

## Chapter 68 - Amusements and Recreation Places

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1. a) License Required.

It shall be unlawful for any person to maintain or operate any place of amusement or recreation, amusement or recreation devices, including without being in limitation of the foregoing the operation of roller skating rinks, carnivals, circuses, swimming pools, swimming beaches or places where swimming may occur, picnic grounds, groves, yards, and the like, pool rooms, billiard rooms, amusement parks or sites, auction houses or sites, indoor or outdoor theaters, amusement devices, games, tent shows or any exhibitions, mechanical or animal rides, and including the lending or rental of amusement devices or equipment for gain or profit, or premises licensed for on-site consumption of alcoholic beverages in conjunction with an entertainment permit issued by the Michigan Liquor Control Commission, without first having obtained a license therefor.

(Rev. 02-08-1993)

b) Applications.

Applications for licenses under this Chapter shall state the name and address of the applicant, the nature of the proposed business or activity, the proposed location thereof, a description of a proposed method of operation and of the activity or device contemplated, the names of the owner or owners of the said premises, whether said owners be legal or equitable owners thereof, lessees and the places of residence or business of each, together with any drawings, sketches, or other specifications required by the Clerk, and such other information as shall be reasonable and necessary to fully acquaint the City Clerk with the exact nature of the activity or device.

No license shall be issued except upon certification of the Chief of Police, the Fire Chief and the Building Inspector. The fees for licenses issued hereunder shall be as specified in Chapter 60 of this Code.

(Rev. 06-16-1997)

c) Order - Crowding.

The audience of any amusement show, or theatrical must be orderly and quiet at all times, and it shall be unlawful for any person attending such amusement, show or theatrical to create a disturbance in the audience.

It shall be unlawful to permit or gather such a crowd to witness any such amusement or show as to create a dangerous condition because of fire or other risks.

(Rev. 05-19-1980)

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d) Inspections.

It shall be the duty of the Chief of Police and the Fire Marshal to see that every exhibition, amusement, theatrical or other public show or amusement is inspected by a member of the Police and of the Fire Department, and to insure conformity with the previous concerning such amusements.

The licensee, his agent or employee shall at all times open every portion of any licensed establishment for inspection by the Police Department for the purpose of enforcing any of the provisions of this ordinance.

e) Duties of the Licensee.

The following regulations shall, where applicable, govern all amusement licenses within the City of Troy. No licensee or his agent or employee shall:

- i) Permit any disorderly conduct or the use of any immoral, profane, or indecent language or conduct offensive to public decency.
- ii) Suffer nor allow, in or upon the licensed premises, the annoying, molesting, or accosting and soliciting, for immoral purposes of any patrons or employees by other patrons and employees.
- iii) Permit any immoral, vulgar, suggestive, improper, or freak dancing by an agent or employee.
- iv) Allow or permit any person to smoke or hold a lighted cigar, cigarette, or pipe on the dance floor while dancing is permitted.
- v) Fail to provide separate and adequate dressing rooms for male and female entertainers, if entertainment is provided.
- vi) Permit or allow any patron to take any active part in any entertainment; except that patrons may engage or participate in group or community singing.
- vii) Permit overcrowding of the dance floor, nor provide less than two hundred square feet of dance space. Such dance space shall be plainly indicated by floor markings and shall be kept free of tables, chairs or any other obstacles during the time that dancing is permitted.
- viii) Permit the sale or service of any alcoholic beverage to any intoxicated person, or permit such person to dance, loiter or be employed on the licensed premises.
- ix) Permit employees, including entertainers, to eat, drink, solicit drinks or otherwise mingle with the patrons. Entertainers under eighteen (18) years of age shall not be permitted to remain in that portion of the licensed premises

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that is open to the public excepting during periods of actual performance or when accompanied by a parent, legal guardian or spouse over eighteen (18) years of age.

- x) Permit or be engaged in any illegal act or occupation on or beyond his licensed premises.
- xi) Permit or allow gambling or the use, possession, or presence of gambling apparatus or paraphernalia. Only those mechanical amusement devices which have been approved in accordance with Chapter 68 of the Troy City Code shall be permitted.
- xii) A licensee with an approved amusement license shall keep a record of each person employed as a dancer or other entertainer on an Entertainers Record Book which shall be kept on file on the premises and shall be open for inspection at all times by members of the Police Department.
- xiii) It shall be unlawful for any licensee, his agent or employee to require or accept any consideration, be it money, ticket, token, or other thing of value, in return for which any patron at a licensed establishment shall be privileged to leave such establishment in company with any employee or entertainer.
- xiv) It shall be unlawful for any licensee, his agent or employee to permit any person employed as a dancer or entertainer to perform a secondary service at that licensed premise including but not limited to selling cigarettes, photographing patrons, waiting tables, bartending, or checking coats and hats.

(Rev. 05-19-1980)

- xv) It shall be unlawful for any licensee, his agent or employee to employ any person as a dancer or entertainer who has a record of conviction for an offense involving gambling, narcotics, prostitution, pandering or any other offense involving moral turpitude, or a violation of any provisions of this article, within the preceding three (3) years.

f) Other Regulations Where Dancing and/or Entertainment is Permitted.

The Chief of Police is hereby authorized to make other reasonable regulations governing the maintenance and operation of any establishment regulated by this ordinance where dancing and/or entertainment is permitted.

(g) Accountability of Licensee.

Any licensee is hereby made responsible and accountable for a violation of this ordinance by any of his agents or servants, whether or not such violation is committed with his knowledge. The licensee and his agents or servants shall not allow patrons to do or commit any of the acts prohibited by this ordinance.

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h) Indecent Shows.

It shall be unlawful for any person, firm or corporation to present, exhibit, conduct or take part in any indecent show, theatrical, play, motion picture, exhibition or other form of public amusement or show.

(Rev. 05-19-1980)

i) Requirements of Licensee.

No license shall be issued to an applicant who has a record of a conviction for an offense involving gambling, narcotics, prostitution, pandering or any other offense involving moral turpitude, or a violation of any provision of this article, within the preceding three (3) years.

j) Severability.

If any provisions or clause of this ordinance or the application thereof to any person or circumstance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other ordinance provisions or clauses or applications thereof which can be implemented without the invalid provision, clause or application, and to this end the provisions and clauses of this ordinance are declared to be severable.

7.172 Applications.

Applications for licenses under this Chapter shall state the name and address of the applicant, the nature of the proposed business or activity, the proposed location thereof, a description of a proposed method of operation and of the activity or device contemplated, the names of the owner or owners of the said premises, whether said owners be legal or equitable owners thereof, lessees and the places of residence or business of each, together with any drawing, sketches or other specifications required by the Clerk, and such other information as shall be reasonable and necessary to fully acquaint the City Clerk with the exact nature of the activity or device. No license shall be issued except upon certification of the Chief of Police, the Fire Chief and the Building Inspector. All licenses, except those for auctions of less than one week, must be approved by resolution of the City Council. The fees for licenses issued hereunder shall be as specified in Chapter 60 of this Code.

(Rev. 09-30-1974)

7.173 Sanitary Facilities.

When the activity licensed is carried on within a building, the area that this activity is carried on shall be properly ventilated so as to supply all occupants with 1,200 feet of fresh air per hour, supplied with sufficient private conveniences so that there shall be at least one (1) women's toilet for each 3,000 square feet of floor space or fraction thereof, and at least one (1) men's toilet and one (1) urinal to each 6,000 square feet of floor space or fraction thereof, both of which conveniences shall at all times be kept in good, clean, and sanitary condition, and

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shall also contain at least one (1) wash stand in each of the men's and women's toilets for each 6,000 square feet of floor space or fraction thereof, the same to be provided with sanitary towels, and all of the aforesaid sanitary facilities shall at all times be kept in good, satisfactory working condition. There shall be at least one (1) sanitary drinking fountain for each 6,000 square feet of floor space or fraction thereof, which drinking fountain shall be plainly visible and all persons shall have reasonable access thereto; and all such premises shall be supplied with or equipped with at least one (1) adequate emergency exit, in addition to the main entrance, which exit shall be marked in red letters - "Exit", and such other fire and safety precautions taken and equipment installations made as shall be required by the Police and Fire Departments of said City. All building, stairs, and exits shall be free at all times from rubbish and inflammable material and shall also at all times be maintained in a safe and passable condition. In the event such licensed activity shall be carried on outdoors, said outdoor premises shall contain such sanitary and safety facilities as shall be prescribed by the Police and Fire Departments of the City of Troy and the State or Oakland County Health Department.

(Rev. 01-26-1981)

### 7.174 Endurance Contests.

It shall be unlawful within the city limits of the City of Troy to hold, conduct, aid, abet or participate in any speed or endurance contests or in any other activity which would endanger or tend to endanger the life, limb or health of any contestant or spectator, except by and with the express permission of the City Council of the City of Troy.

(Rev. 09-30-1974)

### 7.175 Noise Control.

All musical devices, radios, mechanical pianos, phonographs, orchestras, or any other noise-producing device, including without being in limitation of the foregoing any public address system, so called, which may be operated in connection with the business of any licensee shall be housed within an enclosed building and so operated so as not to become a nuisance and so as not to disturb the peace and dignity of the people of the City of Troy. No such device shall be permitted on the outside of any building or in any other place in which it is so located so as to transmit the sound of any such device over and onto any premises other than those occupied and used by the licensee.

### 7.176 Illegal Activity.

No illegal enterprise shall be harbored, maintained, endured or permitted nor shall the same be participated in within the limits of the City nor shall gambling or games of chance be therein held, maintained or permitted.

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### 7.177 Operate on Premises; Inspection.

All such businesses or activities contemplated herein and all devices and animals and persons used in connection with said businesses shall be confined strictly to the premises used and operated by such licensee and described in the permit or the application submitted. No such activity shall be conducted or permitted to be conducted by a licensee on any public street, alley or highway, including all right of ways therewith included. All licensees shall at all times permit and assist City employees in the inspection of all such premises used in the conduct of activities contemplated in this Chapter, and each applicant for a license or permit hereunder shall agree to permit the free and unencumbered inspection of all portions of the licensee's premises by employees of the City of Troy at such times and frequencies as the City shall in its discretion determine.

### 7.178 Exemptions.

The provisions of this Chapter shall not apply to any municipal activity of the sort contemplated herein or where such activity is conducted in private homes, on a non-profit basis, or by any society or organization where the attendance is restricted to members of the society or organization, private home and invited guests, and where the organization or society does not engage in such activity as a business or commercial enterprise.'

**POOLS AND BEACHES**

**7.181**      Pools and Beaches.

Swimming pools, beaches, or other places for swimming, wading, or bathing licensed hereunder shall observe all reasonable precautions to protect the users thereof from injury or accident. Convenient means of ingress and egress shall be provided and the depth of water and any irregularities of the bottom shall be clearly indicated. Safety appliances such as lifebuoys, lifebooks, bamboo poles, ropes, and equipment, including first aid kits, shall be provided and made readily accessible. A sufficient number of qualified attendants and guards shall be on duty when the swimming or bathing place is in use, which attendants and guards shall be capable swimmers, competent in and trained in lifesaving methods and artificial resuscitation. No such place shall be used or maintained by any person, firm, corporation, or agents, employees or subcontractors thereof where the water contains sewage, waste or other contaminating or polluting ingredients rendering the water hazardous to health, and the construction, operation, and maintenance of any such swimming or bathing place shall at all times comply with all the state laws, rules, regulations, and any other requirements of the Department of Health of the State of Michigan.

**7.182**      Health of Patrons.

No person having any skin eruptions, abrasions, sore or infected eyes, a cold, nasal or ear discharge, or any communicable disease shall be permitted to use a swimming or bathing place, and the licensee hereunder shall post suitable placards embodying such personal regulations and instructions in a conspicuous place for all users to see.

**7.183**      Telephone.

All pools and beaches licensed hereunder shall at all times maintain in working condition at least one (1) telephone connected in such a manner as to make possible the use thereof in the telephone service network of the Michigan Bell Telephone Company in order that there might be telephonic communication at all times between the licensed premises and other users of the telephone system operated by the Michigan Bell Telephone Company.