

## Chapter 865 - THEATRES AND EXHIBITIONS

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### **Sec. 865-1. - Discrimination in Theatre Prices.**

After opening for the reception or entertainment of persons attending any theatrical exhibition, public show or exhibition of whatever name or nature, for which money or other reward is in any manner demanded or received, it shall be unlawful for any person or persons, owning or having control or charge of any such show or exhibition or of the sale or disposal of tickets or seats for such show or exhibition, to sell or dispose of, or to permit the sale or disposal of such tickets or seats, so as to reserve particular seats in any portion of the show or exhibition to any individuals, or in any way to discriminate in the right to or sale of any such seats. Every place of amusement shall have a printed copy of this section framed and hung up at the door in some conspicuous place.

(C.O. 712-1; renumbered to C.M.C. 865-1, eff. Jan. 1, 1972)

**Cross reference—** Penalty, § 865-99-A.

### **Sec. 865-3. - Scale of Prices, Advertisement.**

Whenever any theatrical show or exhibition of any name or nature is given at any hall or building licensed as a theatre, and for admission to which money is demanded, if such theatrical show or exhibition is advertised by the proprietor of such theatre, show or exhibition in any newspaper of general circulation published within the city of Cincinnati, every such advertisement shall state the

complete scale of prices for admission to such theatrical show or exhibition, and such scale of prices shall also be framed and hung up on some conspicuous place at the door of the theatre.

No person shall sell or dispose of any ticket or seat for such theatrical show or exhibition at a higher price for admission thereto than according to the scale of prices so published, framed and hung up.

No person shall sell or dispose of any ticket or seat for any such theatrical show or exhibition without such scale of prices having been first advertised, together with any newspaper advertisement of such show or exhibition, and also having been framed and hung up at the door of the theatre as above required.

(C.O. 712-2; renumbered to C.M.C. 865-3, eff. Jan. 1, 1972)

**Cross reference—** Penalty, § 865-99-B.

### **Sec. 865-5. - Theatre License Fees.**

The operation of any theatre, moving picture theatre, concert hall, or other place of amusement, entertainment or exhibition shall be subject to the payment by the owner or lessee thereof, of an annual license fee, for the period commencing on the date of issuance of the license and terminating on the 365th day thereafter, at the following rates:

Per seat for the first 500 seats, 75 cents.

Per seat for over 500 seats, 60 cents.

Where the accommodation is provided by benches or otherwise than by individual seats; the space of 18 inches shall be counted as a seat. License fees shall be payable annually in advance; provided that temporary licenses may be issued for periods of less than 20 consecutive days, at a rate per day equal to one-twentieth of the annual license fee which would be payable but in no event less than \$25.00.

The license fee payable hereunder shall include all activities conducted within the theatre.

(C.O. 712-5; a. Ord. No. 265-1962, eff. Aug. 4, 1962; a. Ord. No. 90-1969, eff. Apr. 1, 1969; renumbered to C.M.C. 865-5, eff. Jan. 1, 1972; a. Ord. No. 327-1975, eff. Sept. 1, 1975; a. Ord. No. 363-1978, eff. Sept. 7, 1978; a. Ord. No. 282-1979, eff. Sept. 1, 1979; Emer. Ord. 463-2010, § 49, eff. Dec. 30, 2010)

### **Sec. 865-7. - Drive-In Theatre License Fees.**

The operation of any drive-in theatre shall be subject to the payment by the owner or lessee thereof of an annual license fee, for the period commencing on the date of issuance of the license and terminating on the 365th day thereafter, at the following rate:

Per car space for the first 250 car spaces, \$2.

For each additional car space, \$1.

(C.O. 712-6; a. Ord. No. 265-1962, eff. Aug. 4, 1962; a. Ord. No. 90-1969, eff. Apr. 1, 1969; renumbered to C.M.C. 865-7, eff. Jan. 1, 1972; a. Ord. No. 327-1975, eff. Sept. 1, 1975; a. Ord. No. 363-1978, eff. Sept. 7, 1978; a. Ord. No. 282-1979, eff. Sept. 1, 1979)

**Sec. 865-9. - Consent of City Manager or his Designee Required.**

No license for the operation of a theatre, moving picture theatre, concert hall or other place of amusement, entertainment or exhibition shall be issued without the consent of the city manager or the city manager's designee, given in accordance with the provisions of Section 865-11.

(C.O. 712-8; renumbered to C.M.C. 865-9, eff. Jan. 1, 1972; a. Ord. No. 92-1977, eff. Mar. 23, 1977)

**Sec. 865-11. - Restrictions on Issuance of License.**

The city manager or person designated by the city manager shall not give consent to the issuance of any license to operate any theatre, concert hall, or any place of amusement, entertainment or exhibition, to any person, firm or corporation if such person or any officer of such firm or corporation has been convicted within the preceding 10 years of a felony or within the preceding 5 years of a misdemeanor involving moral turpitude.

No license to operate a theatre, concert hall, or any place of amusement, entertainment or exhibition shall be issued without the written approval of the division of building construction inspection and the fire division indicating the building is constructed and maintained in strict accordance with all laws, ordinances and regulations governing the erection, maintenance and conduct of buildings used for such purpose. No application for renewal of an existing license shall be approved if prior to the expiration of the existing license the division of building construction inspection or the fire division notifies the city treasurer in writing that the building is not constructed or maintained in strict accordance with all laws, ordinances and regulations governing the erection, maintenance and conduct of buildings used for such purpose.

If the building in which it is proposed to maintain such theatre, concert hall, place of amusement, entertainment or exhibition is within 300 feet of any church, school or public library, and the city manager or designee shall, upon investigation, find the establishment of such theatre, concert hall, place of amusement, entertainment or exhibition at such a place would be injurious or harmful to the morals of the children or the people attending such church, school or library, then and in that event the city manager or designee may refuse consent to the issuance of such license.

If it is proposed to locate such theatre, concert hall, place of amusement, entertainment or exhibition in a residential district of the city, and a majority of the owners or occupants of structures or property located within 300 feet of such proposed building protest in writing against the issuance of such license previous to the time at which such consent of the city manager or designee is given, then and in that event the city manager or designee, if finding upon investigation that it would be for the best interests of such neighborhood, shall refuse consent to the issuance of such license.

When the city manager or designee gives consent to the issuance of such license, and the license is issued in pursuance thereof, it shall be upon the express condition that the city manager or other designated officers of the city shall at all times have access to such theatre, concert hall, place of amusement, entertainment or exhibition, and that if at any time, in the opinion of the city manager or designee, the performance, entertainment or exhibition given in such place is immoral, indecent or injurious to the public welfare or morals, then the city manager or designee shall have power to revoke the license without refund.

(C.O. 712-9; renumbered to C.M.C. 865-11, eff. Jan. 1, 1972; a. Ord. No. 92-1977, eff. Mar. 23, 1977; a. Ord. No. 237-1979, eff. June 6, 1979)

**Sec. 865-13. - Free Permit Where Purpose is Charitable, Educational.**

The city manager or the city manager's designee may grant without cost to any proprietor or lessee of any theatre, moving picture house, concert hall or other place of amusement, entertainment or exhibition, a permit to use such place for not more than six consecutive days for an entertainment or exhibition that may be given for the benefit of a church, or for any benevolent, charitable, educational, religious or purely public purposes.

(C.O. 712-11; renumbered to C.M.C. 865-13, eff. Jan. 1, 1972; a. Ord. No. 92-1977, eff. Mar. 23, 1977)

**Sec. 865-15. - No License Fee Required for City-Owned Places of Amusement.**

Places of amusement or of an educational character, owned and controlled by the city of Cincinnati, and not being operated for profit, shall not be required to pay a license fee.

(C.O. 712-12; renumbered to C.M.C. 865-15, eff. Jan. 1, 1972)

**Sec. 865-17. - Repealed.**

(C.O. 712-14, a. Ord. No. 265-1962, eff. Aug. 4, 1962; a. Ord. No. 90-1969, eff. Apr. 1, 1969; renumbered to C.M.C. 865-17, eff. Jan. 1, 1972; a. Ord. No. 327-1975, eff. Sept. 1, 1975; a. Ord. No. 282-1979, eff. Sept. 1, 1979; r. Ord. No. 349-1982, eff. Sept. 1, 1982)

**Sec. 865-19. - Game Arcade, License Fee.**

Any person, firm or corporation operating a game arcade shall pay an annual license fee of \$75.00 for each establishment operated.

No license shall be issued to operate a game arcade without the consent of the city manager or person designated by the city manager given in accordance with the provisions of Section 865-11.

For the purpose of this chapter, "game arcade" shall mean any arcade, room, building or enclosure where six or more coin-operated machines or devices are kept for entertainment of the public for profit.

(C.O. 712-15; a. Ord. No. 265-1962, eff. Aug. 4, 1962; a. Ord. No. 90-1969, eff. Apr. 1, 1969; renumbered to C.M.C. 865-19, eff. Jan. 1, 1972; a. Ord. No. 327-1975, eff. Sept. 1, 1975; a. Ord. No. 92-1977, eff. Mar. 23, 1977; a. Ord. No. 282-1979, eff. Sept. 1, 1979; a. Ord. No. 249-1982, eff. June 16, 1982; Emer. Ord. 463-2010, § 51, eff. Dec. 30, 2010)

**Cross reference—** Penalty, § 801-19, 801-99.

**Sec. 865-21. - Operation of Game Arcade Without License Unlawful.**

No person, firm or corporation shall operate a game arcade unless such operation shall have been duly licensed as provided in Section 865-19.

(C.O. 712-16; renumbered to C.M.C. 865-21, eff. Jan. 1, 1982; a. Ord. No. 249-1982, eff. June 16, 1982)

**Cross reference—** Penalty, § 865-99.

**Sec. 865-23. - Ownership of Business.**

Every person required by this chapter to obtain a license for the operation of any theatre, moving picture theatre, drive-in theatre, game arcade, concert hall, or other place of amusement, entertainment or exhibition, shall, if exhibiting moving picture films, prior to the issuance of any original license or any renewal thereof, file with the treasurer of the city of Cincinnati, a sworn affidavit stating therein the name, home address and principal business address of each owner and the manager of the business or enterprise through which said theatre, moving picture theatre, drive-in theatre, game arcade, concert hall, or other place of amusement, entertainment or exhibition, is owned and operated if such business or enterprise is unincorporated, and the name, home address and principal business address of the stockholders owning 10 per cent or more of the stock, the directors, the officers and manager of such business or enterprise, if such business or enterprise is incorporated and within ten days following any change of information as contained in such affidavit a new affidavit shall be submitted setting forth such changes.

(C.M.C. 865-23; ordained by Ord. No. 234-1972, eff. July 1, 1972; a. Ord. No. 249-1982, eff. June, 16, 1982)

**Cross reference—** Penalty, § 865-99-D.

**Sec. 865-25. - Custody of Films.**

Every person required by this chapter to obtain a license for the operation of any theatre, moving picture theatre, drive-in theatre, game arcade, concert hall, or other place of amusement, entertainment or exhibition, exhibiting moving picture films, shall, prior to the issuance of any original license or any renewal thereof, file with the treasurer of the city of Cincinnati a sworn affidavit stating therein the name and home address of the person or persons who shall, at any and all times, have the legal possession, care, custody and control of the motion picture films on the premises and within 10 days following any change of information as contained in such affidavit a new affidavit shall be submitted setting forth such changes.

(C.M.C. 865-25; ordained by Ord. No. 234-1972, eff. July 1, 1972; a. Ord. No. 249-1982, eff. June 16, 1982)

**Cross reference—** Penalty, § 865-99-D.

**Sec. 865-27. - License Revocation.**

In the event any theatre, moving picture theatre, drive-in theatre, game arcade, concert hall, or other place of amusement, entertainment or exhibition which has heretofore been licensed or which may hereafter be licensed fails to comply with the provisions of Sections 865-23 and 865-25 of this chapter, the city manager shall revoke such license if, after 10 days following the receipt of the written notice of violations, the licensee fails to correct the violations involved. Upon revocation of the license, the licensee shall cease operation of the theatre, moving picture theatre, drive-in theatre, game arcade, concert hall, or other place of amusement, entertainment or exhibition. The revocation of the license shall not affect any of the other penalty provisions provided for in this chapter.

(C.M.C. 865-27; ordained by Ord. No. 234-1972, eff. July 1, 1972; a. Ord. No. 92-1977, eff. March 3, 1977; a. Ord. No. 582-1979, eff. Dec. 27, 1979; a. Ord. No. 249-1982, eff. June 16, 1982)

**Cross reference—** Penalty, § 865-99-D.

**Sec. 865-29. - Festival Seating or General Admission Prohibited; Exemptions.**

(Ordained by Ord. No. 582-1979, eff. Dec. 27, 1979; r. Ord. No. 518-1981, eff. Dec. 9, 1981; a. Ord. No. 223-1997, eff. Aug. 4, 1997; r. Ord. No. 267-2004, eff. Aug. 4, 2004)

**Sec. 865-31. - Emergency On-the-Scene Authority of Police and/or Fire Officer in Charge.**

At all theaters, arenas, concert halls and all other places of assembly when the maximum capacity of the facility is 3,000 or more, or the anticipated crowd is 3,000 or more, the sponsor of the event shall publicize at least 48 hours prior to the event the time at which patrons may be permitted to enter the facility.

For crowd control purposes inside or outside at theaters, arenas, concert halls and all other places of assembly, whether indoor or outdoor, the police officer or fire officer in charge at the scene shall have authority to order the placement or removal of barriers, the opening or closing of doors or other entrances, the establishment of check points, or other crowd control measures whenever the size, manner, nature or conduct of the crowd in light of all other facts and circumstances at the time, including the number of personnel on the scene to control and/or to accommodate the crowd, indicate that the risk of substantial danger or injury to persons or property warrants such action.

Nothing in this section shall be construed in any way to lessen in any fashion the liability of those responsible for the management and operation of the event, including the employment of adequate personnel for security, safety, health and sanitation.

(Ordained by Ord. No. 583-1979, eff. Dec. 27, 1979; a. Ord. No. 515-1981, eff. Dec. 9, 1981)

**Sec. 865-33. - Selling of Tickets Over Capacity of Places of Assembly.**

It shall be unlawful to sell, give away or in any other way disseminate tickets to all theaters, arenas, operas, concert halls and other places of assembly over the maximum capacity of said theater, arena, opera, concert hall or other place of assembly, which capacity is determined in accordance with the provisions of Section 1203-3 of the Cincinnati Fire Prevention Code.

(Ordained by Ord. No. 66-1980, eff. Feb. 27, 1980; a. Ord. No. 865-33, eff. Dec. 9, 1981)

**Sec. 865-99. - Penalties.**

Violations of the provisions of this chapter shall be punishable as set forth in the sections hereunder and other applicable penalty sections of this code.

(C.M.C. 865-99; ordained by Ord. No. 361-1971, eff. Jan. 1, 1972)

**Sec. 865-99-A. - Violation of Section 865-1.**

Whoever violates any provision of Section 865-1 shall be fined not more than \$10. Each ticket or seat so disposed of or sold shall be deemed and held to be a separate offense and violation.

(C.O. 712-1; renumbered to C.M.C. 865-99-A, eff. Jan. 1, 1972)

**Sec. 865-99-B. - Violation of Section 865-3.**

Whoever violates any provision of Section 865-3 shall be fined not more than \$50. Each ticket or seat sold or disposed of contrary to the provisions of this section shall be deemed and held to be a separate

offense.

(C.O. 712-2; a. Ord. No. 414-1970, eff. Dec. 23, 1970; renumbered to C.M.C. 865-99-B, eff. Jan. 1, 1972)

**Sec. 865-99-C. - Violation of Section 865-21.**

Whoever violates any provision of Section 865-21 shall be fined not more than \$50. Each day's operation of a penny arcade without a license shall constitute a separate offense.

(C.O. 712-16; renumbered to C.M.C. 865-99-C, eff. Jan. 1, 1972)

**Sec. 865-99-D. - Violation of Sections 865-23, 865-26 and 865-27.**

Any person who shall violate any of the provisions of Sections 865-23, 865-25 and 865-27 shall be guilty of a misdemeanor and shall be fined not more than \$200 and each day such violation exists shall constitute a separate violation.

(C.M.C. 865-99-D; ordained by Ord. No. 234-1972, eff. July 1, 1972)

**Sec. 865-99-E. - Violation of Section 865-20 and Section 865-33.**

Whoever violates Section 865-29 or Section 865-33 shall be guilty of a misdemeanor punishable by six months imprisonment or a fine not to exceed \$1,000.

(Ordained by Ord. No. 582-1979, eff. Dec. 27, 1979; a. Ord. No. 66-1980, eff. Feb. 27, 1980)

**Sec. 865-99-F. - Violation of Section 865-31.**

Whoever fails to publicize the time for opening the doors as required in Section 865-31 or to open the doors at the scheduled time, or to comply with an order of the police officer in charge pursuant to Section 865-31 shall be guilty of a misdemeanor punishable by six months imprisonment or a fine not to exceed \$1,000.

(Ordained by Ord. No. 583-1979, eff. Dec. 27, 1979)