54. - Fee.

As a condition and requirement to the licensing of a carnival to show in the city, the applicant for such license shall pay to the tax assessor and collector a license fee in the sum of \$250.00.

(Code 1968, § 20-30)

Sec. 14-55. - Issuance.

Upon approval of an application for a license under this division by the city council and payment of the fee prescribed by section 14-54, the tax assessor and collector shall issue a license to the applicant to show and exhibit the carnival in the city. Such license shall not be issued, however, unless the applicant complies with section 14-3, if applicable.

(Code 1968, § 20-31)

Sec. 14-56. - Term.

A license issued under this division shall cover one appearance in the city and shall be good only for as many days as the carnival remains continuously in the city, and a new license shall be required each time the carnival returns to the city.

(Code 1968, § 20-32)

Sec. 14-57. - Permitted operations under license.

Any person obtaining a license to show and exhibit a carnival within the city limits shall have the right to show, maintain and operate only such shows, rides, booths and other attractions as shall be under the direct charge and supervision of the owner or operator of the carnival, and it shall not be lawful for any person to show or exhibit in connection with the carnival any show, attraction or concession of any kind or character independent of the carnival ownership and management, the license granted to such carnival covering and permitting only such shows, attractions and concessions as are owned and operated by the person applying for the license.

(Code 1968, § 20-33)

Sec. 14-58. - Exemptions from division.

This division shall not apply to any show or exhibition supported and managed entirely by local operators for charitable and benevolent purposes, and not for individual or personal profit to those managing and operating the show or exhibition, regardless of whether such local show or exhibition shall have some of the features of a carnival in connection with the show or exhibition, nor shall it apply to Ferris wheels, merry-go-rounds, rides and similar amusement devices sponsored by local merchants, service clubs or other organizations and not operated in connection with any show or exhibition.

(Code 1968, § 20-34)

Secs. 14-59—14-80. - Reserved.

ARTICLE III. - STANDARD AMUSEMENT DEVICES

Sec. 14-81. - ~~Reserved~~~~Standard Amusement Device Code adopted.~~

~~There is hereby adopted by reference the Standard Amusement Device Code, 1985 edition, published by the Southern Building Code Congress International, Inc., as modified to conform numerically to the provisions of this chapter.~~

~~(Code 1968, § 20-51; Ord. No. 85-18, § 1, 4-11-1985)~~

~~**Cross reference**— Standard building code adopted, § 22-31; national electrical code adopted, § 22-141; standard gas code adopted, § 22-211; standard mechanical code adopted, § 22-241; standard plumbing code adopted, § 22-301; state law regarding unsafe buildings adopted, § 22-331; standard fire prevention code adopted, § 46-71.~~

Sec. 14-82. - ~~Reserved~~ Applicability of Standard Amusement Device Code.

~~The requirements of the Standard Amusement Device Code shall be applied on a per-ride basis.~~

~~(Code 1968, § 20-52; Ord. No. 85-18, § 3, 4-11-1985)~~

ARTICLE IV. - COIN-OPERATED MACHINES

Sec. 14-83. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Coin-operated machine means and includes every machine or device of any kind or character which is operated by or with coins, metal slugs, tokens, checks or similar objects. A machine designed and manufactured to be so operated, but which is operated by payment of a fee for its use is included in this definition. Music coin-operated machines and skill or pleasure coin-operated machines, as defined in this section, shall be included in such term.

Music coin-operated machine means and includes every coin-operated machine of any kind or character which dispenses or vends or which is used or operated for dispensing or vending music and which is operated by or with coins or metal slugs, tokens or checks. The following are expressly included within this term: phonographs, pianos, gramophones, and all other coin-operated machines which dispense or vend music.

Operator means and includes any person who exhibits, displays or permits to be exhibited or displayed, in a place of business other than his own, any coin-operated machine in this city.

Owner means and includes any person owning or having the care, control, management or possession of any coin-operated machine in this city.

Service coin-operated machine means every pay toilet or pay telephone and all other machines or devices which dispense service only and not merchandise, music, skill or pleasure.

Skill or pleasure coin-operated machine means and includes every coin-operated machine, of any kind or character whatsoever, when the machines dispense or are used or are capable of being used or operated for amusement or pleasure or when the machines are operated for the purpose of dispensing or affording skill or pleasure, or for any other purpose other than the dispensing or vending of merchandise or music or service exclusively as those terms are defined in this section. The following are expressly included within this term: marble machines, marble table machines, marble shooting machines, miniature racetrack machines, miniature football machines, miniature golf machines, miniature bowling machines and all other coin-operated machines which dispense or afford skill or pleasure. Every machine or device of any kind or character which dispenses or vends merchandise, commodities or confections or plays music in connection with or in addition to these games or dispensing of skill or pleasure shall be considered as skill or pleasure machines and taxed at the higher rate fixed for these machines.

(Ord. No. 2002-62, 1-14-2003)

Cross reference— Definitions and rules of construction, Sec. 1-2.

Sec. 14-84. - Occupation tax levied; amount.

- (a) Every person who owns, controls, exhibits, displays, or permits to be exhibited or displayed in this city any coin-operated machines shall pay, and there is hereby levied on every coin-operated machine except such as are exempted in this article, an annual occupation tax of one-fourth the tax charged and collected by the state.
- (b) Nothing in this section shall prevent the operator of the machines from paying the tax levied in this section for the account of the owner, but the payment of the tax by the operator or other person shall not relieve the owner from the responsibility of complying with all provisions of this article.

(Ord. No. 2002-62, 1-14-2003)

Cross reference— Taxation generally, Ch. 106.

State Law reference— Authority to levy, V.T.C.A., Occupations Code § 2153.451.

Sec. 14-85. - Payment of occupation tax; receipt to be attached to machine.

- (a) The occupation tax levied by this article shall be paid to the city secretary, who shall issue an occupation tax receipt.
- (b) The occupation tax receipt shall be attached to the coin-operated machine mentioned in the receipt and shall bear the serial number of the particular machine.
- (c) It shall be unlawful for any person to operate, exhibit or display any coin-operated machine in the city without having attached thereto an occupation tax receipt, and no occupation tax receipt issued for a certain coin-operated machine shall be transferred to any other machine.

(Ord. No. 2002-62, 1-14-2003)

Sec. 14-86. - Authority to seal machines for nonpayment of occupation tax for coin-operated machines.

The assessor-collector of taxes of the city, or his authorized representative, may seal any such machine upon which the tax has not been paid to the city in a manner that will prevent further operation. Whoever shall break the seal affixed by said assessor-collector, or his authorized representative, or whoever shall exhibit or display any such coin-operated machine after said seal has been broken, or whoever shall remove any coin-operated machine from location after the same has been sealed by the assessor-collector, or his authorized representative, shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine as provided in section 1-5. A fee is hereby levied, to be charged by the assessor-collector, in the amount of \$12.50 for the release of any coin-operated machine sealed for nonpayment of tax.

(Ord. No. 2002-62, 1-14-2003)

Sec. 14-87. - Lien.

The city shall have a prior lien for all delinquent occupation taxes on all property used by the owner or operator of any coin-operated machine subject to the payment of the occupation taxes levied and assessed pursuant to this article. The city attorney may file suit for the collection for such taxes in any

court of competent jurisdiction and for the foreclosure of such lien and may enjoin the operation of any such business until such tax is paid.

(Ord. No. 2002-62, 1-14-2003)

Sec. 14-88. - Exemptions.

Gas meters, pay telephones, pay toilets, food vending machines, confection vending machines, beverage vending machines, merchandise vending machines and cigarette vending machines which are subject to an occupation or gross receipts tax and service coin-operated machines are expressly exempt from the tax levied in this article and the other provisions of this article.

(Ord. No. 2002-62, 1-14-2003)

State Law reference— Similar provisions, V.T.C.A., Occupations Code §2153.004.

Sec. 14-89. - Illegal machines not authorized.

Nothing in this article shall be construed or have the effect to license, permit, authorize or legalize any machine, device, table or coin-operated machine, the keeping, exhibition, operation, display or maintenance of which is illegal or in violation of any article of the Penal Code of this state or the constitution of this state.

(Ord. No. 2002-62, 1-14-2003)

Sec. 14-90. - Skill or pleasure coin-operated machines prohibited near schools.

No skill or pleasure coin-operated machine shall be permitted within 300 feet of any school building in this city.

(Ord. No. 2002-62, 1-14-2003)