

Chapter 5

AMUSEMENTS*

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ARTICLE I. IN GENERAL

Secs. 5-1--5-25. Reserved.

ARTICLE II. POOL AND BILLIARD TABLES

Sec. 5-26. Penalty.

Unless stated otherwise, violations of this article shall be punished as provided in section 1-8.

Sec. 5-27. Minors not allowed.

Any person engaged in running pool or billiard table or tables in a public place for profit or any agent of such person who shall knowingly permit any minor without the written consent of the minor's parent or guardian in such place of business shall be guilty of an offense. (Code 1963, Ch. 3, art. 3, § 1)

Secs. 5-28--5-50. Reserved.

ARTICLE III. SHOOTING GALLERIES

DIVISION 1. GENERALLY

Sec. 5-51. Definition.

For the purposes of this article, the term "shooting gallery" shall mean a room, place or enclosure wherein the firing of firearms is permitted to practice marksmanship. Each shooting gallery shall consist of only one (1) target area. (Code 1963, Ch. 3, art. 17, § 1 [Ord. No. 72-4, § 1, 1-24-72])

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

Sec. 5-52. Penalty.

Unless stated otherwise, violations of this article shall be punished as provided in section 1-8.

***Cross reference**--Licenses, permits and miscellaneous business regulations, Ch. 15.

State law reference--Authority of home rule municipality to regulate amusements, V.T.C.A., Local Government Code § 215.074.

Sec. 5-53. Operating time.

The operation of any shooting gallery between the hours of 12:30 a.m. and 6:00 a.m. is hereby prohibited and declared unlawful. (Code 1963, Ch. 3, art. 17, § 8 [Ord. No. 72-4, § 1, 1-24-72])

Sec. 5-54. Targets and firearms allowed.

Targets used at shooting galleries shall be of the stationary bull's-eye type. All moving targets are prohibited. No firearms shall be used, kept or discharged within a shooting gallery other than twenty-two (22) caliber rifles or pistols, and no ammunition larger than twenty-two (22) caliber short rim fire cartridges shall be used. (Code 1963, Ch. 3, art. 17, § 6 [Ord. No. 72-4, § 1, 1-24-72])

Sec. 5-55. Firearms to be chained.

All firearms shall be chained to the counter or fixed structure over which such firearms are discharged. Such chain shall not exceed three (3) feet in length and shall be of the gauge determined by the chief of police. (Code 1963, Ch. 3, art. 17, § 7 [Ord. No. 72-4, § 1, 1-24-72])

Sec. 5-56. Periodic inspections.

Every shooting gallery for which a license has been issued under this article may be periodically inspected by the chief of police or his duly appointed representative, and such inspections may be made and conducted at any time the same shall be deemed advisable in the opinion of the chief of police and every shooting gallery shall be at all times open for inspection. (Code 1963, Ch. 3, art. 17, § 9 [Ord. No. 72-4, § 1, 1-24-72])

Sec. 5-57. General regulations for firing rooms at shooting galleries.

(a) The room, place or enclosure wherein the firing of firearms is to take place at a shooting gallery shall comply with all provisions of this section and shall not be used for any other purpose whatsoever during the progress of firing.

(b) The rear wall and side walls to a point on a line with the firing position shall be of bulletproof construction in accordance with the following specifications:

- (1) Not less than six-inch masonry or solid concrete.
- (2) Wood stud and plaster walls or equivalent construction, faced with one-inch boards backed with one-quarter-inch steel plate. Floors of joist construction shall be considered bulletproof.
- (3) Ceilings of joist construction shall be faced with one-inch boards up to a maximum distance of fifteen (15) feet from target area in firing direction.

(c) All openings of any nature in the rear and side walls shall be protected with one-inch board backed by a one-quarter-inch steel plate.

(d) Open steel truss ceilings shall be protected by a one-quarter-inch steel baffle plate inclined toward the firing position. The plate shall be as wide as the total width of the target and

not less than five (5) feet in depth, and shall be suspended from the bottom cord of the trusses to a point on a line parallel to the floor and eighteen (18) inches above the intersection of two (2) sight lines drawn from the elevation of the firearm, at the prone firing position to the bottom of the furthest truss, and from the elevation of the firearm at the off-hand firing position to a point five (5) feet above the floor at the target. Baffle plates less than fifteen (15) feet from the firing position shall be protected with one-inch boards.

(e) Exposed steel girders less than fifteen (15) feet (horizontal or vertical) from the firing position shall be protected with one-inch boards.

(f) In addition to the above protection, there shall be provided a one-quarter-inch steel stop plate, directly in the rear of targets, extending not less than eight (8) inches beyond the outer ring of the bull's-eye, and inclined towards the firing position at an angle of forty-five (45) degrees. The stop plate shall be housed, on sides and top, with corrugated sheet metal extending not less than one (1) foot beyond the top edge of the plate. At the base of the inclined stop plate there shall be provided a sand box with not less than six (6) inches of sand and of sufficient width so as to absorb all the bullets ricocheted by the stop plate as fired from the firing position.

(g) Entrance to that part of the licensed area situated between the firing position and targets shall be protected with thirty-six-inch guard rails or equivalent protection. No person except the person in charge shall be permitted within the above-described area during the progress of firing. (Code 1963, Ch. 3, art. 17, § 10 [Ord. No. 72-4, § 1, 1-24-72])

Secs. 5-58--5-70. Reserved.

DIVISION 2. LICENSE

Sec. 5-71. Required.

It shall be unlawful for any person to establish, maintain or operate, within the corporate limits of the city, a shooting gallery without having first secured a license to do so from the chief of police, such license to be for one (1) year and to be renewed yearly after inspection by the chief of police. Such license shall not be assignable or transferable. The license fee shall be fifty dollars (\$50.00). (Code 1963, Ch. 3, art. 17, § 2 [Ord. No. 72-4, § 1, 1-24-72])

Sec. 5-72. Application.

Any person desiring a license required by this division shall make written application therefor to the chief of police on forms to be provided by the chief of police. (Code 1963, Ch. 3, art. 17, § 3 [Ord. No. 72-4, § 1, 1-24-72])

Sec. 5-73. Applicant and employees.

No license shall be issued to any person who has been convicted of a felony or who employs a person convicted of a felony or crime. Such license shall be revoked upon the conviction of the owner or any of his employees for a felony or a crime of violence. The chief of police shall investigate and determine that the applicant and his employees are of good moral character. (Code 1963, Ch. 3, art. 17, § 4 [Ord. No. 72-4, § 1, 1-24-72])

Sec. 5-74. Bond.

Any person desiring a license shall provide a bond with two (2) or more good and sufficient sureties payable to the city in a sum of one thousand dollars (\$1,000.00) for the protection of the city and the general public with respect to all damage resulting from conducting and maintaining such shooting gallery. (Code 1963, Ch. 3, art. 17, § 5 [Ord. No. 72-4, § 1, 1-24-72])

Sec. 5-75. Revocation.

The chief of police may revoke the permit to operate any shooting gallery upon which there is a violation of this division. (Code 1963, Ch. 3, art. 17, § 11 [Ord. No. 72-4, § 1, 1-24-72])

Secs. 5-76--5-95. Reserved.

ARTICLE IV. SHOWS, ETC.

Sec. 5-96. Penalty.

Unless stated otherwise, violations of this article shall be punished as provided in section 1-8.

Sec. 5-97. Scope.

This article shall apply to all shows, performances, exhibitions, medicine shows, panoramic or view shows, menageries, carnivals, circuses, wild west shows, or rodeo shows, acrobatic performances, wax shows, moving picture shows, dramatic or theatrical productions or skating rinks, held in or exhibited upon the streets or under any tent, or in any airdrome, hall or building, within the city. (Code 1963, Ch. 3, art. 7, § 2)

Sec. 5-98. Exceptions.

(a) This article shall not apply to events, street fairs, shows or the like composed entirely of local people banded together for purely civic or charitable purposes and without personal profit to themselves, individually.

(b) Neither shall the provisions of this law apply to an organization duly incorporated under the laws of the state, composed of local stockholders, holding a non-profit-sharing charter, for the purpose of holding intermittent events whose purpose is advancement of better living conditions, better agriculture, more and better livestock, more efficient farm and home equipment in the county, and the advancement of the potential possibilities of the city industrially, commercially and financially.
(Code 1963, Ch. 3, art. 7, § 4)

Sec. 5-99. License, permit required.

A. Any person giving, conducting, exhibiting or maintaining a show, performance, exhibition or place of amusement, shall first pay to the city a license fee equal to the maximum license fee or occupation tax allowed cities or towns under the laws of the state and secure a permit in writing from the city manager upon such terms and conditions as shall be deemed advisable by the city manager for the protection of the public from fire and traffic hazards,

diseases, loud, unusual noises, unsanitary conditions and public inconveniences.

B. Application for a permit is made by filing with the city secretary a form, provided by that office, not less than twenty-one (21) days prior to the proposed set-up date for the event.

C. Upon receipt of an application, the city secretary shall immediately acquire comments from affected city departments concerning the proposed activity (e.g., fire, police, animal control, streets, etc.). The secretary shall forward the application and department comments to the city manager within 5 days.

D. The following standards shall be considered by the city manager in evaluating an application: whether the conduct of the proposed event or its location will:

1. substantially interrupt the safe and orderly movement of vehicular and pedestrian traffic;
2. adversely affect the safety and health of those situated adjacent to the location of the event;
3. require such a substantial number of police, ambulance, animal control, or other city personnel to adequately service the event, that necessary services must be substantially curtailed in other areas of the city;
4. pose a high degree of probability or likelihood to cause or tend to cause injury or damage to persons or property or to provoke disorderly conduct;
5. be so close to a school, church, hospital, or other place at which a specific lawful activity normally requires for its accomplishment quiet and orderly deliberation or consideration or freedom from loud noises or crowds of persons or traffic;
6. be issued to a person or party who has within the preceding 12 months obtained a permit for the same or substantially same activity at that location, such that issuance of another permit would unfairly, unreasonably, or inequitably prevent another from obtaining a permit; or a permit for another show, carnival, circus, rodeo, etc. has previously been lawfully issued to another scheduled for the same date(s) sought by applicant.

E. The city manager shall, within seven (7) days after receipt of an application, approve, modify and approve, or deny it. If modified or denied, the reasons shall be clearly stated in writing by the city manager.

(Code 1963, Ch. 3, art. 7, § 1; Ord No. 00-2, § I, 1-11-00)

Sec. 5-100. Location restricted.

It shall be unlawful for any person to give, conduct, exhibit or maintain any show, performance, exhibition or place of amusement of any character whatsoever, within the corporate limits of the city, save and except in a regularly constructed and conducted auditorium, opera or theater building, unless such person shall obtain the written consent of the owner of the lot, tract, or parcel of land, on which such show, performance, exhibition or place of amusement is located. (Code 1963, Ch. 3, art. 7, § 1)

Sec. 5-101. Bond.

The city manager shall have the right as a prerequisite to the issuance of a license under this

article, to demand and receive of such person desiring to give, conduct, exhibit or maintain a show, performance, exhibition or place of amusement, a bond with two (2) or more good and sufficient sureties payable to the city in such sum or sums as in the discretion of the city manager shall be deemed sufficient for the protection of the city and the general public, conditioned that such person shall pay off and discharge all damages of any kind or character assessed against them by reason of their giving, conducting, exhibiting or maintaining such show, performance, exhibition or place of amusement. (Code 1963, Ch. 3, art. 7, § 1; Ord No. 00-2, § II, 1-11-00)

Sec. 5-102. Revocation of license.

The city manager shall have the power to revoke any license issued under this article and prohibit the further giving, conducting, exhibiting or maintaining of a show, performance, exhibition or place of amusement for failure to pay the required license fees or occupation taxes, the violation of a city ordinance or gaming law of the state, or the creating, maintenance or permitting the creation or maintenance of any fire or traffic hazards, unsanitary conditions, loud and undue noises or the doing of any act contrary to the public convenience, necessity or welfare. The reasons and circumstances giving rise to a revocation shall be stated by the city manager in writing. The licensee shall not be entitled to the refund of any sum or sums of money paid as such license fee. (Code 1963, Ch. 3, art. 7, § 1; Ord No. 00-2, § III, 1-11-00)

Sec. 5-103. Appeal of denial or revocation of license.

In the event the city manager modifies an application, denies an application, or revokes a permit, the affected party may appeal the manager's decision to the city council by filing a written letter with the city manager within 2 business days after receiving notice of the city manager's decision. The appeal letter must specifically state each and all points of contention with the city manager's determination. The city manager shall immediately cause the appeal to be placed on the next regular meeting agenda of the city council for discussion and action. At that meeting, the city council shall consider the standards contained in this chapter, the city manager's reasons for denying or revoking a permit, the points raised in the letter of appeal, and relevant surrounding facts. (Ord No. 00-2, § IV, 1-11-00)