

ORDINANCE NO. 199

AN ORDINANCE PROVIDING FOR THE OPERATION,
LICENSING, AND CONTROL OF THEATERS IN THE
CITY OF SHERWOOD, AND DECLARING AN EMERGENCY.

THE CITY OF SHERWOOD DOES ORDAIN AS FOLLOWS:

Section 1. Definition of Terms:

(a) Person. The term "Person" wherever used in this ordinance shall be held and construed to mean and include natural persons of either sex, firms, co-partnerships, associations and corporations, whether acting by themselves or by servant, agent or employee, and the singular shall include the plural and the masculine shall include the feminine.

(b) Theater. The term "Theater" wherever used in this ordinance shall be held and construed to mean and include a moving picture theater, whether held within a building or conducted in an open area, where pictures are displayed, ~~and all other places for the purpose of displaying pictures and shall include all public entertainment where an admission fee is charged.~~

Section 2. It shall be unlawful for any person to engage in the business of operating a theater within the City of Sherwood without first securing a license therefor under the provisions of this ordinance.

Section 3. Any license issued under this ordinance may be cancelled by the Council for any violation of the terms thereof or for any violation of any of the ordinances of the city or the State laws governing the operation of theater buildings. When any license shall be cancelled by the Council, there shall be refunded to the licensee the unearned portion of the license fee paid.

Section 4. (a) There is hereby authorized to be issued by the City Recorder in the manner hereinafter specified one license for a theater for each 2000 persons or fraction thereof as shown by the latest official census for the City of Sherwood.

(b) More than one license may be obtained by the same person, and the owner or holder of a license or licenses shall have preference for the renewal thereof for the ensuing year, providing that the license is in good

standing at the date of applying for the renewal thereof; provided, however, that no person shall obtain and hold a license thereby prohibiting an issuance of another license unless the holder of the license shall actually conduct and maintain and operate a theater within the City of Sherwood.

Section 5. Any person desiring to obtain a license to operate a theater within the City of Sherwood shall file with the Recorder an application setting forth the following information:

- (a) The name and address of the applicant.
- (b) The nationality and citizenship of the applicant.
- (c) The number of licenses that he is applying for and the location of the places in which he intends to conduct the theater business.
- (d) Such other information as shall be required to give the licensing officer complete information as to the license applicant.

Section 6. Upon the receipt of the application herein provided for if the license or licenses applied for shall be permissible under the terms of this ordinance, the City Recorder shall proceed to examine the application to determine the suitability of the applicant to conduct the theater business within the City of Sherwood. In the event of doubt in the mind of the Recorder, or in the event that more than one application shall be filed for the same license, the application shall be submitted to the Council for their action. The decision of the Council upon the application or applications and the acceptance of any one applicant shall be binding and final.

Section 7. The license fee for the license herein provided for is hereby fixed at the rate of \$2.50 per quarter and shall be paid on or before the first day of the first calendar month of each calendar quarter of each year.

Section 8. All theater operators shall conduct their business under the terms and regulations of this ordinance and agree in accepting said license to abide by all of the rules and regulations of the Council

adopted from time to time, regulating the theater business; and the issuance of the license shall be upon the following conditions:

- (a) The theater operator is to conduct the theater and building, constructed and equipped with the necessary safety fire exits, in conformity with the regulations of the State Fire Marshall's Office.
- (b) Their projection room shall be equipped and operated in accordance with the fire regulations of the State Fire Marshal's Office.
- (c) They will not display any picture that shall be disapproved by the action of the City Council or such censor committees as the Council shall from time to time appoint.
- (d) They shall require the patrons to conduct themselves in an orderly manner and in such manner as will not be offensive to the other patrons of the theater and shall not permit any drinking of intoxicating liquor or other conduct within the theater which will be detrimental to the peace, health, safety and morals of the inhabitants of the City of Sherwood and the patrons of said theater.

Section 9. Any license issued hereunder shall be assignable by the owner thereof to any other person. The assignee, however, shall make a similar application to the City Recorder and shall be similarly examined and found to be qualified before any assignment of such license shall be valid, and the assignee shall take the license subject to all the limitations and restrictions existing at the time that the same was assigned.

Section 10. Whereas there is now no ordinance in the City of Sherwood licensing, regulating and controlling theaters and there is a theater operating in the city and it is necessary to the peace, health, and safety of the people of the City of Sherwood that the same be regulated at once, an emergency is therefore hereby declared to exist and this ordinance shall become effective upon its passage by the Council and approval by the Mayor.

Passed by the Council this 7 day of Feb., 1947.

Approved by the Mayor this 7 day of Feb, 1947.

C. H. Sanders
Mayor

ATTEST:

Floyd C. Shoop
Recorder