

## Chapter 13

### LICENSES AND BUSINESS REGULATIONS

*Cross Reference — As to enhanced enterprise zone, § 25-66.*

*Cross References — Duty of mayor to sign licenses, § 2-107; Duty of city clerk to prepare blank licenses, issue licenses and account for license taxes and fees, § 2-134; License for sale of alcoholic beverages, § 4-21 et seq.; License for dogs, § 5-31; Regulation of sale of cigarettes, § 7-1 et seq.; License for private garbage and refuse collectors, § 11-6; Motor vehicle licenses, § 15-49 et seq.; Building inspector/code enforcement officer — authorized to enforce ch. 13, § 2-209.*

*State Law Reference — Authority to impose license taxes on certain businesses, RSMo. § 94.110; Issuance of licenses, RSMo. § 94.120.*

#### ARTICLE I

#### General Business Regulations

##### **SECTION 13-1. "Merchant" Defined.** [Ord. of 5-11-1971, § 5]

MERCHANT — As used in this Chapter shall include every person engaged in the selling of goods, wares and merchandise, of any kind, at any stand or place occupied for the purpose within the City, and the term "merchant" shall include but shall not be limited to all merchants, commission merchants, grocers, druggists, jewelers, butchers and like businesses, confectioners, lumber dealers, building material dealers, wood and coal dealers, ice dealers and oil dealers, whether selling at wholesale or retail, and like dealers, blacksmiths, plumbers, tanners selling goods, wares, merchandise, supplies and fixtures, dealers in electrical goods and radios, department stores, mills, feed stores and elevators selling at retail, and like businesses engaged in selling goods, wares and merchandise, and garages and machines shops selling goods, wares and merchandise, parts and accessories, except as may be otherwise provided in this Chapter.

##### **SECTION 13-2. License Required.** [Ord. of 5-11-1971, § 1]

It shall be unlawful for any person, either directly or through agents, officers, servants or employees, to exercise, carry on or engage in any of the occupations, trades, businesses, agencies or vocations enumerated in Sections 13-3 and 13-4 within the corporate limits of the City, without first taking out and having a license therefor.

##### **SECTION 13-3. Administrative Fee for Issuance of License.** [Ord. of 5-11-1971 § 3; Ord. No. 2004-05 § 1, 3-9-2004]

Every merchant doing business within the City (not excluded by Statute) must annually obtain an occupation license and pay an administrative fee in the amount of thirty dollars (\$30.00) per license obtained. This administration fee shall be in addition to any occupational license tax

imposed by Section 13-4.

**SECTION 13-4. Occupational License Tax Levied.** <sup>1</sup> [Ord. of 5-11-1971 § 2; Ord. No. 2004-05 § 1, 3-9-2004; Ord. No. 2005-38 § 1, 11-8-2005; Ord. No. 2006-12 § 1, 3-28-2006]

1. *Abstracters, abstract agencies:* Thirty dollars (\$30.00) per year.
2. *Architect, professional engineer:* Thirty dollars (\$30.00) per year if office maintained within the municipality.
3. *Auctioneer:* Twenty dollars (\$20.00) per year or three dollars (\$3.00) per day if office maintained within the municipality.
4. *Automobile accessories, dealers or agents:* Fifty dollars (\$50.00) per year. Including trailers, tractors and wagons.
5. *Automobile, trailer, tractor dealers or agents:* Fifty dollars (50.00) per year or three dollars (\$3.00) per day.
6. *Bakers:* Thirty dollars (\$30.00) per year.
7. *Bakery trucks, retail:* Based out of the City, fifty dollars (\$50.00) per year.
8. *Banks, savings and loan associations:* Sixty dollars (\$60.00) per year.
9. *Barbers and barbershops:* For one (1) operator, ten dollars (\$10.00) per year; for each additional operator, five dollars (\$5.00) per year.
10. *Beauty parlors, hairdressers, hair dressing shops:* For one (1) operator, ten dollars (\$10.00) per year; for each additional operator, five dollars (\$5.00) per year.
11. *Billiards or pool halls:* Thirty dollars (\$30.00) per year.
12. *Blacksmiths, farriers, welders:* Mobile or stationary, twenty dollars (\$20.00) per year or ten dollars (\$10.00) per day.
13. *Bowling alleys, tenpin alleys, ball alleys:* Thirty dollars (\$30.00) per year.
14. *Bulk oil stations, gas companies, propane, butane stations, agents or dealers:* Thirty dollars (\$30.00) per year.
15. *Cafes, restaurants:* Thirty dollars (\$30.00) per year.
16. *Cement, brick, sidewalk, concrete contractors, dealer and agents:* Thirty dollars (\$30.00) per year.
17. *Delivery trucks:* Business resident of City, thirty dollars (\$30.00) per year; non-resident of City, fifty dollars (\$50.00) per year.
18. *Druggist:* Thirty dollars (\$30.00) per year.
19. *Employment offices and agencies:* Thirty dollars (\$30.00) per year.

---

1. Cross References — Fees for license to sell alcoholic beverages, § 4-22; Licensing and registration fee for sale of cigarettes, § 7-2.

20. *Flour mills*: Thirty dollars (\$30.00) per year.
21. *Florists*: Fifty dollars (\$50.00) per year.
22. *Foundries*: Twenty dollars (\$20.00) per year.
23. *General, bridge, stone, street, plumbing, electrical, and building contractors (outside the City)*: one hundred dollars (\$100.00) per year, plus one hundred (\$100.00) for each subcontractor working for or under contract with the general contractor, whether by the hour, day, week, month or year. Including roofers, carpenters, floor layers, plumbers, general repair, insulators, electricians, heating and cooling contractors and cabinet makers. Before obtaining an occupational license, electrical contractors must take and pass a City electrician's exam (for residential work only) or show proof of their valid Missouri electrical contractor's license. [Ord. No. 2015-05 § I, 3-10-2015]
24. *General, bridge, stone, street, plumbing, electrical, and building contractors (inside the City)*: twenty dollars (\$20.00) per year. Including roofers, carpenters, floor layers, plumbers, general repair, insulators, electricians, heating and cooling contractors and cabinet makers. Before obtaining an occupational license, electrical contractors must take and pass a City electrician's exam (for residential work only) or show proof of their valid Missouri electrical contractor's license. [Ord. No. 2015-05 § I, 3-10-2015]
25. *Grocers, wholesale butchers and butchers*: Thirty dollars (\$30.00) per year.
26. *Hawker, peddler, pawnbrokers or huckster*: Resident of City, thirty dollars (\$30.00) per year.
27. *Hawker, itinerant merchant, peddler, transient merchant or solicitor*: Non-resident, ten dollars (\$10.00) per day. Magazine and book peddlers, fifty dollars (\$50.00) per day.
28. *Health schools, masseur, physical culture*: Thirty dollars (\$30.00) per year.
29. *Hotels, motels, rooming houses, boarding houses, bed and breakfasts*: Thirty dollars (\$30.00) per year.
30. *Ice cream parlors, ice cream manufacturers and dealers*: Thirty dollars (\$30.00) per year.
31. *Ice dealers, ice plants, ice plant agencies, ice trucks*: Thirty dollars (\$30.00) per year.
32. *Insurance agent or broker*: Twenty dollars (\$20.00) per year if office maintained within the municipality.
33. *Junk dealers, auto salvage, auto wrecking*: With permanent place of business and salvage yards, thirty dollars (\$30.00) per year.
34. *Land surveyor*: Thirty dollars (\$30.00) per year if office maintained within the municipality.
35. *Laundries*: Thirty dollars (\$30.00) per year.
36. *Laundry agency, dry cleaning and tailors*: Thirty dollars (\$30.00) per year; with own plant located in City, twenty dollars (\$20.00) per year.
37. *Laundry trucks*: Outside City, twenty dollars (\$20.00) per year per unit.

38. *Loan and finance companies:* Sixty dollars (\$60.00) per year.
39. *Loan agents, collection agencies:* Thirty dollars (\$30.00) per year.
40. *Lunch, soft drink and ice cream stands, peanut and popcorn stand, food vendors:* Non-resident of City, fifty dollars (\$50.00) per unit per year.
41. *Lumber and wood dealers, loggers:* Thirty dollars (\$30.00) per year.
42. *Lung testers, muscle developers, fluoroscopic, telescopic views:* Five dollars (\$5.00) per day, including all kinds of striking machines.
43. *Machine shop, auto repair and body shops:* Twenty dollars (\$20.00) per year.
44. *Manufacturing agents:* Fifty dollars (\$50.00) per year.
45. *Mercantile agents:* Thirty dollars (\$30.00) per year. The term "*mercantile agent*", as herein used, shall be deemed to include any person having a place of business in the City where orders for the sale and delivery of merchandise are taken or any person who shall go from place to place in the City and shall take orders for the sale of goods, wares and merchandise for future delivery, either by himself or some other person.
46. *Merchant of all kinds:* Thirty dollars (\$30.00) per year.
47. *Milk distributors:* Resident of City, thirty dollars (\$30.00) per year; non-resident, fifty dollars (\$50.00) per year.
48. *Monument dealers and agencies:* Fifty dollars (\$50.00) per year.
49. *Moving picture shows, theatrical, concerts or other exhibitions:* Resident of City, thirty dollars (\$30.00) per year; non-resident of City, fifty dollars (\$50.00) per year. When not held in a public building, charging admission or where goods are sold, seven dollars (\$7.00) per day; however charitable, religious or educational or home talent shall be exempt.
50. *Newspaper office, job printing plant:* Thirty dollars (\$30.00) per year.
51. *Nursery stock agents:* Thirty dollars (\$30.00) per year.
52. *Outdoor advertising:* Thirty dollars (\$30.00) per year.
53. *Painting, plastering contractors:* Twenty dollars (\$20.00) per year or ten dollars (\$10.00) per job.
54. *Photographers:* Resident of City, thirty dollars (\$30.00) per year; non-resident, ten dollars (\$10.00) per day.
55. *Piano/organ dealers and agents:* Thirty dollars (\$30.00) per year.
56. *Produce and poultry dealers:* Thirty dollars (\$30.00) per year.
57. *Real estate agent or broker:* Consisting of not more than the owner and two (2) salesmen, thirty dollars (\$30.00) per year; for each additional salesman or agent, five dollars (\$5.00) per year if office maintained within the municipality.

58. *Sand plants*: Fifty dollars (\$50.00) per year.
59. *Sewer contractors, septic tank cleaner, itinerant plumber*: Thirty dollars (\$30.00) per year or ten dollars (\$10.00) per job.
60. *Sewing machine agents*: Fifty dollars (\$50.00) per year.
61. *Shoe cobbler/repair shops*: Twenty dollars (\$20.00) per year.
62. *Shooting, pistol galleries, archery range*: Twenty dollars (\$20.00) per year, provided that no pistol or gun of more than twenty-two hundredths (.22) caliber shall be used in any such gallery.
63. *Skating rink, miniature golf courses, museums, amusement parks*: Thirty dollars (\$30.00) per year and no license shall be issued for less than one (1) year.
64. *Stands*: Of all kinds, not herein otherwise named, three dollars (\$3.00) per day.
65. *Stockyards, sale barns, horse/cattle dealer, kennels*: Thirty dollars (\$30.00) per year.
66. *Storage warehouses and units*: Thirty dollars (\$30.00) per year.
67. *Tavern*: Thirty dollars (\$30.00) per year.
68. *Taxicab, buggies, carriages, wagons, buses*: Thirty dollars (\$30.00) per year.
69. *Transfer businesses, trucks, moving vans*: Twenty dollars (\$20.00) per year.
70. *Undertakers and funeral homes*: Thirty dollars (\$30.00) per year.
71. *Utility companies*: Of every kind (gas, electric, water, phone, cable) shall pay a fee of five percent (5%) of total gross receipts, but not less than seven thousand five hundred dollars (\$7,500.00) per year.
72. *Veterinarian*: Thirty dollars (\$30.00) per year if office maintained within the municipality.

**SECTION 13-5. License Taxes Not in Lieu of Ad Valorem Taxes.** [Ord. of 5-11-1971, § 6]

The license taxes provided for in this Article shall not be in lieu of any ad valorem tax, but such ad valorem tax shall be paid in addition to any license tax.

**SECTION 13-6. License Taxes to be Paid in Advance; Issuance of License.** [Ord. of 5-11-1971, § 7]

All license taxes shall be paid in advance to the City Collector, upon exhibition of whose receipt the City Clerk shall execute and deliver a license to the person entitled thereto, and the City Clerk shall charge the City Collector with the amount of such license.

**SECTION 13-7. Licenses not to be Transferred or Assigned.** [Ord. of 5-11-1971, § 8]

No license granted by the City shall be assigned or transferred.

**SECTION 13-8. Separate Licenses Required When More Than One Business is Conducted.** [Ord. of 5-11-1971, § 8]

No license granted to conduct or transact, or carry on any business shall authorize the licensee to blend with such business, any other business for which a separate license might be required, but in such a case a separate and appropriate license shall be taken out.

**SECTION 13-9. Licensed Business to be Operated Only on Licensed Premises.**

No person to whom a license is issued may carry on the business named therein at any other location than the one named in or endorsed on said license.

**SECTION 13-10. Term of Licenses; Pro-Rating Tax.** [Ord. of 5-11-1971, § 9]

All annual licenses shall begin on the first day of July of each year and whenever any person shall make application for a license after said date, the amount of the license tax shall be pro-rated for the remainder of the license year, except during the last three (3) months of the license year, in which case the fee shall be one-quarter (1/4) of the regular fee.

**SECTION 13-11. Licenses to be Issued in Name of City; Required Signatures, Seal.** [Ord. of 5-11-1971, § 10]

All licenses shall be issued in the name of the City and shall be signed by the Mayor, attested by the City Clerk, countersigned by the City Collector and sealed with the Corporate Seal of the City.

**SECTION 13-12. Posting License.** [Ord. of 5-11-1971, § 13]

It shall be the duty of any person conducting a licensed business in the City to keep his license posted in a prominent place on the premises for such business at all times.

**SECTION 13-13. Revocation of Licenses and Permits.** [Ord. of 5-11-1971, § 12]

Any license or permit may be revoked by the Mayor at any time during the life of such license or permit for any violation by the licensee or permittee of the provisions of this Code or other ordinances of the City relating to the license or permit, the subject matter of the license or permit, or to the premises occupied. Such revocation may be in addition to any fine imposed.

**SECTION 13-14. Procedure When Person is Found Operating Without a License.** [Ord. of 5-11-1971, § 11]

When any person, either directly or through agents, officers, servants or employees shall be found to exercise, carry on or engage in any trade, business, agency or vocation within the City, without first obtaining a license therefor, it shall be the duty of the City Marshal and every Policeman of the City, upon being notified thereof to inquire into the matter and if satisfied that it is true, to give information thereof to the Municipal Judge and thereupon the Municipal Judge shall issue his warrant and cause the offender to be arrested and brought before him to answer such complaint, as in cases of misdemeanors.

**SECTION 13-15. City Taxes Must be Paid Before License Issued.** [Ord. No. 91-3 § 1, 5-14-1991]

No person, corporation, firm or other individual or entity whosoever, hereafter collectively

"licensee", shall be issued a business or occupational license as referenced in this Chapter without having first paid all City taxes or fees owed to the city of Lexington in connection with any premises owned or occupied by such licensee, and being fully current regarding the payment thereof on the date an application for such license is submitted to the City.

**SECTION 13-16. Revocation of License in the Event of Delinquent Taxes.** [Ord. No. 91-3 § 2, 5-14-1991]

Any such license issued by the City under this Chapter is subject to revocation in the form and manner prescribed in Section 13-13 of this Chapter in the event a delinquency in the payment of required City taxes or fees accrues against either the licensee holding said license or premises occupied by the licensee, and the licensee fails to fully pay and satisfy the accrued delinquency with ten (10) days of the receipt of written notice thereof from the City Clerk.

**SECTION 13-17. Evidence of Workers' Compensation Prior to License Issuance.** [Ord. No. 93-20 § 1, 9-28-1993]

No license required under the provisions of this Section shall be issued by the City to any person until such person produces a copy of a certificate of insurance for Workers' Compensation coverage if the applicant for the license is required to cover his liability under Chapter 287, RSMo. It is further made a violation of this Section to provide fraudulent information to the City.

**SECTION 13-18. through SECTION 13-19. (Reserved)**

ARTICLE II  
(Reserved) <sup>2</sup>

**SECTION 13-20. through SECTION 13-30. (Reserved)**

ARTICLE III  
**Adult Businesses — Licensing and Regulation** <sup>3</sup>

**SECTION 13-31. Definitions.** [Ord. No. 2002-03 § 1, 1-8-2002]

For the purposes of this Article and unless the content plainly requires otherwise, the following definitions are adopted.

ADULT BUSINESS — Any business enterprise:

1. That has as a regular and substantial business purpose the sale, display or rental of goods that are designed for use in connection with specified sexual activities or that emphasize matters depicting, describing or relating to specified sexual activities or specified anatomical areas, or
2. That has one (1) of the following as a regular and substantial business purposes:

---

2. Editor's Note — Ord. no. 2002-10 § 1, adopted March 19, 2002, repealed this article II, "Farmer's Market" and sections 13-20 — 13-23 in their entirety. Former sections 13-20 — 13-23 derived from ord. no. 86-114 §§ 1 — 4, 4-8-1986. At the editor's discretion we have left these sections reserved for the city's future use.

3. Editor's Note — Ord. no. 2002-03, adopted January 8, 2002, superseded this article III "Adult Business" and enacted the new provisions set out herein. Former article III derived from ord. no. 95-29 §§ 1 — 7, 11-28-1995.

- a. The providing of entertainment where the emphasis is on performances, live or otherwise, that depict, portray, exhibit or display specified anatomical areas or specified sexual activities, or
  - b. The providing of services that provide specified sexual activities or specified anatomical areas ancillary to other pursuits or allow participation in specified sexual activities ancillary to other pursuits.
3. The definition of "*adult business*" also includes, but is not limited to, any and all of the following as defined herein:
- a. Businesses that offer the following described goods for sale or rent:
    - (1) *Adult Retail Establishments*: An establishment which as a regular and substantial business purpose offers for sale or rent any one (1) or more of the following: instruments, devices, gifts or paraphernalia which are designed for use in connection with specified sexual activities or clothing that graphically depicts specified anatomical areas or any of the materials sold or rented in an adult bookstore as defined herein.
    - (2) *Adult Bookstore*: An establishment which as a regular and substantial business purpose offers for sale or rent books, magazines, periodicals or other printed matter, photographs, slides, films or videotapes which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.
    - (3) *Adult Media Outlet*: An establishment that has as a regular and substantial business purpose the rental, sale or offering for viewing off the premises or other use of any adult media.
    - (4) *Adult News Rack*: Any coin- or card-operated device that offers for sale by dispensing printed material which is distinguished or characterized by its emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.
    - (5) *Adult Newsstand*: A freestanding structure, vehicle or booth which as a regular and substantial business purpose offers for sale books, magazines, periodicals or other printed matter which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.
  - b. Businesses that provide the following entertainment:
    - (1) *Adult Entertainment Business*: Any enterprise to which the public, patrons or members are invited or admitted and where providing adult entertainment, as defined herein, is a regular and substantial portion of its business.
    - (2) *Adult Motion Picture Theater*: An establishment containing a room with seats facing a screen or projection areas where a regular and substantial portion of its business is the exhibition to customers of films, videotapes or motion pictures which are intended to provide sexual stimulation or sexual gratification to the

customers and which are distinguished by or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

- (3) *Adult Theater*: An establishment located in an enclosed building where a regular and substantial portion of its business is providing the live performance of activities relating to specified sexual activities or exhibition of specified anatomical areas or live performers for observation by customers and patrons.
  - (4) *Adult Entertainment Cabaret*: An establishment where a regular and substantial portion of its business is providing adult entertainment which features strippers, male or female impersonators, go-go dancers or live performances; or material which is primarily characterized by an emphasis on specified sexual activities or specified anatomical areas.
  - (5) *Adult Entertainment Studio*: Includes the terms rap studio, exotic dance studio, sensitivity studio or encounter studio and means an establishment whose premises is physically arranged as to provide booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises and where a regular and substantial portion of its business is providing entertainment which features materials or live performances characterized by an emphasis on or features materials relating to specified sexual activities or the exhibition of specified anatomical areas.
  - (6) *Adult Encounter Parlor*: An establishment where a regular and substantial portion of its business is the provision of premises where customers congregate, associate or consort with employees and/or performers or private contractors who display specified anatomical areas in the presence of such customers with the intent of providing sexual gratification or stimulation to such customers.
  - (7) *Body Painting Studio*: An establishment where a regular and substantial portion of its business is the maintaining, operating or offering for compensation the applying of paint or other substance to or on the human body by any means of application, technique or process when the subject's body is displaying for the customer's view specified anatomical areas.
- c. Businesses that provide the following described services:
- (1) *Bathhouse*: An enterprise where a regular and substantial portion of its business is offering baths with other persons present who are nude or displaying specified anatomical areas.
  - (2) *Adult Motel*: An enterprise where a regular and substantial portion of its business is offering public accommodations for consideration for the purpose of viewing closed circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are distinguished or characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas and rents room accommodations for less than six (6) hours at a time.

**ADULT ENTERTAINMENT** — Any live exhibition, performance, display or dance of any type including, but not limited to, talking singing, reading, listening, posing, serving food or beverages, soliciting for the sale of food, beverages or entertainment, pantomiming, modeling, removal of clothing or any service offered for amusement on a premises where such exhibition, performance, display or dance is intended to seek to arouse or excite the sexual desires of the entertainer, other entertainers or patrons or if the entertainment involves a person who is nude or in such attire, costume or clothing as to expose to view any portion of the human genitals, pubic region, vulva, pubic hair, buttocks, female breast or breasts below a point immediately above the top of the areola or nipple or the human male genitals in a discernibly erect state, even if completely and opaquely covered.

**CONTAGIOUS AND COMMUNICABLE DISEASES** — Those diseases which are set out in the Code of State Regulations established by the State of Missouri.

**EMPLOYEE** — Any and all persons, including managers, entertainers and independent contractors who work in or at or render any services directly related to the operation of an adult business.

**ENTERTAINER** — Any person who provides adult entertainment within an adult entertainment business as defined in this Section, whether or not a fee is charged or accepted for entertainment.

**MANAGER** — Any person who manages, directs, administers or is in charge of the affairs and/or conduct of any portion of any activity at an adult business.

**OPERATOR** — Any person operating, conducting or maintaining an adult business.

**PERSON** — Any individual, partnership, corporation, trust, incorporated or unincorporated association, martial community, joint venture, governmental entity or other entity or group of persons however organized.

**PUBLIC PLACE** — Any area generally visible to public view and includes streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots and automobiles whether moving or not.

**SERVER** — Any person who serves food or drink at an adult business.

#### **SPECIFIED ANATOMICAL AREAS**

1. Uncovered or exposed human genitals, pubic region or pubic hair; or buttock; or female breast or breasts below a point immediately above the top of the areola encircling the nipple or any combination of the foregoing, or
2. Human male genitals in a discernibly erect state, even if completely and opaquely covered.

**SPECIFIED SEXUAL ACTIVITIES** — Sexual conduct, being actual or simulated, acts of human masturbation; sexual intercourse; or physical contact, in an act of apparent sexual stimulation or gratification, with a person's clothed or unclothed genitals, pubic area, 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.

#### **SUBSTANTIAL BUSINESS PURPOSE**

1. Thirty-three percent (33%) or more of the gross floor space is devoted to that purpose; or

2. Thirty-three percent (33%) or more of the retail floor space is devoted to that purpose; or
3. Thirty-three percent (33%) or more of the gross sales of the business are derived from that purpose.

**SECTION 13-32. License Required for Adult Business.** [Ord. No. 2002-03 § 2, 1-8-2002]

- A. It shall be unlawful for any person to operate or maintain an adult business in the City unless the owner, operator or lessee thereof has obtained an adult business license from the City or to operate such business after such license has been revoked or suspended by the City.
- B. It is unlawful for any entertainer, server, employee, manager, operator or owner to knowingly perform any work, service or entertainment directly related to the operation of an unlicensed adult business.
- C. It shall be prima facia evidence that any adult business that fails to have posted an adult business license, in the manner required by this Article, has not obtained such a license. In addition, it shall be prima facia evidence that any entertainer, server, employee, manager, operator or owner who performs any business, service or entertainment in an adult business, in which an adult business license is not posted, in the manner required by this Chapter, had knowledge that such business was not licensed.
- D. Any business enterprise that sells or rents goods that are designed for use in connection with specified sexual activities or that emphasize matters depicting, describing or relating to specified sexual activities or specified anatomical areas and that excludes minors by virtue of age from all or any part of the business premises shall be deemed to have consented to periodic entry into and inspection of the business premises by appropriate City Officials and inspection by those officials of only those business records necessary for the limited purpose of determining whether such business enterprise is an adult business as defined in this Section. This entry and inspection shall take place during hours when such adult business is open to the public, unless otherwise requested by the adult business, and shall not unreasonably interfere with the conduct of such business.

**SECTION 13-33. License Required for Managers, Servers and Entertainers.** [Ord. No. 2002-03 § 3, 1-8-2002]

It is unlawful for any person to work as an entertainer, server or manager at an adult business without first obtaining a license to do so from the City or to work as an entertainer, server or manager at an adult business after such person's license to do so has been revoked or suspended.

**SECTION 13-34. License, Classification and Fees.** [Ord. No. 2002-03 § 4, 1-8-2002]

- A. The license year for all fees required under this Article shall be from each July first (1st) through June thirtieth (30th). The application for a license shall be accompanied by payment in full of the fee stated in this Article by certified or cashier's check or money order; and no application shall be considered complete until each fee is paid.
- B. All licenses shall be issued for a specific location and shall be non-refundable and non-transferable.

- C. The classification of licenses and fees for each shall be as follows:
1. Adult business license fee is one thousand dollars (\$1000.00) per year;
  2. Manager's license fee is one hundred dollars (\$100.00) per year;
  3. Entertainer's license fee is one hundred dollars (\$100.00) per year;
  4. Server's license fee is one hundred dollars (\$100.00) per year.

**SECTION 13-35. License Limited to One Identifiable Type of Adult Use.** [Ord. No. 2002-03 § 5, 1-8-2002]

All adult business licenses shall be issued only for the one (1) adult business use listed on the application. Any change in the type of adult use shall invalidate the adult business license.

**SECTION 13-36. License Application.** [Ord. No. 2002-03 § 6, 1-8-2002]

- A. *Adult Business License.* All persons desiring to secure a license to operate an adult business under the provisions of this Article shall make a notarized application with the City Clerk. All applications shall be submitted in the name of the person proposing to conduct or operate the adult business. All applications shall be submitted on a form supplied by the City Clerk and shall require the following information:
1. The name, residence address, home telephone number, occupation, date and place of birth and Social Security number of the applicant.
  2. The name of the adult business, a description of the type of business to be performed on the licensed premises, and the name of the owner of the premises where the adult business will be located.
  3. The names, residence addresses, Social Security numbers and dates of births of all partners, if the applicant is a partnership; and if the applicant is a corporation, the same information for all corporate officers and directors and stockholders who own ten percent (10%) or greater interest in the corporation.
  4. The residence addresses of the applicant or of all partners or of all corporate officers and directors for the five (5) years immediately prior to the date of application.
  5. A description of the adult business history of the applicant or of the partnership and all partners or of the corporation and all corporate officers and directors.
  6. A statement from the applicant or from all partners or from all such corporate officers and directors, whether any such person or entity, in previously operating in this or another City, County or State, has had a business license of any type revoked or suspended and, if so, the reason therefor and the activity or occupation subjected to such action, suspension or revocation.
  7. A statement of the business, occupation or employment of the applicant or of all partners or of all corporate officers and directors for the three (3) years immediately preceding the date of the application.

8. A statement from the applicant or from each partner or from each corporate officer and director that each such person has not been convicted of, released from confinement for conviction of or diverted from prosecution on:
  - a. Any felony within five (5) years immediately preceding the application, or
  - b. A misdemeanor criminal act within two (2) years immediately preceding the application, where such felony or misdemeanor involved sexual offenses, prostitution, promotion of prostitution, indecent exposure, sexual abuse of a child or pornography and related offenses as defined in the Missouri Criminal Code or involved controlled substances or illegal drugs or narcotics offenses as defined in the Missouri Controlled Substances Act or other Statutes of the State of Missouri or ordinances of the City.

The statement shall also indicate that the applicant, each partner and each corporate officer and director has not been convicted of a municipal ordinance violation or diverted from prosecution on a municipal ordinance violation within two (2) years immediately preceding the application where such municipal ordinance violation involved sexual offenses, indecent exposure, prostitution or sale of controlled substances or illegal drugs or narcotics.

9. On applications requesting a license to operate a bathhouse or body painting studio, the applicant shall provide for each person working on the premises a health certificate from a duly licensed Missouri physician stating that within ninety (90) days prior thereto, the applicant and all other persons working on the premises have been examined and found free of any contagious or communicable disease as defined herein.
  10. A full set of fingerprints and a photograph, to be taken by the Police Department, of the applicant or of all partners if the applicant is a partnership or of all such corporate officers and directors if the applicant is a corporation.
  11. If the applicant is a corporation, a current certificate of registration issued by the Missouri Secretary of State.
  12. A statement signed under oath that the applicant has personal knowledge of the information contained in the application and that the information contained therein is true and correct and that the applicant has read the provisions of this Article regulating adult businesses. Failure to provide the information and documentation required by this Subsection shall constitute an incomplete application which shall not be processed.
- B. *Manager, Server Or Entertainer License.* All persons desiring to secure a license under the provisions of this Article to be a manager, server or entertainer shall make a notarized application with the City Clerk. All applications shall be submitted in the name of the person proposing to be a manager, server or entertainer. All applications shall be submitted on a form supplied by the City Clerk and shall require the following information:
1. The applicant's name, home address, home telephone number, date and place of birth, Social Security number, and any stage names or nicknames used in entertaining or at the business.

2. The name and address of each adult business where the applicant intends to work as a manager, server or entertainer and an intent to hire statement from an adult business that is licensed or that has applied for a license, under the provisions of this Article, indicating the adult business intends to hire the applicant to manage, serve or entertain on the premises. Failure to provide an intent to hire statement shall not invalidate the application.
3. A statement from the applicant that the applicant has not been convicted of, released from confinement for conviction of, or diverted from prosecution on:
  - a. A felony within five (5) years immediately preceding the application, or
  - b. A misdemeanor within, two (2) years immediately preceding the application, where such felony or misdemeanor involved sexual offenses, prostitution, promotion of prostitution, indecent exposure, sexual abuse of a child or pornography and related offenses as defined in the Missouri Criminal Code or involved controlled substances or illegal drugs or narcotics offenses as defined in the Missouri Controlled Substances Act or other Statutes of the State of Missouri or ordinances of the City.

The statement shall also indicate that the applicant has not been convicted of a municipal ordinance violation or diverted from prosecution on a municipal ordinance violation within two (2) years immediately preceding the application where such municipal ordinance violation involved sexual offenses, indecent exposure, prostitution or sale of controlled substances or illegal drugs or narcotics.

4. A full set of fingerprints and a photograph of the applicant to be taken by the Public Safety Department.
5. The applicant shall present to the City Clerk who shall copy documentation that the applicant has attained the age of eighteen (18) years at the time the application is submitted. Any of the following shall be accepted as documentation of age:
  - a. A valid motor vehicle operator's license issued by any State bearing this applicant's photograph and date of birth;
  - b. A State-issued identification card bearing the applicant's photograph and date of birth;
  - c. An official and valid passport issued by the United States of America;
  - d. An immigration card issued by the United States of America;
  - e. Any other form of picture identification issued by a governmental entity that is deemed reliable by the City Clerk; or
  - f. Any other form of identification deemed reliable by the City Clerk.

Failure to provide the information required by this Subsection shall constitute an incomplete application and shall not be processed.

C. *Facilities Necessary.* No adult business license to conduct a bathhouse or body painting studio shall be issued unless an inspection by the Director, Lafayette County Health Department or his/her authorized representative reveals that the premises the applicant intends to conduct business from complies with each of the following minimum requirements:

1. The walls shall be clean and painted with washable, mold-resistant paint in all rooms where water or steam baths are given. Floors shall be free from any accumulation of dust, dirt or refuse. All equipment used in the business's operation shall be maintained in a clean and sanitary condition. Towels, linen and items for personal use of operators and patrons shall be clean and freshly laundered. Towels, cloths and sheets shall not be used for more than one (1) patron. Heavy, white paper may be substituted for sheets provided that such paper is changed for every patron. No service or practice shall be carried on within any cubicle, room, booth or any area within any permitted establishment which is fitted with a door capable of being locked.
2. Toilet facilities shall be provided in convenient locations. When five (5) or more employees and patrons of different sexes are on the premises at the same time, separate toilet facilities shall be provided. A single water closet per sex shall be provided for each twenty (20) or more employees or patrons of that sex on the premises at any one (1) time. Urinals may be substituted for water closets after one (1) water closet has been provided. Toilets shall be designated as to the sex accommodated therein.
3. Lavatories or wash basins provided with both hot and cold running water shall be installed in either the toilet room or a vestibule. Lavatories or wash basins shall be provided with soap in a dispenser and with sanitary towels.

The Director, Lafayette County Health Department or his/her representative shall certify that the proposed business establishment complies with all of the requirements of this Article and shall give or send such certification to the City Clerk. Provided however, that nothing contained herein shall be construed to eliminate other requirements of Statute or ordinance concerning the maintenance of premises, nor to preclude authorized inspection thereof. The appropriate City Official may recommend the issuance of a license contingent upon the compliance with any requirements in this Section.

D. *Application Processing.*

1. Upon receipt of a complete application for an adult business, manager, server or entertainer license, the City Clerk shall immediately transmit one (1) copy of the application to the Police Department for investigation of the application. In addition, the City Clerk shall transmit a copy of the application to the Building Official.
2. It shall be the duty of the Police Chief or his/her designee to investigate such application to determine whether the information contained in the application is accurate and whether the applicant is qualified to be issued the license applied for. The Police Chief shall report the results of the investigation to the City Clerk not later than ten (10) working days from the date the application is received by the City Clerk.

3. It shall be the duty of the Building Official to determine whether the structure where the adult business will be conducted complies with the requirements and meets the standards of the applicable health, zoning, building code, fire and property maintenance ordinances of the City. The Building Official shall report the results of the investigation to the City Clerk not later than ten (10) working days from the date the application is received by the City Clerk.
4. Upon receipt of the reports from the Police Chief and Building Official, the City Clerk shall consider the license application for an adult business, manager, server or entertainer which shall be approved or disapproved within forty-five (45) days from the date.

**SECTION 13-37. Examination of Application, Issuance of License, Disapproval.** [Ord. No. 2002-03 § 7, 1-8-2002]

- A. If the application for an adult business, manager, server or entertainer license is in proper form and accompanied by the appropriate license fee, the City Clerk shall examine the applications and after such examination, the City Clerk shall, if the applicant is qualified, approve a license as provided for by law, provided a license shall not be approved to any person ineligible pursuant to Section 13-38.
- B. The record of the City Clerk shall show the action taken on the application and if the license is granted, the City Clerk shall issue the proper license. The license shall state that it is not transferable to other persons or entities and the calendar year for which it is issued. The license shall be kept posted in a conspicuous place in the place of business that is licensed or where the licensee is working.
- C. If an application for a license is disapproved, the applicant shall be immediately notified by registered or certified mail to the applicant's last known address and the notification shall state the basis for such disapproval. Any applicant aggrieved by the disapproval of a license application may seek judicial review in a manner provided by law.

**SECTION 13-38. License — Ineligibility and Disqualification.** [Ord. No. 2002-03 § 8, 1-8-2002]

No person is eligible nor shall a license be issued to:

1. An adult business applicant if one (1) or more of the following conditions exist:
  - a. The applicant's premises is located within one thousand (1,000) feet of any school, church, public park, licensed child care center or licensed child care home. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest point on the property line of the applicant's business to the nearest point on the property line of such school, church, public park, licensed day care center or licensed child care home.
  - b. The applicant's premises is located within one thousand (1,000) feet of any other adult business for which there is a license issued. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest point on the property line of the applicant's business to the nearest point on the property line of such other adult business.

- c. The applicant's premises is located within one hundred fifty (150) feet of any residentially zoned property. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest point on the property line of the applicant's business to the nearest point on the property line of the residentially zoned property.
  - d. In the case of an application for an adult business license for a business use defined in Section 13-31(A) Subsection (3)(b) of the definition of "*ADULT BUSINESS*" or Section 13-31(A) Subsection (3)(c) of the definition of "*ADULT BUSINESS*" described as adult entertainment business, adult motion picture theater, adult entertainment cabaret, adult entertainment studio, adult encounter parlor, body painting studio, bath house or adult motel, the applicant's premises is located within three hundred (300) feet of any residentially zoned property. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest point on the property line of the applicant's business to the nearest point on the property line of the residentially zoned property.
  - e. The applicant failed to supply all of the information requested on the application.
  - f. The applicant gave materially false, fraudulent or untruthful information on the application.
  - g. The applicant's proposed business premises does not comply with or meet the requirements of the applicable health, zoning, building code, fire and property maintenance ordinances of the City, provided that upon a showing that the premises meets said requirements and that the applicant is otherwise qualified, the application shall be eligible for reconsideration by the City Clerk.
  - h. The applicant has been convicted, released from incarceration for conviction, or diverted on any of the crimes set forth in Section 13-36 of this Article during the time period set forth in said Section.
  - i. The applicant has had an adult business or comparable license revoked or suspended in this or any other City during the past five (5) years.
  - j. If the applicant is applying for a license to operate a bathhouse or body painting studio and has not produced a health certificate as required herein for all persons working on the premises.
2. An applicant for a manager, server or entertainer if one (1) or more of the following conditions exist:
- a. The employer for whom the applicant intends to work does not have or is ineligible to receive an adult business license for any of the reasons stated in Subsection (1) above;
  - b. The applicant has been convicted, released from incarceration for conviction, or diverted on any of the crimes set forth in Section 13-36 of this Article during the time period set forth in said Section;
  - c. The applicant failed to provide all of the information required on the application;
  - d. The applicant gave materially false, fraudulent or untruthful information on the

application;

- e. The applicant has had a manager, server, entertainer or comparable license revoked or suspended in this or any other City during the past five (5) years.

**SECTION 13-39. Standards of Conduct.** [Ord. No. 2002-03 § 9, 1-8-2002]

The following standards of conduct shall be adhered to by all adult business licensees, their employees and all managers, servers and entertainers and patrons of adult businesses while on or about the premises of the business:

1. *Identification cards.* All or any manager, server or entertainer issued a license by the City under the provisions of this Article shall, at all times when working in an establishment subject to the provisions of this Article, have in their possession a valid identification card issued by the City bearing the permit number, the employee's physical description and a photograph of such employee. Such identification cards shall be laminated to prevent alteration.
2. *Age restriction.* Only persons eighteen (18) years of age or older shall be permitted on the premises of any adult business.
3. *Exterior observation and display.* No adult business will be conducted in any manner that permits the observation or display of performers, servers or entertainers engaged in an erotic depiction or dance or any material or persons, caricatures, animals or any portion thereof depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined herein, or any books, cards, magazines, periodicals or other printed matter, photographs, slides, films, motion pictures or videotapes which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas from any exterior source including, but not limited to, by display, decoration, sign, show window or other opening.
4. *Nudity prohibited.* No manager, employee, server, entertainer or patron in an adult business, other than a licensed bathhouse, shall appear nude, unclothed, in less than opaque attire or in any fashion that exposes to view any specified anatomical area.
5. *Certain acts prohibited.*
  - a. No manager, employee, server, entertainer or patron shall perform any specified sexual activities as defined herein, wear or use any device or covering exposed to view which simulates any specified anatomical area, use artificial devices or inanimate objects to perform or depict any of the specified sexual activities as defined herein or participate in any act of prostitution.
  - b. No manager, employee, server, entertainer or patron of an adult business shall knowingly touch, fondle or caress any specified anatomical area of another person or knowingly permit another person to touch, fondle or caress any specified anatomical area of such manager, employee, server, entertainer or patron, whether such specified anatomical areas are clothed, unclothed, covered or exposed.
  - c. No manager, employee, server or entertainer of an adult business shall be visible from the exterior of the adult business while such person is unclothed or in such attire,

costume or clothing as to expose to view any specified anatomical area.

- d. No entertainer shall solicit, demand or receive any payment or gratuity from any patron or customer for any act prohibited by this Article and no entertainer shall receive any payment or gratuity from any customer for any entertainment except as follows:
    - (1) While such entertainer is on the stage or platform, a customer or patron may place such payment or gratuity into a box affixed to the stage, or
    - (2) While such entertainer is not on the stage or platform and is clothed so as to not expose to view any specified anatomical area, a customer or patron may either place such payment or gratuity into the entertainer's hand or under a leg garter worn by such entertainer at least four (4) inches below the bottom of the pubic region.
  - e. No owner, operator, manager or other person in charge of the premises of an adult premises shall:
    - (1) Knowingly permit alcoholic liquor or cereal malt beverages to be brought upon or consumed on the premises (unless otherwise permitted pursuant to the City Code);
    - (2) Knowingly allow or permit the sale, distribution, delivery or consumption of any controlled substance or illegal drug or narcotic on the premises;
    - (3) Knowingly allow or permit any person under the age of eighteen (18) years of age to be in or upon the premises;
    - (4) Knowingly allow or permit any act of prostitution or patronizing prostitution on the premises; or
    - (5) Knowingly allow or permit a violation of this Article or any other City ordinance provision or State law.
6. *Signs required.* All adult businesses shall have conspicuously displayed in the common area at the principal entrance to the premises a sign, on which uppercase letters shall be at least two (2) inches high and lowercase letters at least one (1) inch high, which shall read as follows:

**This Adult Business is Regulated and Licensed by The City of Lexington Entertainers  
Are:**

- \* Not permitted to engage in any type of sexual conduct or prostitution on the premises or to fondle, caress or touch the breasts, pubic region, buttocks or genitals of any employee, patron or other entertainer or to permit any employee, patron or other entertainer to fondle, caress or touch the breasts, pubic region, buttocks or genitals of said entertainer.
- \* Not permitted to be nude, unclothed or in less than opaque 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 and/or genitals.

- \* Not permitted to demand or collect any payment or gratuity from any customer for entertainment, except as follows:
  - While such entertainer is on the stage, by placing such payment or gratuity into a box affixed to the stage, or
  - While such entertainer is not on the stage, by either placing such payment or gratuity into the entertainer's hand or under the entertainer's leg garter.

**Customers Are:**

- \* Not permitted to be upon the stage at any time.
  - \* Not permitted to touch, caress or fondle the breasts, pubic region, buttocks or genitals of any employee, server or entertainer or engage in solicitation for prostitution.
7. *Lighting required.* The premises of all adult businesses 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 one (1) foot-candle as measured at the floor level and such illumination must be maintained at all times that any customers or patron is present in or on the premises.
  8. *Closed booths or rooms prohibited.* The premises of all adult businesses shall be physically arranged in such manner that the entire interior portions of any booths, cubicles, rooms or stalls is visible from a common area of the premises. Visibility shall not be blocked or obscured by doors, curtains, drapes or any other obstruction whatsoever.
  9. *Ventilation and sanitation requirements.* The premises of all adult businesses shall be kept in a sanitary condition. Separate dressing rooms and restrooms for men and women shall at all times be maintained and kept in a sanitary condition.
  10. *Hours of operation.* No adult business maybe open or in use between the hours of 2:00 A.M. and 9:00 A.M. on any day other than a Sunday when the business may not be open between the hours of 2:00 A.M. and 12:00 Noon.

**SECTION 13-40. License — Posting or Display.** [Ord. No. 2002-03 § 10, 1-8-2002]

- A. Every person, corporation, partnership or association licensed under this Article as an adult business shall post such license in a conspicuous place and manner on the adult business premises.
- B. Every person holding a server, manager or entertainer license shall post his or her license in his or her work area on the adult business premises so it shall be readily available for inspection by City authorities responsible for enforcement of this Article.

**SECTION 13-41. Manager on Premises.** [Ord. No. 2002-03 § 11, 1-8-2002]

- A. A manager shall be on duty at any adult business at all times the premises is open for business. The name of the manager on duty shall be prominently posted during business hours.

- B. It shall be the responsibility of the manager to verify that any person who provides adult entertainment or works as a server within the premises possesses a current and valid adult entertainer's license or an adult entertainment server's license and that such licenses are prominently posted.
- C. It shall be the responsibility of the manager to insure persons under the age of eighteen (18) do not enter upon the premises.

**SECTION 13-42. Inspector and Inspections.** [Ord. No. 2002-03 § 12, 1-8-2002]

All adult businesses shall permit representatives of the Police Department or any other City Official acting in their official capacity to inspect the premises as necessary to insure the business is complying with all applicable regulations and laws.

**SECTION 13-43. Suspension, Revocation or Non-Renewal — License.** [Ord. No. 2002-03 § 13, 1-8-2002]

Whenever the City Clerk has information that:

1. The owner or operator of an adult business or a holder of a manager, server or entertainer license has violated or knowingly allowed or permitted the violation of any of the provisions of this Article;
2. There have been recurrent violations of provisions of this Article that have occurred under such circumstances that the owner or operator of an adult business knew or should have known that such violations were committed;
3. The adult business license or the manager, server or entertainer license was obtained through false statements in the application for such license or renewal thereof;
4. The adult business licensee or the manager, server or entertainer licensee failed to make a complete disclosure of all information in the application for such license or renewal thereof;
5. The owner or operator or any partner or any corporate officer or director holding an adult business license has become disqualified from having a license by a conviction as provided in Section 13-38;
6. The holder of a manager, server or entertainer license has become disqualified from having a license by a conviction as provided in Section 13-38;

then the City Clerk shall make this information known to the Lexington City Council which upon five (5) days' written notice to the person holding the license shall conduct a public hearing to determine whether the license should be suspended or revoked. The Lexington City Council may pass a resolution setting forth the procedures for the conduct of such hearings. Based on the evidence produced at the hearing, the Lexington City Council may take any of the following actions:

- a. Suspend the license for up to ninety (90) days.
- b. Revoke the license for the remainder of the license year.

- c. Place the license holder on administrative probation for a period of up to one (1) year, on the condition that no further violations of the Article occur during the period of probation. If a further violation does occur and after a hearing the additional violation is determined to have actually occurred, the license will be revoked for the remainder of the license year.

**SECTION 13-44. Renewal.** [Ord. No. 2002-03 § 14, 1-8-2002]

- A. A license may be renewed by making application to the City Clerk on application forms provided for that purpose. Licenses shall expire on June thirtieth (30th) of each calendar year and renewal applications for such licenses shall be submitted between June fifteenth (15th) and June thirtieth (30th).
- B. Upon timely application and review as provided for a new license, a license issued under the provisions of this Article shall be renewed by issuance of a new license in the manner provided in this Article.
- C. If the application for renewal of a license is not made during the time provided in Subsection (A) of this Article, the expiration of such license shall not be affected and a new application shall be required.

**SECTION 13-45. Judicial Review — Stay of Enforcement of Orders.** [Ord. No. 2002-03 § 15, 1-8-2002]

Following the entry of an order by the Lexington City Council suspending or revoking a license issued pursuant to this Article or the City Clerk disapproving the renewal application for a license, such licensee or applicant may seek judicial review in a manner provided by law. The Lexington City Council may stay enforcement of such order for a period of time not to exceed thirty (30) days pending the filing and/or final disposition of proceedings for judicial review.

**SECTION 13-46. Penalty.** [Ord. No. 2002-03 § 16, 1-8-2002]

It shall be unlawful for any person to violate any of the provisions of this Article. Upon conviction thereof, such person shall be punished by a fine not to exceed five hundred dollars (\$500.00) or be punished by incarceration for a period not to exceed ninety (90) days, or by both such fine and incarceration. Each day's violation of or failure, refusal or neglect to comply with any provision of this Article shall constitute a separate and distinct offense.

**SECTION 13-47. Regulations.** [Ord. No. 2002-03 § 17, 1-8-2002]

The City Clerk shall have the power to promulgate regulations as may be necessary and feasible for the carrying out of the duties of his/her office and which are not inconsistent with the provisions of this Article.

**ARTICLE IV  
Parades**

**SECTION 13-48. Definitions.** [Ord. No. 2002-26 § 1, 7-9-2002]

For the purposes of this Article and unless the content plainly requires otherwise, the following

definitions are adopted.

**PARADE** — Any parade, march, ceremony, show, exhibition, pageant or procession of any kind or any similar display in or upon any street, park or other public place in the City.

**PARADE PERMIT** — A permit as required by this Article.

**SECTION 13-49. Permit Required.** [Ord. No. 2002-26 § 1, 7-9-2002]

No person shall engage in, participate in, aid, form or start any parade unless a parade permit shall have been obtained from the Chief of Police.

**SECTION 13-50. Permit Application.** [Ord. No. 2002-26 § 1, 7-9-2002]

- A. A person seeking issuance of a parade permit shall file an application with the Chief of Police not less than thirty (30) days before the date on which it is proposed to conduct the parade on forms provided by such officer.
- B. The application for a parade permit shall set forth the following information:
  - 1. The name, address and telephone number of the person seeking to conduct such parade.
  - 2. If the parade is proposed to be conducted for, on behalf of or by an organization, the name, address and telephone number of the headquarters of the organization and of the authorized and responsible heads of such organization.
  - 3. The name, address and telephone number of the person who will be the parade chairman and who will be responsible for its conduct.
  - 4. The date when the parade is to be conducted.
  - 5. The route to be traveled, the starting point and the termination point.
  - 6. The approximate number of entries that will constitute such parade.
  - 7. The hours when such parade and assembly will start and terminate.
  - 8. The location by streets of any assembly areas for such parade.
  - 9. Any additional information which the Chief of Police shall find reasonably necessary to a fair determination as to whether a permit should be issued.
- C. The Chief of Police, where good cause is shown therefore and with the written approval of the Mayor, shall have the authority to consider any application hereunder which is filed less than thirty (30) days before the date of such parade is proposed to be conducted.

**SECTION 13-51. Standards of Issuance.** [Ord. No. 2002-26 § 1, 7-9-2002]

The Chief of Police shall issue a permit as provided for hereunder when, from a consideration of the application and from such other information as may otherwise be obtained, he finds that:

- 1. The conduct of the parade will not substantially interrupt the safe and orderly movement of

other traffic contiguous to its route.

2. The concentration of entries of the parade will not unduly interfere with proper fire and Police protection of or ambulance service to areas contiguous to such assembly areas and parade route.
3. The conduct of such parade is not reasonably likely to cause injury to person or property, to provoke disorderly conduct or create a disturbance.
4. The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delay en route.
5. The parade is not to be held for the sole purpose of advertising any product, cause, goods or event and is not designed to be held purely for private profit.

**SECTION 13-52. Notice of Permit Rejection.** [Ord. No. 2002-26 § 1, 7-9-2002]

If the Chief of Police disapproves the permit application, he shall mail to the applicant within ten (10) days after the date upon which the application was filed a notice of his action. The Chief of Police, in denying an application for a parade permit, shall be empowered to authorize the conduct of the parade on a date, at a time or over a route different from that named by the applicant.

**SECTION 13-53. Contents of Permit.** [Ord. No. 2002-26 § 1, 7-9-2002]

- A. Date of parade.
- B. Starting time.
- C. The portions of the streets to be traveled or occupied by the parade.
- D. Starting and termination locations.
- E. Such other information as the Chief of Police shall find necessary to the enforcement of this Article.

**SECTION 13-54. Possession of Permit.** [Ord. No. 2002-26 § 1, 7-9-2002]

The parade chairman or other person heading or leading such activity shall carry the parade permit upon his person during the conduct of the parade.

**SECTION 13-55. Revocation of Permit.** [Ord. No. 2002-26 § 1, 7-9-2002]

The Chief of Police shall have the authority to revoke a parade permit issued hereunder upon application of the standards for issuance as herein set forth.

**SECTION 13-56. Exceptions.** [Ord. No. 2002-26 § 1, 7-9-2002]

This Article shall not apply to:

1. Funeral processions.

2. Students going to and from school classes, participating in education activities and any extra curricular activity providing such conduct is under the immediate direction and supervision of the proper school authorities.
3. A governmental agency acting within the scope of its functions.

**SECTION 13-57. Permit Fees.** [Ord. No. 2002-26 § 1, 7-9-2002]

Parade permit fee shall be one dollar (\$1.00). Both parade permit fee and the Police Officer fees shall be paid at the time of application for a parade permit.