

Chapter 6 AMUSEMENTS AND ENTERTAINMENTS

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ARTICLE I. - IN GENERAL

ARTICLE II. - NONPERMANENT, NONRESIDENT ENTERTAINMENT BUSINESSES

FOOTNOTE(S):

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Cross reference— Businesses, ch. 22. [\(Back\)](#)

State Law reference— Public houses of amusement, Vernon's Ann. Civ. St. art. 178 et seq.; theft of service, V.T.C.A., Penal Code § 31.04; theaters, shows, amusements, V.T.C.A., Local Government Code § 215.074. [\(Back\)](#)

ARTICLE I. IN GENERAL

[Secs. 6-1—6-30. Reserved.](#)

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ARTICLE II. NONPERMANENT, NONRESIDENT ENTERTAINMENT BUSINESSES

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Sec. 6-31. Permit required; qualifications.

It shall be a violation of this article for any nonresident carnival, tent show or open air business enterprise to operate any nonpermanent, nonresident-owned entertainment business for profit within the city limits without a permit from the city. No permit shall be granted to any nonpermanent, nonresident-owned traveling tent show, open air exhibit or other nonpermanent, nonresident, public entertainment business for profit, unless it is within a permanent, fireproof structure, is not located upon or within any area zoned R-1, R-2, R-3 or R-4, and no part of such nonpermanent entertainment business for profit is located within 300 feet of:

- (1) Any business house not a sponsor of such temporary business;

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- (2) Any residence or its premises;
- (3) Any school or its campus or premises;
- (4) Any church building or its premises, if not sponsored by the church; or
- (5) Any place within the city limits regardless of its zoning, which location of the particular nonpermanent entertainment business for which a permit is sought:
 - a. Does, in the opinion of the fire marshal of the city, constitute a serious fire hazard; or
 - b. In the opinion of the chief of police of the city, constitutes a threat to the personal safety of any individual or to the general public attending, or in passing the area where such nonpermanent business is located because of:
 1. Abnormal traffic congestion probability;
 2. Difficulty of providing adequate police and fire protection, ambulance service or other emergency or safety facilities to such area;
 3. Potentiality for personal injury by antiquated, malfunctioning or obviously unsafe machinery and/or equipment at such site, including but not limited to, the physical and mental capability and state of sobriety of any operator of any machinery or equipment offered to the public for use in the user's entertainment, for which such user is offered its use, for a profit, to such business.

(Code 1978, § 16-36)

Sec. 6-32. Insurance and permit fee amounts.

No permit shall be issued to any nonpermanent, traveling or nonresident-owned carnival, tent show, open air exhibition of public entertainment for profit to set-up any nonpermanent business within the city limits unless such business:

- (1) Submits proof of satisfactory public liability, fire and extended insurance coverage, in an amount not less than \$100,000.00, underwritten by a reputable insurance company having a license to do business in the state and such underwriter is approved by the state department of insurance;
- (2) Pays a permit fee to the city which shall be in the amount of \$75.00.

(Code 1978, § 16-37)

Sec. 6-33. Exemptions from article.

- (a) This article shall not apply to street fairs, dances or other celebrations composed primarily of local people for purely charitable, social, nonprofit, patriotic, religious, educational or scientific purposes having prior approval of the city council, the city, on application by a sponsoring locally chartered civic club, service group, school or church, at least 30 days prior to the date for any such event, unless for good cause and in the public interest the city council may, waive, by resolution, such minimum time before such event for application for city council approval or disapproval.
- (b) This article shall not apply to the Alpine Civic Center and its adjoining property. The city council may upon giving its consent authorize activities otherwise covered by this article to be performed or held at the civic center or adjoining property.
- (c) In all other respects, this article shall remain in full force and effect.

- CODE OF ORDINANCES

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(Code 1978, § 16-38)