

COMPARED VERSION
NEW ORDINANCE TO CODE BOOKS

ORDINANCE NO. 160373

Amending Chapters 10 and 12 by revising multiple articles and sections that deal with adult entertainment, and, carnivals, street fairs and rodeos which add additional restrictions as specified in the Missouri State Statute that pertain to adult entertainment businesses and specifies the Director of Neighborhoods and Housing Services oversees all articles in chapter 12.

WHEREAS, in August, 2010, changes made in the Missouri State Statute went into effect which further restricted adult entertainment businesses and adult live entertainment businesses; and

WHEREAS the ordinances of the City of Kansas City, Missouri that deal with adult entertainment businesses and adult live entertainment businesses cannot, by law, be less restrictive than the Missouri State Statutes; and

WHEREAS, Article I and Article VI no longer requires the Director of Finance to oversee these articles as the entirety of Chapter 12 will be overseen by the Director of Neighborhoods and Housing Services Department; and

WHEREAS, Article V which oversees carnivals, rodeos and street fairs has been revised to restructure the way property owners are identified within close range of a proposed site of a carnival, rodeo or street fair, while giving the Director of Neighborhoods and Housing Services the ability to issue reasonable rules and regulations to aid in the administration and enforcement of this article; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That multiple articles and sections under Chapters 10 and 12 are hereby amended by enacting in lieu thereof new articles and sections of like number and subject matter to read as follows:

Sec. 10-332. Restrictions and prohibited acts by all retail licensees.

(a) *Sales to minors or intoxicated persons.* No retail licensee, nor employee of the licensee, shall allow any alcoholic beverages to be sold, given or otherwise supplied upon the licensed premises to any person who is under of 21 years of age, or to a habitual drunkard, or to any person who is intoxicated or who is actually or apparently under the influence of alcoholic beverage.

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(b) *Consumption by minors.* No retail licensee, nor employee of the licensee, shall allow any person under 21 years of age to consume alcoholic beverages upon the licensed premises.

(c) *Sale for off-premise consumption.* No retail licensee or employee of the licensee shall sell, for off-premise consumption, any glass bottle containing more than ~~32~~30 ounces of malt liquor or nonintoxicating beer that is chilled or refrigerated to a temperature that is below room temperature of the licensed premises.

(d) *Serving or delivering in vehicles.* No retail licensee, nor employee of the licensee, shall sell or serve any alcoholic beverage to any person while the person is operating or is a passenger in or on any motor vehicle.

(e) No retail licensee, nor employee of the licensee, shall allow upon the licensed premises any act of prostitution as defined in the prostitution chapter of the Missouri Criminal Code, including the solicitation for prostitution.

(f) *Unauthorized sale of property.* No retail licensee, nor employee of the licensee, shall allow any person to offer for sale or sell any personal property upon the licensed premises unless the sale of the property has been authorized by the licensee or the manager or person in charge of the licensed premises.

(g) *Disorderliness, indecency or obscenity.* Upon the licensed premises, no retail licensee, nor employee of the licensee, shall:

- (1) Fail to immediately prevent or suppress any violent quarrel or disorder, brawl, fight or any other act or conduct prohibited or declared to be unlawful by this chapter.
- (2) Allow language, conduct or songs calculated to provoke a breach of the peace, or obscene literature, entertainment or advertising material.
- (3) Allow any employee, entertainer or customer to perform a dance of any kind upon a bar, table or any other place used for serving food or beverages.
- (4) Allow any person to be unclothed, or in less-than-opaque attire, costume or clothing, so as to expose to view the top of the areola, or any combination of the foregoing, or human male genitals in a discernibly erect state, even if completely and opaquely covered, ~~except as otherwise provided by this chapter.~~
- (5) Allow the performance of any acts of sexual conduct, including actual or simulated, normal or perverted acts of human masturbation; deviate sexual intercourse; sexual intercourse; or physical contact in an act of apparent sexual stimulation or gratification, with a person's clothed or unclothed

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genitals, pubic area, buttocks, or the breast of the female; or any sadomasochistic abuse or acts including animals or latent objects in an act of apparent sexual stimulation or gratification, as the terms are defined in the pornography and related offenses chapter of the Missouri Criminal Code.

(6) Allow the display of films or videotapes showing persons unclothed as described in subsection (g)(4) of this section, or allow the display of pictures, films, videotapes or other material depicting acts prohibited by subsection (g)(5) of this section.

(h) *Storing off-licensed premises.* No retail licensee shall store any alcoholic beverage off or outside of the licensed premises unless written request is filed with the director, and written approval is issued by the director; except that a licensee may store alcoholic beverages in a bonded warehouse or central warehouse, if he has first notified the director in writing of his intention to do so.

(i) *Unlicensed beverages on premises.* No retail licensee, nor employee of the licensee, shall allow upon the licensed premises any alcoholic beverages except the types the licensee is licensed to sell upon those premises.

(j) *Illegal drugs.* No retail licensee, nor employee of the licensee, shall possess, store, sell or offer for sale, give away, distribute or deliver any controlled substance or illegal drug or narcotic, as defined in the Missouri Comprehensive Drug Control Act, or similar statutes, upon the licensed premises, nor shall any licensee or employee allow any other person to engage in any of these acts upon the licensed premises.

(k) *Illegal gambling.* No retail licensee, nor employee of the licensee, shall participate or engage in illegal gambling or violate any federal or state laws in connection with gambling, upon the licensed premises, nor shall any licensee or employee allow any other person to engage in any of these acts upon the licensed premises.

(l) *Illegally purchased alcoholic beverages.* No retail licensee, nor employee of the licensee, shall allow on or about the licensed premises any alcoholic beverage which he has purchased or secured in violation of any city ordinance, or local, state or federal law.

(m) *Entertainment on premises.* No retail licensee nor employee of the licensee shall allow on or about the licensed premises:

(1) Any type of live entertainment unless the consent requirement, as outlined in chapter 10-214, has been met and the application has been approved by the director. The term live entertainment, as used in this chapter, shall include but shall not be limited to a dance hall, DJ, two or more live musicians, semi-nudeseminude dancing, stage show, floor show or contest.

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Any form of entertainment, live exhibition, performance or dance characterized by exposure of specified anatomical areas as that term is defined in section 80-20, or dance performed by a performer who is nude behind an opaque barrier, shall be prohibited unless the licensed location first complies with the zoning requirements set forth under section 80-156.

(2) Any type of entertainment unless the application has been approved by the director. The term "entertainment," as used in this chapter, shall include but shall not be limited to jukeboxes, pool tables, dart boards, video games, pinball machines or any other amusement device operated by the insertion of a coin, disc or other insertion piece.

(n) *Employees dancing on premises.* Upon the licensed premises:

(1) The dancer may perform a dance for a customer or customers but shall not intentionally touch any customer while performing a dance.

(2) The dancer shall not receive any payment or gratuity from any customer unless the payment or gratuity is placed into the dancers hand or under a leg garter worn by the dancer located at least four inches below the bottom of the pubic region.

(3) No dancer shall dance with any customer.

(4) No dancer shall sit at a table or the bar with any customers.

(5) No customer shall knowingly or intentionally touch any dancer.

(o) *Multiple business names posted on one licensed premises.* Multiple business names may not be posted on the exterior of a licensed premises unless:

(1) There is a separate entrance into the licensed premises for each different business name that will be posted, and;

(2) The original business name is included as part of any new business name and the size of the lettering of the business name is uniform on any interior or exterior sign that will be posted throughout the licensed premises, and;

(3) There must be open public access throughout the entire licensed premises where there are no closed doors or other physical barriers that separate the licensed premises in any way. However, it is permissible to keep any part of the licensed premises closed when it is not in use.

(p) *Nuisances.* No retail licensee or employee of the licensee shall cause a nuisance to or change in character of any residential area or the immediate area surrounding the licensed premises. Nuisances may include but will not be limited to

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noise, traffic and parking associated with the operation of the premises from patrons or other persons frequenting the premises.

~~(q) — *Lewd and indecent conduct.* No retail licensee, nor employee of the licensee, shall allow lewd and indecent conduct on or within the immediate vicinity of the licensed premises. Lewd and indecent conduct may include but will not be limited to public urination exhibited by persons frequenting the licensed premises or by the licensee or his employees, servants or agents.~~

Sec. 10-336. ~~Semi-nude dancing~~ Reserved.

~~(a) *Application.* No licensee shall allow semi-nude dancing upon the licensed premises unless written application therefor is filed with the director, and written approval is issued by the director.~~

~~(b) *Standards of conduct Licensee.* No licensee, nor employee of the licensee, shall allow any person to perform any semi-nude dance upon the licensed premises unless the following conditions are met:~~

~~(1) Any semi-nude dance must be performed upon a stage that is separated at every point by at least 6 feet from the nearest seated customer;~~

~~(2) The stage must contain no less than 100 square feet of surface and be at least 18 inches above the immediately adjacent floor level;~~

~~(3) The stage must be located at a place upon the licensed premises where any semi-nude dance is not visible from outside the premises; and~~

~~(4) Every person performing a semi-nude dance shall adhere to the standards of conduct set forth in subsection (d) of this section.~~

~~(c) *Dancer.* No person shall perform any semi-nude dance upon the licensed premises unless the following standards of conduct are met:~~

~~(1) The dancer shall have obtained an adult entertainer's permit as provided by chapter 12 of the code of ordinances, and the permit is not expired, suspended, or revoked;~~

~~(2) While performing a semi-nude dance, the dancer shall not display pubic hair, the anus, genitals or a pubic region, or any portion of the areola of the female breast;~~

~~(3) The dancer may perform a dance for a customer or customers while not present upon the stage described by subsection (c) of this section, but shall not intentionally touch any customer while performing a dance, and when not present upon the stage, the dancer shall not be unclothed, or in a less-~~

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~~than opaque attire, costume or clothing, so as to expose to view human genitals, pubic region or pubic hair, or anus, female breast or breasts below a point immediately above the top of the areola, or any combination of the foregoing, or human male genitals in a discernibly erect state, even if completely and opaquely covered;~~

~~(4) The dancer shall not receive any payment or gratuity from any customer unless the payment or gratuity is placed into the dancer's hand, under a leg garter worn by the dancer located at least 4 inches below the bottom of the pubic region, or on the stage;~~

~~(5) No dancer shall dance with any customer;~~

~~(6) No dancer shall sit at a table or the bar with any customers; and~~

~~(7) No dancer shall knowingly touch any specified anatomical area of another person, or allow another person to touch any specified anatomical area of the dancer; or no dancer shall knowingly fondle or caress any specified anatomical area of another person, whether the area is clothed, unclothed, covered or exposed, or allow another person to fondle or caress any specified anatomical area of the dancer, whether the area is clothed, unclothed, covered or exposed. The term "specified anatomical area" as used in this section shall be defined as in chapter 12 of the code of ordinances.~~

~~(d) Responsibility of licensee and dancer. Any person performing as a semi-nude dancer on the licensed premises shall be construed to be an employee of the licensee for purposes of this section and sections 10-332 and 10-335.~~

~~(e) Standards of conduct; customer. No customer shall knowingly or intentionally touch, fondle or caress any specified anatomical area of any dancer, whether the area is clothed, unclothed, covered or exposed.~~

ARTICLE I. - IN GENERAL

Sec. 12-2. Permit required for certain amusements.

The commissioner of revenue shall not issue a license for any of the commercial amusement places described in section 12-1 unless the applicant therefor shall present to him a permit to conduct such commercial amusement, issued to him by the director of finance, neighborhoods and housing services department or their designee. Such permit shall not be issued to any applicant who has been convicted of any felony or other offense involving moral turpitude.

Sec. 12-3. Character of licensees and employees.

All licensees mentioned in this article and their agents, servants and employees shall be persons known to be of good moral character.

Sec. 12-4. Responsibilities of proprietor or other person in charge.

The proprietor of any commercial amusement designated in section 12-1, or any person in charge thereof or connected with the management thereof, shall not refuse admittance to the director of ~~finance or his agents or designates of the department of~~ finance, neighborhoods and housing services or designee and such person shall not permit therein the violation of any ordinance or the violation of any regulation of the director of ~~finance~~ neighborhoods and housing services or designee provided for in this chapter.

Sec. 12-5. Right of access for purpose of inspection.

The director of ~~finance~~ neighborhoods and ~~his agents~~ housing services or ~~designates of the department of finance~~ designee shall at all times have free access to the places of commercial amusement described in section 12-1, and may enter therein for the purpose of making inspections.

Sec. 12-6. Prohibited acts by licensees and employees.

It shall be unlawful for any licensee mentioned in this chapter, or his agent, servant or employee, to:

- (1) ~~(1)~~ — Permit the licensed premises to remain open for business between the hours of 1:30 a.m. and 7:30 a.m., except when operating under a special permit granted by the director of finance, neighborhoods and housing services or designee. Such permit shall be granted if there is no indication that such will contribute to crime, delinquency or disturbance to neighborhoods or be harmful to the public welfare, and:
 - a. When patron groups, swing shifts and other people similarly situated are unable to use such facilities during normal hours of operation;
 - b. In order to complete state, national or other major sport tournaments; or
 - c. In special situations where normal hours of operation are not adequate for the needs of citizens participating in lawful recreation.

Any special permit issued under the provisions of subsections (1)a, b and c of this section shall be revoked by the director of finance, neighborhoods

and housing services or designee whenever measures required by this section cease to exist.

- (2) Permit any solicitation for or an act of prostitution, or permit the sale, distribution or delivery of any controlled substance, illegal drug or narcotic.
- (3) Permit any disorderly, offensive or obstreperous conduct on the premises.
- (4) Permit the consumption of intoxicating liquor or nonintoxicating beer, as defined in ~~section 10-1~~, section 10-1, on the premises; provided, however, that this restriction shall not apply to that portion of a bowling establishment which is duly licensed under the provisions of chapter 10, and provided further that in bowling establishments so licensed consumption of intoxicating liquor or nonintoxicating beer shall be prohibited in that portion of such licensed premises designated as the players' and spectators' area until after 4:00 p.m. on the days such licensed premises are allowed by law to be open.
- (5) Permit any person under the age of 16 years to be employed in any business or enterprise stated in section 12-1.
- (6) Permit any person under the age of 16 years on the premises of a pool hall or billiard parlor, unless accompanied by a parent or guardian, or without the minor first having procured a permit from the director of finance-neighborhoods and housing services or designee. Such permit shall be issued only after receipt of an application from the minor and a letter of consent from the minor's parent or legal guardian. Such permit may be limited to one or more establishments as designated in the letter of consent and may be modified or revoked by the director of finance-neighborhoods and housing services or designee at any time upon his receipt from the consenting parent or legal guardian of a written request for such modification or revocation.

Sec. 12-7. Denial ~~or recall~~ of permit.

(a) Authority of director of ~~neighborhood~~neighborhoods and ~~community~~housing services. The director of ~~neighborhood~~neighborhoods and ~~community~~housing services or designee shall not issue any permit ~~or authorization for license~~, and shall suspend ~~or recall~~ any such permit ~~or authorization~~ already issued, for the operation of any business or establishment mentioned in this chapter, at any location where, from previous experience or upon investigation, it is found that the operation of such business or establishment has or will create a neighborhood nuisance or disturbance, prove a menace to the public safety, or impair the health, peace or comfort of persons working or residing in the vicinity.

(b) *Appeals.* Any person wishing to appeal from any refusal to issue, or suspension ~~or recall~~ of any such permit ~~or authorization~~ may request a hearing before the director of neighborhood neighborhoods and community housing services or designee within ten days after such refusal, or suspension ~~or recall~~, and may present such evidence bearing upon the subject as he may desire. The director or designee may affirm, reverse or modify the action appealed from, as justice may require.

Sec. 12-8. Suspension or revocation of permit ~~and license.~~

The director of finance neighborhoods and housing services or designee shall have the power, for a violation of any of the provisions of this article, to revoke or suspend the permit of such commercial enterprises, upon notice and hearing ~~before the director of finance or before the commissioner of recreation designated by the director of finance for such purpose. Whenever the director of finance revokes or suspends such a permit, he shall notify the commissioner of revenue, and the commissioner shall thereupon revoke or suspend the permittee's license for such purpose.~~

Sec. 12-9. ~~Liability insurance for haunted house type facilities~~ Hearing.

~~As a condition precedent to a license being issued for operation of a haunted house type facility, the applicant shall furnish to the city a certificate of insurance, in a company approved by the director of finance, meeting the following requirements:~~

- ~~(1) — The policy shall provide for liability insurance with a combined single limit policy of \$500,000.00.~~
- ~~(2) — The city shall be added as an additional insured to such policy by separate endorsement.~~
- ~~(3) — The policy shall contain a separate endorsement requiring the insurance company to notify the city in writing of any change in or cancellation of the policy at least ten days prior thereto.~~
- ~~(4) — Before the license is issued or renewed, the permittee shall deposit with the city a certificate of insurance evidencing that the endorsements required by subsections (2) and (3) of this section have been issued.~~

**Sec. 12-10. ~~Certifications of haunted house type facilities in the central business~~
~~district.~~**

~~(a) As part of its application for its annual license, a haunted house type facility located in the central business district will provide a certification that it will comply and has complied in the previous year with the city's property maintenance code, including but not limited to section 56.467 regarding removal of signs. The central business district shall be defined for the purposes of this section as the area bounded on the north by I-~~

35/70, on the south by I-70, on the west by I-35, and on the east by I-35. The application for a permit under this article shall be approved or denied within 10 days from the date of the director of neighborhoods and housing services or designee's determination that the application is complete, unless the applicant agrees in writing to an extension of that time period. If an application is denied, the director shall notify the applicant in person, or by registered or certified mail to the address provided by the applicant.

(b) If within ten days after the director or designee mails notice to the applicant that the application has been denied, or, the permit has been suspended or revoked, the applicant files with the director or designee a written request for a hearing before the director or designee, then the director or designee shall within ten days of receipt of a timely request, mail a notice of a hearing to the applicant, which shall include the date, time and place for the hearing before the director or designee. The date for the hearing shall not be less than 30 days nor more than 90 days following the filing of the request for a hearing under this section, unless the aggrieved party requesting the hearing agrees to extend the time for the hearing.

(c) The applicant shall have full right to be represented by counsel, to produce witnesses, and to cross examine all witnesses who may appear against him. A record shall be made of the proceedings at such hearing, which shall be transcribed at the expense of the party requesting the transcription. In the grant or denial of an application, the director is authorized to determine whether the applicant will conduct the business in accordance with the provisions of this code. The director or designee's determination shall be based on information provided by the applicant, sworn testimony of witnesses, and official records of any municipal, state or federal government or court. If an application is disapproved or a permit is suspended or revoked, the director or designee shall notify the applicant in person or by registered or certified mail to the address provided by the applicant and shall state the basis for the denial.

Sec. 12-10. Judicial review of grant or denial of application.

An applicant affected by the action of the director of neighborhoods and housing services or designee in granting or denying an application for a permit or suspending or revoking a permit under this article may seek judicial review in the manner provided by law.

Sec. 12-11. Liability insurance for haunted house type facilities.

As a condition precedent to a license being issued for operation of a haunted house type facility, the applicant shall furnish to the city a certificate of insurance, in a company approved by the director of ~~finance~~neighborhoods and housing services or designee, meeting the following requirements:

- (1) The policy shall provide for liability insurance with a combined single-limit policy of \$500,000.00.

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- (2) The city shall be added as an additional insured to such policy by separate endorsement.
- (3) The policy shall contain a separate endorsement requiring the insurance company to notify the city in writing of any change in or cancellation of the policy at least ten days prior thereto.
- (4) Before the license is issued or renewed, the permittee shall deposit with the city a certificate of insurance evidencing that the endorsements required by subsections (2) and (3) of this section have been issued.

Sec. 12-12. Certifications of haunted house type facilities in the central business district.

As part of its application for its annual license, a haunted house type facility located in the central business district will provide a certification that it will comply and has complied in the previous year with the city's property maintenance code, including but not limited to section 56.467 regarding removal of signs. The central business district shall be defined for the purposes of this section as the area bounded on the north by I-35/70, on the south by I-70, on the west by I-35, and on the east by I-35.

ARTICLE II. ADULT ENTERTAINMENT BUSINESSES

Secs. 12-13—12-40. Reserved.

Sec. 12-42. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Adult cabaret means an adult live entertainment facility, or that part of an adult live entertainment facility, which regularly features or otherwise offers to the public, customers or members in a viewing area, any live exhibition, performance or dance by persons whose exhibition, performance or dance is characterized by the exposure of any specified anatomical area, or by specified sexual activities, or who otherwise appear unclothed or in such attire, costume or clothing so as to ~~expose to view specified anatomical areas~~; appear semi-nude.

Adult entertainment business means any business, commercial establishment, or premises to which the public is permitted or invited operating as an adult motion picture theater; bathhouse; sex shop; ~~and/or motion picture arcade booth establishment~~; and/or a sexual encounter center.

Adult live entertainment business means an adult cabaret.

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Adult live entertainment facility means any building, structure or facility which contains or is used for commercial entertainment, including theaters used for presenting live presentations, predominantly distinguished or characterized by their principal emphasis on matter displaying, depicting, describing or relating to specified sexual activities or specified anatomical area, and including adult cabaret facilities providing a live presentation, where the customers observe any live presentation, of any person wholly or partially nude with their genitals or pubic region exposed or covered only with transparent covering and additionally, in the case of a female person, with the areola and nipple of the breast exposed or covered only with transparent covering, or observe specified sexual activities.

Adult live entertainment facility premises means the bounds of the enclosure of an adult live entertainment facility that is licensed, or part of which is licensed, as an adult live entertainment business.

Adult media means magazines, newspapers, books, videotapes, movies, slides, cd-roms, digital video discs, other devices used to record computer images, or other media which are distinguished or characterized by their emphasis on matter displaying, depicting, describing or relating to specified sexual activities or specified anatomical areas.

Adult motion picture theater means a building or portion of a building (including any portion of a building which contains more than 150 square feet) used for presenting motion pictures, movies, videos or other projected images if such building or portion of a building as a prevailing practice excludes minors by virtue of age, or if, as a prevailing practice, the movies, videos or other material presented are distinguished or characterized by an emphasis on the display, depiction or description of specified sexual activities or specified anatomical areas for observation by patrons therein.

Bathhouse means an establishment or business which provides the services of baths of all kinds, including all forms and methods of hydrotherapy, unless operated by a medial practitioner or professional physical therapist, licensed by the state.

Commissioner means the commissioner of revenue of the city or his or her designee.

Customer means any person who:

- (1) Is allowed to enter an adult live entertainment or adult entertainment business in return for the payment of an admission fee or any other form of consideration or gratuity;
- (2) Enters an adult live entertainment or adult entertainment business and purchases, rents or otherwise partakes of any merchandise, goods, entertainment or other services offered therein; or

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(3) Is a member or guest of and on the premises of an adult live entertainment or adult entertainment business operating as a private club.

Director—unless otherwise described, means the director of neighborhood and community services, or a person designated by the director.

Display publicly—means exposing, placing, posting, exhibiting, or in any fashion displaying in any location, whether public or private, an item or material in such a manner that it may be readily seen and its content or character distinguished by normal unaided vision viewing it from a street, highway or public sidewalk, or from the property of others, or from any portion of the exhibitor's business, commercial establishment or premises, where items and material other than this material are offered for sale or rent to the public.

Employee—means any person who renders any service whatsoever to the customers of an adult live entertainment or adult entertainment business or who works in or about an adult live entertainment or adult entertainment business, and who receives compensation for such service or work from the operator or owner of the business or from the customers therein. The term "employee" includes managers, entertainers and independent contractors who work in or at or render any services directly related to the operation of an adult live entertainment business.

Entertainer—means any person who provides adult live entertainment within an adult live entertainment business, whether or not a fee is charged or accepted for entertainment.

Entertainment—means any display, exhibition or dance of any type, pantomime, modeling or any other performance.

Explicit sexual material means any pictorial or three dimensional material displaying or depicting human masturbation, deviate sexual intercourse, sexual intercourse, direct physical stimulation of unclothed genitals, sadomasochistic abuse, or emphasizing the depiction of post-pubertal human genitals; provided, however, that works of art or anthropological significance are not included in this definition.

Gross public floor area means the total area of the building accessible or visible to the public, including showrooms, motion picture theaters, motion picture arcades, service areas, behind-counter areas, storage areas visible from such other areas, restrooms (whether or not labeled "public"), areas used for cabaret or similar shows (including stage areas), plus aisles, hallways and entryways serving such areas.

Manager means any person who manages, directs, administers or is in charge of the affairs or conduct of any portion of any activity, including adult live or adult entertainment, occurring at an adult live entertainment or adult entertainment business.

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Material means anything printed or written, or any picture, drawing, photograph, motion picture film, videotape or videotape production, or pictorial representation, or any statue or other figure, or any recording or transcription, or any mechanical, chemical, or electrical reproduction, or anything which is or may be used as a means of communication. Material includes undeveloped photographs, molds, printing plates and other latent representational objects.

Media means anything printed or written, or any picture, drawing, photograph, motion picture, film, videotape or videotape production, or pictorial representation, or any electrical or electronic reproduction of anything which is or may be used as a means of communication. Media includes but shall not necessarily be limited to books, newspapers, magazines, movies, videos, sound recordings, cd-roms, digital video discs, other magnetic media, and undeveloped pictures.

Motion picture arcade booth means any booth, cubicle, stall or compartment which is designed, constructed or used to hold or seat a person and is used for presenting or viewing motion pictures or viewing publications which are distinguished or characterized by an emphasis on the display, depiction or description of specified sexual activities or specified anatomical areas by any photographic, electronic, magnetic tape, digital or other medium (including, but not limited to, film, video, magnetic tape, laser disc, digital video disc, cd-rom, digital video discs, books, magazines or periodicals) for observation by patrons therein. The terms "booth," "arcade booth," "preview booth," "video arcade booth," and "media room" shall be synonymous with the term "motion picture arcade booth." A motion picture arcade booth shall not mean a theater, movie house, playhouse or a room or enclosure or portion thereof which contains more than 150 square feet. No part of this definition shall be construed to permit more than one person to occupy a motion picture arcade booth at any time.

Motion picture arcade booth establishment is any business wherein one or more motion picture arcade booths are located. The terms "establishment" and "video arcade" shall be synonymous with "motion picture arcade booth establishment."

Operator means any person operating, conducting or maintaining an adult live entertainment or adult entertainment business.

Nudity or state of nudity means the showing of the human male or female genitals, pubic area, vulva, anus, anal cleft, or cleavage with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any part of the nipple or areola.

Owner means the proprietor, if a sole proprietorship; all partners (general and limited), if a partnership; or all officers, directors and persons holding ten percent or more of the outstanding shares, if a corporation.

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Person means any individual, partnership, corporation, trust, incorporated or unincorporated association, joint venture, governmental entity, or other entity or group of persons, however organized.

Primary live entertainment means that entertainment which characterizes the business, as determined (if necessary) from a pattern of advertising as well as actual performances.

Public place means any area generally visible to public view, and includes streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots and automobiles, whether moving or not.

Sadomasochistic practices mean flagellation or torture by or upon a person clothed or naked, or the condition of being fettered, bound, or otherwise physically restrained on the part of one so clothed or naked.

Semi-nude or state of semi-nudity means the showing of the female breast below a horizontal line across the top of the areola and extending across the width of the breast at such point, or the showing of the male or female buttocks. Such definition includes the lower portion of the human female breast, but shall not include any portion of the cleavage of the female breasts exhibited by a bikini, dress, blouse, shirt, leotard, or similar wearing apparel provided the areola is not exposed in whole or in part

Sex shop means a business offering goods for sale or rent and that meets any of the following tests:

- (1) ~~(1)~~—It offers for sale items from any two (2) of the following categories: adult media; sexually-oriented toys or novelties; lingerie; leather goods marketed or presented in a context to suggest their use for sadomasochistic practices; and the combination of such items constitutes more than ten percent of the stock in trade of the business or occupies more than ten percent of the gross public floor area of the business; or
- (2) ~~(2)~~—More than five percent of its stock in trade of the business consists of sexually-oriented toys or novelties; or
- (3) More than five percent of its gross public floor area of the business is devoted to the display of sexually-oriented toys or novelties.

Sexual encounter center means a business or commercial enterprise that, as one of its principal purposes, purports to offer for any form of consideration, physical contact in the form of wrestling or tumbling between two or more persons when one or more of the persons is semi-nude.

Sexually-oriented toys or novelties mean instruments, devices or paraphernalia either designed as representations of human genital organs or female breasts, or designed or marketed primarily for use to stimulate human genital organs.

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Specified anatomical areas means and includes: (1) less than completely and opaquely covered: human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola; and (2) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities—means sexual conduct, being actual or simulated, normal or perverted acts of human masturbation; deviate sexual intercourse; sexual intercourse; or physical contact, in an act of apparent sexual stimulation or gratification, with a person's clothed or unclothed genitals, pubic area or buttocks, or the breast of a female; or any sadomasochistic abuse or acts including animals or any latent objects in an act of apparent sexual stimulation or gratification, as such terms are defined in the pornography and related offenses chapter of the state's criminal code (RSMo ch. 573).

Viewing area—means the area where a customer, member or guest would ordinarily be positioned while watching an exhibition, performance or dance.

Sec. 12-47. Effective date of article; existing adult entertainment businesses and existing live entertainment businesses.

(a) Licenses and permits issued under the provisions of Article II of this chapter prior to its amendment by Second Committee Substitute for Ordinance No. 981345 shall be valid as though issued under this article and shall remain in full force and effect, subject to the following:

- (1) Those licenses shall be renewable under the provisions of this article.
- (2) Those licenses shall be subject to the affirmative duties, operational standards, criteria for suspension and revocation and other substantive provisions of this Article in effect on January 1, 1999.
- (3) Those licenses and permits for adult live entertainment businesses, adult entertainer's and adult live entertainment manager's which have been issued for the license and permit year 1998 shall continue to be valid through February 1, 1999.

~~(b)~~ (b) No person shall establish a sexually oriented business within one thousand feet of any preexisting primary or secondary school, house of worship, state licensed day care facility, public library, public park, residence, or other adult entertainment business. This subsection shall not apply to any adult entertainment business lawfully established prior to August 31, 2010. For purposes of this subsection, measurements shall be made in a straight line, without regard to intervening structures or objects, from the closest portion of the parcel containing the adult entertainment business to the closest portion of the parcel containing the preexisting primary or secondary school, house of worship, state-licensed day care facility, public library, public park, residence, or other adult entertainment business.

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(c) The commissioner shall identify each owner or operator of an adult entertainment business requiring a license hereunder having a valid zoning clearance and a valid occupational license as of December 31, 1998, but not required to hold and not actually holding a license under the provisions of this article as in effect prior to its amendment by Second Committee Substitute for Ordinance No. 981345. No later than January 15, 1999, the commissioner shall notify each such owner or operator of the enactment of this article, and shall furnish a copy of the article to each owner or operator.

(e)-d) Any owner or operator of an adult entertainment business that meets the requirements of subsection (b) of this section, and which shall be required to obtain an adult entertainment business license under the provisions of this article, shall submit a completed application for a license, in the manner provided by this article, no later than January 30, 1999, or if notified subsequent to January 15, 1999 not later than 15 days after such notification, provided that the requirements of section 12-56 shall not apply to that particular application.

(d)-e) If any owner or operator of an adult entertainment business that meets the requirements of subsection (b) of this section, and which shall be required to obtain an adult entertainment business license under the provisions of this article, shall fail to submit a completed application during the time provided in subsection (c) of this section, the provisions of this article shall become effective with respect to that business no later than 30 days after notification of the enactment of this article.

(e)-f) The commissioner shall investigate the application from any owner or operator who meets the requirements of subsection (b) of this section, in the manner provided by this article, and shall approve or disapprove such application in the manner provided in section 12-58 provided that the requirements of section 12-56 shall not apply to that particular application.

(f)-g) If any owner or operator of an adult entertainment business that meets the requirements of subsection (b) of this section shall submit a completed application during the time provided in subsection (c) of this section, the other provisions of this Article shall not become effective until the application is approved, or, if the application is disapproved, until ten days after the disapproval.

(g)-h) For any person who does not meet the requirements of subsection (b) of this section, and who shall be required to obtain an adult entertainment business license under the provisions of this article, the provisions of this article shall become effective ten days after enactment of this article.

(h)-i) Any owner or operator of a retail adult business required to obtain a license under this article as a "sex shop," which, prior to January 1, 1999, changes its product mix so that it does not meet the definition of "sex shop" shall not be subject to this article unless the same business includes as part of the same operation or on the same premises another adult business which is subject to this article.

Sec. 12-61. Hours of operation.

~~(a)~~—It shall be unlawful for any adult ~~cabaret~~entertainment business to be conducted, operated or otherwise open to the public, customers or members between the hours of ~~3~~12:00 ~~a.m.~~midnight and 6:00 a.m.

~~(b) It shall be unlawful for any motion picture arcade booth to be operated or otherwise open to the public, customers or members between the hours of 1:30 am. and 6:00 am.~~

Sec. 12-63.- Licensee's duties to monitor business and premises.

~~(a)~~—It is and shall be the affirmative duty of each licensee to:

- ~~(1)~~ Allow the business to be open to customers only when there is a designated manager on duty who is licensed as required under section 12-45; the name of the manager on duty at any time shall be prominently displayed at or near the ~~manager's~~operator's station;
- ~~(2)~~ Ensure that all lighting, including theater runway/aisles lighting, required by this Article actually operates, with working bulbs, turned on, during all hours when the business is open;
- ~~(3)~~ Post and enforce a "no loitering" policy on the business premises, including parking areas and other exterior parts of the business premises;
- ~~(4)~~ Prevent and ensure that no sexual activity, including actual sexual conduct; normal or perverted acts of human masturbation; deviate sexual intercourse; sexual intercourse; or physical contact, in an act of apparent sexual stimulation or gratification, with a person's clothed or unclothed genitals, pubic area or buttocks, or the breast of a female; or any sadomasochistic abuse or acts including animals or any latent objects in an act of apparent sexual stimulation or gratification, as such terms are defined in the pornography and related offenses chapter of the state's criminal code (RSMo ch. 573), takes place on the business premises, whether in or out of public view;
- ~~(5)~~ Prevent and ensure that no prostitution or solicitation for prostitution takes place on the business premises, whether in or out of public view;
- ~~(6)~~ Prevent and ensure that no gambling takes place on the business premises;
- ~~(7)~~ Prevent any unlawful sale, distribution, delivery or use of controlled substances, illegal drugs or narcotics on the business premises;

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- (8) Prevent any sale, distribution, delivery or use of any alcoholic beverages of any kind on the business premises;
- (9) Prevent persons under eighteen (18) years of age from entering the business premises ~~or the portion or portions thereof which contain adult media, adult live entertainment or sexually-oriented toys and novelties;~~;
- (10) Prevent the display of sexually explicit materials inside the licensed premises that are viewable from a public place or viewable within portions of the business open to the general public;
- (11) Prevent and ensure that no person engages in sexual activities including actual sexual conduct; normal or perverted acts of human masturbation; deviate sexual intercourse; sexual intercourse; or physical contact, in an act of apparent sexual stimulation or gratification, with a person's clothed or unclothed genitals, pubic area or buttocks, or the breast of a female; or any sadomasochistic abuse or acts including animals or any latent objects in an act of apparent sexual stimulation or gratification, as such terms are defined in the pornography and related offenses chapter of the state's criminal code (RSMo ch. 573), or causes any bodily discharge of semen, urine or feces while in any adult entertainment business or any adult live entertainment business excepting the discharge of urine or feces in a bathroom or restroom meeting the city's building code;
- (12) Allow law officers, code enforcement officers, health officers or other representatives of the city or other public agencies full access to the business premises at anytime during business hours for purposes of inspection to ensure compliance with this Article and other applicable laws; ~~and.~~
- ~~(13) Ensure that doors in adult motion picture theaters are designed and maintained so that they cannot be locked by customers or otherwise locked from the inside while the business is open. This shall not preclude a management controlled locking system used to limit access to the theater portion of the premises, provided that at any time the manager on duty can release the lock at her or his own volition or at the request of a law enforcement officer or city inspector and ensure that lobbies remain unlocked at all times that the adult motion picture theater is in operation.~~

(b)-(b) An adult entertainment business, which exhibits on the premises, through any mechanical or electronic image-producing device, a film, video cassette, digital video disc, or other video reproduction, characterized by an emphasis on the display of specified sexual activities or specified anatomical areas shall comply with the following requirements:

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- (1) The interior of the premises shall be configured in such a manner that there is an unobstructed view from an operator's station of every area of the premises, including the interior of each viewing room but excluding restrooms, to which any patron is permitted access for any purpose;
- (2) An operator's station shall not exceed thirty-two square feet of floor area;
- (3) If the premises has two or more operator's stations designated, the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the operator's stations;
- (4) The view required under this subsection shall be by direct line of sight from the operator's station;
- (5) It is the duty of the operator to ensure that at least one employee is on duty and situated in an operator's station at all times that any patron is on the portion of the premises monitored by such operator station; and
- (6) It shall be the duty of the operator and of any employees present on the premises to ensure that the view area specified in this subsection remains unobstructed by any doors, curtains, walls, merchandise, display racks, or other materials or enclosures at all times that any patron is present on the premises.

(c) It shall be unlawful for any person to engage in any sexual activities including actual sexual conduct; normal or perverted acts of human masturbation; deviate sexual intercourse; sexual intercourse; or physical contact, in an act of apparent sexual stimulation or gratification, with a person's clothed or unclothed genitals, pubic area or buttocks, or the breast of a female; or any sadomasochistic abuse or acts including animals or any latent objects in an act of apparent sexual stimulation or gratification, as such terms are defined in the pornography and related offenses chapter of the state's criminal code (RSMo ch. 573), or cause the bodily discharge of semen, urine or feces while in any adult entertainment business or any adult live entertainment business, excepting the discharge of urine or feces in a bathroom or restroom meeting the city's building code.

~~(e)~~—(d) No licensee or employee or agent of a licensee of a business licensed under this article shall warn or inform any person on the business premises of the presence of any city investigator or any law enforcement officer in connection with the enforcement of the provisions of this article, by any means, including but not limited to any electrical, mechanical or other device whether or not the device is constructed, installed or located on the premises.

~~(d)~~—e The license and the standards of operation, affirmative duties and other requirements of this article shall apply to an entire business operation and its premises, regardless of the fact that some parts of the business operation, if conducted separately at a different location, would not be subject to licensing under this article.

~~(e)~~—f Failure to comply with the requirements of this section and all other requirements of this Article is unlawful and a violation of this article and shall be grounds for suspension, revocation or nonrenewal of a license pursuant to the provisions contained in ~~section 12-67.~~ this article.

Sec. 12-64. Standards of conduct and operation for adult cabarets.

(a) The following standards of conduct must be adhered to by employees of any adult cabaret while on the adult live entertainment business premises:

- (1) Dancing or other live entertainment distinguished or characterized by an emphasis on the display, depiction or description of specified anatomical areas for observation by customers shall take place only in a location and manner meeting all of the following conditions:
 - a. In a theater or open room of at least 600 square feet;
 - b. On a stage, elevated at least 24 inches above the level on which patrons sit or stand; and
 - c. With a horizontal separation of at least three feet between the performing area, as defined by the edge of the stage or by a rail or other physical barrier on the stage, and the nearest space to which customers shall have access.
- (2) No employee or entertainer shall be unclothed or in such less than opaque and complete attire, costume or clothing so as to expose to view any specified anatomical area, unless separated at least ~~three~~six feet from the nearest customer.
- (3) No employee or entertainer shall perform or engage in any sexual activities including actual sexual conduct; normal or perverted acts of human masturbation; deviate sexual intercourse; sexual intercourse; or physical contact, in an act of apparent sexual stimulation or gratification, with a person's clothed or unclothed genitals, pubic area or buttocks, or the breast of a female; or any sadomasochistic abuse or acts including animals or any latent objects in an act of apparent sexual stimulation or gratification, as such terms are defined in the pornography and related offenses chapter of the state's criminal code (RSMo ch. 573) on the premises.

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- (4) No employee or entertainer shall display any specified anatomical area except as provided for in subsection (a)(1) and (2) of this section.
- (5) No employee or entertainer who is not separated from any and all customers as provided in subsection (a)(2) of this section shall be unclothed or in less than opaque and complete attire, costume or clothing as described in subsection (a)(2) of this section, except in an area of the business premises not open to customers.
- ~~(6)~~ (6) No employee who appears in a semi-nude condition shall knowingly or intentionally touch a patron or the clothing of a patron. No employee or entertainer shall knowingly touch any specified anatomical area of another person, or knowingly permit another person to touch any specified anatomical area of the employee or entertainer. No employee or entertainer shall knowingly fondle or caress any specified anatomical area of another person, whether the area is clothed, unclothed, covered or exposed, or knowingly permit another person to fondle or caress any specified anatomical area of such employee or entertainer, whether the specified anatomical area is clothed, unclothed, covered or exposed.
- (7) No employee or entertainer shall wear or use any device or covering exposed to view which simulates any specified anatomical area.
- (8) No employee or entertainer shall use artificial devices or inanimate objects to display, depict or perform any specified sexual activities.
- (9) No entertainer of any adult cabaret shall be visible from any public place during the hours of his or her employment, or apparent hours of his or her employment, while the entertainer is unclothed or in such attire, costume or clothing to expose to view any specified anatomical area, or while performing any entertainment, either while clothed or unclothed.
- (10) No entertainer shall solicit, demand or receive any payment or gratuity from any customer for any act prohibited by this article.
- (11) No entertainer shall receive any payment or gratuity from any customer for entertainment, except as follows:
- a. While the entertainer is on the stage as provided in subsection (a)(1) of this section, a customer may place the payment or gratuity into a box located between the stage and the horizontal separation described in section 12-64(a)(1)c; or
 - b. While such entertainer is not on the stage, and is clothed so as to not expose to view any specified anatomical areas, a customer may either place the payment or gratuity into the entertainer's hand, or

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under a leg garter worn by the entertainer at least four inches below the bottom of the pubic region.

(b) At any adult cabaret, the following are required:

(1) A sign, on which upper-case letters shall be at least two inches high, and lowercase letters shall be at least one inch high, shall be conspicuously displayed in the common area at the principal entrance of the premises, and shall read as follows:

THIS ADULT LIVE ENTERTAINMENT BUSINESS IS REGULATED BY THE CITY OF KANSAS CITY. ENTERTAINERS ARE:

a. Not permitted to engage in any type of sexual activities on the business premises, or in prostitution.

b. Not permitted to be unclothed or in less than opaque or complete attire, costume or clothing so as to expose to view any portion of the breasts below the top of the areola, or any portion of the pubic region, buttocks or genitals, unless separated at least three feet from the nearest customer and upon a stage at least 24 inches above the immediate floor level.

c. Not permitted to demand or collect any payment or gratuity from any customer for entertainment, except as follows:

i. While the entertainer is on the stage, by placing the payment or gratuity into the box affixed to the stage; or

ii. While the entertainer is not on the stage, by either placing the payment or gratuity into the entertainer's hand, or under the entertainer's leg garter.

(2) Neither any entertainment nor any photograph, drawing, sketch or other pictorial or graphic representation thereof displaying any specified anatomical area shall be visible from a public place.

(3) The premises shall be equipped with overhead lighting of sufficient intensity to illuminate every place to which customers are permitted access at an illumination of not less than 1.0 footcandle as measured at the floor level, and the illumination must be maintained at all times that any customer is present in or on the premises.

Sec. 12-66.- Location and manner of presenting certain videos or motion pictures.

(a) — No motion picture or video which depicts as a prevailing practice, the movies, videos or other material distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas" for observation by patrons therein shall be shown for a fee (whether collected per feature, per unit of time or as a general admission charge to a facility) in any space of less than 150 square feet.

(b) — This section does not apply to the showing of informational videos by professionals licensed by the state to clients who pay a fee for service, where the showing of the videos is incidental to a professional service and not the subject of separate consideration from the patron.

(c) — ~~Doors in adult motion picture theaters~~ The interior of the premises shall be designed so configured in such a manner that they cannot be locked by customers or otherwise locked there is an unobstructed view from the inside while an operator's station of every area of the business is open. This shall not preclude a management-controlled locking system used premises, including the interior of each viewing room but excluding restrooms, to limit which any patron is permitted access to the theater for any purpose;

(d) An operator's station shall not exceed thirty-two square feet of floor area;

(e) the premises has two or more operator's stations designated, the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the operator's stations;

(f) The view required under this subsection shall be by direct line of sight from the operator's station;

(g) It is the duty of the operator to ensure that at least one employee is on duty and situated in an operator's station at all times that any patron is on the portion of the premises, provided that at any time the manager on duty can release the lock at her monitored by such operator station; and

(h) It shall be the duty of the operator and of any employees present on the premises to ensure that the view area specified in this subsection remains unobstructed by any doors, curtains, walls, merchandise, display racks, or his own volition other materials or at the request of a law enforcement officer or city inspector and lobbies shall remain unlocked enclosures at all times that the adult motion picture theater is in operation. any patron is present on the premises.

(d) — i) All aisles in adult motion picture theaters shall have theater runway/aisle lighting which illuminates the entire floor surface of the aisle at a level not less than 0.2 footcandle.

(e) — j) Any motion picture arcade booth establishment or motion picture arcade booth which is the subject of a certificate of legal nonconformance shall be exempt from this section as a legal nonconforming use and shall be subject to the provisions of section 12-67.

Sec. 12-67.- Operation of motion picture arcade establishments.

(a) — If any motion picture arcade booth exists on the licensed premises, the licensee shall have the following additional affirmative duties in the operation of the business:

(1) — Ensure that each motion picture arcade booth is configured in such a manner that there is an unobstructed view from an operator's station of every area of the premises, including the interior of each viewing room but excluding restrooms, to which any patron is permitted access for any purpose. shall have at least one side which is completely open to adjacent public rooms or adjacent hallways and meets all of the following conditions:

- a. — The adjacent hallway shall meet the requirements of the city building code and the adjacent hallway must serve more than one motion picture arcade booth; provided however, that this requirement shall not apply to motion picture arcade booths located in any structure in an overlay C-X zoning district;
- b. — The open side of each motion picture arcade booth shall be completely open to adjacent public rooms or adjacent hallways and the open side of each motion picture arcade booth shall be not less than 30 inches in width, and not less than 84 inches in height as measured from the level of the floor of the booth;
- c. — The entire floor area of the interior of each motion picture arcade booth shall have a uniform elevation and the elevation of the entire floor area of the interior of each motion picture arcade booth shall be uniform with the floor elevation of adjacent public rooms or adjacent hallways;
- d. — No furniture of any kind shall be positioned in a booth with the exception of one chair or seating platform meeting the requirements of this section;
- e. — A chair or seating platform authorized under this section to be used in a booth shall rest on the floor of the booth and the surface of the seat, including any cushion or other padding on the chair or seating

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platform, shall not exceed 18 inches in height as measured from the surface of the floor;

f. The back rest of any chair or seating platform used in a booth shall not exceed 36 inches in height as measured from the surface of the floor, nor exceed 18 inches in width;

g. No chair or seating platform used in a booth shall be equipped with armrests, shades, canopies or any other device which obstructs the view of a person's lap while the person is seated on the chair or seating platform;

(2) Ensure that the visibility from adjacent public rooms or adjacent hallways into each motion picture arcade booth through the open side of the booth shall not be obstructed by any temporary or permanent curtain, door, wall, enclosure, chair or other device, except that the open side of a booth while it is in use may have a screening device, no more than one and one-half inches thick, which when closed spans any distance up to the entire width of the open side of the booth so long as the screening device is positioned so that no part of the top of the device exceeds 58 inches in height as measured from the surface of the floor and the bottom of the screening device shall be not less than 40 inches above the surface of the floor; provided further that if the open side of the motion picture arcade booth is 58 inches or more in width, then the top of the screening device shall not exceed 62 inches in height as measured from the surface of the floor and the bottom of the screening device shall be not less than 40 inches above the surface of the floor. The screening device shall not have a lock and shall not open into the interior of the booth. No booth shall have any other screening device or shade inside or outside the booth;

(3) Ensure that the hallways and public rooms adjacent to motion picture arcade booths shall be illuminated in such a way that the entire area inside each motion picture arcade booth is visible to persons in adjacent public rooms or adjacent hallways. Ensure that the illumination level shall be at a minimum illumination of not less than 1.0 footcandle, as measured at the floor level within the booths;

(4) Ensure that no more than one person occupies a motion picture arcade booth at one time and, if more than one person is found in a motion picture arcade booth, that those persons are immediately escorted from the establishment;

(5) Ensure that there are no openings in the walls between motion picture arcade booths, which shall include the duty to cover immediately any opening that is found;

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- (6)___ Ensure that there is at least one employee on duty and situated in the ~~manager's~~soperator's station or walking through the hallways adjacent to the motion picture arcade booths at any time that any booth is occupied;
- (7)___ Ensure that the manager or employee on duty shall make a visual inspection of the inside of each motion picture arcade booth at least once each hour during the hours of operation and maintain a daily log to record the time, a description of the conditions found, and the name and signature of the person who conducted the visual inspection;
- (8)___ Ensure that there are no porous surfaces on the floors, walls or seats in any motion picture arcade booth;
- (9)___ Ensure that the manager or other employee on duty can actually see the unobstructed interior of every motion picture arcade booth by direct line of sight from the ~~manager's~~soperator's station ~~or from a hallway accessible to the public.~~ This duty shall include the duty to remove any obstacle blocking the view, ~~to repair any electronic device providing such view~~ and, where the prompt removal ~~or repair~~ is not possible, to close to public use the affected motion picture arcade booth(s) until full visibility of the interior can be reestablished;
- (10)___ Ensure and prevent any person occupying a motion picture arcade booth from engaging in any "specified sexual activities" or causing any bodily discharge of semen, urine or feces while inside the motion picture arcade booth; and
- (11)___ Ensure and prevent any video reproduction equipment in any restroom in the establishment.

(b)___ It shall be unlawful for any person occupying a motion picture arcade booth to engage in any "specified sexual activities" or to cause any bodily discharge of semen, urine or feces while inside the motion picture arcade booth.

(c)___ Establishments with "media rooms," "preview rooms" or other spaces created as exempt from Second Committee Substitute for Ordinance No. 970827 As Amended, hereinafter referred to as "Ordinance 970827" as codified at section 12-275 through section 12-283, because they were nominally designed to seat ten or more people, shall have until May 1, 1999, to remove the doors from those rooms and to take other actions to bring those spaces into compliance with section 12-67(a)(1), (2) and (3). As an alternative, the establishment may replace those rooms with not more than the number of motion picture arcade booths existing in the same space prior to the passage of Ordinance No. 970827, on July 3, 1997, provided that each and every replacement motion picture arcade booth shall fully conform to the requirements of this section, and particularly with section 12-67(a)(1), (2) and (3); any booths created by conversion under this section shall be treated as legal nonconforming uses, as though they had existed

continuously from the date of passage of Ordinance No. 970827 until passage of Second Committee Substitute for Ordinance No. 981345.

(d) — This section shall apply only to motion picture arcade booth establishments and motion picture arcade booths which qualified as legal nonconforming uses on the date of passage of Second Committee Substitute for Ordinance No. 981345 and which are the subject of an appropriate certificate of legal nonconformance. Any motion picture arcade booth establishment or motion picture arcade booth which is the subject of a certificate of legal nonconformance shall be exempt from the provisions of section 12-66 but shall be subject to the provisions of this section 12-67.

(e) Adult entertainment businesses and adult live entertainment businesses that do not have interior configurations which meet the minimum requirements of sections 12-63, 12-66 and 12-67 shall be given one hundred eighty days after the effective date of sections 12-63, 12-66 and 12-67 to comply with the building requirements.

ARTICLE V. THEATERS AND SHOWS

DIVISION 2. CARNIVALS, RODEOS AND STREET FAIRS

Sec. 12-212. Permit required.

No person shall carry on, operate, conduct or participate in the operation of any carnival, street fair or rodeo, unless such person shall first have secured a permit for such operation from the director of finance neighborhoods and housing services or designee of the city, for the particular proposed location thereof. A permit is not required for any carnival or rodeo that is held within any enclosed stadium, arena or convention center located within the city.

Sec. 12-213. Prerequisites to issuance of permit.

(a) A person seeking to operate a carnival, street fair or rodeo shall first file with the director of neighborhood neighborhoods and community housing services or designee an application on a form provided by the city. The application shall be filed not less than 14 days before the date of the first day of the event.

(b) The director of finance neighborhoods and housing services or designee shall not issue a permit for a carnival, street fair or rodeo unless:

- (1) The director of health has issued a certificate that, upon investigation by the director of health, the operators thereof have the proper equipment and facilities for establishing and maintaining the sanitary condition required by the applicable regulations of the health department of the city applying to public rooms and buildings, carnivals, street fairs or rodeos or other public gatherings, and with all of the city ordinances that prescribe health and sanitation requirements for public rooms and buildings, carnivals,

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street fairs or rodeos, and with all food and drink sanitation requirements, whether by ordinance or by regulation of the director of health of the city.

- (2) The applicant shall furnish to the director of ~~finance~~neighborhoods and housing services or designee, a statement from the commissioner of revenue that the applicant has paid all earnings and profits and occupational license taxes due the city, including all penalties and interest, or does not owe any earnings and profits and occupational license taxes to the city.

Sec. 12-214. ~~Same~~—Compliance with zoning regulations.

The director of ~~finance~~neighborhoods and housing services or designee shall not issue a permit for carrying on or operating a carnival, street fair or rodeo until he shall have first ascertained from the board of zoning adjustment of the city that the particular proposed location does not conflict with the zoning ordinances of the city.

Sec. 12-215. ~~Same~~—Investigation of equipment; statement regarding hours of operation.
~~operation.~~

The director of ~~finance~~neighborhoods and housing services or designee, before issuing a permit for a carnival, street fair or rodeo, shall cause an investigation to be made of the size and equipment of the carnival, street fair or rodeo and shall require a written agreement from the carnival, street fair or rodeo as to the time of day during which it intends to operate.

Sec. 12-216. ~~Same~~—Consent Notification of neighboring property owners.

~~(a) Any person desiring to carry on, operate~~Notification. The director of ~~neighborhoods and housing services~~ or ~~conduct the operation of any carnival, street fair or rodeo~~designee shall, ~~at the time of application for a permit, file a notarized statement in writing with the director of finance, signed by a majority of the residents or~~ send out written notification to all property owners within three blocks on all sides and neighborhood associations registered with the city planning and development department whose boundaries are wholly within or intersected by a radius of 500 feet from the center of the proposed premises of the carnival, street fair or rodeo, stating that they, as residents or property owners, have no objection. The notification form shall include the location, dates and times of the proposed carnival, street fair or rodeo and all types of entertainment to be provided.

~~(a)(b)~~ Location of proposed event. A carnival, street fair or rodeo ~~being permitted to operate as such on~~ applicant shall furnish with the application two coordinates, expressed in feet, based on the North American Datum 1983 Missouri West State Plane Coordinate System, identifying the center of the premises named in the statement in writing. Unless such statement in writing signed by a majority of the

~~residents or property owners, as set out in this section, is filed with the director of finance, from which the director of finance shall refuse to issue a permit for the operation of any carnival, street fair or rodeo to any person will be held, or, the applicant may ask the director or designee to make that determination for them.~~

~~(b) Even though written permission signed by a majority of residents and property owners signifying their agreement to the operation of a carnival, street fair or rodeo is submitted to the director of finance, if, after investigation, the director determines that such carnival, street fair or rodeo will result in substantial danger to the peace, health or safety of the neighborhood, he shall refuse to issue the permit.~~

~~Sec. 12-217. Denial of permit because of previous violations.~~

~~The director of finance may refuse to grant a permit for the conduct or operation of a carnival, street fair or rodeo to any person who has, in his previous operation of any carnival, street fair or rodeo, in any other city or this city, violated the ordinances and requirements of such other city or this city so as to have caused such city to have revoked any permit or permission to operate such carnival, street fair or rodeo, and if the director has cause to believe similar conduct may occur again in its operation under the proposed plans of operation.~~

~~Sec. 12-218. Compliance with applicable regulations.~~

Every person obtaining a permit to operate, carry on or conduct a carnival, street fair or rodeo in the city shall agree as a condition thereto to fully comply with every ordinance of the city, and if such person or anyone employed thereby or operating with permission thereof shall violate the provision of any ordinance of the city, the director of ~~finance~~neighborhoods and housing services or designee is hereby authorized to revoke and cancel such permit upon his ~~personal~~ determination that there has been such violation of any of the provisions thereof.

~~Sec. 12-218. Fees for inspections.~~

A fee of ~~\$2.50~~25.00 per day shall be charged to each carnival, street fair or rodeo, or to the persons operating such carnival, street fair or rodeo, for the purpose of defraying the expense of daily inspection of such carnival, street fair or rodeo to see that it conforms with the requirements of this division during each of the days it operates in the city. Such fee shall be paid to the director of ~~finance~~neighborhoods and housing services or designee, who shall have charge of seeing that the inspection is made.

~~Sec. 12-219. Cancellation or rescission of permit.~~

~~The director of finance, after he shall have issued a permit for the operation or conduct of any carnival, street fair or rodeo, shall have the authority to cancel and rescind such permit at any time after its issuance that he finds that the operation of the carnival, street fair or rodeo is in conflict with any of the requirements set out in this division or is~~

~~being operated contrary to the expressly stated plans of the carnival, street fair or rodeo or is so conducted or operated as to endanger substantially the public peace, health, safety and welfare of the neighborhood.~~

~~**Sec. 12-221. Liability insurance for carnivals.**~~

(a) As a condition precedent to a city license being issued or renewed for operation of a carnival, street fair or rodeo as defined in ~~section 12-211~~ section 12-211 without mechanical amusement rides, the applicant shall furnish to the city a certificate of insurance, in a company approved by the director of ~~finance~~ neighborhoods and housing services or designee, that provides for liability insurance with a combined single-limit policy of \$1,000,000.00.

(b) As a condition precedent to a city license being issued or renewed for operation of a carnival as defined in ~~section 12-211~~ section 12-211 with mechanical amusement rides, the applicant shall furnish to the city a certificate of insurance, in a company approved by the director of ~~finance~~ neighborhoods and housing services or designee, that provides for liability insurance with a combined single-limit policy of \$2,000,000.00.

(c) As a condition precedent to a license being issued or renewed for operation of a carnival all insurance policies required under this section shall:

- (1) Include the city as an additional insured to the policy by separate endorsement.
- (2) Contain a separate endorsement requiring the insurance company to notify the city in writing of any change in or cancellation of the policy at least ten days prior thereto.
- (3) Deposit with the city a certificate of insurance evidencing that the endorsements required by subsections (2) and (3) of this subsection have been issued.

~~**Sec. 12-22220. Obedience to safety rules—penalty.**~~

(a) A passenger on an amusement ride at a carnival licensed under this chapter shall, at a minimum:

- (1) Obey the reasonable safety rules posted in accordance with state law and oral instructions for an amusement ride issued by the amusement owner or the owner's employee or agent, unless:
 - a. The safety rules are contrary to state law; or

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- b. The oral instructions are contrary to state law or the safety rules; and
- (2) Refrain from acting in any manner that may cause or contribute to injuring such passenger or others, including:
- a. Interfering with safe operation of the amusement ride;
 - b. Not engaging any safety devices that are provided;
 - c. Disconnecting or disabling a safety device except at the express instruction of the operator;
 - d. Altering or enhancing the intended speed, course or direction of an amusement ride;
 - e. Extending arms and legs beyond the carrier or seating area except at the express direction of the ride operator;
 - f. Throwing, dropping or expelling an object from or toward an amusement ride;
 - g. Getting on or off an amusement ride except at the designated time and area, if any, at the direction of the ride operator, or in an emergency; and
 - h. Unreasonably controlling the speed or direction of such passenger or an amusement ride that requires the passenger to control or direct himself or herself or a device.

(b) For purposes of prosecution by the city for a violation under this section, the posted safety rules and oral instructions for an amusement ride issued by the amusement owner or the owner's employee or agent shall be presumed to be in accordance with state law provided that proof that they are not in accordance with state law shall be an affirmative defense.

(c) Any person violating any provision of this section shall be deemed guilty of an ordinance violation. The municipal court shall have the power to hear and determine alleged violations of the provisions of this chapter. All persons convicted of violations under this chapter shall be punished by a fine of not less than ~~\$2550~~.00 and not more than ~~\$500~~1000.00, or by imprisonment in the municipal correctional institution for a term not to exceed six months, or by both a fine and imprisonment, where no other penalty is specifically provided for in this chapter. A person who fails to pay any fine assessed upon conviction under this chapter may be committed to the municipal correctional institution until the fine is paid at the current per diem rate and the judgment of the court satisfied.

Sec. 12-~~223~~221. Amusement ride passengers, conditions for riding.

An amusement ride passenger shall not get on or attempt to get on an amusement ride unless the passenger reasonably determines that, at a minimum, he or she:

- (1) Has sufficient knowledge to use, get on or get off the amusement ride safely without instruction or has requested and received before getting on the ride sufficient information to get on, use or get off safely;
- (2) Has located, reviewed and understood any signs in the vicinity of the ride and has satisfied any posted height, medical or other restrictions and abided by all rules, regulations and restrictions;
- (3) Is not under the influence of alcohol or any drug that affects his or her ability to safely use the amusement ride or obey the posted rules or oral instructions; and
- (4) Is authorized by the amusement owner or such owner's authorized servant, agent or employee to get on the amusement ride.

Sec. 12-222. Cancellation of permit.

The director of neighborhoods and housing services or designee, after he shall have issued a permit for the operation or conduct of any carnival, street fair or rodeo, shall have the authority to cancel such permit at any time after its issuance that he finds that the operation of the carnival, street fair or rodeo is in conflict with any of the requirements set out in this division or is being operated contrary to the expressly stated plans of the carnival, street fair or rodeo or is so conducted or operated as to endanger substantially the public peace, health, safety and welfare of the neighborhood.

Sec. 12-223. Denial of permit.

(a) The director of neighborhoods and housing services or designee may refuse to grant a permit for the conduct or operation of a carnival, street fair or rodeo to any person who has, in his previous operation of any carnival, street fair or rodeo, in any other city or this city, violated the ordinances and requirements of such other city or this city so as to have caused such city to have revoked any permit or permission to operate such carnival, street fair or rodeo, and if the director or designee has cause to believe similar conduct may occur again in its operation under the proposed plans of operation.

(b) If after investigation the director of neighborhoods and housing services or designee determines that such carnival, street fair or rodeo will result in substantial danger to the peace, health or safety of the neighborhood, he shall refuse to issue the permit.

Sec. 12-224. Hearing.

(a) The application for a permit under this article shall be approved or disapproved within 10 days from the date of the director of neighborhoods and housing services or designee determination that the application is complete, unless the applicant agrees in writing to an extension of that time period. If an application is cancelled or denied, the director shall notify the applicant in person, or by registered or certified mail to the address provided by the applicant.

(b) If within ten days after the director or designee mails notice to the applicant that the application has been cancelled or denied, or, the permit has been suspended or revoked, the applicant files with the director or designee a written request for a hearing before the director or designee, then the director or designee shall within ten days of receipt of a timely request, mail a notice of a hearing to the applicant, which shall include the date, time and place for the hearing before the director or designee. The date for the hearing shall not be less than 30 days nor more than 90 days following the filing of the request for a hearing under this section, unless the aggrieved party requesting the hearing agrees to extend the time for the hearing.

(c) The applicant shall have full right to be represented by counsel, to produce witnesses, and to cross examine all witnesses who may appear against him. A record shall be made of the proceedings at such hearing, which shall be transcribed at the expense of the party requesting the transcription. In the grant or denial of an application, the director is authorized to determine whether the applicant will conduct the business in accordance with the provisions of this code. The director or designee's determination shall be based on information provided by the applicant, sworn testimony of witnesses, and official records of any municipal, state or federal government or court. If an application is disapproved or a permit is suspended or revoked, the director or designee shall notify the applicant in person or by registered or certified mail to the address provided by the applicant and shall state the basis for the disapproval

Sec. 12-225. Judicial review of grant or denial of application.

An applicant affected by the action of the director of neighborhoods and housing services or designee in granting, cancelling or denying an application for a permit or suspending or revoking a permit under this article may seek judicial review in the manner provided by law.

Sec. 12-226. Authority to prescribe additional rules and regulations.

The director of neighborhoods and housing services or designee is hereby authorized to issue such reasonable rules and regulations as may be necessary in the administration and enforcement of the provisions of this code.

Secs. 12-~~224~~227—12-250. - Reserved.

ARTICLE VI. RACES WITH MOTOR-PROPELLED VEHICLES

Sec. 12-251. Permit required; duration of permit.

No person shall conduct, permit, sponsor or operate any automobile race, hot rod race, midget auto race or motorcycle race, or any other race in which the contestants operate motor-propelled vehicles, within the city, whether or not an admission fee is charged, without first securing and having in effect a permit issued by the director of ~~finance~~neighborhoods and housing services or designee. Such permit shall be for the period of time therein designated, but in no event for longer than one year from the date of its issuance.

Sec. 12-252. Criteria for issuance of permit.

The permit required in this article shall be issued by the director of ~~finance~~neighborhoods and housing services or designee in all cases in which he shall find that the applicant and all other persons connected with the ownership and management of the track and races to be conducted are qualified and possessed of reasonable knowledge of safety measures required in the operation of the motor vehicle races, and that the operators and managers of such track and motor vehicle races give reliable assurance that all known and recognized safety devices for the safety, health and welfare of all participants and the general public in attendance will be provided.

Sec. 12-253. Application for permit.

An applicant for a permit under this article shall supply evidence that he has met the requirements enumerated in section 12-252, and such additional pertinent information as may be required by the director of ~~finance~~neighborhoods and housing services or designee. Application for such permit shall be accompanied by a certificate from the director of ~~codes administration~~city planning and development, stating that such premises ~~are zoned for an M-2 class use or less restricted use~~meets zoning requirements and that racetracks or structures upon such premises comply with the building code ~~and are safely constructed and maintained~~, a certificate from the director of health stating that such structures comply with the regulations of the health department of the city, and a copy of the rules certified to by the applicant which will govern the operation of the races under the permit, and which rules the applicant undertakes to enforce. ~~Prior to the issuance of the certificate described in this section by the director of codes administration, he shall make or cause to be made an inspection of the premises to be covered by the permit and of the racetracks and structures thereon, and shall not issue such certificate unless the premises, racetracks and structures thereon are found to be safe for use in the manner to be authorized by the permit. An inspection fee of \$50.00 shall be paid in advance by the applicant for such inspection.~~

Sec. 12-254. Investigation of applicant for permit.

The director of ~~finance~~neighborhoods and housing services or designee may, in his discretion, make such further investigation and conduct such hearings as he deems necessary or desirable to determine whether the applicant for a permit under this article is entitled to receive such permit under the provisions of this article.

Sec. 12-255. Liability insurance.

As a condition precedent to a license being issued or renewed under this article, the applicant shall furnish to the ~~city~~director of neighborhoods and housing services or designee a certificate of insurance, ~~in a company approved by the director of finance,~~ meeting the following requirements:

- (1) The policy shall provide for liability insurance with a combined single-limit policy of \$1,000,000.00.
- (2) The city shall be added as an additional insured to such policy by separate endorsement.
- (3) The policy shall contain a separate endorsement requiring the insurance company to notify the city in writing of any change in or cancellation of the policy at least ten days prior thereto.
- (4) Before the license is issued or renewed, the permittee shall deposit with the city a certificate evidencing that the endorsements required by subsections (2) and (3) of this section have been issued.

Sec. 12-256. Crash wall and barrier.

No motor-propelled vehicle race provided for by this article shall be conducted in any track unless there shall have been installed in such track a crash wall completely encircling the racing area of such track, which shall consist of pillars not less than six inches by six inches, imbedded in the ground at least four feet, and not to be more than four feet apart, with facing boards of not less than three feet by 12 feet, of oak lumber or its equivalent, and no seats shall be constructed for the use of patrons at a position less than six feet from the crash wall. A wire screen of not more than one-quarter-inch mesh shall be installed between the track and all seats to be occupied by patrons. The director of ~~codes administration~~city planning and development shall not issue the certificate mentioned in sections ~~12-153 and 253,~~ 12-254 ~~and 12-258~~ unless these additional safeguards shall have been installed. The provisions of this section shall not apply to vehicles having a total engine displacement of less than 16.5 cubic inches.

Sec. 12-258. Inspections and investigations.

(a) The director of finance neighborhoods and employees of the finance department designated by the director housing services or designee shall have access to the premises where races are permitted to be conducted under this article, at all reasonable hours, and the right to make inspections and investigations of the premises and all equipment, persons and activities thereon.

(b) Prior to the issuance of the certificate described section 12-253 as issued by the director of city planning and development, the director of city planning and development shall make or cause to be made an inspection of the premises to be covered by the permit and of the racetracks and structures thereon, and shall not issue such certificate unless the premises, racetracks and structures thereon are found to be safe for use in the manner to be authorized by the permit. An inspection fee shall be paid to the director of city planning and development, in advance of the inspection, by the applicant.

Sec. 12-259. Authority to prescribe additional regulations.

It shall be the duty of the director of finance neighborhoods and housing services or designee to make and adopt uniform rules and regulations with reference to the place at which races regulated under this article are conducted, for the safety, health and welfare of persons participating in such races or present upon such premises, and of the general public. Such rules and regulations and additions and amendments thereto may be made by the director of finance from time to time and shall be filed with the director of records, and, upon being approved as written or modified by ordinance or resolution of the city council, shall be in effect and constitute a portion of this article. Upon the approval by the city council of new regulations which have been so filed with the director of records, such regulations shall supersede those previously filed and approved that are present or participating in such races upon such premises, and of the general public.

Sec. 12-260. - Denial of permit.

(a) The director of neighborhoods and housing services or designee may refuse to grant a permit for the conduct or operation of a race with motor-propelled vehicles to any person who has, in his previous operation of any race with motor-propelled vehicles, in any other city or this city, violated the ordinances and requirements of such other city or this city so as to have caused such city to have revoked any permit or permission to operate a race with motor-propelled vehicles, and if the director or designee has cause to believe similar conduct may occur again in its operation under the proposed plans of operation.

(b) If after investigation the director of neighborhoods and housing services or designee determines that races with motor-propelled vehicles will result in substantial danger to the peace, health or safety of the neighborhood, he shall refuse to issue the permit.

Sec. 12-261. Violations by permittee or employees.

It shall be unlawful for the permittee or any other person conducting any of the races enumerated in this article within the city to knowingly permit on or about the premises where any such race is being conducted:

- (1) Disorderly or offensive conduct.
- (2) The consumption of alcoholic beverages unless the permittee has obtained a license therefor from the supervisor of liquor control.
- (3) Any person on the racetrack or the area which it encloses during the hours of racing, except persons having to perform some necessary act or service connected with the races being conducted.
- (4) The employment of persons under the age of 16 years in or about the refreshment stands upon any portion of the premises.

Sec. 12-~~261~~262. Suspension or revocation of permit.

In addition to penalties otherwise provided, violation of the provisions of this article or of rules and regulations made and adopted by the director of ~~finance and approved~~neighborhoods and housing services or designee as provided in section 12-259, or failure by the permittee to follow and enforce rules filed by him under sections 12-253 and 12-254, shall be grounds for the suspension or revocation by the director of ~~finance~~neighborhoods and housing services or designee of the permit under which such violation or failure occurred. In all cases in which evidence of such violation shall come to the attention of the director of ~~finance~~neighborhoods and housing services, he shall, after investigation, notify the permittee by written notice delivered to him, or mailed to him at the address shown upon his application, of the nature of the apparent violation, and shall afford him an opportunity to be heard and to present evidence bearing upon the claimed violation prior to suspension or revocation of such license. In cases in which such action is necessary to the immediate protection of the public safety, health or morals, the director of ~~finance~~neighborhoods and housing services or designee is authorized to temporarily suspend such permit without previous notice, pending a hearing and determination by him of claimed violations.

Sec. 12-263. Hearing.

a. The application for a permit under this article shall be approved or denied within 10 days from the date of the director of neighborhoods and housing services or designee's determination that the application is complete, unless the applicant agrees in writing to an extension of that time period. If an application is disapproved, the director shall notify the applicant in person, or by registered or certified mail to the address provided by the applicant.

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b. If within ten days after the director or designee mails notice to the applicant that the application has been denied, or, the permit has been suspended or revoked, the applicant files with the director or designee a written request for a hearing before the director or designee, then the director or designee shall within ten days of receipt of a timely request, mail a notice of a hearing to the applicant, which shall include the date, time and place for the hearing before the director or designee. The date for the hearing shall not be less than 30 days nor more than 90 days following the filing of the request for a hearing under this section, unless the aggrieved party requesting the hearing agrees to extend the time for the hearing.

c. The applicant shall have full right to be represented by counsel, to produce witnesses, and to cross examine all witnesses who may appear against him. A record shall be made of the proceedings at such hearing, which shall be transcribed at the expense of the party requesting the transcription. In the grant or denial of an application, the director is authorized to determine whether the applicant will conduct the business in accordance with the provisions of this code. The director or designee's determination shall be based on information provided by the applicant, sworn testimony of witnesses, and official records of any municipal, state or federal government or court. If an application is disapproved or a permit is suspended or revoked, the director or designee shall notify the applicant in person or by registered or certified mail to the address provided by the applicant and shall state the basis for the disapproval

Sec. 12-264. Judicial review of grant or denial of application.

An applicant affected by the action of the director of neighborhoods and housing services or designee in granting or denying an application for a permit or suspending or revoking a permit under this article may seek judicial review in the manner provided by law.

Secs. 12-~~262~~265—12-274. Reserved.

Approved as to form and legality:

Kathy Adams
Assistant City Attorney