

## TITLE XI: BUSINESS REGULATIONS

### Chapter

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## CHAPTER 110: OCCUPATIONAL LICENSE FEE

### Section

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### **' 110.01 LEVY AND IMPOSITION OF LICENSE FEE.**

(A) There is hereby levied and imposed an annual license fee upon all persons, corporate, individual or associated in any manner, in or from the city, for the privilege of engaging in the occupation, trade, profession or other activity, whether in person, by mail, telephonic or electronic communication, the license fee which shall be measured by and equal to 2% of the gross salaries, wages, commissions and other compensations earned for work done or services performed or rendered in or from the city and the net profits therefrom of all business, professions, occupations or activities conducted in the city.

(B) All individual persons who earn less than \$19,000 annually within the city limits are hereby exempt from the occupational license fee as imposed on all other employees employed within the city. (Ord. 1995-06, passed 6-28-1995; Am. Ord. 2004-4, passed 8-9-2004; Am. Ord. 2004-7, passed 12-13-2004) Penalty, see ' 110.99

### **' 110.02 INCOME WITHIN AND WITHOUT THE CITY.**

Where income or profits are earned both within or without the city, the license fee shall be measured as a result of the income or profits done or performed in the city but not less than at least 30% of gross salaries or net income is subject to the license fee, should it appear the work or activity is based in the city but conducted outside the city, such as without limitation, sales of goods and incidental services at craft, antique, flea or trade markets.

(Ord. 1995-06, passed 6-28-1995)

’ **110.03 TEMPORARY BUSINESS PERMIT.**

A temporary business permit may be issued for the fee of \$10 good for the 1 to 3 continuous days use, to cover festivals or temporary vendors and where there is a sponsoring agency, the organization shall be responsible for each vendor's separate \$10 fee.

(Ord. 1995-06, passed 6-28-1995)

’ **110.04 COMPLIANCE; PAYMENT OF FEE.**

(A) The fee shall be due and payable quarterly based upon the annual gross income reportable for federal income tax purposes and net income from the operation of a business or enterprise of activity similarly after deduction of all costs and expenses incurred in the conduct thereof. The dates when report and remittance shall be due the city shall be thus: April 15, July 15, October 15, and January 31 each year. The report of April 15 of each year shall include a true and complete copy of the business schedule C and/or corporate return and/or K-1, 1099 and/or W-2s.

(B) The fee shall be on forms provided by the office of the City Clerk/Treasurer with the duty that each employee, person, trade, occupation, profession, business, or activity shall obtain and use the form for the report. The concluding fourth quarter report of each year shall contain a comprehensive statement or copy of the entire annual income which would coincide with the income reported for federal income tax purposes, as an easy reference for compliance.

(C) Where the entire earnings for the year are paid by one and the same employer and the license fee has in each instance been withheld or deducted by the employer from the gross amount of compensation to the employee without adjustment for expenses, it shall not be necessary for the employee to file a return unless required or requested to do so by the Director of Finance.

(D) If a licensee shall terminate his or her business or employment for which the license fee has not been withheld or paid, the proper return shall be filed and the fee paid within 135 days after the termination of the business or employment.

(E) It is the duty of each employer, who employs 1 or more persons, to deduct monthly, or more often as the employee may be paid, the license fee due by the employer to the employee. The mere fact such fee is not deducted and/or remitted by employer does not relieve the employee of responsibility for compliance. A nonresident employer is similarly obligated to comply.

(Ord. 1995-06, passed 6-28-1995)

’ **110.05 DUTIES OF DIRECTOR OF FINANCE.**

(A) The Director of Finance (the City Clerk/Treasurer) is to deposit and confidentially record and maintain records of compliance and date of receipt. No disclosure of amounts or fees paid by individual,

general trade or other category shall be revealed except necessarily for enforcement and compliance.

(B) The Director of Finance is to keep an accurate record showing amount and date of receipt. The Director shall have the duty to make inquiry and request from any licensee and/or its accountants compliance and/or certifying documentation of accuracy, and licensee shall file the auditing materials and compliance within 30 days from the request.

(Ord. 1995-06, passed 6-28-1995)

**' 110.06 PERSONS REQUIRED TO FILE A RETURN AND PAY A FEE; MONEYS NOT SUBJECT TO FEE.**

(A) The ALicensee@ is any person required to file a return or to pay a license fee under this chapter.

(B) The following money receipts are not deemed salaries, wages, commissions and other compensations earned for work done or services and not profits within the meaning of this chapter:

- (1) Old age or retirement payments;
- (2) Disability, sickness, accident benefit, unemployment;
- (3) Death benefits;
- (4) Workers compensation;
- (5) Railroad or bus line transportation employees stopping or passing through;
- (6) Motor freight or similar delivery service personnel from outside the city; and
- (7) Domestic help or yard tender to a private house if employee is not otherwise a business.

(C) Independent contractors, paid professional musicians, and entertainers are intended as employees obligated under this chapter whether based upon prime, general or subcontract, rent, royalty commission or otherwise, including real estate sales and auctioneers.

(Ord. 1995-06, passed 6-28-1995)

**' 110.07 BOARD OF CONTROL.**

There is hereby established a Board of Control consisting of 5 members, to be appointed by the Council. At least 2 members of the Board of Control shall be employees, and at least 2 members shall be employers as defined by the section. The members shall be appointed for 2-year terms by the Council and it shall be their duty to supervise the Director of Finance in the performance of his or her duties. They shall review his or her decisions and make recommendations to him or her from time to time. Any member of the Board of Control shall not have access to any of the confidential records or books of the city or the taxpayer, licensee or person subject to the provisions of this chapter unless the confidentiality is waived in

writing by the licensee, taxpayer or person subject to the provisions of this chapter. Any licensee, taxpayer or other person subject to the tax imposed by this chapter may appeal any decisions made by the Director of Finance to the Board of Control and its decision shall be binding. Any appeal of a decision of the Director of Finance to the Board of Control shall be in writing directed to the Chairman of the Board of Control within 30 days after notice of the decision of the Director of Finance. Any aggrieved taxpayer, licensee or person subject to the provisions of this chapter may appeal any decision of the Board of Control to the circuit court in this county within 30 days after notification of the decision of the Board of Control.

(Ord. 1995-06, passed 6-28-1995)

**' 110.08 LATE FILING PENALTY.**

Failure to comply with payment or audit and subsequent payment request shall be unlawful. A minimum penalty for late filing of 10% of the fee due shall be imposed plus interest of 12% per annum on the unpaid tax plus all costs for accountants, legal representation, and incidental costs by the city to achieve compliance until paid.

(Ord. 1995-06, passed 6-28-1995)

**' 110.09 CONFIDENTIALITY OF INFORMATION.**

Any information gained by the Director of Finance or any other city official, agent, or employee of the city as a result of returns, investigation, or verification shall be confidential except in accordance with proper judicial order and any agent or employee of the city shall upon violation be subject to the penalty provisions of ' 110.99 and shall be dismissed from employment by the city upon conviction. Each breach of confidence constitutes a separate offense.

(Ord. 1995-06, passed 6-28-1995)

**' 110.99 PENALTY.**

(A) Failure to cooperate with the Director of Finance shall be a violation and after 30 days written notice to the licensee or supposed licensee at their last address may be cited as a violation with a penalty of \$10 to \$100 fine for each day until compliance.

(B) Whoever violates the provisions of ' 110.09 shall be subject to a fine of not less than \$250 nor more than \$500 or incarceration not to exceed 60 days or both.

(Ord. 1995-06, passed 6-28-1995)

## CHAPTER 111: PEDDLERS, TRANSIENT MERCHANTS, AND SOLICITORS

### Section

- 111.01 Definitions
- 111.02 License requirement
- 111.03 Application procedure
- 111.04 Standards for issuance
- 111.05 Revocation procedure
- 111.06 Standards for revocation
- 111.07 Appeal procedure
- 111.08 Exhibition of identification
  
- 111.99 Penalty

### ' 111.01 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**BUSINESS.** The business carried on by any person who is an itinerant merchant, peddler, or solicitor as defined in this section.

**GOODS.** Merchandise of any description whatsoever, and includes, but is not restricted to, wares and foodstuffs.

#### **PEDDLER.**

- (1) Any person who travels from place to place by any means carrying goods for sale, or making sales, or making deliveries; or
- (2) Any person who, without traveling from place to place, sells or offers goods for sale from any public place within the city.
- (3) A person who is a ~~A~~peddler~~@~~ is not an ~~A~~itinerant merchant~~@~~.

**SOLICITOR.** Any person who travels by any means from place to place, taking or attempting to take orders for sale of goods to be delivered in the future or for services to be performed in the future. A person who is a Solicitor is not a Peddler.

**TRANSIENT MERCHANT.** Any person who offers services, products, goods, or other materials, whether at retail, wholesale, or otherwise where the legal entity offering to sell or provide a service does not by affirmative action indicate an intent to remain in business on a continuous basis for at least 1 year within the city limits. If the applicant does not have a permanent facility from which to operate the business for which he or she makes application for license, then and in that event, there shall be a presumption that the applicant is a Transient Merchant.

(1987 Code, ' 111.01) (Ord. 1969.2, passed - - )

### **' 111.02 LICENSE REQUIREMENT.**

(A) Any person who is a transient merchant, peddler, or solicitor shall obtain a license before engaging in the activity within the city.

(B) The fee for the license required by this chapter shall be as set from time to time by the legislative body.

(C) No license issued under this chapter shall be transferable.

(D) All licenses issued under this chapter shall expire 90 days after the date of issuance thereof.

(E) A transient merchant shall pay a fee for the privilege of doing business in this city of \$1 per day. (1987 Code, ' 111.02) (Ord. 1969.2, passed - - ) Penalty, see ' 111.99

### **' 111.03 APPLICATION PROCEDURE.**

(A) All applicants for licenses required by this chapter shall file an application with the City Clerk/Treasurer. This application shall be signed by the applicant if an individual, or by all partners if a partnership, or by the president if a corporation. The applicant may be requested to provide information concerning the following items:

(1) The name and address of the applicant;

(2) (a) The name of the individual having management authority or supervision of the applicant's business during the time that it is proposed to be carried on in the city;

(b) The local address of the individual;

(c) The permanent address of the individual;

(d) The capacity in which the individual will act;

(3) The name and address of the person, if any, for whose purpose the business will be carried on, and, if a corporation, the state of incorporation;

(4) The time period or periods during which it is proposed to carry on applicant's business;

(5) (a) The nature, character, and quality of the goods or services to be offered for sale or delivered;

(b) If goods, their invoice value and whether they are to be sold by sample as well as from stock;

(c) If goods, where and by whom the goods are manufactured or grown, and where the goods are at the time of application;

(6) The nature of the advertising proposed to be done for the business;

(7) Whether or not the applicant, or the individual identified in division (A)(2)(a) above, or the person identified in division (A)(3) has been convicted of any crime or misdemeanor and, if so, the nature of each offense and the penalty assessed for each offense.

(B) Applicants for peddler or solicitor licenses may be required to provide further information concerning the following items, in addition to that requested under division (A) above:

(1) A description of the applicant;

(2) A description of any vehicle proposed to be used in the business, including its registration number, if any.

(C) All applicants for licenses required by this chapter shall attach to their application the following:

(1) If required by the city, copies of all printed advertising proposed to be used in connection with the applicant's business;

(2) If required by the city, credentials from the person, if any, for which the applicant proposes to do business, authorizing the applicant to act as the representative.

(D) Applicants who propose to handle foodstuffs shall also attach to their application, in addition to any attachments required under division (C), a statement from a licensed physician, dated not more than 10 days prior to the date of application, certifying the applicant to be free of contagious or communicable disease.

(1987 Code, ' 111.03) Penalty, see ' 111.99

**' 111.04 STANDARDS FOR ISSUANCE.**

(A) Upon receipt of an application, an investigation of the applicant's business reputation shall be made.

(B) The application shall be approved unless the investigation discloses tangible evidence that the conduct of the applicant's business would pose a substantial threat to the public health, safety, morals, or general welfare. In particular, tangible evidence that the applicant:

(1) Has been convicted of a crime of moral turpitude;

(2) Has made willful misstatements in the application;

(3) Has committed prior violations of ordinances pertaining to itinerant merchants, peddlers, solicitors, and the like;

(4) Has committed prior fraudulent acts; or

(5) Has a record of continual breaches of solicited contracts

will constitute valid reasons for disapproval of an application.

(1987 Code, ' 111.04)

**' 111.05 REVOCATION PROCEDURE.**

Any license or permit granted under this chapter may be revoked by the City Clerk/Treasurer after notice and hearing, pursuant to the standards in ' 111.06. Notice of hearing for revocation shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. The notice shall be mailed to the licensee at his or her last known address, at least 10 days prior to the date set for the hearing.

(1987 Code, ' 111.05)

**' 111.06 STANDARDS FOR REVOCATION.**

A license granted under this chapter may be revoked for any of the following reasons:

(A) Any fraud or misrepresentation contained in the license application;

(B) Any fraud, misrepresentation, or false statement made in connection with the business being conducted under the license;

(C) Any violation of this chapter;

(D) Conviction of the licensee of any felony, or conviction of the licensee of any misdemeanor involving moral turpitude; or

(E) Conducting the business licensed in an unlawful manner or in a way as to constitute a menace to the health, safety, morals, or general welfare of the public.  
(1987 Code, ' 111.06)

#### **' 111.07 APPEAL PROCEDURE.**

(A) Any person aggrieved by a decision under ' ' 111.04 or 111.06 shall have the right to appeal to the legislative body. The appeal shall be taken by filing with the legislative body, within 14 days after notice of the decision has been mailed to the person's last known address, a written statement setting forth the grounds for appeal. The legislative body shall set the time and place for a hearing, and notice for the hearing shall be given to such person in the same manner as provided in ' 111.05.

(B) The order of the legislative body after the hearing shall be final.  
(1987 Code, ' 111.07)

#### **' 111.08 EXHIBITION OF IDENTIFICATION.**

(A) Any license issued to a transient merchant under this chapter shall be posted conspicuously in or at the place named therein. In the event more than 1 place within the city shall be used to conduct the business licensed, separate licenses shall be issued for each place.

(B) The City Clerk/Treasurer shall issue a license to each peddler or solicitor licensed under this chapter. The license shall contain the words "Licensed Peddler" or "Licensed Solicitor," the expiration date of the license, and the number of the license. The license shall be kept with the licensee during the time as he or she is engaged in the business licensed.  
(1987 Code, ' 111.08) Penalty, see ' 111.99

#### **' 111.99 PENALTY.**

Whoever violates any provision of this chapter shall be fined not more than \$500. Each day's violation shall constitute a separate offense.  
(1987 Code, ' 111.99)



## CHAPTER 112: PAWNBROKERS

### Section

- 112.01 Definition
- 112.02 License fee; bond
- 112.03 Register to be kept; daily reports
- 112.04 Receipt to be given for each article; sale of article
- 112.05 Maximum interest, resale price
- 112.06 Receipt to be given for payment of loan
- 112.07 Prohibited activities
- 112.08 Enforcement
  
- 112.99 Penalty

#### ' 112.01 DEFINITION.

For the purpose of this chapter the following definition shall apply unless the context clearly indicates or requires a different meaning.

**PAWNBROKER.** Any person who loans money on deposit of personal property; deals in the purchase of personal property on condition of selling the property back again at a stipulated price; makes a public display at his place of business of the sign generally used by pawnbrokers to denote their business; or who publicly exhibits a sign advertising money to loan on personal property or deposit.  
(KRS 226.010) (1987 Code, ' 112.01)

#### ' 112.02 LICENSE FEE; BOND.

(A) There shall be an annual license fee of \$150 for a pawnbroker's license, which license fee shall be due and payable on January 1 of each year.  
(Ord. 430.1, passed - - )

(B) Every person to whom a city license is granted to carry on the business of a pawnbroker shall annually enter into bond to the city, with good and sufficient surety to be approved by City Council, in the penal sum of \$1000. This bond shall be conditioned that he or she will observe the provisions of this chapter and all ordinances and laws in force in the city not inconsistent with this chapter.

(KRS 226.020)

**' 112.03 REGISTER TO BE KEPT; DAILY REPORTS.**

(A) Every pawnbroker shall keep a register of all loans and purchases of all articles effected or made by him or her. The register shall show the dates of all loans or purchases, and the names of all persons who have left any property on deposit as collateral security or as a delivery or sale. Opposite the names and dates shall be written in plain hand a full description of all property purchased or received on deposit as collateral security, the time when the loan falls due, the amount of purchase money, the amount loaned, and the interest charged. The register shall at all times be open to the inspection of any police officer of the city when in the discharge of his or her official duty.

(KRS 226.040)

(B) If so required by KRS 226.070(1), every pawnbroker shall, by 11:00 a.m. each day, furnish to the Chief of Police a true and correct written report of all goods received by him or her, whether by pawn or purchase, during the 24 hours preceding each report. The report shall describe the goods as accurately as practicable. The Chief of Police shall furnish blanks for these reports.

(KRS 226.070)

(1987 Code, ' 112.03) Penalty, see ' 112.99

**' 112.04 RECEIPT TO BE GIVEN FOR EACH ARTICLE; SALE OF ARTICLE.**

(A) Every pawnbroker shall give a plain written or printed ticket for the loan to the person negotiating or selling, and a plain written or printed receipt of the articles that have been purchased or upon which money is loaned, having on each a copy of the entries required by ' 112.03(A) to be kept in his or her register. He or she shall not make any charge for the ticket or receipt.

(B) A pawnbroker may sell any article pawned after the expiration of 90 days from the maturity of the loan. However, not less than 10 days before making the sale, the pawnbroker shall give notice to the person by whom the article was pawned by mail addressed to the post office address of that person as shown on the pawnbroker's register, notifying the person that, unless he or she redeems the article within 10 days from the date of mailing of the notice, the article will be sold.

(KRS 226.050) (1987 Code, ' 112.04) Penalty, see ' 112.99

**' 112.05 MAXIMUM INTEREST, RESALE PRICE.**

Any pawnbroker as defined in ' 112.01, may, in loaning money on deposit of personal property,

charge, contract for, or receive interest at a rate not exceeding 2% per month on the unpaid principal balance of the loan, and may charge, contract for, and receive a reasonable fee, not to exceed 1/5 of the value of the loan per month, for investigating the title, storing and insuring the property, closing the loan, making daily reports to local law enforcement officers if required by ' 112.03, and for other expenses, losses, and incidental costs associated with servicing the loans. Further, this fee, when made and collected, shall not be deemed as interest for any purpose of law. No pawnbroker shall directly or indirectly charge, receive, or contract for any interest or consideration greater than that allowed by this section.

(KRS 226.080) (1987 Code, ' 112.05) Penalty, see ' 112.99

#### **' 112.06 RECEIPT TO BE GIVEN FOR PAYMENT OF LOAN.**

Every pawnbroker, upon receiving any payment of money from a borrower, shall give to that person a plain and complete receipt for the payment, specifying separately the amount applied to principal and the amount applied to interest. In a case where the pawnbroker has purchased personal property under an agreement to sell it back at a stipulated price, the pawnbroker shall, on receiving any payment of money from the person from whom the property was purchased, give that person a receipt stating the original purchase price, the stipulated resale price, and the amount received.

(KRS 226.090) (1987 Code, ' 112.06) Penalty, see ' 112.99

#### **' 112.07 PROHIBITED ACTIVITIES.**

No pawnbroker shall receive, by way of either pledge or pawn, any article whatever from a minor at any time nor from any person between 8:00 p.m. and 7:00 a.m.

(KRS 226.030) (1987 Code, ' 112.07) Penalty, see ' 112.99

#### **' 112.08 ENFORCEMENT.**

The Police Department shall enforce the provisions of this chapter unless otherwise provided by KRS 226.100. However, county police, for the purpose of locating stolen goods, may carry out the provisions of KRS 226.060 within the city.

(KRS 226.100) (1987 Code, ' 112.08)

#### **' 112.99 PENALTY.**

(A) Any pawnbroker who violates any of the provisions of ' ' 112.02, 112.03(A), or 112.04 through 112.07 shall, upon conviction, be fined not less than \$50 nor more than \$500, and his or her license may be forfeited to the city.

(KRS 226.990(1)) (1987 Code, ' 112.99)

(B) Any pawnbroker who violates any of the provisions of ' 112.03(B) shall be fined not less than \$20 nor more than \$100.

(KRS 226.990(3))

## CHAPTER 113: PUBLIC AMUSEMENTS

### Section

#### Coin-Operated Amusement Machines

- 113.01 Definition
- 113.02 License fee
- 113.03 Penalty and interest

#### Pool Halls

- 113.15 License required; issuance and fee
- 113.16 Windows and doors to be unobstructed
- 113.17 Minors
- 113.18 Operating hours
- 113.19 Sales of alcoholic beverages prohibited
- 113.20 License revocation for violation

- 113.99 Penalty

#### Cross-reference:

Adult Entertainment Activities, see Ch. 118

## COIN-OPERATED AMUSEMENT MACHINES

### ' 113.01 DEFINITION.

For the purpose of this subchapter the following definition shall apply unless the context clearly indicates or requires a different meaning.

**COIN-OPERATED AMUSEMENT MACHINE.** Any lawful coin- or token-operated machine or device which contains no element of chance and which as a result of depositing a coin, token, or other object automatically by or through some mechanical operation affords music or amusement of some character with or without vending any merchandise, but in addition to any merchandise. The coin-operated amusement machine shall not include any bona fide merchandise vending machine in which there is incorporated no amusement features.

(1987 Code, ' 113.01)

**' 113.02 LICENSE FEE.**

(A) Pursuant to KRS 137.410 there is hereby established a license fee of \$10 per annum upon each coin-operated amusement machine, and also any electrically operated machine operated as a game or for pleasure and entertainment by the general public.

(B) The aforesaid fee of \$10 shall be due and payable on the first day of July annually and shall be paid to the city in cash. The city shall issue a receipt for same indicating the amount paid and the year for which the license is granted.

(1987 Code, ' 113.02)

**' 113.03 PENALTY AND INTEREST.**

Any person who shall fail to pay the license tax required by this subchapter within 30 days from the date the tax becomes due shall be assessed a penalty of 10% of the tax and 12% per annum interest, which penalty and interest, together with the regular tax shall be paid before the license is issued. In addition, any person who shall violate any provisions of this section shall be fined as set out in ' 113.99. Each day that a coin-operated machine is operated without the license required herein shall constitute a separate offense.

(1987 Code, ' 113.03)

**POOL HALLS****' 113.15 LICENSE REQUIRED; ISSUANCE AND FEE.**

(A) It shall be unlawful for any person, firm, or corporation to open, operate, conduct, or maintain any public pool room or billiard hall without first obtaining the license herein required. Any person, firm, or corporation desiring to open, operate, conduct, or maintain a public pool room or billiard hall in the city shall apply to the City Clerk/Treasurer for a license, and the application shall be accompanied by at least 3 references as to the applicant's good moral character.

(B) (1) The fee for the license shall be as follows:

(a) For the first pool or billiard table, per year \$15.

(b) For the second and each additional pool or billiard table, per year \$10.

(2) The license shall be issued for 1 year from the first day of January of each year, and no license shall be issued for a period less than 1 year. No refunds or reimbursements shall be made on the licenses, and no license required by the provisions of this subchapter shall be transferable.

(C) Before the license shall be issued the applicant shall agree, in writing, to comply with all the provisions of this subchapter.

(1987 Code, ' 113.15) (Ord. passed - - ) Penalty, see ' 113.99

#### **' 113.16 WINDOWS AND DOORS TO BE UNOBSTRUCTED.**

The windows and doors of the pool room or billiard hall licensed shall be kept free from all blinds, screens, paint, or other obstructions, and the windows or doors shall be so constructed and kept that full and complete view of the room or hall may be had from the street.

(1987 Code, ' 113.16) (Ord. passed - - ) Penalty, see ' 113.99

#### **' 113.17 MINORS.**

It shall be unlawful for the owner, keeper, or person having control of any pool room or billiard hall, or of a billiard or pool table in any public place, to suffer or permit a minor under the age of 21 years, without the written permission of the parent or guardian of the minor, or other person having the care, custody, or control of the minor to play any game on a pool or billiard table, or to suffer or permit a minor under the age of 21 years to be in or remain in any pool room, billiard hall, or public place.

(1987 Code, ' 113.17) (Ord. passed - - ) Penalty, see ' 113.99

#### **' 113.18 OPERATING HOURS.**

It shall be unlawful for any pool room or billiard hall, or place of public resort containing a pool or billiard table or tables to remain open later than 12:00 midnight.

(1987 Code, ' 113.18) (Ord. passed - - ) Penalty, see ' 113.99

#### **' 113.19 SALES OF ALCOHOLIC BEVERAGES PROHIBITED.**

The sale of liquor or beer on the same premises which contain a pool room or billiard hall, when the sale of liquor and the operation of a billiard hall or pool room are conducted jointly, is prohibited.

(1987 Code, ' 113.19) (Ord. passed - - ) Penalty, see ' 113.99

**' 113.20 LICENSE REVOCATION FOR VIOLATION.**

Any violation of any of the provisions of this subchapter shall be cause for revocation of the license, in addition to the penalty provided in ' 113.99.  
(1987 Code, ' 113.20) (Ord. passed - - )

**' 113.99 PENALTY.**

Whoever violates any provision of this chapter shall be fined not more than \$500 for each offense.  
(1987 Code, ' 113.99)

## CHAPTER 114: DETECTIVE AGENCIES

### Section

- 114.01 Definition
- 114.02 Permit, bond, and liability insurance required
- 114.03 Proof of good character
- 114.04 Information to be provided to Chief of Police
- 114.05 Revocation of permit
- 114.06 Occupational license required
  
- 114.99 Penalty

#### ' 114.01 DEFINITION.

For the purpose of this chapter the following definition shall apply unless the context clearly indicates or requires a different meaning.

DETECTIVE AGENCY or SECURITY AGENCY. A firm or corporation or an individual holding itself or himself or herself out to the public as doing private detective or security work. (1987 Code, ' 114.01) (Ord. 430.2, passed - - )

#### ' 114.02 PERMIT, BOND, AND LIABILITY INSURANCE REQUIRED.

(A) No person shall carry on the business of doing private detective or security work in the city without having first secured a permit from the City Clerk/Treasurer, upon approval of the permit application by City Council, and executing the bond provided for herein.

(B) Before the permit provided for herein is issued to any person, a bond with surety to be approved by the City Council shall be executed in the sum of \$5,000 payable to the city for the use and benefit of any person who shall be injured or damaged by an illegal act of the detective or security agency, or by its owners, operators, employees, or agents in carrying on the business.

(C) When a permit is issued to a detective or security agency, and proper bond has been executed, employees of the agency shall not be required to secure a permit or execute bond.

(D) Personal liability insurance shall also be carried by the agency in the amount of \$10,000 per person, \$300,000 per incident, and \$10,000 property damage. The insurance shall also include all agents and employees of the agency. Proof of insurance must be submitted to and approved by the City Council. (1987 Code, ' 114.02) (Ord. 430.2, passed - - ) Penalty, see ' 114.99

**' 114.03 PROOF OF GOOD CHARACTER.**

Before a permit shall be approved by City Council and issued by the Clerk/Treasurer, the applicant shall furnish the city with satisfactory proof that the person applying for the permit or the chief officers or members of a firm, if the business is to be conducted by a corporation or by partnership, are persons of sobriety and integrity and have been orderly and law-abiding citizens and have never been convicted of a felony or engaged in any unlawful calling.

(1987 Code, ' 114.03) (Ord. 430.2, passed - - ) Penalty, see ' 114.99

**' 114.04 INFORMATION TO BE PROVIDED TO CHIEF OF POLICE.**

All agencies or their agents or employees shall inform the Chief of Police of the exact location of all security jobs and the dates and times that the agents will be at or on the property in advance. This requirement is for the safety of both the public, agency employees, and police officials. Failure to so inform may result in suspension or revocation of the agency's permit to operate in the city.

(1987 Code, ' 114.04) (Ord. 430.2, passed - - ) Penalty, see ' 114.99

**' 114.05 REVOCATION OF PERMIT.**

Permits provided for herein may be revoked at any time by the City Council, if any person shall be injured or damaged on account of any illegal act of the detective or security agency or its owners, agents, or employees, or any other acts which constitute the conduct as will be detrimental to the community and citizens and for other just causes. A permit shall not be revoked until written charges have been made or preferred against the holder thereof or until the charges have been examined, heard, and investigated by the City Council after reasonable notice. After the City Council has received notice of any charges being placed against a detective or security agency, the Council shall notify the agency or owners within ten days from receipt of complaint. The owner or agency shall have 14 days from the receipt of the notice of the complaint to answer the complaint in writing, or to ask that a hearing be set to determine the validity of the charges. The date of the hearing shall not be less than 14 days nor more than 30 days from the date that the request for hearing is received or from the date that the time period for the request for hearing is received or from the date that the time period for the request for hearing or answer would have expired.

(1987 Code, ' 114.05) (Ord. 430.2, passed - - )

**' 114.06 OCCUPATIONAL LICENSE REQUIRED.**

Nothing herein shall relieve any detective agency or security agency or private security person from paying to the city the occupational license tax provided for in Chapter 110 for the carrying on of the business.

(1987 Code, ' 114.06) (Ord. 430.2, passed - - )

**' 114.99 PENALTY.**

Any person violating any provision of this chapter shall be fined not more than \$500 for each offense. Each day of violation shall be considered a separate offense.

(1987 Code, ' 114.99)



## CHAPTER 115: TATTOO PARLORS

### Section

- 115.01 License required; fee
- 115.02 Operating hours
- 115.03 Regulations concerning minors
- 115.04 Obscene drawings
- 115.05 Disorderly conduct
  
- 115.99 Penalty

#### **' 115.01 LICENSE REQUIRED; FEE.**

Every owner or operator of a tattoo parlor desiring to establish and locate a tattoo parlor in the city shall apply to the City Clerk/Treasurer for a license therefor. The fee for the license shall be the sum of \$5,000, payable and renewable annually each calendar year, or fraction thereof, on January 1. (1987 Code, ' 115.01) (Ord. 1962.4, passed 9-4-1962) Penalty, see ' 115.99

#### **' 115.02 OPERATING HOURS.**

Tattoo parlors shall be open for business only between the hours of 8:00 a.m. and 8:00 p.m. (1987 Code, ' 115.02) (Ord. 1962.4, passed 9-4-1962) Penalty, see ' 115.99

#### **' 115.03 REGULATIONS CONCERNING MINORS.**

No person under the age of 21 years shall be tattooed on any part of his or her body unless the minor obtains and presents to the owner or operator of the tattoo parlor an authorization therefor duly signed by his parents, statutory guardian, or legal custodian and notarized. The authorizations shall be kept on permanent file by the owner or operator of the parlor and shall be of public record. (1987 Code, ' 115.03) (Ord. 1962.4, passed 9-4-1962) Penalty, see ' 115.99

**' 115.04 OBSCENE DRAWINGS.**

No owner or operator of a tattoo parlor or any employee thereof, shall design and draw on any person, any nude or seminude portion of the human body, nor any obscene or lewd words or phrases.  
(1987 Code, ' 115.04) (Ord. 1962.4, passed 9-4-1962) Penalty, see ' 115.99

**' 115.05 LOITERING PROHIBITED.**

No owner, operator, or employee of a tattoo parlor shall suffer or permit persons to congregate or loiter in or around their premises during or after business hours.  
(1987 Code, ' 115.05) (Ord. 1962.4, passed 9-4-1962) Penalty, see ' 115.99

**' 115.99 PENALTY.**

In the event any owner, operator, or employee of a tattoo parlor located in the city violates any of the provisions of this chapter, the owner, operator, or employee shall be prosecuted and, if found guilty, shall be fined not less than \$100 nor more than \$500 or imprisoned for not less than 10 days, or both.  
(1987 Code, ' 115.99) (Ord. 1962.4, passed 9-4-1962)

## CHAPTER 116: FLEA MARKETS AND YARD SALES

Section

### ***Flea Markets***

- 116.01 Definitions
- 116.02 License required; fee
- 116.03 Application for license
- 116.04 Duration of and display of license

### Yard Sales

- 116.15 Definitions
- 116.16 Yard sale permit required; exceptions
- 116.17 Limitation on permits; display required
  
- 116.99 Penalty

## ***FLEA MARKETS***

### **' 116.01 DEFINITIONS.**

For the purpose of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning:

**FLEA MARKET.** Sale or sales of personal property conducted on real property leased daily or weekly by the seller and not a permanent, fixed location for the conduct of the sales.

**PERSON.** Individuals, partnerships, voluntary associations, and corporations.  
(1987 Code, ' 116.01) (Ord. 1969.2, passed - - )

**' 116.02 LICENSE REQUIRED; FEE.**

Each person who sells personal property by means of a flea market in the city shall purchase a license from the City Clerk/Treasurer and pay a business privilege license fee of \$50 annually. (1987 Code, ' 116.02) (Ord. 1969.2, passed - - ) Penalty, see ' 116.99

**' 116.03 APPLICATION FOR LICENSE.**

Each person subject to this subchapter shall present to the City Clerk/Treasurer an application showing the applicant's name, business address, business telephone number, residential address, residential telephone number, and, if a nonresident of the county, a statement setting forth any previous unpardoned felony convictions. Forms for applications shall be provided by the City Clerk/Treasurer and paid for out of the General Fund. (1987 Code, ' 116.03) (Ord. 1969.2, passed - - )

**' 116.04 DURATION OF AND DISPLAY OF LICENSE.**

Each license issued hereunder shall be valid for 1 year and shall be issued by the City Clerk/Treasurer. The license shall be prominently displayed by the holder of the premises where the sale is conducted, and shall show the name of the holder and the expiration date. (1987 Code, ' 116.04) (Ord. 1969.2, passed - - ) Penalty, see ' 116.99

**YARD SALES****' 116.15 DEFINITIONS.**

For the purpose of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**GOODS.** Any goods, warehouse merchandise, or other property capable of being the object of the sale regulated hereunder.

**PERSON.** Individuals, partnerships, voluntary associations, and corporations.

**YARD SALES.** All sales entitled, A garage sale, @ A lawn sale, @ A attic sale, @ A rummage sale, @ or A yard sale, @ or any similar casual sale of tangible personal property which is advertised by any means whereby the public at large is or can be made aware of the sale. (1987 Code, ' 116.15) (Ord. 1969.2, passed - - )

**' 116.16 YARD SALE PERMIT REQUIRED; EXCEPTIONS.**

(A) It shall be unlawful for any person to conduct a yard sale within the city without first filing with the City Clerk/Treasurer the information herein specified and obtaining from the City Clerk/Treasurer a permit to do so, to be known as a Yard sale permit. The permit shall be issued without charge.

(B) The information to be filed with the City Clerk/Treasurer pursuant to this section shall be as follows:

(1) The name of the person, firm, group, corporation, association, or organization conducting the sale.

(2) The name of the owner of the property on which the sale is to be conducted, and the consent of the owner if the applicant is other than the owner.

(3) The location at which the sale is to be conducted.

(4) The number of days of the sale.

(5) The date, and nature of any past sale.

(6) The relationship or connection the applicant may have had with any other person, firm, group, corporation, association, or organization conducting the previous sale and the date or dates of the sale.

(C) The provisions of this subchapter shall not apply to or affect the following persons or sales:

(1) Persons selling goods pursuant to an order or process of a court of competent jurisdiction.

(2) Persons acting in accordance with their powers and duties as public officials.

(3) Any person selling or advertising for sale an item or items of personal property which are specifically named or described in the advertisement and which separate items do not exceed 5 in number. (1987 Code, ' 116.16) (Ord. 1969.2, passed - - ) Penalty, see ' 116.99

**' 116.17 LIMITATION ON PERMITS; DISPLAY REQUIRED.**

(A) A yard sale permit shall be issued to any one person only 2 times within a 12-month period and no permit shall be issued for more than 3 consecutive calendar days.

(B) Each permit issued under this subchapter must be prominently displayed on the premises upon which the yard sale is conducted through the entire period of the permit sale. (1987 Code, ' 116.17) (Ord. 1969.2, passed - - ) Penalty, see ' 116.99

**' 116.99 PENALTY.**

Except as otherwise provided, any person violating or failing to comply with any provision of this chapter shall, upon conviction thereof, be fined not more than \$500 for each offense. Each and every day that the violation or noncompliance continues shall constitute a separate and distinct offense.

(1987 Code, ' 116.99) (Ord. 1969.2, passed - - )

## CHAPTER 117: INSURANCE COMPANIES

### Section

- 117.01 Imposition of license fee
- 117.02 Amount of fee for companies issuing life insurance
- 117.03 Amount of fee for companies issuing policies other than life insurance
- 117.04 Due date; interest
- 117.05 Written breakdown of collections

#### ‘ **117.01 IMPOSITION OF LICENSE FEE.**

There is hereby imposed on each insurance company a license fee for the privilege of engaging in the business of insurance within the corporate limits of the city, on a calendar-year basis.  
(Ord. 1994-02, passed 1-24-1994)

#### ‘ **117.02 AMOUNT OF FEE FOR COMPANIES ISSUING LIFE INSURANCE.**

The license fee imposed upon each insurance company which issues life insurance policies on the lives of persons residing within the corporate limits of the city shall be 7% of the first year's premiums actually collected within each calendar quarter by reason of the issuance of the policies.  
(KRS 91A.080(2)) (Ord. 1994-02, passed 1-24-1994)

#### ‘ **117.03 AMOUNT OF FEE FOR COMPANIES ISSUING POLICIES OTHER THAN LIFE INSURANCE.**

The license fee imposed upon each insurance company which issues any insurance policy which is not a life insurance policy shall be 7% of the premiums actually collected within each calendar quarter by reason of the issuance of such policies on risks located within the corporate limits of the city on those classes of business which the company is authorized to transact, less all premiums returned to policyholders; however, any license fee or tax imposed upon premium receipts shall not include premiums received for insuring employers against liability for personal injuries to their employees, or death caused thereby, under the provisions of the Workers' Compensation Act and shall not include premiums received on policies of group, family nor individual health insurance, insurance against flood damage issued under the federal flood insurance program, nor insurance fees paid by municipalities.

(Ord. 1994-02, passed 1-24-1994)

**' 117.04 DUE DATE; INTEREST.**

All license fees imposed by this chapter shall be due no later than 30 days after the end of each calendar quarter. License fees which are not paid on or before the due date shall bear interest at the tax interest rate as defined in KRS 131.010(6).

(KRS 91A.080(8), (9)) (Ord. 1994-02, passed 1-24-1994)

**' 117.05 WRITTEN BREAKDOWN OF COLLECTIONS.**

Every insurance company subject to the license fees imposed by this chapter shall annually, by March 31, furnish the city with a breakdown of all collections in the preceding calendar year for the following categories of insurance:

(A) Casualty.

(B) Automobile.

(C) Inland marine.

(D) Fire and allied perils.

(E) Life.

(KRS 91A.080(8)) (Ord. 1994-02, passed 1-24-1994)

## CHAPTER 118: ADULT ENTERTAINMENT ACTIVITIES

### Section

- 118.01 Definitions
- 118.02 Restrictions, requirements, and conditions
- 118.03 Licensing
- 118.04 Administration, suspension, revocation
- 118.05 Effect and limitation

- 118.99 Penalty

### 118.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ADULT AMUSEMENT ARCADE.** An establishment having as 1 of its principal uses 1 or more of the following: customer-operated motion picture devices, peep shows, viewing areas, or similar devices either coin, token, or slug operated, or which, in consideration of an entrance fee, display material distinguished or characterized by an emphasis on depictions of sexual activities, as defined in this section, or which offer male or female persons who expose to view of the customer the bare female breast below a point immediately above the top of the areola, human genitals, pubic region, or buttocks, even if partially or completely covered by translucent material, or human or simulated male genitals in a discernible turgid state even if completely or opaquely covered.

**ADULT BOOK STORE.** An establishment having as 1 of its principal uses the sale, rent, or display of pictures, books, periodicals, magazines, appliances, and similar material which are distinguished or characterized by their emphasis on depiction of sexual activities as hereinafter defined or an establishment with a substantial segment or section devoted to the sale, rental, or display of the material.

**ADULT ENTERTAINMENT PROVIDER.** A commercial establishment, such as a hotel or motel, which in addition to providing as the major part of its business services unrelated to depiction of sexual activities as herein defined, makes entertainment, either live or on film or video tape, available to its customers, which entertainment has as a dominant theme or is characterized or distinguished by an emphasis on matter depicting, describing, or relating to sexual activities, if the establishment advertises the availability of the adult entertainment at its establishment. The advertisement of the materials shall not include the posting of a card or handbill on or near a television set in a hotel or motel room advising room guests that

the adult movies are available upon request of the guest, or advertising informing the public of the availability of commercial cable channels.

**ADULT MOTION PICTURE THEATER.** An establishment having or advertising as having as 1 of its principal uses the presentation of motion pictures, slide projections, and other similar material having as a dominant theme or characterized or distinguished by an emphasis on matter depicting, describing, or relating to sexual activities, as defined in this section, for observation by persons therein.

**ADULT STAGE SHOW THEATER.** An establishment having as 1 of its principal uses the presentation of live performances of humans or animals having as a dominant theme or characterized or distinguished by an emphasis on matter depicting, describing, or relating to sexual activities, as defined in this section, for observation by persons therein.

**CABARET.** An establishment which features, as a principal use of its business, entertainers, waiters, bartenders, male or female impersonators, or persons, either male or female, who expose to public view of the patrons of the establishment at any time the bare female breast below a point immediately above the top of the areola, human genitals, pubic region, or buttocks, even if partially or completely covered by translucent material, or human or simulated male genitals in a discernible turgid state, even if completely and opaquely covered.

**COMMERCIAL SEXUAL ENTERTAINMENT CENTER.** Any commercial establishment not otherwise described in this section which makes available material, services, or entertainment appealing to adult sexual interests, including but not limited to a bath house, swingers club, or similar establishment if the establishment or its entertainment, services, or goods are advertised by or on behalf of the establishment in a manner patently designed to appeal to the adult sexual interests.

**EMPLOYEE.** Any person hired by or suffered or permitted to work in an establishment engaging in adult entertainment activities whether that person receives remuneration or compensation directly from the operator or owner of the establishment, from patrons of the establishment, or from any other source, whether by contract of employment or otherwise.

**ESTABLISHMENT.** A business entity or endeavor, fixed, mobile, or traveling, including its owners, operators, directors, shareholders, partners, employees, and possessions.

**LICENSEE.** A person who is the holder of a valid license under this subchapter, also including an agent, servant, or employee of, or other person acting on behalf of a licensee whenever a licensee is prohibited from doing a certain act under this subchapter.

**OPERATOR.** Any individual, partnership, corporation, or business entity who establishes or maintains a business as its owner or manager and shall also mean licensee as defined in this section.

**OWNER.** Any individual, partnership, corporation, or business entity who has legal title to real estate, with or without accompanying actual possession thereof, or has all or part of the beneficial ownership of any real estate and a right to present use and enjoyment thereof, including a mortgagee in possession.

**PERSON.** Any individual, partnership, corporation, or business entity.

**PRINCIPAL USE.** A substantial or significant use. Evidence that an establishment maintains more than 10% of its stock in trade in material distinguished or characterized by an emphasis in sexual activities; or that it devotes more than 15% of its floor space which is open to either the public generally or to members of the public other than minors or more than a total of 160 square feet to the display of material distinguished or characterized by an emphasis on sexual activities; or that it provides entertainment, either live or on film or video tape, and that said entertainment more than 10% of the time is distinguished or characterized by an emphasis on sexual activities; or that it advertises in a manner visible from the outside of the business premises the availability of material or entertainment distinguished or characterized by an emphasis on sexual activities shall establish that the establishment is engaging in an adult entertainment activity as a principal use.

**SELF-DESIGNATED ADULT ENTERTAINMENT CENTER.** Any establishment which designates all or a portion of its premises as for adults only, or has a policy of excluding minors from its premises or from a portion of its premises and which makes available services, entertainment, or goods at the premises or at the portion of the premises designated for adults only which are characterized or distinguished by depictions of sexual activities as defined in this section.

#### **SEXUAL ACTIVITIES.**

- (1) Depiction of human genitals in a state of sexual stimulation;
- (2) Acts of human masturbation, sexual intercourse, sodomy or arousal bestiality necrophilia, sado-masochistic abuse, fellatio or cunnilingus; or
- (3) Holding or other erotic touching of human genitals, pubic region, buttocks, or female breasts.

#### **SPECIFIED ANATOMICAL AREAS.** Means:

- (1) Less than complete and opaquely covered human genitals, pubic region, buttocks, and female breast below a point immediately above the top of the areola.
  - (2) Human male genitals in a discernible turgid state, even if opaquely covered.
- (Ord. 2003-04, passed 3-8-2004)

### **118.02 RESTRICTIONS, REQUIREMENTS, AND CONDITIONS.**

(A) An establishment engaging in an adult entertainment activity, except as otherwise provided by laws which may be more restrictive, may not have more than 1 outside flush to the wall, fascia style sign, not to exceed in size 10 feet in length (horizontal to the ground) and 3 feet in width (vertical to the ground) with no flashing lights and with no lettering, wording, or pictorial or representational matter which is distinguished or characterized by an emphasis on depictions of sexual activities, as defined herein.

(B) An establishment engaging in an adult entertainment may not display its stock in trade or matter

depicting, describing, or relating to sexual activities in such manner as to be subject to public view from outside the establishment, including but not limited to view from public sidewalks, streets, arcades, hallways, or passways.

(C) An operator of an establishment engaging in an adult entertainment activity or his or her employee shall not permit a person under 18 years of age to be employed by or to enter his or her establishment; provided, however, that a licensed adult entertainment establishment which devotes only a portion of its business premises to adult entertainment or material may permit the public generally including minors, to enter the portions of the premises within which no adult entertainment or material is visible or on display. This section shall not be construed to be an exemption from or in conflict with any requirement found in any statute, ordinance, regulation, or other provision of law applicable to a licensee or potential licensee hereunder which is more stringent in terms of an age requirement for employees.

(D) An operator engaging in an adult entertainment activity shall, at all times, cause the entrance of his or her establishment to be so attended as to insure compliance with the requirements contained in division (C) above.

(E) The public entrance to an adult entertainment establishment shall not be located nearer than 500 feet from any residential zone, single or multiple-family dwelling, school, church or park. The distance shall be measured along a straight line from the nearest property line of the real estate on which that building or park area is located to the entrance to the establishment engaging in an adult entertainment activity.

(F) An establishment engaged in adult entertainment shall be closed from 1:00 a.m. to 4:00 a.m. Monday through Saturday and all day on Sunday.

(G) The public entrance to an adult entertainment establishment shall not be located nearer than 500 feet from the public entrance of another adult entertainment activity establishment. The distance shall be measured in a straight line from the nearest entrance to a building containing an existing adult entertainment establishment to the entrance or proposed entrance to the building containing the proposed new adult entertainment establishment.

(Ord. 2003-04, passed 3-8-2004) Penalty, see ' 118.99

### **' 118.03 LICENSING.**

(A) The owner or operator of an establishment intending to engage, or engaging, under a previously issued license, in an adult entertainment activity shall make application for a license with the City Clerk/Treasurer in accordance with this section. The application shall be in writing, under oath, and shall be in the form prescribed by the City Clerk/Treasurer and shall contain the following information together with further information as the City Clerk/Treasurer may require.

(1) The name and location of the establishment and the name and business address of the applicant.

(2) The name, address, date of birth, social security number, and photograph of a natural person

with an ownership interest in the licensee, the natural person to be determined as follows:

(a) If the licensee is 1 or more natural persons, then all natural persons shall comply, or any 1 natural person may comply for the licensee upon certification that he or she owns a greater share of the licensee than any other person.

(b) If the licensee is a partnership, then the natural person designated as the managing general partner in the partnership agreement, a copy of which is to be attached to the license application, shall comply, but if the partnership agreement designates no natural person as a managing general person, then the natural person who by virtue of his or her interest or holding in the partnerships or corporations which have formed the partnership owns a greater share of the licensee than any other single natural person shall comply.

(c) If the licensee is a corporation, the natural person, if any, who owns a greater number of shares than any other person shall comply, but if the person owning the greatest number of shares is not a natural person, then the natural person who by virtue of his or her interests or holdings in one or more partnerships or other corporations which own shares in the licensee, owns a greater portion of the shares in the licensee than any other individual natural person shall comply.

(B) The name and address of all directors and officers of any licensee or applicant which is a corporation, and the name and address of the licensee's designated agent for service of process.

(C) In the event the applicant or licensee is not the owner of record of the real property on which the licensed establishment is located or to be located, the application shall include a notarized statement from the owner of record of the real property acknowledging that an adult entertainment establishment is to be located on the real property upon issuance of the license. The application shall furnish the name and the address of the owner of record of the real property and a copy of the lease or rental agreement or memorandum thereof.

(D) The name, address, date of birth, social security number, and photograph of the individual designated by the applicant to undertake to keep the applicant, if licensed, at all times in compliance with the restrictions, requirements, and conditions of this subchapter and with the rules and regulations promulgated by the City Clerk/Treasurer as stated herein below together with the sworn affidavit of that individual stating that he or she has received a copy of this subchapter, that he or she understands the conditions of this subchapter, and that he or she willfully undertakes on behalf of the applicant to comply therewith.

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

(F) The name and addresses of any rental agent of the property on which the establishment is located.

(G) The nature of the activity or activities to be engaged in at the location.

(H) The name and address of any person to whom the applicant wants mail notice to be given in case of violation of other matters affecting the license hereunder.

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

(J) Proof of compliance with city occupational license fee laws.

(K) A certificate of occupancy where required and, in all other cases, a letter of compliance issued by the City Zoning Inspector certifying that the business is in compliance with applicable zoning laws or has nonconforming use rights and that the proposed use will not constitute an enlargement or expansion of the scope of the nonconforming rights.

(L) A certificate from the Fire Chief or his or her designee that all applicable fire regulations have been met.

(M) A statement from the City Building Inspector that the premises comply with applicable provisions of the Uniform Kentucky Building Code, as adopted by the city.

(N) A statement from the County Board of Health that the premises are adequately ventilated and contain public restrooms, which satisfy the requirements of 902 KAR 10:010.

(1) The information required shall be at all times current even after the granting of a license by the City Clerk/Treasurer. It shall be the responsibility of the operator or other person designated in the license application to notify the City Clerk/Treasurer no later than the close of the first business day of the City Clerk/Treasurer after the effective date of any changes, alterations, or modifications in any information contained in the application including, but not limited to: name of establishment, any change in the corporate information required for the application, names and addresses of the owners of the property on which the establishment is located, names and addresses of any rental agents of the property on which the establishment is located, name and address of designated agent for service of process, nature of the activity or activities to be engaged in at the establishment, and the name and address of any person the applicant wants mail notice to be given in case of violation or other matters affecting the license.

(2) The City Clerk/Treasurer will cause the premises to be inspected after the application has been received and all application requirements have been complied with. The City Clerk/Treasurer shall then issue a license forthwith if all restrictions, requirements, conditions, and all applicable requirements of this subchapter and other applicable laws have been met. Provided, however, the granting of a license does not certify compliance with all applicable laws nor does it stop the city from enforcement of all applicable laws or ordinances. If inspection reveals failure to comply with any restrictions, requirements, or conditions herein, the City Clerk/Treasurer shall notify the applicant in writing of that fact, stating what failures have been discovered, allowing a reasonable time to correct the defects and informing the applicant of the appeal procedure if the applicant does not agree with the City Clerk/Treasurer's decision.

(3) Any license granted according to this section shall at all times be conspicuously posted and

displayed in a public area so as to be open to view of the patrons and proper public authorities.

(4) Application for or granting of a license according to this section is deemed to permit periodic inspections of the public areas of any establishment requiring a license under this subchapter for the purpose of verifying compliance with the terms and conditions of this subchapter.

(5) No operator shall maintain, operate, or conduct an establishment engaging in adult entertainment activities defined under this chapter unless the person has made an application for a license, and thereafter no operator shall own, operate, or be employed at an establishment engaging in adult entertainment activities which has sought and been denied a license according to this section.

(6) No person shall operate, own, or be employed at an unlicensed adult entertainment activity defined under this chapter.

(7) No person shall permit himself or herself to be an operator or an employee at an adult entertainment activity which has not been validly licensed according to this section.

(8) No owner shall permit adult entertainment activities to be conducted on his or her property unless and until the is properly licensed according to this section.  
(Ord. 2003-04, passed 3-8-2004) Penalty, see ' 118.99

#### **' 118.04 ADMINISTRATION, SUSPENSION, REVOCATION.**

The City Clerk/Treasurer may refuse to renew any establishment license or may suspend any license granted under this chapter if the City Clerk/Treasurer finds on the basis of substantial evidence presented at a hearing that a licensee, applicant, owner, or operator:

(A) Has failed to comply with the restrictions, requirements, and conditions of this chapter or with the material regulations as may be enacted by the City Clerk/Treasurer pursuant to this section;

(B) Has knowingly provided false information to gain or to maintain a license, or has willfully failed to keep the information required current; or

(C) Has engaged in a consistent pattern of conduct which has resulted in the licensed premises being used for or the site of illegal activities, whether under this chapter, state or federal law, or by the licensee or its agents, employees, or patrons.

(Ord. 2003-04, passed 3-8-2004)

#### **' 118.05 EFFECT AND LIMITATION.**

It is not the purpose of this chapter to establish community standards on obscenity nor to permit persons to engage in any activity which is in violation of law, including but not limited to state laws pertaining to the advertising, promotion, distribution, or sale of obscene matter or matters portraying a sexual performance by a minor, or state laws pertaining to the use of a minor in a sexual performance or

promotion of a sexual performance by a minor, or the use of a minor to distribute material portraying sexual performance by a minor.

(Ord. 2003-04, passed 3-8-2004)

**118.99 PENALTY.**

Violation of this chapter shall be deemed a violation, misdemeanor, and upon conviction the violator shall be fined not less than \$20 nor more than \$250 plus court costs. Any person violating this chapter may also be found guilty of a civil offense. The civil fine shall be not less than \$20 nor more than \$250. The civil fine shall be paid directly to the city. If the fine is not paid within 30 days from the date of notification, then the city may recover the fine in a civil action in a court of proper jurisdiction. The city may also obtain injunctions or abatement orders to insure compliance with this chapter or pursue administrative remedies when appropriate, including injunctions and abatement proceedings.

(Ord. 2003-04, passed 3-8-2004)