

## CHAPTER 131

# AMUSEMENT LICENSES

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**131.01 DEFINITIONS.** The following terms are defined for use in this chapter:

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 mean or include places that the general public is not free to enter and to which admission is restricted to members of a nonprofit charitable corporation or association, fraternal organization, religious or educational group, but does not include places where admission is limited by reason of age or sex.

2. “Public amusements” means and includes recreation events and facilities including, but not limited to, any public dance hall, skating rink, swimming pool, billiard hall, pool hall, bowling alley, shooting gallery, carnival, circus, recreational equipment of facilities of any kind or nature, including for example, amusement rides of the type commonly known at carnivals, and also any theatre, concert, or performance of any kind or nature whether inside or outside, that are open to the public. Notwithstanding the above, astrologer businesses operating as legal home occupations in accordance with the zoning ordinance are not considered as "public amusements", provided such businesses are conducted entirely by appointment only.

*(Ord. 13-11 – Aug. 13 Supp.)*

3. “Public dance hall” means any place of public amusement in which dancing is engaged in or performed, whether or not food is served and the operator holds a State license as a food service establishment.

4. “Theater” means any place of public amusement in which plays, motion pictures, or other exhibitions are presented whether live or through some form of media and including both presentations for groups or individuals.

5. “Person of good moral character” means any person who meets all of the following requirements:

A. The person has such financial standing and good reputation as will satisfy the City that the person will comply with this chapter and all laws, ordinances and regulations applicable to the person’s operations under this chapter.

B. The person has not previously had a license revoked under the provisions of this chapter or state law or under the law of any other city or state.

C. The person has not been convicted of a felony or any state law relating to the person's operations under this chapter. Violations in other states shall be considered and if a conviction in another state was not a felony but would be a felony in Iowa, the conviction will be considered to be a felony conviction.

D. The requirements of this definition apply to each officer, director of a corporation and to each partner of a partnership and to any person that owns or controls ten percent or more of any class of stock or of any partnership or enterprise.

*(Ord. 09-04 – May 09 Supp.)*

6. "Massage establishment" means a place where a treatment to the body of another person either by rubbing, kneading, hitting or any other manipulation (either by person or by the use of machine or equipment) is performed or furnished for, or in expectation of, any fee, compensation or monetary consideration. Massage establishment does not include:

A. Persons giving massage treatments in a non-profit, bona fide charitable club, a private social club or a public or private athletic club;

B. Athletic coaches or trainers affiliated with public or private educational institutions or athletic organizations;

C. Students enrolled in schools of massage performing such practices of massage as are necessary to their course of study;

D. Massage treatments given in any hospital, duly licensed nursing or convalescent home, or by physical therapists or massage therapists duly licensed who treat patients upon written prescription or direction of a duly licensed health care professional authorized by the State of Iowa to treat the sick, injured or infirm, or by any nurse under the direction of a person so licensed;

E. Licensed beauty operators and barbers who perform only such acts of scalp or facial massage.

*(Ord. 13-06 – May 13 Supp.)*

**131.02 LICENSE REQUIRED.** No person shall conduct any public amusement regulated by this chapter without a license from the City. Upon application, the Council may waive the license fee where the applicant is a church, bona fide charitable organization, or other tax exempt organization under section 501(C)(3) of the Internal Revenue Code upon such conditions as the Council may establish.

*(Ord. 09-04 – May 09 Supp.)*

**131.03 APPLICATION FOR LICENSE.** Application for any license under this chapter shall be made in writing on forms furnished by the Clerk. The application shall be filed with the Clerk and shall include:

1. 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.
2. If the applicant is not the owner of the place in which the amusement is to be conducted, the name and address of the owner.
3. If the applicant or owner is a corporation, partnership, or other association, the names of all of its stock holders, partners and officers, and its local agent, if any.
4. A statement that the applicant and each officer, director of a corporation and each partner of a partnership and to any person that owns or controls ten percent or more of any class of stock or of any partnership or enterprise is a person of good moral character.
5. Any other information the Clerk deems necessary or appropriate for including on any particular license application.

*(Ord. 13-11 – Aug. 13 Supp.)*

The receipt of the Clerk showing payment of all fees required shall be attached.

*(Ord. 09-04 – May 09 Supp.)*

**131.04 INSPECTION AND INVESTIGATION.** Upon receipt of an application for a license for a public amusement, the Clerk shall forward it to the Police Chief. The Police Chief shall conduct an investigation and submit a written report concerning the truth of the facts stated in the application and a recommendation whether or not a license should be issued. Upon receipt of the Police Chief's report, the Clerk shall notify the Building Inspector and Fire Chief; and they shall inspect the premises to determine whether the premises meets the standards of the applicable municipal ordinances and State statutes. These officials shall submit written reports of the results of their investigations. No license shall be issued until these reports have been submitted to the Clerk. These reports shall be submitted within ten (10) days after the Clerk receives the application.

**131.05 ISSUANCE OF THE LICENSE.** If the Clerk, after reviewing the reports received pursuant to Section 131.04, finds that all of the prescribed conditions for the issuance of a license have been satisfied, the Clerk shall issue a license to the applicant, otherwise the Clerk shall forward the application for license and all pertinent reports to the City Manager together with a statement by the Clerk as to the reasons why the license has not been issued. The City Manager may issue the license if the prescribed conditions are satisfied. If the license is not issued, the applicant may appeal to the City Council. The City Council shall make a final determination on issuance of the license, after providing the applicant with reasonable notice and an opportunity to be heard at a hearing as to whether or not the license should be issued.

(Ord. 09-04 – May 09 Supp.)

**131.06 REGULATIONS.** Every person who is granted a license under this chapter shall comply with the applicable following regulations.

1. Dance Halls. No place in which alcohol 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 of Iowa concerning dancing in connection with the operation of such business.
2. 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.
3. Billiard or Pool Halls. No minor shall be allowed to be in any billiard or pool hall in which alcohol is sold. No minor under the age of 16 shall be allowed in any billiard or pool hall.
4. Public Dances. For all public dances, police supervision at the rate of one officer for each 500 persons or fraction thereof in attendance shall be provided by the sponsor. The applicant shall notify the Police Chief at least ten (10) days prior to the date on which the dance will be held that police supervision will be required, and the number of persons expected to attend. Payment for the services of such special police supervision will be made to the Clerk.
5. Tattoo and/or Body Piercing Parlors. Must hold a permit from the Iowa Department of Public Health where required by state law and shall not tattoo and/or pierce any person under the age of eighteen years.

(Ord. 09-04 – May 09 Supp.)

**131.07 FEES AND DURATION OF LICENSE.** An applicant may apply for an annual or a daily license. The annual license shall be valid for one year after the date on which it is issued. The daily license shall be valid only for one 24-hour period, but the applicant may apply for and receive 5 daily licenses at one time. However, no daily license shall be issued more than 10 days before the date for which the license is valid. The fees for licenses are as follows:

<b>Amusement</b>	<b>License Fee</b>
Public dance halls for dancing by the public or areas within other places of amusement providing for dancing by the public	Annual License .... \$ 50.00 Daily License ..... \$ 15.00
Public dance halls where dancing is performed by paid performers	No Annual License Daily License ..... \$ 15.00
Skating rinks	Annual License .... \$ 50.00 Daily License ..... \$ 5.00
Fortune tellers and palmists	Annual License .... \$100.00 Daily License ..... \$ 10.00

Billiard or pool halls	Annual License ....\$ 12.00 per table
Bowling alleys	Annual License ....\$ 15.00 per lane
Circuses, rodeos and carnivals	Daily License .....\$ 25.00
Theatres	Annual License ....\$ 50.00 Daily License .....\$ 15.00
Fireworks displays	Daily License .....\$ 15.00
Bingo halls	Annual License ....\$100.00 Daily License .....\$ 15.00
All others	Annual License ....\$ 50.00 Daily License .....\$ 15.00

*(Ord. 09-04 – May 09 Supp.)*

**131.08 PUBLIC INDECENT EXPOSURE IN CERTAIN ESTABLISHMENTS.** The holder of a license under this chapter or any owner, manager or person with a business in any commercially zoned district who exercises direct control over the premises shall be guilty of a violation of this Code of Ordinances under any of the following circumstances:

1. If such person allows or permits the actual or simulated public performance of any sex act upon or in such licensed premises.
2. If such person allows or permits the exposure of the genitals, buttocks or breast of any person who acts as a waitress or the exposure of the genitals or buttocks of any person who acts as a waiter.
3. If such person allows or permits the exposure of the genitals or the female breast nipple of any person who acts as an entertainer, whether or not the owner of the licensed premises in which the activity is performed employs or pays any compensation to such person to perform such activity.
4. If such person allows or permits any person to remain in or upon the licensed premises who exposes to public view the person's genitals, pubic hair, or anus.
5. If such person advertises that any activity prohibited by this section is allowed or permitted in such licensed premises.

The provisions of this section do not apply to a theater, concert hall, art center, museum, or similar establishment which is primarily devoted to the arts or theatrical performances and in which any of the circumstances contained in this section were permitted or allowed as part of such art exhibits or performances.

**131.09 LICENSE SUSPENSION AND REVOCATION.** A license issued under this chapter may be suspended for up to two years or revoked for any violation of this chapter, any state or local laws, ordinances, or regulations or for any false statement on the original application or a renewal application. The City Clerk, upon receipt of information alleging that grounds exist to suspend or revoke an amusement license, shall

report the same to the City Council. The City Council shall cause a notice to be sent by ordinary mail to the licensee. The notice shall state that a suspension or revocation hearing has been set before the City Council, the grounds therefore, the date and time of the hearing and the place where the hearing will be conducted. In the event of a revocation no amusement license shall be issued to the licensee for a period of two years. Any licensee claiming to be aggrieved by a suspension or revocation of an amusement license may seek applicable judicial review under the laws of the State of Iowa.

*(Ord. 09-04 – May 09 Supp.)*