

AMUSEMENTS

Chapter 6

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ARTICLE I. IN GENERAL

Sec. 6-1. License required for carnivals, fairs.

It shall be unlawful for any person to operate a carnival or fair in the city without first obtaining a license from the city treasurer.
(Code 1986, § 6-1)

Sec. 6-2. Carnivals which may be licensed.

The city treasurer shall issue no license for the conduct of a carnival or fair, whether on private grounds or on property owned by the city, except when such carnival or fair is held in conjunction with a county, state or tri-state fair.
(Code 1986, § 6-2)

Sec. 6-3. Signs, pictures, advertisements in front of places of amusement.

No person shall place or maintain in front of or in connection with any place of public amusement or entertainment, any sign, picture or advertisement which misstates or misrepresents the pictures or other amusements or entertainments which are being shown on such place.
(Code 1986, § 6-3)

Sec. 6-4. Repealed. (Ord. No. 11548, §2, 05-04-04)

Editor's note--The repealed section dealt with Sunday entertainment - authorized

Sec. 6-5. Repealed. (Ord. No. 11548, §2, 05-04-04)

¹ **Charter reference**--Authority to license and regulate theatrical and other exhibitions, § 2.1(17).
Cross references--Businesses, trades and occupations, Ch. 11; parks and playgrounds, Ch. 26; use of streets for carnivals, fairs and exhibitions, § 32-31.

Editor's note--The repealed section dealt with Sunday entertainment - work week of employees.

Sec. 6-6. Human endurance contests.

It shall be unlawful for any person to operate or promote marathon walks or dances or other similar physical endurance contests in the city, and it shall be unlawful for any person to participate in such contests.

(Code 1986, § 6-6)

Sec. 6-7. Hats not to be worn during performances.

It shall be unlawful for any person to wear on his head any kind of a hat while attending any performance, attraction, exhibition or other entertainment given at any theater or other public place of amusement and entertainment in the city.

(Code 1986, § 6-7)

Secs. 6-8 -- 6-20. Reserved.

ARTICLE II. DRIVE-IN THEATERS

Sec. 6-21. Permit required; application, approval.

Before any person shall construct, operate or maintain an open air drive-in theater, an application for a permit therefor shall be made to the city engineer, which application shall be accompanied by plans and specifications, including plot plan showing the entrance and exit roadways, which plans shall be approved by the city engineer before the application is submitted to the mayor.

(Code 1986, § 6-21; Ord. No. 9654, § 13, 1-6-92)

Sec. 6-22. Location of screen towers.

The screen tower of a drive-in theater shall be so placed and constructed that it cannot be seen from any street or highway by persons in any parked vehicle.

(Code 1986, § 6-22)

Sec. 6-23. Entrance and exit roadways.

All exit roadways shall take exit traffic being discharged from an open air or drive-in theater into a street of minor importance where vehicular traffic is at all times light. The plans shall show the exact proposed turn-outs from the streets or highways to the entrance roadway, which entrance roadway shall have sufficient radius to permit vehicles to turn into the entrance without undue slowing of traffic on the highway. The entrance and exit connections shall be so

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located that site distance standards which have been or may hereafter be set up by the city or state shall be met.

(Code 1986, § 6-23)

Secs. 6-24 -- 6-40. Reserved.

ARTICLE III. BILLIARD ROOMS OR POOL²

Sec. 6-41. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Billiards or pool shall mean any of several games played on an oblong table surrounded by an elastic edge or cushions, with balls impelled by cue.

Billiard or pool table shall mean a table of any kind whatsoever used for the playing of billiards or pool which is kept, used, or operated for profit by any person. The term "billiard or pool table" shall not be deemed to include such a table kept or maintained solely for display and sale by a dealer.

(Code 1986, § 6-41)

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

² **Charter reference**--Authority to license and regulate poolrooms, § 2.1(15).

Sec. 6-42. Permit – Required.

It shall be unlawful for any person to keep, use, or maintain any billiards table or pool table in the city without first obtaining a permit therefor from the city treasurer. No person under the age of eighteen (18) years shall be eligible to obtain a permit.
(Code 1986, § 6-42)

Sec. 6-43. Same – Application.

Before any person shall be granted a permit to operate a billiards or pool table, an application in writing shall be made to the city treasurer, giving the name of the applicant, the age of the applicant, and the proposed location of the billiard or pool table.
(Code 1986, § 6-43)

Sec. 6-44. Same – Fees and renewals.

The permit fee for the operation of a billiard or pool table shall be twenty-five dollars (\$25.00) per annum for each billiard or pool table. A renewal of a permit may be issued on application to the city treasurer, as provided in section 6-43.
(Code 1986, § 6-44)

Sec. 6-45. Same – Display.

Each permit issued under this article shall be posted permanently and conspicuously at the location of the pool or billiards table on the premises where the table is to be maintained for operation.
(Code 1986, § 6-45)

Sec. 6-46. Same – Transferability; change of business location.

(a) The permit required under this chapter may be transferred from one (1) billiards or pool table to another, similar billiards or pool table, but not more than one (1) billiard or pool table shall be operated under one (1) permit at the same time.

(b) If a permittee moves his place of business to another location within the city, the permit may be transferred to such new location upon application to the city treasurer, giving the address of the new location.
(Code 1986, § 6-46)

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Sec. 6-47. Same – Revocation.

(a) The mayor may, in his discretion, revoke any permit for a billiard or pool table for violation of any provision of this article or other applicable ordinances or laws.

(b) Before such revocation, the mayor shall give written notice to the owner or operator of his intention to revoke, specifying the violation with which he is charged, and shall fix a time, no sooner than five (5) days following such notice, for such owner or operator to appear for a public hearing to show cause why such permit should not be revoked.

(c) Upon the revocation of a permit, no further permit shall be issued to the applicant for a period of one (1) year following such revocation.

(Code 1986, § 6-47; Ord. No. 9654, §§ 13 & 69, 1-6-92)

Sec. 6-48. Gambling.

It shall be unlawful for any person to exchange wagers on any aspect of the playing of the game of billiards or pool. It shall further be unlawful for the owner or operator of any premises where a billiard or pool table is located to knowingly permit such wagers or gambling on the premises.

(Code 1986, § 6-48)

Cross reference--Offenses against morals, § 25-81 et seq.

Sec. 6-49. Permitting minor top lay billiards or pool without permission.

It shall be unlawful for any person operating a billiard or poolroom, their employees, agents, servants, or other persons for them knowingly to permit any person under the age of eighteen (18) years to play on tables at any game of billiards or pool, without first having obtained the written consent of the father and mother of such minor, if living; if the father is dead, then the mother, guardian or other person having legal control of such minor; or if the minor is in attendance as a student at some literary institution, then the written consent of the principal or person in charge of such school; provided that, this section shall not apply to use of billiards or pool tables kept by private persons and used in private families. Such written consent shall be valid and remain in force until revoked in writing by the minor's father, mother, guardian, or other person having legal control of such minor.

(Code 1986, § 6-49)

Secs. 6-50 -- 6-60. Reserved.

ARTICLE IV. COIN-OPERATED DEVICES³

³ **Charter reference**--Authority to license and regulate amusement machines generally, § 2.1(18).

Sec. 6-61. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Jukebox. Any music vending machine, contrivance or device which, upon the insertion of a coin, slug, token, plate, disc or key to any slot, crevice or other opening or by the payment of any price, operates or may be operated for the emission of songs, music or similar amusement.

Mechanical amusement device. Any machine which, upon the insertion of a coin, slug, token, plate or disc, may be operated by the public generally for use as a game, entertainment or amusement, whether or not registering a score. It shall include such games as miniature football, golf, baseball, pinball machines, and all other miniature games, operations, or transactions similar thereto, by whatever name they may be designated. It shall not be deemed to include pool or billiards tables regulated by Article III of this chapter.

(Code 1986, § 6-61)

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

Sec. 6-62. License – Required.

It shall be unlawful for any person to keep, use, or maintain any jukebox or mechanical amusement device in the city without first obtaining a license therefor from the city treasurer. No person under the age of eighteen (18) years shall be eligible to obtain a license; provided, however, a license shall not be required for any jukebox or mechanical amusement device maintained for use in a private residence or for jukeboxes or mechanical amusement devices kept or maintained solely for display and sale or lease by a dealer.

(Code 1986, § 6-62)

Sec. 6-63. Same – Application.

Before any person shall be granted a license to operate a mechanical amusement device or a jukebox, an application in writing shall be made to the city treasurer giving the following information:

- (1) Name, age, and address of the applicant;
- (2) The location where the jukebox or mechanical amusement device is to be operated and the business conducted at that place;
- (3) A description of the jukebox or mechanical amusement device to be covered by the license and the name of the distributor or owner.

(Code 1986, § 6-63)

Sec. 6-64. Same – Fees.

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The license fee for the operation of a jukebox or mechanical amusement device shall be fifteen dollars (\$15.00) per machine per annum for each jukebox or mechanical amusement device. A renewal of the permit may be issued on application to the city treasurer, as provided in section 6-63.

(Code 1986, § 6-64)

Sec. 6-65. Same – Transferability; change of business location.

(a) The license required under this article may be transferred from one (1) jukebox or mechanical amusement device to another similar jukebox or mechanical amusement device, but not more than one (1) jukebox or mechanical amusement device shall be operated under one (1) license at the same time.

(b) If a licensee moves his place of business to another location within the city, the license may be transferred to such new location upon application to the city treasurer, giving the address of the new location.

(Code 1986, § 6-65)

Sec. 6-66. Same – Revocation.

(a) The mayor may, in his discretion, revoke any license for a jukebox or mechanical amusement device for violation of any provision of this article, or other applicable ordinances or laws.

(b) Before such revocation, the mayor shall give written notice to the owner or operator of his intentions to revoke, specifying the violation with which he is charged, and shall fix a time, no sooner than five (5) days following such notice, for such owner or operator to appear for a public hearing and show cause why such permit should not be revoked.

(c) Upon the revocation of the permit, no further permit shall be issued to the applicant for a period of one (1) year following such revocation.

(Code 1986, § 6-66; Ord. No. 9654, §§ 13 & 69, 1-6-92)

Sec. 6-67. Mechanical amusement device and pinball machines, allowing minors to play.

(a) No owner, operator, manager or person in charge of premises where mechanical amusement devices are located shall allow any person under the age of eighteen (18) years to play or operate during regular school hours or after hours of any curfew imposed by law, any game of miniature football, golf, baseball, pinball machine and all other miniature games,

whether made playable by mechanical device or otherwise, or whether the charge for playing is collected by mechanical device.

(b) This section shall in no way allow any person under the age of eighteen (18) to play a device on which there is imposed an occupational tax on coin operated devices under Title 26, section 4461(2) of the United States Code Annotated.
(Code 1986, § 6-67)

Sec. 6-68. Unlawful devices not authorized.

Nothing in this article shall in any way be construed to authorize, license, or permit any gambling devices whatsoever.
(Code 1986, § 6-68)

Sec. 6-69. Outside speakers for jukeboxes.

No person owning or operating a jukebox shall maintain any loud speaker or other connection with such jukebox or device on the outside of the building in which it is located.
(Code 1986, § 6-69)

Sec. 6-70. Playing jukeboxes after midnight.

No person holding a license shall permit the playing of jukeboxes between the hours of 12:00 midnight and 6:00 a.m. of any day, unless the volume of same is controlled and reduced so that it cannot be heard outside the premises in which such jukebox is located.
(Code 1986, § 6-70)

Secs. 6-71 -- 6-80. Reserved.

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ARTICLE V. FAMILY AMUSEMENT CENTERS

Sec. 6-81. Definitions.

For purposes of this article, the following phrases and words shall have the meanings assigned below, except in those instances when the context clearly indicates a different meaning:

Family amusement center. An establishment operated solely for entertainment of families, individuals of all ages, and congenial associations of persons, through the use of family amusement devices as defined herein, and meeting all the requirements for a family amusement center license as set forth herein.

Family amusement device. Any game or machine designed to be played for amusement only, whether of a mechanical, electrical or other nature, whether or not coin-operated, and whether or not registering a score or other performance rating, which may be operated by not more than two (2) persons and which may allow a player the right to replay such amusement device at no additional cost, which right to replay shall not be considered money or property; provided that, such amusement device:

- (1) Cannot accumulate more than one (1) replay or one (1) extended play for each coin inserted;
- (2) The replay or extended play can only be discharged by reactivating the game;
- (3) Is not a pinball machine as defined herein; and
- (4) Is not a "pool table" as defined herein.

Family amusement device shall exclude any and all peep shows or movies exhibiting pornographic or obscene {as defined in Tennessee Code Annotated, section 39-6-1101(5)} materials.

Pinball machine. Any amusement device, whether or not used for gambling or susceptible for use for gambling, which is coin- or token-operated and which consists of a cabinet with a transparent top in which a ball rolls down a slanting surface among an arrangement of pins, targets, traps, lights, or electrical contacts with contacts between the balls and other objects on the surface scoring points or rating operator(s) performance.

Pool table. Any amusement device whether referred to as a pool table, billiard table, snooker table, or by a similar name, whether or not used for gambling or susceptible of use for gambling, whether or not equipped with pockets or bumper disks or similar devices, whether or not coin or token-operated, and regardless of its size or the size of the accessories, such as, but not limited to, balls or "cue" sticks used in conjunction with it, and regardless of the materials of

which it or its accessories are constructed, which consist of a flat table on which numbered or unnumbered balls or similar devices may be moved about the table and against one another, by poking, jabbing or punching one or more of such balls or similar devices with a stick, rod, or similar apparatus.

(Code 1986, § 6-81)

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

Sec. 6-82. License – Required.

Any person who operates a family amusement center within the city shall obtain an annual license therefor from the city treasurer.

(Code 1986, § 6-82)

Sec. 6-83. Same – Application.

Application for the license required by section 6-82 shall be made to the city treasurer and shall contain the following:

- (1) The name and address of the applicant, age, date and place of birth, principal business address of the applicant;
- (2) Prior conviction of crime of the applicant, if any;
- (3) The address at which the proposed family amusement center is to be established;
- (4) A description of the enterprise and proposed operation which the applicant seeks to operate as a family amusement center;
- (5) A statement that:
 - a. No alcoholic beverages will be served by or permitted on the premises of the proposed family amusement center;
 - b. No gambling will be permitted at the proposed family amusement center;
 - c. No pinball machines or pool tables, as defined herein, will be permitted on the premises of the proposed family amusement center.

(Code 1986, § 6-83)

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Sec. 6-84. Same – Investigation, approval of applicant.

(a) One (1) copy of the application for a license under this article shall be referred to the chief of police, who shall investigate the location wherein it is proposed to operate a family amusement center, and shall also ascertain whether the applicant is a person of good moral character, and approve or disapprove the application.

(b) No license shall be issued to any applicant unless his application is approved by the chief of police, and no license shall be issued to an applicant in any case unless he is over the age of eighteen (18) years.
(Code 1986, § 6-84)

Sec. 6-85. Same – Fees.

Every applicant, before being granted a license under this article, shall pay an annual fee of fifteen dollars (\$15.00) per family amusement device.
(Code 1986, § 6-85)

Sec. 6-86. Same – Transferability.

If the holder of a family amusement center license issued under this article moves his place of business to another location within the city, the license may be transferred upon application to the city treasurer, giving the street and number of the new location.
(Code 1986, § 6-86)

Sec. 6-87. Same – Revocation.

In addition to any other penalty provided by law, any license issued under this article may be revoked by the mayor if the licensee, directly or indirectly, permits the operation thereunder of any family amusement device contrary to the provisions of this article or the laws of the state or ordinances of the city. The board shall take such action only after five (5) days' written notice to the licensee specifying the violation with which he is charged, and a hearing at which the licensee or his attorney may submit evidence in his defense.
(Code 1986, § 6-87; Ord. No. 9654, § 13, 1-6-92)

Sec. 6-88. Notices to public.

In permanent and conspicuous places about the family amusement center and in permanent and conspicuous language and lettering, notices to the public prohibiting gambling and consumption of alcoholic beverages on the premises of the family amusement center will be posted. The family amusement center license issued by the city treasurer shall likewise be posted conspicuously on the premises.

(Code 1986, § 6-88)

Sec. 6-89. License holder or responsible adult to be on premises.

The holder of the license issued under this article or a responsible adult employee of the holder of the license shall remain in the premises of the family entertainment center at all times during which it is open for business.

(Code 1986, § 6-89)