

CHAPTER 3  
AMUSEMENTS

ARTICLE I. IN GENERAL

Section 3-1. Circuses, carnivals and merry-go-rounds.

No person shall exhibit any circus, carnival, merry-go-round or any other show of any kind, at any place within the town, unless it be situated so as not to disturb or annoy any of the Citizens and unless in addition, it shall first have been approved by the town council.

ARTICLE II. OPEN AIR CONCERTS AND SIMILAR ENTERTAINMENTS

Section 3-2. Required; exception.

- (a) No person shall sponsor, organize or conduct within the town any open—air concert, music festival or other similar entertainment, for which an admission fee is charged or other consideration given for attendance thereat, except pursuant to a permit issued by the town council.
- (b) It shall be unlawful for any owner, person in charge, lessee or tenant of any property to permit the use of such property for any purpose for which a permit is required under this section, unless such permit has been granted by the town council.

Section 3-3. Application.

Each application for a permit under this division shall be in writing, signed and sworn to by the person who shall be in charge of the activity for which the permit is sought, and shall set forth the name and address of the applicant, the place and date for the holding of the activity, the number of persons expected to attend, arrangements to be provided by the applicant for the accommodation of the persons expected to attend, and such other information as may be required by the town council.

Section 3-4. Appearance of applicant before council.

Prior to issuance of a permit under this division, the town council may require the applicant to appear before the council, in open meeting, and answer such questions relative to the activity for which the permit is sought as may be deemed necessary by the members of the council, to enable them to determine whether or not a permit should be granted.

Section 3-5. Issuance or denial generally.

Subject to the provisions of Section 3-6, the town council may, in its discretion, issue a permit applied for under this division; provided, however, if upon due consideration the council shall find reasonable likelihood of any of the following, the permit shall be denied:

- (1) That adequate measures to preserve law and order, or to prevent the illegal use of drugs, narcotics, intoxicating liquor or marijuana, will not be provided by the applicant.
- (2) That the number of persons or vehicles expected to attend the activity for which a permit is sought would impose an undue burden on the streets and parking places of the town or the public ways entering the town.
- (3) That adequate sanitary facilities would not be provided for the persons expected to attend the activity for which the permit is sought.

- (4) That adequate facilities for providing food or lodging to those in attendance at the activity for which the permit is sought would not be available.
- (5) That the holding of the activity for which the permit is sought would be contrary to the peace, good order, comfort, convenience or general welfare of the town and its inhabitants.

Section 3-6. Payment of license tax prerequisite to issuance.

No permit shall be granted under this division until the license tax, if any, provided for in the license ordinance has been paid.

Section 3-7. Contents.

A permit issued under this division shall prescribe the time during which the activity is to be conducted and any other conditions or restrictions which the council deems necessary or desirable.

ARTICLE III. POOLROOMS AND  
BILLARD ROOMS

Section 3-8. Exemptions from article.

The provisions of this article shall not apply to an establishment in which not more than three (3) miniature bumper pool tables that operate on the coin-in-the-slot principle are exclusively kept or played.

Section 3-9. Minors prohibited.

- (a) No minor, unless accompanied by his parent, shall frequent, play in or loiter in any public poolroom or billiard room; nor shall the proprietor of any public poolroom or billiard room or his agent permit any minor to frequent, play in or loiter in any such place.
- (b) Any person violating the provisions of this section shall be guilty of a Class 3 misdemeanor.
- (c) Nothing in this section shall apply to any military or naval personnel in uniform in any poolroom or billiard room.

Section 3-10. Closing hours.

Public poolrooms and billiard rooms shall be closed and vacated each night not later than 1:00 a.m. and shall reopen the next morning not earlier than 7:00 a.m.

Section 3-11. Obstruction of view from outside.

No person owning, managing or otherwise in charge of any public poolroom or billiard room shall permit, at any time, any shades, blinds, curtains, screens or other obstructions to prevent a clear view from the outside into such room.

ARTICLE IV. PUBLIC DANCES AND DANCE HALLS  
DIVISION I. GENERALLY.

Section 3-12. Definitions.

For the purpose of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Public dance: A dance open to the general public where dancing is permitted at which an admission fee is charged, or for which compensation is in any manner received, either directly or indirectly, by cover charge or otherwise, or where refreshments or food, or any form of merchandise are served for compensation before, during or after dancing. The sale of any refreshments, foods or any form of merchandise at any such place or the exhibiting of such for sale shall be deemed direct compensation for such public dance within the meaning of this section.

Public dance hall: Any place or business open to the general public on a regular basis where dancing, is permitted, at which an admission fee is charged, or for which compensation is in any manner received, either directly or indirectly, by cover charge or otherwise, or where refreshments or food or any form of merchandise are served for compensation before, during or after dancing. The sale of any refreshment, foods or any form or merchandise at any such place or the exhibiting of such for sale shall be deemed direct compensation for any public dance hall within the meaning of this section. Notwithstanding the above provisions of this paragraph, a restaurant located in the town licensed under sections 4—98.1 and 4-98.2 of the Code of Virginia to serve food and beverages and having a dance floor, with an area not exceeding ten (10) percent of the total floor area of the establishment, shall not be considered a public dance hall.

#### Section 3-13. Violations of article.

Any person violating any of the provisions of this article shall be deemed guilty of a Class 3 misdemeanor.

#### Section 3-14. Rules and regulations of town police.

- (a) The town police may promulgate rules and regulations, not inconsistent with the provisions of this article, governing public dance halls and public dances, including hours of operation. Such rules and regulations shall be presented to and approved by the council prior to becoming effective. It shall be unlawful for any person to violate any of such rules and regulations.
- (b) The town police shall send a copy of the rules and regulations promulgated pursuant to this section to all holders of permits under this article.
- (c) In the event any person holding a permit under this article believes such rules or regulations to be inapplicable or too restrictive, he may, within ten (10) days after transmission thereof by the town police, appeal to the town council at its next regularly scheduled meeting. The decision of the town council shall be final.

#### Section 3-15. Right of entry of police.

Members of the police department may enter any public dance hail or public dance during all hours of operation to protect the peace and quiet of the town.

#### Section 3-16. Fire rules; building and zoning regulations.

The operation of a dance hail or other place where a public dance is held shall be in compliance with all applicable fire and health hazard regulations and all of the provisions of the building and zoning regulations of the town.

#### Section 3-17. Hours of operation.

The hours of operation for public dances and dance halls shall be the same as those prescribed by the alcoholic beverage control board for selling alcoholic beverages.

Section 3-18. Presence of certain persons prohibited.

It shall be unlawful for any person operating a public dance hall or public dance in the town to suffer or permit any person under the influence of alcoholic beverages, marijuana or any narcotic to enter or remain in such public dance hall or at a public dance.

DIVISION 2. PERMIT

Section 3-19. Required.

- (a) It shall be unlawful for any person to operate a public dance hall or hold a public dance in the town, unless he has a current permit so to do issued in accord with the provisions of this division.
- (b) This section shall not apply to dances held for benevolent, civic, patriotic or charitable purposes, or where dances are conducted under the auspices of religious, charitable or educational organization.

Section 3-20. Prerequisite to issuance of license.

No license tax shall be assessed by the town clerk and no license shall be issued for a public dance or public dance hall, until the permit provided for in this division has been granted by the council.

Section 3-21. Application generally.

- (a) Any person desiring a permit under this division shall make application to town council by obtaining and completing an application form to be obtained from the town clerk. When completed, such application shall be filed with the town clerk.
- (b) The application for a permit under this division shall contain, but shall not be limited to, the following information:
  - (1) The address where the proposed public dance hall will operate, or the address at which the public dance will be held.
  - (2) The name and address of the applicant who is or who will be the owner of the public dance hall or in charge of the public dance in question. If the owner is not the manager, in addition thereto, the name and address of the manager shall be given.
  - (3) If the owner or operator is a corporation, the application shall set forth the true or equitable owners of the stock of such corporation.
  - (4) A statement as to the type of food to be offered and the facilities to be provided for the preparation and service thereof.
  - (5) The amount of off-street parking space available for patrons.
  - (6) The names and addresses of the owners of the building and their interest in the business, if any.
  - (7) The proposed hours of operation of the business.
  - (8) The proposed hours that dancing will be permitted.

- (9) The type of music to be played on the premises.
- (10) Whether a license to serve alcoholic beverages is held or will be acquired. If so, what type of alcoholic beverages.
- (11) Three (3) character references for the applicant.
- (12) Any other times, dates or places the applicant may have operated a public dance hall or public dances.

Section 3-22. Application fee.

The applicant for a permit under this division shall deposit twenty dollars (\$20.00) when the application is made, to be used for the cost of investigating the applicant. The deposit shall not be refundable to the applicant under any circumstances.

Section 3-23. Investigation of applicant--Generally.

The town clerk shall forthwith cause to be conducted an investigation of the applicant, when he receives the fully completed application filed under this division and notice that the required deposit has been made.

Section 3-24. Same--Certification of results.

Upon completion of the investigation provided for in section 3-23, the town clerk shall certify to the town council that he has investigated the applicant and, if the findings so warrant, that the applicant is of good moral character and should receive a permit. Should the investigation disclose the applicant to be of bad moral character and not entitled to the permit, the town clerk shall so certify.

Section 3-25. Grant or refusal.

- (a) Upon receipt of the certification provided for in section 3—24, the town council shall, upon recorded vote, grant or refuse the permit applied for under this division. In making its decision, the council may, if it elects to do so, hear evidence and statements of citizens and others as to the suitability of the location of the public dance hall or the place where the public dance is to be held, and as to the fitness of the person who proposes to conduct the same.
- (b) If a permit is granted under this section, the council may set out such restrictions as it deems necessary for the preservation of the public health, safety and general welfare, and particularly the welfare of the youth of the town.
- (c) The grant or refusal of a permit applied for under this division shall be in the sole discretion of the town council.

Section 3-26. Not transferable.

A permit granted under this division shall not be transferable to any other person, nor shall a dance hall permit be transferable to any other location.

Section 3-27. Expiration and renewal.

Any permit granted under this division shall automatically expire one year after the date of issuance, unless sooner revoked, or suspended. The permit may be renewed automatically upon payment of the

business license fee unless a suspension pursuant to section 3—28 has been imposed or initiated within the twelve (12) months immediately preceding, in which case the permit may be renewed in the same manner and by the same procedure as the original permit was issued.

Section 3-28. Suspension--Generally.

- (a) The town clerk shall have the authority to suspend, for good cause, as set out in subsection (b) below, any permit issued under this division, by handing the holder thereof a written notice of suspension, which suspension shall be effective twelve (12) hours after delivery to the holder.
- (b) A permit granted under this division may be suspended by the town clerk for any of the following reason:
  - (1) Upon conviction of the permit holder for violation of the gambling laws of the state or any of the provisions of chapter 16 of this code.
  - (2) Upon certification and documentation by the town clerk that the premises covered by the permit are detrimental to the health, safety or general welfare of the citizens of the town.

Section 3-29. Same--Appeal.

- (a) Upon receiving the notice of suspension provided for in section 3-28, the permit holder may appeal the suspension by filing with the town clerk a written request that the action taken by the town clerk be reviewed by the dance review committee, which committee shall consist of two (2) members of the council appointed by the mayor on July first of each year. Upon the filing of such request, the suspension of the permit shall be delayed until all matters have been presented to the dance review committee.
- (b) The dance review committee shall hear and review all matters presented to it under this section within seventy—two (72) hours after the written request is filed with the town clerk to review the action of the town clerk. The committee shall reduce its findings to writing and a copy thereof shall be delivered, by a member of the committee, to the appellant and to the town clerk within twenty-four (24) hours after the hearing.
- (c) The decision of the dance review committee on an appeal under this section shall be effective until the next regular meeting of the town council, at which time the council shall render a final decision on the matter. The permit holder and the town clerk shall be entitled to present, at such council meeting, any matters concerning the suspension of the permit.