

## CHAPTER 131

# LICENSING OF PLACES OF PUBLIC AMUSEMENT

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**131.01 DEFINITIONS.** For use within this chapter, the following terms are defined:

1. “Open to the public” means a place in which a public amusement is conducted for, engaged in, or performed by the general public and to which the general public is admitted or is in attendance. It does not include places that the general public is not free to enter and to which admission is restricted to members of a club, fraternal organization, or religious or educational group.
2. “Public amusement” means any public dance hall, skating rink, swimming pool, fortune teller’s place of business, billiard hall, bowling alley, shooting gallery, circus, gymnasium, carnival, or theater that is open to the public.
3. “Public dance hall” means any place of public amusement in which dancing is engaged in or performed, even though food is served and the operator holds a State restaurant license.
4. “Theater” means any place of public amusement in which plays, moving pictures or other exhibitions are presented, except that it does not include places in which lectures on scientific, historical, or literary subjects are given.

**131.02 PUBLIC DANCE HALLS.** No place in which beer, liquor, or wine is sold shall hold a license for a public dance hall unless such place has complied with all the requirements of the laws of the State concerning dancing in connection with the operation of a beer, liquor, or wine business.

**131.03 SWIMMING POOLS.**

1. Swimming pools shall display a written certificate from the City Building Inspector that adequate provisions have been made to keep the water and bathhouse sanitary and healthful.
2. One lifeguard shall be in attendance while the pool is open to the public. Deep water shall be clearly marked. The pool shall be enclosed by a fence or other means to prevent accidental or unauthorized entrance.

**131.04 SHOOTING GALLERIES.** A shooting gallery shall display a written certificate from the Police Chief that it is equipped with a safe and adequate backstop and shooting equipment.

**131.05 HOURS RESTRICTED.** No place of public amusement regulated by this chapter shall be conducted between the hours of 2:00 a.m. and 6:00 a.m. on any weekday, and between 1:00 a.m. on Sundays and 6:00 a.m. the following Monday.

**131.06 SPECIAL POLICE.** In the event it is deemed necessary, in the Mayor's discretion, to prevent breaches of the peace within the community, the Mayor may require the employment of a uniformed security officer for such periods as the Mayor deems necessary by any license holder under this chapter.

**131.07 LICENSE REQUIRED; EXCEPTION.** No person shall conduct any public amusement regulated by this chapter without a valid license from the City; provided, however, no license is required of any public amusement which is under the sponsorship or joint sponsorship of the Evansdale Police or Firefighters Association.

**131.08 APPLICATION.**

1. Application for any license required by this chapter shall be made in writing on forms furnished by the Clerk. The application shall be filed with the Clerk and shall include:
  - A. The applicant's full name and address, the type of public amusement, and the address of the place in which it is to be conducted.
  - B. If the applicant is not the owner of the place in which the amusement is to be conducted, the name and the address of the owner.
  - C. If the applicant or owner is a corporation or other association, the names of its principal officers, and its local agent, if any.
2. The receipt of the Clerk, showing payment of all fees required by this chapter shall be attached to the application.

**131.09 FEES.** Before any license required by this chapter is issued, the required fee, as set by resolution of the Council, must be paid to the Clerk, who shall give the applicant a written receipt showing the sum received and the date of payment. Licenses required by this chapter for which an annual fee is charged will be issued for one-half the annual fee after November 1, unless specific provisions of this chapter provide otherwise.

**131.10 INVESTIGATION AND INSPECTION.** Upon receipt of an application for a license for a public amusement, the Clerk shall forward it immediately to the Police Chief, who shall conduct an investigation and submit a written report concerning the truth of the facts stated in the application and a recommendation concerning whether or not a license should be issued. The Clerk shall notify the City Building Inspector and the Fire Chief immediately, and they shall inspect the premises immediately to determine whether said premises meet the standards of the applicable municipal ordinances and State statutes. These officials shall submit written reports of the results of their investigation. No license shall be issued until these reports have been submitted to the Clerk and such reports shall be submitted in a timely manner.

**131.11 ISSUANCE.** If the Clerk finds that all of the prescribed conditions and requirements for the issuance of a license required by this chapter have been satisfied and complied with, that no grounds for revocation under Section 131.16 exist, the Clerk shall issue a license immediately to the applicant after Council approval.

**131.12 CONTENTS OF LICENSE.** The license required by this chapter shall contain the signatures of the Mayor and the Clerk, the date of issuance, the period for which the license is valid, the type of amusement, and the information contained in the application.

**131.13 REFUSAL OF ISSUANCE; APPEAL.** If the Council refuses to issue a license required by this chapter, the reasons therefor shall be endorsed upon the application and returned to the applicant.

The applicant shall have a right to a hearing before the Council at its next regular meeting. The Council may reverse, modify, or affirm its decision and the Clerk shall carry out the Council's decision.

**131.14 TRANSFER PROHIBITED.** In no case shall a license issued under this chapter be transferred to another person or be used for a purpose other than that for which it is issued.

**131.15 DISPLAY REQUIRED.** Every person who is issued a license under the provisions of this chapter shall display the license in a conspicuous place on the premises in which the amusement is being conducted.

**131.16 GROUNDS FOR REVOCATION; MANNER OF NOTICE.**

1. After giving a licensee under this chapter one day's notice and a fair hearing, the Council may revoke any license issued under this chapter for the following reasons:
  - A. The licensee has made fraudulent statements in the application for the license or in the conduct of business.
  - B. The licensee has substantially violated any section of this chapter or otherwise conducted business in an unlawful manner.
  - C. The licensee has conducted business in such a manner as to endanger substantially the public welfare, health, safety, order, or morals.
  - D. The licensee has failed to comply with the Mayor's requirement for employment of a uniformed security officer pursuant to Section 131.06.
2. The notice shall be in writing and shall be served personally or as required for personal service by the Iowa Rules of Civil Procedure. The notice shall state the time and place of the hearing and the reasons for the intended revocation.

**131.17 APPEAL OF REVOCATION.** If the Council revokes a license required by this chapter, the reasons for the revocation shall be given. The licensee then shall have a right to a hearing before the Council at its next meeting. The Council may reverse, modify, or affirm its decision and the Clerk shall carry out the Council's decision.

**131.18 EFFECT OF REVOCATION.** Revocation of a license required by this chapter shall bar the licensee from being eligible for any license under this chapter for a period of one year from the date of revocation.

**131.19 EXPIRATION.** All annual licenses issued under this chapter shall expire on the first day of May each year.

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