

ORDINANCE 94-8

AN ORDINANCE OF THE CITY OF RUSSELLVILLE, KENTUCKY REGULATING EXHIBITIONS AND CARNIVALS BY REQUIRING A LICENSE; PROVIDING DEFINITIONS REQUIRING INSURANCE, AND SECURITY; IMPOSING FEES AND PENALTIES; WITH SEVERABILITY AND REPEALER CLAUSES AND PROVIDING FOR AN EFFECTIVE DATE

THAT WHEREAS, the City Council of the City of Russellville has determined that it is in the best interest of the City to regulate exhibitions and carnivals within the City;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF RUSSELLVILLE, THAT:

Section 1: It shall be unlawful to conduct or operate within the City any exhibitions or carnivals which are open to the public without first securing a license therefor; provided, that this section shall not be held to apply to those amusements or exhibitions which are specifically licensed on other sections of this article or other articles in this chapter.

Section 2: The term "exhibitions" as used in this article shall be held to mean and include circuses, menageries, carnivals, side shows and other similar amusement enterprises which are open to the public and for admission to which a fee is charged.

The term "carnival" as used herein shall mean and include amusement activities, rides, merry-go-rounds, booths for the conduct of games of skill, food dispensing facilities and sideshows. A carnival shall not include gambling devices, games of chance, lotteries, punch boards or other activities in violation of City ordinances.

Section 3: In addition to other requirements set forth

herein the applicant shall furnish suitable evidence of his intention and ability to comply with the following conditions: The operator and sponsor of the carnival or exhibition shall each be wholly responsible for maintaining order, and for keeping the site clean, free of trash, papers and other debris. Trash containers in adequate number shall be placed in convenient locations for the use of the public.

No ride shall be placed in operation for public use until the same has been inspected for mechanical, structural, electrical and other hazards as required by state law. Adequate safeguards shall be placed to protect both operators and the general public from inadvertently coming into contact with moving parts, belts, motor gears, electrical switches and other possible or potential hazards.

Section 4: Upon application being made and proof of satisfaction of all requirements imposed by this Ordinance and upon payment of a license fee of \$ 15.⁰⁰ per day, the City Clerk shall issue license.

Section 5: No license shall be issued for conducting an exhibition or carnival until the applicant therefor has placed on file with the City Clerk a certificate or certificates of insurance indicating that there is in effect public liability insurance covering any damages arising out of the use and operation of any and all devices and facilities operated in connection with such carnival or exhibition. Such insurance shall be in the minimum amount of one million dollars for each person, and three million dollars for each accident.

Section 6: The applicant shall have adequate persons to provide security service on the premises of each exhibition or carnival during all hours of operation; the Chief of Police or the City Counsel, shall, as a condition of the issuance of a permit, have the authority to require the applicant to provide additional security service if the type, size, or location of the carnival requires additional security service for the protection of carnival patrons and nearby areas.

Section 7: Any person, firm or corporation violating any of the provisions of this article shall be fined not less than five dollars nor more than five hundred dollars for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Section 8: In the event any provision of this Ordinance is invalid for any reason, such invalidity shall not affect the validity of any other provisions.

Section 9: All portions of any section of any ordinance or rule or regulation in conflict herewith are hereby repealed to the extent of that conflict only.

Section 10: This Ordinance shall be effective upon its passage and publication according to law.

FIRST READING CONDUCTED on September 20, 1994.

SECOND READING CONDUCTED AND PASSAGE by roll call vote this 4th day of October, 1994.

AYES:

NAYES:

ABSTAINING:

ABSENT:

<u>Willie Hampton</u>	<u>None</u>	<u>None</u>	<u>None</u>
<u>Patricia Basham</u>			
<u>Howard Wren</u>			
<u>Russell Jones</u>			
<u>Jean Hankins</u>			
<u>Michael Baugh</u>			



KEN SMITH, MAYOR

ATTEST:



PEGGY JENKINS, CITY CLERK