

## CHAPTER 115: ENTERTAINMENT

### Section

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#### ***Cross-reference:***

*Sexually oriented businesses, see Chapter 117*

### ***PLACES OF PUBLIC ENTERTAINMENT***

#### **§ 115.01 DEFINITION.**

For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

***PUBLIC ENTERTAINMENT.*** A public place where people assemble to eat, drink, dance, bathe or engage in any game or amusement, but shall not include activities of the above type or nature offered, sponsored or provided by any religious, charitable or benevolent organization and shall not apply to a private home at which bona fide guests are entertained, places of business conducted as filling stations for motor vehicles, grocery stores nor to any transient or temporary entertainment such as circuses, carnivals and county fairs.

(Ord. passed 2-20-79)

**§ 115.02 PERMIT REQUIRED.**

No place of entertainment shall be operated within the corporate limits of the city unless its owner or manager has a permit issued to him by the Mayor granting him the privilege to operate such place of entertainment.

(Ord. passed 2-20-79) Penalty, see § 115.99

**§ 115.03 STANDARDS FOR ISSUANCE OF PERMIT.**

No permit shall be issued pursuant to this chapter to anyone who is not of good moral character, who will not in the judgment of the Mayor and City Council obey the laws of the city, county and state, or who has been convicted within two years preceding the date of filing of his application in this state of maintaining any public nuisance.

(Ord. passed 2-20-79) Penalty, see § 115.99

**§ 115.04 APPLICATION FOR PERMIT.**

Any person desiring a permit to operate a place of public entertainment within the city shall file an application therefore with the City Clerk. The application shall set forth the name of the true owner of the place of entertainment, the exact location of the proposed place of entertainment, the occupation of the owner and manager of the proposed place of entertainment for a period of five years preceding the date of filing of the application and the type of entertainment or activity at this location.

(Ord. passed 2-20-79)

**§ 115.05 FILING OF APPLICATION; FEE; NOTICE.**

(A) At the time the application is filed, the applicant shall deposit \$25 with the City Clerk which shall be used by the City Clerk to defray the cost of publication of the notices required by this subchapter to be published in a newspaper and to defray the cost of any investigation as shall be required by this subchapter.

(B) When the application is filed with the City Clerk, he shall have a notice that the application has been filed published pursuant to KRS Chapter 424. The notice shall set forth the name of the person filing the application, the proposed location and the type of entertainment or activity at this location.

(Ord. passed 2-20-79)

**§ 115.06 INVESTIGATION AND REPORT.**

The City Attorney, after an application has been filed, shall investigate the applicant and file with the City Clerk a written report setting forth the facts revealed by his investigation, and upon filing of same, a hearing on the application shall be scheduled before the City Council on the first regular

meeting in the month following the date of filing of the report by the City Attorney. Notice of the hearing shall be published in the newspaper pursuant to KRS Chapter 424.

(Ord. passed 2-20-79) Penalty, see § 115.99

#### **§ 115.07 HEARING ON APPLICATION.**

(A) At the first regular meeting of the City Council, the Council shall hear evidence in support of or in opposition to the granting of the permit. Any person desiring to oppose the permit may appear in person or be represented by counsel and shall file in writing any allegations that show cause as to why the permit should not be granted.

(B) Upon hearings of evidence, the City Council shall authorize the Mayor to either grant the permit or refuse same.

(Ord. passed 2-20-79)

#### **§ 115.08 APPEAL PROCEDURES.**

(A) From the decision of the City Council refusing to grant the permit, the applicant may appeal to the district court where the appeal shall be tried as an action in equity and the evidence heard in open court.

(B) From the decision of the City Council granting a permit any citizen of the city may appeal to the district court and the appeal in the district court shall be tried as in the case of an appeal from a decision denying the permit.

(C) Before any appeal is perfected, the party appealing shall file a copy of the minutes of the Council reflecting the decision to either grant or deny the permit and shall execute a bond guaranteeing payment of the cost of the appeal. The cost of the appeal shall be adjudged against the person losing the appeal.

(D) The City Attorney shall resist all appeals filed by an applicant and shall represent any citizen who appeals from the decision of the City Council granting a permit.

(Ord. passed 2-20-79) Penalty, see § 115.99

#### **§ 115.09 HOURS OF OPERATION.**

The City Council may by ordinance fix reasonable hours of operation of places of entertainment throughout the city.

(Ord. passed 2-20-79)

**§ 115.10 PROHIBITIONS.**

No person who has been granted a permit shall allow:

(A) Drunken, disorderly or boisterous persons, or persons of lewd or lascivious reputation to congregate in or about the premises;

(B) People to congregate there for immoral or illegal purposes; or

(3) The premises to be used as a place of assemblage or entertainment at later hours than those stated in the permit and established by ordinance of the City Council.

(Ord. passed 2-20-79) Penalty, see § 115.99

**§ 115.11 REVOCATION OF PERMIT.**

Upon the conviction of the owner or the manager of the place of entertainment for a violation of any of the provisions of this chapter:

(A) The judgment of the court shall provide for the forfeiture of the permit;

(B) A copy of the judgment shall be certified by the court in which the conviction occurred to the City Clerk; and

(C) The permit shall then be canceled and become void.

(Ord. passed 2-20-79) Penalty, see § 115.99

**§ 115.12 INSPECTION BY POLICE.**

The city police shall regularly visit places of entertainment to enforce the provisions of this chapter.

(Ord. passed 2-20-79) Penalty, see § 115.99

**§ 115.99 PENALTY.**

Any person, firm or corporation violating any provision of this chapter shall be guilty of a misdemeanor and shall be fined not more than \$500 for each offense.