

ORDINANCE NO. 143**AN ORDINANCE DEFINING ENTERTAINMENT CLUBS; PROVIDING FOR THE LICENSING AND REGULATION AND FOR THE PAYMENT OF LICENSE FEES.**

The City of Coos Bay ordains as follows:

Section 1. As used in this ordinance the following mean:

Adult club. Any entertainment club which restricts its admission to persons age 21 years and over.

Club premises. Any place where an entertainment club is operated or maintained and includes all hallways,, bathrooms, parking areas and other adjacent portions of the premises which are accessible to the public during operating hours.

Entertainment club. Commercial premises open to the public, the primary function of which is to offer patrons an opportunity to engage in social activities such as dancing, or the enjoyment of live or prerecorded music, or the enjoyment of entertainment provided by dancers or other performers. As an incidental function an entertainment club may sell and/or serve food and beverages to its patrons.

Person. One or more natural persons, corporations, partnerships or associations.

Person financially interested. All persons who share in the profits of the business, on the basis of gross or net revenue, which may include landlords, lessors, lessees, and the owner or owners of the building, fixtures, or equipment.

Teen club. Any entertainment club which permits the entry of persons under the age of 21 years.

Section 2. License Required. From and after the effective date of this ordinance . no person shall conduct, own, lease, manage, operate, or assist in the conducting, owning, leasing, managing, or operating, either as owner, lessee, principal, agent, master, employee, or otherwise, an entertainment club within the city unless a license as provided for in this ordinance is first obtained.

Section 3. License Fee. The license fee for entertainment clubs shall be determined by Council resolution. License fees shall be payable annually and shall expire on the 31st day of December of each calendar year in which the license is issued. License fees shall not be prorated for the balance of any calendar year. No license shall be issued for any sum less

than that set by the Council during any portion of the calendar year.

Section 4. License Application Procedures.

- (1) An applicant for a license shall submit his application to the City Recorder, which application shall be under oath and shall include, among other things, the true names and addresses of all persons financially interested in the business, the personal history and business experiences of such persons, and any other matters deemed by the City to be of necessary inquiry.
- (2) The application shall be accompanied by a nonrefundable investigation fee of \$65.
- (3) The applicant shall provide a written statement setting forth all means proposed to ensure that adequate traffic control, crowd protection and security, both inside and outside the premises, will be maintained, and that the ages of patrons admitted to the club will be monitored.
- (4) The applicant shall elect whether the entertainment club will be operated either exclusively as a teen club or exclusively as an adult club, and contain a statement of the proposed schedule of operating hours and days,
- (5) The applicant shall provide a statement of whether the applicant, or the applicant's officers, directors, partners or any other person involved in the operation or management of the entertainment club or financially interested therein has been convicted within the preceding five (5) years of any crimes involving firearms,, controlled substances, sexual offenses, prostitution, assault, or contributing to the delinquency of a minor.
- (6) The application shall also be accompanied by fingerprints and photographs of persons involved in the operation or management or financially interested.

Section 5. Investigation. The Department of Public Safety shall examine and investigate the background and qualifications of applicants for a license within the meaning of this ordinance and shall make a recommendation as to whether or not a license shall be issued.

Section 6. Revocation. Nothing in this ordinance shall be construed to deprive the Council of power to revoke any license issued by it.

Section 7. Procedure for Issuance or Denial of License.

- (1) Approval or denial of the license shall be based on Council consideration of all

available evidence indicating whether the applicant meets the requirements of this ordinance.

(2) The license shall not be granted if:

(a) The business premises do not comply with all applicable regulatory codes of the city relating to public health, safety and welfare.

(b) The application is incomplete or if it contains any material misrepresentation.

(c) The application does not propose adequate measures for the protection of the public health, safety and welfare in terms of traffic control, crowd protection and security, both inside and outside the premises, and the monitoring of the ages of patrons admitted to the club.

(d) Convictions for any of the crimes, disclosure of which was required by Section 4(5), by any person involved in operation or management of the club, or financially interested therein, or other criminal activity, presents a reasonable doubt about the applicant's ability to operate the club without presenting a danger to the public health, safety or welfare.

Section 8. Transferability. No license issued as provided in this ordinance shall be transferred or assigned. Change in persons having financial interest in a licensed business shall be reported immediately to the City Manager, who shall order an investigation by the Public Safety Department. The change shall be approved or denied by the Council. Applications for a change of financial ownership shall be accompanied by a non-refundable investigation fee of \$65.

Section 9. Employee Work Permits. Employees in entertainment clubs shall obtain a work permit from the city. Applications for such work permits may be obtained from the Recorder and shall contain such information as may be deemed necessary to allow a police background investigation. No work permit shall be issued to any person who has not been a resident of Coos County, Oregon, for at least six (6) months preceding the issuance of such permit and/or who has been involved in any of the conduct described in Section 7(d) which would lead to the refusal to grant a license. Each application for a work permit shall be accompanied by a fee of \$25, renewable annually from date of application. A temporary work permit may be approved by the City Manager pending the background check.

Section 10. Suspension and Revocation of License.

(1) The City Manager shall temporarily suspend any license or work permit issued hereunder if:

- (a) Any person who has any interest in the business is convicted of a felony;
 - (b) Any person who has any interest in the business is convicted of five misdemeanors;
 - (c) Any person who has any interest in the business is convicted of or forfeited bail for any crime involving firearms, controlled substances, sexual offenses, prostitution, assault or contributing to the delinquency of a minor;
 - (d) Any false or misleading information is supplied in the application or any information requested is omitted from the application;
 - (e) Any person who has any interest in the business or any employee violates any section of this ordinance;
 - (f) The licensee fails to keep the building or equipment of the licensed premises in compliance with the applicable health, building, fire or life safety codes;
 - (g) The licensee fails to comply with any of the requirements of this ordinance.
- (2) Any action taken by the City Manager under this section shall be subject to the right of appeal to the Council when meeting in regular Council session. Notice of appeal shall be filed with the Recorder within twenty (20) days or such action shall be deemed final and conclusive. A temporary suspension shall be for thirty (30) days.
- (3) Permanent revocation may be made only by the Council and such revocation shall only take place at a Council meeting in regular Council session upon application of the City Manager and only after the licensee has been served with notice at least twenty (20) days prior to the Council meeting. Such notice shall include the time and date of the Council meeting and the grounds upon which the permanent revocation is sought, Notice shall be deemed to have been received by the licensee or permittee if the City Manager mails notice to the address listed by the licensee or permittee on his application for a license or permit.

Section 11. Operating Rules and Regulations. The following operating rules and regulations shall apply to all entertainment clubs in the city:

- (1) Persons of the following ages shall not be permitted to enter or remain on the premises of a teen club:
- (a) Under the age of 14 years unless accompanied by a parent or legal guardian.

- (b) 21 years of age or older except for bona fide employees or entertainers hired by the licensee to work in the club.
- (2) No person under the age of 21 years shall be permitted to enter or remain on the premises of an adult club unless accompanied by a parent or legal guardian.
- (3) Teen clubs shall be operated only on Friday and Saturday nights during weeks when Coos Bay public schools are in session. Teen clubs shall close no later than 12 p.m.
- (4) Adult clubs may operate any night of the week and shall close no later than 2 a.m.
- (5) It shall be the obligation of the licensee to employ an adequate number of qualified security personnel who will be present on club premises during all operating hours to maintain peace and order and to ensure compliance with the law, If the City Manager determines that the club operation is directly resulting in an increased demand for police services in the vicinity of the club, the licensee shall be required to augment its private security force by hiring commissioned police officers with arrest authority to patrol said vicinity during club operating hours.
- (6) It shall be the obligation of the licensee to ensure that no alcoholic beverages or controlled substances are offered for sale or consumed on the club premises.
- (7) It shall be the obligation of the licensee to remove from the club premises any person who is or appears to be under the influence of or affected by the use of alcohol and/or drugs, or whose conduct poses a physical danger to the safety of others present.
- (8) It shall be the obligation of the licensee to provide proper and adequate illumination of all portions of the club premises which are available for use by the public. Such illumination shall be not less than 10-foot candles at floor level at all times when the premises are open to the public or when any member of the public is permitted to enter and remain therein.
- (9) It shall be the obligation of the licensee to discourage loitering or the creating of public nuisances or disturbances of the peace by any patrons of the club on club premises, or the immediate vicinity of the same. "Loitering" shall not include walking between the club building and a patron's vehicle, nor shall it include the act of waiting in line to gain admission to the club,
- (10) It shall be the obligation of the licensee to clean up all litter resulting from club operations. The cleanup shall occur within eight hours after the end of each day's operation and shall extend for a one-block radius around the club,

(11) No person, other than an employee or entertainer, who leaves the club building shall be permitted to return to the club unless that person pays a readmission fee equal to the original price of admission.

Section 12. Restrictions on Multi-Use Facilities.

(1) The premises where a teen club is located shall not be used, at any time, as an adult club, or an adult entertainment facility,, or a premise which is licensed to serve alcoholic beverages.

(2) A teen club may only be located on the same premises with another licensed business if:

(a) All businesses on the premises comply with the operating rules and regulations of this ordinance relating to teen clubs; or

(b) The teen club is physically segregated from the space used by the other businesses and has a separate entrance into the building which is exclusively for the use of its patrons; or

(c) only one business operates at a time on the premises, and the premises are closed altogether for not less than one hour between the close of one business operation and the opening of another.

Section 13. Access by Police Officers. All police officers of the city shall have free and immediate access to all entertainment clubs for the purpose of inspection and to enforce compliance with the provisions of this ordinance.

Section 14. Checking the Age of Patrons.

(1) It is the responsibility of the licensee to require picture identification (or reasonable equivalent) showing the age of each person admitted to an entertainment club. It is unlawful for any person to knowingly or recklessly allow a person to enter or remain on the premises of an entertainment club in violation of the provisions of this ordinance.

(2) It is unlawful for any person to affirmatively misrepresent his or her age for the purpose of obtaining admission to, or remaining at, an entertainment club in violation of the provisions of this ordinance.

Section 15. Exemptions. Entertainment clubs does not include, and this ordinance does not apply, to premises which serve alcoholic beverages and which are under the jurisdiction of the Oregon Liquor Control Commission; theaters where the patrons sit in parallel rows of fixed seats; full service restaurants where the only entertainment consists of prerecorded

background music which is incidental to the primary function of serving food; outdoor performances; a banquet, party or celebration conducted for invited guests which is not open to the public; dances or events sponsored or operated by or held on the premises of a governmental entity, an accredited educational institution, or a non-profit religious, charitable, benevolent, fraternal, or social organization which is recognized by the United States of America as being exempt from federal taxation.

Section 16. Penalty. Violation of, or failure to comply with, any provision of this ordinance is punishable upon conviction by a fine not to exceed \$1000.

Section 17. Severability. The sections of this ordinance are severable. The invalidity of a section shall not affect the validity of the remaining sections.

Passed by the Council and approved by the Mayor September 19, 1989.