

AN ORDINANCE amending Chapter 5, Alcoholic Beverages, of the Joplin City Code, adding a new Article V., Adult Businesses, providing for the definition of certain terms, regulating types of conduct, providing for the issuance and revocation of licenses; and containing an emergency clause.

WHEREAS, based on testimony, case law and other information before it, the City Council of the City of Joplin has made findings of fact regarding adult businesses and has determined that regulation thereof should be provided for under the City's police powers; and

WHEREAS, the City of Joplin has found that certain conduct occurring on premises offering adult entertainment is detrimental to the public health, safety, and general welfare of the citizens of the City and, therefore, such conduct must be regulated as provided herein; and

WHEREAS, the City of Joplin has found that businesses that provide adult entertainment are associated with and may promote criminal activity which constitutes an immediate threat to the public peace, health, morals and safety; and

WHEREAS, regulation of adult entertainment businesses is necessary because in the absence of such regulation, significant criminal activity and disruptive behavior has historically and regularly occurred; and

WHEREAS, it is necessary to regulate and license entertainers and servers in the adult entertainment industry to prevent the exploitation of minors; and

WHEREAS, it is necessary to have a licensee manager on the premises of establishments offering adult entertainment to ensure that at all times a person responsible for the overall operation of the business, including the actions of customers, entertainers and other employees, is present; and

WHEREAS, the license fees imposed by the regulations herein are reasonable fees imposed as necessary regulatory measures designed to help defray expenses incurred by the City in regulating adult entertainment businesses.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
JOPLIN, MISSOURI, as follows:

Section 1. That a new article, Article V., "Adult Businesses" be added to Chapter 5, Alcoholic Beverages, and a new section 5-91, Definitions, be added to read as follows:

"Article V. ADULT BUSINESSES."

Section 5-91. Definitions.

For purposes of this article, the following terms shall have the meanings set out in this section:

Adult entertainment. Any live exhibition, performance, display or dance of any type, including but not limited to, talking, singing, reading, listening, posing, serving food or beverages, soliciting for the sale of food, beverages or entertainment, pantomiming, modeling, removal of clothing, or any service offered for amusement on a premises if the entertainment involves a person who is nude or in such attire, costume or clothing as to expose to view any portion of the human genitals, pubic region, vulva, pubic hair, buttocks, female breast or breasts below a point immediately above the top of the areola or nipple or the human male genitals in a discernibly erect state, even if completely and opaquely covered.

Adult entertainment business. Any premises, including parking lots, sidewalks, or other areas under the control or supervision of an adult entertainment business, to which the public, patrons or members are invited or admitted and wherein an entertainer provides adult entertainment to a member of the public, a patron, or a member.

Employee. Any and all persons, including managers, entertainers and independent contractors, who work in or at or render any services directly related to, the operation of an adult business.

Entertainer. Any person who provides adult entertainment within an adult entertainment premises as defined in this section, whether or not a fee is charged or accepted for entertainment.

Manager. Any person who manages, directs, administers, or is in charge of the affairs and/or conduct of any portion of any activity involving adult entertainment occurring at any adult entertainment premises.

Operator. Any person operating, conducting or maintaining an adult entertainment business.

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Person. Any individual, partnership, corporation, trust, incorporated or unincorporated association, marital community, joint venture, governmental entity, or other entity or group of persons however organized.

Public place. Any area generally visible to public view and includes streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, and automobiles whether moving or not.

Server. Any person who serves food or drink at an adult entertainment business.

Specified anatomical areas. (1) Uncovered or exposed human genitals, pubic region or pubic hair; or buttock; or female breast or breasts below a point immediately above the top of the areola or nipple, or any combination of the foregoing; or (2) human male genitals in a discernible erect state, even if completely and opaquely covered.

Specified sexual activities. Sexual conduct, being actual or simulated, acts of human masturbation; sexual intercourse; or physical contact, in an act of apparent sexual stimulation or gratification, with a person's clothed or unclothed genitals, pubic area, buttocks, or the breast of a female; or any sadomasochistic abuse or acts including animals or any latent objects in an act of apparent sexual stimulation or gratification."

Section 2. That a new section, Section 5-92, License required for adult entertainment business, be added as follows:

"Section 5-92. License required for adult entertainment business.

A. It shall be unlawful for any person to operate or maintain an adult entertainment business in the City unless the owner, operator or lessee thereof has obtained an adult entertainment business license from the City, or to operate such business after such license has been revoked or suspended by the City.

B. It is unlawful for any entertainer, employee, manager or owner to knowingly perform any work, service or entertainment directly related to the operation of an unlicensed adult entertainment business.

C. The failure to post an adult business license in the manner required herein shall be *prima facie* evidence that an adult business has not obtained such a license. In addition, it shall be *prima facie* evidence that any entertainer, employee, manager

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or owner who performs any service or entertainment in an adult entertainment business in which an adult entertainment license is not posted, in the manner required by this section, had knowledge that such business was not licensed."

Section 3. That a new section, Section 5-93, License required for managers, servers and entertainers, be added as follows:

"Section 5-93. License required for managers, servers and entertainers.

It is unlawful for any person to work as an entertainer, server or manager at an adult entertainment business without first obtaining a license to do so from the City, or to work as an entertainer, server or manager at an adult entertainment business after such person's license to do so has been revoked or suspended."

Section 4. That a new section, Section 5-94, License, classification and fees, be added as follows:

"Section 5-94. License, classification and fees.

A. The license year for all fees required under this Division shall be from each April 15 through April 14. The application for a license shall be accompanied by payment in full of the fee stated in this section, and no application shall be considered complete until such fee is paid.

B. All licenses shall be issued for a specific location and shall be non-refundable and nontransferable.

C. The classification of licenses and fees for each shall be as follows:

1. Adult entertainment business license fee is \$500.00 per year;
2. Adult entertainment manager's license fee is \$25.00 per year;
3. Adult entertainer's license fee is \$25.00 per year;
4. Adult entertainment server's fee is \$25.00 per year."

Section 5. That a new section, Section 5-95, License application, be added as follows:

"Section 5-95. License application.

A. Adult Entertainment Business License.

All persons desiring to secure a license to operate an adult entertainment business under the provisions of this Division shall make a notarized application with the Chief of Police. All applications shall be submitted in the name of the person proposing to conduct or operate the adult entertainment business. All applications shall be submitted on a form supplied by the Chief of Police and shall require the following information:

1. The name, residence address, home telephone number, occupation, date and place of birth and social security number of the applicant.
2. The name of the adult entertainment business, a description of the adult entertainment to be performed on the licensed premises, and the name of the owner of the premises where the adult entertainment business will be located.
3. The names, residence addresses, social security numbers and dates of birth of all partners, if the applicant is a partnership; and if the applicant is a corporation, the same information for all corporate officers and directors and stockholders who own more than 10% or a greater interest in the corporation.
4. The addresses of the applicant, or of all partners, or of all corporate officers and directors for the five years immediately prior to the date of application.
5. A description of the adult entertainment or similar business history of the applicant, or of all partners, or of all corporate officers and directors, and whether any such person or entity, in previously operating in this or another city, county or state, has had a business license revoked or suspended, the reason therefor, and the activity or occupation subjected to such action, suspension or revocation.
6. A statement of the business, occupation or employment of the applicant, or of all partners, or of all corporate officers and directors for the three (3) years immediately preceding the date of the application.

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7. A statement from the applicant, or from each partner, or from each corporate officer and director, that each such person has not been convicted of, released from confinement for conviction of, or suspended imposition or execution of sentence on, or deferred from prosecution on:

- a. a felony criminal act within five (5) years immediately preceding the application, or
- b. a misdemeanor criminal act within three (3) years immediately preceding the application,

where such felony or misdemeanor criminal act involved moral turpitude, sexual offenses, prostitution, promotion of prostitution, sexual abuse of a child, pornography, or related offenses as defined in the Revised Statutes of Missouri, or involved controlled substances or illegal drugs or narcotics offenses as defined in the Missouri Controlled Substances Act or other statutes or ordinances.

The statement shall also indicate that the applicant, each partner or each corporate officer and director has not been convicted of a municipal ordinance violation or suspended imposition or execution of sentence on, or deferred from prosecution on a municipal ordinance violation, within three (3) years immediately preceding the application where such municipal ordinance violation involved moral turpitude, sexual offenses, indecent exposure, prostitution or sale of controlled substances or illegal drugs or narcotics.

8. A full set of fingerprints and a photograph, to be taken by the police department, of the applicant, or of all partners if the applicant is a partnership, or of all corporate officers and directors of the applicant is a corporation.

9. If the applicant is a corporation, a current certificate of registration issued by the Missouri Secretary of State.

10. A statement signed under oath that the applicant has personal knowledge of the information contained in the application and the information contained therein is true and correct and that the applicant has read the provisions of this Article regulating adult entertainment businesses.

Failure to provide the information and documentation required by this subsection shall constitute an incomplete application which shall not be processed.

B. Adult Entertainment Manager, Server or Entertainers License.

All persons desiring to secure a license under the provisions of this chapter to be an adult entertainment manager, server or entertainer shall make a notarized application with the Chief of Police. All applications shall be submitted in the name of the person proposing to be an adult entertainment manager, server, or entertainer. All applications shall be submitted on a form supplied by the Chief of Police and shall require the following information:

1. The applicant's name, home address, home telephone number, date and place of birth, social security number, and any stage names or nicknames used in entertaining.
2. The name and address of each adult entertainment business where the applicant intends to work as a manager, server or entertainer, and an "intent to hire" statement from an adult entertainment business that is licensed, or that has applied for a license, under the provisions of this chapter, indicating the adult entertainment business intends to hire the applicant to manage, serve or entertain on the premises.
3. A statement from the applicant, that the applicant has not been convicted of, released from confinement for conviction of, or suspended imposition or execution of sentence on, or deferred from prosecution on:
 - a. a felony criminal act within five (5) years immediately preceding the application, or
 - b. a misdemeanor criminal act within three (3) years immediately preceding the application,

where such felony or misdemeanor criminal act involved moral turpitude, sexual offenses, prostitution, promotion of prostitution, sexual abuse of a child, pornography, or related offenses as defined in the Revised Statutes of Missouri, or involved controlled substances or illegal drugs or narcotics offenses as defined in the Missouri Controlled Substances Act or other statutes or ordinances.

The statement shall also indicate that the applicant has not been convicted of a municipal ordinance violation or suspended imposition or execution of sentence on, or deferred from prosecution on a municipal ordinance violation, within three (3) years immediately preceding the application where such municipal ordinance violation involved moral turpitude, sexual offenses, indecent exposure, prostitution or sale of controlled substances or illegal drugs or narcotics.

4. A full set of fingerprints and a photograph, to be taken by the police department, of the applicant.

5. The applicant shall present to the Chief of Police who shall copy documentation that the applicant has attained the age of eighteen (18) years at the time the application is submitted. Any of the following shall be accepted as documentation of age:

- a. A motor vehicle operator's license issued by any state, bearing this applicant's photograph and date of birth;
- b. A state-issued identification card bearing the applicant's photograph and date of birth;
- c. An official and valid passport issued by the United States of America;
- d. An immigration card issued by the United States of America;
- e. Any other form of picture identification issued by a governmental entity that is deemed reliable by the Chief of Police; or
- f. Any other form of identification deemed reliable by the Chief of Police.

Failure to provide the information required by this subsection shall constitute an incomplete application and shall not be processed.

C. Application Processing.

Upon receipt of a complete application for an adult entertainment manager,

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server or entertainer license, the Chief of Police or his designee shall investigate such application to determine whether the information contained in the application is accurate and whether the applicant is qualified to be issued the license applied for. The Chief of Police shall be allowed twenty (20) days to conduct his investigation. If such information shall be true, then such license shall issue. If such application is denied, the applicant may request, without cost, a hearing before the Municipal Judge, who may, in his discretion, order such license to be issued. Such hearing shall occur within five (5) working days of request. If application be made for an adult entertainment business, the Chief of Police shall transmit a copy of the application to the Public Works Director, the Fire Chief and the Director of Finance. It shall be the duty of the Public Works Director and the Fire Chief to determine whether the structure where the adult business will be conducted complies with the requirements and meets the standards of the applicable health, zoning, building code, fire code and nuisance ordinances of the City. It shall be the duty of the Finance Director to verify any financial information in the application. The Public Works Director, the Director of Finance, and the Fire Chief shall report the results of the investigation to the Chief of Police not later than ten (10) working days from the date the application is received. Upon receipt of these reports, the Chief of Police, who shall have a minimum of twenty (20) days to investigate such application, shall transmit the application, and all such other information to the City Attorney for review."

Section 6. That a new section, Section 5-96, Examination of application, issuance of license, disapproval, be added as follows:

"Section 5-96. Examination of application, issuance of license, disapproval.

A. The City Attorney shall examine an application for an adult entertainment business license to determine if such application is true and not defective, illegal, or fraudulent, or that the applicant or his location is not disqualified. The City Attorney may undertake such investigation as he deems appropriate, but shall conclude such examination within ten (10) days. After such examination, the City Attorney shall approve the issuance of the license only if the appropriate license fee has been paid, applicant is qualified, and all the applicable requirements set forth herein are met. No license shall be approved for any person ineligible pursuant to the provisions herein. All incomplete applications shall be denied.

B. The records of the City Attorney shall show the action taken on the application, and if the license is granted, the City Attorney shall direct the Director of Finance to issue the proper license. The adult business license shall state that it is not transferable to other persons or entities and the calendar year for which it is issued. The license shall be kept posted in a conspicuous place in the place of business that

is licensed or where the licensee is working.

C. If an application for a license is disapproved, the applicant shall be immediately notified by registered or certified mail to the applicant's last known address, and the notification shall state the basis for such disapproval. Any person aggrieved by the disapproval of a license application may seek judicial review in a manner provided by law."

Section 7. That a new section, Section 5-97, License - Ineligibility & Disqualification, be added as follows:

"Section 5-97. License - Ineligibility & Disqualification.

A. An adult entertainment business application shall not issue if one or more of the following conditions exist:

1. The applicant's premises is located within 1000 feet of any school, church, public park, hospital, licensed child care center, or property zoned or used for residential purposes, which uses are located within the city limits. Measurements shall be made from the main public entrance of such premises by the most direct walking route;
2. The applicant's premises is located within 1000 feet of any other adult entertainment business for which there is a license issued. Measurements shall be made from the main public entrance of such premises by the most direct walking route;
3. The applicant knowingly or with reckless disregard, failed to supply all of the information requested on the application;
4. The applicant gave materially false, fraudulent or untruthful information on the application;
5. The applicant's proposed business premises does not comply with or meet the requirements of the applicable health, zoning, building code, fire and nuisance ordinances of the City, provided, that upon a showing that the premises meets said requirements and that the applicant is otherwise qualified, the application shall be eligible for reconsideration;

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6. The applicant has been convicted of, released from confinement for conviction of, or suspended imposition or execution of sentence on, or deferred from prosecution on any of the crimes set forth in Section 5-95 of this Code during the time period set forth in said section;

7. The applicant has had an adult business license revoked or suspended in this or any other City during the past five (5) years.

B. An application for an adult entertainment business manager, server or entertainer license shall not issue if one or more of the following conditions exist:

1. The employer for whom the applicant intends to work does not have or is ineligible to receive an adult entertainment business license for any of the reasons stated in subsection (a) above;

2. The applicant has been convicted of, released from confinement for conviction of, or suspended imposition or execution of sentence on, or deferred from prosecution on any of the crimes set forth in Section 5-95 of this Code during the time period set forth in said section;

3. The applicant failed to provide all of the information required on the application;

4. The applicant gave materially false, fraudulent or untruthful information on the application;

5. The applicant has had an adult entertainment manager, server or entertainer license revoked or suspended in this or any other city during the past five years.”

Section 8. That a new section, Section 5-98, Standards of Conduct, be added as follows:

“Section 5-98. Standards of Conduct.

The following standards of conduct in addition to any other standard of conduct described in this chapter, shall be adhered to by all adult entertainment business licensees, their employees and all adult entertainment business managers, servers and entertainers and patrons of adult entertainment businesses, while on or about the premises of the business:

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- A. Age restriction. Only persons eighteen (18) years of age or older shall be permitted on the premises of any adult entertainment business.
- B. Exterior observation. The premises of all adult entertainment businesses will be so constructed as to ensure that the interior of the premises is not observable from the exterior of the building. In addition, all windows will be covered to prevent viewing of the interior of the building from the outside and all doorways not constructed with an anteroom or foyer will be covered so as to prevent observation of the interior of the premises from the exterior of the building.
- C. Exterior display. No adult entertainment business will be conducted in any manner that permits the observation of live performers engaged in an erotic depiction or dance or any material or persons depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined herein, from any exterior source by display, decoration, sign, show window or other opening.
- D. Nudity Prohibited, Exceptions. No employee, server or entertainer in an adult entertainment business shall appear nude, unclothed, in less than opaque attire or in any fashion that exposes to view any specified anatomical area.
- E. Certain Acts Prohibited.
 - 1. No employee, server or entertainer shall perform any specified sexual activities as defined herein, wear or use any device or covering exposed to view which simulates any specified anatomical area, use artificial devices or inanimate objects to perform or depict any of the specified sexual activities as defined herein, or participate in any act of prostitution.
 - 2. No employee, server, entertainer or patron of an adult entertainment business shall knowingly touch, fondle or caress any specified anatomical area of another person, or knowingly permit another person to touch, fondle or caress any specified anatomical area of such employee, server, entertainer or patron, whether such specified anatomical areas are clothed, unclothed, covered or exposed.
 - 3. No employee, server or entertainer of an adult entertainment business shall be visible from the exterior of the adult entertainment business while such person is unclothed or in such attire, costume or clothing as to expose to view any specified anatomical area.
 - 4. No adult entertainer shall solicit, demand or receive any payment or gratuity from any patron or customer for any act prohibited by this chapter and no adult entertainer shall receive any payment or gratuity from any customer for any entertainment except as follows:

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a. While such entertainer is on the stage or platform, a customer or patron may place such payment or gratuity into a box affixed to the stage, or

b. While such entertainer is not on the stage or platform and is clothed so as to not expose to view any specified anatomical area, a customer or patron may either place such payment or gratuity into the entertainer's hand, or under a leg garter worn by such entertainer at least four (4) inches below the bottom of the pubic region.

5. No owner, operator, manager or other person in charge of the premises of an adult entertainment premises shall:

a. Knowingly permit alcoholic beverages, intoxicating liquor or non-intoxicating beer, to be brought upon or consumed on the premises, (unless otherwise permitted pursuant to Chapter 5, Alcoholic Beverages, of the City Code);

b. Knowingly allow or permit the sale, distribution, delivery or consumption of any controlled substance or illegal drug or narcotic on the premises;

c. Knowingly allow or permit any person under the age of eighteen (18) years of age to be in or upon the premises;

d. Knowingly allow or permit any act of prostitution or patronizing prostitution on the premises, or

e. Knowingly allow or permit a violation of this chapter or any other city ordinance provision or state law.

F. Signs Required. All adult entertainment businesses shall have conspicuously displayed in the common area in the interior of the premises at the principal entrance to the premises a sign, on which uppercase letters shall be at least two inches high, and lowercase letters at least one inch (1") high, which shall read as follows:

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"THIS ADULT ENTERTAINMENT BUSINESS IS REGULATED
AND LICENSED BY THE CITY OF JOPLIN

ENTERTAINERS ARE:

- * Not permitted to engage in any type of sexual conduct or prostitution on the premises or to fondle, caress or touch the breasts, pubic region, buttocks or genitals of any employee, patron or other entertainer or to permit any employee, patron or other entertainer to fondle, caress or touch the breasts, pubic region, buttocks or genitals of said entertainer.
- * Not permitted to be nude, unclothed, or in less than opaque attire, costume or clothing so as to expose to view any portion of the breasts below the top of the areola, or any portion of the pubic region, buttocks and/or genitals.
- * Not permitted to demand or collect any payment or gratuity from any customer for entertainment, except as follows:
 - While such entertainer is on the stage, by placing such payment or gratuity into a box affixed to the stage, or
 - While such entertainer is not on the stage, by either placing such payment or gratuity into the entertainer's hand, or under the entertainer's leg garter.

CUSTOMERS ARE:

- * Not permitted to be upon the stage at any time.
- * Not permitted to touch, caress or fondle the breasts, pubic region, buttocks or genitals of any employee, server or entertainer or engage in solicitation for prostitution."

G. Lighting Required. The premises of all adult entertainment businesses shall be equipped with overhead lighting of sufficient intensity to illuminate every place to which customers are permitted access at an illumination of not less than one footcandle as measured at the floor level, and such illumination must be maintained at all times that any customer or patron is present in or on the premises.

H. Closed Booths or Room Prohibited. The premises of all adult entertainment businesses shall be physically arranged in such manner that the entire interior portions of any booths, cubicles, rooms or stalls is visible from a common area of the premises. Visibility shall not be blocked or obscured by doors, curtains, drapes or any other obstruction whatsoever.

I. Ventilation and Sanitation Requirements. The premises of all adult

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entertainment businesses shall be kept in a sanitary condition. Separate dressing rooms and restrooms for men and women shall at all times be maintained and kept in a sanitary condition.

J. Hours of Operation. No adult entertainment business may be open or in use between the hours of 1:30 a.m. and 9:00 a.m. on any day other than a Sunday when the business may not be open between the hours of 1:30 a.m. and 12:00 noon."

Section 9. That a new section, Section 5-99, License - Posting or Display, be added as follows:

"Section 5-99. License - Posting or Display.

A. Every person, corporation, partnership, or association licensed under this chapter as an adult entertainment business shall post such license in a conspicuous place and manner on the adult entertainment facility premises.

B. Every person holding an adult entertainment server, manager or entertainer license shall post his or her license in his or her work area on the adult entertainment facility premises so it shall be readily available for inspection by City authorities responsible for enforcement of this chapter."

Section 10. That a new section, Section 5-100, Manager on Premises, be added as follows:

"Section 5-100. Manager on Premises.

A. An adult entertainment manager shall be on duty at any adult entertainment business at all times the premises is open for business. The name of the manager on duty shall be prominently posted during business hours.

B. It shall be the responsibility of the manager to verify that any person who provides adult entertainment or works as a server within the premises possesses a current and valid adult entertainer's license or an adult entertainment servers license and that such licenses are prominently posted."

Section 11. That a new section, Section 5-101, Inspector and Inspections, be added as follows:

"Section 5-101. Inspector and Inspections.

All adult entertainment businesses shall permit representatives of the Police

Department, Fire Department, or any other City official acting in their official capacity to inspect the premises during normal business hours as necessary to insure the business is complying with all applicable regulations and laws."

Section 12. That a new section, Section 5-102, Suspension, Revocation, or Non-Renewal - License, be added as follows:

"Section 5-102. Suspension, Revocation, or Non-Renewal - License.

Whenever the Chief of Police has information that:

- A. The owner or operator of an adult entertainment business or a holder of an adult entertainment manager, server or entertainer license, has violated, or knowingly allowed or permitted the violation of, any of the provisions of this chapter; or
- B. There have been recurrent violations of provisions of this chapter that have occurred under such circumstances that the owner or operator of an adult entertainment business knew or should have known that such violations were committed; or
- C. The adult entertainment business license or the adult entertainment manager, server or entertainer license was obtained through false statements in the application for such license, or renewal thereof; or
- D. The adult entertainment business licensee or the adult entertainment manager, server or entertainer licensee failed to make a complete disclosure of all information in the application for such license, or renewal thereof; or
- E. The owner or operator, or any partner, or any corporate officer or director holding an adult entertainment business license has become disqualified from having a license by a conviction as provided in Section 5-95 A.; or
- F. The holder of an adult entertainment manager, server or entertainer license has become disqualified from having a license by a conviction as provided in Section 5-95 B.
- G. Refusal, without just cause, to permit the inspection of the premises pursuant to Section 5-101.

Then the Chief of Police shall:

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If such person is an adult entertainment manager, server, or entertainer, inform the City Attorney who may institute revocation proceedings in the Municipal Court; or if such person is the holder of the adult business license, make this information known to the City Council, which upon five days' written notice to the person holding the license shall conduct a public hearing to determine whether the license should be suspended or revoked. The City Council may pass a resolution setting forth the procedures for the conduct of such hearings. Based on the evidence produced at the hearing, the governing body may take any of the following actions:

1. Suspend the license for up to ninety (90) days;
2. Revoke the license for the remainder of the license year;
3. Place the license holder on administrative probation for a period of up to one (1) year, on the condition that no further violations of the chapter occur during the period of probation. If a violation does occur and after a hearing the violation is determined to have actually occurred, the license will be revoked for the remainder of the license year."

Section 13. That a new section, Section 5-103, Renewal, be added as follows:

"Section 5-103. Renewal.

A. A license may be renewed by making application to the Chief of Police on application forms provided for that purpose. Licenses shall expire on April 15 of each calendar year, and renewal applications for such licenses shall be submitted between March 1 and March 15.

B. Upon timely application and review as provided for a new license, a license issued under the provisions of this chapter shall be renewed by issuance of a new license in the manner provided in this chapter.

C. If the application for renewal of a license is not made during the time provided in Subsection A. of this section, the expiration of such license shall not be affected, and a new application shall be required."

Section 14. That a new section, Section 5-104, Judicial Review - Stay of Enforcement of Orders, be added as follows:

"Section 5-104. Judicial Review - Stay of Enforcement of Orders.

Following the entry of an order by the City Council, suspending or revoking a license issued pursuant to this chapter, such licensee or applicant may seek judicial review in a manner provided by law. The City Council may stay enforcement of such order for a period of time not to exceed thirty days pending the filing and/or final disposition of proceedings for judicial review."

Section 15. That a new section, Section 5-105, Penalty, be added as follows:

"Section 5-105. Penalty.

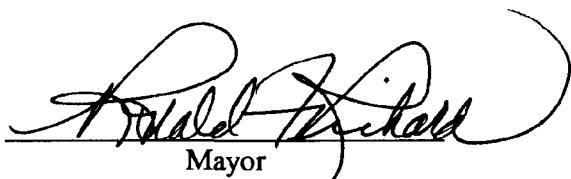
Any person who violates this section, upon conviction, may be punished in accordance with Section 1-5 of this Code. In addition, the City may seek injunctive relief to enjoin repeated violations of this Code."

Section 16. Severability is intended throughout and within the provisions of this Ordinance. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Ordinance.

Section 17. That this Ordinance, dealing with the immediate preservation of public health and safety is an emergency within the meaning of Section 2.12(1) of the Home Rule Charter of the City of Joplin, Missouri, and, as such, shall be in full force and effect immediately from and after its adoption and approval.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this 19th

day of April, 1996.



Mayor

ATTEST:

Mary A. Davis
City Clerk

APPROVED AS TO FORM:

K. M. Schell
Assistant City Attorney