

§ 114.04 LICENSING REQUIREMENTS.

(A) The owner or operator of an establishment intending to engage or engaging under a previously issued license in a sexually explicit entertainment activity, shall make application for a license with the Director in accordance with this section. A separate license is required for each separate or assumed name under which an owner or operator conducts business. All applications must be accompanied by a \$50 investigation fee. Such application shall be in writing, under oath, and shall be in the form prescribed by the Director and shall contain the following information, together with such further information as the Director may require:

- (1) The name and location of the establishment, including any assumed or fictitious name under which the establishment is or will be operated, and the name and business address of the applicant;
- (2) The name, address, date of birth and social security number or tax identification number of the owner, to include any person who owns 10% or more of the partnership, corporation, limited liability company or limited partnership;
- (3) The name and address of all directors and officers, or persons performing a similar function to an officer or director, of any licensee applicant which is a corporation, or the name and address of the manager of any licensee or applicant which is a limited liability company, and the name and address of the licensee's designated agent for service of process;
- (4) In the event the applicant or licensee is not the owner of record of the real property on which the licensed establishment is located or to be located, the application shall include a notarized statement from the owner of record of the real property acknowledging that a sexually explicit entertainment establishment is to be located on the real property upon the issuance of the license. The applicant shall also furnish the name and address of the owner of record of the real property and a copy of the lease or rental agreement;
- (5) The name, address, date of birth and social security number of all persons engaged in the day-to-day employment or contract labor on the licensed premises. If the licensee is to engage in the sale, rental, or showing of books or movies distinguished or characterized by an emphasis on matter depicting or relating to sexual activities as defined hereinabove, then all persons designated to engage in the selection of such books and movies to be offered for sale or rental or to be shown shall be subject to the provisions of this section. All persons who at any time shall be responsible for attending the entrance of the establishment for the purpose of ensuring compliance with the provisions hereinabove shall be subject to the provision of this section;
- (6) The name, address, date of birth and social security number of the individual designated by the applicant to manage the business and responsible for ensuring compliance with the restrictions, requirements and conditions of this chapter and with the rules and regulations promulgated by the Director. A sworn affidavit of that individual stating that he has received a copy of this chapter and that he will fully undertake on

behalf of the applicant to comply with this chapter and all applicable rules shall be included with the application;

(7) The name, address, date of birth and social security number of the individual designated by the applicant or licensee to be responsible for keeping the information required hereunder current at all times, together with a sworn affidavit of that individual stating that he has received a copy of this chapter, that he understands the requirements hereof pertaining to disclosure of information, and that he willfully undertakes on behalf of the applicant to comply therewith;

(8) The nature of the activity or activities to be engaged in at such location;

(9) A criminal record report for the applicants, owners, directors, partners, officers or employees whose names are required pursuant to this chapter within the last five years for any gambling or sexual offense;

(10) The name and address of any person to whom the applicant wants to mail notice to be given in case of a violation or of other matters effecting the license hereunder;

(11) A photograph or drawing of any signs displayed or proposed to be displayed on the exterior of the establishment and a statement of the dimensions of the signs;

(12) Proof of compliance with occupational license fees;

(13) The information required hereinabove shall be at all times current, even after the granting of the license by the Director, it shall be the responsibility of the operator or other person designated in the license application to notify the Director no later than the close of the first business day after the effective date of any changes, alterations or modifications in any information contained in the application.

(B) The Director will cause the premises to be inspected within 15 days after the application has been submitted. After such application has been received and all application requirements of this chapter are in compliance, the Director shall then issue a license within 20 days after the application has been submitted if all restrictions, requirements and conditions and all applicable requirements of this chapter and other applicable laws have been met, except that no license will be issued if the applicant or any owner, operator, director, officer, partner, shareholder or employee has been convicted of any sexual or gambling offense as set forth hereinabove. The granting of a license does not certify compliance with all applicable laws nor does it stop the city from enforcement of all applicable laws or ordinances. If the inspection reveals failure to comply with any restrictions, requirements or conditions herein, the Director shall notify the applicant in writing of that fact, stating what failures have been discovered, allowing reasonable time to correct such defects, and inform the applicant of the appeal procedure if the applicant does not agree with the Director's decision.

(C) Any license granted according to this chapter shall at all times be conspicuously posted and displayed in a public area so as to be open to the view of the patrons and proper public authorities.

(D) Application for or granting of a license according to this section is deemed to permit periodic inspections of any establishment required to have a license under this chapter by the Director or its designee or any law enforcement officer for the purpose of verifying compliance with the terms and conditions of this chapter.

(E) No operator shall own, maintain, operate or conduct in an establishment engaging in sexually explicit entertainment activities defined hereinabove without a license required by this chapter.

(F) No owner shall permit sexually explicit entertainment activities to be conducted on his property unless and until such property is licensed according to this chapter.

(G) All licenses shall be for the fiscal year July 1 to June 30, or the remaining portion of such fiscal year. The annual license fee shall be \$1,000 which shall be due and payable upon the issuance of a license and on or before July 1 of each year thereafter. All license fees shall be remitted to the City Treasurer. Application for renewal of the license shall be made on or before June 30 of each year and accompanied by the annual fee along with any occupational license fee required. Such applications shall also contain any changes in the information required hereinabove which may have occurred since the previous application.

(Ord. 11-01 930-00, passed 12-1-03) Penalty, see § 114.99