

## TITLE VI. BUSINESS AND OCCUPATION

### CHAPTER 600: ALCOHOLIC BEVERAGES

*Cross References—As to food establishments generally, see ch. 260 of this code; as to licenses and business regulations generally, see ch. 605; as to drinking in public, see §215.480; as to intoxicating liquors in parks, see §230.130; as to policeman drinking on duty, etc., see §200.150.*

#### ARTICLE I. IN GENERAL

##### SECTION 600.010: DEFINITIONS

For the purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

*INTOXICATING LIQUOR:* Includes alcohol for beverage purposes, alcoholic, spirituous, vinous, fermented, malt, or other liquors, or combination of liquors, a part of which is spirituous, vinous, or fermented, and all preparations or mixtures for beverage purposes, containing in excess of one-half of one percent (0.5%) by volume except for non-intoxicating beer as defined in Section 312.010, RSMo. All beverages having an alcoholic content of less than one-half of one percent (0.5%) by volume shall be exempt from the provisions of this Chapter, but subject to inspection as provided by Sections 196.365 to 196.445, RSMo.

*MALT LIQUOR:* Any beer manufactured from pure hops or pure extract of hops, and pure barley malt or other wholesome grains or cereals, and wholesome yeast and pure water, and free from all impurities, preservatives and adulterants, and having an alcoholic content in excess of three and two-tenths percent (3.2%) but not in excess of five percent (5%) by weight.

*ORIGINAL PACKAGE:* The sale of any intoxicating liquor except malt liquor, in the original package, in any quantity less than fifty (50) milliliters or any package containing three (3), six (6), twelve (12) or twenty-four (24) small standard beer bottles, and any package containing three (3), six (6) or twelve (12) large standard beer bottles, when such bottles contain malt liquor or non-intoxicating beer as defined in Section 312.010, RSMo.  
(CC 1979 §3-1; Ord. No. A-2457 §2, 10-14-67)

##### SECTION 600.020: SALE OF LIQUOR PROHIBITED NEAR SCHOOLS AND CHURCHES

- A. Except as provided herein, no license shall be granted for the sale of intoxicating liquor, as defined in this Chapter, within three hundred (300) feet of any school or church, unless the applicant for the license shall first obtain the consent, in writing, of the Monett City Council; except that when a school or church shall hereafter be established within three hundred (300) feet of any place of business licensed to sell intoxicating liquor, the license shall not be denied for this reason. Such consent shall not be granted until at least ten (10) days' written notice has been provided to all owners of property within three hundred (300) feet of the proposed licensed premises.

- B. Subsection (A) of this Section shall not apply to a license issued by the Supervisor of Alcohol and Tobacco Control for the sale of intoxicating liquor pursuant to Section 311.218, RSMo., or to a license issued to any church, school, civic, service, fraternal, veteran, political or charitable club or organization which has obtained an exemption from the payment of Federal income taxes.
- C. Subsection (A) of this Section shall not apply to a license issued to an individual who is conducting business in a structure located within the downtown area of District C of the City of Monett. The "*downtown area*" is defined as that portion of District C located within the following streets: Central Avenue on the west, Bond Street on the north, Thirteenth Street on the east and Front Street on the south. No license shall be granted for the sale of intoxicating liquor, as defined in this Chapter, within one hundred (100) feet of any school or church within the downtown area of the City of Monett, unless the applicant for the license shall first obtain the consent, in writing, of the Monett City Council; except that when a school or church shall hereafter be established within one hundred (100) feet of any place of business licensed to sell intoxicating liquor, the license shall not be denied for this reason. Such consent shall not be granted until at least ten (10) days' written notice has been provided to all owners of property within one hundred (100) feet of the proposed licensed premises in the downtown area.
- D. Any applicant for a liquor license herein shall provide to the Monett City Council, along with his/her application, a certified list of the names and addresses of all property owners within the applicable distance from the applicant's proposed place of business. Said list shall be certified by the County Assessor or Collector, currently serving in that office, for the County in which the proposed business will be located. Such certified list shall be provided for the purpose of providing to said property owners the required notice herein. (Ord. No. 8033 §1, 3-21-11)

## ARTICLE II. INTOXICATING LIQUOR

### SECTION 600.030: TIME FIXED FOR OPENING AND CLOSING PREMISES—CLOSED PLACE DEFINED—PENALTY

- A. No person having a license under this Chapter, nor any employee of such person, except as provided in Subsection (B) of this Section, shall sell, give away, or otherwise dispose of, or suffer the same to be done upon or about his/her premises, any intoxicating liquor in any quantity between the hours of 1:30 A.M. and 6:00 A.M. on weekdays and between the hours of 1:30 A.M. Sunday and 6:00 A.M. Monday. If the person has a license to sell intoxicating liquor by the drink, his/her premises shall be and remain a closed place as defined in this Section between the hours of 1:30 A.M. and 6:00 A.M. on weekdays and between the hours of 1:30 A.M. Sunday and 6:00 A.M. Monday. Where such licenses authorizing the sale of intoxicating liquor by the drink are held by clubs or hotels, this Section shall apply only to the room or rooms in which intoxicating liquor is dispensed; and where such licenses are held by restaurants whose business is conducted in one (1) room only and substantial quantities of food and merchandise other than intoxicating liquors are dispensed, then the licensee shall keep securely locked during the hours and on the days specified in this Section all refrigerators, cabinets, cases, boxes, and taps from which intoxicating liquor is dispensed. A "*closed place*" is defined to mean a place where all doors are locked and where no patrons are in the place or about the premises. Any person violating any provision of this Section shall be deemed guilty of a misdemeanor. Nothing in this Section shall be construed to prohibit the sale or delivery

of any intoxicating liquor during any of the hours or on any of the days specified in this Section by a wholesaler licensed under the provisions of Section 311.180, RSMo., to a person licensed to sell the intoxicating liquor at retail.

§ 600.030

Alcoholic Beverages

§ 600.050

- B. Any person licensed pursuant to this Chapter shall not be permitted to sell, give away, or otherwise dispose of, or suffer the same to be done upon or about his/her premises, any intoxicating liquor in any quantity between the hours of 1:30 A.M. and 6:00 A.M. on weekdays and between the hours of 1:30 A.M. Sunday and 6:00 A.M. Monday.

**SECTION 600.040: SUNDAY SALES, PACKAGE LIQUOR LICENSEE ALLOWED, HOURS**

Notwithstanding the provisions of Section 600.030 or any other law to the contrary, any person possessing the qualifications and meeting the requirements of this Chapter, who is licensed to sell intoxicating liquor in the original package at retail under this Chapter, may apply to the Supervisor of Liquor Control for a special license to sell intoxicating liquor in the original package at retail between the hours of 11:00 A.M. Sunday to Midnight Sunday. (Ord. No. A-6444, 2-10-97)

**SECTION 600.050: UNAUTHORIZED LIQUORS PROHIBITED ON PREMISES LICENSED FOR SALE BY DRINK**

It shall be unlawful for the holder of any license authorized by this Chapter, for the sale of any intoxicating liquor at retail by the drink for consumption on the premises where sold, to keep or secrete, or to allow any other person to keep or secrete in or upon the premises described in such license, any intoxicating liquor, other than the kind of liquor expressly authorized to be sold by such license.



§ 600.060

Alcoholic Beverages

§ 600.090

**SECTION 600.060: POSSESSION OF UNLABELED, ETC., LIQUOR**

It shall be unlawful for any person to possess intoxicating liquor within the City, unless the same has been acquired from some person holding a duly authorized license to sell the same or unless such intoxicating liquor is had or kept with written or printed permission of the Supervisor of Liquor Control and the package in which such intoxicating liquor is contained and from which it is taken for consumption has, while containing such intoxicating liquor, been labeled and sealed with the official seal; provided, that nothing in this Article shall be so construed as to prevent the natural fermentation of fruit juices in the home for the exclusive use of the occupants of the home and their guests. (CC 1979 §3-5; Ord. No. A-288 §1, 8-6-35)

**SECTION 600.070: AUTHORITY OF DRUGGISTS TO SELL AND PHYSICIANS TO PRESCRIBE**

Any druggist may have in his/her possession intoxicating liquor purchased by him/her from a licensed vendor under a license pursuant to this Article, or intoxicating liquor lawfully acquired at the place of acquisition and legally transported into the State and lawfully inspected, gauged and labelled as provided for in Chapter 311 of the Revised Statutes of Missouri, such intoxicating liquor to be used in the business of a druggist in compounding medicines or as a solvent or preservative; provided, that nothing in this Article shall prevent a regularly licensed druggist, after he/she procures a license therefor in compliance with this Article, from selling intoxicating liquor in the original packages, but not to be drunk or the package opened on the premises where sold; provided further, that nothing in this Article shall be construed as limiting the right of a physician to prescribe intoxicating liquor in accordance with his/her professional judgment for any patient at any time or prevent a druggist from selling intoxicating liquor to a person on prescription from a regularly licensed physician as above provided. (CC 1979 §3-6; Ord. No. A-250 §11, 2-5-34)

**SECTION 600.080: SALE TO MINOR—CERTAIN OTHER PERSONS, MISDEMEANOR—EXCEPTIONS**

Any licensee under this Chapter, or his/her employee, who shall sell, vend, give away or otherwise supply any intoxicating liquor in any quantity whatsoever to any person under the age of twenty-one (21) years, or to any person intoxicated or appearing to be in a state of intoxication, or to a habitual drunkard, and any person whomsoever except his/her parent or guardian who shall procure for, sell, give away or otherwise supply intoxicating liquor to any person under the age of twenty-one (21) years, or to any intoxicated person or any person appearing to be in a state of intoxication, or to a habitual drunkard, shall be deemed guilty of a misdemeanor, except that this Section shall not apply to the supplying of intoxicating liquor to a person under the age of twenty-one (21) years for medical purposes only, or to the administering of such intoxicating liquor to any person by a duly licensed physician.

**SECTION 600.090: PERSONS EIGHTEEN YEARS OF AGE OR OLDER MAY SELL OR HANDLE LIQUOR OR BEER, WHEN**

- A. Except as provided in Subsections (B) and (C) of this Section, no person under the age of twenty-one (21) years shall sell or assist in the sale or dispensing of intoxicating liquor.
- B. In any place of business licensed in accordance with this Chapter where at least fifty percent (50%) of the gross sales made consists of goods, merchandise, or commodities other than intoxicating

liquor in the original package, persons at least eighteen (18) years of age may stock, arrange displays, accept payment for, and sack for carryout intoxicating liquor. Delivery of intoxicating liquor away from the licensed business premises cannot be performed by anyone under the age of twenty-one (21) years.

- C. In any distillery, warehouse, wholesale distributorship, or similar place of business which stores or distributes intoxicating liquor but which does not sell intoxicating liquor at retail, persons at least eighteen (18) years of age may be employed and their duties may include the handling of intoxicating liquor for all purposes except consumption, sale at retail, or dispensing for consumption or sale at retail.
- D. Persons eighteen (18) years of age or older may, when acting in the capacity of a waiter or waitress, accept payment for or serve intoxicating liquor in places of business which sell food for consumption on the premises if at least fifty percent (50%) of all sales in those places consists of food; provided that nothing in this Section shall authorize persons under twenty-one (21) years of age to mix or serve across the bar intoxicating beverages.

#### **SECTION 600.100: PURCHASE OR POSSESSION BY MINORS**

No person under the age of twenty-one (21) years shall purchase, attempt to purchase, be under the influence of, possess or attempt to possess any intoxicating liquor or non-intoxicating beer except as otherwise authorized by law. For purposes of prosecution, a beer or other container labeled as an alcoholic beverage need not be opened nor the contents tested to establish the contents as an intoxicating liquor or non-intoxicating beer, nor shall a person under the age of twenty-one (21) years be required to be emitting the odor of intoxicants if in possession of such a container. However, should an individual under the age of twenty-one (21) years appear to be under the influence of an intoxicating liquor, but not in possession of such a container as set forth herein, for purposes of prosecution, such individual shall be emitting the odor of intoxicants. (CC 1979 §3-9; Ord. No. A-2731 §3, 6-9-69; Ord. No. 7883 §§1-2, 10-20-08)

#### **SECTION 600.110: INTOXICATING LIQUOR SOLD AT RETAIL IN ORIGINAL PACKAGE NOT TO BE OPENED OR CONSUMED ON PREMISES WHERE SOLD OR ON OTHER PREMISES AUTHORIZED TO SELL**

Intoxicating liquor shall be sold at retail in the original package only upon a license granted by the City Council, and such intoxicating liquor so sold shall not be consumed upon the premises where sold, nor the original package opened on such premises of the vendor, except as otherwise provided in this Article; provided, that no intoxicating liquor purchased in the original package shall be consumed or permitted to be consumed upon any other premises where intoxicating liquor is authorized legally to be sold. (CC 1979 §3-11; Ord. No. A-250 §15, 2-5-34)

#### **SECTION 600.120: VIOLATIONS AND PENALTIES**

Any person violating any of the provisions of this Article, except where another penalty is provided, shall, upon conviction thereof, be adjudged guilty of a misdemeanor and shall be punished as provided in Section 100.080; provided, that upon final conviction of any person for a violation of

any of the provisions of this Article, such conviction shall automatically operate to revoke the license hereunder issued to such person; provided, further, that the term "*conviction*," as used in this

§ 600.120

Alcoholic Beverages

§ 600.120

Section, shall mean conviction upon final determination of any prosecution of any violation of this Article; provided further, that no person having been convicted of a violation of any of the provisions of this Article shall be issued a license or a renewal thereof for a period of one (1) year from the date of such conviction. No person shall be denied a license or renewal of a license issued under this Chapter solely due to a conviction for unlawful sale or supply to a minor when serving in the capacity as an employee of a licensed establishment.

(CC 1979 §3-12; Ord. No. A-250 §21, 2-5-34)



**ARTICLE III. INTOXICATING LIQUOR—LICENSES GENERALLY**

*Cross Reference—As to licenses and business regulations generally, see ch. 605 of this code.*

**SECTION 600.130: PROVISIONS APPLICABLE TO ALL INTOXICATING LIQUOR COVERED BY ARTICLE**

- A. *Applicability.* The provisions of this Section shall apply to all intoxicating liquor, including malt liquor, covered by this Article; provided, that the provisions hereof shall not apply to the sale of intoxicating liquor, other than malt liquor, by the drink, the licensing of which is fully covered by Section 600.160 of this Article.
- B. *Application.* All applications for licenses under the provisions of this Article shall be made in writing to the City Council. Each application, except for sale of malt liquors not in excess of five percent (5%) of alcohol by weight, shall be accompanied by an inventory and appraised valuation of stock of goods at the proposed place of business in such application, other than intoxicating liquor, which inventory and appraisal shall be under oath. Such inventory and appraised valuation shall be the value according to invoice at the time of making the application for such license. No license shall be granted at the same meeting of the City Council at which the application is presented, except by unanimous vote of the Council; provided, that such application may be passed on by the City Council at the first (1st) meeting of the Council at which the applicant is presented, if such applicant has first served notice, in writing, of his/her intention to present such application upon each member of the Council, at least five (5) days before the meeting of the Council at which such application is to be presented.
- C. *Qualifications Of Applicant—Certain Persons Not To Be Granted License.* No person shall be granted a license under this Article, unless such person is of good moral character, a native born or naturalized citizen of the United States of America and a qualified legal voter and taxpaying citizen of the City. No person shall be granted a license hereunder, whose license as such dealer has been revoked or who has been convicted since the ratification of the Twenty-First Amendment to the Constitution of the United States, of a violation of the provisions of any law applicable to the manufacture or sale of intoxicating liquor, or who employs or has employed in his/her business as such dealer any person whose license has been revoked, or who has been convicted of violating the provisions of any such law since such date.
- D. *Issuance—Term—Separate License Required For Each Place Of Business—Receipt Of Payment Prerequisite To Issuance.* On approval of the application by the City Council and payment of the license tax provided in this Article, the City Clerk shall grant the applicant a license to conduct business in the City for one (1) year from the date of issuance of such license. A separate license shall be required for each place of business. Every license issued under the provisions of this Article shall particularly describe the premises at which intoxicating liquor may be sold thereunder, and such license shall not be deemed to authorize or permit the sale of intoxicating liquor at any place other than that described therein; provided, that the City Clerk shall not deliver to any person a license under the provisions of this Article, until such person shall produce the receipt of full payment of license tax as provided in this Article.

- E. *Limitations As To Businesses For Which Licenses Issued For Sale In Original Packages, Not For Consumption On Premises.* No license shall be issued for the sale of intoxicating liquor in the original package, not to be consumed on the premises where sold, except to a person engaged in,

and to be used in connection with the operation of a drugstore, a cigar and tobacco store, a grocery store, a general merchandise store, a confectionery or delicatessen store, nor to any such person who does not have and keep in his/her store a stock of goods having a value according to invoices, at the time of making the application for license, of at least one thousand dollars (\$1,000.00), exclusive of fixtures and intoxicating liquors.

- F. *Assignment Or Transfer.* No license issued under the provisions of this Article shall be assignable, and if any such assignment shall be attempted, such license shall immediately become null and void; provided, that nothing in this Section shall be construed to prevent the widow, widower or the next of kin of a deceased licensee, who shall meet the other requirements of this Article and whose application for such transfer shall be approved by the City Council, from operating the business of the deceased for the remainder of the term of such license; provided further, that whenever one (1) or more members of a partnership withdraws from the partnership, the remaining members of the partnership who qualify under the provisions of this Article may continue to operate such business for the remainder of the term of such license. Whenever any licensee holding a license from the City shall die or be otherwise incapacitated, the Council shall, if his/her surviving spouse is otherwise qualified and makes proper application therefor, grant the renewal of such license to such surviving spouse.
- G. *Revocation—Authority—Notice—Hearing.* The City Council may, on hearing, revoke any license issued under the provisions of this Article for good cause shown, first having given such licensee not less than ten (10) days' notice in writing of the application to revoke his/her license prior to the order of revocation issuing, which notice shall contain the grounds for such revocation and command the licensee to be present at the regular or called meeting of the City Council and show cause, if any, why such license should not be revoked; provided, that such licensee shall have full right to be represented by counsel at such hearing and may produce witnesses and evidence in his/her behalf at such hearing; provided further, that such notice of revocation hearing shall be served by the Chief of Police and may be served upon the licensee by leaving a copy thereof with the licensee or any person or employee in charge of the place of business of such licensee.
- H. *Revocation—Forfeiture Of Fee.* In case of revocation or forfeiture of any license granted and issued under the provisions of this Article, for cause or otherwise, the City shall in no event return any part of the license fee paid for such license. (CC 1979 §§3-13–3-20; Ord. No. A-250 §§13, 14, 16, 19, 20, 24, 2-5-34; Ord. No. 7593 §1, 8-22-05)

**SECTION 600.140: PROVISIONS APPLICABLE ONLY TO INTOXICATING LIQUOR  
OTHER THAN MALT LIQUOR**

- A. *Applicability.* For the purposes of this Section, the term "*intoxicating beverages*" shall not include the term "*malt liquor*", and the provisions of this Section shall apply only to intoxicating liquor other than malt liquor.
- B. *License Required.* No person shall sell intoxicating beverages as defined in Subsection (A) without a license issued by the City as provided by this Section and other ordinances of the City.

C. *Fees.* No license for the manufacture or sale of any intoxicating liquor as defined in this Section shall be granted by the City, until the requirements of this Article have been complied with and license fees in accordance with the following schedule have been paid:

C.1. For the manufacture, distilling or blending of intoxicating liquor in excess of five percent (5%) of alcohol by weight, the sum of three hundred dollars (\$300.00) per annum.

- C.2. For the manufacture, and brewing of malt liquor not in excess of five percent (5%) of alcohol by weight, the sum of three hundred dollars (\$300.00) per annum.
- C.3. For the sale at wholesale of intoxicating liquor in excess of five percent (5%) of alcohol by weight, the sum of three hundred seventy-five dollars (\$375.00) per annum.
- C.4. For the sale at wholesale of intoxicating liquor not in excess of five percent (5%) of alcohol by weight, the sum of seventy-five dollars (\$75.00) per annum.
- C.5. For the sale at retail of intoxicating liquor in excess of five percent (5%) of alcohol by weight in the original package, the sum of one hundred fifty dollars (\$150.00) per annum.
- C.6. For the sale of intoxicating liquor in the original package at retail between the hours of 11:00 A.M. and Midnight on Sundays, a fee of three hundred dollars (\$300.00); provided however, that no person shall be granted such a license unless such person possesses the qualifications and meets the requirements of this Chapter and is already licensed to sell intoxicating liquor in the original package at retail.
- C.7. For the sale of beer or wine, or both, at retail by the drink for consumption on the premises where sold, the sum of fifty-two dollars fifty cents (\$52.50) per annum.
- D. *Application.* Any person desiring a license prescribed by this Section shall make written application therefor, which application shall state the name of the applicant and, if a corporation, the names of the principal owners thereof and the address at which such business is to be conducted, and to which application there shall be attached a copy of the license issued by the Supervisor of Liquor Control of the State under and by reason of Section 311.095 and, if applicable, Section 311.097, RSMo. (CC 1979 §§3-21-3-24,3-42; Ord. No. A-1518 §2, 7-3-56; Ord. No. A-1955 §§1-3, 11-7-62; Ord. No. A-4165 §§1,3, 6-18-80; Ord. No. A-5730 §1, 6-10-93; Ord. No. A-6233 §1, 2-9-96; Ord. No. A-6450 §1, 2-13-97)

#### **SECTION 600.150: PROVISIONS APPLICABLE ONLY TO MALT LIQUOR**

- A. *Applicability.* The provisions of this Section shall apply only to malt liquor. They shall be in addition to the provisions of Section 600.130 of this Article, which also apply to malt liquor.
- B. *License Required.* It shall be unlawful for any person to sell or expose for sale, either at wholesale or retail, in the City malt liquor not to exceed five percent (5%) alcohol by weight in any quantity, without first having obtained a license from the City therefor.
- C. *Fees.* The license fees required and imposed under this Section shall be as follows:
  - C.1. For retailers in malt liquors not to exceed five percent (5%) alcohol by weight, twenty-two dollars fifty cents (\$22.50) per annum for sale in the original package; for sale by the drink, fifty-two dollars fifty cents (\$52.50) per annum.
  - C.2. For a wholesaler or agent for a wholesaler for the sale of malt liquors, seventy-five dollars (\$75.00) per annum.

D. *Application.* Any person desiring a license prescribed by this Section shall make written application therefor, which application shall state the name of the applicant and, if a corporation, the names of the principal owners thereof and the address at which such business is to be conducted, and to which

application there shall be attached a copy of the license issued by the Supervisor of Liquor Control of the State under and by reason of Section 311.095 and, if applicable, Section 311.097, RSMo.

- E. *Issuance To Persons Unfit To Engage In Business.* No license under this Section shall be granted to any applicant if the City Council shall deem such applicant a person unfit to engage in such business for which the license is requested.
- F. *Term.* Each license issued pursuant to this Section shall be valid for one (1) year from the first (1st) day of July of each year, unless revoked as herein provided.
- G. *Posting.* Each license issued pursuant to this Section shall be posted in a conspicuous place within the place of business covered by such license.
- H. *Revocation—Application For Reinstatement.* If any provision of this Code or other ordinance of the City, or any State law pertaining to the regulation of a business licensed pursuant to this Section, is violated by such licensee, his/her agents or servants, in the presence of any Police Officer of the City, such officer is empowered and authorized to take possession of such license, and the Mayor may revoke any such license. The holder of such license so revoked shall have a right to appeal within five (5) days to the City Council from the judgment of the Mayor revoking such license. Upon conviction of such licensee, agent or servant by the City, State or Liquor Control Department of the state, such conviction shall automatically revoke the license. Upon the revocation of the license as herein provided, such licensee shall not dispense malt liquors, and such person desiring to have his/her license reinstated shall file with the City Clerk his/her application, stating why a new license should be issued to him/her. (CC 1979 §3-25-3-32; Ord. No. A-933 §§1,3-4, 10-3-46; Ord. No. A-4165 §2, 6-18-80)

**SECTION 600.160: LICENSES FOR SALE OF INTOXICATING LIQUOR OTHER THAN MALT LIQUOR—BY THE DRINK**

- A. *Required—Fees.* No person, either as principal or agent, even though licensed by the State under the provisions of Sections 311.095 or 311.097, RSMo., shall, in the City engage in the business of selling intoxicating liquor, other than malt liquor containing alcohol not in excess of five percent (5%) by weight, by the drink at retail for consumption on the premises, as provided by such Sections, without first obtaining a license therefor and without paying in advance the following license fees:
  - A.1. For an annual license for the sale of intoxicating liquor by the drink at retail for consumption on the premises as provided by Section 311.095, RSMo., except during the hours from 1:30 A.M. Sunday to 6:00 A.M. Monday, a fee of four hundred fifty dollars (\$450.00) per year.
  - A.2. For an annual license for the sale of intoxicating liquor by the drink at retail for consumption on the premises, as provided by Section 311.097, RSMo., during the hours from 11:00 A.M. until Midnight on Sunday, a fee of three hundred dollars (\$300.00) per year, in addition to the fee required by Subdivision (1) of this Subsection. Any new restaurant bar having been in operation for less than ninety (90) days may be issued a temporary license to sell intoxicating liquor by the drink at retail for consumption on the premises between the hours of 11:00 A.M. and Midnight on Sunday for a period not to exceed ninety (90) days if the restaurant bar can

show a projection of annual business from prepared meals or food consumed on the premises which would exceed not less than two hundred thousand dollars (\$200,000.00). The license fee shall be pro-rated for the period of the temporary license based on the cost of the annual license for the establishment.

- B. *Application.* Any person desiring a license prescribed by this Section shall make written application therefor, which application shall state the name of the applicant and, if a corporation, the names of the principal owners thereof and the address at which such business is to be conducted, and to which application there shall be attached a copy of the license issued by the Supervisor of Liquor Control of the State under and by reason of Section 311.095 and, if applicable, Section 311.097, of the Revised Statutes of Missouri.
- C. *Separate License Required For Each Place Of Business.* A separate license under this Section shall be required for each place of business of the applicant.
- D. *Expiration—Pro-Ration Of Fee.*
  - D.1. A license issued under the terms of this Section shall expire on the thirtieth (30th) day of June next succeeding the date of issuance of such license.
  - D.2. In the event a license is to be issued for less than a full year, the applicant will pay as many twelfths (1/12) of such license fee as there are months, with any part of a month counting as a full month, remaining from the date of the license to the next succeeding July first (1st). (CC 1979 §§3-33–3-37; Ord. No. A-3259 §5, 12-15-72; Ord. No. A-3370 §§1–5, 10-29-73; Ord. No. A-6445 §1, 2-10-97)



## CHAPTER 605: LICENSES AND BUSINESS

### REGULATIONS GENERALLY

#### SECTION 605.010: LICENSE REQUIRED

No person, either as principal or agent, shall pursue, conduct, carry on or operate within the City any trade calling, business, vocation, occupation or profession named in this Chapter without first obtaining a license therefor and without paying in advance the license fee prescribed in this Chapter. (CC 1979 §15-1; Ord. No. A-1361 §1, 12-31-53)

#### SECTION 605.020: LICENSE FEE SCHEDULE GENERALLY

There is hereby assessed and levied a license fee in the amount indicated for each of the following trades, callings, businesses, vocations, occupations and professions:

- .1. *Agents or dealers in sewing machines, books, maps, etc.* Persons engaged in selling sewing machines, books, charts, maps, stationery, agricultural and horticultural products, pianos or organs, by going from house to house in the City, shall pay a license fee of ten dollars (\$10.00) per week, fifteen dollars (\$15.00) per month or twenty-five (\$25.00) dollars per year.
- .2. *Architects, engineers, surveyors and veterinarians.* Any architect, professional engineer, land surveyor or veterinarian who maintains a business office within the City shall pay a license fee of fifteen dollars (\$15.00) per year.
- .3. *Auctioneers.* Any person who acts as an auctioneer and who maintains a business office within the City shall pay a license fee of fifteen dollars (\$15.00) per year.
- .4. *Auction house proprietors.* Auction house proprietors, other than those persons conducting community livestock sales as defined in State law, shall pay a license fee of fifty dollars (\$50.00) per year.
- .5. *Automobile dealers.* Automobile dealers shall pay a license fee of fifteen dollars (\$15.00) per year.
- .6. *Bakeries.* Bakeries shall pay a license fee of fifteen dollars (\$15.00) per year.
- .7. *Barbers, beauty shops and cosmetologists.* Any barber, beauty shop owner or operator or cosmetologist shall pay a license fee of fifteen dollars (\$15.00) per year.
- .8. *Bill posters.* Persons engaged in the City in posting, sticking, painting, tacking, affixing or printing bills or signs on billboards, buildings or other structures used, in whole or in part, for advertising purposes shall pay a license fee of twenty dollars (\$20.00) per year.
- .9. *Bond and stock brokers.* Bond and stock brokers shall pay a license fee of twenty dollars (\$20.00) per month or fifty dollars (\$50.00) per year.
- .10. *Bowling alleys.* Bowling alleys shall pay a license fee of fifteen dollars (\$15.00) per year.

.11. *Canvassing agents.* Persons acting as canvassing agents for the sale of any goods, wares or merchandise, by going from house to house in the City taking orders for the same, shall pay

a license fee of five dollars (\$5.00) per day, fifteen dollars (\$15.00) per week, twenty-five dollars (\$25.00) per month or one hundred dollars (\$100.00) per year.

- .12. *Canvassers for laundries or dry cleaners.* Any person acting as canvasser for any dry cleaning establishment or for any laundry by going from place to place in the City, for the purpose of procuring clothing to be cleaned or pressed by such cleaning establishment or for the purpose of procuring goods or clothing to be laundered by such laundry, shall pay a license fee of twenty-five dollars (\$25.00) per year.
- .13. *Carnivals.* Carnivals shall pay a license fee of one hundred dollars (\$100.00) per week.
- .14. *City directory agents.* City directory agents shall pay a license fee of twenty-five dollars (\$25.00) per year.
- .15. *Cold storage warehouses.* Cold storage warehouses shall pay a license fee of fifteen dollars (\$15.00) per year.
- .16. *Drays or transfer businesses.* Any person engaging in draying or transferring goods with a motor vehicle within the City shall pay a license fee of fifteen dollars (\$15.00) per year per motor vehicle.
- .17. *Exhibiting curiosities, etc.* Any person engaging in displaying or exhibiting any curiosity, unusual person, creature or animal shall pay a license fee of twenty-five dollars (\$25.00) per day.
- .18. *Flour mills and grain elevators.* Any person owning or operating a flour mill or grain elevator, or both combined, within the City shall pay a license fee of fifteen dollars (\$15.00) per year.
- .19. *Gasoline filling stations.* Each gasoline filling station within the City shall pay a license fee of fifteen dollars (\$15.00) per year.
- .20. *Hotels and motels.* Each hotel and motel within the City shall pay a license fee of fifteen dollars (\$15.00) per year.
- .21. *House movers.* House movers shall pay a license fee of five dollars (\$5.00) per day.
- .22. *Insurance agents.* Insurance agents shall pay a license fee of fifteen dollars (\$15.00) per year.
- .23. *Junk and auto wrecking dealers.* Any person keeping or maintaining an auto wrecking shop within the corporate limits where motor vehicles are acquired and stored for the purposes of dismantling or stripping such vehicles to sell or expose to the public any parts or portions thereof, or any person operating or maintaining a junk yard in the City or any person buying, selling, trading, or soliciting the purchase, sale or trade of used iron, steel, lead, copper, tin or other similar metals in any form whatsoever within the corporate limits shall pay a license fee of fifteen dollars (\$15.00) per year; provided however, there shall be no more than one (1) auto wrecking shop or junk yard within the City at any given time and the City Clerk is hereby enjoined from issuing more than one (1) license for the operation of an auto wrecking shop or junk yard within any calendar year.

.24. *Loan agents.* Loan agents shall pay a license fee of fifteen dollars (\$15.00) per year; provided, that any person may engage in the business of a real estate agent and loan agent under one (1) license.

- .25. *Merchants retailing in hotel rooms.* Any merchant engaging in or carrying on the business of selling at retail, or exhibiting or offering for sale at retail, any goods, wares or merchandise in any room in any hotel, lodging house or apartment house, whether for immediate or future delivery, shall pay a license fee of fifty dollars (\$50.00) per year.
- .26. *Messengers or parcel delivery services.* Any messenger or parcel delivery service shall pay a license fee of fifteen dollars (\$15.00) per year.
- .27. *Monument company or agency.* Any monument company or agency shall pay a license fee of fifteen dollars (\$15.00) per year.
- .28. *Motion picture theaters.* Motion picture theaters shall pay a license fee of fifteen dollars (\$15.00) per year.
- .29. *Oculists, opticians or spectacle dealers, itinerant.* Itinerant oculists, opticians or spectacle dealers shall pay a license fee of five dollars (\$5.00) per day.
- .30. *Pawnbrokers.* Pawnbrokers shall pay a license fee of twenty dollars (\$20.00) per year.
- .31. *Peddlers.* Peddlers shall pay a license fee of ten dollars (\$10.00) per day, twenty dollars (\$20.00) per week, thirty dollars (\$30.00) per month or fifty dollars (\$50.00) per year.
- .32. *Photographers on streets or without established places of business.* Persons who shall act as photographers on public streets and persons who shall act as photographers without an established place of business shall pay a license fee of twenty-five dollars (\$25.00) per year.
- .33. *Photographers in offices or established places of business.* Persons acting as photographers in offices or established places of business shall pay a license fee of fifteen (\$15.00) dollars per year.
- .34. *Photograph agents.* Every person who shall act as a canvassing agent or canvasser, either by going from house to house in the City or by calling over a telephone, for the taking, developing, printing, copying or enlarging of pictures by photographic process, shall pay a license fee of five dollars (\$5.00) per day, fifteen dollars (\$15.00) per week, twenty-five dollars (\$25.00) per month or one hundred dollars (\$100.00) per year.
- .35. *Public dance halls.* Public dance halls shall pay a license fee of two dollars (\$2.00) per day, ten dollars (\$10.00) per week or fifty dollars (\$50.00) per year.
- .36. *Real estate agents and brokers.* Any person who acts as a real estate agent or broker and who maintains a business office within the City shall pay a license fee of fifteen dollars (\$15.00) per year.
- .37. *Restaurants or cafes.* Every restaurant or cafe shall pay a license fee of fifteen dollars (\$15.00) per year.
- .38. *Salesmen on streets or without established places of business.* Persons who shall offer goods or services for sale on public streets in the City and persons who shall offer goods or services

for sale in the City without an established place of business in the City shall pay a license fee of fifteen dollars (\$15.00) per year.

.39. *Shooting galleries.* Every person owning or operating a shooting gallery, or any place where

persons are permitted to engage in target practice with guns or pistols, shall pay a license tax of two dollars (\$2.00) per day, five dollars (\$5.00) per week, ten dollars (\$10.00) per month or thirty-six dollars (\$36.00) per year.

- .40. *Show or entertainment companies.* Show or entertainment companies shall pay a license fee of one hundred dollars (\$100.00) per week.
- .41. *Skating rinks.* Skating rinks shall pay a license fee of fifteen dollars (\$15.00) per year.
- .42. *Vaudeville or transient shows in tents.* Any person showing and giving exhibitions or entertainments in a tent shall pay a license fee of seventy-five dollars (\$75.00) per week.
- .43. *Wholesaling oil or gasoline from motor vehicle.* Any person wholesaling oil or gasoline from a motor vehicle shall pay a license fee of fifteen dollars (\$15.00) per year per vehicle.
- .44. *Wholesaling tea, coffee, tobacco, bread or other goods, wares or merchandise from motor vehicle.* Any person wholesaling tea, coffee, tobacco, bread or other goods, wares or merchandise from a motor vehicle shall pay a license fee of fifteen dollars (\$15.00) per year per vehicle.
- .45. *Wholesaling, retailing or delivering ice from motor vehicle.* Any person wholesaling, retailing or delivering ice from a motor vehicle within the City shall pay a license fee of fifteen dollars (\$15.00) per year per vehicle. (CC 1979 §15-2; Ord. No.A-1361 §2, 12-31-53; Ord. No. A-4215 §§1–2, 11-3-80; Ord. No. A-4912 §1, 11-6-87)

#### **SECTION 605.030: SHOOTING GALLERIES—PERMIT FOR LOCATION PREREQUISITE TO ISSUANCE OF LICENSE**

Before a license under this Chapter shall be issued for a shooting gallery, a permit therefor shall be procured from the Mayor. When an application is made for keeping, conducting or operating a shooting gallery in the City, the Mayor shall cause to be made an inspection of the premises in or upon which it is intended or desired to keep, use or operate such shooting gallery. If it appears that such premises are so located and are of sufficient size, and that the targets and other equipment of such shooting gallery will be placed, kept and maintained in such manner and in such condition as to produce the maximum safety, the applicant shall be issued a permit for such shooting gallery. (CC 1979 §15-3; Ord. No. A-1361 §2, 12-31-53)

#### **SECTION 605.040: SHOOTING GALLERIES—BUILDING REQUIREMENTS**

All shooting galleries shall be carried on and conducted in buildings constructed either of brick or stone, and all openings back of the targets shall be securely covered with sheet steel not less than number eight (#8), so as to prevent any bullets going through them. (CC 1979 §15-4; Ord. No. 257 §1, 3-22-35)

*Cross Reference—As to buildings generally, see ch. 500 of this code.*

**SECTION 605.050: MERCHANTS' LICENSES GENERALLY**

A. *Merchant Defined.* Any person who shall deal in the selling of goods, wares or merchandise at retail

or wholesale, at any store, stand or place occupied for that purpose within the City, is hereby declared to be a merchant for the purposes of this Chapter; provided, that this Section shall not apply to those persons designated and required to obtain a license under Section 605.020 or any other Section of this Chapter.

B. *Fees.* Every person dealing as a merchant shall pay an annual license fee as follows:

B.1. For a merchant who carries a stock that has been assessed under the last City assessment at \$1,000.00 or less ..... \$15.00

B.2. For a merchant who carries a stock that has been assessed under the last City assessment at more than \$1,000.00 and less than \$2,500.00 ..... 20.00

B.3. For a merchant who carries a stock that has been assessed under the last City assessment at \$2,500.00 or more ..... 25.00

B.4. In the event a person desiring a license as a merchant has a stock which was not included in the last City assessment, for the purposes of determining the license fee under this Section, the assessed value shall be deemed to be the reasonable value of the stock with which such person shall commence business as a merchant, and the license fee shall be computed in accordance with the schedule set forth in this Subsection.

B.5. Any peddler, or person who does not have a permanent place of business and will only be transacting business for a limited time in the City, is required to post a bond in the amount of one hundred dollars (\$100.00) to receive a business license if said peddler or person has never paid sales tax in the City of Monett prior. Said peddler or person shall receive a refund of the bond after said peddler or person provides evidence to the City Clerk that said peddler or person has filed their sales tax and the City of Monett has received said taxes. The City Clerk shall refund the bond after the City of Monett has received the report from the State of Missouri on their monthly reports that the peddler or person has paid their sales tax. If a peddler or person has done business in the City of Monett before and the City Clerk has sufficient evidence supporting the paid receipt of said sales tax, no bond shall be required.

C. *Exceptions.*

C.1. Any farmer who has grown his/her own food products for resale shall be exempt from this Section.

C.2. Any consignors of flea markets or craft malls which lease spaces and pay the owner a commission for merchandise sold shall be exempt from this Section. (CC 1979 §15-5; Ord. No. A-1361 §2, 12-31-53; Ord. No. A-4216 §1, 11-3-80; Ord. No. A-4809 §1, 11-10-86; Ord. No. A-6609 §605.050, 12-16-97)

**SECTION 605.060: APPLICATION FOR LICENSES**

Every applicant for a license to be issued under this Chapter shall make written application therefor, verified by oath, which application shall set forth in detail all information concerning the business, trade, calling, occupation or profession for which the applicant desires a license and all information

necessary for determining the license fee applicable. (CC 1979 §15-6; Ord. No. A-1361 §2, 12-31-53)

**SECTION 605.065: PROOF OF SALES TAX PAYMENT REQUIRED PRIOR TO LICENSE ISSUANCE**

- A. Any person, firm or corporation who is required to pay sales tax to the City of Monett, Missouri, must show proof to the City Clerk that all sales taxes due to the State of Missouri and the City of Monett, Missouri, have been paid to the date of the application prior to being issued a City business license.
- B. Any person, firm or corporation failing to provide proof of payments of such sales tax shall not be issued a City business license until such time as said State and City sales taxes and penalties and interest thereof are fully paid and the Department of Revenue for the State of Missouri certifies that same are fully paid.
- C. Any person, firm or corporation, upon initial application for a merchant's license in the City of Monett, Missouri, must show proof to the City Clerk that a State sales tax identification number has been obtained in the name of the person, firm or corporation, making application of the merchant's license. (Ord. No. A-6603 §§1-3, 11-19-97)

**SECTION 605.070: ISSUANCE OF LICENSES—PAYMENT OF LICENSE FEES**

All licenses issued under this Chapter shall be issued by the City Clerk. No license shall be issued until the license fee prescribed therefor shall be paid in full to the City. All fees so paid shall be credited to the general funds of the City. (CC 1979 §15-7; Ord. No. A-1361 §3, 12-31-53; Ord. No. 7593 §1, 8-22-05)

**SECTION 605.080: ASSIGNMENT OR TRANSFER OF LICENSES**

No license under this Chapter shall be assigned or transferred.  
(CC 1979 §15-8; Ord. No. A-1361 §4, 12-31-53)

**SECTION 605.090: POSTING OR EXHIBITION OF LICENSES**

All persons obtaining licenses shall keep the same posted in their places of business in such a manner as to expose the same to public view. When a licensee has no regular place of business, he/she shall exhibit his/her license to any person upon demand.  
(CC 1979 §15-9; Ord. No. A-1361 §5, 12-31-53)

**SECTION 605.100: SEPARATE LICENSE REQUIRED FOR EACH PLACE OF BUSINESS**

Every person who shall carry on a business at two (2) or more different places shall secure a license for each place of business. (CC 1979 §15-10; Ord. No. A-1361 §6, 12-31-53)

**SECTION 605.110: TERMS AND EXPIRATION OF LICENSES**

All licenses issued under this Chapter shall be for a period of one (1) year, except where in the schedule of license fees other periods are specifically set forth, in which event a license shall be issued for the period requested by the applicant. All annual licenses shall expire one (1) year from the date of issuance. (CC 1979 §15-11; Ord. No. A-1361 §7, 12-31-53)

**SECTION 605.120: FALSIFICATION OF WEIGHTS OR MEASURES**

Any person who shall bargain and sell to any other person, or cause to be bargained and sold to any other person, any commodity by weight or measure and shall knowingly deliver or cause to be delivered a less quantity than that bargained or sold or agreed to be sold and delivered shall be deemed guilty of a misdemeanor. (CC 1979 §15-12; Ord. No. 173 §1, 10-4-33)

**SECTION 605.130: BARBER AND BEAUTY SHOPS TO CLOSE AT CERTAIN HOURS**

Every person operating or conducting a barber shop or beauty shop within the City shall close the same at 6:00 P.M. on each weekday, except Saturday, and on Saturday shall close the same at 9:00 P.M. No barber shop or beauty shop shall be conducted or open for business on Sunday. (CC 1979 §15-13; Ord. No. A-455 §§2-3, 10-4-38)

**SECTION 605.140: VIOLATIONS GENERALLY**

Any person violating any of the provisions of this Chapter shall be deemed guilty of a misdemeanor; provided, that unless otherwise provided in this Chapter, any person who shall carry on or engage in any trade, business, calling, occupation or profession in the City in violation of this Chapter shall be deemed guilty of a separate and distinct offense under the provisions of this Section for each day such trade, business, calling, occupation or profession shall be carried on or engaged in violation of this Chapter. (CC 1979 §15-14; Ord. No. A-1361 §9, 12-31-53)

*Cross Reference—As to general penalty for violation of Code, see §100.080 of this Code.*



## **CHAPTER 610: TELEPHONE COMPANIES**

*Editor's Note—Ord. no. 7658 was passed May 2, 2006, in compliance with HB209 of the 2006 Missouri Legislative session. Provisions contained in HB209 were subsequently deemed unconstitutional by the Missouri Supreme Court on August 8, 2006 in City of Springfield, Appellant V Sprint Spectrum, L.P., Respondent Case No. SC87238. Consequently ord. no. 7658 was not included herein.*

### **SECTION 610.010: LICENSE TAX—IMPOSED—AMOUNT**

Every person engaged in the business of supplying telephones and telephonic service, for compensation or for any other purpose, in the City shall pay to the City, as a license tax, a sum equal to five percent (5%) of the gross receipts derived from such business. (CC 1979 §15-15; Ord. No. A-1231 §1, 12-17-51)

### **SECTION 610.020: LICENSE TAX—STATEMENTS OF GROSS RECEIPTS—PAYMENT**

Every person supplying telephones or telephonic service as provided in Section 610.010 shall file with the City Clerk, on or before September first (1st) of each year, a sworn statement of the gross receipts derived by such person from such business for the period from January first (1st) to June thirtieth (30th) immediately prior thereto, and on or before March first (1st) of each year, such person shall file with the City Clerk a sworn statement of such gross receipts for the period from July first (1st) to December thirty-first (31st) immediately prior thereto. At the time of filing each such sworn statement, such person shall pay to the City a sum equal to five percent (5%) of such gross receipts during the period covered by each such statement. (CC 1979 §15-16; Ord. No. A-1231 §2, 12-17-51; Ord. No. A-1232 §1, 1-16-52; Ord. No. 7593 §1, 8-22-05)

### **SECTION 610.030: LICENSE TAX—EFFECT OF PAYMENT ON OTHER TAXES**

The payments required by the provisions of this Chapter shall be in lieu of all other excises, charges, exactions, rentals, impositions or other license or occupation taxes imposed upon any person engaged in the business described in Section 610.010, but nothing contained in this Chapter shall be construed to exempt such person from any general or special ad valorem tax imposed upon the public generally by the City. (CC 1979 §15-17; Ord. No. A-1231 §3, 12-17-51)

### **SECTION 610.040: RAISING, ETC., OF WIRES TO PERMIT MOVING OF HOUSES OR OTHER BULKY STRUCTURES**

Every person required to pay a license tax pursuant to this Chapter, on the request of any person, shall remove or raise or lower his/her wires temporarily to permit the moving of houses or other bulky structures. The expense of such temporary removal, raising or lowering of wires shall be paid by the party requesting such raising or lowering of wires, and payment in advance may be required. Not less than forty-eight (48) hours' advance notice shall be given to arrange for such temporary wire changes. (CC 1979 §15-18; Ord. No. A-1231 §4, 12-17-51)

§ 610.050

Monett City Code

§ 610.050

**SECTION 610.050: TRIMMING OF TREES, ETC., NECESSARY TO FURNISHING OF SERVICE**

The right is hereby granted to every person required to pay a license tax pursuant to this Chapter to trim trees, brush or hedges upon and overhanging the streets, alleys, sidewalks and public places of the City, when such trimming is necessary to the furnishing of such telephone service within the City and when such trimming may be done consistent with the laws of the State. (CC 1979 §15-19; Ord. No. A-1231 §5, 12-17-51)

## **CHAPTER 615: GAS COMPANIES**

### **SECTION 615.010: LICENSE TAX—IMPOSED—AMOUNT**

Every person engaged in the business of supplying gas for compensation within the City shall pay to the City, as a license tax, a sum equal to five percent (5%) of the gross receipts of the domestic and commercial revenue of such business in the City. (CC 1979 §15-20; Ord. No. A-934 §1, 10-3-46; Ord. No. 7927, 4-20-09)

### **SECTION 615.020: LICENSE TAX—QUARTERLY STATEMENT OF GROSS RECEIPTS**

Every person engaged in the business of supplying gas for compensation within the City shall file with the City, on February first (1st), May first (1st), August first (1st) and November first (1st) respectively of each year, a report of its gross receipts from the sale of natural gas for domestic and commercial purposes within the corporate limits of said City for the three (3) month period ending at the last meter reading preceding December thirty-first (31st), March thirty-first (31), June thirtieth (30) and September thirtieth (30) respectively. (CC 1979 §15-21; Ord. No. A-934 §2, 10-3-46; Ord. No. 7593 §1, 8-22-05; Ord. No. 7927, 4-20-09)

### **SECTION 615.030: LICENSE TAX—PAYMENT**

Every person engaged in the business of supplying gas for compensation within the City shall pay to the City Treasury, on February first (1st), May first (1st), August first (1st) and November first (1st) of each year, an amount equal to five percent (5%) of the domestic and commercial revenue of such business for the three (3) month period ending at the last meter reading preceding December thirty-first (31st), March thirty-first (31st), June thirtieth (30th) and September twentieth (20th) respectively. (CC 1979 §15-22; Ord. No. A-934 §3, 10-3-46; Ord. No. 7593 §1, 8-22-05; Ord. No. 7927, 4-20-09)

### **SECTION 615.040: LICENSE TAX—EFFECT ON OTHER OCCUPATIONAL TAXES**

The license tax required by this Chapter shall be in lieu of any other occupational tax required of any person engaged in the business of supplying gas for compensation in the City. (CC 1979 §15-23; Ord. No. A-934 §4, 10-3-46; Ord. No. 7927, 4-20-09)



## **CHAPTER 620: POOL TABLES**

### **SECTION 620.010: POOL TABLE DEFINED**

The term "*pool table*," as used in this Chapter, includes pool tables, snooker tables, billiard tables and all tables of similar nature, regardless of size. (CC 1979 §15-24; Ord. No. A-2418 §7, 6-9-67)

### **SECTION 620.020: LICENSE REQUIRED**

No person shall own, operate or permit to be operated for commercial purposes in premises controlled by him/her any pool table, unless such pool table is licensed as provided in this Chapter. (CC 1979 §15-25; Ord. No. A-2418 §1, 6-9-67)

### **SECTION 620.030: LICENSE FEE**

The fee for the license for any pool table shall be ten dollars (\$10.00) per year, per table. (CC 1979 §15-26; Ord. No. A-2418 §2, 6-9-67)

### **SECTION 620.040: ISSUANCE OF LICENSE**

The licenses provided for in this Chapter shall be issued by the City Clerk, upon application therefor describing the table to be licensed, including serial numbers, and payment of the required fee. (CC 1979 §15-27; Ord. No. A-2418 §3, 6-9-67)

### **SECTION 620.050: LICENSE—TERM—TRANSFER OR ASSIGNMENT**

The licenses provided for in this Chapter shall be issued on an annual basis only and shall not be transferable or assignable. (CC 1979 §15-28; Ord. No. A-2418 §4, 6-9-67)

### **SECTION 620.060: USE OF LICENSED POOL TABLES ON SUNDAY**

No pool table licensed under this Chapter shall be used on Sunday. (CC 1979 §15-29; Ord. No. A-2418 §5, 6-9-67)

### **SECTION 620.070: VIOLATIONS**

Any person violating the provisions of this Chapter shall be deemed guilty of a misdemeanor. In addition, any conviction of a violation of this Chapter shall result in a revocation of all licenses issued hereunder to such person for pool tables. (CC 1979 §15-30; Ord. No. A-2418 §6, 6-9-67)

*Cross Reference—As to general penalty for violations of Code, see §100.080 of this code.*



## **CHAPTER 625: TRANSACTIONS IN USED AND SECONDHAND PERSONAL PROPERTY**

### **SECTION 625.010: GENERAL PROVISIONS**

- A. *Definitions.* Unless otherwise expressly stated or the context clearly indicates otherwise, the following terms, for the purposes of this Chapter, shall have the meaning indicated in this Section:

*EXEMPT TRANSACTION:* The purchase, barter or exchange of tangible personal property of the kinds described in "Listed Property" hereof.

- A.1. From a manufacturer, wholesaler or other person having an established place of business;
- A.2. At a public auction or other openly conducted sale where the seller is required by law to have a license or permit to conduct such sale; or
- A.3. Where the transaction is in the nature of a trade-in of one (1) item of personal property for another item of personal property of the same kind or involves an exchange or refund for personal property originally purchased from the licensed business giving such exchange or refund.

*LICENSED BUSINESS:* Any person having or required to have a business license under Chapter 605 of this Code relating to licenses and business regulations generally, whose business involves the purchase, barter, exchange, sale or pawn of used or secondhand tangible personal property.

*LISTED PROPERTY:* Used or secondhand tangible personal property except property received in an exempt transaction, of the following kinds:

- .1. Consumer electronics bearing a manufacturer's serial number, including without limitation televisions, VCR's, radios, personal computers and printers, car and home stereos, CB's, compact disk players, radar detectors, cellular and regular telephones, microwave ovens and related components and accessories;
- .2. Video and still cameras and accessories bearing a manufacturer's serial number;
- .3. Firearms of any description;
- .4. Power tools bearing a manufacturer's serial number, including without limitation lawn and garden tools, chainsaws and shop tools;
- .5. Outboard motors, trolling motors and other boating and fishing equipment bearing a manufacturer's serial number, provided that items subject to title registration and actually accompanied by the appropriate document of title shall not be included in this definition;
- .6. Bicycles, coins and stamps;
- .7. Fine jewelry, silverware and other items having as a component precious or semi-precious stones or precious metals, provided that items containing precious metals only in a plate, rolled

or filled form, containing gold in any form less than twelve (12) karats or containing silver in any form less than coin shall not be included in this definition; and

- .8. Any personal property from which a manufacturer's serial number or identification number has been removed or obliterated.

*OTHER PERSONAL PROPERTY:* Used or secondhand tangible personal property of any kind whatever, except listed property and except items subject to title registration and actually accompanied by the appropriate document of title.

- B. *Transactions With Minors.* No licensed business shall purchase or receive any listed property or other personal property from an unemancipated minor under the age of eighteen (18) years, unless such minor's custodial parent or guardian has consented in writing to each particular transaction.
- C. *Stolen Property.* No licensed business shall purchase or receive any article of listed property or other personal property from any person when offered under such circumstances as would cause a reasonably prudent person to believe or suspect that such article was a stolen article.
- D. *Suspicious Circumstances.* It shall be the duty of every licensed business to report to the police any article of listed property or other personal property taken, purchased, pledged or received by it, or which is sought to be delivered, sold or pledged to it, if such business shall have reason to believe that the article was stolen or that the article cannot be rightfully delivered, sold or pledged by the person offering it. (CC 1979 §15-31; Ord. No. A-5722 §1, 5-27-93)

**SECTION 625.020: REGISTER TO BE KEPT**

- A. Every licensed business receiving listed property, whether by purchase, barter or exchange or by pledge, deposit or pawn, shall maintain a clear and legible register of listed property received, recording in ink the following information:
  - A.1. A full description of the property received, including the manufacturer's insignia and serial number;
  - A.2. The name, sex and residence address of the person selling or leaving such property; and
  - A.3. The date and time of such transaction.
- B. Such information shall be recorded in the register as soon as practicable and, in any event, by the close of business on the day of such transaction. It shall be a violation of this Chapter to erase, obliterate or deface any information in the register for the purpose of concealing or falsifying such information. (CC 1979 §15-32; Ord. No. A-5722 §1, 5-27-93)

**SECTION 625.025: DUTIES OF THOSE ENGAGED IN PAWNBROKER LOANS**

- A. This Section applies to all persons engaged in activities set forth in Section 625.010 of the Monett City Code including, but not limited to, those engaged in pawnbroker loans as defined and set forth in Sections 367.011 through 367.060, RSMo.
- B. No person, either as principal or agent, shall pursue, conduct, carry-on, or operate within the City any pawnbroker business without full compliance with Chapter 367 RSMo.

- C. At the time of the making of any secured personal credit loan, the lender shall execute and deliver to the borrower a receipt for and describing the tangible personal property subjected to the security

interest to secure the payment of the loan. The receipt shall contain the following:

- C.1. The name and address of the business;
  - C.2. The name and address of the pledgor, the pledgor's description, and the driver's license number, military identification number, or other official number capable of identifying the pledgor;
  - C.3. The date and time of such transaction; and
  - C.4. An identification and description of the pledged goods, including serial numbers if reasonably available.
- D. All persons conducting business under Subsection (A) of this Section shall be required to furnish the Monett Police Department with copies of information contained in Subsections (1) to (4) of Subsection (B) of this Section at the end of each calendar month. (Ord. No. A-6951, 5-23-00)

#### **SECTION 625.030: INSPECTION OF REGISTER AND ARTICLES**

- A. It shall be the duty of every licensed business to maintain in its files for a period of one (1) year all lists of stolen property which may be provided to them from time to time by the City Police Department.
- B. It shall be the duty of every licensed business to check the above mentioned lists for any comparable item in its place of business. It shall be the duty of every licensed business to notify the City Police Department of any such item and to hold such item for four (4) days for identification purposes.
- C. When there is reason to believe that any particular article of listed property or other personal property may have been stolen, upon reasonable request and notice, any licensed business shall also make available to any authorized officer of the City Police Department for inspection, the article in its possession and its business records with regard to the article's acquisition, and if such article has been sold, any licensed business shall make available to such officer its business records with respect to the article's acquisition and any subsequent sale.
- D. When there is reason to believe that any particular article of listed property or other personal property may have been stolen, any licensed business, upon notice and request, shall hold such article for a period of four (4) business days for identification purposes.  
(CC 1979 §15-33; Ord. No. A-5722 §1, 5-27-93)

#### **SECTION 625.040: PENALTIES**

- A. Any licensed business which shall willfully violate, fail, neglect or refuse to comply with any of the provisions of this Chapter shall, upon conviction, be fined not less than twenty-five dollars (\$25.00), nor more than five hundred dollars (\$500.00) or be imprisoned for a term of not more than ninety (90) days.

- B. In addition, if any licensed business, its agents, servants or employees shall violate of any of the provisions of this Chapter and is finally convicted in any court of the City or State, such conviction shall be sufficient to authorize the revocation of its City business license.  
(CC 1979 §15-34; Ord. No. A-5722 §1, 5-27-93)



**CHAPTER 630: TAXICABS AND OTHER  
VEHICLES FOR HIRE**

*Cross Reference—As to licenses and business regulations generally, see ch. 605 of this code; as to motor vehicles and traffic generally, see Title III.*

**ARTICLE I. IN GENERAL**

**SECTION 630.010: TAXICAB DEFINED**

The term "taxicab" as used in this Chapter shall mean any motor vehicle performing a bona fide for hire taxicab service having a capacity of not more than five (5) passengers, exclusive of the driver, and not operated on a regular route or between fixed termini.

**ARTICLE II. LICENSING AND INSURANCE**

**REQUIREMENTS**

*Cross Reference—As to licenses and business regulations generally, see ch. 605 of this code.*

**SECTION 630.020: LICENSE—REQUIRED**

No person shall engage in or carry on the business of transporting persons for hire by taxicab without obtaining a license therefor and without maintaining such license in full force and effect. (CC 1979 §29-2; Ord. No. A-1363 §1, 1-5-54)

**SECTION 630.030: LICENSE—FEE**

Every person owning or operating a taxicab within the City for the purpose of carrying passengers for hire, shall pay a license tax of ten dollars (\$10.00) per annum on each vehicle so operated. (CC 1979 §29-3; Ord. No. A-1363 §3, 1-5-54)

**SECTION 630.040: LICENSE—TERM**

All licenses issued under this Article shall be for a period of one (1) year subsequent to the date of issuance. (CC 1979 §29-5; Ord. No. A-1363 §7, 1-5-54)

**SECTION 630.050: LICENSE—REVOCATION OF LICENSE FOR FAILURE TO MAINTAIN EFFICIENT DAILY SERVICE**

The City shall not issue occupational licenses for the operation of motor vehicles as taxicabs in the City; provided, that in the event the holder of an occupational license for the operation of motor vehicles as taxicabs fails to maintain efficient daily taxicab service in the City, the occupational

license issued to such licensee shall be revoked. (CC 1979 §29-6; Ord. No. A-2045 §1, 9-6-63; Ord. No. A-2466 §1, 11-10-67; Ord. No. A-7049, 7-13-01)

§ 630.060  
§ 630.070

Monett City Code

**SECTION 630.060: LIABILITY INSURANCE POLICY**

No license as provided in this Article shall be issued to any person, unless such person shall deliver to the City Clerk a liability insurance policy, covering all vehicles so used, with a company approved by the City Council and with the premium paid thereon, covering property damage to the extent of ten thousand dollars (\$10,000.00) and personal injuries to the extent of twenty-five thousand dollars (\$25,000.00) for each person injured in any accident and fifty thousand dollars (\$50,000.00) for each accident. Such policy shall be kept in force by such operator or owner and shall remain in the custody of the City Clerk during the term for which the license is issued; provided, that if such policy lapses, is terminated or in any other manner is not in full force and effect, such license shall be suspended during the period such policy is not in force. (CC 1979 §29-7; Ord. No. A-1363 §4, 1-5-54; Ord. No. A-3072, §1, 8-19-71)

**SECTION 630.070: INSPECTION OF VEHICLE**

Each vehicle licensed under this Chapter shall, at the expense of the owner or operator, be inspected each three months by a mechanic employed at a garage regularly doing business within the City. Such inspection shall include steering gear, brakes, lights, tires, horn and visibility. Any defect shown upon such inspection shall be corrected prior to the further operation of such vehicle, and proof of such inspection shall be furnished by the operator of such vehicle to the City Clerk immediately following such inspection. Upon failure to comply with the provisions of this Section, the license shall be revoked as to such vehicle. (CC 1979 §29-8; Ord. No. A-1363 §5, 1-5-54)

## **CHAPTER 635: GARAGE SALES, ETC.**

### **SECTION 635.010: DEFINITIONS**

For the purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

*GARAGE SALE:* A sale of goods for profit offered to the public conducted at a single-family, a dual-family or a multi-family residential dwelling place. Non-profit organizations may hold a garage sale at a commercial building according to the terms of this Chapter.

*GOODS:* Any goods, wares, merchandise, articles or other personal property capable of being the object of a sale regulated under this Chapter. (CC 1979 §12.2-1; Ord. No. A-4444 §1, 6-8-83)

### **SECTION 635.020: MAXIMUM NUMBER OF SALES**

It shall be unlawful to conduct more than two (2) garage sales or any sale at the same location within any calendar year. (CC 1979 §12.2-2; Ord. No. A-4444 §2, 6-8-83)

### **SECTION 635.030: NOTIFICATION OF POLICE DEPARTMENT**

Any person proposing to conduct a garage sale or any sale must notify, in writing, the City Police Department of the place where such sale is to be conducted, the dates of such sale and the names, addresses and telephone numbers of the persons responsible for conducting such sale. (CC 1979 §12.2-3; Ord. No. A-4444 §3, 6-8-83)

### **SECTION 635.040: DURATION OF HOURS OF SALES**

It shall be unlawful to conduct a garage sale or any sale of longer than three (3) days duration. The time for any sale shall be within the hours of 7:00 A.M. to 7:00 P.M. (CC 1979 §12.2-4; Ord. No. A-4444 §4, 6-8-83; Ord. No. 8070, 9-20-11)

### **SECTION 635.050: ADVERTISING SIGNS**

No person shall effect, place, post or mark a sign advertising a garage sale or any sale on any public property, including street signs and posts and traffic signs and posts, or on any public utility pole. Any sign erected, placed, posted or marked advertising such garage sale or any sale shall be placed no longer than two (2) days before the sale and shall be removed on or before the last day of such sale. The person responsible for conducting such garage sale or any sale shall be responsible for removing such sign. (CC 1979 §12.2-5; Ord. No. A-4444 §5, 6-8-83)

### **SECTION 635.060: GOODS NOT TO BE DISPLAYED ON PUBLIC PROPERTY**

No goods offered for sale at a garage sale or any sale shall be displayed for sale on any public street or right of way. (CC 1979 §12.2-6; Ord. No. A-4444 §6, 6-8-83)

§ 635.070  
§ 635.070

Monett City Code

**SECTION 635.070: PENALTY**

Any person violating any of the provisions of this Chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined a sum of not less than one dollar (\$1.00) and not to exceed one hundred dollars (\$100.00). Each day during which any violation of this Chapter continues or exists shall be deemed to be a separate violation.  
(CC 1979 §12.2-7; Ord. No. A-4444 §7, 6-8-83)

## **CHAPTER 640: PLUMBING**

*Cross References—As to plumbing code, see ch. 500 of this code.*

### **SECTION 640.010: PLUMBER'S LICENSE—REQUIRED**

No person shall engage in the plumbing business or in any activity associated or connected therewith in the City, without first obtaining a license from the City to engage in such business. (CC 1979 §23-1; Ord. No. A-1650 §1, 3-6-59)

*Cross Reference—As to licenses and business regulations generally, see ch. 605 of this code.*

### **SECTION 640.020: PLUMBER'S LICENSE—BOND REQUIRED—ISSUANCE—TERM**

- A. Any person desiring to obtain a plumber's license pursuant to this Chapter shall make application therefor, in writing, at the office of the City Clerk, shall satisfy the City Engineer that he/she is qualified to engage in the plumbing business in the City and shall furnish to the City a surety bond in the minimum sum of five thousand dollars (\$5,000.00), conditioned that he/she will faithfully perform the duties and activities of his/her trade in the City and that he/she will compensate the City for any damage or destruction done or permitted by him/her to the City property, including the streets, alleys, parkways, curbs, gutters, paving and sewer or water lines, and that he/she will repair and replace, in a manner satisfactory to the City, all paving, material or excavation moved, damaged or destroyed by him/her in connection with his/her plumbing activities.
- B. Upon any applicant's complying with the foregoing provisions, the City Clerk shall issue such applicant a license to engage in the plumbing business in the City, which license shall continue in force for a period of one (1) year from the date of issuance, unless sooner terminated, suspended or revoked by the City. (CC 1979 §23-2; Ord. No. A-1650 §2-3, 3-6-59; Ord. No. 8007 §1, 11-19-10)

### **SECTION 640.030: PLUMBER'S LICENSE—SUSPENSION OR REVOCATION**

Any license issued pursuant to the provisions of this Chapter may be revoked or suspended by the City in the event of failure of the licensee to perform the work or services of his/her trade in a proper and workmanlike manner; provided, that such failure injures, damages or affects any City property or utility. In determining the question of whether or not a plumber performs his/her work in a proper and workmanlike manner and whether his/her failure, if any, to do so injures, damages or affects City property or utilities, the judgment and opinion of the City Engineer shall be final. (CC 1979 §23-3; Ord. No. A-1650 §4, 3-6-59)

### **SECTION 640.040: VIOLATIONS GENERALLY**

Any person violating any of the provisions of this Chapter shall be deemed guilty of a misdemeanor; provided, that unless otherwise provided in this Chapter, any person who shall carry on or engage in

the plumbing business or any activity associated or connected therewith in the City in violation of this Chapter shall be deemed guilty of a separate and distinct offense under the provisions of this Section for each day such activity shall be carried on or engaged in violation of this Chapter. (Ord. No. 8008, 11-19-10)



## BUSINESSES

## SECTION 645.010: DEFINITIONS

The following definitions shall have the ascribed meanings as set out herein:

**ADULT ARCADE:** Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas".

**ADULT BOOKSTORE OR ADULT VIDEO STORE:** A commercial establishment that, as one (1) of its principal business purposes, offers for sale or rental for any form of consideration any one (1) or more of the following:

1. Books, magazines, periodicals or other printed matter, or photographs, films, motion picture, video cassettes or video reproductions, slides, or other visual representations that depict or describe "specified sexual activities" or "specified anatomical areas"; or see also Final Report of the Attorney General's Commission on Pornography (1986) at 377.
2. Instruments, devices, or paraphernalia that are designed for use in connection with "specified sexual activities".

(A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as "*adult bookstore or adult video store*". Such other business purposes will not serve to exempt such commercial establishments from being categorized as an "*adult bookstore or adult video store*" so long as one (1) of its principal business purposes is the offering for sale or rental for consideration the specified materials that depict or describe "specified sexual activities" or "specified anatomical areas". A principal business purpose need not be a primary use of an establishment so long as it is a significant use based upon the visible inventory or commercial activity of the establishment.)

**ADULT CABARET:** A nightclub, bar, restaurant, or similar commercial establishment that regularly features:

1. Persons who appear in a state of nudity or semi-nudity;
2. Live performances that are characterized by the exposure of "specified sexual activities" or "specified anatomical areas";
3. Films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; or

4. Persons who engage in erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.

*ADULT MOTEL:* A hotel, motel or similar commercial establishment that:

1. Offers accommodation to the public for any form of consideration and provides patrons with closed circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas", and has a sign visible from the public right-of-way that advertises the availability of this adult type of photographic reproductions;
2. Offers a sleeping room for rent for a period of time that is less than twenty-four (24) hours; or
3. Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than twenty-four (24) hours.

*ADULT MOTION PICTURE THEATER:* A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or other photographic reproductions are regularly shown that are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

*ADULT THEATER:* A theater, concert hall, auditorium, or similar commercial establishment that regularly features persons who appear, in person, in a state of nudity and/or semi-nudity, and/or live performances that are characterized by the exposure of "specified sexual activities" or by "specified anatomical areas".

*EMPLOYEE:* A person who employs any services on the premises of a sexually oriented business on a full-time, part-time, contract basis, or independent basis, whether or not the said person is paid a salary, wage, or other compensation by the operator of said business. "Employee" does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises, nor does "employee" include a person exclusively on the premises as a patron or customer.

*ESCORT:* A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

*ESCORT AGENCY:* A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one (1) of its primary business purposes for a fee, tip, or other consideration.

*ESTABLISHMENT:* Means and includes any of the following:

1. The opening or commencement of any sexually oriented business as a new business;
2. The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
3. The additions of any sexually oriented business to any other existing sexually oriented business; or
4. The relocation of any sexually oriented business.

*LICENSED DAYCARE FACILITY:* A facility licensed by the State of Missouri, whether situated within the City or not, that provides care, training, education, custody, treatment or supervision for more than twelve (12) children less than fourteen (14) years of age, where such children are not

related by blood, marriage or adoption to the owner or operator of the facility, for less than twenty-four (24) hours a day, regardless of whether or not the facility is operated for a profit or charges for the services it offers.

*LICENSEE:* A person in whose name a license has been issued, as well as the individual listed as an applicant on the application for a license.

*NUDE MODEL STUDIO:* Any place where a person who appears in a state of nudity or displays "specified anatomical areas" is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons for consideration.

*NUDITY OR STATE OF NUDITY:* The appearance of a human bare buttock, anus, anal cleft or cleavage, pubic area, male genitals, female genitals, or vulva, with less than a fully opaque covering; or a female breast with less than a fully opaque covering of any part of the nipple; or human male genitals in a discernibly turgid state even if completely and opaquely covered.

*PERSON:* An individual, proprietorship, corporation, association, or other legal entity.

*PREMISES:* The real property upon which the sexually oriented business is located and all appurtenances thereto and buildings thereon, including, but not limited to, the sexually oriented business, the grounds, private walkways, and parking lots and/or parking garages adjacent thereto, under the ownership, control, or supervision of the licensee, as described in the application for a business license pursuant to Section 645.030 of this Chapter.

*SEMI-NUDE OR SEMI-NUDITY:* The appearance of the female breast below a horizontal line across the top of the areola at its highest point. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel provided the areola is not exposed in whole or in part.

*SEXUAL ENCOUNTER CENTER:* A business or commercial enterprise that, as one (1) of its principal business purposes, offers any form of consideration:

1. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
2. Activities between male and female persons and/or persons of the same sex when one (1) or more of the persons is in a state of nudity or semi-nudity.

*SEXUALLY ORIENTED BUSINESS:* An adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, escort agency, nude model studio, or sexual encounter center.

*SPECIFIED ANATOMICAL AREAS:* Means:

1. The human male genitals in a discernibly turgid state, even if fully and opaquely covered;
2. Less than completely and opaquely covered human genitals, pubic region, buttocks, or a female breast below a point immediately above the top of the areola.

*SPECIFIED CRIMINAL ACTIVITY:* Any of the following offenses:

§ 645.010

1. Prostitution or promotion of prostitution; dissemination of obscenity; sale, distribution, or display of harmful material to a minor; sexual performance by a child; possession or distribution of child pornography; public lewdness; indecent exposure; indecency with a child; sexual assault; molestation of a child; or any similar sex-related offenses to those described above under the criminal or Penal Code of this State, other States, or other countries.
2. For which:
  - a. Less than five (5) years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense;
  - b. Less than ten (10) years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a felony offense;
  - c. Less than ten (10) years have elapsed since the date of the last conviction or the date of the release from confinement imposed for the last conviction, whichever is the later date, if the convictions are of two (2) or more misdemeanor offenses or combination of misdemeanor offenses occurring within any twenty-four (24) month period.
3. The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant or a person residing with the applicant.

*SPECIFIED SEXUAL ACTIVITIES:* Includes any of the following:

1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts, whether covered or uncovered;
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
3. Masturbation, actual or simulated; or
4. Excretory functions as part of or in connection with any of the activities set forth in Subsections (1) through (3) above.

*SUBSTANTIAL ENLARGEMENT:* "Substantial enlargement" of a sexually oriented business means the increase in floor areas occupied by the business by more than twenty-five percent (25%), as the floor areas exist on the initial date of passage of this Code Section.

*TRANSFER OF OWNERSHIP OR CONTROL:* "Transfer of ownership or control" of a sexually oriented business means and includes any of the following:

1. The sale, lease, or sublease of the business;
2. The transfer of securities that form a controlling interest in the business, whether by sale, exchange, or similar means; or

3. The establishment of a trust, gift, or other similar legal device that transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon death of the person possessing the ownership or control. (Ord. No. 6758 §645.000, 11-23-98)

**SECTION 645.020: CLASSIFICATION**

Sexually oriented businesses are classified as follows:

- .1. Adult arcades;
- .2. Adult bookstores or adult video stores;
- .3. Adult cabarets;
- .4. Adult models;
- .5. Adult motion picture theaters;
- .6. Adult theaters;
- .7. Escort agencies;
- .8. Nude model studios; and
- .9. Sexual encounter centers. (Ord. No. 6758 §645.010, 11-23-98)

**SECTION 645.030: LICENSE REQUIRED**

A. It shall be unlawful:

- A.1. For any person to operate a sexually oriented business without a valid sexually oriented business license issued by the City Clerk pursuant to this Chapter.
- A.2. For any person who operates a sexually oriented business to employ a person to work and/or perform services on the premises of the sexually oriented business, if such employee is not in possession of a valid sexually oriented business employee license issued by the City Clerk pursuant to this Chapter.
- A.3. For any person to obtain employment with a sexually oriented business if such person is not in possession of a valid sexually oriented business employee license issued to such person by the City Clerk pursuant to this Chapter.
- A.4. It shall be a defense to Subsections (2) and (3) of this Section if the employment is of limited duration and for the sole purpose of repair and/or maintenance of machinery, equipment, or the premises.

B. An application for a sexually oriented business license must be made on a form provided by the City. The application must be accompanied by a sketch or a diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches.

Prior to issuance of a license, the premises must be inspected by the Code Enforcement Officer and the Fire Department.

- C. An application for a sexually oriented business employee license must be made on a form provided by the City.
- D. All applicants for a license must be qualified according to the provisions of this Chapter. The application may request, and the applicant shall provide, such information (including fingerprints) as to enable the City to determine whether the applicant meets the qualifications established under this Chapter. The applicant has an affirmative duty to supplement an application with new information received subsequent to the date the application was deemed completed.
- E. If a person who wishes to own/operate a sexually oriented business is an individual, he/she must sign the application for a business license as applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each individual who has a ten percent (10%) or greater interest in the business must sign the application for a business license as applicant. If a corporation is listed as owner of a sexually oriented business or as the entity that wishes to operate such a business, each individual having a ten percent (10%) or greater interest in the corporation must sign the application for a business license as applicant.
- F. Applications for a business license, whether original or renewal, must be made to the City Clerk by the intended operator of the enterprise. Applications must be submitted to the office of the City Clerk or the City Clerk's designee during regular working hours. Application forms shall be supplied by the City Clerk. The following information shall be provided on the application form:
  - F.1. The name, street address (and mailing address if different) of the applicant(s);
  - F.2. A recent photograph of the applicant(s);
  - F.3. The applicant's driver's license number, social security number, and/or his/her State or Federally issued tax identification number;
  - F.4. The name under which the establishment is to operated and a general description of the services to be provided;
    - F.4.a. If the applicant intends to operate the sexually oriented business under a name other than that of the applicant; he/she must state:
      - F.4.a.(1) The sexually oriented business' fictitious name, and
      - F.4.a.(2) Submit the required registration documents.
  - F.5. Whether the applicant, or a person residing with the applicant, has been convicted, or is awaiting trial on pending charges, of a "specified criminal activity" as defined in Section 645.010, and, if so, the "specified criminal activity" involved, the date, place and jurisdiction of each;
  - F.6. Whether the applicant, or a person residing with the applicant, has had a previous license under this Chapter or other similar sexually oriented business ordinance from another City or County denied, suspended or revoked; including the name and location of the sexually oriented business for which the business license was denied, suspended or revoked, as well as the date of the denial, suspension or revocation, and whether the applicant or a person residing with the

applicant is or has been a partner in a partnership or an officer, director or principal stockholder of a corporation that is or was licensed under a sexually oriented business ordinance whose business license has previously been denied, suspended or revoked; including the name and

## § 645.030

location of the sexually oriented business for which the business license was denied, suspended or revoked as well as the date of denial, suspension or revocation;

- F.7. Whether the applicant, or a person residing with the applicant holds any other licenses under this Chapter or other similar sexually oriented business ordinance from another City or County and, if so, the names and locations of such other licensed businesses;
  - F.8. The single classification of license, as found in Section 645.020, for which the applicant is filing;
  - F.9. The telephone number of the establishment;
  - F.10. The address and legal description of the tract of land on which the establishment is to be located;
  - F.11. If the establishment is in operation, the date on which the owner(s) acquired the establishment for which the business license is sought, and the date on which the establishment began operations as a sexually oriented business at the location for which the business license is sought;
  - F.12. If the establishment is not in operation, the expected start up date (which shall be expressed in number of days from the date of issuance of the business license). If the expected start up date is to be more than ten (10) days following the date of the issuance of the business license, then a detailed explanation of the construction, repair or remodeling work or other cause of the expected delay and a statement of the owner's time schedule and plan for accomplishing the same;
  - F.13. If an applicant wishes to operate a sexually oriented business, other than an adult motel, which shall exhibit on the premises—in a viewing room or booth of less than one hundred fifty (150) square feet of floor space—films, video cassettes, other video reproductions, or live entertainment which depict "specified sexual activities" or "specified anatomical areas", then the applicant shall comply with the application requirements set for in Section 645.180 hereunder.
- G. Each application for a business license shall be accompanied by the following:
- G.1. Payment of the application fee in full;
  - G.2. If the establishment is a corporation, a certificate of good standing from the State of incorporation (dated within thirty (30) days of application for license), a certified copy of the articles of incorporation, together with all amendments thereto;
  - G.3. If the establishment is a foreign corporation, a certified copy of the certificate of authority to transact business in this State, together with all amendments thereto;
  - G.4. If the establishment is a limited partnership, a certified copy of the certificate of limited partnership, together with all amendments thereto;

- G.5. If the establishment is a foreign limited partnership, a certified copy of the certificate of limited partnership and the qualification documents, together with all amendments thereto;
- G.6. Proof of the current fee ownership of the tract of land on which the establishment is to be situated in the form of a copy of the recorded deed;

## § 645.030

- G.7. If the persons identified as the fee owner(s) of the tract of land in item (6) are not also the owners of the establishment, then the lease, purchase contract, purchase option contract, lease option contract or other documents evidencing the legally enforceable right of the owners or proposed owners of the establishment to have or obtain the use and possession of the tract or portion thereof that is to be used for the establishment for the purpose of the operation of the establishment;
- G.8. A current certificate and straight-line drawing prepared within thirty (30) days prior to application by a registered land surveyor depicting the property lines and the structures containing any sexually oriented businesses within one thousand (1,000) feet of the property to be certified; the property lines of any established religious institution/synagogue, school, public park or recreation area, or family-oriented entertainment business within one thousand five hundred (1,500) feet of the property to be certified. For the purposes of this Section, a use shall be considered existing or established if it is in existence at the time an application is submitted;
- G.9. Any items (2) through (8) above shall not be required for a renewal application if the applicant states that the documents previously furnished the City Clerk with the original application or previous renewals thereof remain correct and current.
- H. Applications for an employee license to work and/or perform services in a sexually oriented business, whether original or renewal, must be made to the Director by the person to whom the employee license shall issue. Each application for an employee license shall be accompanied by payment of the application fee in full. Application forms shall be supplied by the City Clerk. Applications must be submitted to the office of the City Clerk or the City Clerk's designee during regular working hours. Each applicant shall be required to give the following information on the application form:
- H.1. The applicant's given name, and any other names by which the applicant is or has been known, including "stage" names and/or aliases;
- H.2. Age, and date and place of birth;
- H.3. Height, weight, hair color, and eye color;
- H.4. Present residence address and telephone number;
- H.5. Present business address and telephone number;
- H.6. Date, issuing State, and number of photo driver's license, or other State issued identification card information;
- H.7. Social security number; and
- H.8. Proof that the individual is at least eighteen (18) years of age.
- I. Attached to the application form for a license shall be the following:

- I.1. A color photograph of the applicant clearly showing the applicant's face, and the applicant's fingerprints on a form provided by the Police Department. Any fees for the photographs and fingerprints shall be paid by the applicant.

- I.2. A statement detailing history of the applicant for the five (5) years immediately preceding the date of the filing of this application, including whether such applicant, in this or any other City, County, State, or country, has ever had any license, permit, or authorization to do business denied, revoked, or suspended, or had any professional or vocational license or permit denied, revoked, or suspended. In the event of any such denial, revocation, or suspension, state name(s) under which the license was sought and/or issued, the name(s) of the issuing or denying jurisdiction, and describe in full the reason(s) for the denial, revocation, or suspension. A copy of any order of denial, revocation, or suspension shall be attached to the application.
- I.3. A statement whether the applicant has been convicted, or is awaiting trial on pending charges, of a "*specified criminal activity*" as defined in Section 645.010, and, if so, the "*specified criminal activity*" involved, the date, place and jurisdiction of each.
- J. Every application for a license shall contain a statement under oath that:
  - J.1. The applicant has personal knowledge of the information contained in the application, and that the information contained therein furnished therewith is true and correct; and
  - J.2. The applicant has read the provisions of this Chapter.
- K. A separate application and business license shall be required for each sexually oriented business classification as set forth in Section 645.020.
- L. The fact that a person possesses other types of State or City permits and/or licenses does not exempt him/her from the requirement of obtaining a sexually oriented businesses or employee license. (Ord. No. 6758 §645.020, 11-23-98)

#### **SECTION 645.040: ISSUANCE OF LICENSE**

- A. Upon the filing of an application for a sexually oriented business employee license, the City Clerk shall issue a temporary license to said applicant. The application shall then be referred to the appropriate City departments for investigation to be made on the information contained in the application. The application process shall be completed within thirty (30) days from the date of the completed application. After the investigation, the City Clerk shall issue an employee license, unless it is determined by a preponderance of the evidence that one (1) or more of the following findings is true:
  - A.1. The applicant has failed to provide the information reasonably necessary for issuance of the license or has falsely answered a question or request for information on the application form;
  - A.2. The applicant is under the age of eighteen (18) years;
  - A.3. The applicant has been convicted of a "*specified criminal activity*" as defined in Section 645.010 of this Chapter;
  - A.4. The sexually oriented business employee license is to be used for employment in a business prohibited by local or State law, Statute, rule, or regulation, or prohibited by a particular provision of this Chapter; or

## § 645.040

A.5. The applicant has had a sexually oriented business employee license revoked by the City within two (2) years of the date of the current application.

If the sexually oriented business employee license is denied, the temporary license previously issued is immediately deemed null and void. Denial, suspension, or revocation of a license issued pursuant to this Subsection shall be subject to appeal as set forth in Subsection (I) of this Section.

- B. A license issued pursuant to Subsection (A) of this Section, if granted, shall state on its face the name of the person to whom it is granted, the expiration date, and the address of the sexually oriented business. The employee shall keep the license on his/her person at all times while engaged in employment or performing services on the sexually oriented business premises so that said license may be available for inspection upon lawful request.
- C. A license issued pursuant to Subsection (A) of this Section shall be subject to annual renewal upon the written application of the applicant and a finding by the City Clerk that the applicant has not been convicted of any "*specified criminal activity*" as defined in this Chapter, or committed any act during the existence of the previous license which would be grounds to deny the initial license application. The decision whether to renew a license shall be made within thirty (30) days of the completed application. The renewal of a license shall be subject to the fee as set forth in Section 645.050.
- D. If application is made for a sexually oriented business license, the City Clerk shall approve or deny issuance of the license to an applicant unless it is determined by a preponderance of the evidence that one (1) or more of the following findings is true:
- D.1. An applicant has failed to provide the information reasonably necessary for issuance of the license or has falsely answered a question or request for information on the application form;
- D.2. An applicant is under the age of eighteen (18) years;
- D.3. An applicant or a person with whom the applicant is residing has been denied a license by the City to operate a sexually oriented business within the preceding twelve (12) months, or whose license to operate a sexually oriented business has been revoked within the preceding twelve (12) months;
- D.4. An applicant or a person with whom the applicant is residing is overdue in payment to City taxes, fees, fines, or penalties assessed against or imposed upon him/her in relation to any business;
- D.5. An applicant or a person with whom the applicant is residing has been convicted of a "*specified criminal activity*" as defined in Section 645.010;
- D.6. The premises to be used for the sexually oriented business have not been approved by the Code Enforcement Officer and the Fire Department as being in compliance with applicable laws and ordinances;
- D.7. The license fee required under this Chapter has not been paid;

- D.8. An applicant of the proposed establishment is in violation of or is not in compliance with one (1) or more of the provisions of this Chapter.
- E. A license issued pursuant to Subsection (D) of this Section, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, the address of the sexually

oriented business, and the Section 645.020 classification for which the license is issued. The license shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be easily read at any time.

- F. The Code Enforcement Officer and the Fire Department shall complete their certification that the premises are in compliance or not in compliance within twenty (20) days of receipt of the completed application by the City Clerk. The certification shall be promptly presented to the City Clerk.
- G. A sexually oriented business license shall issue for only one (1) classification, as set forth in Section 645.020.
- H. In the event that the City Clerk determines that an applicant is not eligible for a license, the applicant shall be given notice in writing of the reasons for the denial within forty-five (45) days of the receipt of the completed application by the City Clerk, provided that the applicant may request, in writing at any time before the notice is issued, that such period be extended for an additional period of not more than ten (10) days in order to make modifications necessary to comply with this Chapter.
- I. An applicant may appeal the decision of the City Clerk regarding a denial to the City Council by filing a written notice of appeal with the City Clerk within fifteen (15) days after service of notice upon the applicant of the City Clerk's decision. The notice of appeal shall be accompanied by a memorandum or other writing setting out fully the grounds for such appeal and all arguments in support thereof. The City Clerk may, within fifteen (15) days of service upon him/her of the applicant's memorandum, submit a memorandum in response to the memorandum filed by the applicant on appeal to the City Council. After reviewing such memoranda, as well as the City Clerk's written decision, if any, and exhibits submitted to the City Clerk, the City Council shall vote to either uphold or overrule the City Clerk's decision. Such vote shall be taken within twenty-one (21) calendar days after the date in which the City Clerk receives the notice of appeal. However, all parties shall be required to comply with the City Clerk's decision during the pendency of the appeal. Judicial review of a denial by the City Clerk and City Council may be made pursuant to Section 645.100 of this Chapter.
- J. A license issued pursuant to Subsection (D) of this Section shall be subject to annual renewal upon the written application of the applicant and a finding by the City Clerk that the applicant has not been convicted of any "*specified criminal activity*" as defined in this Chapter, or committed any act during the existence of the previous license which would be grounds to deny the initial license application. The decision whether to renew a license shall be made within thirty (30) days of the completed application. The renewal of a license shall be subject to the fee as set forth in Section 645.050. (Ord. No. 6758 §645.030, 11-23-98)

#### **SECTION 645.050: FEES**

The annual fee for a sexually oriented business license, whether new or renewal, is five hundred dollars (\$500.00). The annual fee for a sexually oriented business employee license, whether new or renewal, is fifty dollars (\$50.00). These fees are to be used to pay for the cost of the administration and enforcement of this Chapter. (Ord. No. 6758 §645.040, 11-23-98)

**SECTION 645.060: INSPECTION**

- A. An applicant or licensee shall permit representatives of the Police Department, Code Enforcement Officer, Fire Department, or other City or State departments or agencies to inspect the premises of a sexually oriented business for the purpose of insuring compliance with the law, at any time it is open for business.
- B. A person who operates a sexually oriented business or his/her agent or employee commits a misdemeanor if he/she refuses to promptly permit such lawful inspection of the premises. (Ord. No. 6758 §645.050, 11-23-98)

**SECTION 645.070: EXPIRATION OF LICENSE**

- A. Each license shall expire one (1) year from the date of issuance and may be renewed only by making application as provided in Section 645.030. Application for renewal should be made at least thirty (30) days before the expiration date; when made less than forty-five (45) days before the expiration date, the expiration of the license will not be affected.
- B. When the City Clerk denies renewal of a license, the applicant shall not be issued a license for one (1) year from the date of denial. (Ord. No. 6758 §645.060, 11-23-98)

**SECTION 645.080: SUSPENSION**

The City Clerk shall suspend a license for a period not to exceed thirty (30) days if he/she determines that licensee or an employee of licensee has:

- .1. Violated or is not in compliance with any Section of this Chapter;
- .2. Operated or performed services in a sexually oriented business while intoxicated by the use of alcoholic beverages or controlled substances;
- .3. Refused to allow prompt inspection of the sexually oriented business premises as authorized by this Chapter;
- .4. With knowledge, permitted gambling by any person on the sexually oriented business premises. (Ord. No. 6758 §645.070, 11-23-98)

**SECTION 645.090: REVOCATION**

- A. The City Clerk shall revoke a license if a cause of suspension in Section 645.080 occurs and the license has been suspended within the preceding twelve (12) months.
- B. The City Clerk shall revoke a license if he/she determines that:

- B.1. A licensee gave false or misleading information in the material submitted during the application process;
- B.2. A licensee, or a person with whom the licensee is residing, was convicted of a "*specified criminal activity*" on a charge that was pending prior to the issuance of the license;

- B.3. A licensee has, with knowledge, permitted the possession, use, or sale of controlled substances on the premises;
- B.4. A licensee has, with knowledge, permitted the sale, use, or consumption of alcoholic beverages on the premises;
- B.5. A licensee has, with knowledge, permitted prostitution on the premises;
- B.6. A licensee has, with knowledge, operated the sexually oriented business during a period of time when the licensee's license was suspended;
- B.7. A licensee has, with knowledge, permitted any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sexual conduct to occur in or on the licensed premises;
- B.8. A licensee is delinquent in payment to the City or State for any taxes or fees;
- B.9. A licensee has, with knowledge, permitted a person under eighteen (18) years of age to enter the establishment; or
- B.10. A licensee has attempted to sell his/her business license, or has sold, assigned, or transferred ownership or control of the sexually oriented business to a non-licensee;
- C. When the City Clerk revokes a license, the revocation shall continue for one (1) year, and the licensee shall not be issued a sexually oriented business license for one (1) year from the date revocation became effective. (Ord. No. 6758 §645.080, 11-23-98)

**SECTION 645.100: JUDICIAL REVIEW**

After denial of an initial or renewal application by the City Clerk and the City Council, or suspension or revocation of a license by the City Clerk, the applicant or licensee may seek prompt judicial review of such administrative action in any court of competent jurisdiction. The administrative action shall be promptly reviewed by the court. (Ord. No. 6758 §645.090, 11-23-98)

**SECTION 645.110: NO TRANSFER OF LICENSE**

A licensee shall not transfer his/her license to another, nor shall a licensee operate a sexually oriented business under the authority of a license at any place other than the address designated in the application. (Ord. No. 6758 §645.100, 11-23-98)

**SECTION 645.120: LOCATION RESTRICTIONS**

Sexually oriented businesses shall be permitted in any industrial district provided that:

- .1. The sexually oriented business may not be operated within:

.1.a. One thousand five hundred (1,500) feet of a church, synagogue or regular place of religious worship;

- .1.b. One thousand five hundred (1,500) feet of a public or private elementary or secondary school;
  - .1.c. One thousand five hundred (1,500) feet of a boundary of any residential district;
  - .1.d. One thousand five hundred (1,500) feet of a public park;
  - .1.e. One thousand five hundred (1,500) feet of a licensed daycare center;
  - .1.f. One thousand five hundred (1,500) feet of an entertainment business that is oriented primarily towards children or family entertainment; or
  - .1.g. One thousand (1,000) feet of another sexually oriented business.
- 2. A sexually oriented business may not be operated in the same building, structure, or portion thereof, containing another sexually oriented business classified pursuant to Section 645.020
  - 3. For the purpose of this Chapter, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a church, synagogue, regular place of worship, or public or private elementary or secondary school or to the nearest boundary of an affected public park, residential district, or residential lot, or licensed daycare center, or child or family entertainment business.
  - 4. For purposes of Subsection (3) of this Section, the distance between any two (2) sexually oriented business uses shall be measured in a straight line, without regard to intervening structures or objects, from the closet exterior wall of the structure in which each business is located. (Ord. No. 6758 §645.110, 11-23-98)

#### **SECTION 645.130: NON-CONFORMING USES**

Any business lawfully operating on the effective date of this Chapter that is in violation of the location or structural configuration requirements of this Chapter shall be deemed a non-conforming use. The non-conforming use will be permitted to continue unless terminated for any reason voluntarily or discontinued for a period of thirty (30) days or more. Such non-conforming uses shall not be increased, enlarged, extended or altered except that the use may be changed to a conforming use. If two (2) or more sexually oriented businesses are within one thousand (1,000) feet of one another and otherwise in a permissible location, the sexually oriented business that was first (1st) established and continually operated at a particular location is the conforming use and the later-established business(es) is non-conforming. (Ord. No. 6758 §645.120, 11-23-98)

#### **SECTION 645.140: ADDITIONAL REGULATIONS FOR ADULT MOTELS**

- A. Evidence that a sleeping room in a hotel, motel, or similar commercial enterprise has been rented and vacated two (2) or more times in a period of time that is less than ten (10) hours creates a rebuttable presumption that the enterprise is an adult motel as that term is defined in this Chapter.

- B. It is unlawful if a person, as the person in control of a sleeping room in a hotel, motel, or similar commercial enterprise that does not have a sexually oriented business license, rents or subrents a sleeping room to a person and, within ten (10) hours from the time the room is rented, he/she rents or subrents the same sleeping room again.
- C. For purposes of Subsection (B) of this Section, the terms "*rent*" or "*subrent*" mean the act of permitting a room to be occupied for any form of consideration.
- D. Violation of Subsection (B) of this Section shall constitute a misdemeanor. (Ord. No. 6758 §645.140, 11-23-98)

**SECTION 645.150: ADDITIONAL REGULATIONS FOR ESCORT AGENCIES**

- A. An escort agency shall not employ any person under the age of eighteen (18) years.
- B. A person commits an offense if the person acts as an escort or agrees to act as an escort for any person under the age of eighteen (18) years.
- C. Violation of this Section shall constitute a misdemeanor. (Ord. No. 6758 §645.150, 11-23-98)

**SECTION 645.160: ADDITIONAL REGULATIONS FOR NUDE MODEL STUDIOS**

- A. A nude model studio shall not employ any person under the age of eighteen (18) years.
- B. A person under the age of eighteen (18) years commits a misdemeanor if the person appears semi-nude or in a state of nudity in or on the premises of a nude model studio. It is a defense to prosecution under this Subsection if the person under eighteen (18) years of age was in a restroom not open to the public view or visible by any other person.
- C. A person commits a misdemeanor if the person appears in a state of nudity, or with knowledge, allows another to appear in a state of nudity in an area of a nude model studio premises which can be viewed from the public right-of-way.
- D. A nude model studio shall not place or permit a bed, sofa, or mattress in any room on the premises, except that a sofa may be placed in a reception room open to the public. (Ord. No. 6758 §645.160, 11-23-98)

**SECTION 645.170: ADDITIONAL REGULATIONS CONCERNING PUBLIC NUDITY**

- A. It shall be a misdemeanor for a person who, with knowledge and intent, appears in person in a state of nudity in a sexually oriented business, or depicts specified sexual activities in a sexually oriented business.

- B. It shall be a misdemeanor for a person who, with knowledge and intent, appears in person in a semi-nude condition in a sexually oriented business, unless the person is an employee who, while semi-nude, is at least ten (10) feet from any patron or customer and on a stage at least two (2) feet from the floor.

- C. It shall be a misdemeanor for an employee, while semi-nude in a sexually oriented business, to solicit any pay or gratuity from any patron or customer, or for any patron or customer to pay or give any gratuity to any employee, while said employee is semi-nude in the sexually oriented business.
- D. It shall be a misdemeanor for an employee, while semi-nude, to touch a patron or the clothing of a patron, or for a patron to touch a semi-nude employee or the clothing of a semi-nude employee. (Ord. No. 6758 §645.170, 11-23-98)

**SECTION 645.180: REGULATIONS PERTAINING TO EXHIBITION OF SEXUALLY EXPLICIT FILMS, VIDEOS AND LIVE PERFORMANCES**

- A. A person who operates or causes to be operated a sexually oriented business, other than an adult motel, which exhibits on the premises in a viewing room of less than one hundred fifty (150) square feet of floor space, a film, video cassette, other video reproduction, or live performance that depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements.
  - A.1. Upon application for a sexually oriented business license, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one (1) or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed thirty-two (32) square feet of floor area. The diagram shall also designate the place at which the business license will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required, however, each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six (6) inches. The City Clerk may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.
  - A.2. The application shall be sworn to be true and correct by the applicant.
  - A.3. No alteration in the configuration or location of a manager's station may be made without the prior approval of the City Clerk or his/her designee.
  - A.4. It is the duty of the owners and operator of the premises to ensure that at least one (1) employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.
  - A.5. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of the entire area of the premises to which any patron is permitted access for any purpose excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two (2) or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of the entire area of the premises to which any patron is permitted access for

any purpose from at least one (1) of the manger's stations. The view required in this Subsection must be by direct line of sight from the manager's station.

- A.6. It shall be the duty of the operator, and it shall also be the duty of any agents and employees present in the premises, to ensure that the view area specified in Subsection (A)(5) of this Section remains unobstructed by any doors, walls, merchandise, display racks or other materials at all times and to ensure that no patron is permitted access to any area of the premises that has been designated as an area in which patrons will not be permitted, as designated in the application filed pursuant to Subsection (A)(1) of this Section.
- A.7. No viewing room may be occupied by more than one (1) person at any time.
- A.8. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than five (5) foot-candle as measured at the floor level.
- A.9. It shall be the duty of the operator, and it shall also be the duty of any agents and employees present in the premises, to ensure that the illumination described above is maintained at all times that any patron is present in the premises.
- A.10. No licensee shall allow an opening of any kind to exist between viewing rooms or booths.
- A.11. No person shall make any attempt to make an opening of any kind between the viewing booths or rooms.
- A.12. The operator of the sexually oriented business shall, during each business day, inspect the walls between the viewing booths to determine if any openings or holes exist.
- A.13. The operator of the sexually oriented business shall cause all floor coverings in viewing booths to be non-porous, easily cleanable surfaces, with no rugs or carpeting.
- A.14. The operator of the sexually oriented business shall cause all wall surfaces and ceiling surfaces in viewing booths to be constructed of, or permanently covered by, non-porous, easily cleanable material. No wood, plywood, composition board or other porous material shall be used within forty-eight (48) inches of the floor.
- B. A person having a duty under Subsection (A)(1–14) of this Section commits a misdemeanor if he/she, with knowledge, fails to fulfill that duty. (Ord. No. 6758 §645.180, 11-23-98)

#### **SECTION 645.190: EXTERIOR PORTIONS OF SEXUALLY ORIENTED BUSINESSES**

- A. It shall be unlawful for an owner or operator of a sexually oriented business to allow the merchandise or activities of the establishment to be visible from a point outside the establishment.
- B. It shall be unlawful for the owner or operator of a sexually oriented business to allow the exterior portion of the sexually oriented business to have flashing lights, or any words, lettering, photographs, silhouettes, drawings, or pictorial representations of any manner except to the extent permitted by the provisions of this Chapter.

C. It shall be unlawful for the owner or operator of a sexually oriented business to allow exterior portions of the establishment to be painted any color other than a single achromatic color. The provision shall not apply to a sexually oriented business if the following conditions are met:

C.1. The establishment is a part of a commercial multi-unit center; and

- C.2. The exterior portions of each individual unit in the commercial multi-unit center, including the exterior portions of the business, are painted the same color as one another or are painted in such a way so as to be a component of the overall architectural style or pattern of the commercial multi-unit center.
- D. Nothing in this Section shall be construed to require the painting of an otherwise unpainted exterior portion of a sexually oriented business.
- E. A violation of any provision of this Section shall constitute a misdemeanor. (Ord. No. 6758 §645.190, 11-23-98)

**SECTION 645.200: SIGNAGE**

- A. Notwithstanding any other City ordinance, Code, or regulation to the contrary, it shall be unlawful for the operator of any sexually oriented business or any other person to erect, construct, or maintain any sign for the sexually oriented business other than the one (1) primary sign and one (1) secondary sign, as provided herein.
- B. Primary signs shall have no more than two (2) display surfaces. Each such display surface shall:
  - B.1. Not contain any flashing lights.
  - B.2. Be a flat plane, rectangular in shape.
  - B.3. Not exceed seventy-five (75) square feet in area; and
  - B.4. Not exceed ten (10) feet in height or ten (10) feet in length.
- C. Primary signs shall contain no photographs, silhouettes, drawings or pictorial representations in any manner, and may contain only the name of the enterprise.
- D. Each letter forming a word on a primary sign shall be of solid color, and each such letter shall be the same print-type, size and color. The background behind such lettering on the display surface of a primary sign shall be of a uniform and solid color.
- E. Secondary signs shall have only one (1) display surface. Such display surface shall:
  - E.1. Be a flat plane, rectangular in shape.
  - E.2. Not exceed twenty (20) square feet in area;
  - E.3. Not exceed five (5) feet in height and four (4) feet in width; and
  - E.4. Be affixed or attached to any wall or door of the enterprise.
- F. The provisions of Subsections (B)(1), (C) and (D) shall also apply to secondary signs.

G. Violation of any provision of this Section shall constitute a misdemeanor. (Ord. No. 6758 §645.200, 11-23-98)

**SECTION 645.210: PERSONS YOUNGER THAN EIGHTEEN YEARS OF AGE PROHIBITED FROM ENTRY—ATTENDANT REQUIRED**

- A. It shall be unlawful to allow a person who is younger than eighteen (18) years of age to enter or be on the premises of a sexually oriented business at any time the sexually oriented business is open for business.
- B. It shall be the duty of the operator of each sexually oriented business to ensure that an attendant is stationed at each public entrance to the sexually oriented business at all times during each sexually oriented businesses' regular business hours. It shall be the duty of the attendant to prohibit any person under the age of eighteen (18) years from entering the sexually oriented business. It shall be presumed that an attendant knew a person was under the age of eighteen (18) unless such attendant asked for and was furnished a valid operator's, commercial operator's, or chauffeur's driver's license or State-issued identification card.
- C. Violation of this Section shall constitute a misdemeanor. (Ord. No. 6758 §645.220, 11-23-98)

**SECTION 645.220: MESSAGES OR BATHS ADMINISTERED BY PERSON OF OPPOSITE SEX**

It shall be unlawful for any sexually oriented business, regardless of whether in a public or private facility, to operate as a massage salon, massage parlor or any similar type business where any physical contact with the recipient of such services is provided by a person of the opposite sex, except this Section shall not be applicable to services provided by a medical practitioner, a professional physical therapist or a massage therapist certified or licensed by the State. Violation of this Section shall constitute a misdemeanor. (Ord. No. 6758 §645.230, 11-23-98)

**SECTION 645.230: HOURS OF OPERATION**

No sexually oriented business, except for an adult motel, may remain open at any time between the hours of 1:00 A.M and 8:00 A.M. on weekdays and Saturdays, and 1:00 A.M. and 12:00 P.M. on Sundays. (Ord. No. 6758 §645.240, 11-23-98)

**SECTION 645.240: EXEMPTIONS**

It is a defense to prosecution under this Chapter that a person appearing in a state of nudity did so in a modeling class operated:

- .1. By a proprietary school, licensed by the State of Missouri, a college, junior college, or university supported entirely or partly by taxation;
- .2. By a private college or university that maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation. (Ord. No. 6758 §645.250, 11-23-98)



**SECTION 645.250: NOTICES**

- A. Any notice required or permitted to be given by the City Clerk or any other City office, division, department or other agency under this Chapter to any applicant, operator or owner of a sexually oriented business may be given either by personal delivery or by certified United States mail, postage prepaid, return receipt requested, addressed to the most recent address as specified in the application for the license, or any notice of address change that has been received by the City Clerk. Notices mailed as above shall be deemed given upon their deposit in the United States mail. In the event that any notice given by mail is returned by the postal service, the City Clerk or his/her designee shall cause it to be posted at the principal entrance to the establishment.
- B. Any notice required or permitted to be given to the City Clerk by any person under this Chapter shall not be deemed given until and unless it is received in the office of the City Clerk.
- C. It shall be the duty of each owner who is designated on the license application and each operator to furnish notice to the City Clerk in writing of any change of residence or mailing address. (Ord. No. 6758 §645.260, 11-23-98)

**SECTION 645.260: INJUNCTION**

A person who operates or causes to be operated a sexually oriented business without a valid business license or in violation of Section 645.030 of this Chapter is subject to a suit for injunction as well as prosecution for criminal violations. Each day a sexually oriented business so operates is a separate offense or violation. (Ord. No. 6758 §645.270, 11-23-98)

**SECTION 645.270: SEPARABILITY**

If any Section, Subsection, or clause of this Chapter shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining Sections, Subsections, and clauses shall not be affected thereby. (Ord. No. 6758 §645.280, 11-23-98)

**SECTION 645.280: PENALTY FOR VIOLATION**

Violation of any provision of this Chapter shall constitute a misdemeanor, and is punishable pursuant to Section 100.080 of the City Code. (Ord. No. 6758 §645.290, 11-23-98)