

**CITY OF BRIGHTON  
200 NORTH FIRST STREET  
BRIGHTON, MICHIGAN 48116  
(810) 227-1911**

**APPLICATION FOR ADULT ENTERTAINMENT LICENSE**

Date: \_\_\_\_\_

Name of applicant/including aliases within the past ten years:

\_\_\_\_\_

Applicant's residence address and phone number: \_\_\_\_\_

\_\_\_\_\_

All addresses within last five years: \_\_\_\_\_

Brief description of service to be provided: \_\_\_\_\_

\_\_\_\_\_

Name of Business, location and mailing address of proposed establishment: \_\_\_\_\_

\_\_\_\_\_

If applicant is a corporation, full names, residence addresses and date of birth of officers, directors and stockholders owning more than 10% of corporation: \_\_\_\_\_

\_\_\_\_\_

If applicant is a partnership, full names, residence addresses and date of birth of each partner including limited partners: \_\_\_\_\_

\_\_\_\_\_

Applicants height \_\_\_\_\_, weight \_\_\_\_\_, sex \_\_\_\_\_, eye color \_\_\_\_\_

hair color \_\_\_\_\_

Business, occupation or employment of the applicant three years preceding the date of application:

\_\_\_\_\_

List all convictions for any felony, misdemeanor, or local ordinance (do not include traffic tickets and parking tickets):

Date	Offense	Location / Jurisdiction

History of applicant in the operation of an adult entertainment business, massage parlor or similar business or occupation, including such permit or license revoked or suspended and reason therefore, and the business activity or occupation subsequent to such action of suspension or revocation: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

The following must be filed with this application:

1. Copy of Driver's License or State Identification Card.
2. Written permission from property owner, which includes dates/times and type of sales.

The undersigned does hereby certify, that he/she has read the above and foregoing application and that all acts and information stated in said application is true of his/her own knowledge. The undersigned does further warrant that no misrepresentation of fact is contained in the foregoing application and does hereby assume responsibility for any damage arising out of any false or inaccurate statement. The undersigned acknowledges receipt of City of Brighton Code of Ordinances, Section 22-40 through 22-59 and Section 98-331-98-333.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

State of Michigan

County of \_\_\_\_\_

Subscribed and sworn to me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
Notary Public, \_\_\_\_\_ County, Michigan

My commission expires: \_\_\_\_\_

1. All licenses, if issued, must be carried so as to be shown.
2. The license is subject to revocation for cause.
3. The license will expire at the end of the calendar year in which it was issued.

INSPECTIONS:

<u>BUILDING DIVISION</u>	<u>DATE</u>	<u>RECOMMENDATION</u>
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<u>FIRE DEPARTMENT</u>	<u>DATE</u>	<u>RECOMMENDATION</u>
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APPROVAL/DISAPPROVAL:

<u>CHIEF OF POLICE</u>	<u>DATE</u>	<u>APPROVE/DISAPPRV</u>
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I. Sections 22-40 through 22-59 of Article II of Chapter 22 are hereby replaced and shall read as follows:

**Sec. 22-40. Purpose.**

In the development and execution of this Division, it is recognized that there are some uses which, because of their very nature, have serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances or when one (1) or more of them are located in near proximity to a residential zone, thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this Division. These controls are for the purpose of preventing a concentration of these uses within any one (1) area, or to prevent deterioration or blighting of a nearby residential neighborhood. These controls do not legitimize activities, which are prohibited in other Sections of this Code.

In regulating sexually oriented businesses, it is the purpose of this article to promote the health, safety, and general welfare of the citizens of the City, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of sexually oriented businesses within the City. The provisions of this ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this ordinance to condone or legitimize the distribution of obscene material.

Based on evidence of the adverse secondary effects of adult uses presented in hearings and in reports made available to the City Council, and on findings incorporated in the cases of *Pap's A.M. v. City of Erie*, 529 U.S. 277 (2000); *Thomas v. Chicago Park District*, 122 S. Ct. 775 (2002), *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986), *Young v. American Mini Theatres*, 426 U.S. 50 (1976), *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *California v. LaRue*, 409 U.S. 109 (1972); *DLS, Inc. v. City of Chattanooga*, 107 F.3d 403 (6th Cir. 1997); *East Brooks Books, Inc. v. City of Memphis*, 48 F.3d 220 (6th Cir. 1995); *Broadway Books v. Roberts*, 642 F.Supp. 486 (E.D. Tenn. 1986); *Bright Lights, Inc. v. City of Newport*, 830 F.Supp. 378 (E.D. Ky. 1993); *Richland Bookmart v. Nichols*, 137 F.3d 435 (6th Cir. 1998); *Dj vu v. Metro Government*, 1999 U.S. App. LEXIS 535 (6th Cir. 1999); *Bamon Corp. v. City of Dayton*, 7923 F.2d 470 (6th Cir. 1991); *Threesome Entertainment v. Strittmather*, 4 F.Supp.2d 710 (N.D. Ohio 1998); *J.L. Spoons, Inc. v. City of Brunswick*, 49 F.Supp.2d 1032 (N.D. Ohio 1999); *Triplett Grille, Inc. v. City of Akron*, 40 F.3d 129 (6th Cir. 1994); *Nightclubs, Inc. v. City of Paducah*, 202 F.3d 884 (6th Cir. 2000); *O'Connor v. City and County of Denver*, 894 F.2d 1210 (10th Cir. 1990); *Dj vu of Nashville, Inc., et al. v. Metropolitan Government of Nashville and Davidson County*, 2001 U.S. App. LEXIS 26007 (6th Cir. Dec. 6, 2001); *Z.J. Gifts D-2, L.L.C. v. City of Aurora*, 136 F.3d 683 (10th Cir. 1998); *Connection Distrib. Co. v. Reno*, 154 F.3d 281 (6th Cir. 1998); *Sundance Assocs. v. Reno*, 139 F.3d 804 (10th Cir. 1998); *American Library Association v. Reno*, 33 F.3d 78 (D.C. Cir. 1994); *American Target Advertising, Inc. v. Giani*, 199 F.3d 1241 (10th Cir. 2000); *Z.J. Gifts D-2, L.L.C. v. City of Aurora*, 136 F.3d 683 (10th Cir. 1998); *ILQ Investments, Inc. v. City of Rochester*, 25 F.3d 1413 (8th Cir. 1994); *Bigg Wolf Discount Video Movie Sales, Inc. v. Montgomery County*, 2002 U.S. Dist. LEXIS 1896 (D. Md., Feb. 6, 2002); *Currence v. Cincinnati*, 2002 U.S. App. LEXIS 1258 (6th Cir., Jan. 24, 2002); and other cases; and on testimony to Congress in 136 Cong. Rec. S 8987; 135 Cong. Rec. S. 14519; 135 Cong. Rec. S 5636; 134 Cong. Rec. E 3750; and reports of secondary effects occurring in and around sexually oriented businesses, including, but not limited to, Phoenix, Arizona - 1979; Minneapolis, Minnesota-1980; Houston, Texas - 1997; Amarillo, Texas; Garden Grove, California - 1991; Los Angeles, California - 1977; Whittier, California - 1978; Austin, Texas - 1986; Seattle, Washington - 1989; Oklahoma City, Oklahoma - 1986; Cleveland, Ohio - and Dallas, Texas - 1997; St. Croix County, Wisconsin - 1993; Bellevue, Washington, - 1998; Newport News, Virginia - 1996; New York Times Square study - 1994; Phoenix, Arizona - 1995-98; and also on findings from the paper entitled "Stripclubs According to Strippers: Exposing Workplace Sexual Violence," by Kelly Holsopple, Program Director, Freedom and Justice Center for Prostitution Resources, Minneapolis, Minnesota, and from "Sexually Oriented Businesses: An Insider's View," by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, Jan. 12, 2000, and the Report of the Attorney General's Working Group On The Regulation Of Sexually Oriented Businesses, (June 6, 1989, State of Minnesota), the City Council finds that sexually oriented business as a category of establishments are correlated with harmful secondary effects, and that the foregoing reports are reasonably believed to be relevant to the problems that Brighton is seeking to abate and prevent in the future.

## Sec. 22-41. Definitions.

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

*Adult books* means books, magazines, newspapers, video tapes, video discs and motion picture films which are characterized by their emphasis on portrayals of human genitals and pubic regions or acts of human masturbation, sexual intercourse or sodomy.

*Adult cabaret* means a nightclub, bar, juice bar, restaurant bottle club, or similar commercial establishment, whether or not alcoholic beverages are served, which has as an activity:

- (a) Performances by persons who appear nude or semi-nude;
- (b) Live performances which are characterized by the exposure of "specified anatomical areas" or "specified sexual activities"; or
- (c) Films, motion pictures, videocassettes, slides, electronic, digital or other photographic reproductions which are characterized by their emphasis on exhibition or description of "specified sexual activities" or "specified anatomical areas".

*Adult entertainment business* means a business having as a principal activity one or a combination of more than one of the following activities: the sale of adult materials, operation of an adult motion picture theater, operation of an adult minimotion picture theater, operation of an adult cabaret, or operation of an adult personal service business.

*Adult materials* means one or a combination of more than one of the following types of materials: adult books and adult novelties.

*Adult minimotion picture theater* means an enclosed building having as an activity the presentation of material characterized by emphasis of portrayals of human genitals and pubic regions or actions of human masturbation, sexual intercourse or sodomy for observation by patrons therein in individual viewing booths.

*Adult motion picture theater* means an enclosed building with a capacity of 50 or more persons having as an activity displaying motion pictures characterized by their emphasis on portrayals of human genitals and pubic regions or acts of human masturbation, sexual intercourse, or sodomy for observation by patrons therein.

*Adult novelties* means devices of simulated human genitals or devices designed for sexual stimulation.

*Adult personal service business* means a business having as an activity a person of one sex providing services to individuals of the same or opposite sex, on an individual or group basis

in a closed room. It includes, but is not limited to, the following activities and services: modeling studios, body painting studios, wrestling studios, individual theatrical performances

*Partially nude* means having any or all of the following bodily parts exposed: buttocks, genitals, pubic area or female breasts.

*Principal activity* means a use accounting for more than 20 percent of a business' stock in trade, display space, floor space, live entertainment time, or movie display time per month.

*Specified sexual activities* means

- (a) Human genitals in a state of sexual stimulation or arousal;
- (b) Acts of human masturbation, sexual intercourse or sodomy; and
- (c) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

*Specified anatomical areas* means

- (a) Less than completely and opaquely covered:
  - (i) Human genitals, pubic region,
  - (ii) Buttock, and
  - (iii) The nipple and/or areola of the female breast; and
- (b) Human male genitals in a discernible turgid state, even if completely and opaquely covered.

**Sec. 22-42. Penalties.**

- (a) Any person violating, or neglecting or refusing to comply with any provision of this article, shall upon conviction be deemed guilty of a misdemeanor and shall be punished by imposition of a fine not to exceed \$500.00.
- (b) Each day that a violation is permitted to exist shall constitute a separate offense.

**Sec. 22-43. License required.**

No person shall practice, engage in, carry on or operate an adult entertainment business within the city without first having applied for and obtained the required license, and complying with all requirements of this Code.

**Sec. 22-44. Application investigation fee.**

- (a) Any person desiring to obtain a license to operate an adult entertainment business shall make application to the city clerk, who shall refer all such applications to the police department for an investigation. An application to obtain a license to operate an adult entertainment business shall be accompanied by an investigation fee in an amount established by resolution of the city council, no part of which shall be refundable.
- (b) This application fee shall be payable to the city treasurer at the time the application is filed and this fee shall be in addition to any other license, permit or fee required under this or any other city ordinance.

### **Sec. 22-45. Contents of application.**

Any applicant for licenses required by this article shall submit the following information:

- (1) The full name of the applicant, including aliases used by applicant within the past ten years.
- (2) The present address of applicant and any prior addresses used for the five years immediately preceding the date of the application.
- (3) A description of service to be provided.
- (4) The location and mailing address of the proposed establishment.
- (5) If applicant is a corporation, the full names, residence addresses and dates of birth of each of the officers and directors of such corporation, and of each stockholder owning more than ten percent of the corporation.
- (6) If the applicant is a partnership, the full names, residence addresses, and dates of birth of each of the partners including limited partners.
- (7) Proof of identity containing a photographic image of the applicant, to wit, a currently valid state driver's license or state identification, or a currently valid United States passport.
- (8) Individual applicant's height, weight, sex, color of eyes and hair.
- (9) Business, occupation, or employment of the applicant for the three years immediately preceding the date of the application.
- (10) The history of an applicant in the operation of an adult entertainment business, a massage parlor or similar business or occupation, including, but not limited to, whether or not such person, in previously operating in this or another municipality or state under permit or license, has had such permit or license revoked or suspended and the reason therefor, and the business activity or occupation subsequent to such action of suspension or revocation.
- (11) All criminal convictions other than traffic violations and the reasons therefor.
- (12) The application shall be signed and sworn to by the applicant.
- (13) Such other identification and information necessary to discover the truth of the matters required to be set forth in the application.

### **Sec. 22-46. License procedures.**

(a) Any applicant for a license pursuant to this article shall present to the city clerk the application containing the required information. The application shall be referred to the police department which shall have 30 days from the receipt of the application in which to investigate the application and the background of the applicant. Based on such investigation, the police chief, or his representative shall render a recommendation as to the approval or denial of the license to the city clerk within 30 days of the receipt of the application.

(b) The police chief shall recommend denial of an application for a license if the character, physical or mental condition of the applicant or his employees is found to be inimical to the public health, safety, morals or general welfare. The police chief's recommendation shall be based on appropriate and competent evidence available to him. In making this determination, the Brighton police chief shall consider:

- (1) *Penal history.* All applicant's convictions, the reasons therefore, and the criminal history of the applicant subsequent to his release if applicant was ever incarcerated or jailed.

(2) *License and permit history.* The license and permit history of the applicant; whether such person in previously operating in this city or state or in another municipality or state under a license or permit has had such license or permit revoked or suspended; the reasons therefore; and the license and permit history of the applicant subsequent to such action.

(c) The Brighton Area Fire Authority, city building department and the city police department shall inspect the premises proposed to be devoted to the adult entertainment business and shall make within 30 days from receipt of the application separate recommendations to the city clerk concerning compliance with the requirements of this article and all other applicable city ordinances and regulations.

(d) The city clerk, after receiving these recommendations, shall grant a license to the establishment if all requirements for an adult entertainment business are met unless it appears that any person has deliberately falsified the application or unless it appears that the record of any person reveals a conviction of a felony or a crime of moral turpitude. In the event that the city clerk does not receive one or more of the recommendations discussed above within 30 days of the receipt of the application, the city clerk shall make the decision as to whether to grant a license without such recommendation(s). The city clerk shall render the decision as to the granting of the license within 35 days from the receipt of the application.

(e) Any person denied a license by the city clerk, pursuant to this article may appeal to the city council in writing, stating reasons why the license should be granted. The city council may grant or deny the license after a public hearing, and such decision shall be final. Also, the city council may elect on its own motion to review any determination of the city clerk granting or denying a license. The city council shall make its decision as to whether the license shall be granted or denied within 30 days of receipt of the written appeal, if an appeal is made, or within 30 days of the council's motion to review if no appeal is made.

(f) All licenses issued hereunder are nontransferable; provided, however, a change of location of an adult entertainment business may be permitted pursuant to the provisions of this article.

#### **Sec. 22-47. Facilities necessary.**

No license to conduct an adult entertainment business shall be issued unless an inspection by the city reveals that the establishment has a recognizable and readable sign shall be posted at the main entrance identifying the establishment as an adult entertainment business; provided, that all such signs shall comply with the sign requirements of the city.

#### **Sec. 22-48. Inspections.**

(a) Every establishment ostensibly being operated as an adult entertainment business shall be open for inspection by duly authorized representatives of any city department concerned with the licensing and supervision of such establishment during operating hours for the purpose of

enforcing any of the provisions of this article or other ordinances or regulations of the city relating to the public health, safety, and welfare.

(b) It shall be unlawful for any person to refuse entry to premises in which an adult entertainment business is ostensibly being operated, by city representatives for the purpose of making lawful inspections.

**Sec. 22-49. License fee, term.**

Any person granted a license by the city clerk or city council to operate an adult entertainment business shall pay to the city treasurer an annual fee in an amount as established by resolution of the city council. The license year shall be the period from the date of license issuance to December 31 next, inclusive, unless otherwise provided. All licenses issued for the license year shall expire on December 31 unless suspended or revoked.

**Sec. 22-50. License renewal.**

The license to operate an adult entertainment business shall be renewed by December 20 of the year of issuance. In order to renew the license, the owner of the business shall submit the following to the city clerk's office:

- (1) a sworn affidavit that the information contained in the original application is correct and indicates changes necessary; and
- (2) the appropriate permit fee, as set forth by the City Council.

The owner's renewal affidavit and original application shall be referred to the chief of police who shall investigate the criminal history of the owner or owners of the business. The city clerk shall render the decision as to the granting of the renewal within 35 days from the receipt of the renewal application.

**Sec. 22-51. Display of license.**

Every person to whom or for which a license shall have been granted shall display the license in a conspicuous place so that it may be readily seen by persons entering the premises.

**Sec. 22-52. Change of location.**

A change of location of any of the aforementioned and described premises may be approved by the city clerk and chief of police, provided the requirements set forth in this article as well as all other ordinances and regulations of the city and state law are complied with and the change of location fee in an amount established by resolution of the city council is deposited with the city treasurer.

**Sec. 22-53. Unlawful activities.**

It shall be unlawful for any person to, for gain or profit, do any of the following:

- a. to touch, fondle or massage the sexual or genital parts of another person, or any portion thereof, for purposes of sexual arousal or gratification
- b. to touch, fondle or massage his or her own sexual or genital parts, or any portion thereof, for purposes of sexual arousal or gratification of any other person
- c. to expose his or her sexual or genital parts, or any portion thereof, for purposes of his or her own sexual gratification or for purposes of sexual arousal or gratification of any other person.

Any violation of this provision shall be deemed grounds for the revocation of the license. It shall further be unlawful for any person owning, operating or managing an adult business under this section to permit or knowingly allow any agent, employee or other person under his or her control or supervision to perform the acts described in subsections "a" through "c" above on the premises of the adult business.

**Sec. 22-54. Name of business.**

No person licensed under this article shall operate under any name or conduct his business under any designation not specified in the license.

**Sec. 22-55. Hours of operation.**

No adult entertainment business shall be open to the public for business between the hours of 12:00 midnight and 9:00 a.m.

**Sec. 22-56. Revocation and suspension of license.**

(a) No license shall be revoked until after a hearing before the city council to determine just cause for such revocation. The city clerk may order any license suspended pending such hearing, and it shall be unlawful for any person to carry on the adult entertainment business until the suspended license has been reinstated by the city council. Notice of such hearing shall be given in writing and served at least five days prior to the date of the hearing. The notice shall state the grounds of the complaint against the holder of the license, or against the business carried on by the licensee at the establishment, and shall state the time and place where the hearing shall be held.

(b) Such notice shall be served upon the license holder by delivering it to the person or by leaving the notice at the place of business or residence of the licensee in the custody of a person of suitable age and discretion. If the licensee cannot be found, and the service of the notice cannot be made in this manner, a copy of the notice shall be mailed, postage fully prepaid, addressed to the licensee at his place of business or residence and posted conspicuously on the premises at least five days prior to the date of the hearing.

**Sec. 22-57. Sale or transfer.**

Upon the sale or transfer of any interest in an adult entertainment business the license shall be null and void. A new application shall be made by any person desiring to own or operate the adult entertainment business. The provisions of this article shall apply to any person applying for an adult entertainment business for premises previously used as such establishment.

**Sec. 22-58. Applicability of regulations to existing businesses.**

This article shall be applicable to all persons and businesses described in this article, whether the described activities were established before or after the effective date of the ordinance from which this article was derived and including any person whose application is presently under consideration or investigation by the city. However, those businesses operating prior to the date of adoption of the ordinance from which this article was derived will have a 60-day grace period from the date of adopting within which to comply with all the conditions and requirements of this article, provided, that the provisions of this article other than those provisions dealing with the facilities necessary and license requirements shall require immediate compliance. The city clerk may grant an additional extension for a period not to exceed 60 days for good cause. Good cause means undue delays beyond the control of the existing business.

**Sec. 22-59. Storage or dispensing of alcohol on the premises of an adult entertainment business prohibited.**

Except as permitted by state and federal law, no alcoholic liquor shall be kept, served or dispensed on the premises of any adult entertainment business licensed under this section. For the purposes of this subsection, "alcoholic liquor" is defined as set forth in the Michigan Liquor Control Code of 1998, being MCL 436.1101, as amended.

## DIVISION 2. ADULT ENTERTAINMENT BUSINESS

### Sec. 98-331. Definitions.

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

*Adult bookstore* means an establishment having as a principal activity the sale of books, magazines, newspapers, video tapes, video discs and motion picture films which are characterized by their emphasis on portrayals of human genitals and pubic regions or acts of human masturbation, sexual intercourse or sodomy.

*Adult entertainment business* means one or a combination of more than one of the following types of businesses: adult bookstore, adult motion picture theater, adult minimotion picture theater, adult personal service business, adult novelty business.

*Adult motion picture theater* means an enclosed building with a capacity of 50 or more persons having as a principal activity displaying motion pictures characterized by their emphasis on portrayals of human genitals and pubic regions or acts of human masturbation, sexual intercourse, or sodomy for observation by patrons therein.

*Adult minimotion picture theater* means an enclosed building having as a principal activity the presentation of material characterized by emphasis of portrayals of human genitals and pubic regions or actions of human masturbation, sexual intercourse or sodomy for observation by patrons therein in individual viewing booths.

*Adult novelty business* means a business which has a principal activity of the sale of devices of simulated human genitals or devices designed for sexual stimulation.

*Adult personal service business* means a business having as a principal activity a person of one sex providing services to individuals of the same or opposite sex, on an individual or group basis in a closed room. It includes, but is not limited to, exotic rubs, modeling studios, body painting studios, wrestling studios and individual theatrical performances. It does not include activities performed by persons pursuant to, and in accordance with, licenses issued to such persons by the state.

*Massage* means any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating of the external soft parts of the body with hands or with aid of any mechanical electrical apparatus or appliances with or without rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotions, ointments or other similar preparations used in this practice.

*Massage parlor* means any turkish bath parlor, steam bath, sauna bath, magnetic healing institute, or any room, place, establishment, or institution where treatment of any nature for the human body is given by means of massage, as herein defined, and where a massage, alcohol rub, fomentation, bath, physiotherapy, manipulation of the body or similar treatment is given.

*Massage school* means a school which is recognized by the state board of massage, which requires for admission students with a tenth grade education or its equivalent, which employs one or more competent licensed massagists as instructors, and which has minimum requirements of a continuous course of study and training and consisting of study in physiology, anatomy, massage theory, hydrotherapy, hygiene, ethics and practical massage. For the purpose of this division, a correspondence school shall not be construed to be a recognized school.

*Massagist* means any person, male or female, who administers to another person, for any form of consideration, a massage, alcohol rub, fomentation, bath, electric or magnetic massage procedure, manipulation of the body or other similar procedure.

*Partially nude* means having any or all of the following bodily parts exposed: buttocks, genitals, pubic area or female breasts.

*Principal activity* means a use accounting for more than 20 percent of a business' stock in trade, display space, floor space or move display time per month.

*Student* means any person who, under the guidance of an instructor in a Massage School, is being trained or instructed in the theory, method or practice of massage.

(Ord. No. 288, § II, 5-1-86)

**Cross references:** Definitions generally, § 1-2.

Sec. 98-332. Locations restricted.

An adult entertainment business may be located in the city only in accordance with the following restrictions:

- (1) No such business shall be located within 1,000 feet of a school, church or community building.
- (2) Such businesses shall only be located in a district classified pursuant to this chapter as C-1.

(Ord. No. 288, § II, 5-1-86)

Sec. 98-333. Use regulations.

(a) No person shall reside in or permit any person to reside in the premises of an adult entertainment business.

(b) No person shall operate an adult personal service business unless there is conspicuously posted in each room where such business is carried on a notice indicating the prices for all services performed by said business. No person operating or working at such a place of business shall solicit or accept any fees except those indicated on any such notice.

(c) No person operating an adult entertainment business shall permit it to be used for acts of prostitution or to be frequented by known prostitutes who have been convicted of the act of prostitution.

(d) No person shall operate an adult entertainment business without obtaining a license. Such license shall be issued by the city clerk following the completion of the promulgated application procedure outlined in chapter 22 of this Code.

(e) No person operating an adult entertainment business shall permit any person under the age of 21 to be on the premises of such business either as an employee or customer.

(f) No person shall become the lessee or sublessee of any property for the purpose of using such property for an adult entertainment business without the express written permission of the owner of the property for such use.

(g) No lessee or sublessee of any property shall convert that property from any other use to an adult entertainment business without the express written permission of the owner of the property for such use.

(Ord. No. 288, § II, 5-1-86)

**Precious Metal & Gem Dealers -**

Issuance of Certificate of Registration (includes registration of owner)	(Annual)	\$30.00
Registration of Employees at time Certificate is applied for		\$10.00
Registration of employees after issuance of Certificate of Registration if City completes form		\$10.00

**Mechanical or Electronic Amusement Devices -**

Application fee to operate	\$100.00
License Fee per Machine (Annual)	\$20.00

**Carnivals -**

Application fee to operate	\$100.00
License to operate	\$250.00

**Massage Business -**

Operating application fee	\$50
Operating license fee	\$50
Individual massagist license application fee	\$5
Individual massagist license fee	\$30

**Adult Entertainment Business -**

Operating application fee	\$50
Operating license fee	\$50

**Pool, Bowling and Roller Rink Establishment -**

Application Fee	\$ 5.00
License Fee	\$15.00

**Liquor License Application Fee -**

Application for On-Premise Liquor License, new or transfer (Class C, Tavern, etc.)	\$500.00
Application for Off-Premise Liquor License, new or transfer (SDD, SDM, etc.)	\$300.00
Application to amend or change existing license (additional licensee/stock holder, etc.)	\$200.00
Application to add special permit to license (dance, entertainment, etc.)	\$100.00
Applicants for combined licenses (i.e. – Class C / SDM) to be charged only the On-Premise fee	