

CHAPTER 113: LICENSING OF PLACES OF ENTERTAINMENT

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§ 113.01 DEFINITION.

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

"PLACE OF ENTERTAINMENT." A roadhouse, place offering intoxicating or nonintoxicating drinks for sale, tourist camp or place of public entertainment at which people assemble to eat, drink, dance, bathe, or engage in any game or amusement (including but not limited to pool or billiard tables, pinball machines, electronic games, putt-putt golf), or any place having therein or thereon any person engaging in the practice of being a medium, clairvoyant, soothsayer, palmist, phrenologist, spiritualist, or like activity, or one who with or without the use of cards, crystal ball, tea leaves, or any other object or device, engages in the practice of telling fortunes of another, not including persons pretending to tell fortunes as part of any play, exhibition, fair, or amateur show presented or offered by any religious, charitable, or benevolent institution. It shall not mean a private home at which bona fide guests are entertained, drive-in theaters, places of business conducted only as filling stations for motor vehicles or grocery stores, nor transient or temporary entertainment such as circuses, carnivals, and county fairs.

§ 113.02 PERMIT TO OPERATE 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 city, granting to him the privilege to operate the place of entertainment in the city.

Penalty, see § 113.99

§ 113.03 WHAT PERSONS NOT TO BE GRANTED PERMITS.

No permit shall be issued to a person who is not of good moral character or who will not, in the judgment of the Mayor, obey the laws of the state in the carrying on of the business or who within two years prior to the date of the filing of the application has been convicted in the state of maintaining a public nuisance.

§ 113.04 APPLICATION FOR PERMIT.

Any person who desires a permit to operate a place of entertainment within the corporate limits of the city shall file an application with the City Clerk-Treasurer. The application shall set forth the true name of the owner of the place of entertainment, the exact location of the proposed place of entertainment, and the occupation of the owner or manager of the proposed place of entertainment for five years immediately preceding the date on which the application is filed.

Penalty, see § 113.99

§ 113.05 DEPOSIT OF APPLICANT; DISPOSITION OF DEPOSIT.

At the time the application is filed, the applicant shall deposit \$10 with the City Clerk which shall be used by the Clerk-Treasurer to defray the cost of the notices required by § 113.06 to be published in a newspaper and to pay the other costs of investigation.

§ 113.06 CITY CLERK-TREASURER TO DOCKET AND PUBLISH APPLICATION.

When the application is filed with the City Clerk-Treasurer, he shall have a notice that the application has been filed published pursuant to KRS Chapter 424.

§ 113.07 CHIEF OF POLICE TO INVESTIGATE APPLICANT.

The Chief of Police, after an application has been filed, shall investigate the applicant and file with the Mayor a written report setting forth the facts revealed by his investigation, recommending the granting or the denial of the permit. The report shall be filed with the City Clerk-Treasurer within 30 days after the application is filed and a copy delivered or mailed to the applicant.

§ 113.08 HEARING FOR OR AGAINST GRANTING OF PERMIT.

After the expiration of 30 days from the date on which the application is filed, the Mayor and City Council shall hear evidence in support of or in opposition to the granting of the permit. Any person desiring to oppose the permit shall have filed in writing allegations that show cause as to why the application should not be granted.

§ 113.09 APPEAL FROM DECISION DENYING OR GRANTING PERMIT.

(A) From the decision of the Mayor refusing to grant the permit,

the applicant may appeal to the circuit court, where the appeal shall be tried as an action in equity, and the evidence shall be heard in open court.

(B) From the decision of the Mayor agreeing to grant a permit, any citizen of the city may appeal to the circuit court and the appeal in the circuit court shall be tried as in the case of an appeal from a judgment denying the permit.

(C) Before any appeal is perfected, the party appealing shall file a copy of the decision of the Mayor with the circuit clerk and shall execute a bond guaranteeing the payment of the cost of the appeal. The cost of the appeal shall be adjudged against the persons losing the appeal.

(D) The City Attorney shall resist any appeal filed by an applicant and shall represent any citizen who appeals from the decision of the Mayor to grant a permit.

#### § 113.10 MAYOR TO FIX HOURS OF OPERATION.

The Mayor shall, by an order entered in his executive order book, fix reasonable hours of operation for places of entertainment throughout the city.

#### § 113.11 CONDUCT PROHIBITED ON PREMISES.

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 unlawful purposes or to permit any man and woman who are not married to each other to occupy any cabin, cottage, or secreted room or place from which the view of the public is excluded;

(C) The premises to be used as a place of assemblage or entertainment at later hours than those which are stated in the permit or recorded in the Mayor's executive order book;

(D) Fortunetelling at any location except that specifically stated in his permit;

(E) Fortunetelling without first posting in a conspicuous place, both inside and outside the premises at which he is authorized to engage in fortunetelling, and without first filing with the City Clerk-Treasurer, a schedule showing in detail the fees charged for readings, predictions, and services of any nature.

Penalty, see § 113.99

#### § 113.12 FORFEITURE OF PERMIT FOR VIOLATION OF CHAPTER.

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

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

(B) A copy of the judgement shall be certified by the court in which the conviction occurs to the Mayor and shall be recorded by him in the Mayor's executive order book; and

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

§ 113.13 FORFEITURE FOR VIOLATION OF ALCOHOLIC BEVERAGE CONTROL LAWS.

The conviction of the owner or manager of a place of entertainment for violation of the alcohol beverage control laws may be an additional ground for revocation and forfeiture of the place of entertainment permit by the Mayor.

Penalty, see § 113.99

§ 113.14 PEACE OFFICERS TO VISIT.

The officers of the City Police Department shall and any other peace officer may visit place of entertainment regularly. Upon their observing any violation of this chapter, by the owner or manager, they shall make arrests without warrants for violations committed within their presence.

§ 113.15 SHOWING "X"- OR "R"-RATED MOVIES IN CERTAIN PREVIEWS PROHIBITED.

No movie theater, drive-in theater, or other facility requiring a fee for admission shall show a "X"- or "R"-rated movie in their previews if a "G" or "PG" movie is playing.

Penalty, see § 113.99

§ 113.99 PENALTY.

(A) Any person who violates § 113.02 shall be guilty of a misdemeanor and shall be fined not more than \$200 or confined in the county jail not more than 90 days, or both. Each day that a place of entertainment is operated without a permit shall be a separate offense.

(B) Except as provided in division (A), any owner or manager of a place of entertainment who violates any of the provisions of this chapter shall be guilty of a misdemeanor and shall be fined not more than \$300 or confined in the county jail not more than 90 days, or both.