

plemental to the special exception uses authorized within the districts, as of the effective date of the ordinance from which this article derives. (Code 1988, § 2.5-102)

Sec. 10-178. Special exception use approval.

Before an adult entertainment establishment is approved, the planning and zoning board of adjustment shall determine that the creation of the use is in the public interest and, in making this determination, shall be satisfied that:

- (1) The location, size, operating and other characteristics of the proposed establishment shall be compatible with and shall not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood.
- (2) No adult entertainment establishment shall be allowed unless it complies with the distance requirements specified in section 10-176 or unless the planning and zoning board waives these distance requirements after finding that all appropriate regulations of this article will be observed, the spirit and intent of this article will be observed, and that the proposed use will not be contrary to the public interest or injurious to nearby properties.

(Code 1988, § 2.5-103)

Sec. 10-179. Measurement of distance.

For the purposes of this article, the distance from a proposed or existing adult entertainment establishment to a preexisting adult entertainment establishment, a preexisting religious institution, a preexisting educational institution, an area zoned for residential use, an area designated on the future land use map of the comprehensive plan as residential, preexisting residence, preexisting park, or preexisting commercial establishment that sells or dispenses alcohol for on-premises consumption shall be measured by drawing a straight line between the closest property lines of the proposed or existing adult entertainment establishment and the preexisting adult entertainment establishment, preexisting religious institution, preexisting educational institu-

tion, area zoned for residential use, area designated on the future land use map of the comprehensive plan as residential, preexisting residence, preexisting park or preexisting commercial establishment that sells or dispenses alcohol for on-premises consumption. (Code 1988, § 2.5-104)

Sec. 10-180. Residential zoning.

If an area is zoned residential for the first time or an area is rezoned for residential use and lies within 1,000 feet of an existing adult entertainment establishment, the adult establishment shall be considered an existing nonconforming use, from the effective date of the rezoning ordinance. (Code 1988, § 2.5-105)

Secs. 10-181—10-205. Reserved.

DIVISION 6. ALCOHOLIC BEVERAGES*

Sec. 10-206. Exhibit or display of certain anatomical areas by employees or patrons prohibited.

It shall be unlawful for any employee of a commercial establishment, regardless of whether it is licensed under this article, where the employee knows or should have known that alcoholic beverages are on the premises, to exhibit or display the human genital or pubic region, the human buttocks or the areola of the human female breasts. (Code 1988, § 2.5-121)

Sec. 10-207. Straddle dancing by employees or patrons.

(a) It shall be unlawful for any employee, customer or patron of a commercial establishment, regardless or whether it is licensed under this article, to participate, while on the premises, in a straddle dance, as that term is defined in this article, where the employee, customer or patron knows or has reason to know that alcoholic beverages are sold, dispensed or brought onto the premises for consumption on the premises.

*Cross reference—Alcoholic beverages generally, ch. 6.

(b) No employee, while on the premises or within the scope of his employment, shall contract or agree to perform, for any form of consideration, a straddle dance and actually perform the straddle dance, regardless of where such performance takes place.

(c) It shall be unlawful for a customer or patron of a premises to touch with the hands an employee's pubic area or genitals, whether the employee is clothed or not.

(Code 1988, § 2.5-122)

Sec. 10-208. Exception for restroom use.

Notwithstanding any section 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.

(Code 1988, § 2.5-123)

Sec. 10-209. Responsibility of employers.

(a) Under this article, employers of commercial establishments within the city are responsible for the acts of their employees.

(b) It shall be unlawful for any person maintaining or operating a commercial establishment, regardless of whether it is licensed under this article, where the person knows or has reason to know that alcoholic beverages are on the premises of the commercial establishments, to knowingly or with reason to know permit, suffer or allow any employee on the premises to perform or participate in a straddle dance, as broadly defined by this article, or to exhibit or display the human genital or pubic region, the cleavage of the human buttocks, or the areola of the human female breast.

(c) Any establishment which has received occupational license to operate commercially is presumed to be a commercial establishment.

(Code 1988, § 2.5-124)

Sec. 10-210. Proof.

(a) In all actions, civil or criminal, for violation of this article, testimonial evidence that a 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 1988, § 2.5-125)

Secs. 10-211—10-240. Reserved.

ARTICLE III. RESERVED*

Secs. 10-241—10-249. Reserved.

ARTICLE IV. PROHIBITION OF COMMERCIAL GAMING DEVICES

Sec. 10-250. 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:

Commercial establishment means any establishment, whether operated for profit or not, that exchanges goods, product, services, or property of any kind for compensation or donation, or facilitates the exchange of goods, services, or property of any kind for compensation or donation in the ordinary course of trade, business, or fundraising, regardless of the land use designation assigned to the location of the commercial establishment.

*Editor's note—Ord. No. 12-23, § 3, adopted May 24, 2012, repealed §§ 10-241—10-245, which pertained to musical or entertainment festivals and derived from §§ 13-61—13-65 of the 1988 Code.

Commercial gaming device means any electronic, mechanical or electromechanical device that, by the use or insertion of coin, bill, token, slug, form of payment, passcode, electronic or magnetic card in conjunction with the device or other reader or system connected or networked to the device or with the aid of some physical act by the user or commercial establishment representative, the device will allow an operator to use, play or operate the device such that the device displays simulated or actual games of chance, slot machine games, spinning wheels, line ups or arrangements of objects, symbols, colors, fruit, numbers or letters, or any game known as or similar to keno, roulette, faro, game at cards, poker, blackjack, "Fruit Paradise," "New Cherry," "Fruit Bonus," "Triple Jack," "Magical Odds," "Mystery J&B," "Klondike," or "Reel of Fortune" in such a way as to display, disclose or reveal whether the user is to receive or become entitled to receive a payout, jackpot, or prize, which may include money, credits, tokens, or anything of value, or anything that may be exchanged for money, credits, tokens or anything of value, regardless of whether such payout, jackpot, or prize is made automatically from the device or other reader or system connected or networked to the device, or manually, and such device is located and used, played or operated in or at a commercial establishment in connection with the promotion, sale or purchase of good(s), product(s) or service(s). The term commercial gaming device further includes, without limitation, a "slot machine" as defined by F.S. § 849.16. "Commercial gaming device" shall not be construed so as to preclude the lawful use or possession of: (i) reverse vending machines authorized pursuant to F.S. § 849.16(2), (ii) amusement games or machines authorized pursuant to F.S. § 849.161, (iii) bingo, instant bingo or pull tab machines or dispensers operated in accordance with F.S. § 849.0931, (iv) a State of Florida lottery device authorized by Florida Statutes, or (v) any other device expressly authorized by and complying with the Florida Statutes and the Florida Administrative Code. Commercial gaming device shall not be construed to include devices not otherwise prohibited by general law that are not located in or at a commercial establishment and are used, played or operated for non-

commercial purposes (i.e., not in connection with the promotion, sale or purchase of goods, products or services).

Person means an individual, association, partnership, limited liability company, joint venture, not for profit corporation, corporation, or a director, executive, manager or officer of an association, partnership, limited liability company, joint venture, not for profit corporation, or corporation. (Ord. No. 11-03, § II, 1-11-11)

Sec. 10-251. Prohibition of commercial gaming device.

It is unlawful for any person to possess, use, play, or operate a commercial gaming device within the municipal boundaries of the city. Each individual use, play, operation or possession of a commercial gaming device shall be a separate violation of this section. A violation of this section shall constitute a public nuisance. (Ord. No. 11-03, § II, 1-11-11)

Sec. 10-252. Remedies and penalties.

In the event that a violation of this article occurs, the city shall have the right to one or more of the following remedies or actions:

- (a) Institute code enforcement proceedings and prosecute code violations against the violator and the property owner of the real property where the violation occurs;
- (b) Prosecute the violator for a criminal misdemeanor punishable by a fine not exceeding \$500.00 or imprisonment for a term not exceeding 60 days, or by both such fine and imprisonment in the discretion of the court;
- (c) Issue a civil citation as a class IV violation to the violator for each violation in accordance with chapter 2, article II, division III;
- (d) Institute any appropriate action to bring about compliance or remedy, including but not limited to, instituting an action in court to enjoin violating actions, in which case the violating person shall be liable to

the city for reimbursement of the city's attorneys' fees and costs concerning such action; and

- (e) Take any other action or remedy authorized by law or in equity, in which case the violating person shall be liable to the city for reimbursement of the city's attorneys' fees and costs concerning such action.

(Ord. No. 11-03, § II, 1-11-11)

Chapters 11—13

RESERVED

Chapter 14

ANIMALS*

Article I. In General

Sec. 14-1. Animal control ordinances adopted; enforcement and fines.
Secs. 14-2—14-30. Reserved.

Article II. Farm Animals

Sec. 14-31. Hogs.
Sec. 14-32. Area required to keep livestock.
Sec. 14-33. Buildings and coops.
Sec. 14-34. Cattle—Location.
Sec. 14-35. Same—Enclosure and sanitation.
Sec. 14-36. Poultry—Number limited; sanitation; location.
Sec. 14-37. Same—Dressing for commercial use.
Sec. 14-38. Same—Nuisance.
Secs. 14-39—14-65. Reserved.

Article III. Reserved

***Cross reference**—Environment, ch. 38.
State law reference—Animal care and control, F.S. ch. 828.

