

City of Raymore Unified Development Code

Adult Businesses

Section 485.010: General Definitions

Adult Business	<ol style="list-style-type: none"> 1. That has as a substantial or significant purpose the sale or rental of merchandise that is intended for use in connection with specified sexual activities or that emphasizes matters depicting, describing or relating to specified sexual activities or specified anatomical areas; or 2. That has as one of its regular and substantial business purposes: <ol style="list-style-type: none"> 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 are intended to provide sexual arousal or excitement or that allow observation of specified sexual activities or specified anatomical areas ancillary to other pursuits or allow participation in specified sexual activities ancillary to other pursuits; or 3. That is "self designated" as an adult business, whether through the use of signage or other business activities. 4. The definition of adult business also includes but is not limited to any and all of the following specific adult businesses, as defined herein: <ol style="list-style-type: none"> a. Businesses Offering Merchandise for Sale or Rent <ol style="list-style-type: none"> (1) Adult Media Outlet A business engaging in the sale or rental of merchandise where a substantial or significant portion of the business is devoted to the sale or rental of adult media. The presumption that a substantial or significant portion of a business is devoted to the sale or rental of adult media, based upon the above guidelines, shall be rebuttable. For purposes of this section, "substantial or significant" portion of a business is devoted to the sale or rental of adult media if any one or more of the following criteria are satisfied: <ol style="list-style-type: none"> (a) 40% or more of the sales (including rentals) is derived from adult media; (b) 40% or more of the number of transactions, measured over any consecutive 90-day period, relate to adult media; (c) 40% or more of the dollar value of all merchandise displayed at any time is attributable to adult media; (d) 40% or more of the inventory consists of adult media at any time; (e) 40% or more of the merchandise displayed for sale or rental consists of adult media at any time; or (f) 40% or more of the sales floor area of the business (not including storerooms, stock areas, bathrooms, or any portion of the business not open to the public) is devoted to adult media at any time. (2) Adult Newsrack 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. (3) Adult Retail Establishment A business that displays or offers goods for sale or rent and that meets any of the following tests: <ol style="list-style-type: none"> (a) It displays or offers for sale or rent items from any two of the following categories: sexually-oriented toys or novelties; clothing that graphically depicts specified anatomical areas; leather goods
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	<p>designed or marketed for use for sexual bondage or sadomasochistic practices; and the combination of items constitutes 10 percent or more of:</p> <ul style="list-style-type: none"> i. The sales (including rentals) measured in dollars over any consecutive 90-day period; or ii. The number of sales transactions, measured over any 90-day period; or iii. The dollar value of all merchandise displayed at any time; or iv. All inventory at any time; or v. The merchandise displayed for sale at any time; or vi. The sales floor area of the business (not including storerooms, stock areas, bathrooms or any portion of the business not open to the public); <ul style="list-style-type: none"> (b) 5% or more of the sales (including rentals), measured in dollars over any consecutive 90-day period is derived from sexually oriented toys or novelties; or (c) 5% or more of the number of sales transactions, measured over any consecutive 90-day period, relate to sexually-oriented toys or novelties; or (d) 5% or more of the dollar value of all merchandise displayed at any time is attributable to sexually-oriented toys or novelties; or (e) 5% or more of all inventory consists of sexually-oriented toys or novelties at any time; or (f) 5% or more of the sales floor area of the business (not including storerooms, stock areas, bathrooms, or any portion of the business not open to the public) is devoted to sexually-oriented toys or novelties at any time. <p>b. Businesses that Provide Entertainment</p> <p>(1) Adult Entertainment Business</p> <p>Any business to which the public, patrons or members are invited or admitted, which provides adult entertainment, as defined herein, as a regular and substantial portion of its business. The definition of adult entertainment business also includes, but is not limited to, the following specific adult entertainment businesses:</p> <ul style="list-style-type: none"> (a) Adult Motion Picture Theater <ul style="list-style-type: none"> An establishment with a screen or projection areas, where a regular and substantial portion of its business is the exhibition to patrons of films, video tapes or motion pictures which: <ul style="list-style-type: none"> i. are intended to provide sexual arousal or sexual excitement to the patrons and ii. are distinguished by or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas. (b) Adult Theater <ul style="list-style-type: none"> An establishment where a regular and substantial portion of its business is providing live performance of activities relating to specified sexual activities or exhibition of specified anatomical areas of live performers, for observation by patrons. (c) Adult Entertainment Cabaret <ul style="list-style-type: none"> An establishment where a regular and substantial portion of its business is providing adult entertainment which features strippers, male or female impersonators or live performances; or material which depict, portray, exhibit, or display specified anatomical areas or specified sexual activities or are intended to arouse or excite the sexual desires of the entertainer, other entertainer or patron. (d) Adult Entertainment Studio
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	<p>The term "adult entertainment studio" also includes the terms "rap studio," "exotic dance studio," "sensitivity studio" or "encounter studio." This is an establishment whose premises are physically arranged so 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.</p> <p>(e) Adult Encounter Parlor An establishment where a regular and substantial portion of its business is the provision of premises where patrons congregate, associate, or consort with employees, performers, and/or other patrons or private contractors who display specified anatomical areas in the presence of such patrons, with the intent of providing sexual arousal or excitement to such patrons.</p> <p>(f) Body Painting Studio An establishment where a regular or substantial portion of its business is the application of paint or other substance to or on the human body by any means of application, technique or process when the subject's body displays specified anatomical areas for the patron's view.</p> <p>c. Businesses that Provide Services</p> <p>(1) Bath House An enterprise where a regular and substantial portion of its business is offering baths and/or showers with other persons present who are nude or displaying specified anatomical areas.</p> <p>(2) Adult Motel An enterprise where a regular and substantial portion of its business is offering public accommodations, containing more than 150 square feet of gross floor area, for the purpose of viewing motion pictures or viewing publications which are distinguished by an emphasis on the 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, CD-ROM, books, magazines or periodical) for observation by patrons therein and which rents room accommodations for less than six hours at a time.</p>
Adult Entertainment	Any 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 on a premises where such exhibition, performance, display or dance is intended to arouse or excite the sexual desires of the entertainer, other entertainers or patrons, or if the entertainment depicts, portrays, exhibits or displays specified anatomical areas or specified sexual activities.
Adult Media	Books, magazines, periodicals, other printed matter, pictures, slides, records, audiotapes, videotapes, compact discs, motion pictures, films, CD-ROMs or other devices used to record computer images, or other media which are distinguished or characterized by an emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas.

Adult Video Viewing Booth	Any booth, cubicle, stall or compartment which is designed, constructed or used to hold or seat patrons and is used for presenting or viewing motion pictures or viewing publications which are distinguished or characterized by an emphasis on the depiction 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, CD-ROM, books, magazines or periodicals) for observation by patrons therein. Adult video viewing booths are sometimes referred to as "peep shows," "adult video arcades," "panorams" and "adult mini-motion picture theaters." An adult video viewing booth shall not mean a theater, movie house, playhouse or a room or enclosure or a portion thereof which contains more than 150 square feet of gross floor area.
Nude or Nudity	The appearance of the human bare buttocks, anus, human genitals, the areola or the nipple of the female breast or a state of dress which fails to opaquely or fully cover the anus, human genitals or the areola or the nipple of the female breast.
Sexually Oriented Toys or Novelties	<ol style="list-style-type: none"> 1. Instruments, devices or paraphernalia which either depict specified anatomical areas or are designed or marketed for use in connection with specified sexual activities. In determining whether an item is designed for marketed for use in connection with specified sexual activities, the following guidelines may be considered: <ol style="list-style-type: none"> a. expert testimony as to the principal use of the item; b. evidence concerning the total business of a person or business, or a person or business establishment, and the type of merchandise involved in the business; c. national and local advertising concerning the use of the item; d. evidence of advertising concerning the nature of the business establishment; e. instructions, graphics or other material contained on the item itself or on the packaging materials for the item; f. the physical or structural characteristics of the item; g. the manner in which the item is displayed, including its proximity to other regulated merchandise or signage relating to items in a display area. 2. Any person may request an interpretive ruling from the Chief of Police, or his or her designee, as to whether a particular item is considered by the City to be designed or marketed for use in connection with specified sexual activities. An application for an interpretive ruling shall be made in writing on a form provided by the Chief of Police, and shall be accompanied by such other information as may reasonably be requested under the circumstances pertaining to the specific item about which a ruling is requested. The Chief of Police shall issue a written interpretive ruling within 10 business days following submission of a completed application. The decision of the Chief of Police may be appealed to the City Council within 15 days following the date of the interpretive ruling by submitting a written notice of appeal to the City Clerk.
Specified Anatomical Areas	<ol style="list-style-type: none"> 1. Uncovered or exposed human genitals, pubic region or pubic hair, buttocks, 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	<p>Any of the following acts of intended sexual arousal or excitement:</p> <ol style="list-style-type: none"> 1. Sexual conduct including, but not limited to, actual or simulated acts of sexual intercourse, masturbation, oral copulation or sodomy; 2. Fondling or other intentional touching of a person's clothed or unclothed genitals, pubic area, buttocks, or the breast of a female; 3. Sadomasochistic acts; or 4. Acts involving animals or latent objects.

Section 410.020 Use Table

Use	PO	C-1	C-2	C-3	BP	M1	M2	PR	Use Standard
COMMERCIAL USES									
Adult Business	-	-	S	S	S	S	S	-	Section 400.010A Section 400.010B

Uses identified with a “P” in the use table are permitted by-right in the designated zoning districts, subject to compliance with all other applicable provisions of the Unified Development Code.

Section 420.030 Use-Specific Standards, Commercial Uses

A. Adult Business

1. Applicability

This section applies to any adult business.

2. Location Restrictions *(Amendment 8 – Ordinance 2011-9 2.28.11)*

No adult business shall be located in the following areas:

- a. within 1,000 feet of any school, house of worship, library, licensed child care center, public park or property zoned for residential purposes, which uses are located within the City; measurement shall be made in a straight line without regard to intervening structures or objects from the closest portion of the parcel containing the adult business to the closest portion of the parcel containing the school, house of worship, library, licensed child care center, public park or property zoned for residential purposes; or
- b. within 1,000 feet of any other adult business for which there is a license issued by the City regardless of whether such businesses are located on the same property or separate properties; measurements shall be made in a straight line without regard to intervening structures or objects from the closest portion of the parcel containing the preexisting adult business.

3. Signs

- a. All adult businesses shall conspicuously display on the principal entrance to the building a sign, visible from the exterior of the building, on which uppercase letters shall be at least two inches high and lowercase letters shall be at least one inch high, which shall read as follows:

THIS BUSINESS IS AN ADULT BUSINESS. ONLY PERSONS EIGHTEEN (18) YEARS OF AGE OR OLDER SHALL BE PERMITTED ON THE PREMISES.

- b. All adult businesses shall comply with the sign regulations of Chapter 435.

4. Licensing

All applicable licensing requirements of Chapter 650: Adult Businesses of the City of Raymore shall be satisfied.

5. Adult Video Viewing Booths

Adult video viewing booths are hereby strictly prohibited either as a principal use or an accessory use.

B. Businesses with Adult Media or Sexually Oriented Toys or Novelties Available

1. Applicability

a. Any bookstore, media store, video store, theater or other retail store in which adult media constitutes more than 10 percent but not more than 40 percent of:

- (1)** the store's inventory at any time;
- (2)** the merchandise displayed for sale or rental at any time; or
- (3)** the sales floor area of the business (not including store rooms, stock areas, bathrooms, or any portion of the business not opened to the public) at any time.

b. Any bookstore, media store, video store, theater, or other retail store, in which sexually oriented toys and novelties constitute more than five percent of:

- (1)** the sales (including rentals), measured in dollars over any consecutive 90-day period;
- (2)** the number of sales transactions, measured over any consecutive 90-day period;
- (3)** the dollar value of all merchandise displayed at any time;
- (4)** the merchandise displayed for sale at any time; or
- (5)** the sales floor area of the business (not including storerooms, stock areas, bathrooms, or any portion of the business not open to the public) at any time.

c. Prohibition of Public Display

The owner or operator of a store to which this section applies shall have the affirmative duty to prevent the public display of adult media or sexually oriented toys or novelties at or within the portions of the business open to the general public.

d. Display of Adult Media or Sexually Oriented Toys or Novelties

Adult media or sexually oriented toys or novelties in a store to which this section applies shall be kept in a separate room or section of the store, which room or section shall:

- (1)** not be open to any person under the age of 18;
- (2)** be physically and visually separate from the rest of the store by an opaque wall or durable material reaching at least eight (8) feet high or to the ceiling, whichever is less;

- (3) be located so that the entrance to it is as far as is reasonably practicable from media or other inventory in the store likely to be of particular interest to children;
- (4) have access controlled by electronic or other means to provide assurance that persons under age 18 will not gain admission and that the general public will not accidentally enter such room or section; and
- (5) provide signage at the entrance stipulating that persons under 18 are not permitted inside.

Also applicable for Adult Businesses to locate in Raymore is City Code Chapter 650

CHAPTER 650: ADULT BUSINESSES

SECTION 650.010: DEFINITIONS

For the purposes of this Chapter and unless the context plainly requires otherwise, the following definitions are adopted:

ADULT BUSINESS: Any business:

1. That has as a substantial or significant purpose the sale or rental of merchandise that is intended for use in connection with specified sexual activities or that emphasizes matters depicting, describing or relating to specified sexual activities or specified anatomical areas; or
2. That has as one (1) of its regular and substantial business purposes:
 - 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 are intended to provide sexual arousal or excitement or that allow observation of specified sexual activities or specified anatomical areas ancillary to other pursuits or allow participation in specified sexual activities ancillary to other pursuits.
3. That is "self-designated" as an adult business, whether through the use of signage or other business activities.
4. The definition of adult business also includes, but is not limited to, any and all of the following specific adult businesses as defined herein:
 - a. Businesses that offer merchandise for sale or rent.

(1) *ADULT MEDIA OUTLET*: A business engaging in the sale or rental of merchandise where a substantial or significant portion of the business is devoted to the sale or rental of adult media. For purposes of this Subsection, it shall be presumed that a substantial or significant portion of a business is devoted to the sale or rental of adult media if any one (1) or more of the following criteria are satisfied:

- (a) Forty percent (40%) or more of the sales (including rentals) is derived from adult media;
- (b) Forty percent (40%) or more of the number of transactions, measured over any consecutive ninety (90) day period, relate to adult media;
- (c) Forty percent (40%) or more of the dollar value of all merchandise displayed at any time is attributable to adult media;
- (d) Forty percent (40%) or more of the inventory consists of adult media at any time;
- (e) Forty percent (40%) or more of the merchandise displayed for sale or rental consists of adult media at any time; or
- (f) Forty percent (40%) or more of the sales floor area of the business (not including storerooms, stock areas, bathrooms or any portion of the business not open to the public) is devoted to adult media at any time.

The presumption that a substantial or significant portion of a business is devoted to the sale or rental of adult media, based upon the above guidelines, shall be rebuttable.

- (2) *ADULT NEWSRACK*: 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.
- (3) *ADULT RETAIL ESTABLISHMENT*: A business that displays or offers goods for sale or rent and that meets any of the following tests:

- (a) It displays or offers for sale or rent items from any two (2) of the following categories: sexually-oriented toys or novelties; lingerie; clothing that graphically depicts specified anatomical areas; leather goods designed or marketed for use for sexual bondage or sadomasochistic practices; and the combination of such items constitutes:
 - (i) Ten percent (10%) or more of the sales (including rentals), measured in dollars over any consecutive ninety (90) day period; or
 - (ii) Ten percent (10%) or more of the number of sales transactions, measured over any consecutive ninety (90) day period; or
 - (iii) Ten percent (10%) or more of the dollar value of all merchandise displayed at any time; or
 - (iv) Ten percent (10%) or more of all inventory at any time; or
 - (v) Ten percent (10%) or more of the merchandise displayed for sale at any time; or
 - (vi) Ten percent (10%) or more of the sales floor area of the business (not including storerooms, stock areas, bathrooms or any portion of the business not open to the public) at any time; or
- (b) Five percent (5%) or more of the sales (including rentals), measured in dollars over any consecutive ninety (90) day period, is derived from sexually-oriented toys or novelties; or
- (c) Five percent (5) or more of the number of sales transactions, measured over any consecutive ninety (90) day period, relate to sexually-oriented toys or novelties; or
- (d) Five percent (5%) or more of the dollar value of all merchandise displayed at any time is attributable to sexually-oriented toys or novelties; or
- (e) Five percent (5%) or more of all inventory consists of sexually-oriented toys or novelties at any time; or
- (f) Five percent (5%) or more of merchandise displayed for sale consists of sexually-oriented toys or novelties at any time; or

- (g) Five percent (5%) or more of the sales floor area of the business (not including storerooms, stock areas, bathrooms or any portion of the business not open to the public) is devoted to sexually-oriented toys or novelties at any time.

b. Businesses that provide entertainment.

- (1) *ADULT ENTERTAINMENT BUSINESS*: Any business to which the public, patrons or members are invited or admitted and where providing adult entertainment, as defined herein, as a regular and substantial portion of its business.

- (2) The definition of "*adult entertainment business*" also includes, but is not limited to, any and all of the following specific adult entertainment businesses as defined herein:

- (a) *ADULT MOTION PICTURE THEATER*: An establishment with a screen or projection areas, where a regular and substantial portion of its business is the exhibition to patrons of films, videotapes or motion pictures which are intended to provide sexual arousal or sexual excitement to the patrons and which are distinguished by or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

- (b) *ADULT THEATER*: An establishment 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 of live performers, for observation by patrons.

- (c) *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 or live performances or material which depict, portray, exhibit or display specified anatomical areas or specified sexual activities or are intended to arouse or excite the sexual desires of the entertainer, other entertainer or patron.

- (d) *ADULT ENTERTAINMENT STUDIO (INCLUDES THE TERMS RAP STUDIO, EXOTIC DANCE STUDIO, SENSITIVITY STUDIO OR ENCOUNTER STUDIO)*: An establishment whose premises are physically arranged so 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.

- (e) *ADULT ENCOUNTER PARLOR*: An establishment where a regular and substantial portion of its business is the provision of premises where patrons congregate, associate or consort with employees, performers and/or other patrons or private contractors who display specified anatomical areas in the presence of such patrons, with the intent of providing sexual arousal or excitement to such patrons.
- (f) *BODY PAINTING STUDIO*: An establishment where a regular and substantial portion of its business is the application of paint or other substance to or on the human body by any means of application, technique or process when the subject's body displays for the patron's view specified anatomical areas.

c. Businesses that provide services.

- (1) *BATHHOUSE*: An enterprise where a regular and substantial portion of its business is offering baths and/or showers 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, containing more than one hundred fifty (150) square feet of gross floor area, for the purpose of viewing motion pictures or viewing publications which are distinguished or characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical area by any photographic, electronic, magnetic tape, digital or other medium (including, but not limited to, film, video, magnetic tape, laser disc, CD-ROM, books, magazines or periodical) for observation by patrons therein and which rents room accommodations for less than six (6) hours at a time.

ADULT ENTERTAINMENT: Any 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 on a premises where such exhibition, performance, display or dance is intended to arouse or excite the sexual desires of the entertainer, other entertainers or patrons or if the entertainment depicts, portrays, exhibits or displays specified anatomical areas or specified sexual activities.

ADULT MEDIA: Books, magazines, periodicals, other printed matter, pictures, slides, records, audiotapes, videotapes, compact discs, motion pictures, films, CD-ROMs or other devices used to record computer images or other media which are distinguished or characterized by an emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas.

ADULT VIDEO VIEWING BOOTH: Any booth, cubicle, stall or compartment which is designed, constructed or used to hold or seat patrons and is used for presenting or viewing motion pictures or viewing publications which are distinguished or characterized by an emphasis on the 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, CD-ROM, books magazines or periodicals) for observation by patrons therein. Adult video viewing booths are sometimes referred to as peep shows, adult video arcades, panorams and adult mini-motion picture theaters. An adult video viewing booth shall not mean a theater, movie house, playhouse or a room or enclosure or a portion thereof which contains more than one hundred fifty (150) square feet of gross floor area.

CONTAGIOUS AND COMMUNICABLE DISEASES: Those diseases which are set out in Missouri Code of State Regulations, Department of Health, 19 C.S.R. 20-20.020, as amended.

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 business, 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 any adult business.

MINOR: Any person less than eighteen (18) years of age.

NUDE OR NUDITY: The appearance of the human bare buttocks, anus, human genitals, the areola or the nipple of the female breast or a state of dress which

fails to opaquely or fully cover the anus, human genitals or the areola or the nipple of the female breast.

OPERATE: To own, conduct or maintain the affairs of any adult business.

OPERATOR: Any person owning, operating, conducting or maintaining an adult business.

PATRON: Any person who enters an adult business without regard to whether a purchase is made from the adult business or compensation is paid to the adult business or any employee of the adult business for merchandise, entertainment or service, provided that the term patron shall not include persons who enter an adult business for the sole purpose of providing service or merchandise to the adult business and who do not remain in the adult business after the purpose had been accomplished including, but not limited to, persons performing construction, repair or maintenance on the premises or delivering goods or merchandise to the adult business and any such similar activity.

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

SERVER: Any person who serves food and drink at an adult entertainment business.

SEXUALLY-ORIENTED TOYS OR NOVELTIES: Instruments, devices or paraphernalia which either depict specified anatomical areas or are designed or marketed for use in connection with specified sexual activities. In determining whether an item is designed or marketed for use in connection with specified sexual activities, the following guidelines may be considered:

1. Expert testimony as to the principal use of the item;
2. Evidence concerning the total business of a person or business or a person or business establishment and the type of merchandise involved in the business;
3. National and local advertising concerning the use of the item;
4. Evidence of advertising concerning the nature of the business establishment;

5. Instructions, graphics or other material contained on the item itself or on the packaging materials for the item;
6. The physical or structural characteristics of the item; or
7. The manner in which the item is displayed, including its proximity to other regulated merchandise or signage relating to items in a display area.

Any person may request an interpretive ruling from the Chief of Police or his or her designee as to whether a particular item is considered by the City to be designed or marketed for use in connection with specified sexual activities. An application for an interpretative ruling shall be made in writing on a form provided by the Chief of Police and shall be accompanied by such other information as may reasonably be requested under the circumstances pertaining to the specific item about which a ruling is requested. The Chief of Police shall issue a written interpretive ruling within ten (10) business days following submission of a completed application. The decision of the Chief of Police may be appealed to the City Council within fifteen (15) days following the date of the interpretive ruling by submitting a written notice of appeal to the City Clerk.

SPECIFIED ANATOMICAL AREAS:

1. Uncovered or exposed human genitals, pubic region or pubic hair, buttocks, 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: Any of the following acts of intended sexual arousal or excitement:

1. Sexual conduct including, but not limited to, actual or simulated acts of sexual intercourse, masturbation, oral copulation or sodomy;
2. Fondling or other intentional touching of a person's clothed or unclothed genitals, pubic area, buttocks or the breast of a female;
3. Sadomasochistic acts; or
4. Acts involving animals or latent object

SECTION 650.020: LICENSE REQUIRED FOR ADULT BUSINESS

- A. It is unlawful for any person to operate or maintain an adult business in the City unless the owner of the adult business 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. The failure to post an adult business license in the manner required herein shall be prima facie evidence that an adult business has not obtained such a license. In addition, it shall be prima facie evidence that any entertainer, employee, manager 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 herein had knowledge that such business is not licensed.
- D. Any business that engages in the barter, rental or sale of items consisting of printed matter, pictures, slides, records, audiotapes, videotapes, compact discs, motion pictures, films or other media, if such business is not open to the public in general but only to one (1) or more classes of the public, excluding any minor by reason of age, or if a substantial or significant portion of such items are distinguished or characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas 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 herein. This entry and inspection shall take place during hours when such business is open to the public, unless otherwise requested by the business, and shall not unreasonably interfere with the conduct of such business.

SECTION 650.030: LICENSE REQUIRED FOR MANAGERS, SERVERS AND ENTERTAINERS

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 had been revoked or suspended.

SECTION 650.040: LICENSE, CLASSIFICATION AND FEES

- A. The license year for all fees required herein shall be from each January first (1st) through December thirty-first (31st). The application for a license shall be accompanied by payment in full of the fee, as set forth in the City of Raymore Schedule of Fees and Charges, as amended, by certified or cashier's check or money order and no application shall be considered complete until such fee is paid.
- B. All licenses shall be non-transferable to other persons, but shall not be limited to a specific adult business that is properly licensed under this Chapter. All license fees shall be non-refundable.
- C. 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 and require the licensee to obtain a new license for the change in use. A separate license is required for each adult use.

SECTION 650.050: LICENSE APPLICATIONS

- A. *Adult Business License.* All persons desiring to secure a license to operate an adult business as required herein shall make a verified application with the City Clerk. All applications shall be submitted in the name of the person who owns the adult business. The application shall be signed by the applicant. If the applicant is a corporation, the application shall be signed by its President. If the applicant is a partnership, the application shall be signed by a partner. In all other instances where the owner is not an individual, where applicable, the application shall be signed by an authorized representative of the owner. The City Clerk may require proof of authorization before accepting an application. All applications shall be submitted on a form supplied by the City Clerk and shall require all of the following information:
 - 1. The name, residence address, home telephone number, occupation, date, place of birth and Social Security number of the applicant.
 - 2. The tax identification number and registered agent if the owner is required to have a tax identification number or registered agent.
 - 3. The name of the adult business, a description of the type of adult business to be performed on the licensed premises and the name of the owner of the premises where the adult business will be located.
 - 4. The names, residence addresses, Social Security numbers and dates of birth of all partners, if the applicant is a partnership or limited liability

partnership, and if the applicant is a corporation or limited liability company, the same information for all corporate officers and directors and stockholders or members who own more than twenty-five percent (25%) interest in the corporation.

5. A statement from the applicant whether the applicant or any corporate officer or director or stockholder, partner or member who owns more than twenty-five percent (25%) interest in such entity, in previously operating in this or another City, County or State, has had an adult business license of any type revoked or suspended and, if so, the reason for the suspension or revocation and the business activity subjected to the suspension or revocation.
6. A statement from the applicant, all partners or each corporate officer and director that each such person has not been either: convicted of or released from confinement for conviction of or diverted from prosecution on:
 - a. Any felony within the five (5) years immediately preceding the application, or
 - b. A misdemeanor within the two (2) years immediately preceding the application, or
 - c. A municipal or County ordinance violation within the two (2) years immediately preceding the application where such felony, misdemeanor, municipal or County ordinance violation involved sexual offenses, prostitution, indecent exposure, sexual abuse of a child or pornography or related offenses or controlled substances or illegal drugs or narcotics offenses as defined in the Missouri Statutes or County or municipal ordinances.
7. On applications requesting a license to operate a bathhouse or body painting studio, the applicant shall submit to the City Clerk within forty-eight (48) hours of the time each employee begins employment a health certificate from a duly licensed Missouri physician stating that within ninety (90) days prior to the date of employment, such employee has been examined and found free of any contagious or communicable disease as defined herein. This shall be a continuing requirement and shall also initially apply to the applicant.
8. If the applicant is a corporation or limited liability company, a current certificate of registration issued by the Missouri Secretary of State.

9. 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 Chapter regulating adult businesses.

Failure to provide the information and documentation required herein shall constitute an incomplete application. The City Clerk shall notify the applicant whether or not the application is complete within ten (10) working days of the date the application is received by the City Clerk.

- B. *Manager, Server Or Entertainer License.* All persons desiring to secure a license to be a manager, server or entertainer shall make a verified 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 all of 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.
2. A statement from the applicant that the applicant has not been convicted of or released from confinement for conviction of or diverted from prosecution on any felony, whichever event is later, within five (5) years immediately preceding the application or has not been convicted of or diverted from prosecution on a misdemeanor or released from confinement for conviction of a misdemeanor, whichever event is later, within two (2) years immediately preceding the application, where such felony or misdemeanor involved sexual offenses, prostitution, indecent exposure, sexual abuse of a child or pornography and related offenses or controlled substances or illegal drugs or narcotics offenses as defined in the Missouri Statutes or municipal ordinances.

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.

3. 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 motor vehicle operator's license issued by any State bearing the 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 herein shall constitute an incomplete application. The City Clerk shall notify the applicant whether or not the application is complete within ten (10) working days of the date the application was received by the City Clerk.

- C. *Application Processing.* Upon receipt of an application for an adult business, manager, server or entertainer license, the City Clerk shall immediately transmit one (1) copy of the application to the Chief of Police for investigation of the application. In addition, the City Clerk shall transmit a copy of the application for an adult business to the City Manager, Community Development Director, Building Official and the South Metropolitan Fire District Fire Chief. It shall be the duty of the Chief of Police to investigate such application to determine whether the information contained in the application is accurate and whether the application meets the requirements herein for issuance of the license for which the application is made. The Chief of Police shall report the results of the investigation to the City Clerk not later than twenty (20) working days from the date the application is received by the City Clerk. It shall be the duty of the Community Development Director, Building Official and the Fire Chief 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 and fire code ordinances of the City. The Community Development Director, Building Official and the Fire Chief shall report the results of their investigation to the City Clerk not later than twenty (20) working days from the date the application is received by the City Clerk. Upon receipt of the reports from the Chief of Police, Community Development Director, Building Official and the Fire Chief, the City Clerk shall schedule the application for consideration by the Governing Body at

the earliest meeting consistent with the notification requirements established by law, provided the license application for an adult business, server, manager or entertainer license shall be approved or disapproved within forty-five (45) days from the date an application is received by the City Clerk. The applicant shall be notified in writing of the date when the Governing Body will consider the application and shall be afforded an opportunity to be heard at that meeting.

SECTION 650.060: EXAMINATION OF APPLICATION, ISSUANCE OF LICENSE, DISAPPROVAL

- A. The Governing Body shall examine an application for an adult business license or a manager, server or entertainer license within forty-five (45) days of the date such application was received by the City Clerk. After such examination, the Governing Body shall approve the issuance of a license only if the appropriate license fee has been paid, the applicant is qualified and all the applicable requirements set forth herein are met. No license shall be approved for any person ineligible pursuant to the provisions herein. All incomplete applications shall be denied.
- B. The record of the Governing Body shall show the action taken on the application and if the license is granted, the Governing Body shall direct the City Clerk to issue the proper license. The adult business license and all manager, server and entertainer licenses shall state that it is not transferable to other persons or entities and the calendar year for which it is issued.
- C. If an application for a license is denied, 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 the Cass County Circuit Court in a manner provided by law.

SECTION 650.070: LICENSE – INELIGIBILITY AND DISQUALIFICATION

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

- 1. An applicant for an adult business license if one (1) or more of the following conditions exist:
 - a. The applicant knowingly failed to supply all of the information requested on the application;

- b. The applicant knowingly gave materially false, fraudulent or untruthful information on the application;
 - c. 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 Governing Body;
 - d. The applicant has been convicted, released from incarceration for conviction or diverted on any of the crimes set forth herein during the time period set forth herein;
 - e. The applicant has had an adult business license or comparable license revoked or suspended in this or any other City during the past five (5) years; or
 - f. If the applicant is applying for a license to operate a bathhouse or body painting studio and applicant 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 license if one (1) or more of the following conditions exist:
- a. The applicant has been convicted, released from incarceration for conviction or diverted on any of the crimes set forth herein during the time period set forth herein;
 - b. The applicant knowingly failed to provide all of the information required on the application;
 - c. The applicant knowingly gave materially false, fraudulent or untruthful information on the application;
 - d. The applicant has had a manager, server or entertainer license revoked or suspended in this or any other City during the past five (5) years; or

- e. The applicant is applying for a license for a manager, server or entertainer in a bathhouse or body painting studio and has not produced a health certificate as required herein.

SECTION 650.080: STANDARDS OF CONDUCT

The following standards of conduct shall be adhered to by all adult businesses, 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 Chief of Police under the provisions contained herein shall, at all times when working in an adult business, 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.* The premises of all adult businesses will be so constructed as to insure that the interior of the premises is not observable from the exterior of the building. In addition, all windows will be covered to prevent viewing of the interior of the building from the outside and all doorways not constructed with an anteroom or foyer will be covered so as to prevent observation of the interior of the premises from the exterior of the building.
4. *Exterior display.* No adult business will be conducted in any manner that permits the observation of live performers engaged in an erotic depiction or dance or any material or persons depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined herein, from any exterior source by display, decoration, sign, show window or other opening.
5. *Nudity prohibited.* No manager, employee, server, entertainer or patron in an adult business other than a licensed bathhouse shall be nude or clothed in less than opaque attire.
6. *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 or participate in any act of prostitution as prohibited by State law or municipal ordinance while on the premises of an adult business.

- b. All dancing or other live entertainment on the licensed premises that is intended to provide sexual stimulation or to appeal to, arouse or excite the sexual desire or interests of the patrons shall occur and be performed solely on a platform or stage which is raised at least two (2) feet above the primary level of the customer floor area. In order to insure the performance area of the stage or performance platform is not within the reach of patrons and to further insure patrons are unable to touch the performers during their performances, the licensee, owner, operator or manager shall either erect a physical barrier between the performers and the patrons that effectively eliminates the touching of the performers by the patrons or they shall paint a clearly discernible boundary line on the stage surface beyond which the performers shall not perform and which is sufficiently distant from the forward edge of the stage to insure the patrons cannot touch the performers. Further, it shall be unlawful for any patron to be upon any portion of the stage during a performance or for an owner, operator or manager to permit a patron to be upon any portion of the stage during the performance.
- c. No employee, server, entertainer or patron of an adult business while on the premises 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 employee, server, entertainer or patron, whether such specified anatomical areas are clothed, unclothed, covered or exposed.
- d. No entertainer shall solicit, demand or receive any payment or gratuity from any patron for any act prohibited herein and while on the premises of an adult business and no entertainer shall receive any payment or gratuity from any patron for any entertainment except as follows:
 - (1) While such entertainer is on the stage, a patron may place such payment or gratuity into a container affixed to the stage; or
 - (2) While such entertainer is not on the stage but while on the premises of an adult business and is clothed so as to not expose to view any specified anatomical area, a 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 business shall:
 - (1) Knowingly permit alcoholic liquor or cereal malt beverages to be brought upon the premises unless authorized to do so by a properly issued and current drinking establishment or cereal malt beverage license;
 - (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) to be in or upon the premises of an adult entertainment business;
 - (4) Knowingly allow or permit any act of prostitution or patronizing prostitution on the premises, as prohibited by State law or municipal ordinance; or
 - (5) Knowingly allow or permit a violation of this Chapter or any other City ordinance provision or State law.

7. *Signs.*

- a. All adult businesses shall conspicuously display on the principal entrance to the premises a sign, visible from the exterior of the premises, 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 BUSINESS IS AN ADULT BUSINESS.
ONLY PERSONS EIGHTEEN (18) YEARS OF AGE OR OLDER
SHALL BE PERMITTED ON THE PREMISES.

- b. All adult entertainment businesses that provide live entertainment shall conspicuously display 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 ENTERTAINMENT BUSINESS IS REGULATED
AND LICENSED BY THE CITY OF RAYMORE
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.

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, entertainer or patron or engage in solicitation for prostitution.

- c. Signs and window displays shall not display adult media or sexually oriented toys or novelties.
8. *Lighting required.* The premises of all adult businesses shall be equipped with overhead lighting of 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 customer or patron is present in or on the premises.
9. *Closed booths or rooms prohibited.* The premises of all adult businesses shall be physically arranged in such manner that the entire interior portion 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. Adult video viewing booths are prohibited whether or not the booth is visible from a common area of the premises. Adult video viewing booths are prohibited as a principal use or accessory use.

10. *Ventilation and sanitation requirements.* The premises of all adult businesses shall be kept in a sanitary condition. Except as otherwise provided herein, separate dressing rooms and rest rooms for men and women shall at all times be maintained and kept in a sanitary condition.

11. *Hours of operation.* No adult business may be open or in use:
 - a. Between the hours of 12:00 A.M. and 8:00 A.M. Monday through Saturday; nor

 - b. Between the hours of 12:00 A.M. Sunday and 8:00 A.M. Monday; nor

 - c. Between the hours of 12:00 A.M. and 11:59 P.M. on public holidays as defined in Section 9.010, RSMo.

12. *Facilities necessary.* No adult business license to conduct a bathhouse or body painting studio shall be issued unless an inspection by an appropriate City Official reveals that the premises on which the applicant intends to conduct such business complies with each of the following minimum requirements:
 - a. The walls shall be clean and painted with washable, mold-resistant paint or be a fiberglass wall alternative in all rooms where water or steam baths are given or showers taken. Floors shall be free from any accumulation of dust, dirt or refuse. All equipment used in the business' 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 activity related to an adult business 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.

 - b. Toilet facilities shall be provided in convenient locations. Toilets shall be designated as to the sex accommodated therein.

 - c. 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.

An appropriate City Official shall certify that the proposed business establishment complies with all of the requirements of this Section 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.

SECTION 650.090: LICENSE – POSTING OR DISPLAY

- A. Every business licensed 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 Chapter.

SECTION 650.100: MANAGER ON PREMISES

- A. A manager shall be on duty at all adult businesses at all times the premises are 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 entertainer or server's license and that such licenses are prominently posted. It shall also be the responsibility of the manager to insure minors do not enter upon the premises of an adult entertainment business.

SECTION 650.110: INSPECTORS AND INSPECTIONS

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 650.120: SUSPENSION, REVOCATION OR NON-RENEWAL -- LICENSE

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 Chapter; or
2. There have been recurrent violations of provisions of this Chapter 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; or
3. The adult business licensee or the manager, server or entertainer license was knowingly obtained through false statements in the application for such license or renewal thereof; or
4. The adult business licensee or the manager, server or entertainer licensee knowingly failed to make a complete disclosure of all information in the application for such license or renewal thereof; or
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 herein; or
6. If the owner or operator of an adult business or the holder of a manager, server or entertainer license has become disqualified from having a license by a conviction as provided herein, then the City Clerk shall make this information known to the Governing Body which shall conduct a public hearing, in accordance with the Notice and Hearing Procedure set forth in Section 650.130, to determine whether the license should be suspended or revoked. Based on the evidence produced at the hearing, the Governing Body 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; or
 - 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 this Chapter occur during the period of probation. If a violation does occur and after a hearing the violation is determined to have actually occurred, the license will be revoked for the remainder of the license year.

SECTION 650.130: NOTICE AND HEARING PROCEDURE

- A. In any instance in this Chapter wherein a hearing is required, the Governing Body shall, after no less than ten (10) days' written notice to the applicant or licensee, hold such hearing to ascertain all facts in the matter.
- B. Notice of such hearing shall be in writing and shall set forth the reason for the hearing or the complaint against the licensee and shall be served upon the licensee in person or by registered or certified mail to the licensee's last known address. In the event that the Governing Body is unable to serve the adult entertainment business licensee in person and any notice sent by mail is returned by the postal service, the Governing Body shall cause such notice to be posted at the principal entrance of the adult entertainment business and such posting shall be a valid means of service.
- C. At such hearing, an applicant or licensee shall have full right to be represented by counsel, to produce witnesses and other evidence and to cross-examine all witnesses who appear against him or her. Oral evidence shall be taken only upon oath or affirmation. All proceedings in such hearing shall be recorded and transcribed as required by law. The Governing Body may receive evidence relevant to the issues from the applicant or licensee. Witnesses may be subpoenaed and upon request of any party, the Governing Body shall issue subpoenas, and in a proper case, subpoenas duces tecum, which shall be served and returned as in civil actions in Circuit Court.
- D. The Governing Body shall issue findings of fact and conclusions of law and an order wherein it dismisses the complaint or suspends or revokes the license previously issued. The Governing Body's order shall be served upon the applicant or licensee in person or by registered or certified mail to the applicant's or licensee's last known address. In the event that the Governing Body is not able to serve order upon the licensee or applicant for renewal license in the manner stated above, such order may be served by posting such order at the principal entrance of the adult entertainment business and such posting shall be a valid means of service.

SECTION 650.140: RENEWAL

- A. A license may be renewed by making application to the City Clerk on application forms provided for that purpose. Licenses shall expire on December thirty-first (31st) of each calendar year and renewal applications for such licenses shall be submitted between December first (1st) and December thirty-first (31st).
- B. Upon timely application and review as provided for a new license, a license issued under the provisions of this Chapter shall be renewed by issuance of a new license in the manner provided herein.

- C. If the application for renewal of a license is not made during the time provided herein, the expiration of such license shall not be affected and a new application shall be required.

SECTION 650.150: APPLICATION TO EXISTING BUSINESSES

- A. The provisions of this Chapter shall apply to all adult businesses existing on the effective date of this Chapter, as well as to all adult businesses established after the effective date of this Chapter.
- B. Any adult business lawfully operating on the effective date of this Chapter that is ineligible for licensing solely as a result of the locational restrictions set forth in Section 405.720(B)(2) herein shall be deemed a lawful non-conforming business.
- C. Each of the following adult businesses, as defined in this Chapter, shall be considered a unique and separate adult business: adult media outlet; adult newsrack; adult retail establishment; adult motion picture theater; adult theater; adult entertainment cabaret; adult entertainment studio; adult encounter parlor; body painting studio; bathhouse; adult motel.

The classification of each adult business shall be determined at the time a license is issued for the business. Where an adult business is considered a lawful non-conforming business under this Section, the right to continue such non-conforming business shall be limited to that specific business as defined herein and shall not include other adult businesses listed herein.

- D. The extension of a lawful non-conforming business to any portion of a building, which portion was constructed expressly for such non-conforming business prior to the effective date of this Chapter, shall be permitted, provided that no structural alterations shall be made thereafter.
- E. An adult business lawfully operating as a conforming business is not rendered non-conforming by the location, subsequent to grant or renewal of the adult business license, of a school, church, library, licensed child care center, public park or property zoned for residential purposes located within the City limits and within five hundred (500) feet of the adult business. This provision applies only to the renewal of a valid license and does not apply when an application for a license is submitted after a license has expired or has been revoked.

SECTION 650.160: JUDICIAL REVIEW—STAY OF ENFORCEMENT ORDERS

Following the entry of an order by the City Clerk suspending or revoking a license issued pursuant to this Chapter or disapproving the renewal application for a license, such licensee or applicant may seek judicial review in a manner provided by law. The City Clerk shall stay enforcement of such order for a period of time not to exceed forty-five (45) days pending the filing and/or final disposition of proceedings for judicial review.

SECTION 650.170: PENALTY

It shall be unlawful for any person to violate any of the provisions of this Chapter. Upon conviction thereof, such person shall be fined not less than one dollar (\$1.00) nor more than five hundred dollars (\$500.00) or be punished by incarceration for up to six (6) months or by both such fine and incarceration. Each day's violation of or failure, refusal or neglect to comply with any provision of this Chapter shall constitute a separate and distinct offense.

SECTION 650.180: REGULATIONS

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 Chapter.

SECTION 650.190: SAVINGS CLAUSE

Neither the adoption of this Chapter nor the repeal or amendment of any ordinance or part or portion thereof shall in any manner affect the prosecution or civil enforcement for violations of ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any license, fee or penalty at said effective date due and unpaid under such ordinances, nor be construed as affecting any of the provisions of such ordinances relating to the collection of any such license, fee or penalty or the penal provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof required to be posted, filed or deposited pursuant to any ordinance and all rights and obligations thereunder appertaining shall continue in full force and effect.

SECTION 650.200: SEVERABILITY

If any Section, Subsection, subdivision, paragraph, sentence, clause or phrase in this Chapter or the application thereof to any circumstances is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Chapter.