

**TITLE XI BUSINESS REGULATIONS  
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FAYETTEVILLE CODE OF ORDINANCES  
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**CHAPTER 112: AMUSEMENTS**

**112.01 Carnivals**

- (A) *Permitted location.* It shall be lawful for carnival companies to set up the usual stands and equipment and to conduct the usual business of carnival companies in the city, provided that the stands, amusement machines, and other attractions usually accompanying carnival companies are located not closer than one mile to the public square and that all requirements of the Unified Development Code have been met.
- (B) *Privilege tax.* A privilege tax of \$300.00 is hereby levied against every carnival company for the privilege of exhibiting for a period of not more than one week in the zone or zones permitted in subsection (A), which tax shall be paid to the city before any of the equipment or amusement devices, building, tents, or other property of such carnival company is erected, installed, or put in operation, as the case may be.
- (C) *Definition.* As used in this section, the word "company" shall include any corporation, firm, association, or individual.

(Code 1965, §17-1; Ord. No. 922, 8-4-47)

**Cross reference(s)**--Penalty, §10.99, Carnival, etc., §163.04.

**112.02 Obscene Materials**

- (A) No person shall import, print, publish, exhibit, display, sell or distribute any book, pamphlet, ballad, printed paper, stereopticon slide, moving picture film, or other thing, containing obscene language or any obscene prints, figures, pictures, or descriptions.
- (B) No person shall buy, procure, receive, or have in his possession any book, pamphlet, ballad, printed paper, stereopticon slide, moving picture film, or other thing for the purpose of sale, exhibition, loan, or circulation containing obscene language or any obscene prints, figures, pictures, or descriptions. Whenever any police officer arrests any person charged with any offense under the provisions of this subsection, he shall seize one copy of the book, pamphlet, ballad, printed paper, picture, slide, film, or other thing, and take it into his custody as evidence of the offense.
- (C) A person commits the offense of distributing obscene materials when he sells, lends, rents,

gives, advertises, publishes, exhibits, or otherwise disseminates to any person any obscene material of any description, knowing the obscene nature thereof, or who offers to do so, or who possesses such material with the intent to do so.

- (D) Material is obscene when the average person, applying contemporary community standards, would find that the work taken as a whole, appeals to the prurient interest; the work depicts or describes, in a patently offensive way, sexual conduct specifically defined by applicable law; and the work, taken as a whole, lacks serious literary, artistic, political, or scientific value.

**112.03-112.98 Reserved**

**112.99 Penalty**

Any person violating any of the terms of §112.02 or failing or refusing to comply with the provisions thereof, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount of not less than \$50.00, nor more than \$200.00, and each separate showing shall be a separate offense.

(Code 1965, §17-1.1(b); Ord. No. 1901, 2-20-73)

