

ORDINANCE NO. 95

BE IT ORDAINED BY THE COMMON COUNCIL OF  
**THE CITY OF EUBANK, KENTUCKY:**

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**WHEREAS**, the City of Eubank has determined that it would be in the best interest of the Citizens and visitors of the City of Eubank to require that places of entertainment be regulated and controlled by the City to insure for the public safety and welfare;

**NOW, THEREFORE**, be it ordained by the legislative body of the City of Eubanks, Kentucky as follows:

1. As used in this ordinance place of entertainment means a private club, a roadhouse, place offering intoxicating or non-intoxicating drinks for sale, tourist camp or place of entertainment at which people assemble to eat, drink, dance, bathe, or engage in any game or amusement, poolroom, video arcade or any place having therein or thereon any person engaging, in the practice of being a medium, or like activity. It shall not mean a private home at which bona fide guests are entertained, restaurants, 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.

2. No place of entertainment shall be operated inside the corporate limits of the City of Eubank, Kentucky, unless its owner or manager his a permit, issued to him by the City Commissioner granting to him the privilege to operate the place of entertainment in the City.

3. No permit shall be issued to a person who is not of good moral character

or who will not, in the judgment of the City Commissioner obey the laws of the state in the carrying on of the business or who within two (2) years prior to the date of the filing of the application has been convicted in Kentucky of maintaining a public nuisance or who has ever been convicted of a felony.

4. Any person association, or corporation desiring a permit to operate a place of entertainment shall file an application with the City Clerk. 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 and the occupation of the owner or manager of the proposed place of entertainment for five (5) years immediately preceding the date on which the application is filed.

5. It shall be unlawful for any association, person, firm or corporation to maintain or operate any place of entertainment after the enactment of this article without first paying in advance to the City clerk the license fee hereinafter prescribed and making application for a license.

6. Any applicant for a license for place of entertainment shall file with the City Clerk true copies in duplicate of the articles of incorporation and by law, if the applicant be a corporation, true copies of any articles of association and bylaws, if the applicant be an association; and a list of the officers, directors, owners, managers, and stockholders of said place of entertainment.

(a) If changes occur in the aforesaid officers, directors, stockholders, owners or managers of any place of entertainment after filing of their names with the City Clerk as aforesaid at any time during the year, said applicant shall furnish such changes in

writing in duplicate or on the forms provided by said City Clerk within one week after their occurrence.

(b) The City Clerk shall forward one copy of said list of officers, directors, stockholders, owners and managers to the Chief of Police, who shall cause a check to be made on any of the persons named therein and report in writing thereafter to said City Clerk as to his findings

7. At the time the application is filed, the applicant shall deposit two hundred fifty (\$250. 00) with the City Clerk which shall be used by the Clerk to defray the cost of the notices required by section 8 to be published in a newspaper, to pay the clerk's cost for the docketing of the application on the order book of the City and for recording such orders of the City Commissioners as may be entered therein. Said fee shall also defray cost of the investigative expenses incurred by the Chief of Police.

8. When the application is filed with the clerk he shall have a notice that the application has been filed and published pursuant to KRS Chapter 424.

9. The Police Chief after an application has been filed, shall investigate the applicant and file with the City Clerk 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 clerk within thirty (30) days after the application is filed. Said report shall include any criminal convictions of any of the persons mentioned in paragraph 6(b) as well as a community impact study which includes any concerns and effects of the proposed place of entertainment on the community in its near proximity of the proposed business.

10. After the expiration of thirty (30) days from the date on which the application is filed, the City Commissioner shall hear evidence in support 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.

Upon a written recommendation of the Chief of Police to the City Commissioners a waiver of advertising and public hearing may be granted by the Council if the place of entertainment has been established and licensed under other management or ownership within the previous six (6) months prior to the date of application for the entertainment permit.

11. (a) From the decision of the City Commissioners 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 City Commissioner granting a permit, any citizen of tie count 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 City Commissioners 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 person losing the appeal.

12. Every place of entertainment having a license under the provisions of this ordinance shall close and remain closed between the hours of 12:00 o'clock at night and 4:00 o'clock a.m. and shall not permit or suffer such place to be kept open from

midnight Saturday night until 12:00 noon on Sunday.

13. 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) 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 on the order book of the City;

(d) Engaging in fortune telling at any location except that specifically stated in his permit;

(e) Engaging in fortune telling without first posting in a conspicuous place, both inside and outside the premises at which he is authorized to engage in fortune telling, and without first filing with the clerk a schedule showing in detail the fees charged for reading, predictions, and services of any nature.

14. It shall be unlawful to permit any person under the age of twenty-one years in or on that part of the premises subject to the control of any place of entertainment where persons are permitted to drink alcoholic beverages unless accompanied by and in custody of one of his parents or guardians.

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

(a) The judgment of the court shall provide for the forfeiture of the permit;

(b) A copy of the judgment shall be certified by the Court in which the conviction occurs to the Clerk and shall be recorded by him in the order book of the City; and

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

16. 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 City Commissioners.

17. The police shall visit places of entertainment regularly. Upon their observing any violation they shall make arrests without warrants for violations committed within their presence.

18. It shall be unlawful to refuse to grant admittance to the premises for which a license has been issued at any time upon the verbal request of any police officer, the health officer, or any member of the City Commissioners, for the purposes of making an inspection of such premises.

19. Every place of entertainment having a license under the provision of this article shall place and exhibit it in some conspicuous place in the premises licensed and shall produce or exhibit the same when applying for a renewal. thereof.

20. (a) Any person who violates this ordinance or any part thereof shall, be fined not more than five hundred dollars (\$500.00) or confined in the county jail not more than ninety (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 subsection (a) any owner or manager of a place of entertainment who violates any of the provisions of this ordinance shall be fined not more than five hundred dollars (\$500.00) or confined in the county jail not more than ninety (90) days, or both.

(c) Any association or corporation that violates this ordinance or any part hereof shall be fined not more than five hundred dollars (\$500.00). Each day that a place of entertainment is operated without a permit shall be a separate offense.

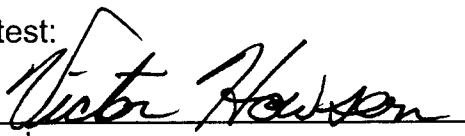
22. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

First reading: 11-6-00

Second reading: 12-4-00

  
Mayor

Attest:

  
Clerk