

CITY OF LAMESA, TEXAS

CODE OF ORDINANCES

CHAPTER 41. AMUSEMENTS AND ENTERTAINMENT'S

ARTICLE C. CARNIVALS, CIRCUSES, MEDICINE SHOWS, AMUSEMENT RIDING DEVICES, AND TENT SHOWS

Section

- 41.061. Permit-Required
- 41.062. Application; approval
- 41.063. Fees
- 41.064. Grounds for revocation or refusal to issue permit
- 41.065. Supervision and policing

References

State Law - Local Government Code, Section 51.001 general powers of home rule municipality; Section 215.074 authority of municipality to regulate the location and conduct of places of public amusement; & Section 215.075 authority of municipality to license any lawful business or occupation that is subject to the police power of the municipality.

Health and Safety Code, Section 824.001 et. seq. Circuses, Carnivals, and Zoos. State licensing of said amusements.; & Section 341.067 sanitary requirements for amusement centers.

Insurance Code, Article 21.60. Amusement Ride Safety Inspection and Insurance Act. Amusement ride operation requirements include issuance and inspection standards. Municipal law enforcement authority may determine compliance with requirements.

Federal Law - Federal Animal Welfare Act (7 USC Section 3131 et. seq. ; Federal licensing and inspections.

§ 41.061. Permit-Required.

(a) It shall be unlawful to hereafter hold, sponsor or run a carnival, circus, medicine show, amusement riding device and/or tent show within the city, unless a permit to hold such enterprise is obtained in accordance with this chapter. This section shall not apply to shows or exhibitions held in established theaters, auditoriums or other permanent buildings in this city.

(b) A permit issued under this section shall cover one appearance in the city and shall be valid only for as many days as the carnival or circus remains continuously in the city, and a new permit shall be required each time the carnival or circus returns to the city.

(c) The term "carnival" shall apply to any show offering amusement rides or devices for public use.

§ 41.062. Application; approval.

A permit shall be issued by the city secretary to hold such carnival, circus, medicine show, amusement riding device and/or tent show when and only when a proper application in writing is submitted to him. Such application shall include:

- (1) the names, addresses and telephone numbers of all persons applying for such a permit, including the name, residence address, telephone number, and driver's license number of the manager or other individual to be principally in charge of the operation of the carnival or circus; and
- (2) the exact location where it is to be operated; and
- (3) the component parts of the enterprise, including:
 - (i) all concessions, shows, amusements, rides and other businesses; and
 - (ii) a description of the toilet facilities to be provided; and
 - (iii) a description of the security to be provided; and
- (4) the dates and the hours during which such activity is to be kept open to the public; and
- (6) the names and addresses of local persons connected therewith; and
- (8) a copy of the current state or federal license issued to the circus or carnival under the provisions of Chapter 824 of the Health and Safety Code of the State of Texas or the federal Animal Welfare Act; and
- (9) certificates of insurance in an amount not less than five hundred thousand dollars (\$500,000.00) for bodily injuries, including accidental death per occurrence and one hundred thousand dollars (\$100,000.00) for property damage; and
- (10) a description of the security services to be provided during the hours of operation to insure the safety of the people attending and in surrounding property;
- (11) proof that the operator is in compliance with all applicable provisions of the Amusement Ride Safety Inspection and Insurance Act of the State of Texas (Section 21.60, Insurance Code). A copy of the current affidavit required by Section 5 of that act shall be deemed sufficient; and
- (12) the applicant's Texas sales and use tax permit number and a copy of the applicant's Texas sales and use tax permit; and
- (13) a signed approval by the chief of police or his designee.

§ 41.063. Fees

The fee for a permit issued under this Article shall be seventy-five dollars (\$75.00).

§ 41.064. Grounds for revocation or refusal to issue permit.

(a) The chief of police may deny a circus or carnival permit to operate upon a finding of any of the following:

- (1) the application contains false or misleading information or required information is omitted; or
- (2) the location selected for the circus or carnival is inadequate for the purposes for which it is to be used; or
- (3) the circus or carnival does not have adequate toilet facilities on the premises where the circus or carnival is to be held; or
- (4) the circus or carnival has not provided for adequate security services in order to protect the persons in attendance and in surrounding property; or
- (5) the description of the circus or carnival does not assure that minimum standards of sanitation, health or safety will be provided; or that the circus or carnival will be conducted in an orderly fashion; or
- (6) no proof of or liability insurance policy has been provided; or
- (7) the failure to provide any other certificate, license or permit required by this article.

(b) If a circus or carnival permit is denied, the chief of police shall give a statement in writing giving the reasons for denial.

§ 41.065. Supervision and policing.

(a) The chief of police or his designee shall have supervision of the policing of carnivals, circuses, medicine shows, amusement riding devices and/or tent shows.

(b) Should the carnival or circus be issued a permit and conduct itself, or should any permittee's agents, servants or employees conduct themselves, in any unlawful manner, the chief of police may revoke the permit, and the fees be forfeited, upon notice to the applicant and after an opportunity for hearing concerning such activity.

(c) In the event any activity of the applicant, or applicant's agents, servants or employees constitutes a violation of the penal laws of the city or of the state, and such activity endangers the life, health, safety, morals or general welfare of the public, the chief of police shall have authority to order the carnival or circus closed immediately, but shall concurrently therewith advise the permit holder of such violation and give such holder an opportunity for hearing to explain or correct such activity.