

CHAPTER 52.1

PLACES OF AMUSEMENT

1. **DEFINITION.** For the purposes of this Chapter, and as used herein, a "place of amusement" is hereby defined as any place or premises, whether entrance thereto is restricted to club members or open to the public generally, which is designed, used or intended to be used primarily, by the public or by club members, for participation in entertainment or amusement, such entertainment or amusement to include, but not to be limited to, the following: music (either recorded or live), music videos, dancing, billiards and pool, roller or ice skating, and video and other mechanical games. A "place of amusement" shall also include any place or premises that is primarily rented or intended to be rented to others for any of the purposes listed herein.

2. **LICENSE REQUIRED.** No person, firm, partnership, association or corporation shall own, conduct, manage or operate a place of amusement on or at any place or premises located within the City of Decatur without a license for such place or premises, as provided herein.

3. **SPECIFIC USE.** A place of amusement license may only be used for the specific stated purpose and use that is listed and set forth in the license application and for which the license is specifically issued. Any change in the specific licensed use shall require a new license. Any unauthorized or unlicensed change in the specific use shall be grounds for suspension or revocation of the place of amusement license.

(Amended, Ordinance No. 2009-83, November 16, 2009)

Revised 10/11

Chapter 52.1

4. **EXEMPTIONS.** No place or premises owned or operated by any unit of government or college or university, or licensed for the sale of alcoholic liquor under the provisions of the City Code, shall be required to be licensed as a place of amusement.

5. **LIQUOR LICENSES.** No place or premises licensed for the sale of alcoholic liquor may be licensed as a place of amusement.

6. **APPLICATION.** Application for a place of amusement license shall be made to the Finance Department and shall be accompanied by the license fee required herein. The application shall show the name, age and address of an individual applicant; the persons entitled to participate in the profits, if a partnership applicant; the objects, the names and addresses of the officers and directors, if a corporate applicant, and whether or not one person owns a controlling interest in such corporation, and if so, the name and address of such person; and the names and addresses of the members thereof, if the applicant is a club or unincorporated association; the location and description of the place or premises where such place of amusement will be operated and conducted; whether or not any previous similar license has been applied for, the place of application, and the disposition of such application, and if revoked the reasons therefore; and whether or not the applicant, or any partner or shareholder owning more the 5% of the corporation, has ever been convicted of a felony. A manager or agent must have the same qualifications as the person or firm to whom the license is issued. All applications shall be verified by the applicant or, if a corporation, by an authorized corporate officer thereof.

7. **QUALIFICATIONS.** No license for a place of amusement will be issued to any applicant who is ineligible for a local liquor license, as provided by law.

8. **FEE.** The fee for a place of amusement license shall be One Hundred Dollars (\$100.00). In the event a license does not issue responsive to an application, the payment of the

annual fee accompanying the same shall be refunded; otherwise, there shall be no rebate or prorate of a fee once paid.

9. **TERM.** Each place of amusement license issued under the provisions hereof, and the privileges thereunder, shall expire and terminate on the 30th day of June next following the issue date thereof.

10. **GAMBLING.** No gambling shall be permitted at any place of amusement at any time.

11. **BUILDING CODES.** A place or premises licensed as a place of amusement under the provisions hereof shall be in compliance at all times with all applicable City of Decatur building and safety codes, ordinances and regulations.

12. **LIABILITY OF CERTAIN PERSONS.** No licensee, owner, possessor, manager or other person in control or in charge of any place or premises licensed under the provisions hereof, or any place or premises used as a place of amusement as defined herein, whether licensed or not, shall permit the violation at said place or premises of any provisions of statute or the City Code. It shall not be a defense to a prosecution brought hereunder that the defendant did not have actual knowledge of the violation, provided that the evidence demonstrates that such defendant would or should have been aware of said violation through the exercise of reasonable care or attention.

13. **REVOCATION OR SUSPENSION.** Place of amusement licenses may be suspended or revoked by the City Manager for any violation of law by the licensee or its agents, but only after such licensee is provided a hearing before said officer, or his designee. A licensee shall be given not less than five days' notice prior to such hearing.

Chapter 52.1

14. **INSPECTIONS.** Every licensed place of amusement shall be open for inspection during all business hours by police officers and building and fire inspectors of the City of Decatur, upon the showing of proper credentials by such persons. Failure to admit an officer or employee of the City for inspection, as provided herein, shall be cause for suspension or revocation of the license.

15. **PENALTY.** Any person, firm, partnership, association or corporation who shall violate any provision of this Chapter, except section 13, shall be fined not less than Two Hundred Fifty Dollars (\$250.00) nor more than Five Hundred Dollars (\$500.00) for each offense, and each day of a continuing violation shall be deemed a separate offense. The penalties or remedies provided herein shall be cumulative and resort to any one or more shall be no defense to prosecution of another. Nothing provided for herein shall preclude the City of Decatur from seeking such equitable relief, in addition to fines and penalties, as it deems appropriate.

(Amended, Ordinance No. 2011-72, October 31, 2011)

16. **SEVERABILITY.** If any provision of this chapter or application thereof to any person or circumstances is held unconstitutional or otherwise invalid, such invalidity does not affect other provisions or applications of this Chapter which can be given effect without the invalid application or provision, and to this end each such invalid provision or invalid application of this Chapter is severable, unless otherwise provided by this Chapter. In particular, but without limitation, each provision creating an exemption from the licensing requirement hereof is severable. It is hereby declared to be the legislative intent of the City Council that this Chapter would have been adopted had any such unconstitutional or otherwise invalid provision or application not been included.

17. **HOURS.** No place of amusement shall be open for business nor in operation, nor shall patrons or members thereof be, or be permitted to be or remain, thereat, between the hours of 2:00 A.M. and 6:00 A.M. on any day.

(Amended, Ordinance No. 92-05, January 21, 1992)

18. **POSTING OF LICENSE AND HOURS OF OPERATION.** Every person, firm or corporation licensed in accordance with the provisions of this Chapter shall immediately post and keep posted while in force, in a conspicuous place on the premises, the license so issued. Whenever such license shall be lost or destroyed, a duplicate in lieu thereof shall be issued by the Licensing Supervisor upon the direction of the City Manager. Such licensee shall also post the hours of operation of such place of amusement in a prominent place on the exterior of the business, as approved by the Chief of Police.

(Amended, Ordinance No. 92-05, January 21, 1992)