

Chapter 5.12 - CABARETS AND DRINKING ESTABLISHMENTS*

Sections:

5.12.020 - Cabaret—Applicability of chapter.

It is the intent of this chapter and of the city councilmen enacting the same that no cabaret license as herein required shall be granted except in connection with a fixed and definite place of business in the city; that no person shall be permitted to engage in any business mentioned in [Section 5.08.030](#) of this code or to permit any act declared by [Section 5.08.030](#) to be unlawful other than at the fixed and definite location specified in the license authorizing the same; and that it is the further intent to absolutely prohibit any such business and the commission of any such act or acts elsewhere in the city.

(Prior code § 4-27).

5.12.030 - Cabaret—Prima facie evidence of doing business.

A sign or advertisement kept, exhibited or maintained indicating that any person is engaged in any business or enterprise mentioned in this chapter for which a cabaret license is required shall be received as prima facie evidence that such person is engaged in the business or enterprise so indicated.

(Prior code § 4-28).

5.12.040 - Cabaret license-Required-Scope.

It is unlawful to permit dancing or live entertainment in any drinking establishment without first obtaining a cabaret license.

(Ord. 615 §14, 1991: prior code §4-36).

5.12.050 - Cabaret license-Application-Contents required.

Every application for a cabaret license as provided for in this chapter shall be by affidavit of the applicant and shall clearly set forth:

- A. The name of the applicant; if the applicant is a firm or association, the name of each partner or member; and if the applicant is a corporation, designating the officers and directors and address thereof;
- B. The location of the premises and the particular room for which the license is desired;
- C. That no person not named in the application shall be directly or indirectly interested in the business to be conducted under such license;
- D. That each and every person designated in such application is of legal age and a citizen of the United States;
- E. That the general public shall have access to the premises during all hours in which business is conducted;
- F. Building specifications of the premises.

(Prior code §4-38).

5.12.060 - Cabaret license-Application-Filing-Issuance conditions-City council authority.

Every application for a cabaret license pursuant to this chapter shall be filed with the city clerk and shall be immediately referred to the city council for consideration at its next regular meeting. The city council may then grant such license if in its judgment the applicant is a fit and proper person to run such business. Such license shall be issued by the city clerk. If in the judgment of the city council such applicant is not a fit and proper person to run such business, or if it believes the applicant will violate the laws of the state or the provisions of this code or other ordinances of the city, the council may reject the application of the applicant. Notice of rejection of an application, containing the reason therefor, shall be mailed to the last address of the applicant as shown by such application. Upon request by said applicant, within five days of the date of such mailing, the council shall fix a day and time for a hearing at which time said applicant will be given an opportunity to appear before the council. The council shall, within ten days from the date of such hearing, enter its order approving or sustaining denial of the application of said applicant.

(Ord. 384 §1, 1976: prior code §4-40).

5.12.070 - Cabaret license-Fee-Period of validity.

A. The fee for a cabaret license shall be four hundred dollars for each calendar year, except that the city clerk may issue a temporary cabaret license valid for a period not to exceed forty-eight hours. The fee for a temporary cabaret license shall be two hundred dollars.

B. The fees for an annual or temporary cabaret license provided for in this section shall not be prorated.

(Ord. 615 §15, 1991: Ord. 506 §1(part), 1991: prior code §4-39).

5.12.080 - Cabaret license-Issuance prerequisites and conditions.

It shall be a necessary prerequisite for a cabaret license that the applicant shall first be properly licensed, pursuant to the ordinances of the city pertaining thereto, to sell alcoholic liquors, and shall maintain in good standing during the term of the cabaret license such licenses for the sale of liquors. Should any or all of such prerequisite licenses be revoked or suspended, such revocation or suspension shall immediately cause like revocation or suspension of the cabaret license for a like time.

(Ord. 615 §16, 1991: prior code §4-37).

5.12.090 - Cabaret license-Contents and posting required.

Every cabaret license issued pursuant to this chapter shall show the date of issuance, amount of license fee, name of person to whom issued, the term for which issued, and the nature and definite location of the business license, shall be signed by the mayor and the city clerk, shall have the corporate seal of the city affixed thereto, and shall be kept posted by the licensee in a conspicuous place within the room designated therein during the entire term for which the same shall have been granted.

(Prior code §4-41).

5.12.110 - Cabaret license-Transferability-Scope of activities permitted.

No cabaret license granted or issued under the provisions of this chapter shall be in any manner assignable or transferable or authorize any person other than as therein named to do business, or authorize any other business than as therein specified to be done or transacted, or authorize the business therein specified to be done or transacted in any room or at any place other than as therein designated.

(Prior code §4-43).

5.12.120 - Cabaret-Location permitted only in certain area.

No cabaret license shall be granted or issued under any provisions of this chapter unless the location of the premises stated in the application shall be embraced within the bounds of that certain zone or territory forming a part of the city bounded and described as follows: Commencing at the point where the south line of A Street intersects the east line of the alley extending northerly and southerly between Maine Street and Carson Street, and running thence southerly parallel with the west line of Maine Street to the south line of the alley extending easterly and westerly between Williams Avenue and A Street; thence westerly along the south line of said alley to the east line of LaVerne Street; thence southerly along the east line of LaVerne Street to the south line of Williams Avenue; thence easterly along the south line of Williams Avenue to the east line of the alley between Maine Street and Carson Street; thence southerly along the east line of said alley to the south line of First Street; thence westerly along the south line of First Street to a point one hundred feet west of the west line of Carson Street; thence southerly parallel with the west line of Carson Street to the south line of Center Street; thence easterly along the south line of Center Street to a point one hundred feet west of the west line of Maine Street; thence southerly parallel with the west line of Maine Street to the north line of Richards Street; thence easterly along the north line of Richards Street to a point one hundred feet east of the east line of Maine Street; thence northerly parallel with the east line of Maine Street to a point one hundred feet south of the south line of Center Street; thence easterly parallel with the south line of Center Street to the west line of Broadway; thence northerly along the west line of Broadway to a point one hundred feet north of the north line of Center Street; thence westerly parallel with the north line of Center Street to a point one hundred feet east of the east line of Maine Street; thence northerly parallel with the east line of Maine Street to the north line of Williams Avenue; thence easterly along the north line of Williams Avenue to the west line of the alley between Maine Street

and Nevada Street; thence northerly along the west line of said alley to the south line of A Street; and thence westerly along the south line of A Street to the point of beginning.

(Prior code §4-29).

5.12.130 - Cabaret license—Revocation conditions.

Whenever in the judgment of the city council there exists any place under its jurisdiction, licensed pursuant to this chapter, where the sale or disposition of liquor may tend to create or constitute a public nuisance, or where by the sale or disposition of liquor a disorderly house or place is maintained, the city council may, after complaint, upon reasonable notice to said licensee, and after hearing the facts, by a majority vote, revoke the license.

(Ord. 367 §1, 1976: prior code §4-30).

5.12.140 - Cabaret—License to prohibit minors on premises.

It is unlawful for the cabaret licensee, or an employee, servant or agent of a licensee under the provisions of this chapter, to permit any person under the age of twenty-one years to be present upon the premises covered by a cabaret license, except as provided in [Section 9.56.010](#); and any licensee who knowingly allows or permits such minor to remain therein shall be punished by a fine of not more than five hundred dollars.

(Ord. 499 §2, 1980: Ord. 478 §1, 1979: prior code §4-32).

5.12.150 - Cabaret—Minors prohibited on premises.

It is unlawful for any person under the age of twenty-one years to be present upon the premises covered by a cabaret license issued under the provisions of this chapter, except as provided in [Section 9.56.010](#).

(Ord. 499 §3, 1980: prior code §4-31).

5.12.160 - Cabaret—Access to premises by general public required.

It is unlawful to operate a cabaret in any room to which the general public shall not have access during any and all hours business is conducted.

(Prior code §4-33).

5.12.180 - Cabaret—Penalty for violation of provisions.

Any person who shall violate any of the provisions of this chapter pertaining to cabarets shall be deemed guilty of a misdemeanor unless otherwise provided.

(Ord. 478 § 2, 1979: prior code § 4-35).