

Chapter 3

CABARET LICENSES

3-3-1: APPLICATION FOR LICENSE:

- A. Required: Any person who operates an association, restaurant, club or similar business which has an "on premises" liquor or beer license, and which allows customers, members, guests, visitors or other persons to dance, or which entertains their patrons with music or entertainers who sing or dance, shall make application to the city for a license in accordance with the terms and provisions of this chapter. (1995 Code § 14-5-1)
- B. Contents Of Application: The provisions set forth in chapter 1 of this title shall be controlling as to all matters relating to the requirements for application and issuance of a license, including exemptions, prorations, renewals, etc. (1995 Code § 14-5-2; amd. 2003 Code)

3-3-2: QUALIFICATIONS OF APPLICANT:

Each individual licensee must be over the age of twenty one (21) years, of good moral character and a citizen of the United States. No license shall be granted to any applicant who has been convicted of a felony or misdemeanor involving moral turpitude. If the applicant is a partnership, association or corporation, each partner, associate member or corporate officer or director shall meet all of the foregoing qualifications as if such applicant were an individual. (1995 Code § 14-5-3)

3-3-3: INVESTIGATION OF APPLICANT:

The city council shall require that a county or state police officer review all applications and examine local, state and national police records to determine the criminal history, if any, of the applicant. In addition, the city council may contact character references and obtain a statement as to the moral character of the applicant. Following such examination and investigation, the recommendations of the city council shall be made in writing to the city recorder. Those involved in applications for licenses under these ordinances shall be permitted access to all licensed premises, and shall make periodic inspections of said premises, reporting its findings to the city council and the administrator. (1995 Code § 14-5-4)

3-3-4: LICENSE PERIOD:

The license period for each license provided for in this chapter shall be one year, commencing July 1 and ending the following June 30 of each fiscal year. (1995 Code § 14-5-5)

3-3-5: FEE FOR LICENSE:

The license fee for each license shall be fifty dollars (\$50.00) annually. If the license is issued prior to July 1, the license fee shall be prorated for the full quarter in which the applicant commences operations under authority of his license. (1995 Code § 14-5-6)

3-3-6: ISSUANCE OF LICENSE; CONTENTS:

All licenses shall be issued by the city recorder under the seal of the city. Each such license shall specify by name the person, firm or corporation to whom it is issued, the period of time for which said license is effective, and shall designate the particular place at which the business shall be conducted. All licenses shall be signed by the mayor and attested to by the city recorder. (1995 Code § 14-5-7)

3-3-7: TRANSFERABILITY; REFUND OF FEES:

Licenses issued under this chapter are not transferable either to another person nor to another premises. A license fee may be refunded after a license has been issued and thereafter canceled on request of the licensee; providing, that no dance or entertainment permitted under said license has been commenced or performed. Any refund shall be based upon good cause being shown therefor as determined by the city council after examination of all facts and conditions relative to the application for refund. For any amount refunded, there shall be charged a sum for necessary accounting and bookkeeping services equal to ten percent (10%) of the amount determined to be refunded, said charge to be deducted from the amount refunded. There shall be no refunds of fees paid for licenses which have been suspended or revoked, such fees to be forfeited to the city. (1995 Code § 14-5-8)

3-3-8: DISPLAY OF LICENSE:

Each license issued pursuant to this chapter shall be displayed at all times on or in the licensed premises in a place readily visible to the public. (1995 Code § 14-5-11)

3-3-9: SUSPENSION OR REVOCATION OF LICENSE:

Any license issued pursuant to this chapter may, after a hearing, be suspended or revoked for the violation by the licensee of any provisions of this chapter or any other applicable ordinance or law, or if it should be determined that the licensee is no longer a fit person to hold a license under the standards set forth in this chapter. The city council shall hear and determine all suspension and revocation matters pursuant to the provisions of section 3-1-5 of this title. (1995 Code § 14-5-9)

3-3-10: OPERATING UNDER INVALID LICENSE:

If at any time a license under the provisions of this chapter is denied, suspended or revoked, it shall thereafter be unlawful for any person to continue to conduct any dance or entertainment for which a license was issued on the premises described in the denied application or the revoked license until such license is reinstated or a new one is issued by the city council. (1995 Code § 14-5-11)

3-3-11: PENALTY:

Violation of the provisions of this chapter is a class B misdemeanor and, upon conviction, shall be subject to penalty as provided in section 1-4-1 of this code. (1995 Code § 14-5-12; amd. 2003 Code)