

Chapter 10

AMUSEMENTS AND ENTERTAINMENTS

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ARTICLE I. IN GENERAL

Sec. 10-1. Circuses and carnivals prohibited.

It shall be unlawful for any person to operate a carnival or circus within the corporate limits of the city. "Carnival or circus" means the commonly accepted concept of a traveling amusement show conducted primarily under tents offering circus acts or a traveling amusement show primarily offering rides and games for the amusement of the public. The definition shall not include a festival sponsored and operated by local citizens not employing professional assistance, nor shall it include theatrical performances conducted within the confines of a permanent building.
(Code 1976, §14-8)

Secs. 10-2 thru 10-35. Reserved.

**ARTICLE II. ADULT BOOKSTORES, MOTION PICTURE THEATERS,
MOTELS AND HOTELS**

State Law References: Obscene presentations, F.S. ch. 847

Division 1. Generally

Sec. 10-36. Definitions.

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

Adult bookstore means any establishment, whether or not licensed under this article, which has more than ten percent of its stock in trade, and sells, offers for sale, rents or leases for any form of consideration, any one or more of the following:

- (1) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, videocassettes, slides or other visual representations or recordings, other audio matter, novelties and devices that have as their primary or dominant theme matter depicting, illustrating, describing or relating to specified sexual activities or specified anatomical areas.
- (2) Instruments, novelties, devices or paraphernalia that are designed for use in connection with specified sexual activities.

An adult bookstore includes an establishment with only a portion or section of its area set aside for the display or sale to adults of materials listed in subsections (1) and (2) above, where it does not meet the ten-percent threshold, unless such material is kept in a location separate from, and not visible to, the general public.

Adult dancing establishment means any establishment that permits, suffers or allows employees or any other persons to display or expose specified anatomical areas, if required to be allowed by the United States or state constitutions, regardless of whether the employee actually engages in dancing. Such establishment shall also include those places that permit, suffer or allow employees or any other persons to appear in clothing minimally sufficient to comply with the requirements of section 38-67, regardless of whether the employee actually engages in dancing. Any establishment on whose premises an employee, or any other person who need not be the same employee, displays or exposes specified anatomical areas or appears in clothing minimally sufficient to comply with the requirements of section 38-67, on more

than one day in a 30-day period shall be deemed an adult dancing establishment and shall be required to obtain a license under this article.

Adult entertainment establishment means an adult motion picture theater, an adult bookstore or an adult dancing establishment. Any commercial establishment that displays a sign or engages in any other form of advertising capable of leading a reasonable person to believe that said establishment offers, presents, permits or engages in any form of adult entertainment shall be deemed an adult entertainment establishment under the appropriate classification.

Adult motel means any hotel or motel, boardinghouse, roominghouse or other lodging used predominantly for transient customers which includes the word "adult" in any name it uses or otherwise advertises, and actually permits the presentation of photographs, films, motion pictures, videocassettes, slides or other photographic reproductions which has as its primary or dominant theme matters depicting, illustrating or relating to specified sexual areas or specified sexual activities for observation by patrons thereof. For purposes of this article, the term "adult motel" is included within the definition of adult motion picture theater.

Adult motion picture booth means an enclosed area designed or used for the viewing by one person of photographs, motion pictures, films, videocassettes, slides or other photographic reproductions that have as their primary or dominant theme matters depicting, illustrating, describing or relating to specified sexual activities or specified anatomical areas. For the purpose of this article, an adult motion picture booth is included within the definition of an adult motion picture theater.

Adult motion picture theater means an enclosed building, or a portion or part of an enclosed building, or an open-air theater designed to permit viewing by patrons seated in automobiles, designed for viewing by more than one person and used to present on a regular basis, for any form of consideration, film material that has as its primary or dominant theme matters depicting, illustrating, describing or relating to specified sexual activities for observation by adult patrons thereof, and includes any hotel or motel, boardinghouse, roominghouse or other lodging for transient customers that advertises or permits the presentation of such film material. For the purposes of this article, an adult motion picture theater includes an adult motion picture booth and the buildings or places containing adult motion picture booths.

Alcoholic beverage means all beverages containing more than one-half of one percent of alcohol by weight.

Commercial means operated for pecuniary gain, which shall be presumed for any establishment which has received an occupational license. For purposes of this article, operation for pecuniary gain shall not depend on actual profit or loss.

Commercial establishment means any business location, place or business conducting or allowing to be conducted on its premises any commercial activity.

Employee means a person who works or performs in a commercial establishment, irrespective of whether the person is paid a salary or wage by the owner or manager of the premises, and, for purposes of this article, shall include, but not be limited to, agents, subcontractors, independent contractors and concessionaires.

Establishment means a site, physical plant, premises, location, or portion thereof, or the commercial activities or operations being conducted, or both together, as the context of this article may require.

Fire chief means the fire chief and the fire department for the city.

Inspector means an employee of the public health department, building department, zoning department or fire department who inspects premises licensed or to be licensed under this article and who takes or requires the actions authorized by this article in case of violations being found on licensed premises, and requires corrections of unsatisfactory conditions found on the premises.

Licensed premises means not only buildings, rooms and areas where adult material regulated under this article, or adult activities regulated by this article, are sold, rented, leased, offered, presented or stored or where any form of adult entertainment is presented, but also all other areas within 500 feet of the building, room or area where adult activities are regulated and over which the licensee has some dominion and control, and to which customers or patrons may freely pass, and shall include all of the floor or land areas embraced within the plan appearing on or attached to the application for the license involved and designated as such on the plan.

Licensee means any person whose application for an adult entertainment establishment has been granted and who owns, operates or controls the establishment.

Operator means any person who engages in or performs any activity which is necessary to or which facilitates the operation of an adult entertainment establishment, including but not limited to the licensee, manager, owner, doorman, bartender, disc jockey, sales clerk, ticket taker, movie projectionist or supervisor.

Personal advertising means any communication on the part of an employee or operator of an adult entertainment establishment that is designed to encourage a prospective patron to enter the establishment and is performed by repeatedly speaking in a raised tone of voice, by making prominent physical gestures, such as waving or repeatedly pointing, or by holding signs or other written statements. Personal advertising shall not include oral or physical references to an adult entertainment establishment by patrons or spectators.

Police chief means the chief of police and the police department for the city.

Principal stockholder means any person that owns or controls, legally or beneficially, ten percent or more of a corporation's capital stock, and includes the officers, directors and principal stockholders of a corporation that is a principal stockholder under this article; provided, that if no stockholder of a corporation owns or controls, legally or beneficially, at least ten percent of the capital stock, all stockholders shall be considered principal stockholders. If a corporation is registered with the Securities and Exchange Commission, or pursuant to F.S. ch. 517, and its stock is for sale to the general public, it shall not be considered to have any principal stockholders.

Religious institution means a building, or portion of a building, which is used primarily for religious worship and related religious activities.

School means an institution of learning for minors, whether public or private, which offers instruction in those courses of study required by F.S. ch. 233, or which is maintained pursuant to standards set by the state board of education. This definition includes nursery schools, kindergartens, elementary schools, junior high schools, senior high schools or any special institution of learning under the jurisdiction of the state department of education, but it does not include a vocational or professional institution or an institution of higher education, including a community or junior college, college or university.

Specified anatomical areas means:

- (1) Less than completely and opaquely covered:
 - a. Human genitals or pubic region.

- b. Human buttocks, anus, anal cleft or cleavage.
 - c. Any portion of the human female breasts below the top of the areola. This definition shall include the lower portion of the breast, but shall not be interpreted to include any portion of the cleavage of the breast exhibited by a dress, blouse, shirt, leotard, bathing suit or other wearing apparel, providing the areola and nipple are not exposed.
- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified criminal act means a violation of this article; any felony; an offense under F.S. ch. 794; an offense under F.S. ch. 796; an offense under F.S. ch. 800; an offense under F.S. §806.01, 806.10, 806.111 or 806.13(2)(c); an offense under F.S. ch. 826; an offense under F.S. § 847.013 or 847.014; an offense under F.S. §849.09(2), 849.10 or 849.25(3); an offense under F.S. §893.13; or any offense against a statute of any other state, federal, statute or ordinance of any other local government analogous to any of the above statutes or ordinances.

Specified sexual activities means:

- (1) Human genitals in a state of sexual stimulation, arousal or tumescence.
- (2) Acts of human adimitism, analingus, bestiality, buggery, cunnilingus, coprophagy, coprophilia, fellatio, flagellation, frottage, masochism, masturbation, necrophilia, pederasty, pedophilia, sadism, sadomasochism, sapphism, sexual intercourse, sodomy, urolagnia or zoerasty.
- (3) Fondling or other erotic touching of human genitals, pubic region, buttock, anus, anal cleft, anal cleavage or female breasts.
- (4) Excretory functions as part of or in connection with any of the activities set forth in subsections (1) through (3) above.

Straddle dance, also known as lap dance or face dance, means the use by an owner or employee, whether clothed or not, of any part of his body, whether directly or through a medium, to massage, rub, stroke, knead, caress or fondle the genital or pubic area of a patron, while on the premises, or the placing of the genital or pubic area of an owner or employee in contact with the face of a patron or spectator, while on the licensed premises.

Violation of this Code means a violation of any provision of this Code as found by a jury or other trier of fact. Each violation occurring shall be considered a separate and distinct violation from any other occurring on the same day or in the same establishment or by the same person.

(Code 1976, §2.1-7)

Sec. 10-37. Authority.

This article is enacted pursuant to and under the authority of the home rule power and police powers of the city as well as those powers granted under the 21st Amendment to the United States Constitution, and is specifically enacted to serve the health, safety and welfare interests of the people of Satellite Beach.

(Code 1976, §2.1-2)

Sec. 10-38. Scope.

This article shall be the sole ordinance regulating adult entertainment and service activities, except such applicable provisions as are contained in the land development code. All other ordinances regulating or purporting

to regulate adult entertainment and service activities, as defined and regulated in this article, are made inapplicable to adult entertainment and service activities except those provisions that appear in Ordinance Number 600.

(Code 1976, §2.1-3)

Sec. 10-39. Construction.

This article shall be liberally construed to accomplish its purpose of licensing and regulating adult entertainment and service activities. Unless otherwise indicated, all provisions of this article shall apply equally to all persons regardless of sex.

(Code 1976, §2.1-4)

Sec. 10-40. Purpose.

The intent of the city council in adopting this article is to establish reasonable and uniform regulations that will reduce the adverse effects adult entertainment businesses have had in various counties and municipalities throughout the United States of America and may have upon this city, and to protect the health, safety, morals and general welfare of the people of the city.

(Code 1976, §2.1-5)

Sec. 10-41. Findings of fact.

Based on evidence and testimony presented at public hearings before the city council; the findings incorporated in the United States Attorney General's Commission on Pornography (1986); Jacksonville Municipal Code, chapter 410, Ordinance No. 77-257-256, section 1; the Los Angeles Municipal Code, section 12.70, Ordinance No. 156509 (1982); the Detroit Zoning Ordinance, 66.0000, Ordinance No. 742-G, section 1, enacted October 24, 1972; the Adult Entertainment Code of Orange County, Florida, chapter 1A, Ordinance No. 85-16; and "A Summary of a National Survey of Real Estate Appraisers Regarding the Effect of Adult Bookstores on Property Values," conducted by the Division of Planning, Department of Metropolitan Development, Indianapolis, January, 1984, and the facts and/or findings set forth in the following cases which describe the conditions existing in adult entertainment establishments as defined in this article, as well as the secondary effects associated with such uses:

Grunberg v. Town of E. Hartford, 736 F. Supp. 430 (D. Conn. 1989), *aff'd sub nom.*, *Singer v. Town of East Hartford*, 901 F. 2d 297 (3d Cir. 1990);

Mitchell v. Comm'rs of Comm'n on Adult Entertainment Establishments, State of Delaware, 802 F. Supp. 1112 (D. Del. 1992);

Hart Book Stores, Inc. v. Edmisten, 612 F. 2d 821 (4th Cir. 1979);

Wall Distr. v. City of Newport News, 782 F. 2d 1165 (4th Cir. 1986);

Star Satellite, Inc. v. City of Biloxi, 779 F. 2d 1074 (5th Cir. 1986);

SDJ, Inc. v. City of Houston, 837 F. 2d 1268 (5th Cir. 1986);

Bamon Corp. v. City of Dayton, 923 F. 2d 470 (6th Cir. 1991);

Berg v. Health & Hospital Corp. of Marion Cty, Ind., 865 F. 2d 797 (7th Cir. 1989);

Postscript Enterprises v. City of Bridgeton, 905 F. 2d 223 (8th Cir. 1990);

Doe v. City of Minneapolis, 898 F. 2d 612 (8th Cir. 1990);

Ellwest Stereo Theatres, Inc. v. Wenner, 681 F. 2d 1243 (9th Cir. 1982);

O'Connor v. City & Cty of Denver, 894 F. 2d 1210 (10th Cir. 1990);

Grand Faloon Tavern, Inc. v. Wicker, 670 F. 2d 943 (11th Cir. 1982);

T-Marc, Inc. v. Pinellas Cty, 804 F. Supp. 1500 (M.D. Fla. 1992);

Movie & Video World v. Bd of Cty Comm'rs, Palm Bch Cty, Fla., 723 F. Supp 695 (S.D. Fla. 1989);

Purple Onion, Inc. v. Jackson, 511 F. Supp. 1207 (N.D. Ga. 1981);

Northend Cinema, Inc. v. City of Seattle, 585 P. 2d 1153 (Wash. 1978); and

7250 Corp. v. Bd. of County Comm'rs, 799 P. 2d 917 (Colo. 1990);

the city council hereby finds:

- (1) The city is a municipal corporation existing under the laws of the State of Florida, with a population of approximately 9,850.
- (2) The city is a municipality located in Brevard County, Florida, encompassing approximately 2.25 square miles of land bounded by the Atlantic Ocean on the east, the Banana River on the west, the City of Indian Harbour Beach on the south and unincorporated county to the north.
- (3) The city comprises only approximately 0.154 percent of the total land area of the county.
- (4) The city is approximately 93 percent developed, and has developed overwhelmingly as a residential community.
- (5) Commercially zoned areas within the city constitute approximately six percent to seven percent of the land area within the city.
- (6) The city has only three parcels of property zoned light industrial.
- (7) The only commercial and industrial property located within the city is generally located only along the corridors of U.S. A1A and South Patrick Drive.
- (8) As a result of the geography of the city, all commercial and light industrial zoning districts and uses are located within 500 feet of residential, institutional and religious uses.
- (9) Under traditional concepts of zoning in Florida, the city is not required to provide for all types of uses, especially in the context of preserving the integrity and character of residential areas.
- (10) Because of the manner in which the city has developed, it is not possible to disperse adult-oriented businesses as has traditionally been allowed and done in cases arising since *Young v. American Mini Theaters, Inc.*, 427 U.S. 50, 96 S.Ct. 2440 (1976).
- (11) Also, because of the manner in which the city has developed, and the proximity any adult-oriented businesses will have to residential, institutional and religious uses, the city would prefer

- to exclude such uses because of the secondary effects of such businesses and the adverse impacts they will have on the overwhelming residential character of the city.
- (12) However, existing case law precludes the absolute prohibition of those adult-oriented businesses that are implicated with rights protected by First Amendment. This protection, however, does not prohibit the city from regulating such uses to protect the city's residents and businesses and patrons of such establishments.
 - (13) Existing case law allows local governments to experiment in the manner by which it addresses issues regarding such uses.
 - (14) Authority exists that would allow the city to permit adult-oriented businesses only by special exception or conditional use as long as narrow and definite standards exist to guide the city in determining whether to grant such uses.
 - (15) There presently exist no adult-oriented businesses within the city.
 - (16) There presently exist two adult-oriented businesses within 1 1/2 miles of the city, and five adult-oriented businesses within ten miles of the city.
 - (17) The city is not required to wait until adult-oriented businesses open before it may adopt regulations governing the operation of such businesses.
 - (18) Establishments exist, may exist or may come to exist within the city where books, magazines, motion pictures, prints, photographs, periodicals, records, novelties and/or devices which depict, illustrate, describe or relate to specified sexual activities are possessed, displayed, exhibited, distributed and/or sold.
 - (19) Establishments may come to exist within the city:
 - a. Where the superficial tissues of one person are manipulated, rubbed, stroked, kneaded and/or tapped by a second person, accompanied by the display or exposure of specified anatomical areas;
 - b. Where dancers, entertainers, performers or other individuals who, for any form of commercial gain, perform or are presented while displaying or exposing any specified anatomical area; or
 - c. Where straddle dancing occurs.
 - (20) The activities described in subsections (18) and (19) of this section occur at establishments for the purpose of making a profit, and, as such, are subject to regulation by the city in the interest of the health, safety, morals and general welfare of the people of the city.
 - (21) When the activities described in subsections (18) and (19) of this section are present in an area, other activities which are illegal, immoral or unhealthful tend to accompany them. Such activities include, but are not limited to, prostitution, pandering, solicitation for prostitution, lewd and lascivious behavior, high-risk sexual conduct, exposing minors to harmful materials, possession, distribution and transportation of obscene materials, sale or possession of controlled substances, illegal touching and violent crimes against persons and property. These illegal, immoral or unhealthful activities tend to concentrate around and be aggravated by the presence of the activities detailed in subsections (18) and (19) of this section. Adult-oriented businesses have been used to allow the infiltration of organized crime. The adoption of this article, in addition to

- preventing the deterioration of business and residential neighborhoods, will allow the city to better allocate law enforcement resources and assist in crime prevention.
- (22) Establishments engaged in adult entertainment tend to attract transients, and create traffic and parking problems, especially in the evening hours.
 - (23) There is a higher incidence of certain types of criminal behavior among employees and patrons at establishments engaged in adult entertainment than among employees and patrons at other commercial establishments.
 - (24) Adult-oriented businesses have traditionally been owned and/or operated by persons with criminal records or as fronts for organized crime, and as such, these persons operate under names other than their legal names, which precludes local governments from having accurate information regarding the owners, operators and employees of such businesses.
 - (25) The only accurate method of determining the persons involved in such operations is to require that the persons submit to fingerprinting at the time of any application.
 - (26) The concentration of business operations and activities described in subsections (18) and (19) of this section within limited areas tends to attract an undesirable number of transients, create blighted neighborhoods, adversely affect neighboring businesses, lower property values, promote an increase in crime and ultimately result in residents and businesses relocating to other locations.
 - (27) The buildings and establishments in which the activities and business operations described in subsections (18) and (19) of this section take place are conducive to and are often used for the commission of immoral, lewd, indecent or illegal acts, or are constructed, in part or in whole, of substandard materials and are maintained in a manner reflecting disregard for the health and safety of patrons and customers, and in violation of applicable building, fire and safety codes.
 - (28) The business operations and activities detailed in subsections (18) and (19) of this section frequently occur in commercial establishments either selling or allowing consumption of alcoholic beverages on the premises concurrent with the display of specified anatomical areas or straddle dancing.
 - (29) There is a direct relationship between the concurrence of the sale and consumption of alcoholic beverages with the activities described in subsections (18) and (19) of this section, and an increase in criminal activities, moral degradation and disturbances of the peace and good order of the community.
 - (30) The concurrence of the sale and consumption of alcoholic beverages with the activities described in subsections (18) and (19) of this section is hazardous to the health and safety of those persons in attendance, depreciates the value of adjoining real property, harms the economic welfare of the city and adversely affects the public's interest in the quality of life, tone of commerce, and total community environment in the city.
 - (31) In order to preserve the public peace and good order, and to safeguard the health, safety and welfare of the community and the citizens thereof, it is necessary and advisable to regulate and restrict the sale and consumption of alcoholic beverages in commercial establishments where the business operations and activities described in subsections (18) and (19) of this section occur.
 - (32) Physical contact within commercial establishments between persons exhibiting specified anatomical areas and patrons or spectators poses a threat to the individual health of both and promotes the spread of communicable and social diseases.

- (33) Personal advertising within close proximity to public thoroughfares disrupts traffic and poses a traffic hazard and a threat to the safety of citizens using those thoroughfares.
- (34) In order to preserve and safeguard the health, safety, morals and general welfare of the people of the city, it is necessary and advisable for the city to regulate the conduct of owners, managers, operators, agents, employees, entertainers, performers, and customers at establishments where the activities described in subsections (18) and (19) of this section occur.
- (35) The business operations and activities described in subsections (18) and (19) of this section are commercial ventures, operated for the purpose of making a profit, and as such are proper subject for regulation by the city in the interest of health, safety and welfare of the public.
- (36) Straddle dancing, as regulated under this article, does not contain any element of communication and is expressly found by the city council to be conduct rather than expression.
- (37) Straddle dancing in establishments poses a threat to the health of the participants and promotes the spread of communicable and social diseases.
- (38) The potential dangers to the health, safety and welfare of citizens posed by permitting an adult entertainment establishment to operate without first meeting the requirements of this article for the reasons stated in this section are so great as to require the inspection of the establishments prior to permitting them to initiate operations, and requiring periodic inspections thereafter.
- (39) Requiring employees of adult entertainment establishments to obtain an adult entertainment permit will help reduce incidents of criminal activities by facilitating the identification of potential witnesses or suspects, will provide a means of preventing minors from working in adult entertainment establishments, and will make it easier for health officials to control the spread of contagious diseases in such establishments.
- (40) Minors are customarily found in schools, churches, parks and residential areas. Prohibiting adult entertainment establishments from operating within close proximity of educational institutions, religious institutions, areas zoned for residential use and parks will serve to protect minors from the adverse effects of the activities that tend to accompany adult entertainment, as more fully described in subsection (17) of this section.
- (41) The combination of two or more classifications of adult entertainment establishments within the same building, premises or other structure tends to encourage such illicit, immoral or undesirable activities as set forth in subsection (21) of this section, which are harmful to the health and safety of patrons and the general community.
- (42) There may exist within the city commercial premises, commercial structures or parts thereof, which by reason of design and intended use of such premises or structures or parts thereof, are conducive to the spread of communicable disease found to be of danger to persons frequenting such premises, structures or parts thereof, and to the general public health, safety and welfare. The health, safety and welfare of all persons within the city must be protected through the application and enforcement of standards for such premises, structures or parts thereof, to eliminate the possibility of communicable, social and contagious diseases. Of specific danger is the sexually transmissible disease of Acquired Immune Deficiency Syndrome, which is currently found to be irreversible and uniformly fatal. The incidence of this disease is found to occur in discernible population groups, and the risk factors for obtaining or spreading the disease are associated with high-risk sexual activity and multiple partners. The commercial premises, buildings or structures where persons are placed at risk of infection from this disease are

necessarily subject to regulations and minimal standards for the prevention of this disease and for the general protection of the public health, safety and welfare.

(Code 1976, §2.1-6)

Sec. 10-42. Obscenity; exposure of minors.

Nothing in this article shall be construed to allow or permit the possession, distribution and transportation of obscene materials or to authorize the exposure of persons under 18 years of age to motion pictures, exhibitions, shows, representations and presentations of specified sexual activities or persons displaying or exhibiting specified anatomical areas. These matters are preempted to the state and are subject to state regulation, and it is not the intent of the city council to legislate with respect to preempted matters.

(Code 1976, §2.1-8)

Sec. 10-43. Public nudity.

It shall be unlawful for any person in any public place or in any commercial establishment within the corporate limits of the city to be found in a state of nudity or to expose or exhibit his sexual organs, unless expressly permitted. This section shall not be construed to prohibit the exposure of sexual organs in restrooms or in any other place provided or set aside for that purpose.

(Code 1976, §2.1-9)

Sec. 10-44. Hours of operation.

Adult bookstores, adult dancing establishments and adult motion picture theaters shall be allowed to operate during the hours of 10:00 a.m. to 10:00 p.m., Monday through Saturday, and shall be closed on Sundays.

(Code 1976, §2.1-10)

Sec. 10-45. Violations; presumptions.

The following presumptions shall apply in actions brought for violations of this article:

- (1) Any person who owns, operates, maintains or enters a commercial establishment, which advertises the premises of the commercial establishment to the general public that the establishment provides, allows or permits the exhibition or display of specified anatomical areas, or provides the notice provided in section 10-144, is presumed to be aware that the exhibition or display of specified anatomical areas is taking place in the establishment.
- (2) Any establishment which has received an occupational license to operate commercially is presumed to be a commercial establishment.

(Code 1976, §2.1-55)

Sec. 10-46. Evidence, proof used in prosecutions.

(a) In all actions, civil or criminal, for violation of this article, testimonial evidence that the beverage was an alcoholic beverage, beer or wine may be offered by any person who, by experience in the past in handling or using alcoholic beverages, beer or wine, or who by taste, smell or drinking of such liquids, has knowledge of the presence of the alcoholic content thereof or the intoxicating effect thereof.

(b) The presence of alcoholic content of any beverage, beer or wine may be shown by hydrometer or gravity test made in or away from the presence of the fact-finder by any person who has knowledge of the use of the instrument, but the production of such evidence is optional.

(Code 1976, §2.1-56)

Sec. 10-47. Service of notice.

Any notice required under this article shall be accomplished by sending a written notification by certified mail to the mailing address set forth on the application for the license or permit. This mailing address shall be considered the correct mailing address unless the city has been otherwise notified in writing.
(Code 1976, §2.1-57)

Sec. 10-48. Immunity from prosecution.

All officers and employees of the city who are acting within the scope of their duties and authority under this article shall be immune from prosecution, civil or criminal, for reasonable, good faith trespass upon an adult entertainment establishment while acting within the scope of their authority under this article.
(Code 1976, §2.1-58)

Sec. 10-49. Penalty.

Any person who violates any section of this article shall be prosecuted and punished in accordance with general law and the penalties provided by section 1-13. Such persons shall additionally be subject to suspension of his license or permit as provided in this article.
(Code 1976, §2.1-59)

Sec. 10-50. Powers of city council to prevent violations.

The city council may bring suit to restrain, enjoin or otherwise prevent the violation of this article in the circuit court of the county.
(Code 1976, §2.1-60)

Secs. 10-51 thru 10-65. Reserved.

Division 2. Administration

Sec. 10-66. Enforcement responsibility.

Ultimate responsibility for the administration of this article is vested in the city manager. The city clerk is responsible for issuing all licenses. The police chief is responsible for verifying all information contained on any application. The building department is responsible for the inspection of licensed premises and premises applying for a license in order to pass upon the construction and physical configuration of the premises involved, and for ascertaining compliance with all locational requirements of this article and all other applicable land use laws. The fire chief is responsible for the inspection of licensed premises and premises applying for a license to determine compliance with all fire prevention codes, statutes or ordinances in effect in the city.
(Code 1976, §2.1-16)

Sec. 10-67. Power, authority of administrative agencies.

When a provision of this article gives the police chief, the city clerk, the building department, the fire chief or the city manager the authority or duty to act, the authority or duty vests in the police chief, the city clerk, the head of the building department, the fire chief or the city manager or in any inspector or employee who is given the authority or duty to act in accordance with the administrative procedures of the agency or office concerned.
(Code 1976, §2.1-17)

Secs. 10-68 thru 10-85. Reserved.

Division 3. Establishment

Subdivision I. Generally

Secs. 10-86 thru 10-105. Reserved.

Subdivision II. License

Sec. 10-106. Required.

It shall be unlawful for an adult bookstore, adult motion picture theater or adult dancing establishment to do business without having first obtained a license under this chapter.

(Code 1976, §§2.1-18(a), 2.1-22)

Sec. 10-107. Classification.

(a) Licenses referred to in this division shall be classified as follows:

- (1) Adult bookstore.
- (2) Adult motion picture theater.
- (3) Adult dancing establishment.

(b) Each application for a license shall state the classification and location for which it is to be issued.

A license may be issued in only one classification and for only one location.

(Code 1976, §2.1-18(b))

Sec. 10-108. Application; application fee.

(a) *Required information and documents.* Any person desiring to engage in the business of operating an adult bookstore, adult motion picture theater or adult dancing establishment shall file with the city clerk a sworn application on forms supplied by the city clerk. The application shall contain the following information and shall be accompanied by the following documents:

- (1) If the applicant is:
 - a. An individual, the legal name and date of birth of the individual and all aliases used by the individual, together with his residence address.
 - b. A partnership or joint venture, the full name of the partnership or joint venture; the names and dates of birth of all the partners or joint adventurers whether general or limited; all aliases for each of the partners and/or joint venturers; if in existence, a copy of the written partnership or joint venture agreement; the residence address of all such persons; and certificate of compliance with fictitious name statute and authority to do business in Florida.
 - c. A corporation, the exact corporate name; the date of incorporation; evidence that the corporation is in good standing and if a foreign corporation, evidence it is authorized to do business in the state; the names, dates of birth and capacity of all of the officers, directors and principal stockholders; all aliases for each of the officers, directors and principal stockholders; the residence address of all such persons.

- d. An estate, trust, business trust or other fiduciary, the full name of the estate, trust, business trust or other fiduciary organization; the names of all fiduciaries and beneficiaries, dates of birth and all aliases for each fiduciary and beneficiary; the residence addresses of all such persons; and the residence of the estate, trust, business trust or other fiduciary organization.
 - (2) Written proof that the applicant is at least 18 years of age. In order to satisfy this requirement, the applicant shall provide, at a minimum, his social security number or certified copy of his birth certificate and his driver's license.
 - (3) If the business is to be conducted under a name other than that of the applicant, proof of compliance with any laws regulating use of fictitious names.
 - (4) Whether the applicant or any of the other individuals listed pursuant to subsection (a)(1) of this section have, within the five-year period immediately preceding the date of the application, been convicted of, or plead guilty or nolo contendere to, a specified criminal act, and, if so, the particular criminal act involved and the place and date of conviction or plea of guilty or nolo contendere.
 - (5) Whether the applicant or any of the other individuals listed pursuant to subsection (a)(1) of this section have had their license under this article previously suspended or revoked, have been prohibited from operating an adult business establishment by any federal or state court order, have been a partner or joint venturer in a partnership or joint venture, or an officer, director or principal stockholder of a corporation whose license under this chapter has previously been suspended or revoked, including the date of the suspension or revocation.
 - (6) The single classification of the license for which the application is being filed.
 - (7) Whether the applicant or any of the other persons in subsection (a)(1) of this section hold any other licenses under this article, and, if so, the number and location of such licensed premises.
 - (8) The proposed location of the proposed establishment, including a legal description, street address and name of the business.
 - (9) The names of the employees, if known, or if presently unknown or there will be no employee, a statement to that effect.
 - (10) A plan drawn to appropriate scale of the proposed licensed premises indicating the areas to be covered by the license, all windows, doors, entrances and exits and the fixed structural features of the proposed licensed premises. The term "fixed structural features" shall include walls, stages, immovable partitions, projection booths, admission booths, concession booths or stands, immovable counters and similar structures that are intended to be permanent.
 - (11) A photograph of the applicant taken within the 12 months immediately preceding the filing of the application, together with fingerprints taken by the police department, sheriff's department or another approved agency.
- (b) *Application fee.* Each application shall be accompanied by a nonrefundable fee of \$200.00 payable at the time the application is filed. If the application is approved, the fee shall be applied to the license fee required for the first year.

(c) *Complete application, fee required for review.* No application shall be reviewed until the city has received all information required by subsection (a) and the application fee required by subsection (b).
(Code 1976, §§2.1-12, 2.1-20)

Sec. 10-109. Investigation of application.

(a) Upon receipt of a license application under this division properly filed with the city clerk and upon payment of the application fee, the police department shall verify the information required by section 10-108. The building department and fire department shall also investigate the proposed licensed premises for compliance with this article and other applicable laws and regulations relating to construction, safety, fire protection, zoning and public health. At the conclusion of its investigation, each of the departments shall endorse on the application the results and findings thereof, recommending either approval or disapproval of the application. If any department recommends disapproval, the reasons therefor shall be stated in writing.

(b) In addition, the city manager shall cause a copy of the application to be forwarded to the county health department. If in the 30 days immediately preceding the submission of an application such applicant was a known carrier of any notifiable communicable disease, as defined by ch. 10D-3, Florida Administrative Code, or any successor thereto, the county health department shall notify the city manager and no permit shall be issued unless and until the applicant presents a statement from a licensed physician certifying that the applicant is free of all notifiable communicable diseases.
(Code 1976, §2.1-21)

Sec. 10-110. Disqualification.

(a) *Noncompliance of premises.* No license shall be issued if the city clerk, as a result of investigations by the building department, the police chief and the fire chief, determines that:

- (1) The proposed licensed premises do not meet each and every one of the general and special requirements for the type of license applied for as established by this article.
- (2) The proposed licensed premises do not meet the applicable building, zoning, health and fire codes, ordinances, statutes or regulations, whether federal, state or local.
- (3) False information is given in the application for license.

(b) *Issuance of license where prior license revoked or suspended.* No license shall be issued to:

- (1) Any person who has a license presently suspended or revoked under this article.
- (2) Any partnership or joint venture when a partner or joint venturer of which has a license presently suspended or revoked under this article.
- (3) Any corporation when an officer, director or principal stockholder of which presently has a license suspended or revoked under this article.
- (4) Any person who is or was at the time of suspension a partner in a partnership or an officer, director or principal stockholder of a corporation, whose license under this article is presently suspended or revoked.
- (5) Any estate, trust, business trust or related fiduciary relationship, where any fiduciary therein has a license presently suspended or revoked under this article.

(c) *Prohibited by law or court order.* No license shall be issued when its issuance would violate a statute, ordinance, law or when an order from any court of competent jurisdiction prohibits the applicant from obtaining an adult entertainment or occupational license in the city.
(Code 1976, §2.1-19)

Sec. 10-111. Issuance; denial; revocation; appeal.

(a) *Approval and issuance.* Upon the completion of the investigation of an application under this division by the police department, the building department and the fire department, the city clerk shall approve or disapprove the application. If approved, the city clerk shall issue the license.

(b) *Disapproval and denial.* If the police department, the building department or the fire department recommends disapproval, it shall indicate the reason therefor upon the application, or in a separate writing, and the city clerk shall deny the application. If the application is disapproved, the city clerk shall notify the applicant of the disapproval and the reasons therefor. Notification shall be by certified mail and shall be sent to the address on the license application, which shall be considered the correct address. Notwithstanding any other provision in this article, the city clerk shall deny any application for a license if the applicant has supplied false or untrue information. The city clerk shall approve or disapprove all applications within 45 days from the date a completed application has been submitted by the applicant. If the police department, fire department or building department does not provide any grounds for disapproval within 45 days from the date a completed application has been submitted, the city clerk shall issue the appropriate license applied for unless such use would violate the city land use regulations regarding location of such uses. No license shall be issued unless and until a conditional use has been granted.

(c) *Revocation.* Should a license be issued as a result of false information, misrepresentation of fact, or mistake of fact, it shall be revoked. If the license is revoked, the city clerk shall notify the licensee of the revocation and the reasons therefor. Notification shall be by certified mail and shall be sent to the address on the license application, which shall be considered the correct address.

(d) *Appeal.* Within 15 days after the mailing of a notice of denial, preliminary denial of an application for a license or a notification of the revocation of a license, the applicant or licensee may take an appeal to the city council as provided in section 10-118. If the city council finds that the application should be approved, it shall so order and, upon payment of the appropriate license fee provided in section 10-119, the city clerk shall issue the license. If the city council finds the license should not have been suspended or revoked, it shall notify the city clerk, who shall reissue the license.
(Code 1976, §§2.1-15, 2.1-16, 2.1-22)

Sec. 10-112. Limitation on licenses, licensed premises.

There shall be no limitation on the number of licenses issued under this article, but licensed premises shall observe the locational restrictions contained in division 5 of this article. However, no more than one license shall be issued and in effect for any single location within the city. A licensed premises may be owned by the licensee or the premises may be leased by the licensee from a person not a licensee under this article; provided, that a licensee who is tenant or lessee may not surrender the tenancy or lease to the owner or lessor if by so doing the owner or lessor will take possession, control and operation of the licensed premises and the business licensed under this article, unless the license is transferred as provided in section 10-115. Further, a licensee who is the owner of the licensed premises may not lease or otherwise give up possession, control and operation of the licensed premises and the business licensed under this article to any other individual, partnership or corporation, unless the license is transferred as provided in section 10-115.
(Code 1976, §2.1-23)

Sec. 10-113. Display of license; counterfeiting, mutilation, fraudulent use prohibited.

(a) All licensees licensed under this article shall display their licenses in conspicuous places on their licensed premises in a clear, transparent cover or frame. The license shall be available for inspection at all times by the public.

(b) It shall be unlawful for any person to, or cause to, counterfeit, mutilate, change, deface, alter, cover, obstruct or remove a license so displayed. Furthermore, it shall be unlawful for any person to fraudulently make use of, in any manner to such person's or another person's benefit, a license that has not been fully issued to such person in accordance with the provisions of this article.

(Code 1976, §2.1-24)

Sec. 10-114. Term of license; renewal.

(a) All licenses issued under this article, except new licenses, shall be annual licenses which shall be paid for on or before October 1 and shall expire on September 30 of the following year. A licensee beginning business after October 1 and before April 1 may obtain a new license upon application therefor and the payment of the appropriate license fee and such license shall expire on the following September 30. A licensee beginning business after March 31 and before October 1 may obtain a new license upon application therefor and the payment of one-half of the appropriate license fee required for the annual license and such license shall expire on September 30 of the same year. The provisions of this subsection shall not affect the provisions of section 10-115.

(b) A licensee under this article shall be entitled to renewal of the annual license from year to year, as a matter of course, on or before October 1 by presenting the license for the previous year or satisfactory evidence of its loss or destruction to the city clerk and by paying the appropriate license fee. Such renewal application shall contain the information required herein for an original license to the extent that such information is not duplicative. A license that is not renewed by October 1 of each year shall be considered delinquent and, in addition to the regular license fee, subject to a delinquency penalty of ten percent of the license fee for the month of October and an additional penalty of five percent of the license fee for each additional month, or fraction thereof, of delinquency until paid; provided, that the total delinquency penalty shall not exceed 25 percent of the license fee. All licenses not renewed within 120 days of September 30 will be revoked by the city clerk, unless such license is involved in litigation and revocation would result in the violation of a court order.

(Code 1976, §2.1-25)

Sec. 10-115. Transfer of license.

(a) When a licensee shall have made a bona fide sale of a business for which it is licensed under this article to conduct, the license issued under this article may be transferred to the purchaser of the business, but only if, before the transfer, the application of the purchaser is approved by the city clerk in accordance with the same procedure outlined for the issuance of new licenses. Before the issuance of any transfer of license, the transferee shall pay a transfer fee of ten percent of the appropriate annual license fee. Licenses issued under this article shall not be transferable in any way other than as provided in this section.

(b) No license may be transferred pursuant to subsection (a) of this section when the licensee has been notified by the city that suspension or revocation proceedings have been or will be brought against the licensee.

(Code 1976, §2.1-26)

Sec. 10-116. Licensee moving to new location; changing name of business.

(a) *New location.* A licensee may move a licensed premises to a new location and operate at the new location only upon compliance with all inspection and conditional use requirements of an original application. The licensee shall submit to the city clerk an application fee of \$150.00 at the time the application is filed. The

application will contain, or have attached to it, a plan drawn to appropriate scale of the licensed premises at the new location indicating the area to be included in the new licensed premises, all windows, doors, entrances and exits and the fixed structural features of the new licensed premises. The term "fixed structural features" shall have the same meaning as in section 10-108(a)(10). The application shall also contain the information required by section 10-108(a)(8). Upon approval of the application, there shall be issued to the licensee a license for the new location without the payment of any further fee.

(b) *Change of name.* No licensee may change the name of the business located at his licensed premises without first giving the city clerk 30 days' notice in writing of such change and without first making payment to the city clerk of a \$3.00 change-of-name fee. If the business is to be operated under a fictitious name, the license shall provide proof of compliance with all laws regulating use of fictitious names.
(Code 1976, §2.1-27)

Sec. 10-117. Suspension of license.

(a) *Violations of health, building, zoning or fire provisions, violations of Code.* If a licensed premises is found to be in violation of health, building, zoning or fire provisions or the provisions of this article, the appropriate department shall notify the licensee of the violation according to the standard procedures of the department, shall follow its normal department procedures for correcting the violation and shall grant the licensee the right to exhaust applicable administrative remedies. If the licensee fails either to correct the violation or to obtain an administrative review of the agency finding, the appropriate department shall notify the city clerk, who shall forthwith suspend or revoke the license without further proceedings and the licensee shall have no right of administrative appeal.

(b) *Other violations.* If a jury or other trier of fact in a court of law finds that a licensee has violated any section of this article, whether or not an adjudication of guilt has been entered, the city clerk shall forthwith suspend or revoke the license without further proceedings and the licensee shall have no right of administrative appeal.

(c) *Improper or illegal transfer.* If the city manager learns, or finds upon good cause, that a licensee engaged in a license transfer in violation of section 10-115, he shall immediately suspend the license and notify both the licensee and transferee of the suspension. The suspension shall remain in effect until the provisions of section 10-115 have been met.

(d) *Suspension of license.*

(1) *Procedure.* Upon receiving notice that a licensee has violated a provision of this article, as provided in subsections (a) and (b) of this section, the city clerk shall suspend the license issued for the premises where the violation occurred, unless otherwise provided in this section, and shall notify the licensee of his action. Notification shall be by certified mail or personal service and shall be sent to the address on the license application, which shall be considered the correct address.

(2) *Periods of suspension.*

a. A single violation of any provision of this article shall result in suspension of the adult entertainment license for 30 days. Upon a second violation of any provision of this article within a period of two years from the date of a prior violation, but not including any time during which the license was suspended, the license shall be suspended for 90 days. Upon a third violation of any provision of this article within a period of two years from the first of two violations, but not including any time during which the license was suspended, the license shall be suspended for 180 days.

- b. Owners of adult entertainment establishments are responsible for the acts of their employees. Two violations of this article within a 30-day period by the same employee, as determined by a jury or other trier of fact, shall result in the suspension for seven days of the adult entertainment license of the establishment where the employee works or performs. Upon a third violation of this article by the same employee within a period of 90 days from the date of a prior violation of this article, but not including any time during which the license was suspended, the license shall be suspended for four weeks. Upon a fourth violation of this article by the same employee within a period of 180 days from the first of three violations, but not including any time during which the license was suspended, the license shall be suspended for 180 days. Upon a fifth violation of this article by the same employee within a period of one year from the first of five violations, but not including any time during which the license was suspended, the license shall be suspended for one year.
 - c. The transfer or renewal of a license under this article shall not defeat the terms of this section.
 - d. All periods of suspension shall begin on the 15th day from the date the city clerk mails a notice of suspension to the licensee or on the date the licensee delivers his license to the city clerk, whichever comes first.
- (3) *Surrender of license required.* If a licensee, after having been mailed notice of the suspension of a license in the manner provided in this section, fails to surrender the license to the city clerk within 15 days or fails otherwise to account for the license to the satisfaction of the city clerk, the period of suspension of the license shall be extended and shall not expire until a period has elapsed after the date of surrender of the license, or after the date of expiration of the license, whichever comes first, which is identical in length with the original period of suspension.
- (4) *Reissuance.* When a license is suspended for a violation of a health, building, planning or fire provision or a provision of this article, as described in subsection (a) of this section, the license shall not be reissued until the violation is corrected.

(Code 1976, §§2.1-1--17, 2.1-28)

Sec. 10-118. Appeals.

(a) Appeals alleging error in the denial, suspension or revocation of a license or permit under this article shall be by petition for a formal hearing before the city council.

(b) A notice of intent to appeal shall be filed with the clerk of the city council within 15 days of the mailing of a notice of denial, suspension or revocation of a license or permit. Thereafter, and upon payment of a fee of \$50.00 to cover administrative costs, a hearing will be scheduled within 45 days. The clerk of the city council shall give the petitioning party at least ten days' written notice of the time and place for the hearing.

(Code 1976, §§2.1-18, 2.1-29)

Sec. 10-119. License fee.

- (a) *Levy of fees.* There are hereby levied the following annual license fees under this article:
 - (1) Adult bookstore: \$500.00.
 - (2) Adult motion picture theaters, as follows:
 - a. Having only adult motion picture booths, \$35.00 for each booth.

- b. Having only a hall or auditorium, \$3.50 for each seat or place.
 - c. Designed to permit viewing by patrons seated in automobiles, \$3.50 for each speaker or parking space, whichever is greater.
 - d. Having a combination of any of the foregoing, the license fee applicable to each under subsections (a)(2)a, b and c of this section.
- (3) Adult dancing establishment: \$500.00.

(b) *License fees as regulatory fees.* The license fees collected under this article are fees paid for the purposes of examination and inspection of licensed premises under this article and are declared to be regulatory fees in addition to and not in lieu of the occupational license taxes imposed by other sections of this Code. The payment of a license fee under this article shall not relieve any licensee or other person of liability for and the responsibility of paying an occupational license tax where the same is required by other sections of this Code, and for doing such acts and providing such information as may be required by those sections.

(c) *Inspections.* Periodic inspections of at least twice each year shall be made by the fire department and building department of each adult entertainment establishment in the city to determine compliance with the provisions of this Code.
(Code 1976, §2.1-30)

Sec. 10-120. Records and reports; consent by licensee.

Each licensee shall keep such records and make such reports as may be required by the city clerk, the police department, the building department and the fire department to implement this article and carry out its purpose. By applying for a license under this article, each person shall be deemed to have consented to the provisions of this article and to the exercise by the city clerk and other interested departments of the powers given them in this article.
(Code 1976, §2.1-31)

Secs. 10-121 thru 10-140. Reserved.

Subdivision III. Regulations for Licensed Establishments

Sec. 10-141. Requirements for premises.

In addition to the special requirements contained in sections 10-145, 10-146 and 10-147, each licensed premises shall:

- (1) Conform to all applicable building, zoning and land use statutes, codes or ordinances, whether federal, state or local.
- (2) Conform to all applicable fire statutes, codes or ordinances, whether federal, state or local.
- (3) Conform to all applicable health statutes, codes or ordinances, whether federal, state or local.
- (4) Have each and every glass area that faces a public thoroughfare or through which casual passersby can see the materials or activity inside the licensed premises covered over by black paint or other opaque covering; provided, that this requirement shall not apply if the uncovered glass area exposes to public view only a lobby or anteroom containing no material or activity other than a reception counter or desk and chairs or couches for customers to use while waiting.

- (5) Conform to the requirements of F.S. ch. 381 and the rules and regulations of the state department of health and rehabilitative services made pursuant thereto. Each licensed premises shall be deemed to be a place serving the public for the purpose of sanitary facilities.
- (6) Conform to the following minimum sanitary facilities requirements:
 - a. *Water supply.* The water supply must be adequate, of safe, sanitary quality, and from an approved source in accordance with provisions of chapter 17-22 of the Florida Administrative Code.
 - b. *Plumbing.* Plumbing shall be sized, installed and maintained in accordance with provisions of chapter 10D-9 of the Florida Administrative Code and any requirements of chapter 30 of this Code.
 - c. *Restrooms.* All toilet facilities must be of readily cleanable design and be kept clean, in good repair and free from objectionable odors. Restrooms must be vented to the outside of any building, be equipped with mechanical exhaust systems, and be well lighted. Floors shall be of impervious, easily cleanable materials. Walls shall be smooth, nonabsorbent and easily cleanable.
- (7) Within five working days of the first of each month, provide the city manager with a current listing of all employees and their positions.

(Code 1976, §2.1-36)

Sec. 10-142. Advertising.

No adult bookstore, adult motion picture theater or adult dancing establishment shall:

- (1) Display a sign advertising the presentation of any activity prohibited by Florida Statutes or ordinance of the county or the city.
- (2) Display a sign capable of leading a reasonable person to believe that the establishment engages in an activity prohibited by a Florida Statute or an ordinance of the county or the city.
- (3) Erect, install, maintain, alter or operate any sign in violation of chapter 30 of this Code.
- (4) Engage in, encourage or permit any form of personal advertising for the commercial benefit of the establishment or for the commercial benefit of any individual who displays or exhibits specified anatomical areas within the establishment.
- (5) Display signs on the exterior of the structure where the business is located, or upon any other property in the city, which utilize the depiction of the nude human figure, whether male or female, or words that refer to specified anatomical areas or specified sexual activities.

(Code 1976, §2.1-37)

Sec. 10-143. Notice required at entrance to certain area of bookstore.

An adult bookstore which displays material described in the definition of adult bookstore in a separate location not visible to the general public in such place shall contain the following sign on its entrance visible to anyone entering therein:

NOTICE

THIS ESTABLISHMENT OFFERS MATERIAL OR ENTERTAINMENT HAVING SEXUAL CONTENT. SUCH MATERIALS OR ENTERTAINMENT ARE FOR ADULTS ONLY. IF THIS OR NUDITY WOULD OFFEND YOU, DO NOT ENTER.

(Code 1976, §2.1-7(a)(2))

Sec. 10-144. Entrance to adult entertainment establishment.

(a) The entrance to any adult entertainment establishment shall be designed in such a manner that no person outside the building or property can see the materials or depictions of specified anatomical areas or specified sexual activities offered to patrons within the adult establishment.

(b) Immediately inside the entrance of any adult entertainment establishment there shall be posted a well-lighted sign which shall read as follows:

NOTICE

THIS ESTABLISHMENT OFFERS MATERIAL OR ENTERTAINMENT HAVING SEXUAL CONTENT. SUCH MATERIALS OR ENTERTAINMENT ARE FOR ADULTS ONLY. IF THIS OR NUDITY WOULD OFFEND YOU, DO NOT ENTER.

Such sign shall be clear and legible and the text thereof shall be set forth in letters of uniform size having a height of not less than one inch nor more than two inches.

(Code 1976, §2.1-38)

Sec. 10-145. Adult bookstores.

In addition to the general requirements contained in sections 10-141, 10-142 and 10-144, an adult bookstore shall observe the following special requirements:

- (1) All materials, devices and novelties shall be displayed so that they cannot be seen by anyone other than customers who have entered the licensed premises.
- (2) If recordings are offered for sale, lease or rental and customers may listen to them while on the licensed premises, soundproof booths or rooms shall be available for use by customers who desire to listen, and each such booth or room shall comply with the following:
 - a. Each booth shall be open or have a rectangular-shaped entranceway not less than 30 inches wide nor less than six feet high.
 - b. One clear window facing the major portion of the licensed premises, covering not less than three-fourths of the wall area into which the window is set, which window shall not be covered or obscured in any manner while the booth or room is in use.
 - c. Each booth shall not be occupied by more than one patron at any time.
 - d. All rear or side walls must be without holes or openings, except for a side opening to the main aisle.
 - e. All areas where a patron or customer is to be positioned must be visible from a continuous main aisle and not obscured by any curtain, door, wall or other enclosure.

- f. Lighting in the booth must be the same as that provided in the commercial premises, which must not be less than 50 footcandles.

(Code 1976, §2.1-39)

Sec. 10-146. Adult motion picture theaters.

In addition to the general requirements contained in sections 10-141, 10-142 and 10-144, an adult motion picture theater shall observe the following special requirements:

- (1) All areas where a patron or customer is to be positioned must be visible from a continuous main aisle and must not be obscured, either wholly or partially, by any curtain, door, wall, partition or other enclosure.
- (2) If the motion picture theater contains adult motion picture booths, each such booth shall comply with the following provisions:
 - a. Each adult motion picture booth shall be open or have a rectangular-shaped entranceway not less than 30 inches wide nor less than six feet high.
 - b. Each adult motion picture booth shall allow no more than one patron, with no more than one individual, separate seat or chair.
 - c. Adult motion picture booths, if there is more than one in an adult motion picture theater, shall open onto a common corridor, passageway or area that has an exitway or exit doorway, as defined in the Standard Fire Prevention Code, separate from the other required exits of the licensed premises. This exitway or exit doorway need not be in use during the normal course of business, but must be an exit doorway opening directly to the exterior.
 - d. Adult motion picture booths shall be lighted in such a manner that the persons in the area used for viewing motion pictures or other forms of entertainment are visible from the adjacent public rooms, but such lighting shall not be of such intensity as to prevent the viewing of the motion pictures or other offered entertainment.
 - e. Partitions between adult motion picture booths shall be considered nonbearing walls or partitions but they shall be so constructed as to have a fire resistance rating of not less than one hour, unless the area wherein the booths are located is sprinklered. Such walls or partitions shall be of solid construction without any holes or openings except for the entranceway provided in subsection (1) of this section.
- (3) An adult motion picture theater having only a hall or auditorium for the showing of film material shall be considered a place of assembly within the meaning of the building code and shall conform to the requirements therefor.
- (4) An adult motion picture theater having both adult motion picture booths and a hall or auditorium shall conform to the special requirements for both facilities; provided, that where the special requirements allow for common elements to be utilized or constructed, this may be done with the approval of the building department.
- (5) In addition to the sanitary facilities required by section 10-141, there shall be provided within or adjacent to the common corridor, passageway or area in adult motion picture theaters having adult motion picture booths adequate lavatories equipped with running water, hand-cleansing soap or detergent and sanitary towels or hand-drying devices. Common towels are prohibited.

- (6) An adult motion picture theater designed to permit viewing by patrons seated in automobiles shall have the motion picture screen so situated, or the perimeter of the licensed premises so screened, that the projected film material may not be seen from any public right-of-way or residential property, or property used for religious, educational or park purposes.

(Code 1976, §2.1-40)

Sec. 10-147. Adult dancing establishments.

In addition to the general requirements contained in sections 10-141, 10-142 and 10-144, an adult dancing establishment shall observe the following requirements:

- (1) Persons engaged in any performance, or if allowed for any reason, displaying or exposing specified anatomical areas, are prohibited from dancing or simulating any specified sexual activity with any patron, spectator, employee or other person on the premises of an adult dancing establishment.
- (2) No person in an adult dancing establishment shall engage in any performance, or if allowed for any reason, in the display or exposition of specified anatomical areas, except while the person is positioned in an entertainment area consisting of a platform or other structure raised 18 inches above the immediately surrounding area, encompassing an area of at least 100 square feet, and the platform or other structure has at least a three-foot area around it in which no spectator or patron shall be present.
- (3) No person shall be allowed in the area described in subsection (2) of this section, unless that person is engaged in a performance upon the platform described in subsection (2) of this section.
- (4) No person maintaining, owning or operating an adult dancing establishment shall suffer or permit the construction, maintenance or use of areas partitioned or screened from public view that are designed to be occupied, or are commonly occupied, alone or together by any person on the premises of the establishment for private performances, irrespective of whether the display or exhibition of specified anatomical areas is involved, if allowed, or not.
- (5) No person on the premises of an adult dancing establishment shall be permitted to use, or to be present in, an area partitioned or screened from public view that is designed to be occupied together or alone by any person on the premises of the establishment private performances, irrespective of whether the display or exhibition of specified anatomical areas is involved, if allowed, or not.
- (6) Nothing in this article pertaining to adult dancing establishments shall be construed to permit or authorize any acts or activities therein that are prohibited by state law or any ordinance of the city.
- (7) Obtaining permit by fraud. It shall be unlawful for any person to mutilate, or cause to counterfeit, change, deface, alter, cover, obstruct or remove a license so displayed. Furthermore, it shall be unlawful for any person to knowingly make any false, fraudulent or untruthful statement, either written or oral, or in any way knowingly to conceal any material fact, or to give or use any fictitious name in order to secure or aid in securing a permit required by this article and any such permit so secured shall be void.

(Code 1976, §2.1-41)

Secs. 10-148 thru 10-165. Reserved.

Division 4. Employees

Subdivision I. Generally

Secs. 10-166 thru 10-180. Reserved.

Subdivision II. Permit

Sec. 10-181. Required.

It shall be unlawful for any person to obtain employment in an establishment licensed under this article, for any form of consideration, or to exhibit, or display specified anatomical areas in an adult dancing establishment if required to be allowed by the United States Constitution or state constitution, unless such person shall have first obtained an adult entertainment permit from the city clerk.

(Code 1976, §2.1-42(a))

Sec. 10-182. Penalty.

Any person who violates the provisions of this division, or otherwise fails to secure a permit as required by this division, shall be prosecuted and punished in accordance with section 1-13.

(Code 1976, §2.1-42(k))

Sec. 10-183. Qualifications.

Employees of a licensee on a licensed premises shall not be less than 18 years of age and shall be eligible for work only if they comply with all federal, state and local laws.

(Code 1976, §2.1-42(b))

Sec. 10-184. Application; issuance.

(a) All present and prospective employees of an adult entertainment establishment shall file an application for an adult entertainment permit with the city clerk, together with payment of a nonrefundable \$50.00 application fee. Such permit application shall contain the following:

- (1) The applicant shall state his legal name and any aliases.
- (2) The applicant shall furnish a set of his fingerprints which have been taken by the police department, the sheriff's department or another approved agency.
- (3) The applicant shall present a recent photograph of himself which has been taken by the city manager or his designee.
- (4) The applicant shall state his mailing address and, if different, his address of residence.
- (5) The applicant shall state his driver's license number.
- (6) The applicant shall state whether he has, within the five-year period immediately preceding the date of the application, been convicted of a specified criminal act, and, if so, the specified criminal act involved, the date of conviction and the place of conviction.
- (7) The applicant shall indicate whether he has had a previous permit under this article which has been suspended or revoked, and, if so, the date of the suspension or revocation.

(8) The name, address and telephone number of the licensee where the applicant will be employed.

(b) There shall be submitted with each application for a permit proof of the applicant's age. Such proof may be provided by production of the applicant's driver's license, passport, or a certified copy of his birth certificate. If the applicant is unable to furnish any of such documents, a certificate from the public school authorities as to the age of the applicant upon entering school as required by F.S. §232.03, or the school authorities of the state where applicant enrolled in school, shall be submitted. Upon the inability of the applicant to establish a birth date as above provided, the same may be established in the order of preference as provided by F.S. §232.03. However, uncertified copies of such documents shall not be accepted. Any applicant who does not possess a driver's license, passport or certified copy of his birth certificate may obtain a temporary permit upon completion of all other requirements for an application and submission of a written request to the appropriate authority in his state of birth that certified evidence of his date of birth be provided to the city manager.

(c) The police chief shall submit the names of all applicants for an adult entertainment permit to the county health department. If, in the 60 days immediately preceding submission of an application an applicant was a known carrier of any notifiable communicable disease, as defined in chapter 10D-3, Florida Administrative Code, the health department shall notify the police chief and no permit shall be issued until the applicant presents a statement from a licensed physician certifying that the applicant is free of all notifiable communicable diseases. Any person applying for an adult entertainment permit shall be deemed to have consented to having the county health department notify the city clerk if the applicant is a known carrier of a notifiable communicable disease and shall be deemed to have waived any right he may have to maintain the privacy or confidentiality of such information.

(d) It shall be the duty of the city clerk to issue the applicant a written permit which shall be signed by the police chief, and shall bear the name, address, sex, age, signature, photograph and fingerprints of the applicant. The police chief shall procure the fingerprints and a photograph of the applicant and shall keep the same on permanent file in his office, which prints and photographs shall be furnished by the applicant at the time of filing his application. Upon delivery of the permit to the applicant, the applicant may begin working on the licensed premises as a permanent employee. The fee for an adult entertainment permit shall be \$50.00 per year. All persons licensed under this section shall display their licenses in conspicuous places. The license shall be available for inspection at all times by the public.

(Code 1976, §2.1-42(c))

Sec. 10-185. Reasons for denial.

The city clerk shall issue a permit within 30 days of receipt of the application under this subdivision unless the clerk finds that:

- (1) The correct license fee has not been tendered to the city, and, in the case of a check or bank draft, honored with payment upon presentation.
- (2) The applicant has knowingly made any false, misleading or fraudulent statements of fact in the license application or in any document required by the city in conjunction therewith.
- (3) The applicant is not over the age of 18 years.
- (4) The applicant does not have a valid health certificate card issued pursuant to this article.
- (5) The applicant and/or application does not meet all other requirements of this article.

(Code 1976, §2.1-42(d))

Sec. 10-186. Legal restraints on issuance.

No permit shall be issued when its issuance would violate a statute, ordinance, law or when an order from a court of law prohibits the applicant from obtaining an adult entertainment permit.
(Code 1976, §2.1-42(e))

Sec. 10-187. Responsibilities, duties of employer.

Any adult entertainment establishment holding a valid adult entertainment license issued pursuant to this article shall be permitted to provide its employees with current permit application forms approved by the city manager and to take the photograph of the applicant in a manner and with equipment approved by the city manager on the express condition that the establishment:

- (1) Require the employee to complete the application form and be photographed within one working day of the time the employee begins to work or perform in the establishment.
- (2) Mail a notice in writing to the city manager within one working day that the employee has begun to work or perform at the establishment.
- (3) Make the employee available for fingerprinting at a time and location to be determined by an agent appointed by the city manager, at which time and place the employee shall present to the agent the employee's completed application form and photograph.
- (4) On the first Monday of every month provide the city manager with a current listing of all employees and their positions.
- (5) In exchange for acceptance of the benefits provided by this section, waive any and all rights to challenge the permit requirements of this article.
- (6) Reimburse the city for reasonable additional expenses incurred pursuant to this section.
- (7) Be liable for damages to the city of \$250.00 per day per violation if any employee who performs in the establishment is not entitled to a permit.

(Code 1976, §2.1-42(f))

Sec. 10-188. Health certificate card.

(a) *Required.* Each employee for which a permit is issued under this article shall be required to obtain a health certificate card issued by a physician legally licensed to practice medicine in the state and residing in the county. Such card shall attest the fact that the bearer has been actually and thoroughly examined by the physician and that the examination disclosed the fact that such person was free from any infectious or contagious disease in a transmittable condition. The examination so required shall specifically include a chest X-ray and a standard blood test for syphilis, those tests necessary for determination of the presence of gonorrhea, herpes simplex I and II, and AIDS, whether in remission or not. All the information and test results thereof and the dates and other information required to be shown on the health certificate card, except the employee's signature, shall be placed thereon by the physician issuing the card or under his discretion and no such health certificate card shall be valid unless it contains all of the information shown to be required thereon.

(b) *Signature form.* A health certificate card required by this article shall bear the signature of the individual named thereon, the signature of the physician executing the examination and test upon which such certificate is based and shall be in the following form, which forms will be furnished to the physician by the city clerk upon request:

**CITY OF SATELLITE BEACH
HEALTH CERTIFICATE CARD**

Issued _____, 20_____.

This certificate is valid for one year only--Post conspicuously for inspection.

This certifies that _____

Address _____

Occupation _____

Employed at _____

Address _____

was actually and thoroughly examined for skin, eyes, ears, nose, throat, mouth, lungs and genitals.

And serological test as made: (date) _____

Chest X-ray (date) _____

Result _____

Others: _____

and found free from any infectious or contagious diseases in a transmittable condition.

Color eyes _____

Color hair _____

Height _____

Weight _____

Race _____

Sex _____

Age _____

Doctor: _____

Address _____

Doctor's Signature

State Lic. No. _____

Employee's Signature

(c) *Card valid for one year.* Each health certificate card issued under this article shall be valid one year only from the date of its issuance as shown thereon.

(d) *Obtaining card by fraud.* It shall be unlawful for any person to knowingly make any false, fraudulent or untruthful statement, either written or oral, to any examining physician, or in any way knowingly to conceal any material fact from such physician, or to give or use any fictitious name in order to secure or aid in securing a health certificate card required by this article and any such health certificate card so secured shall be void.

(e) *Fraudulent use of card.* It shall be unlawful for any person to fraudulently make use of, in any manner to his own or another's benefit or advantage, a health certificate card which was not duly issued to him in accordance with the provisions of this article.

(f) *Counterfeiting, changing, defacing card.* It shall be unlawful for any person to counterfeit or forge, or to change, deface or alter a health certificate card required by or issued under the provisions of this article.

(g) *Obtaining new card upon request of employer or city.*

(1) Every individual required by this article to have a health certificate card shall, upon the request of any employer or the police chief or his duly authorized agent, secure an adequate physical examination of himself by a duly licensed physician who has registered his license with the finance department of the city, in the manner provided in this article and secure in evidence thereof, a valid health certificate card meeting the requirements of this article. The fact that an individual who is requested to secure the examination has, at the time of the request, a valid health certificate card will not relieve the individual of the duty to secure another card before commencing or continuing in such employment or working in any such capacity.

(2) Upon the refusal or failure of any such individual to comply with the request of his employer or the police chief or his duly authorized agent to secure an examination and health certificate card, as provided in subsection (g)(1) of this section, if the individual so refusing has, at the time of such refusal or failure to comply with such request, a valid health certificate card, the card shall immediately be surrendered to the police chief or his duly authorized agent for cancellation, and it shall be unlawful for any such individual to fail or refuse to so surrender such card to the police chief or his duly authorized agent for cancellation. If the health certificate card of an individual so refusing to secure another examination and health certificate card is in the custody of the individual's employer or the agent or representative of the employer, the custodian or such health certificate card shall, upon such failure or refusal by the individual, immediately forward it to the police chief or his duly authorized agent for cancellation, and thereafter such individual shall not be allowed or permitted to work or continue working in any of the capacities for which a health certificate card is required by these regulations until such time as the individual shall present to his employer a valid health certificate card bearing a date of issue subsequent to the cancellation date of the individual's health certificate card.

(Code 1976, §2.1-42(g))

Sec. 10-189. Revocation; expiration and renewal.

(a) *Revocation.* Should a permit under this subdivision be issued as a result of false information, misrepresentations of fact or mistake of fact, it shall be void and shall be summarily revoked.

(b) *Expiration and renewal.* A permit under this subdivision shall expire one year from the date of issuance. A permittee under this subdivision shall be entitled to a renewal of his permit as a matter of course, except when the permit has been suspended or revoked, upon presentation of his previous permit or presentation of an affidavit as to its loss or destruction to the police chief.

(Code 1976, §2.1-42(h), (i))

Sec. 10-190. Possession of permit required.

(a) It shall be unlawful for an employee, as defined in this article, to work, perform or to exhibit or display specified anatomical areas in an adult entertainment establishment without an adult entertainment permit in his immediate possession at all times or within the establishment at the time of his performance.

(b) No person charged with violating this section shall be convicted if he produces his adult entertainment permit to the police chief within 72 hours of detention or in court.

(c) Upon receipt of a properly authenticated notification from the police chief verifying issuance of a valid permit, the clerk of the court is authorized to dismiss such cases at any time prior to the defendant's appearance in court.
(Code 1976, §2.1-42(j))

Sec. 10-191. Suspension of permit.

(a) *Procedure.* Upon receiving notice that a jury or other trier of fact in a court of law has found that a permittee violated any provision of this article, whether or not an adjudication of guilt has been entered, the city clerk shall suspend the permit and shall notify the permittee of his action. Notification shall be by certified mail and shall be sent to the address on the permit application, which shall be considered the correct address.

(b) *Periods of suspension.* A single violation of this article shall result in the suspension of the adult entertainment permit for 30 days. Upon a second violation of this article within a period of two years from the date of a prior violation of this article, but not including any time during which the permit was suspended, the permit shall be suspended for 90 days. Upon a third violation of this article within a period of two years from the first of three violations, but not including any time during which the permit was suspended, the permit shall be suspended for 180 days. All periods of suspension shall begin 15 days from the date on which the city clerk mails a notice of suspension to the permittee or on the date the permittee delivers his permit to the city clerk, whichever comes first.

(c) *Surrender of permit required.* If a permittee, after having been mailed notice of the suspension of his permit in the manner provided in this section, fails to surrender his permit to the city clerk within 15 days, the period of suspension of the permit shall be extended, and shall not expire, until a period has elapsed after the date of surrender of the permit, or after the date of expiration of the permit, whichever comes first, which is identical in length with the original period of suspension.
(Code 1976, §2.1-42(l))

Sec. 10-192. Appeal.

If an application for a permit under this division is denied or if a permit is suspended or revoked, the procedures specified in section 10-118 shall be available to the applicant or permittee in the manner therein specified. If the applicant or permittee does not appeal the denial, suspension or revocation of a permit, the applicant or permittee shall be deemed to have failed to have exhausted his administrative remedies.
(Code 1976, §2.1-42(m))

Sec. 10-193. Replacement of lost permits.

Replacements for lost permits shall be obtained by completing an application as required in section 10-184. All applications for replacement permits shall be accompanied by a \$35.00 fee.
(Code 1976, §2.1-42(n))

Sec. 10-194. Change of address, name or place of employment.

Whenever any person, after applying for or receiving an adult entertainment permit under this subdivision, shall move from the residential address named in such application, or that provided in the permit issued to him, or when the name of the permittee is changed by marriage or otherwise, or when the permittee takes on employment or begins to perform at an adult entertainment establishment not indicated in his application,

such person shall within ten days thereafter notify the city manager in writing of his old and new address, or of such former and new names.

(Code 1976, §2.1-42(o))

Sec. 10-195. Consent.

By applying for a permit under this division, the applicant shall be deemed to have consented to the provisions of this article and to the exercise by the city and its officers of its responsibilities under this article.

(Code 1976, §2.1-42(p))

Secs. 10-196 thru 10-210. Reserved.

Division 5. Additional Regulations

Sec. 10-211. Prohibited locations.

No person shall cause or permit the establishment, substantial enlargement or transfer of ownership or control of an adult bookstore, adult motion picture theater, adult massage establishment or an adult dancing establishment within 1,000 feet of another such establishment; within 500 feet of any institutional use or use for institutional purposes; within 500 feet of any preexisting religious institution or school; within 500 feet of an area zoned or used for residential use within the city; or within 1,000 feet of an establishment that in any manner sells or dispenses alcohol. The above distance requirements shall be considered locational only. Such uses shall be allowed only in the commercial or light industrial zoning districts of the city.

(Code 1976, §§2.1-21, 2.1-43)

Sec. 10-212. Measurement of distance.

Distance from a proposed adult entertainment establishment to an existing adult entertainment establishment, a residential area, a church, an establishment that sells or dispenses alcohol, or a school shall be measured from the nearest point that the property lines upon which such uses are located are to each other.

(Code 1976, §2.1-44)

Sec. 10-213. Exhibit or display of anatomical areas prohibited at alcoholic beverage establishments.

It shall be unlawful for any person maintaining, owning, managing or operating a commercial establishment, regardless of whether it is licensed under this article, to permit, sell or dispense or consume alcoholic beverages on the premises of the commercial establishment where the person knowingly, or with reason to know, permits or suffers any person on the premises to exhibit or display specified anatomical areas or employ any devices or coverings which are intended to give the appearance of specified anatomical areas. For purposes of this article, any persons present on the premises who are responsible for managing or supervising the day-to-day operations of the establishment shall be deemed to act as the licensee and their actions or knowledge shall be imputed to the licensee.

(Code 1976, §2.1-45)

Sec. 10-214. Exhibit or display of specified anatomical areas by employees or patrons of alcoholic beverage establishments prohibited.

It shall be unlawful for any owner, employee or patron of a commercial establishment, regardless of whether it is licensed under this article, to consume, possess or have custody of alcoholic beverages, where such person knowingly and willfully observes or participates in the exhibition or display of specified anatomical areas or the exhibition or display of any devices or coverings which are intended to give the appearance of specified anatomical areas.

(Code 1976, §2.1-46)

Sec. 10-215. Miscellaneous prohibited activities.

(a) It shall be unlawful for any person to operate an adult entertainment establishment where such person knows or should know that:

- (1) The establishment does not have an adult entertainment license.
- (2) The establishment has a license which is under suspension.
- (3) The establishment has a license which has been revoked or suspended.
- (4) The establishment has a license which has expired.

(b) It shall be unlawful for any person to be an operator of an adult entertainment establishment that does not comply with the general requirements for such uses as set forth in sections 10-141, 10-142 and 10-144 or the special requirements for the appropriate class of use set forth in section 10-145, 10-146 or 10-147.

(c) It shall be unlawful for an operator or employee, as defined in this article, to engage in specified sexual activities on the licensed premises. Notwithstanding any provision of this article to the contrary, it shall not be unlawful for any person or employee of a commercial establishment or adult entertainment establishment to expose specified anatomical areas in connection with the use of approved sanitary facilities commonly known as restrooms. However, specified anatomical areas shall be exposed or displayed only in connection with excretory functions.

(d) It shall be unlawful to display or expose the human genitals or pubic region, the areola of the female breast, and the cleavage of the human buttocks on a licensed premises where alcoholic beverages are sold, dispensed, permitted or consumed, except in connection with excretory functions. It shall be unlawful for an employee or operator to exhibit specified anatomical areas while selling or dispensing any form of food, beverage or drink.

(Code 1976, §2.1-47)

Sec. 10-216. Alcoholic beverages prohibited.

(a) The sale, dispensing, permitting or consumption of alcoholic beverages on the licensed premises of an adult entertainment establishment is prohibited.

(b) No person shall consume, possess or have custody or possession of alcoholic beverages while on the licensed premises of an adult entertainment establishment.

(Code 1976, §2.1-48)

Sec. 10-217. Minors.

(a) It shall be unlawful for any person to sell, barter or give, or to offer to sell, barter or give, to any minor any service, material, device or thing sold or offered for sale by an adult entertainment establishment, regardless of whether it is licensed under this article.

(b) It shall be unlawful for an operator of an adult entertainment establishment, regardless of whether it is licensed under this article, to knowingly, or with reason to know, permit, suffer or allow:

- (1) Admittance to the establishment of a person under 18 years of age.
- (2) A person under 18 years of age to remain at the establishment.

(3) A person under 18 years of age to purchase goods or services at the establishment.

(4) A person to work at the establishment as an employee who is under 18 years of age.

(Code 1976, §2.1-49)

Sec. 10-218. Straddle dancing prohibited.

(a) It shall be unlawful for any owner, employee, customer or patron of a commercial establishment, regardless of whether it is licensed under this article, to participate in, or to knowingly, or with reason to know, permit, suffer or allow, to perform or participate in a straddle dance, as that term is defined in section 10-36, while on the premises of a commercial establishment.

(b) No owner, licensee or employee, while on the premises or within the scope of an employee's employment, shall contract or agree to perform, for any form of consideration, a straddle dance regardless of where that performance takes place.

(Code 1976, §2.1-50)

Sec. 10-219. Sitting in lap prohibited.

(a) It shall be unlawful for an owner or employee, whether clothed or not, of a commercial establishment, regardless of whether it is licensed under this article, to sit in or otherwise occupy the lap of any customer or patron, while on the premises of a licensed establishment.

(b) It shall be unlawful for any customer or patron of a commercial establishment, regardless of whether it is licensed under this article, to sit in or otherwise occupy the lap of any owner, licensee or employee, whether such owner, licensee or employee is clothed or not while on the premises of a licensed establishment.

(c) For purposes of this section, "lap" means the area between the waist and knees of any individual.

(Code 1976, §2.1-51)

Sec. 10-220. Engaging in prohibited activity.

(a) It shall be unlawful for an operator or employee to touch with the hands specified anatomical areas of a customer or patron, whether the operator, employee or patron is clothed or not.

(b) It shall be unlawful for an operator or employee to permit a customer or patron of a premises to touch with the hands specified anatomical areas of an operator or employee, whether the operator or employee is clothed or not.

(c) It shall be unlawful for any operator or employee of an adult entertainment establishment, regardless of whether it is licensed under this article, to:

(1) Engage in any specified sexual activity at the establishment.

(2) Where the operator or employee knows or should know that alcoholic beverages are sold, offered for sale, dispensed or consumed, display or expose at the establishment less than completely and opaquely covered human genitals or pubic region, less than completely and opaquely covered cleavage of the human buttocks, less than completely and opaquely covered areola and nipple of the human female breast, or human male genitals in a discernibly turgid state, even if completely and opaquely covered.

- (3) Display or expose at the establishment less than completely and opaquely covered human genitals or pubic region, less than completely and opaquely covered cleavage of the human buttocks, less than completely and opaquely covered areola and nipple of the human female breast, or human male genitals, even if completely and opaquely covered, unless such employee is continuously positioned away from a person other than another employee, and unless such employee is in an area as described in section 10-147.
- (4) Engage in the display or exposure of any specified anatomical area while simulating any specified sexual activity with any other person at the establishment, including with another employee.
- (5) Engage in a private performance.
- (6) While engaging in the display or exposure of any specified anatomical area, intentionally touch any person at the adult entertainment establishment, excluding another employee.
- (7) Touch the clothed or unclothed body of any person at the adult entertainment establishment, excluding another employee, at any point below the waist and above the knee of the person, or to touch the clothed or unclothed breast of any female person.

(Code 1976, §2.1-52)

Sec. 10-221. Touching.

(a) It shall be unlawful for a customer or patron of a premises to touch with the hands specified anatomical areas of an owner or employee, whether the owner, licensee or employee is clothed or not.

(b) It shall be unlawful for a customer or patron of a premises to suffer or permit an owner or employee to touch with the hands specified anatomical areas of such customer or patron.

(c) It shall be unlawful for any person in an adult entertainment establishment, other than another employee, to intentionally touch an employee who is displaying or exposing any specified anatomical area at the adult entertainment establishment.

(d) It shall be unlawful for any person in an adult entertainment establishment, other than another employee, to intentionally touch the clothed or unclothed breast of any employee, or to touch the clothed or unclothed body of any employee at any point below the waist and above the knee of the employee.

(Code 1976, §2.1-53)

Sec. 10-222. Allowing employees to engage in prohibited acts.

It shall be unlawful for an owner, licensee or manager of an adult entertainment establishment, regardless of whether it is licensed under this article, to knowingly or with reason to know, permit, suffer or allow any employee to:

- (1) Perform any acts prohibited in section 10-220.
- (2) To allow such establishment to remain open for business, or to permit any employee to engage in a performance, solicit a performance, make a sale, solicit a sale, provide a service, or solicit a service, between the hours of 10:00 p.m. and 10:00 a.m. of any particular day.
- (3) It shall be unlawful for any employee of an adult entertainment establishment to engage in a performance, solicit a performance, make a sale, solicit a sale, provide a service, or solicit a service, between the hours of 10:00 p.m. and 10:00 a.m. of any particular day.

(Code 1976, §2.1-54(a))

Sec. 10-223. Alteration of license or permit.

(a) It shall be unlawful for any person to alter or otherwise change the contents of an adult entertainment license without the written permission of the county planning and development services department.

(b) It shall be unlawful for any person to alter or otherwise change the contents of an adult entertainment permit without the written permission of the sheriff of the county.
(Code 1976, §2.1-54(b))

Secs. 10-224 thru 10-300. Reserved.

ARTICLE III. RAVE CLUBS

Sec. 10-301. Legislative findings, intent, and purpose.

(a) The city finds and determines as a matter of fact that the late night and all night rave clubs and similar forums of assembly commonly referred to as "raves" are sites for the sale, possession and use of illicit drugs.

(b) The city finds such raves expose drug activity to the uninitiated youth of our city, and the exposure to drug activity occurring at such raves is often found to result in drug addiction, overdose and death of both juveniles and adults.

(c) The city finds raves provide an arena for predatory-type sexual crimes, and thus, for the protection of the city's youth, juveniles should not congregate in such social settings with adults. Further, similar regulation of raves is also necessary for the protection of adult victims of such crimes.

(d) The city finds raves are often times the sites for violent criminal activity, as well as street gang activity as defined in Chapter 874, Florida Statutes.

(e) The city finds that the dangerous criminal activity occurring at such raves occurs predominately in the late night and early morning hours.

(f) The city finds that the actions and conduct of rave patrons entering and exiting rave club establishments have a deleterious effect on nearby residential and commercial properties in terms of excessive noise, traffic and debris, and that such impacts are further exacerbated by the fact that rave patrons enter and exit such raves at extraordinarily late night and early morning hours when citizens have a reasonable expectation of peace and quiet.

(g) The city finds that the above-referenced problems associated with raves are unique and specific to such rave club establishments and are not prevalent in other types of unregulated places of assembly.

(h) It is the intent of the city to address the unique problems associated with raves by implementing rave club regulations for both juvenile and adult rave clubs to prevent rave club contact between juveniles and adults to prevent and/or reduce illicit or undesirable juvenile involvement and exposure to illegal drugs and dangerous criminal activity, and further to protect both juveniles and adults from criminal activity that occurs at such raves.

(i) Based upon the forgoing findings, the city council determines that the following purposes of the rave club regulations set forth herein are matters of legitimate, substantial and compelling governmental interests:

- (1) To protect juveniles and adults from illegal drug activity, including use, sale and drug abuse such as overdose, and to reduce, if not eliminate, such activity from occurring in rave clubs;
- (2) To protect juveniles and adults from violent criminal activity occurring in rave clubs;
- (3) To protect juveniles and adult victims from predatory-type sexual crimes occurring in rave clubs;
- (4) To protect juveniles and adults from gang-related activity occurring in rave clubs;
- (5) To reduce the amount of criminal activity occurring predominately in the late night and early morning hours;
- (6) To prevent the deleterious impacts of noise, traffic and debris on adjacent residential and commercial property that occur in the late night and early morning hours.

(Ord. 827, §1, 3-6-02)

Sec. 10-302. Definitions.

(a) For purposes of this article, the following terms shall have the following meanings, unless the context clearly indicates otherwise.

Adult rave club means any rave club whose patrons or admittees are and must be 18 years of age or older.

Conviction or convicted means the finding of guilt for a violation of a municipal or county ordinance or state or federal law, adjudication withheld on such a finding of guilt, an adjudication of guilt on any plea of guilty or nolo contendere or the forfeiture of a bond or bail when charged with a violation of a municipal or county ordinance or state or federal law.

Juvenile rave club means any rave club whose patrons or admittees are and must be 17 years of age or younger.

Knowingly means with actual knowledge of a specific fact or facts, or with reasonable inquiry, a reasonable person should have known a specific fact or facts.

Permit or rave club permit means a permit to operate a rave club.

Permittee means a person in whose name a permit to operate a rave club has been issued, as well as the individual listed as an applicant on the application for a rave club permit.

Person means any individual, corporation, partnership, firm, association, joint venture, estate, trust, business trust, syndicate, fiduciary, organization or legal entity of any kind, any lawful trustee, successor, assignee, transferee or personal representative thereof, and any and all other groups or combinations.

Rave club means any place, area or property which is operated either as an ongoing enterprise or undertaking or as a onetime event or a limited number of events, which is open to the public and which:

- (1) Has music either live or electronically produced or transmitted; and
- (2) Has space available for dancing or dancing is permitted, whether such dancing takes place or not; and

- (3) Allows free admission or admission by payment of a direct or indirect charge, fee, donation or any form of consideration, or by the purchase, possession or presentation of a ticket or token; and
- (4) Is not licensed or permitted to sell, serve or dispense alcoholic beverages for on-premises consumption, or permit alcoholic beverages to be consumed on premises.
- (b) Notwithstanding the foregoing, a "rave club" as defined herein, does not include:
 - (1) An establishment with a license reviewed and approved by the State of Florida and Brevard County to sell, serve or dispense alcoholic beverages for on-premises consumption;
 - (2) A bona fide dance studio where students are taught the art of dance or ballet;
 - (3) A private residence or residential facility from which the general public is excluded;
 - (4) A place owned and operated by the federal, state or local government;
 - (5) A place owned, leased or operated by a not for profit organization and sponsored or authorized by a bona fide law enforcement organization or federal, state, local government or school board; or
 - (6) An adult entertainment establishment, as defined in article II of this chapter that is lawfully established, existing, permitted and licensed under the provisions of this Code, during such hours of the day as said establishment is being lawfully and principally operated as an adult use.
 - (7) Rave club regulations means the regulations set forth in this article.

(Ord. 827, §1, 3-6-02)

Sec. 10-303. Permit required; application for permit.

- (a) No person may operate a rave club without a permit.
 - (b) A notarized application for a permit shall be made on a form provided by the city manager or the city manager's designee. The applicant must be qualified according to the provisions of this article.
 - (c) The applicant shall indicate whether the application is for a juvenile rave club or adult rave club. A permitted location may operate only one type of rave club, i.e., either juvenile or adult.
 - (d) A person who wishes to operate a rave club shall sign the application for a permit as applicant. If a person who wishes to operate a rave club is other than an individual, each individual who has a 20 percent or greater interest in the business must sign the application for a permit as an applicant. Each applicant must meet the requirements of section 10-304, and each applicant shall be considered a permittee if a permit is granted.
- (Ord. 827, §1, 3-6-02)*

Sec. 10-304. Requirements for issuance of permit; posting.

- (a) The city manager or the city manager's designee shall approve issuance of a rave club permit within 60 days after receipt of an application, unless the city manager or designee finds one or more of the following to be true:
 - (1) Any applicant is under 18 years of age.
 - (2) Any applicant failed to answer or falsely answered a question(s) or request for information on the application provided.

- (3) Any applicant was convicted of a violation of any rave club regulation within two years immediately preceding the application.
- (4) Any applicant failed to obtain a certification from the fire marshal that the rave club complies with all applicable provisions of the city's fire prevention and protection codes, relative to places of assembly, including but not limited to, maximum permitted occupancy load.
- (5) Any applicant failed to obtain a certification from the building official that the rave club complies with all applicable provisions of the Land Development Regulations, specifically including, but not limited to, parking.
- (6) Any applicant was convicted of a crime:
 - a. Involving:
 1. Any felony, or
 2. Any misdemeanor offense of Florida Statutes: chapter 784, assault; battery; culpable negligence; chapter 787, kidnapping; false imprisonment; luring or enticing a child; custody offenses; chapter 790, weapons and firearms; chapter 794, sexual battery; chapter 800, lewdness; indecent exposure; chapter 812, theft, robbery and related crimes; chapter 827 abuse of children; chapter 837, perjury; chapter 856, drunkenness; open house parties; loitering; prowling; desertion; chapter 562, selling, serving or giving alcoholic beverages to a minor; chapter 859, poisons; adulterated drugs; chapter 870, affrays; riots; routs; unlawful assemblies; chapter 874, street terrorism enforcement and prevention; chapter 877, miscellaneous crimes, and chapter 893, drug abuse prevention and control, as said chapters currently exist or may be amended from time to time, or
 3. Any violation of rave club regulations of any other city, county, state or government; and
 - b. For which:
 1. Less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense;
 2. Less than five years have elapsed since the date of conviction or the date of release from confinement for the conviction, or the date of release from confinement for the conviction, whichever is the later date, if the conviction is of a felony offense; or
 3. Less than five years have elapsed since the date of the last conviction or the date of release from confinement for last conviction, whichever is the later date, if the convictions are of two or more misdemeanor offenses or combination of misdemeanor offenses occurring within any 24 month period.

(b) The fact that a conviction is being appealed has no effect on the disqualification of the applicant under subsection (a) above.

(c) An applicant who has been convicted of an offense listed in subsection (a)(6)a. may qualify for a rave club permit only when the time period required by subsection (a)(6)b. has elapsed

(d) The application shall be reviewed by the police department, the fire department and the city manager or the city manager's designee for compliance with the provisions of this article. Review shall be conducted by the police department and the fire department within 30 days from the receipt of the application by the city manager or designee, and their comments forwarded to the city manager or designee for consideration in issuance of the permit in accordance with the provisions hereof.

(e) The city manager or designee, upon approving issuance of a rave club permit, shall send to the applicant, by hand delivery or U.S. mail, written notice of that action and state where the applicant must pay the permit fee and obtain the permit. The city manager's approval of the issuance of the permit does not authorize the applicant to operate a rave club until the applicant has paid all fees required by this chapter and obtained possession of the permit.

(f) The permit shall state on its face the name of the person(s) to whom it is granted, the expiration date, the address of the rave club, and whether it is issued for a juvenile rave club or adult rave club.

(g) The permit must be posted in a conspicuous place at or near the entrance to the rave club so that it may be easily read at any time.
(Ord. 827, §1, 3-6-02)

Sec. 10-305. Application and renewal fees.

The city council may, by resolution, establish non-refundable fees payable to the city for the city to review the contents of a rave club permit application and for each renewal permit issued under the terms of this chapter.
(Ord. 827, §1, 3-6-02)

Sec. 10-306. Persons under 18 years of age prohibited in adult rave club.

(a) No person under the age of 18 years may enter an adult rave club, unless accompanied by a parent or legal guardian.

(b) No person shall falsely represent himself or herself to be either a parent or legal guardian of another person under the age of 18 years for the purpose of gaining the admission of any person under 18 years into an adult rave club.

(c) No permittee or employee of an adult rave club shall knowingly allow a person under the age of 18 years to enter an adult rave club or remain on the premises of an adult rave club once said permittee or employee determines or should have determined that a person is under the age of 18 years.

(d) No permittee of an adult rave club shall maintain or operate the premises without posting a sign at each entrance to the business that reads: "IT IS UNLAWFUL FOR ANY PERSON UNDER EIGHTEEN (18) YEARS OF AGE TO ENTER THESE PREMISES WITHOUT A PARENT OR LEGAL GUARDIAN."
(Ord. 827, §1, 3-6-02)

Sec. 10-307. Persons age 18 years and over prohibited in juvenile rave clubs.

(a) No person over 18 years of age and over may enter a juvenile rave club except:

(1) A permittee or employee of the rave club;

(2) A parent or legal guardian of a rave club patron inside the rave club; or

(3) A governmental employee in the performance of official duties.

(b) No person shall falsely represent himself or herself to be under eighteen (18) years of age for the purpose of gaining admission to a juvenile rave club.

(c) No permittee or employee of a juvenile rave club shall knowingly allow a person 18 years of age or over to enter a juvenile rave club or remain on the premises of the juvenile rave club once said permittee or employee determines or should have determined that a person is 18 years or older.

(d) No permittee of a juvenile rave club shall maintain or operate the premises without posting a conspicuous sign at the entrance to the business that reads: "IT IS UNLAWFUL FOR ANY PERSON EIGHTEEN (18) YEARS OF AGE AND OVER TO ENTER THESE PREMISES WITHOUT A PARENT OR LEGAL GUARDIAN."

(Ord. 827, §1, 3-6-02)

Sec. 10-308. Hours of operation.

(a) No person shall operate a juvenile rave club during any hours other than from 4:00 p.m. to 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday, and from 4:00 p.m. on Friday to 12:01 a.m. of the following day, and from 1:00 p.m. Saturday to 12:01 a.m. of the following day. The establishment shall close and all customers, members and other persons in the rave club shall vacate the premises when it is required to close until the time that the establishment may next legally open for operation.

(b) No person shall operate an adult rave club during any hours other than from 1:00 p.m. to 2:00 a.m. of the following day. The establishment shall close and all customers, members and other persons in the rave club shall vacate the premises when it is required to close until the time that the establishment may next legally open for operation.

(Ord. 827, §1, 3-6-02)

Sec. 10-309. Security; paramedic.

(a) Whenever a rave club is open to the general public, the rave club permittee shall have on the premises, at the permittee's sole expense, the greater of either (i) three off-duty sworn law enforcement officers, or three private security officers having either a class D or class MS license as provided in chapter 493, Florida Statutes, or (ii) one off-duty sworn law enforcement officer, or one private security officer having a license described in (i) above, per 150 of the persons allowed under the maximum occupancy load for the structure in which the rave club is operated. The police chief may require a permittee to increase the number of off-duty law enforcement officers or licensed private security officers when a special event or limited engagement is scheduled to take place at a permitted rave club. Nothing in the subsection shall be construed to mean that the police chief must require law enforcement officers to serve in an off-duty capacity at a permitted rave club.

(b) Whenever a rave club is open to the general public, at least one certified and actively licensed paramedic, as provided in chapter 401, Florida Statutes, shall be present on the premises at the sole expense of the permittee.

(Ord. 827, §1, 3-6-02)

Sec. 10-310. Land development code; fire prevention; offenses.

No person shall operate a rave club in violation of any applicable provisions of the land development regulations of Chapter 30, Satellite Beach City Code, or Chapter 27, Satellite Beach City Code, or section 1-13,

Satellite Beach City Code, as those provisions may be amended from time to time.
(Ord. 827, §1, 3-6-02)

Sec. 10-311. Rave club supervisor.

- (a) A person who operates a rave club shall designate a person as the rave club supervisor and shall register that supervisor's name with the city manager or the city manager's designee.
- (b) The person designated as the rave club supervisor shall comply with the requirements set forth in section 10-304 for applicants.
- (c) The person designated rave club supervisor shall remain on the premises of the rave club during all hours of operation and until 30 minutes after closing to ensure that the operation is conducted in accordance with all rave club regulations set forth in this article.
(Ord. 827, §1, 3-6-02)

Sec. 10-312. Inspection.

- (a) Application for, and issuance of, any rave club permit shall constitute consent by the permittee for representatives of the city to enter and inspect the premises of the rave club at any time it is open for business or occupied for the purpose of verifying compliance with the law.
- (b) Any person who operates a rave club and any person designated as the rave club supervisor shall not refuse to permit the inspection of the premises of a rave club by a representative of the city at any time it is open for business or occupied.
(Ord. 827, §1, 3-6-02)

Sec. 10-313. Expiration of permit.

- (a) No permit for operation of a rave club shall be issued for a period greater than one year from the date of issuance. A permit may be renewed only by making application as provided in section 10-304. Application for renewal must be made at least 60 days before the expiration date, and if made less than 60 days before the expiration date, the expiration of an existing permit will not be affected by the pendency of the renewal application.
- (b) If the city manager or designee denies renewal of a permit, the applicant may not be issued any rave club permit for one year from the date denial becomes final. If, subsequent to denial, the city manager or designee finds that the basis for denial of the renewal permit has been corrected or abated, the applicant may be granted a permit if at least 90 days have elapsed since the date denial became final.
(Ord. 827, §1, 3-6-02)

Sec. 10-314. Suspension of permit.

The city manager or designee shall suspend a rave club permit for a period of time not to exceed 30 days if the city manager determines that a permittee or an employee of a permittee has committed any one or more of the following acts:

- (1) Violated any provisions of this article;
- (2) Engaged in the use, possession, consumption or dispensing of alcoholic beverages or illegal drugs on the rave club premises;
- (3) Refused to allow an inspection of the rave club premises as authorized in this article;

- (4) Knowingly permitted an intoxicated person to remain on the rave club premises;
- (5) Knowingly permitted gambling by any person on the rave club premises;
- (6) Knowingly permitted the possession, consumption, dispensing or sale of alcoholic beverages on the premises of a rave club;
- (7) Knowingly permitted the possession, consumption, sale of, or transactions involving, any illegal drugs, controlled substances or derivatives thereof on the premises of the rave club;
- (8) Knowingly allowed activities of any kind that violate article II of this chapter, which regulates adult entertainment.

(Ord. 827, §1, 3-6-02)

Sec. 10-315. Revocation of permit.

(a) The city manager or designee shall revoke a permit if a cause of suspension under section 10-314 occurs and the permit has been previously suspended within the preceding 12 months.

(b) The city manager or designee shall revoke a permit if the city manager determines that one or more of the following is true:

- (1) A permittee has given false or misleading information in the material submitted to the city during the application or renewal process.
- (2) A permittee or an employee has knowingly allowed possession, use or sale of controlled substances or any derivative thereof on the premises.
- (3) A permittee or an employee knowingly permitted dancing or a live performance during a period of time when the rave club permit was suspended.
- (4) A permittee has been:
 - a. Convicted of an offense listed in section 10-304(a)(6)a. for which the time period required in that section has not elapsed; or
 - b. Convicted of or is under indictment for any felony offense while holding a rave club permit.
- (5) While an employee of the rave club, and while on the permitted premises, a person has committed an offense listed in section 10-304(a)(6)a., for which a conviction has been obtained, two or more times within a 12 month period.

(c) The fact that a conviction is being appealed shall have no effect on the revocation of the permit.

(d) When the city manager or designee revokes a permit, the revocation will continue for one year, and the permittee shall not be issued any rave club permit for one year from the date revocation became final. If, subsequent to revocation, the city manager or designee finds that the basis for the revocation action has been corrected or abated, the applicant may be granted a permit if at least 90 days elapsed since the date the revocation became final. If the permit was revoked under subsection (b)(4) hereof, an applicant shall not be granted another permit until the appropriate number of years required under section 10-304(a)(6)b. have elapsed.

(Ord. 827, §1, 3-6-02)

Sec. 10-316. Appeals.

If the city manager or designee denies the issuance or renewal of a permit, or suspends or revokes a permit, the city manager or designee shall send the applicant or permittee, by certified mail, return receipt requested, written notice of the action and the right to an appeal. The aggrieved applicant or permittee may appeal the decision of the city manager to the city council in accordance with the following procedures. The filing of an appeal stays the action of the city manager or designee in suspending or revoking the permit until the city council makes a final decision on the appeal.

- (1) The aggrieved party may, not later than ten calendar days after receiving notice of the denial, file with the city clerk a written request for a hearing before the city council. Such request shall constitute notice of appeal.
- (2) If a written request is filed under subsection (a) hereof with the city clerk within the ten-day limit, the city council shall consider the request. The city clerk shall set a date for the hearing within 30 days from the date the written request is filed with the clerk.
- (3) The city council shall hear and consider evidence offered by any interested person to determine whether the city manager or designee properly denied issuance or renewal of the permit, or properly suspended or revoked the permit in accordance with the provisions of this article. During such hearing, the formal rules of evidence shall not apply.
- (4) By a proper vote, the city council shall either affirm or reverse the city manager's actions concerning the permit or application, in accordance with the provisions of this article. Any dispute of fact must be decided on the basis of a preponderance of the evidence. The decision of the city council is final.
- (5) If the city council affirms the city manager's denial or suspension or revocation, the aggrieved party may not re-apply for a rave club permit until at least 12 months have elapsed since the date of the city council's action.

(Ord. 827, §1, 3-6-02)

Sec. 10-317. Transfer of permit.

A permittee shall not transfer or assign a permit in any manner to another person, nor shall a permittee operate a rave club under the authority of a permit at any place other than the address designated in the application.

(Ord. 827, §1, 3-6-02)

Sec. 10-318. Penalties and remedies.

A person who operates or causes to be operated a rave club without a valid permit or in violation of any provision of this article shall be subject to the following penalties and/or remedies:

- (1) Suspension or revocation of the rave club permit.
- (2) Violations of this article may be punished as provided in section 1-13 of the Satellite Beach City Code.
- (3) Each day that any violation continues after receipt of written notice of such violation shall constitute a separate violation and a separate offense for purposes of the penalties and remedies specified herein.

- (4) In addition to the penalties and remedies above, the city may institute any appropriate action or proceedings to prevent, restrain, correct or abate a violation of this article, as provided by law.
(Ord. 827, §1, 3-6-02)

END CHAPTER 10