



ZONING ORDINANCE CHANGE PETITION REVIEW REPORT

Petition Number: Z19-03

Petitioner: City of Ballwin
1 Government Center
Ballwin, MO 63011

Commission Review Date: October 7, 2019

Requested Action: Zoning Ordinance Regulation Change

Code Section: Zoning Ordinance: Chapter 14, Article IX.-Adult Oriented Business and Adult Services Providers

Background:

In 2008 the City adopted language regarding the operations of Adult Oriented Businesses and Adult Service Providers. Over the course of the past year City Officials has been reviewing the Zoning Code and updating it as need. The proposed additions to the existing provision in Chapter 14, Article IX is the next step in our process.

Proposal Description:

The sections in the proposed ordinance will provide additional regulations and clarification as to where and how Adult Oriented Businesses and Adult Service Providers can locate and operate their establishments.

Respectfully Submitted,

A handwritten signature in blue ink that reads "Andy Hixson".

Andy Hixson
Assistant City Administrator



Bill No. _____

Ordinance No. _____

INTRODUCED BY
ALDERMEN UTT, FINLEY, STALLMANN, ROACH, FLEMING, LEAHY, KERLAGON, BULLINGTON

AN ORDINANCE PROVIDING FOR THE ZONING AND REGULATION OF ADULT ORIENTED BUSINESSES AND ADULT SERVICE PROVIDERS.

WHEREAS, the Board of Aldermen of the City of Ballwin has determined that public health and safety require specific zoning and regulation of Adult Oriented Businesses and Adult Service Providers; and

WHEREAS, The Board of Aldermen previously adopted Chapter 14, Article IX with respect to the regulation of Adult Oriented Businesses and Adult Service Providers; and

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF BALLWIN, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. Appendix A, Article IX, Section 2 of the Code of Ordinances of the City of Ballwin shall be amended by adding a new Subsection (1)(33) thereto, as follows:

(33) Adult Oriented Businesses and Adult Service Providers, as defined in Chapter 14, Article IX of this Code. No adult oriented business or adult service provider shall be operated or maintained within 300 feet of any school property, child daycare center property or church property and may not be operated or maintained within 1,500 feet of another Adult Oriented Business or Adult Service Provider.

Section 2. Chapter 14, Article IX of the Code of Ordinances of the City of Ballwin shall be amended by repealing Subsection 14-612(1) and adding a new Subsection 14-612(l) thereto, as follows:

(l) A patron may not place any money on the person or in or on the costume of an adult service provider while the adult service provider is nude or semi-nude. No patron may directly tip or provide a gratuity to an adult service provider, at any time.

Section 3. Chapter 14, Article IX of the Code of Ordinances of the City of Ballwin shall be amended by adding new Subsections 14-612(o) and 14-612(p) thereto, as follows:

(O) The sale or consumption of alcohol within an adult oriented business or the premises of an adult service provider is prohibited.

(P) With the exception of the cashier, employees and contractors of an adult oriented business or adult service provider must remain a distance of four (4) feet away from all customers.



Bill No. _____

Section 4. Chapter 14, Article IX, Section 14-601 of the Code of Ordinances of the City of Ballwin shall be amended by adding a new definition of Adult Retail Store, as follows:

Adult Retail Store as used in this Article, means a commercial establishment which devotes more than 1/3 of its total retail sales floor area to any of the following:

- (1) The sale or rental, for any form of consideration, books, magazines, periodicals, photographs, films, motion pictures, video cassettes or video reproductions, slides, or other printed or visual matter that predominantly depict or describe "specified sexual activities" or "specified anatomical areas";
- (2) The sale or rental of instruments, devices, or paraphernalia that are designed for use in connection with "specified sexual activities", excluding condoms and other birth control and disease prevention products;
- (3) The regular exclusion of all minors from the premises because of the sexually explicit nature of the items sold, rented or displayed therein.
- (4) For the purpose of determining one-third (1/3) of the total retail sales floor area, display items shall be clearly separate from the remaining merchandise and shall not be visible from the remaining two-thirds (2/3) of the retail sales floor area, separated by a solid non-transparent partition, and shall not be visible from the exterior of the business.

An application for a business license for an Adult Retail Store shall include an accurate, to scale floor plan or diagram of the business premises clearly showing the configuration of the premises, including a statement of total floor space occupied by the business, the place at which the license will be conspicuously posted, if granted, the location of all manager's stations and overhead lighting fixtures, and clearly designating all portions of the premises in which patrons will not be permitted. Each diagram shall be oriented to the north or to some designated street or object and shall be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six inches. The licensing officer may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared;

Section 5. This ordinance shall take effect and be in full force from and after its passage and approval.



Bill No. _____

PASSED this ____ day of _____, 2019.

TIM POGUE, MAYOR

APPROVED this ____ day of _____, 2019.

TIM POGUE, MAYOR

ATTEST: _____
ROBERT KUNTZ, CITY ADMINISTRATOR

ARTICLE IX. - ADULT ORIENTED BUSINESS AND ADULT SERVICE PROVIDERS

Sec. 14-601. - 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 arcade means any place to which the public is permitted or invited and in which coin-operated or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images involving specific sexual activities or specific anatomical areas to persons in booths or viewing rooms.

Adult bookstore or adult video store means a commercial establishment that offers for sale or rent any of the following as one of its principal business purposes:

- (1) Books, magazines, periodicals or other printed matter, photographs, films, motion pictures, video cassettes or video reproductions or slides or other visual representations that depict or describe specific sexual activities or specific anatomical areas; or
- (2) Instruments, devices or paraphernalia that are designed for use in connection with specific sexual activities.

Adult live entertainment establishment means an establishment that features either:

- (1) Persons who appear in a state of nudity; or
- (2) Live performances that are characterized by the exposure of specific anatomical areas or specific sexual activities.

Adult motion picture theater means a commercial establishment in which for any form of consideration films, motion pictures, video, cassettes, slides or other similar photographic reproductions that are characterized by the depiction or description of specific sexual activities or specific anatomical areas are predominantly shown.

Adult oriented business means adult arcades, adult bookstores or adult video stores, cabarets, adult live entertainment establishments, adult motion picture theaters, adult theaters, massage establishments that offer adult service or nude model studios.

Adult oriented business manager or "manager" means a person on the premises of an adult oriented business who is authorized to exercise overall operational control of the business.

Adult service means dancing, serving food or beverages, modeling, posing, wrestling, singing, reading, talking, listening or other performances or activities conducted for any consideration in an adult oriented business by a person who is nude or seminude during all or part of the time that the person is providing the service.

Adult service business means a business establishment or premises where any adult service is provided to patrons in the regular course of business.

Adult service provider or "provider" means any person who provides an adult service.

Adult theater means a theater, concert hall, auditorium or similar commercial establishment that predominantly features persons who appear in a state of nudity or who engage in live performances that are characterized by the exposure of specific anatomical areas or specific sexual activities.

Booth means a partitioned area, in which coin or token operated video machines, projectors or other electronically or mechanically controlled devices are used in the regular course of business to produce still or moving picture images characterized by depiction of specific sexual activities or specific anatomical areas.

Cabaret means an adult oriented business licensed to provide alcoholic beverages pursuant to chapter 3 of this Code.

Chief of police means the chief of police of the city or the chief of police's designee.

City administrator means the administrator of the City of Ballwin or the administrator's designee.

Employee means any person hired, engaged or authorized to perform any service on the premises of an adult service business, including an adult service provider, whether denominated as an employee, independent contractor or otherwise.

Enterprise means a corporation, association, labor union or other legal entity, as provided in Revised Statutes of Missouri.

License means the license required by this article as a condition to conducting an adult oriented business.

Licensee means a person or enterprise holding an adult oriented business license issued under this article, including those persons required to provide information under section 14-605 herein.

Manager's station means a permanently designated area marked accordingly within an adult oriented business where an adult oriented business manager is located in the normal course of operations.

Massage establishment means an establishment in which a person, firm, association or corporation engages in or permits massage activities, including any method of pressure on, friction against, stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating of external soft parts of the body with the hands or with the aid of any mechanical apparatus or electrical apparatus or appliance. This definition shall not apply to:

- (1) Physicians and surgeons licensed by the state board of registration for the healing arts;
- (2) Dentists licensed by the Missouri dental board who confine their practice strictly to dentistry;
- (3) Optometrists licensed by the state board of optometry who confine their practice strictly to optometry, as defined in RSMo 336.010;
- (4) Nurses licensed by the state board of nursing who confine their practice strictly to nursing;
- (5) Chiropractors licensed by the state board of chiropractic examiners who confine themselves strictly to the practice of chiropractic, as defined in RSMo 331.010;
- (6) Podiatrists licensed by the state board of chiropody or podiatry who confine their practice strictly to that of a podiatrist, as defined in RSMo 330.010;
- (7) Professional physical therapists licensed by the state board of registration for the healing arts who confine their practice strictly to professional physical therapy, as defined in RSMo 334.500;
- (8) Coaches and physical education instructors in the performance of their duties;
- (9) Apprentice athletic trainers who confine themselves strictly to their duties as defined in RSMo 334.700 to 334.725.
- (10) Athletic trainers from other nations, states, or territories performing their duties for their respective teams or organizations if they restrict their duties only to their teams or organizations and only during the course of their teams' or organizations' stay in this the city.

Nude model studio means a place in which a person who appears in a state of nudity or who displays specific anatomical areas is observed, sketched, drawn, painted, sculptured, photographed or otherwise depicted by other persons who pay money or other consideration. Nude model studio does not include a proprietary school that is licensed by the State of Missouri or a college, community college or university that is supported entirely or in part by taxation, a private college or university that maintains or operates educational programs in which credits are transferable to a college, community college or university supported entirely or partly by taxation, or a structure to which the following apply:

- (1) A sign is not visible from the exterior of the structure and no other advertising appears indicating that a nude person is available for viewing; and

- (2) A student must enroll at least three days in advance of the class in order to participate; and
- (3) No more than one nude or seminude model is on the premises at any time.

Nude, nudity or state of nudity means any of the following:

- (1) The appearance of a human anus, or female breast below a point immediately above the top of the areola.
- (2) A state of dress which fails to opaquely cover a human anus, genitals or female breast below a point immediately above the top of the areola.

Patron means a person invited or permitted to enter and remain upon the premises of an adult oriented business, whether or not for consideration.

Permit means the permit required by this article to engage in the activities of an adult service provider or an adult oriented business manager.

Principal business purposes means that a commercial establishment derives 50 percent or more of its gross income from the sale or rental of items listed in subsections (1) and (2) of the definitions in this section of "adult bookstore" or "adult video store".

Seminude means a state of dress in which clothing covers no more than the genitals, pubic region and female breast below a point immediately above the top of the areola, as well as portions of the body that are covered by supporting straps or devices.

A specific anatomical area means any of the following:

- (1) A human anus, genitals, pubic region or a female breast below a point immediately above the top of the areola that is less than completely and opaquely covered.
- (2) Male genitals in a discernible turgid state even if completely and opaquely covered.

A specific sexual activity means any of the following:

- (1) Human genitals in a state of sexual stimulation or arousal.
- (2) Sex acts, normal or perverted, actual or simulated, including acts of human masturbation, sexual intercourse, oral copulation or sodomy.
- (3) Fondling or other erotic touching of the human genitals, pubic region, buttocks, anus or female breast.
- (4) Excretory functions as part of or in connection with any of the activities under subsection (1) through (3) above, of specific sexual activities.

(Ord. No. 06-08, § 1, 1-23-06)

Sec. 14-602. - Purpose.

The principal purpose of this article is to establish licensing procedures and regulations for adult oriented businesses and facilities, and their employees, within the City of Ballwin. The procedures and regulations contained herein are designed to accommodate these types of businesses and facilities while still recognizing the need to promote the public health, safety and general welfare of the citizens of the City of Ballwin.

(Ord. No. 06-08, § 1, 1-23-06)

Sec. 14-603. - Administration.

- (a) The administration of this article, including the duty of prescribing forms, is vested in the administrator, except as otherwise specifically provided. The chief of police shall render such

assistance in the administration and enforcement of this article as may be requested by the administrator.

- (b) License or permit applications made pursuant to this article shall be submitted to the administrator who shall grant, deny, suspend or revoke licenses or permits in accordance with the provisions of this article.
- (c) Licenses issued pursuant to this article shall be valid for a period of one year from date of issuance.
- (d) Permits issued pursuant to this article shall be valid for a period of three years from the date of issuance.

(Ord. No. 06-08, § 1, 1-23-06)

Sec. 14-604. - Adult oriented facilities business license required.

- (a) A person or enterprise may not conduct an adult oriented business without first obtaining an adult oriented business license pursuant to this article. The license shall state the name of the license holder, the name, address and phone number of the licensed premises, and the dates of issuance and expiration of the license.
- (b) An adult oriented business for which a license has been issued pursuant to this article may conduct business only under the name or designation specified in the license.
- (c) A licensee shall conduct business only at the address shown on the license. Each additional place of business shall require a separate license.
- (d) An adult oriented business license shall be displayed on the premises in such a manner as to be readily visible to patrons.

(Ord. No. 06-08, § 1, 1-23-06)

Sec. 14-605. - Application for adult oriented business license.

- (a) An applicant for an adult oriented business license shall file at the office of the administrator an application, signed under oath by the applicant and notarized, accompanied by the fee required under section 14-620. An applicant or other person whose fingerprints and photograph are required under subsection (c) may, at their option, be photographed and fingerprinted at the Ballwin Police Station or other law enforcement agency. An application shall be deemed complete when the administrator has received the required fees, all information required in subsection (c), fingerprints of the applicant and a photograph of the applicant's face, and, in the case of a corporation or other business organization, a photograph and fingerprints of all persons for whom information is required under subsection (c) below. The purpose for obtaining these fingerprints and photographs is to obtain a state and federal records check. The chief of police is authorized to exchange this information with the Federal Bureau of Investigation.
- (b) Fingerprints and photograph, if not taken at the Ballwin Police Station, shall be taken by a law enforcement agency and accompanied by a notarized verification by that agency. If the applicant requests that fingerprints and photograph be taken at the Ballwin Police Station, such fingerprints and photograph shall be completed by the chief of police within ten working days of the request. Any such fingerprints or photograph not completed by the chief of police within ten working days of the request and appearance at the Ballwin Police Station for that purpose within such time frame shall be deemed to have been completed and received by the administrator for purposes of the application.
- (c) The application shall include the information called for in subsections (1) through (10). If the applicant is an enterprise, it shall designate an officer or partner as applicant. In such case, in addition to the information required in subsections (1) through (10) for the applicant, the application

shall include the State and date of formation of the organization and the information called for in subsections (2) through (7) of this section with respect to each officer, administrator, general partner, and all other persons with authority to participate directly and regularly in management of the business, provided that, such information need not be provided with respect to attorneys, accountants and other persons whose primary function is to provide professional advice and assistance to the licensee.

- (1) The name, business location, business mailing address and phone number of the proposed adult oriented business establishment.
 - (2) The applicant's full true name and other names, aliases or stage names used in the preceding five years.
 - (3) The applicant's current residential mailing address and telephone number.
 - (4) Written proof of age of the applicant, in the form of a birth certificate, current driver's license with picture, or other picture identification document issued by a governmental agency.
 - (5) The issuing jurisdiction and the effective dates of any license or permit relating to an adult oriented business or adult service, whether any such license or permit has been revoked or suspended within the past two years, and, if so, the reason or reasons therefore.
 - (6) All criminal charges, complaints or indictments in the preceding three years which resulted in a conviction or a plea of guilty or no contest for an "organized crime and fraud" offense, a "prostitution" offense, a "drug offense," or a "sexual offense" under the Revised Statutes of the State of Missouri, or for conduct in another jurisdiction which if committed outside of the State of Missouri would constitute an offense under the Revised Statutes of Missouri for the offenses generally enumerated in this subsection.
 - (7) The applicant's fingerprints and a photograph of the applicant's face.
 - (8) The name and address of the statutory agent or other agent authorized to receive service of process.
 - (9) The names of the adult oriented business manager(s) who will have actual supervisory authority over the operations of the business.
 - (10) An accurate, to scale, but not necessarily professionally drawn, site plan and floor plan of the business premises and, in an application for an adult service business license, also clearly indicating the location of one or more manager's stations.
- (d) The information provided pursuant to subsections (c)(5) and (6) above shall be supplemented in writing by certified mail to the administrator within ten working days of a change of circumstances which would render the information originally submitted false or incomplete.
- (e) As requested by the administrator, the chief of police shall investigate and confirm information supplied by the applicant.

(Ord. No. 06-08, § 1, 1-23-06)

Sec. 14-606. - Adult oriented business manager permit.

- (a) A person may not serve as an adult oriented business manager unless the person has first secured an adult oriented business manager permit under this section.
- (b) Application for an adult oriented business manager permit shall be made in the same manner as application for an adult business license, except that the applicant need provide only the information called for in subsections 14-605(c)(2) through (7).
- (c) The purpose for obtaining the applicant's fingerprints and a photograph of the applicant's face is to obtain a state and federal records check. The chief of police is authorized to exchange this information with the federal bureau of investigation.

(Ord. No. 06-08, § 1, 1-23-06)

Sec. 14-607. - Adult service provider permit.

- (a) A person may not work as an adult service provider unless the person has first obtained an adult service provider permit under this section.
- (b) Application for an adult service provider permit shall be made in the same manner as an application for an adult oriented business license, except that the applicant need provide only the information called for in subsections 14-605(c)(2) through (7).
- (c) The purpose for obtaining the applicant's fingerprints and a photograph of the applicant's face is to obtain a state and federal records check. The chief of police is authorized to exchange this information with the federal bureau of investigation.

(Ord. No. 06-08, § 1, 1-23-06)

Sec. 14-608. - Confidentiality.

The information provided by an applicant in connection with the application for a license or permit under this article shall be maintained in confidence by the administrator. Because of the fees, fees established for licenses and permits in this article are based on the estimated cost of implementation and not paid in whole or part by public funds, the records maintain by the city under this article are determined not to be subject to the public record laws of the State of Missouri.

(Ord. No. 06-08, § 1, 1-23-06)

Sec. 14-609. - Grant or denial of license or permit.

- (a) Within 45 days after receipt of a complete application for an adult oriented business license, the administrator shall mail to the applicant a license or a notice of intent to deny. If the administrator fails to do so, the license shall be deemed granted.
- (b) Upon receipt of an application for an adult oriented business manager permit or an adult service provider permit, including all information required by subsection 14-606(b) and 14-607(b), payment of the required fees and completion of photograph and fingerprinting requirements of section 14-605, the administrator shall issue to the applicant a temporary permit. Within 30 days after issuance of a temporary permit, the administrator shall mail to the applicant a regular permit or a notice of intent to deny. If the administrator fails to do so, the permit shall be deemed granted.
- (c) The issuance of any license, permit or temporary permit does not waive any right of the city to revoke, deny or suspend for any defect, omission or misrepresentation in the application.
- (d) The administrator shall grant the license or permanent permit to an applicant who has completed all requirements for application, unless the administrator finds any of the following conditions noted below. For purposes of this subsection, a person required to submit information pursuant to subsection 14-605(c) shall be deemed an applicant.
 - (1) The application is incomplete or contains a misrepresentation, false statement or omission.
 - (2) The applicant has failed to comply with applicable zoning or other land use ordinances of the city relating to the business or activity to be carried out under the license or permit.
 - (3) The applicant is delinquent in payment of any taxes, fees or other payments due in connection with the business or activity to be carried out under the license or permit.
 - (4) The applicant is not at least 18 years of age.

- (5) The applicant, or other person required to provide information under subsection 14-605(c), in the past three years has been convicted, or plead guilty or no contest with respect to a felony violation or two misdemeanor violations of one or more offenses in the categories stated in subsection 14-605(c).
- (6) Within the past two years, a license or permit under this article held by an applicant, or other person required to provide information pursuant to subsection 14-605(c), has been revoked, or a similar license in another jurisdiction has been revoked on the basis of conduct which would be a ground for revocation of a license or permit issued under this section if committed in the city.

(Ord. No. 06-08, § 1, 1-23-06)

Sec. 14-610. - Non-transferability.

Licenses and permits issued under this article are nontransferable.

(Ord. No. 06-08, § 1, 1-23-06)

Sec. 14-611. - Adult service provider or manager work identification card.

The administrator shall provide a work identification card to all adult service providers and adult oriented business managers.

The card shall contain a photograph of the permittee, the number of the permit issued to that permittee and the date of expiration of the permit.

(Ord. No. 06-08, § 1, 1-23-06)

Sec. 14-612. - Adult service business; operating requirements.

- (a) A person employed or acting as an adult service provider or manager shall have a valid permit issued pursuant to the provisions of this article. A permit or a certified copy thereof for each manager or provider shall be maintained on the premises in the custody of the manager at all times during which a person is serving as a provider or manager on the premises. Such permits shall be produced by the manager for inspection upon request by a law enforcement officer or other authorized city official.
- (b) An adult service business shall maintain a daily log of all persons providing adult services on the premises. The log shall cover the preceding 12-month period and shall be available for inspection upon request by a law enforcement officer or other authorized city official during regular business hours.
- (c) A person below the age of 18 years may not observe or provide an adult service.
- (d) A person may not provide an adult service in an adult service business except upon a stage elevated at least 18 inches above floor level. All parts of the stage, or a clearly designated area thereof within which the adult service is provided, shall be a distance of at least three feet from all parts of a clearly designated area in which patrons may be present. The stage or designated area thereof shall be separated from the area in which patrons may be located by a barrier or railing the top of which is at least three feet above floor level. A provider or patron may not extend any part of his or her body over or beyond the barrier or railing.
- (e) An adult service provider, in the course of providing an adult service, may not perform a specific sexual activity.

- (f) Adult services may not be provided between the hours of 1:00 a.m. and 8:00 a.m. on Monday through Saturday or between the hours of 1:00 a.m. and 12:00 noon on Sunday.
- (g) An adult service may not be provided in any location which is not visible by direct line of sight at all times from a manager's station located in a portion of the premises which is accessible to patrons of the adult service business.
- (h) An adult service provider shall wear his or her adult service provider work identification card at all times while on the premises except while providing an adult service. The card shall be affixed to clothing on the front of the person and above waist level so that the picture and permit number are clearly visible to patrons.
- (i) An adult oriented business manager shall be on the premises of an adult service business at all times during which any adult service is provided on the premises. The manager shall wear his or her identification card in the manner described in subsection (h) above.
- (j) An employee may not knowingly or intentionally touch the breast, buttocks or genitals of a patron, nor may a patron knowingly or intentionally touch the breast, buttocks or genitals of an employee.
- (k) A sign, in a form to be prescribed by the administrator summarizing the provisions of subsection (c), (d), (j) and (l) herein, shall be posted near the entrance of an adult service business in such a manner as to be clearly visible to patrons upon entry.
- (l) A patron may not place any money on the person or in or on the costume of an adult service provider while the adult service provider is nude or seminude.
- (m) A manager or licensee may not knowingly permit or tolerate a violation of any provision of this section.
- (n) With respect to a cabaret, the requirements of this section shall apply to the extent that they are not in conflict with specific statutory or valid regulatory requirements applicable to persons licensed to dispense alcoholic beverages.

(Ord. No. 06-08, § 1, 1-23-06)

Sec. 14-613. - Adult arcades; operating requirements.

- (a) An adult arcade shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one foot-candle, as measured at the floor level.
- (b) Each booth or viewing room shall either: (a) be configured in such a way that allows persons patrolling the area outside the booth or viewing room to observe from outside the booth or viewing room the activities of any occupant in the interior of the booth or viewing room, or (b) if not so configured, be equipped with a mirror or other device which allows persons patrolling the area outside the booth or viewing room to observe from outside the booth or viewing room the activities of any occupant in the interior of the booth or viewing room.
- (c) An adult oriented business manager shall be on the premises of an adult arcade at all times that the arcade is open for business. The manager shall wear his or her identification card in the manner described in section 14-611.
- (d) A patron may not engage in specific sexual activities on the premises of an adult arcade.
- (e) A booth or viewing room shall not have any hole or aperture in any wall separating that booth or viewing room from another.
- (f) A manager or licensee may not knowingly permit or tolerate a violation of any provision of this section.

(Ord. No. 06-08, § 1, 1-23-06)

Sec. 14-614. - Inspection of premises and records.

The manager shall permit law enforcement officers or other authorized city officials to inspect the premises upon request during regular business hours.

(Ord. No. 06-08, § 1, 1-23-06)

Sec. 14-615. - Suspension of license or permit.

The administrator shall suspend a license or permit for a period of ten days if the licensee or permittee is convicted of violating a provision of this article.

(Ord. No. 06-08, § 1, 1-23-06)

Sec. 14-616. - Revocation of license or permit.

The administrator shall revoke a license or permit issued pursuant to this article if the licensee or permittee:

- (1) Is convicted of three or more violations of this article in any 12-month period.
- (2) Is convicted or pleads guilty or no contest to an offense stated in section 605(c).
- (3) Is determined to have filed inaccurate information required under section 609(d) of this article.

(Ord. No. 06-08, § 1, 1-23-06)

Sec. 14-617. - Procedures for denial, revocation, non-renewal or suspension; appeal.

If the administrator determines that grounds exist for denial, suspension or revocation of a license or permit under this article, he/she shall notify the applicant, licensee or permittee (respondent) in writing of his/her intent to deny, suspend or revoke, including a summary of the grounds therefore. The notification shall be by certified mail to the address on file with the administrator. Within ten working days of receipt of such notice, the respondent may provide to the administrator in writing a response which shall include a statement of reasons why the license or permit should not be denied, suspended or revoked and may include a request for a hearing. If a response is not received by the administrator in the time stated, the notification shall be the final administrative action of denial, suspension or revocation and notice of such will be sent to the permittee or licensee within five working days after the expiration of the period for submitting a response. Within five working days after receipt of a response, the administrator shall either withdraw the intent to deny, suspend or revoke, and send notification of the withdrawal to the respondent in writing by certified mail, or shall schedule a hearing before a hearing officer and send notification to the respondent in writing by certified mail of the date, time and place of the hearing. If the administrator fails to send a timely notification either withdrawing the intent or scheduling a hearing, the intent to deny, suspend or revoke shall be deemed withdrawn. The hearing, if requested, shall be scheduled not less than 15 nor more than 30 working days after receipt by the administrator of the request for a hearing. The hearing shall be conducted in an informal manner. The respondent may be represented by counsel. If respondent is represented by counsel, attorneys' fees shall be at the expense of respondent. The rules of evidence shall not apply. Respondent shall have the burden of proving by a preponderance of the evidence that the denial, suspension or revocation was arbitrary or capricious and an abuse of discretion. The hearing officer shall render a written decision within five working days after completion of the hearing and shall mail a copy of the decision by certified mail to the address of the respondent on file with the administrator. If more than 45 days elapse between receipt by the administrator of a request for a hearing and mailing by the hearing officer of a final decision to the respondent, a decision in favor of the applicant, licensee or permit-tee shall be deemed to have been rendered. In the case of an intent to revoke, suspend or non-renew a license or permit, or to deny a regular permit, the permittee or licensee may

continue to function under the license or permit pending receipt of the final decision of the hearing officer. The decision shall be final at the end of five working days after it is mailed and shall constitute final administrative action.

(Ord. No. 06-08, § 1, 1-23-06)

Sec. 14-618. - Judicial appeal.

Final administrative action to deny, revoke or non-renew a license or permit may be appealed to the St. Louis Circuit Court by any special action, writ or other available procedure within 35 days after receipt of written notice of the decision. The city shall consent to expedited hearing and disposition. If a permittee or licensee pursues a judicial appeal from a final administrative action, that permittee or licensee may continue to function under the license or permit pending completion of judicial review.

(Ord. No. 06-08, § 1, 1-23-06)

Sec. 14-619. - License and permit renewal.

- (a) A license or permit may be renewed by filing an application for renewal in writing with the administrator. The application shall contain the information required to be submitted with an original application, including fingerprints and a photograph, provided, that, a renewal application need not contain any other information that has been provided in a previous application and has not changed since the time of the most recent application. An application for license renewal shall be received by the administrator not less than 45 days before the expiration of the license. An application for permit renewal shall be received by the administrator before expiration of the permit.
- (b) The administrator may deny an application for renewal for the reasons and in accordance with the procedures set forth in section 14-609.

(Ord. No. 06-08, § 1, 1-23-06)

Sec. 14-620. - Fees.

- (a) An original application for an adult oriented business license shall be accompanied by a non-refundable application fee in the amount of \$500.00 and by a license fee in the amount of \$500.00. The license fee will be refunded if the license is denied. An application for renewal shall be accompanied by the amount of the license fee.
- (b) An application for issuance or renewal of an adult service provider permit shall be accompanied by a non-refundable fee of \$100.00.
- (c) An application for issuance or renewal of an adult oriented business manager permit shall be accompanied by a non-refundable fee of \$150.00.
- (d) A duplicate or certified copy of a license, permit or identification card shall be issued by the administrator upon payment of a fee of \$10.00.
- (e) An applicant also shall be required to pay, to the law enforcement agency which provides the applicant with fingerprinting or photography services, the standard fee, if any, charged by that agency for each set of fingerprints and the photograph required to be provided under section 14-605.

(Ord. No. 06-08, § 1, 1-23-06)

Sec. 14-621. - Other regulations.

A license or permit required by this article is in addition to any other licenses or permits required by the city, county or the state to engage in the business or occupation. Persons engaging in activities described in this article shall comply with all other ordinances and laws, including the city zoning ordinance, as may be required, to engage in a business or profession.

(Ord. No. 06-08, § 1, 1-23-06)

Sec. 14-622. - Penalty.

- (a) Violation of any requirement or prohibition stated in this article is a Class 2 Misdemeanor, punishable upon conviction by a fine of not more than \$500.00 and/or by imprisonment for not more than 90 days. With respect to a violation that is continuous in nature, each day that the violation continues shall constitute a separate offense.
- (b) In addition to other penalties, an adult oriented business that operates without a valid license shall constitute a public nuisance that may be abated in a manner provided by law.

(Ord. No. 06-08, § 1, 1-23-06)

Sec. 14-623. - Applicability.

This article shall apply to all persons engaging in the activities described herein, whether or not such activities were commenced prior to the effective date of this article. Persons so engaged as of the effective date of this article shall be in full compliance with this article, including receipt of any required license or permit, within 180 days after the effective date of this article.

(Ord. No. 06-08, § 1, 1-23-06)

500 ft. Radius from the Lafayette Church

115 New Ballwin Rd 63011 Search **Coordinates:** 38.59103,-90.55836
Radius: 152.54 Meters | 0.15 Km | 0.09 Miles | 500 Feet

[Zoom to Area](#) [Clear All](#)

Map [Satellite](#)

Historic U.S. 66 Manchester Rd Tower Loan

Midwest Petroleum New Ballwin Rd

Cecil Whittaker's Pizza
Phoenicia Mediterranean Deli
Rob's Auto Repair

Massa's Ellisville/Ballwin

Penn Station
East Coast Subs
Advance Auto Parts
Advanced ATM Sy
Papa John's Pizza

Debula Dr Debula Dr

New Ballwin Rd

Barton Ln Barton Ln

Lafayette Church of Christ

Quail Dr Quail Dr Quail Dr Quail Dr

Google

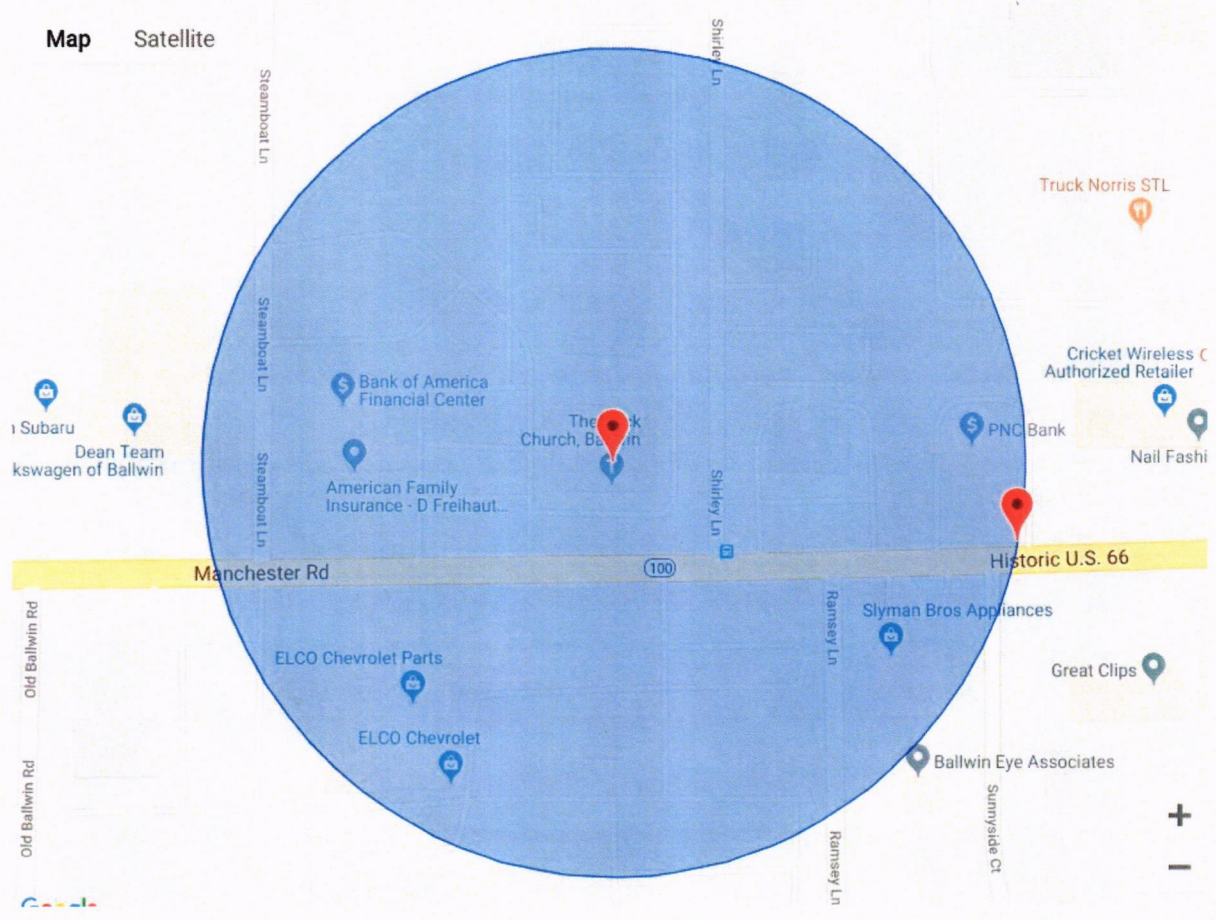
Map data ©2019 [Terms of Use](#) [Report a map error](#)

500 ft. Radius from the Rock Church

15101 Manchester Rd 63011 Search **Coordinates:** 38.59324,-90.55027
Radius: 152.25 Meters | 0.15 Km | 0.09 Miles | 500 Feet

[Zoom to Area](#) [Clear All](#)

Map [Satellite](#)



500 ft. Radius from the Salem Methodist Church

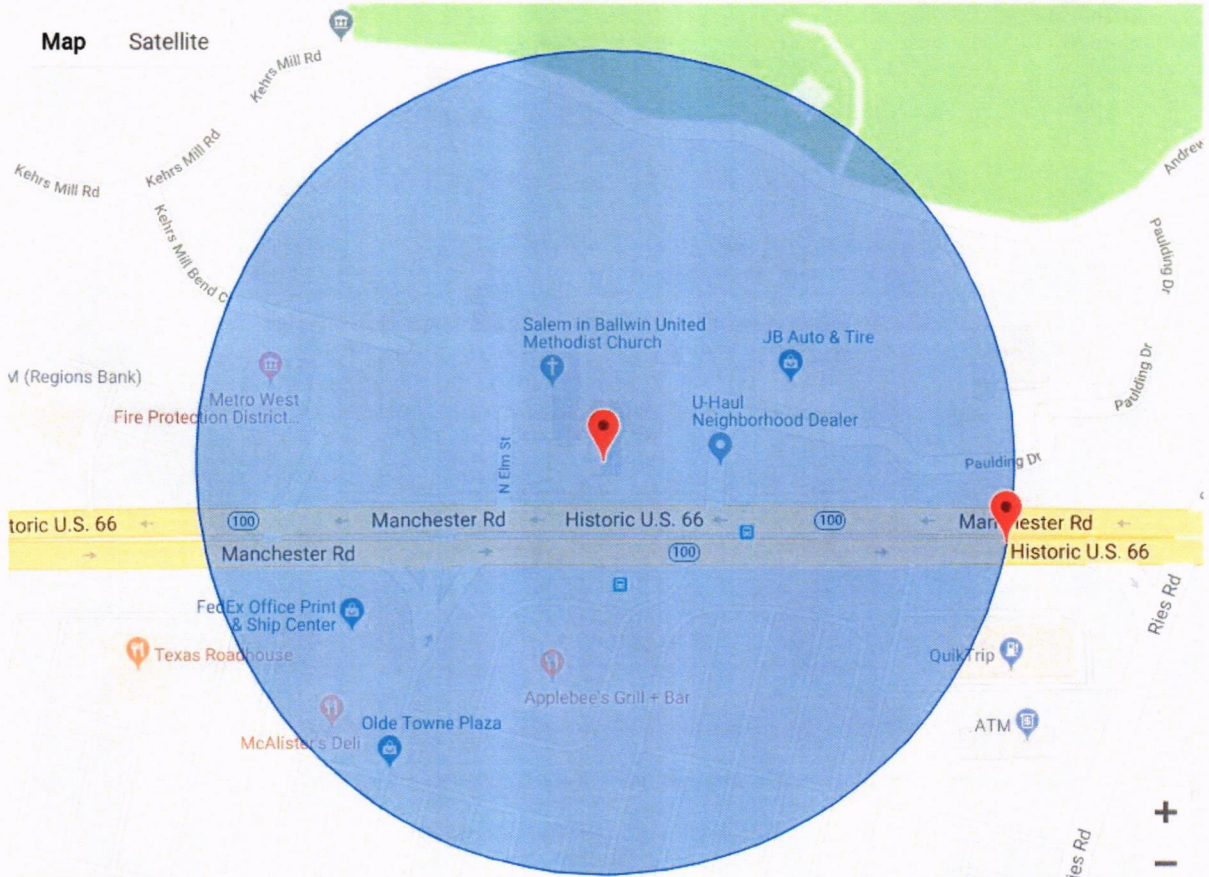
14825 Manchester rd 63011

Search

Coordinates: 38.59323,-90.54025
Radius: 152.52 Meters | 0.15 Km | 0.09 Miles | 500 Feet

Zoom to Area Clear All

Map Satellite



Google

Map data ©2019 Google Terms of Use Report a map error

500 ft. Radius from Casa De Ninos Day Care

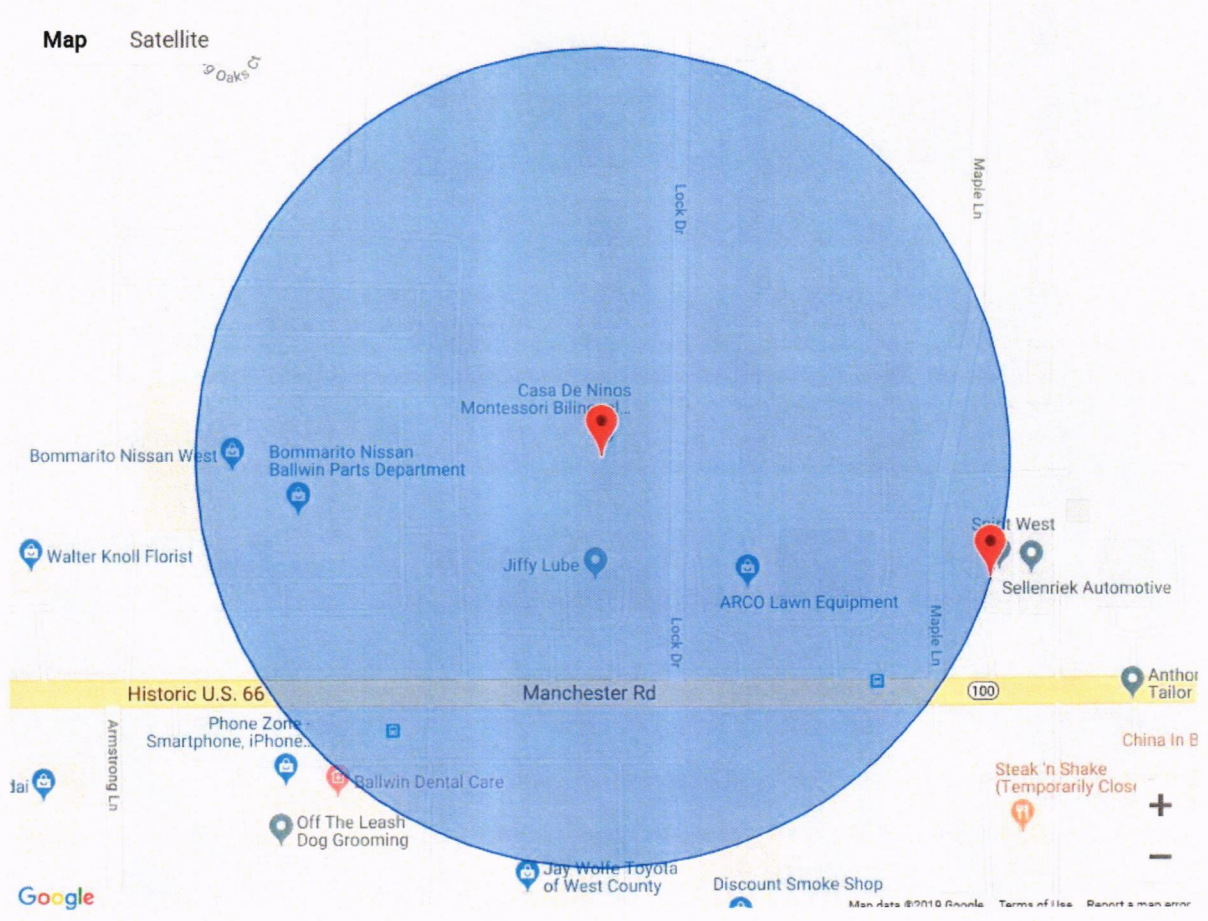
105 Lock Dr 63011

Search

Coordinates: 38.59376,-90.53139
Radius: 152.47 Meters | 0.15 Km | 0.09 Miles | 500 Feet

Zoom to Area Clear All

Map Satellite



1500 ft. Radius from Dr. Jon's

14463 Manchester Rd 63011 Search **Coordinates:** 38.59313,-90.52918
Radius: 457.22 Meters | 0.46 Km | 0.28 Miles | 1500 Feet

Zoom to Area Clear All

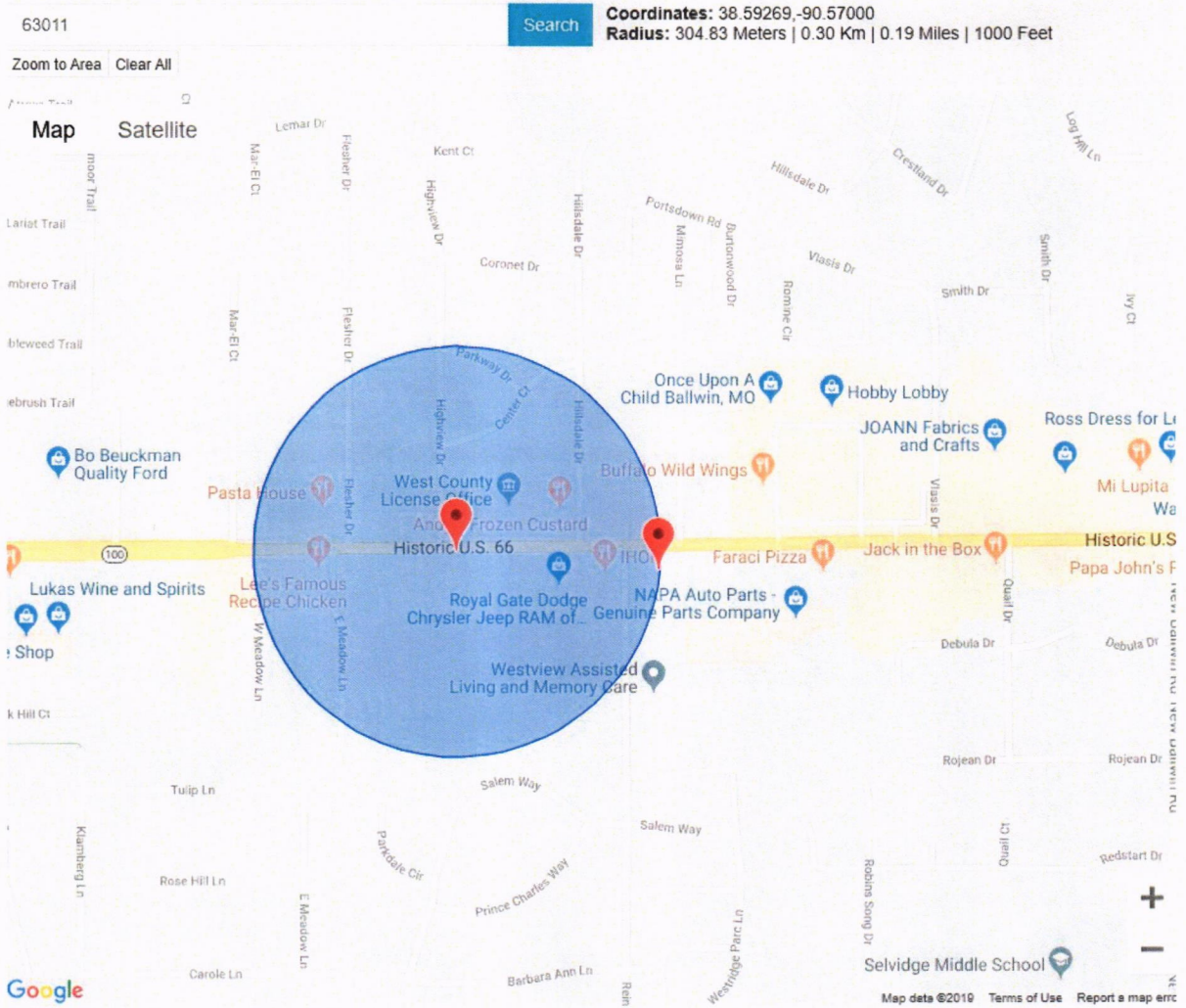
Map Satellite

Map Data: 2019 | [Terms of Use](#) | [Report a map error](#)

Businesses and Landmarks within the Radius:

- Wendy's
- U-Haul of Ballwin
- Bommarito Nissan West
- Jiffy Lube
- ARCO
- Equipment
- Discount Smoke Shop
- ALDI
- West County Care Center
- St. Louis Bread Co.
- St. Joseph's Church
- Reber Park
- Walgreens
- Anytime Fitness
- Plaza Tire Service
- Manee Thai
- Joey B's Food & Drink
- Culver's
- Dierbergs Markets - Manchester
- Vicki I. Simmons, LPC
- St. Joseph's Church
- St. Lawrence Dr
- James Ct
- Wembley Ln
- Historic U.S. 66
- Mane Thai
- Walgreens
- Joey B's Food & Drink
- Culver's
- Dierbergs Markets - Manchester
- Vicki I. Simmons, LPC
- St. Joseph's Church
- St. Lawrence Dr
- James Ct
- Wembley Ln

1000 ft. Radius from Manchester Rd.



1000 ft. Radius from Manchester Rd.

63011 **Coordinates:** 38.59275,-90.56758
Radius: 304.83 Meters | 0.30 Km | 0.19 Miles | 1000 Feet

Map Satellite

Map data ©2019 Terms of Use Report a map error

1000 ft. Radius from Manchester Rd.

63011 Coordinates: 38.59283,-90.56397
Radius: 304.75 Meters | 0.30 Km | 0.19 Miles | 1000 Feet

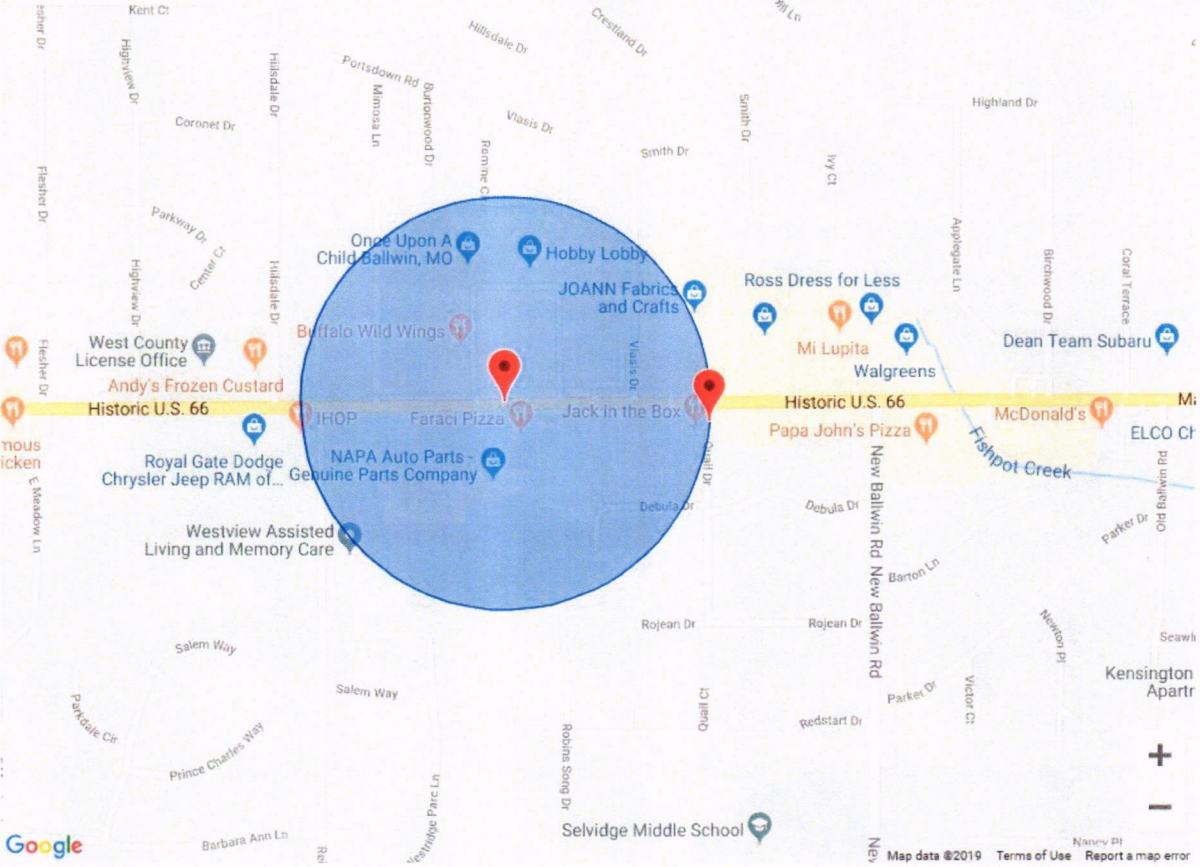
Map Satellite

Map data ©2019 Terms of Use Report a map error

63011

Coordinates: 38.59283,-90.56397
Radius: 304.75 Meters | 0.30 Km | 0.19 Miles | 1000 Feet

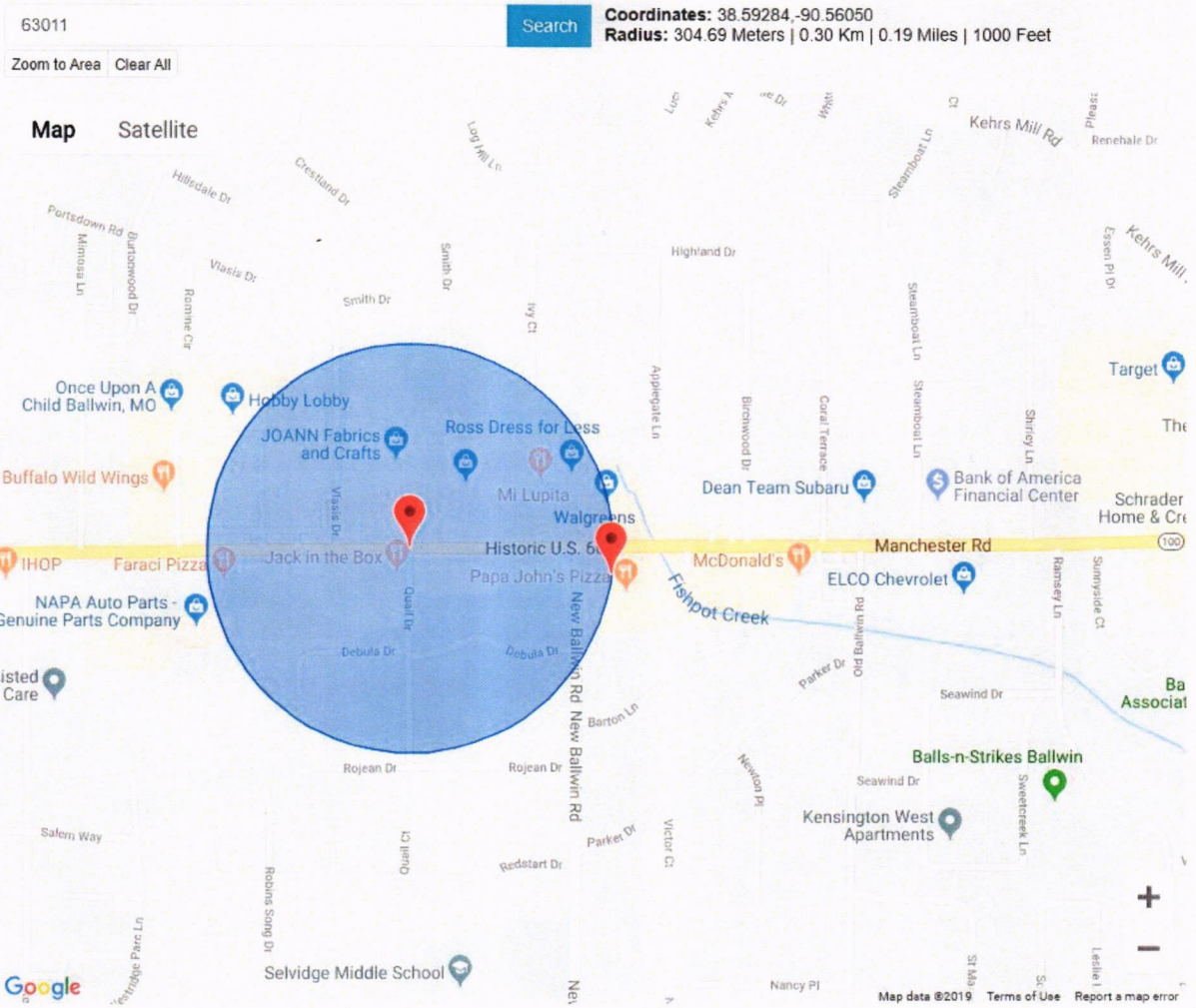
Map Satellite



Google

Map data ©2019 Terms of Use Report a map error

1000 ft. Radius from Manchester Rd.



1000 ft. Radius from Manchester Rd.

63011 Search **Coordinates:** 38.59283,-90.55697 **Radius:** 304.72 Meters | 0.30 Km | 0.19 Miles | 1000 Feet

Map Satellite

Map features include:

- Search Bar:** 63011, Search button, Coordinates: 38.59283,-90.55697, Radius: 304.72 Meters | 0.30 Km | 0.19 Miles | 1000 Feet
- Map Controls:** Zoom to Area, Clear All, Map/Satellite toggle (Map selected)
- Map Content:** A blue circular area with a 1000-foot radius centered on Manchester Rd. Key locations within the circle include Ross Dress for Less, Walgreens, McDonald's, Papa John's, and Historic U.S. 66. Other nearby locations include Target, Bank of America, ELCO Chevrolet, and the Ballwin Athletic Association Complex.
- Map Data:** Map data ©2019, Terms of Use, Report a map error

1000 ft. Radius from Manchester Rd.

63011 Coordinates: 38.59289,-90.55343
Radius: 304.75 Meters | 0.30 Km | 0.19 Miles | 1000 Feet

Map Satellite

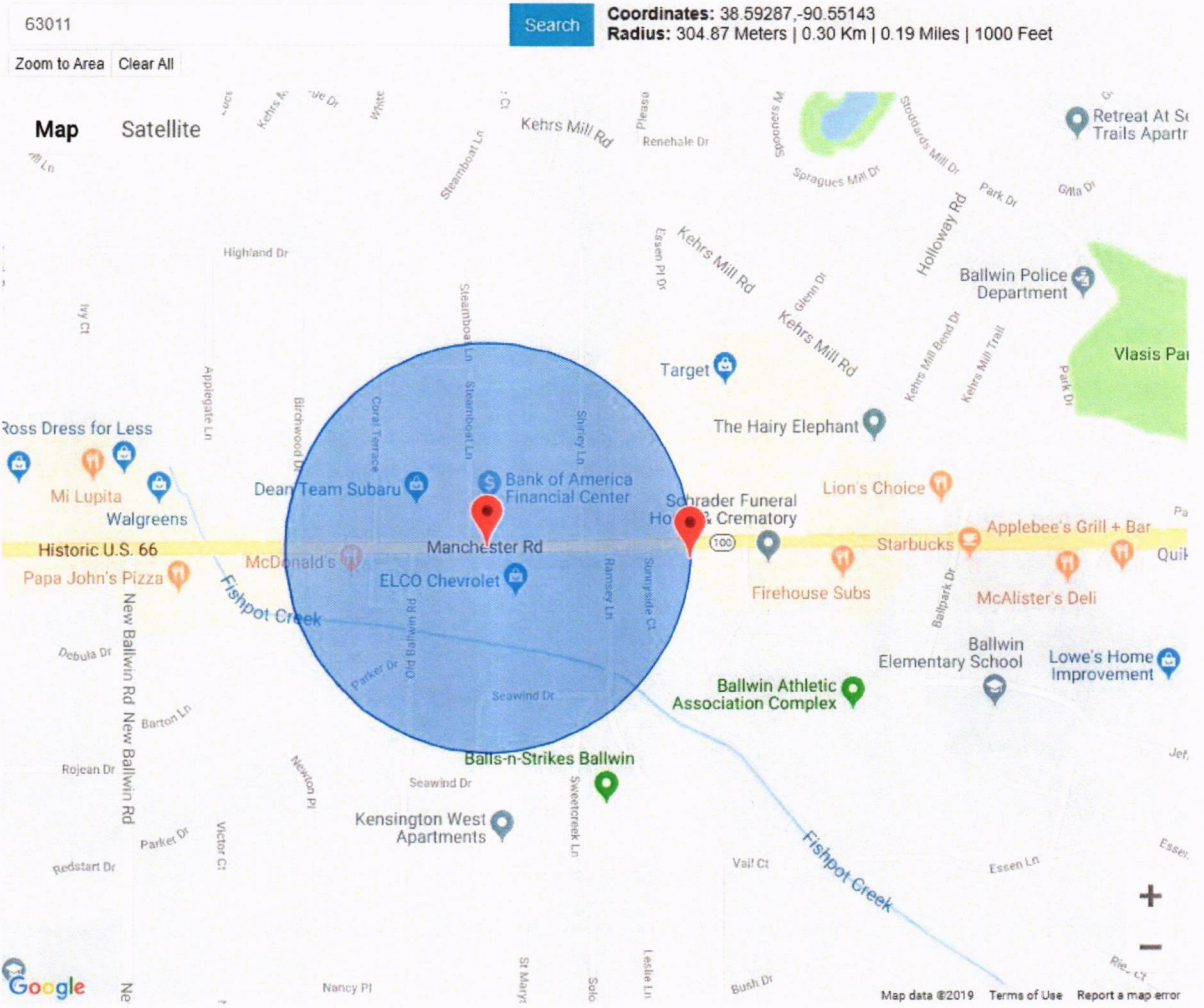
The map displays a 1000-foot radius circle centered on Manchester Rd. Within this radius, the following businesses and locations are visible:

- McDonald's
- Walgreens
- ELCO Chevrolet
- Bank of America Financial Center
- Target
- The Hairy Elephant
- Starbucks
- Firehouse Subs
- Ballwin Athletic Association Complex
- Balls-n-Strikes Ballwin
- Kensington West Apartments
- Historic U.S. 66
- Papa John's Pizza
- Dean Team Subaru
- Bank of America
- Ballwin School Elementary
- Ballwin Police Department
- McAlister
- Applebe
- Schradler Funeral Home & Crematory
- Lion's Choice
- Ballwin Middle School

Geographical features include Fishpot Creek and the Ballwin Athletic Association Complex. The map also shows various residential streets such as Highland Dr, Kehr's Mill Rd, and Spragues Mill Dr.

Map data ©2019 Terms of Use Report a map error

1000 ft. Radius from Manchester Rd.



1000 ft. Radius from Manchester Rd.

63011 Search **Coordinates:** 38.59295,-90.54311
Radius: 304.91 Meters | 0.30 Km | 0.19 Miles | 1000 Feet

Zoom to Area Clear All

Map Satellite

The map displays a 1000-foot radius circle centered on Manchester Rd. Key locations within the radius include:

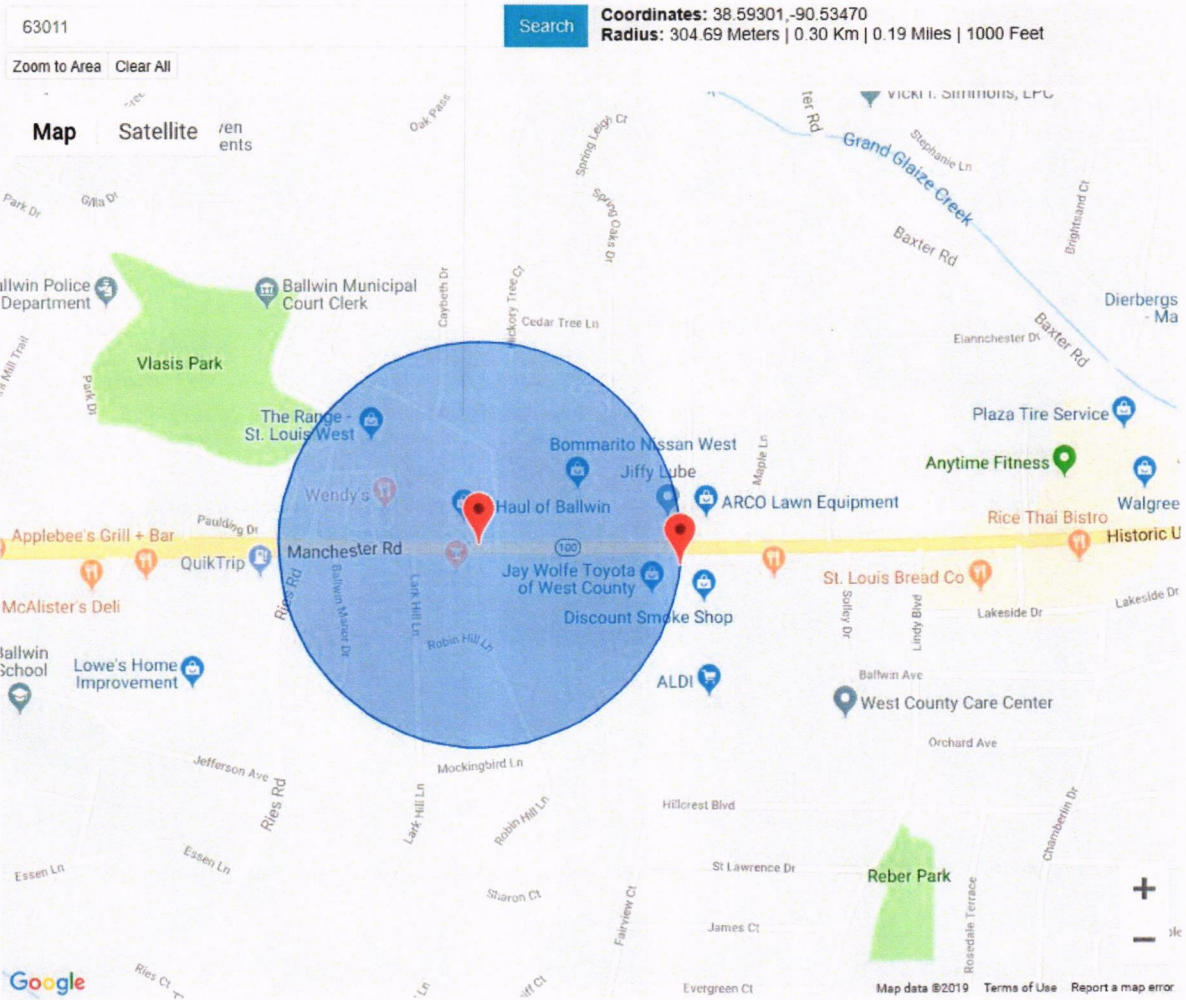
- Businesses:** Target, The Hairy Elephant, Lion's Choice, Starbucks, Applebee's Grill + Bar, Wendy's, U-Haul of Ballwin, Jay Wolfe Toyota of West County, Discount Smoke Shop, ALDI, Lowe's Home Improvement, McAlister's Deli, Firhouse Subs, Ballwin Municipal Court Clerk, Ballwin Police Department, and The Range - St. Louis West.
- Schools:** Ballwin Elementary School.
- Parks:** Vlasik Park.
- Other:** Ballwin Athletic Association Complex, Ballwin Municipal Court Clerk, and various residential streets.

Map data ©2019 Terms of Use Report a map error

1000 ft. Radius from Manchester Rd.



1000 ft. Radius from Manchester Rd.



1000 ft. Radius from Manchester Rd.

