

## TITLE VI. BUSINESS AND OCCUPATION

### CHAPTER 600: ALCOHOLIC BEVERAGES

*Cross References--Buildings and building regulations, Title V; emergency management, Ch. 230; business licenses and occupations, Ch. 605; planning and development, Ch. 405; streets, sidewalks and other public places, Ch. 535; traffic code, Title III; zoning, Ch. 400.*

#### **SECTION 600.010: DEFINITIONS**

When used in this Chapter, the following words shall have the meaning set out herein:

**AMUSEMENT PLACE:** Any establishment whose business building contains a square footage of at least six thousand (6,000) square feet and where games of skill commonly known as billiards, volleyball, indoor golf, bowling or soccer are usually played or has a dance floor of at least twenty-five hundred (2,500) square feet or any outdoor golf course with a minimum of nine (9) holes and which has annual gross receipts of at least one hundred thousand dollars (\$100,000.00) of which at least fifty thousand dollars (\$50,000.00) of such gross receipts is in non-alcoholic sales.

**CLOSED PLACE:** A place where all doors are locked and where no patrons are in the place or about the premises.

**INTOXICATING LIQUOR:** Alcohol for beverage purposes, including alcoholic, spirituous, vinous, fermented, malt or other liquors or combination of liquors, a part of which is spirituous, vinous or fermented and all preparations or mixtures for beverage purposes containing in excess of one-half of one percent (0.5%) by volume, except for non-intoxicating beer as defined herein. All beverages having an alcoholic content of less than one-half of one percent (0.5%) by volume shall be exempt from the provisions of this Chapter.

**LIGHT WINES:** An intoxicating liquor consisting of wine containing not in excess of fourteen percent (14%) of alcohol by weight made exclusively from grapes, berries and other fruits and vegetables.

**MALT LIQUOR:** An intoxicating liquor containing alcohol in excess of three and two-tenths percent (3.2%) by weight and not in excess of five percent (5%) by weight manufactured from pure hops or pure extract of hops or pure barley malt or wholesome grains or cereals and wholesome yeast and pure water.

**NON-INTOXICATING BEER:** Any beer manufactured from pure hops or pure extract of hops and pure barley malt or other wholesome grains or cereals and wholesome yeast and pure water and free from all harmful substances, preservatives and adulterants and having an alcoholic content of more than one-half of one percent (0.5%) by volume and not exceeding three and two-tenths percent (3.2%) by weight.

**ORIGINAL PACKAGE:** Any package sealed or otherwise closed by the manufacturer so as to

consist of a self-contained unit, and consisting of one (1) or more bottles or other containers of intoxicating liquor or non-intoxicating beer, where the package and/or container(s) describes the contents thereof as intoxicating liquor or non-intoxicating beer. "Original package" shall also be construed and held to refer to any package containing three (3) or more standard bottles of beer.

*PERSON:* An individual, association, firm, joint stock company, syndicate, partnership, corporation, receiver, trustee, conservator or any other officer appointed by any State or Federal court.

*RESORT:* Any establishment having at least thirty (30) rooms for the overnight accommodation of transient guests having a restaurant or similar facility on the premises at least sixty percent (60%) of the gross income of which is derived from the sale of prepared meals or food or means a restaurant provided with special space and accommodations where, in consideration of payment, food, without lodging, is habitually furnished to travelers and customers and which restaurant establishment's annual gross receipts immediately preceding its application for a license shall not have been less than seventy-five thousand dollars (\$75,000.00) per year with at least fifty thousand dollars (\$50,000.00) of such gross receipts from non-alcoholic sales or means a seasonal resort restaurant with food sales as determined in Subsection (2) of Section 311.095, RSMo. Any facility which is owned and operated as a part of the resort may be used to sell intoxicating liquor by the drink for consumption on the premises of such facility and, for the purpose of meeting the annual gross food receipts requirements of this definition, if any facility which is a part of the resort meets such requirement, such requirement shall be deemed met for any other facility which is a part of the resort.

*RESTAURANT BAR:* Any establishment having a restaurant or similar facility on the premises at least fifty percent (50%) of the gross income of which is derived from the sale of prepared meals or food consumed on such premises or which has an annual gross income of at least two hundred thousand dollars (\$200,000.00) from the sale of prepared meals or food consumed on such premises. (RSMo. §§311.020, 312.010; Ord. No. 2006-2718 §1, 4-25-06)

### **SECTION 600.015: LICENSE REQUIRED -- CLASSES OF LICENSES**

- A. No person shall sell or offer for sale intoxicating liquor or non-intoxicating beer in the City of Aurora without a currently valid liquor license issued by the City. A separate liquor license shall be required for each of the categories and subcategories of liquor sales in which the licensee desires to engage as set forth herein.
- B. *General Licenses.* Any person possessing the qualifications and meeting the requirements of this Chapter may apply for the following licenses to sell intoxicating liquor or non-intoxicating beer:
1. *Package liquor--malt liquor only:* Sales of malt liquor at retail in the original package not for consumption on the premises where sold. This license may include Sunday sales from 1:00 P.M. to Midnight.
  2. *Package liquor--non-intoxicating beer:* Sales of non-intoxicating beer at retail in the original package not for consumption on the premises where sold.
  3. *Package liquor--all kinds:* Sales of all kinds of intoxicating liquors in the original package at retail not for consumption on the premises where sold, including sales as set forth in Subsections (B)(1) and (2) of this Section.
  4. *Liquor by the drink--malt liquor/light wine only:* Sales of malt liquor and light wines at retail by the drink for consumption on the premises where sold, including sales as set forth in Subsections (B)(1) and (5) of this Section.

5. *Malt liquor by the drink:* Sales of malt liquor at retail by the drink for consumption on the premises, which license shall also permit the holder thereof to sell non-intoxicating beer as defined in Section 600.010 of this Chapter and set out in Subsection (6) hereof. This license may include Sunday sales from 1:00 P.M. to Midnight.
  6. *Liquor by the drink--non-intoxicating beer:* Sales of non-intoxicating beer at retail by the drink for consumption on the premises where sold, including sales as set forth in Subsection (B)(2) of this Section.
  7. *Liquor by the drink--all kinds:* Sales of intoxicating liquor of all kinds at retail by the drink for consumption on the premises where sold, including package sales as set forth in Subsection (B)(3) of this Section.
- C. *Sunday Sales.* Any person who is licensed under the provisions of this Chapter or who otherwise possesses the qualifications and meets the requirements of this Chapter may apply for the following licenses to sell intoxicating liquor or non-intoxicating beer on Sundays between the hours of 1:00 P.M. and Midnight:
1. *Package liquor--all kinds:* Sales of liquor of all kinds in the original package at retail not for consumption on the premises where sold.
  2. *Liquor by the drink--restaurant bar:* Sales of liquor of all kinds by the drink at retail for consumption on the premises of any restaurant bar.
  3. *Liquor by the drink--amusement place:* Sales of liquor of all kinds by the drink at retail for consumption on the premises of any amusement place.
  4. *Liquor by the drink--place of entertainment:* Sales of liquor of all kinds by the drink at retail for consumption on the premises of any place of entertainment.
- D. *Permits.*
1. *Temporary permit for sale by drink.* Any person who possesses the qualifications, meets the requirements and complies with the provisions of Section 600.030(3) below may apply for a special permit to sell intoxicating liquor for consumption on premises where sold.
  2. *Tasting permit.* Any person who is licensed to sell intoxicating liquor in the original package at retail under Subsections (B)(3) and (C) of this Section above may apply for a special permit to conduct wine, malt beverage and distilled spirit tastings on the licensed premises; however, nothing in this Section shall be construed to permit the licensee to sell wine, malt beverages or distilled spirits for on-premises consumption. (Ord. No. 2006-2718 §1, 4-25-06)

#### **SECTION 600.020: LICENSE REQUIRED -- APPLICATION REQUIREMENTS**

- A. It shall be unlawful for any person to manufacture, sell or expose for sale in this City intoxicating liquor, as defined in this Chapter, without a license issued by the City as provided in this Chapter and without paying the license fee as provided in Section 600.030.
- B. Any person desiring to sell or expose for sale in this City intoxicating liquor shall present satisfactory evidence to the City Clerk that the applicant has met and satisfied all requirements of Section 311.010, RSMo., et seq., and all regulations as established by the State Department of Liquor Control or such other agency of the State having jurisdiction over the sale of intoxicating liquors.
- C. The City Clerk shall issue a license to any person applying therefor upon proof that such applicant has satisfied the aforesaid requirements of the State and paid the applicable license fee.
- D. Notwithstanding any other provisions of this Chapter to the contrary, any person who possesses

the qualifications required by this Chapter, and who now or hereafter meets the qualification requirements of and complies with the provisions of this Chapter, may apply for, and the City Clerk may issue, a special license to sell intoxicating liquor in the original package at retail, as defined in Section 311.200, RSMo., 1986, between the hours of 1:00 P.M. and Midnight on Sundays. (Code 1972, §3-10; Ord. No. 84-1859, §2, 9-10-84; CC 1988 §3-2; Ord. No. 93-2113 §1, 6-14-93; Ord. No. 2006-2718 §1, 4-25-06)

*Cross Reference--Business licenses and occupations, Ch. 605.*

### **SECTION 600.030: LICENSE FEE SCHEDULE**

The following categories and subcategories of licenses shall be issued upon compliance with the provisions of this Chapter and payment of the license fee indicated:

1. *General licenses.*
  - a. Malt liquor--original package \$ 75.00
  - b. Non-intoxicating beer--original package 22.50
  - c. Intoxicating liquor (all kinds)--original package 150.00
  - d. Malt liquor--by drink 75.00
  - e. Malt liquor and light wines--by drink 75.00
  - f. Non-intoxicating beer--by drink 37.50
  - g. Intoxicating liquor (all kinds)--by drink 450.00
2. *Sunday sales.* (Additional fees)
  - a. Intoxicating liquor--original package 300.00
  - b. Restaurant bars 300.00
  - c. Amusement places 300.00
  - d. Liquor by the drink--charitable organizations 300.00
3. *Permits.*
  - a. Temporary permit--by the drink for certain organizations (7 days max.) 37.50
  - b. Tasting permit 37.50
  - c. Caterers 15.00 per each calendar
4. *Microbreweries.*
  - a. Manufacturing of beer and malt liquor per Section 311.195 RSMo. 7.50 for each 100 barrels or fraction thereof  
375.00 maximum

Of the license fee to be paid for any such license, the applicant shall pay as many twelfths (12ths) as there are months (part of a month counted as a month) remaining from the date of the license to the next succeeding July first (1st). (Code 1972, §§3-11, 3-15; Ord. No. 84-1859 §3, 9-10-84; CC 1988 §3-3; Ord. No. 93-2113 §2, 6-14-93; Ord. No. 97-2293 §1, 10-28-97; Ord. No. 2006-2718 §1, 4-25-06)

*Cross References--Buildings and building regulations, Title V; business licenses and occupations, Ch. 605; streets, sidewalks and other public places, Ch. 535; traffic code, Title III.*

### **SECTION 600.040: RESERVED**

*Editor's Note--Ord. no. 93-2113 §4, enacted June 14, 1993, repealed section*

*600.040 without any provisions for replacement. Said former section derived from CC 1988 §3-4 and ord. no. 87-1954 §2, 12-14-87. This section has been left reserved for the city's future use.*

**SECTION 600.047: MICROBREWERY**

For each applicant operating a microbrewery, such term "*microbrewery*" being defined as a business whose primary activity is the brewing and selling of beer, with an annual production of ten thousand (10,000) barrels or less, the following license fees shall apply:

1. If the microbrewery will sell intoxicating liquor by the drink, the license and fee required in Section 600.030(1)(g) of this Chapter shall be assessed and paid.
2. If the microbrewery will sell intoxicating liquor in the original package, the license fee required in Section 600.030(1)(c) of this Chapter shall be assessed and paid.
3. If the microbrewery will sell intoxicating liquor in the original package at retail as defined by Section 311.200, RSMo., 1986, between the hours of 1:00 P.M. and Midnight on Sundays, the license and fee required in Section 600.030(2)(a) of this Chapter shall be assessed and paid.
4. In addition, a microbrewery shall obtain a "microbrewer's license" from the City Clerk per requirements of Section 600.020 which shall authorize the licensee to manufacture beer and malt liquor. (Ord. No. 2006-2718 §1, 4-25-06)

*State Law Reference--Section 311.195, RSMo., Licenses--retail liquor dealers--fees--applications.*

**SECTION 600.050: DRINKING, POSSESSING OPEN CONTAINERS IN PUBLIC**

It shall be unlawful for any person to drink, or encourage another person to drink, or to have open any container or any original package containing intoxicating liquor, malt liquor or non-intoxicating beer in or upon any public streets, alleys, parks or public thoroughfares of the City, or in or upon or within any automobile in or upon any public streets, alleys, parks or public thoroughfares of the City, or any bus stations, theater, movie theater, bus, taxi or public conveyance or in any public school building or church unless otherwise operating under a special event permit authorized by City Council. (Code 1972, §3-7; Ord. No. 84-1859, §4, 9-10-84; CC 1988 §3-5; Ord. No. 2005-2686 §1, 8-23-05; Ord. No. 2006-2718 §1, 4-25-06)

*Cross References--Streets, sidewalks and other public places, Ch. 535; taxicabs and other vehicles for hire, Ch. 610.*

**SECTION 600.060: POSSESSION BY MINORS**

The possession, actual or constructive, of any intoxicating liquor or non-intoxicating beer by any person under the age of twenty-one (21) years is hereby prohibited within the City limits. (Code 1972 §3-5; Ord. No. 84-1859 §5, 9-10-84; CC 1988 §3-6; Ord. No. 2006-2718 §1, 4-25-06)

*Cross Reference--Offenses, Ch. 215.*

**SECTION 600.070: MISREPRESENTATION OF AGE BY MINORS TO OBTAIN INTOXICATING LIQUOR**

- A. It shall be unlawful for any person of the age of seventeen (17) years and under the age of

twenty-one (21) years to represent that he or she has attained the age of twenty-one (21) years for the purpose of purchasing, asking for or in any way receiving any intoxicating liquor, except as otherwise authorized by law.

- B. Any person under the age of seventeen (17) years who shall represent that he or she has attained the age of twenty-one (21) years for the purpose of purchasing, asking for or in any way receiving any intoxicating liquor, except as otherwise authorized by law, may be considered a delinquent child and may be dealt with in accordance with the provisions of Chapter 211, RSMo.
- C. In addition to any other penalties established in Subsection (A) of this Section and established in Sections 577.500 to 577.530, RSMo., any person who is less than twenty-one (21) years of age who uses a reproduced, modified or altered chauffeur's license, motor vehicle operator's license, identification card issued by any uniformed service of the United States or identification card established in Section 302.181, RSMo., for the purpose of purchasing, asking for or in any way receiving any intoxicating liquor, shall be guilty of a misdemeanor and shall be subject to a fine of five hundred dollars (\$500.00) for each separate offense.
- D. Any person found in violation of this Section shall be fined no more than five hundred dollars (\$500.00) per offense and/or imprisoned no more than ninety (90) days in the City Jail. (RSMo. §311.320.2; Ord. No. 91-2037 §3.7, 6-10-91; Ord. No. 2006-2718 §1, 4-25-06)

#### **SECTION 600.080: OPENING AND CLOSING HOURS**

It shall be unlawful for a holder of any license issued under this Chapter to offer for sale any intoxicating liquor during any hours, except as follows:

- 1. During the times established by the Missouri Division of Liquor Control and Section 311.290, RSMo.
- 2. When December thirty-first (31st) (New Year's Eve), January first (1st) (New Year's Day), March seventeenth (17th) (St. Patrick's Day) or July fourth (4th) (Independence Day) falls on Sunday, any person having a license to sell intoxicating liquor by the drink may be open for business and sell intoxicating liquor by the drink under the provision of his/her license on said day after 1:00 P.M. and until the time which would be lawful on another day of the week, notwithstanding any provisions of this Chapter or any other provision of law to the contrary.
- 3. Notwithstanding any other provisions of this Chapter to the contrary, any person who possesses the qualifications required by this Chapter, and who now or hereafter meets the requirements of and complies with the provisions of this Chapter, may apply for, and the City Clerk may issue, a license to sell intoxicating liquor, as in this Chapter defined, between the hours of 1:00 P.M. and Midnight on Sunday by the drink at retail for consumption on the premises of any amusement place. As used in this Section, "*amusement place*" means any establishment whose business building contains a square footage of at least six thousand (6,000) square feet, and where games of skill commonly known as bowling, soccer, billiards, volleyball, handball, racketball and indoor golf are usually played, and which has annual gross receipts of at least two hundred thousand dollars (\$200,000.00) of which no more than fifty percent (50%) may be derived from the sale of alcoholic beverages. (Ord. No. 93-2113 §3, 6-14-93; Ord. No. 2006-2718 §1, 4-25-06)

#### **SECTION 600.090: SELLING OR SUPPLYING INTOXICATING LIQUOR TO A**

**MINOR**

- A. Any licensee under Chapter 600 of this Code, or his/her employee, who shall sell, vend, give away or otherwise supply any intoxicating liquor in any quantity whatsoever to any person under the age of twenty-one (21) years, or to any person intoxicated or appearing to be in a state of intoxication, or to a habitual drunkard, and any person whomsoever, except his/her parent or guardian, who shall procure for, sell, give away or otherwise supply intoxicating liquor in any quantity whatsoever to any person under the age of twenty-one (21) years, or to any person intoxicated or appearing to be in a state of intoxication, or to a habitual drunkard shall be deemed to be in violation of this Section, except that this Section shall not apply to the supplying of intoxicating liquor to a person under the age of twenty-one (21) for medical purposes only or to the administering of such intoxicating liquor to any person by a duly licensed physician.
- B. Violation of this Section shall be punished, upon conviction, by a minimum fine of one hundred dollars (\$100.00) and a maximum fine of five hundred dollars (\$500.00), up to ninety (90) days in the City Jail, or both a fine and jail sentence. If the Municipal Judge shall suspend imposition of sentence of any person found in violation of this Section, then the Judge shall require the violator to complete a minimum of forty (40) hours of community service. (Ord. No. 94-2148 §600.080, 6-13-94; Ord. No. 2006-2718 §1, 4-25-06)

**CHAPTER 605: LICENSES AND BUSINESS REGULATIONS**

*Cross References--Administration, Title I; alcoholic beverages, Ch. 600; alcoholic beverage license required, §600.020; drinking and possessing open containers in certain public places prohibited; §600.050; finance, Ch. 120; sign regulations, Ch. 530; taxation, Ch. 160; commercial vehicles prohibited on certain streets, §365.070; vehicles for hire business license required, §610.015; zoning, Ch. 400.*

**ARTICLE I. IN GENERAL**

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**SECTION 605.010: LICENSE, PAYMENT OF LICENSE FEE REQUIRED**

No person, either as principal or agent, shall pursue, conduct, carry on or operate within the City any trade, calling, business, vocation, occupation or profession hereinafter named in this Chapter, without first obtaining a license therefor and without paying in advance the license fees hereinafter prescribed. (Code 1972, §17-1; CC 1988 §15-1)

**SECTION 605.020: MERCHANT'S LICENSES**

- A. The Council shall have power and authority to levy and collect a license tax on wholesale houses, auctioneers, architects, druggists, grocers, banks, brokers, wholesale merchants, merchants of all kinds, confectioners, delivery trucks, ice trucks, transfer trucks, laundry wagons, milk wagons, merchant delivery companies, cigar and tobacco stands, hay scales, wood dealers, coal dealers, lumber dealers, real estate agents, loan companies, abstracters, abstract agencies, loan agents, collection agencies, undertakers, public buildings, office buildings, public halls,

public grounds, concerts, photographers in office or upon the streets, canvassers, artists, drummers, patent right dealers, automobile agents and dealers, automobile accessory dealers, insurance companies, insurance agents, taverns, hotels, rooming houses, boarding houses, health schools, telephone companies, street contractors, paper hanger contractors, painting contractors, plastering contractors, and all subcontractors, flour mills, express company agencies, wagons, buggies, carriages, tanners, barbers, barbershops, hair dressers, hair dressing shops, whether conducted in connection with other business or separate beauty parlors, tailors, florists, nursery stock agents, book binders, monument dealers and agencies, manufacturing agents, shoe cobbler shops, storage warehouses, shoe shining parlors, newspaper offices, job printing plants, ready-to-wear clothing agencies, tailor-made clothing agencies, sewing machine agents, piano and organ dealers and agents, foreign coffee and tea dealers and agents, and all other vocations whatsoever, and fix the rate of carriage of persons and wagonage, drayage and cartage of property; and to levy and collect a license tax and regulate hawkers, peddlers, pawnbrokers, restaurants, butchers, wholesale butchers, bathhouses and masseurs, lunch stands, lunch counters, lunch wagons, soft drink and ice cream stand and vendors, ice cream parlors, peanut and popcorn stands, and stands of every kind, hucksters, opera houses, moving picture shows, private parks, public lectures, public meetings, baseball parks, outdoor advertising, horse and cattle dealers, stockyards, wagon yards, auto yards, oil stations, wholesale and retail, inspectors, gaugers, mercantile agents, manufacturing and other corporations, or institutions, machine shops, blacksmith shops, foundries, sewer contractors, building contractors, stone contractors, plumbing contractors, brick contractors, cement contractors, sidewalk contractors, bridge contractors, and all subcontractors, street railroad cars, light, power and water companies, gas companies, laundries, laundry agencies, ice plants and ice plant agencies, ice dealers, omnibuses, automobiles, automobile trailers, tractors, carts, drays, milk wagons, laundry wagons, delivery wagons, transfer and job wagons, ice wagons, and all other vehicles, traveling and auction stores, plumbers, pressing establishments, installment houses and agencies, produce and poultry dealers, feather renovators, bakers and bakeries, bakery delivery wagons, and delivery autos, bottling works, dye works, cleaning establishments, sand plants, steam fitters, corn doctors, chiropodists, hackmen, taxicabs, buses, draymen, omnibus drivers, porters, ferries, and to regulate the same, and the landing thereof, within the limits of the City, and all others pursuing like occupations; and to levy and collect a license tax, regulate, restrain, prohibit and suppress ordinaries, money brokers, money changers, intelligence and employment offices and agencies, public masquerades, balls, street exhibitions, dance halls, fortune tellers, pistol galleries, shooting galleries, palmists, private venereal hospitals, museums, menageries, equestrian performances, fluoroscopic views, picture shows, telescopic views, lung testers, muscle developers, magnifying glasses, ten pin alleys, ball alleys, bowling alleys, billiard tables, pool and other tables, miniature golf courses, theatrical or other exhibitions, boxing and sparring exhibitions, shows and amusements, amusement parks, and the sales of unclaimed goods by express companies or common carriers, auto wrecking shops, bill posters, junk dealers, porters, carnival and street fairs, circuses and shows, for parade and exhibition, or both, skating rinks, and runners and solicitors for steamboats, cars, stages, taxicabs, hotels, rooming houses, boardinghouses, bathhouses, masseurs, health schools, and all other vocations and business whatsoever, and all others pursuing like occupations.

- B. Any merchant issued a license to do business in the City of Aurora, Missouri, shall be charged a fee of twenty-five dollars (\$25.00) for such license to do business. (Code 1972 §17-2; CC 1988 §15-2; Ord. No. 89-1992, §1, 10-9-89; Ord. No. 95-2199 §1--2, 9-26-95)

**SECTION 605.030: SEPARATE LICENSE FOR EACH LOCATION**

Every person who shall carry on a business at two (2) or more different places shall secure a license for each place of business. (Code 1972, §17-3; CC 1988 §15-3)

**SECTION 605.035: PROOF OF SALES TAX PAYMENT REQUIRED PRIOR TO LICENSE ISSUANCE**

- A. Any person, firm or corporation who is required to pay sales tax to the City of Aurora, Missouri, must show proof to the City Clerk that all sales taxes due to the State of Missouri and the City of Aurora, Missouri, have been paid to the date of the application prior to being issued a City business license.
- B. Any person, firm or corporation failing to provide proof of payments of such sales tax shall not be issued a City business license until such time as said State and City sales taxes and penalties and interest thereof are fully paid and the Department of Revenue for the State of Missouri certifies that same are fully paid.
- C. Any person, firm or corporation, upon initial application for a merchant's license in the City of Aurora, Missouri, must show proof to the City Clerk that a State sales tax identification number has been obtained in the name of the person, firm or corporation making application of the merchant's license. (Ord. No. 2004-2604 §1, 6-22-04)

**SECTION 605.040: ISSUANCE OF LICENSE**

All licenses under this Chapter shall be issued by the City Clerk. No license shall be issued until the license fee therefor shall be paid in full to the City Clerk. All fees so paid shall be credited to the general funds of the City. All licenses shall be signed by the Mayor, City Clerk and Tax Collector. The City Clerk shall affix the Corporate Seal of the City. (Code 1972, §17-4; CC 1988 §15-4)

**SECTION 605.050: LICENSE TRANSFERABILITY**

No license issued pursuant to this Chapter shall be assigned or transferred. (Code 1972, §17-5; CC 1988 §15-5)

**SECTION 605.060: LICENSE DISPLAY**

All persons obtaining licenses under this Chapter shall keep the same posted in their places of business in such a manner as to expose the same to public view. When a licensee has no regular place of business, he shall exhibit his license to any person under demand. (Code 1972, §17-6; CC 1988 §15-6)

**SECTION 605.070: TERM OF LICENSE**

All licenses issued under this Chapter shall be for a period of one (1) year, except when other periods are specifically set forth in the schedule of license fees, in which event a license shall be issued for the period requested by the applicant. All annual licenses shall begin on July first (1st) of each year. (Code 1972, §17-7; CC 1988 §15-7)

**SECTION 605.080: GROUNDS FOR REVOCATION**

Any license issued pursuant to this Chapter or any ordinance of this City shall be revocable by the City Council upon the failure of the licensee to comply with the provisions of this Chapter, to conduct the business or vocation licensed according to law and the ordinances of the City; but in no case shall the City be liable to refund any money paid for such license and it shall be a part of the consideration of every license that it may be revoked and shall not be transferable. (Code 1972, §17-8; CC 1988 §15-8)

**SECTION 605.085: PENALTY FOR VIOLATION OF CHAPTER**

Any person who does not secure a license prior to doing business within the City, whose license is revoked and who continues to operate or whose license is not renewed and who continues to operate is guilty of a misdemeanor punishable by fine of not more than five hundred dollars (\$500.00). Each day of operation after one (1) of the acts described in this Section occurs shall be considered to be a separate offense. (Ord. No. 2004-2604 §1, 6-22-04)

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**ARTICLE II. DRAY, MOVING OR TRANSFER BUSINESS**

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*Editor's Note--Ord. no. 95-2199 §1, adopted September 26, 1995, repealed §§605.090-- 605.110 and enacted a new §605.090. Former sections derived from code 1972 §§17-9--17-11; cc 1988 §§15-26--15-28.*

**SECTION 605.090: EXEMPTIONS FROM SECTION 605.020**

- A. For purposes of this Section, the following word shall have the meaning respectively ascribed to it:  
*COMMERCIAL CARRIER:* Any carrier that is engaged in the business regulated in this Article, but which is regulated by the Public Service Commission and the Division of Transportation of this State under the Statutes of the State.
- B. Every person who shall be classified as a commercial carrier, as defined herein, shall be specifically excluded or exempt from the terms of Section 605.020. (Ord. No. 95-2199 §§1,3, 9-26-95; Ord. No. 97-2294 §§1--2, 10-28-97)

**SECTION 605.100: RESERVED**

**SECTION 605.110: RESERVED**

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**ARTICLE III. SOLICITORS, SEPTIC TANK CLEANERS, ETC.**

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**SECTION 605.120: LICENSE--REQUIRED**

It shall be unlawful for any person, or any person acting as an agent or employee of such person, to engage in the business of soliciting orders for a future delivery of goods, wares or

merchandise at retail from stock not carried in the City or to engage in the business of offering services in regard to the cleaning of cesspools and septic tanks or in regard to cleaning and repairing furnaces, or in regard to furnishing any services or material in regard to pest control within the corporate limits of the City without first obtaining the licenses therefor. (Code 1972, §17-12; CC 1988 §15-46)

**SECTION 605.130: LICENSE--FEES**

Before any person shall be entitled to engage in any business set out in Section 605.120, such person shall pay to the City Clerk a license fee of twenty-five dollars (\$25.00) for each year and fifteen dollars (\$15.00) for six (6) months or for any fractional part thereof, five dollars (\$5.00) per day. (Code 1972, § 17-13; CC 1988 §15-47)

**SECTION 605.140: RESERVED**

*Editor's Note--Ord. no. 97-2307, enacted December 23, 1997, repealed section 605.140 without any provisions for replacement. Former section 605.140 derived from Code 1972, §17-14 and CC 1988 §15-48. We have left the section reserved for the city's future use.*

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**ARTICLE IV. ELECTRIC LIGHT AND POWER COMPANIES**

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**SECTION 605.150: DEFINITION**

The term "*light and power company*," when used in this Article, includes every corporation, company, association, firm and individual which is an electrical corporation owning and operating an electric plant as a public utility within the meaning of and as defined in the Missouri Public Service Commission law (RSMo. Chapters 386 and 393). (Ord. No. 82-1818, §2, 12-13-82; CC 1988 §15-66)

*Cross Reference--Definitions and rules of construction generally, §100.020.*

**SECTION 605.160: LICENSE AND OCCUPATION TAX--REQUIRED**

Every light and power company, and their successors and assigns, generating, manufacturing, selling, distributing, transmitting, supplying and furnishing electricity, electric power, electric energy and electric service in the City shall, for the privilege of doing business and engaging in such occupation therein, pay to the City a license and occupation tax. (Ord. No. 82-1818, §1, 12-13-82; CC 1988 §15-67)

**SECTION 605.170: LICENSE AND OCCUPATION TAX--AMOUNT**

The license and occupation tax provided for in this Article shall be a sum equal to five and sixty-six hundredths percent (5.660%) of the gross receipts derived from the transaction of the licensee's business within the City of Aurora. (Ord. No. 82-1818, §3, 12-13-82; Ord. No. 87-1957, §1, 12-14-87; CC 1988 §15-68)

**SECTION 605.180: LICENSE AND OCCUPATION TAX--DEFINITION OF GROSS RECEIPTS**

- A. The term "*gross receipts*" when used in this Article shall mean:
1. Except as otherwise provided in Subsection (B) hereof, all monies collected and received by the licensee from the manufacture, distribution, and sale of electric power and energy to all of the licensee's customers within the present and future boundaries of the City of Aurora served under rate schedules as now or hereafter approved by the Missouri Public Service Commission for residential, and commercial service having a reserve capacity of forty (40) kilowatts or less, before any deductions are made therefrom by the licensee for any expenses, costs, or charges of any kind.
  2. All monies collected and received by the licensee from the sale or lease of goods and products to all of the licensee's customers within the present and future boundaries of the City of Aurora, before any deductions are made therefrom by the licensee for any expenses, costs or charges of any kind.
- B. "*Gross receipts*" shall not include late charges and interest collected and received by the licensee. (Ord. No. 87-1957, §2, 12-14-87; CC 1988 §15-68.1)

**SECTION 605.190: LICENSE AND OCCUPATION TAX -- WHEN DUE -- COMPUTATION**

The licensee shall pay the tax provided for in this Article monthly, such tax to be computed upon the basis of gross receipts collected by the licensee which are subject to the tax from the first day through the last day of each month during which the licensee is doing business and engaged in such occupation, beginning on December 13, 1982. (Ord. No. 82-1818, §4, 12-13-82; CC 1988 §15-69)

**SECTION 605.200: REPORTS TO CITY--COLLECTION PROCEDURES**

The exact date after the end of each month on which the licensee shall pay the tax provided for in this Article, the form and contents of reports filed by the licensee with the City showing the gross receipts which are subject to the tax, the date on which such reports are due, and the procedure for adjustments of tax payments due to bad debts and uncollected statements for the sale of electric energy shall be as mutually agreed upon by the city and the licensee. (Ord. No. 82-1818, §5, 12-13-82; CC 1988 §15-70)

**SECTION 605.210: TAX NOT EXCLUSIVE**

The license and occupation tax provided for in this Article shall be in addition to all other taxes, payments or fees now or hereafter required by law or ordinance. (Ord. No. 82-1818 §6, 12-13-82; CC 1988 §15-71)

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**ARTICLE V. GARAGE SALES**

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*Cross Reference--Zoning, Ch. 400.*

**SECTION 605.220: 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:

*GARAGE SALES*: Includes all sales entitled "*garage sale*," "*lawn sale*," "*attic sale*," "*rummage sale*," "*flea market sale*," or any similar casual sale of tangible personal property which is advertised by any means whereby the public at large is or can be made aware of such sale.

*GOODS*: Any goods, warehouse merchandise or other property capable of being the object of a sale regulated under this Article.

*PERSON*: Includes individuals, partnerships, voluntary associations and corporations. (Code 1972, §17-8.1; Ord. No. 81-1796, §1, 8-10-81; CC 1988 §15-91)

*Cross Reference--Definitions and rules of construction generally, §100.020.*

**SECTION 605.230: PERMIT**

It shall be unlawful for any person to conduct a garage sale in the City without first notifying the Building Official's office, providing specific information of the sale and obtaining a permit number therefor. (Ord. No. 81-1796, §2, 8-10-81; CC 1988 §15-92)

**SECTION 605.240: LIMITATIONS**

- A. Garage sales shall be permitted to any one (1) person only twice within a twelve (12) month period, no sooner than sixty (60) days apart. No garage sale shall be allowed for more than four (4) consecutive calendar days.
- B. There shall be no more than two (2) garage sales during a twelve-month period at a single location unless the ownership of the property at the location shall have changed subsequent to a prior sale. (Code 1972, §17-8.1; Ord. No. 81-1796, §3, 8-10-81; CC 1988 §15-93)

**SECTION 605.250: INFORMATION TO BE FILED**

Information to be filed with the Building Official's office pursuant to this Article shall be as follows:

- 1. Name of the person, firm, group, corporation, association, or organization conducting the sale;
- 2. Name of the owner of the property on which the sale is to be conducted, and consent of the owner if the applicant is other than the owner;
- 3. Location at which the sale is to be conducted;
- 4. Number of days and dates of sale;
- 5. Date of any past sale. (Code 1972, §17-8.1; Ord. No. 81-1796, §4, 8-10-81; CC 1988 §15-94)

**SECTION 605.260: ADVERTISING SIGNS**

It shall be unlawful for any person to place any sign or billboard in the right-of-way of any public street, alley, sidewalk, municipal park or property owned by the City, or permit such sign to encroach upon such designated premises, provided such signs for garage sales are not removed within three (3) days following the last day of such garage sale. In no case may any person place, or permit to be placed, any sign on any traffic-control signs or posts. (Ord. No.

81-1796, §5, 8-10-81; CC 1988 §15-95)

**SECTION 605.270: EXEMPTIONS**

The provisions of this Article shall not apply to or affect the following persons or sales:

1. Persons selling goods pursuant to an order or process of a court of competent jurisdiction;
2. Persons acting in accordance with their powers and duties as public officials;
3. Any person selling or advertising for sale an item or items of personal property which are specifically named or described in the advertisement and which separate items do not exceed five (5) in number. (Ord. No. 81-1796, §6, 8-10-81; CC 1988 §15-96)

**SECTION 605.280: PENALTY**

Any person conducting any garage sale without having properly notified the office of the Building Official and obtaining a permit number, or who shall violate any of the other terms and regulations of this Article shall, upon conviction, be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00), or be imprisoned for a period not to exceed ten (10) days for each violation. (Ord. No. 81-1796, §7, 8-10-81; CC 1988 §15-97)

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**ARTICLE VI. PAWNBROKERS**

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**SECTION 605.290: RECORDKEEPING--INSPECTION OF BOOKS**

Every pawnbroker, secondhand merchant, motor vehicle salvage merchant and junk dealer, both wholesale and retail, shall keep a well-bound book in which he shall enter legibly with ink or permanent marking a description of all personal property pledged with him or purchased by him, including therein all identification numbers on such property and the name, address, age and general description of the person pledging or selling the property, and the amount of the loan or purchase price. Such records shall not be defaced or erased and shall be open to inspection by any Police Officer at any time during normal business hours, together with the articles pledged or purchased if they are still in the possession of the merchant or dealer. (Code 1972, §16-1; Ord. No. 86-1905, §2, 4-28-86; CC 1988 §15-116)

**SECTION 605.300: DEALING WITH MINORS**

No pawnbroker, secondhand merchant, motor vehicle salvage merchant or junk dealer, either wholesale or retail, shall receive any personal property from any minor without the written consent of such minor's parents or guardian. (Code 1972, §16-2; CC 1988 §15-117)

**SECTION 605.310: PAWNBROKERS TO FURNISH RECEIPTS**

In addition to keeping a record as required in this Article, every pawnbroker shall give the person depositing or selling property a plainly written, typed or printed receipt for the article deposited or purchased, having thereon a copy of the entries required to be kept in his record. He shall not make any charge for such ticket. (Code 1972, §16-3; CC 1988 §15-118)

**SECTION 605.320: JUNK DEALERS, SECONDHAND MERCHANTS TO GIVE RECEIPTS FOR PURCHASES**

Every junk dealer or secondhand merchant who shall purchase any junk, salvage or other secondhand materials shall prepare and deliver to the seller of such junk or secondhand materials a written statement showing the quantity and type of junk, salvage or other secondhand materials purchased, the unit price paid therefor and the gross price thereof. (Code 1972, §16-4; CC 1988 §15-119)

**SECTION 605.330: ACCEPTING, DISPLAYING WEAPONS**

No pawnbroker or secondhand merchant shall receive as a pledge or purchase any black jack or sawed-off shotgun, and no revolver, pistol or weapon of any kind shall be displayed in his shop window. (Code 1972, § 16-5; CC 1988 §15-120)

**SECTION 605.340: SUSPECTED STOLEN GOODS--DUTY TO REPORT**

It shall be the duty of every pawnbroker or secondhand merchant to report to the Police Department any article pledged or sold to him, or which is sought to be pledged or sold to him, if he shall have reason to believe that the article was stolen or lost and found by the person attempting to pledge or sell the article to him. (Code 1972, §16-6; Ord. No. 86-1905, §2, 4-28-86; CC 1988 §15-121)

**SECTION 605.350: PENALTY FOR VIOLATION**

Any person violating any provision of this Article shall upon conviction be punished by a fine not to exceed two hundred fifty dollars (\$250.00). (Code 1972, §16-7; CC 1988 §15-122)

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**ARTICLE VII. SOLID WASTE HAULING**

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**SECTION 605.360: SOLID WASTE HAULING**

- A. Contractor shall provide for each vehicle used in the work covered by this Article, liability insurance in companies and form satisfactory to the City in the sum of not less than one hundred thousand dollars (\$100,000.00) for any one (1) person and the sum of three hundred thousand dollars (\$300,000.00) for any two (2) or more persons who may be injured in any one (1) accident, and the sum of one hundred thousand dollars (\$100,000.00) for any property damage at any time by reason of the carelessness or legally recognizable negligence of the driver or operator or each such vehicle used in the work covered by this Article. Such insurance shall be maintained in force during the term of this license and said insurance shall be carried in a firm or corporation which has been duly licensed or permitted to carry on such business in the State of Missouri. A verified copy of such insurance policy or policies shall be filed with City, together with the certificate of the insurer that the policy or policies are in full force and effect and that same will not be altered, amended or terminated without thirty (30) days' written notice having been given to the City.
- B. Contractor shall provide to the City of Aurora, copies of scale tickets, receipts or any other

necessary information demonstrating to the City the delivery location of the trash (i.e. landfill, transfer station or other State approved site). The City reserves the right to periodically spot check solid waste disposal sites.

- C. Hauler will only deposit trash to solid waste disposal sites approved by the State of Missouri or, if taken to another State, the applicable State government must approve the destination site.
- D. Upon the request of the City of Aurora each hauler will provide to the City a list of all Aurora residential and commercial addresses served by the hauler. (Ord. No. 99-2375 §1, 4-27-99)

## **CHAPTER 610: TAXICABS AND OTHER VEHICLES FOR HIRE**

*Cross References--Drinking and possessing open containers in taxis or other public conveyances prohibited, §600.050; sign regulations, Ch. 530; traffic code, Title III.*

### **SECTION 610.010: DEFINITION OF TAXICABS**

"Taxicab", any motor vehicle performing a bona fide for hire taxicab service having a capacity of not more than five (5) passengers, exclusive of the driver, and not operated on a regular route or between fixed termini. (RSMo. §390.020)

### **SECTION 610.015: BUSINESS LICENSE--REQUIRED**

No person shall engage in or carry on the business of transporting persons for hire by motor vehicle of any kind without obtaining a license therefor and without maintaining such license in full force and effect. (Code 1972, §34-1; CC 1988 §28-1)

*Cross Reference--Business licenses and occupations, Ch. 605.*

### **SECTION 610.020: BUSINESS LICENSE--LICENSE TAX PER VEHICLE**

Every person owning or operating a motor vehicle within the City for the purpose of carrying passengers for hire, shall pay a license tax of twenty-five dollars (\$25.00) for each licensed vehicle used for such purpose, not to exceed three (3). (Code 1972, §34-3; CC 1988 §28-2)

### **SECTION 610.030: BUSINESS LICENSE--TERM**

All licenses issued under this Chapter shall be for a period of one (1) year subsequent to the date of issuance. (Code 1972, §34-4; CC 1988 §28-3)

### **SECTION 610.040: LIABILITY INSURANCE**

A license shall not be issued to any person as provided in this Chapter unless such person shall deliver to the City Clerk a policy of liability insurance covering all vehicles so licensed, in a company approved by the City Council, with premium paid thereon, covering property damage to the extent of ten thousand dollars (\$10,000.00) and personal injuries to the extent of thirty

thousand dollars (\$30,000.00) for each person injured in any accident and sixty thousand dollars (\$60,000.00) for each accident. Such policy shall be kept in force by such operator or owner and shall remain in the custody of the City Clerk during the term for which the license is issued; provided, that if such policy lapses, is terminated or in any other manner is not in full force and effect, such license to operate the motor vehicle for hire shall be suspended during the period such policy is not in force. (Code 1972, §34-5; CC 1988 §28-4)

**SECTION 610.050: INSPECTION OF VEHICLES AND CERTIFICATE OF INSPECTION REQUIRED--REVOCAION OF LICENSE UPON FAILURE TO COMPLY**

Each vehicle for hire shall, at the expense of the owner or operator, be inspected every six (6) months by a person regularly doing business within the City and authorized and approved by the State to make its motor vehicle inspection and issue safety-inspected certificates. A Certificate of Inspection or a duplicate thereof from a duly authorized official inspection station shall be a prerequisite to the issuance of any license under this Chapter. A subsequent semiannual inspection with certificate thereof showing no defect uncorrected shall be furnished by the operator of a licensed vehicle to the City Clerk within ten (10) days following the semiannual anniversary of the issuance of license. Upon failure to comply with the provisions of this Section, the license shall be revoked as to such vehicle. (Code 1972, §34-6; CC 1988 §28-5)

**CHAPTER 615: TELEPHONE SERVICE**

*Editor's Note--Ord. no. 2006-2716 and 2006-2721 were passed in compliance with HB209 of the 2006 Missouri Legislative session. Provisions contained in HB209 were subsequently deemed unconstitutional by the Missouri Supreme Court on August 8, 2006 in City of Springfield, Appellant V Sprint Spectrum, L.P., Respondent Case No. SC87238. Consequently these ordinances were not codified.*

**SECTION 615.010: ANNUAL LICENSE TAX LEVIED**

Every person, firm, company or corporation now or hereafter engaged in the business of furnishing exchange telephone service in the City of Aurora, Missouri, shall pay the said City as an annual license tax, six percent (6%) of the gross receipts derived from the furnishing of such service within said City, as hereinafter set forth. (Ord. No. 1370 §1, 4-14-52; Ord. No. 74-1649 §1, 10-7-74)

**SECTION 615.020: STATEMENT OF GROSS RECEIPTS**

All such persons, firms, companies or corporations mentioned in Section 615.010 hereof shall file with the City Collector of said City on or before the first (1st) day of September, 1952, a sworn statement of the gross receipts derived by such person, firm, company or corporation from the furnishing of such service during the period from January 1, 1952, to June 30, 1952, inclusive, and on or before April 1, 1953, a sworn statement of the gross receipts derived by such person, firm, company or corporation from the furnishing of such service during the period from

July 1, 1952, to December 31, 1952, inclusive, and on or before the first (1st) day of September and April of each calendar year thereafter a similar statement of gross receipts derived by such person, firm, company or corporation from the furnishing of such service during the preceding six-month period. At the time of filing any such statement, the person, firm, company or corporation involved shall pay to the City Collector of said City six percent (6%) of such gross receipts. Gross receipts derived from the furnishing of such service to said City, or any other municipal or governmental unit in said City, shall not be included in the foregoing statement, nor shall any tax be due on such gross receipts. The telephone company shall have the privilege of crediting such sums as may be due hereunder with any unpaid balance due said company for telephone service rendered or facilities furnished to the City. (Ord. No. 1370 §2, 4-14-52; Ord. No. 74-1649, §1, 10-7-74)

**SECTION 615.030: ANNUAL LICENSE TAX IN LIEU OF OTHER CHARGES, RENTALS, ETC.**

The payments required by the provisions of this Chapter shall be in lieu of all other excises, charges, exactions, rentals, impositions, or other license or occupation taxes heretofore imposed upon any person, firm, company or corporation engaged in the business described in Section 615.010 hereof; but nothing herein contained shall be construed to exempt such person, firm, company or corporation from any general or special ad valorem tax imposed upon the public generally by said City. (Ord. No. 1370 3, 4-14-52)

**SECTION 615.040: RAISING, LOWERING OF WIRES**

All such persons, firms, companies or corporations mentioned in Section 615.010, on the request of any person shall remove or raise or lower its wires temporarily to permit the moving of houses or other bulky structures. The expense of such temporary removal, raising, or lowering of wires shall be paid by the party or parties requesting such raising or lowering of wires, and payment in advance may be required. Not less than forty-eight (48) hours' advance notice shall be given to arrange for such temporary wire changes. (Ord. No. 1370 4, 4-14-52)

**SECTION 615.050: RIGHT TO TRIM TREES, HEDGES, ETC.**

The right is hereby granted to all such persons, firms, companies or corporations mentioned in Section 615.010 to trim trees, brush, or hedges upon and overhanging the streets, alleys, sidewalks, and public places of said City, so as to prevent such foliage from coming in contact with telephone wires or cables, all of said trimming to be done under the supervision and direction of the Governing Body of said City or of any City Official to whom said duties have been or may be delegated. (Ord. No. 1370 5, 4-14-52)

**CHAPTER 620: SEXUALLY ORIENTED BUSINESSES**

**SECTION 620.010: DEFINITIONS**

Except where otherwise indicated by the context, the following definitions shall apply in the

interpretation and enforcement of this Chapter:

**ADULT ARCADE:** Any place to which the public is permitted or invited wherein coin-operated, slug-operated, electronically, or mechanically controlled, still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time; and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas".

**ADULT BOOKSTORE OR ADULT VIDEO STORE:** A commercial establishment that, as one (1) of its principal business purposes, offers for sale or rental for any form of consideration any one (1) or more of the following:

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

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as "*adult bookstore*" or "*adult video store*".

Such other business purposes will not serve to exempt such commercial establishments from being categorized as an "*adult bookstore*" or "*adult video store*" so long as one (1) of its principal business purposes is the offering for sale or rental for consideration the specified materials that depict or describe "specified sexual activities" or "specified anatomical areas". A principal business purpose need not be a primary use of an establishment so long as it is a significant use based upon the visible inventory or commercial activity of the establishment.

**ADULT CABARET:** A nightclub, bar, restaurant, or similar commercial establishment that regularly features any of the following:

1. Persons who appear in a state of nudity or semi-nudity,
2. Live performances that are characterized by the exposure of "specified sexual activities" or by "specified anatomical areas",
3. Films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas", or
4. Persons who engage in erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.

**ADULT MOTEL:** A hotel, motel or similar commercial establishment that offers any of the following:

1. Offers accommodation to the public for any form of consideration and provides patrons closed circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas" and has a sign visible from the public right-of-way that advertises the availability of this adult type of photographic reproductions;
2. Offers a sleeping room for rent for a period of time that is less than twenty-four (24) hours; or
3. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twenty-four (24) hours.

**ADULT MOTION PICTURE THEATER:** A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or other photographic reproductions are regularly shown that are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

**ADULT THEATER:** A theater, concert hall, auditorium, or similar commercial establishment that regularly features persons who appear, in person, in a state of nudity and/or semi-nudity, and/or live performances that are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities".

**CITY:** The City of Aurora.

**EMPLOYEE:** A person who employs any services on the premises of a sexually oriented business on a full-time, part-time, contract basis, or independent basis, whether or not the said person is paid a salary, wage, or other compensation by the operator of said business.

"Employee" does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises, nor does "employee" include a person exclusively on the premises as a patron or customer.

**ESCORT:** A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

**ESCORT AGENCY:** A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one (1) of its primary business purposes for a fee, tip, or other consideration.

**ESTABLISHMENT:** Includes any of the following:

1. The opening or commencement of any sexually oriented business as a new business;
2. The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
3. The additions of any sexually oriented business to any other existing sexually oriented business; or
4. The relocation of any sexually oriented business.

**LICENSED DAYCARE CENTER:** A facility licensed by the State of Missouri, whether situated within the City or not, that provides care, training, education, custody, treatment or supervision for more than twelve (12) children under fourteen (14) years of age, where such children are not related by blood, marriage or adoption to the owner or operator of the facility, for less than twenty-four (24) hours a day, regardless of whether or not the facility is operated for a profit or charges for the services it offers.

**LICENSEE:** A person in whose name a license has been issued, as well as the individual listed as an applicant on the application for a license.

**NUDE MODEL STUDIO:** Any place where a person who appears in a state of nudity or displays "specified anatomical areas" is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons for consideration.

**NUDITY OR A STATE OF NUDITY:** The appearance of a human bare buttock, anus, anal cleft or cleavage, pubic area, male genitals, female genitals, or vulva, with less than a fully opaque covering; or a female breast with less than a fully opaque covering of any part of the nipple; or human male genitals in a discernibly turgid state even if completely and opaquely covered.

**PERSON:** An individual, proprietorship, corporation, association, or other legal entity.

**PREMISES:** The real property upon which the sexually oriented business is located and all appurtenances thereto and buildings thereon, including, but not limited to, the sexually oriented

business, the grounds, private walkways, and parking lots and/or parking garages adjacent thereto, under the ownership, control, or supervision of the licensee, as described in the application for a business license.

**SEMI-NUDE OR SEMI-NUDITY:** The appearance of the female breast below a horizontal line across the top of the areola at its highest point. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel provided the areola is not exposed in whole or in part.

**SEXUAL ENCOUNTER CENTER:** A business or commercial enterprise that, as one (1) of its principal business purposes, offers for any form of consideration:

1. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
2. Activities between male and female persons and/or persons of the same sex when one (1) or more of the persons is in a state of nudity or semi-nudity.

**SEXUALLY ORIENTED BUSINESS:** An adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, escort agency, nude model studio, or sexual encounter center.

**SPECIFIED ANATOMICAL AREAS:** Means:

1. The human male genitals in a discernibly turgid state, even if fully and opaquely covered;
2. Less than completely and opaquely covered genitals, pubic region, buttocks, or a female breast below a point immediately above the top of the areola.

**SPECIFIED CRIMINAL ACTIVITY:** Any of the following offenses:

1. Prostitution or promotion of prostitution; dissemination of obscenity; sale, distribution, or display of harmful material to a minor; sexual performance by a child; possession or distribution of child pornography; public lewdness; indecent exposure; indecency with a child; sexual assault; molestation of a child; or any similar sex-related offenses to those described above under the criminal or Penal Code of this State, or other States, or other countries.
2. The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant or a person residing with the applicant.

**SPECIFIED SEXUAL ACTIVITIES:** Includes any of the following:

1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts, whether covered or uncovered;
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
3. Masturbation, actual or simulated; or
4. Excretory functions as part of or in connection with any of the activities set forth in (1) through (3) above.

**SUBSTANTIAL ENLARGEMENT:** "*Substantial enlargement*" of a sexually oriented business means the increase in floor areas occupied by the business by more than twenty-five percent (25%), as the floor areas exist on April 27, 1999.

**TRANSFER OF OWNERSHIP OR CONTROL:** "*Transfer of ownership or control*" of a sexually oriented business means and includes any of the following:

1. The sale, lease, or sublease of the business;
2. The transfer of securities that form a controlling interest in the business, whether by sale, exchange, or similar means; or

3. The establishment of a trust, gift, or other similar legal device that transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon death of the person possessing the ownership or control. (Ord. No. 99-2376 §235.000, 4-27-99)

### **SECTION 620.020: CLASSIFICATION**

Sexually oriented businesses are classified as follows:

1. Adult arcades;
2. Adult bookstores or adult video stores;
3. Adult cabarets;
4. Adult motels;
5. Adult motion pictures theaters;
6. Adult theaters;
7. Escort agencies;
8. Nude model studios; and
9. Sexual encounter centers. (Ord. No. 99-2376 §235.010, 4-27-99)

### **SECTION 620.030: LICENSE REQUIRED**

- A. It shall be unlawful:
  1. For any person to operate a sexually oriented business without a valid sexually oriented business license issued pursuant to this Chapter.
  2. For any person to operate a sexually oriented business without a valid City of Aurora merchant's license (Section 605.020 of the Aurora City Code).
  3. For any person who operates a sexually oriented business to employ a person to work and/or perform services on the premises of the sexually oriented business, if such employee is not in possession of a valid sexually oriented business employee license issued to such employee pursuant to this Chapter.
  4. For any person to obtain employment with a sexually oriented business if such person is not in possession of a valid sexually oriented business employee license issued to such person pursuant to this Chapter.
  5. It shall be a defense to Subsections (3) and (4) of this Section if the employment is of limited duration and for the sole purpose of repair and/or maintenance of machinery, equipment, or the premises.
- B. An application for a sexually oriented business license must be made on a form acceptable to the City. The application must be accompanied by a sketch or a diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches. Prior to issuance of a license, the premises must be inspected by the Health Department, Fire Department, Building and Zoning Department.
- C. An application for a sexually oriented business employee license must be made on a form acceptable to the City.
- D. All applicants for a license must be qualified according to the provisions of this Chapter. The application may request, and the applicant shall provide, such information (including fingerprints) as to enable the City to determine whether the applicant meets the qualifications

established under this Chapter. The applicant has an affirmative duty to supplement an application with new information received subsequent to the date the application was deemed completed.

- E. If a person who wishes to own/operate a sexually oriented business is an individual, he must sign the application for a business license as applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each individual who has a ten percent (10%) or greater interest in the business must sign the application for a business license as applicant. If a corporation is listed as owner of a sexually oriented business or as the entity that wishes to operate such a business, each individual having a ten percent (10%) or greater interest in the corporation must sign the application for a business license as applicant.
- F. Applications for a business license, whether original or renewal, must be made to the City by the intended operator of the enterprise. Applications must be submitted to the City during regular working hours. The following information shall be provided on the application form:
  - 1. The name, street address (and mailing address if different) of the applicant(s);
  - 2. A recent photograph of the applicant(s);
  - 3. The applicant's driver's license number, social security number, and/or his/her State or Federally issued tax identification number;
  - 4. The name under which the establishment is to be operated and a general description of the services to be provided. If the applicant intends to operate the sexually oriented business under a name other than that of the applicant, he/she must:
    - a. State the sexually oriented business' fictitious name;
    - b. Submit the required registration documents.
  - 5. Whether the applicant, or a person residing with the applicant, has been convicted, or is awaiting trial on pending charges of a "specified criminal activity" as defined in Section 620.010, and, if so, the "specified criminal activity" involved, the date, place and jurisdiction of each;
  - 6. Whether the applicant, or a person residing with the applicant, has had a previous license under this Chapter or other similar sexually oriented business ordinance from another City or County denied, suspended or revoked, including the name and location of the sexually oriented business for which the business license was denied, suspended or revoked, as well as the date of the denial, suspension or revocation, and whether the applicant or a person residing with the applicant is or has been a partner in a partnership or an officer, director or principal stockholder of a corporation that is or was licensed under a sexually oriented business ordinance whose business license has previously been denied, suspended or revoked; including the name and location of the sexually oriented business for which the business license was denied, suspended or revoked as well as the date of denial, suspension or revocation;
  - 7. Whether the applicant, or a person residing with the applicant, holds any other licenses under this Chapter or other similar sexually oriented business ordinance from another City or County and, if so, the names and locations of such other licensed businesses;
  - 8. The single classification of license, as found in Section 620.020, for which the applicant is filing;
  - 9. The telephone number of the establishment;
  - 10. The address and legal description of the tract of land on which the establishment is to be located;
  - 11. If the establishment is in operation, the date on which the owner(s) acquired the

establishment for which the business license is sought, and the date on which the establishment began operations as a sexually oriented business at the location for which the business license is sought;

12. If the establishment is not in operation, the expected start up date (which shall be expressed in number of days from the date of issuance of the business license). If the expected start up date is to be more than ten (10) days following the date of issuance of the business license, then a detailed explanation of the construction, repair, remodeling work or other cause of the expected delay and a statement of the owner's time schedule and plan for accomplishing the same;
13. If an applicant wishes to operate a sexually oriented business, other than an adult motel, which shall exhibit on the premises--in a viewing room or booth of less than one hundred fifty (150) square feet of floor space--films, video cassettes, other video reproductions, or live entertainment which depict "specified sexual activities" or "specified anatomical areas", then the applicant shall comply with the application requirements set forth in Section 620.160 hereunder.

G. Each application for a business license shall be accompanied by the following:

1. Payment of the merchant's license fee in full;
2. If the establishment is a corporation, a certificate of good standing from the State of incorporation (dated within thirty (30) days of application for license), a certified copy of the articles of incorporation, together with all amendments thereto;
3. If the establishment is a foreign corporation, a certified copy of the certificate of authority to transact business in this State, together with all amendments thereto;
4. If the establishment is a limited partnership, a certified copy of the certificate of limited partnership, together with all amendments thereto;
5. If the establishment is a foreign limited partnership, a certified copy of the certificate of limited partnership and the qualification documents, together with all amendments thereto;
6. Proof of the current fee ownership of the tract of land on which the establishment is to be situated in the form of a copy of the recorded deed;
7. If the persons identified as the fee owner(s) of the tract of land in Subsection (6) are not also the owners of the establishment, then the lease, purchase contract, purchase option contract, lease option contract or other documents evidencing the legally enforceable right of the owners or proposed owners of the establishment to have or obtain the use and possession of the tract or portion thereof that is to be used for the establishment for the purpose of the operation of the establishment;
8. A current certificate and straight-line drawing prepared within thirty (30) days prior to application by a registered land surveyor depicting the property lines and the structures containing any sexually oriented businesses within one thousand (1,000) feet of the property to be certified; the property lines of any established religious institution/synagogue, school, public park or recreation area, or family-oriented entertainment business within one thousand (1,000) feet of the property to be certified. For the purpose of this Section, a use shall be considered existing or established if it is in existence at the time an application is submitted;

H. Applications for an employee license to work and/or perform services in a sexually oriented business, whether original or renewal, must be made by the person to whom the employee license shall issue. Applications must be submitted during regular working hours. Each

applicant shall be required to give the following information on the application form:

1. The applicant's given name, and any other names by which the applicant is or has been known, including "stage" names and/or aliases;
  2. Age, and date and place of birth;
  3. Height, weight, hair color, and eye color;
  4. Present residence address and telephone number;
  5. Present business address and telephone number;
  6. Date, issuing State, and number of photo driver's license, or other State issued identification card information;
  7. Social security number; and
  8. Proof that the individual is at least eighteen (18) years of age.
- I. Attached to the application form for a license shall be the following:
1. A color photograph of the applicant clearly showing the applicant's face, and the applicant's fingerprints on a form provided by the Police Department. Any fees for the photographs and fingerprints shall be paid by the applicant.
  2. A statement detailing the license history of the applicant for the five (5) years immediately preceding the date of the filing of the application, including whether such applicant, in this or any other City, County, State, or country, has ever had any license, permit, or authorization to do business denied, revoked, or suspended, or had any professional or vocational license or permit denied, revoked, or suspended. In the event of any such denial, revocation, or suspension, State name(s) under which the license was sought and/or issued, the name(s) of the issuing or denying jurisdiction, and describe in full the reason(s) for the denial, revocation, or suspension. A copy of any order of denial, revocation, or suspension shall be attached to the application.
  3. A statement whether the applicant has been convicted, or is awaiting trial on pending charges, of a "specified criminal activity" as defined in Section 620.010, and, if so, the "specified criminal activity" involved, the date, place and jurisdiction of each.
- J. Every application for a license shall contain a statement under oath that:
1. The applicant has personal knowledge of the information contained in the application, and that the information contained therein furnished therewith is true and correct; and
  2. The applicant has read the provisions of this Chapter.
- K. A separate application and business license shall be required for each sexually oriented business classification as set forth in Section 620.020.
- L. The fact that a person possesses other types of State or City permits and/or licenses does not exempt him from the requirement of obtaining a sexually oriented businesses or employee license. (Ord. No. 99-2376 §235.020, 4-27-99)

#### **SECTION 620.040: ISSUANCE OF LICENSE**

- A. Upon the filing of an application for a sexually oriented business employee license, the application shall be referred to the appropriate City department for investigation to be made on the information contained in the application. After the investigation, the City may issue an employee license, unless it is determined that one (1) or more of the following findings is true:
1. The applicant has failed to provide the information reasonably necessary for issuance of the license or has falsely answered a question or request for information on the application form;
  2. The applicant is under the age of eighteen (18) years;

3. The applicant has been convicted of a "specified criminal activity" as defined in Section 620.010 of this Chapter;
  4. The sexually oriented business employee license is to be used for employment in a business prohibited by local or State law, Statute, rule, or regulation, or prohibited by a particular provision of this Chapter; or
  5. The applicant has had a sexually oriented business employee license revoked by the City within two (2) years of the date of the current application.
- B. A license issued pursuant to Subsection (A) of this Section, if granted, shall state on its face the name of the person to whom it is granted, the expiration date, and the address of the sexually oriented business. The employee shall keep the license on his/her person at all times while engaged in employment or performing services on the sexually oriented business premises so that said license may be available for inspection upon lawful request.
- C. A license issued pursuant to Subsection (A) of this Section shall be subject to annual renewal upon the written application of the applicant and a finding that the applicant has not been convicted of any "specified criminal activity" as defined in Section 620.010 of this Chapter, or committed any act during the existence of the previous license which would be grounds to deny the initial license application. The decision whether to renew a license shall be made within thirty (30) days of the completed application.
- D. If application is made for a sexually oriented business license, the City shall deny issuance of the license to an applicant if it is determined that one (1) or more of the following findings is true:
1. An applicant has failed to provide the information reasonably necessary for issuance of the license or has falsely answered a question or request for information on the application form;
  2. An applicant is under the age of eighteen (18) years;
  3. An applicant or a person with whom the applicant is residing has been denied a license by the City to operate a sexually oriented business within the preceding twelve (12) months, or whose license to operate a sexually oriented business has been revoked within the preceding twelve (12) months;
  4. An applicant or a person with whom the applicant is residing is overdue in payment to City taxes, fees, fines, or penalties assessed against or imposed upon him/her in relation to any business;
  5. An applicant or a person with whom the applicant is residing has been convicted of a "specified criminal activity" as defined in Section 620.010;
  6. The premises to be used for the sexually oriented business have not been approved by the Health Department, Fire Department, and the Building Department as being in compliance with applicable laws and ordinances;
  7. An applicant of the proposed establishment is in violation of or is not in compliance with one (1) or more of the provisions of this Chapter.
  8. Applicant's location has not been approved as an adult entertainment district.
- E. A license issued pursuant to Subsection (D) of this Section, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, the address of the sexually oriented business, and the Section 620.020 classification for which the license is issued. The license shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be easily read at any time.
- F. A sexually oriented business license shall be issued for only one (1) classification, as set forth in Section 620.020.

- G. A license issued pursuant to Subsection (D) of this Section shall be subject to annual renewal upon the written application of the applicant and a finding by the City that the applicant has not been convicted of any "specified criminal activity" as defined in Section 620.010 of this Chapter, or committed any act during the existence of the previous license which would be grounds to deny the initial license application. The decision whether to renew a license shall be made within thirty (30) days of the completed application. (Ord. No. 99-2376 §235.030, 4-27-99)

**SECTION 620.050: INSPECTION**

- A. An applicant or licensee shall permit representatives of the Police Department, Code Enforcement Department, Health Department, Fire Department, Building Department, or other City or State departments or agencies to inspect the premises of a sexually oriented business for the purpose of insuring compliance with the law, at any time it is open for business.
- B. A person who operates a sexually oriented business or his agent or employee commits a misdemeanor if he/she refuses to promptly permit such lawful inspection of the premises. (Ord. No. 99-2376 §235.050, 4-27-99)

**SECTION 620.060: EXPIRATION OF LICENSE**

- A. Each license shall expire one (1) year from the date of issuance and may be renewed only by making application as provided in Section 620.030. Application for renewal should be made at least thirty (30) days before the expiration date; when made less than forty-five (45) days before the expiration date, the expiration of the license will not be affected.
- B. When the City denies renewal of a license, the applicant shall not be issued a license for two (2) years from the date of denial. (Ord. No. 99-2376 §235.060, 4-27-99)

**SECTION 620.070: SUSPENSION**

The City shall suspend a license for a period not to exceed thirty (30) days if it determines that licensee or an employee of licensee has:

1. Violated or is not in compliance with any Section of this Chapter;
2. Operated or performed services in a sexually oriented business while intoxicated by the use of alcoholic beverages or controlled substances;
3. Refused to allow prompt inspection of the sexually oriented business premises as authorized by this Chapter;
4. With knowledge, permitted gambling by any person on the sexually oriented business premises. (Ord. No. 99-2376 §235.070, 4-27-99)

**SECTION 620.080: REVOCATION**

- A. The City shall revoke a license if a cause of suspension in Section 620.070 occurs and the license has been suspended within the preceding twelve (12) months.
- B. The City shall revoke a license if it determines that a licensee or an employee of licensee:
1. Gave false or misleading information in the material submitted during the application process;
  2. Was convicted of a "specified criminal activity" on a charge that was pending prior to the issuance of the license. (This provision also includes persons residing with the licensee

- or employee);
  - 3. Permitted the possession, use, or sale of controlled substances on the premises;
  - 4. Permitted the sale, use, or consumption of alcoholic beverages on the premises;
  - 5. Permitted prostitution on the premises;
  - 6. Operated the sexually oriented business during a period of time when the license was suspended;
  - 7. Permitted any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sexual conduct to occur in or on the licensed premises;
  - 8. Is delinquent in payment to the City or State for any taxes or fees;
  - 9. Permitted a person under eighteen (18) years of age to enter the establishment; or
  - 10. Attempted to sell his/her business license, or has sold, assigned, or transferred ownership or control of the sexually oriented business to a non-licensee.
- C. When the City revokes a license, the revocation shall continue for two (2) years, and the licensee shall not be issued a sexually oriented business license for two (2) years from the date revocation became effective. (Ord. No. 99-2376 §235.080, 4-27-99)

#### **SECTION 620.090: JUDICIAL REVIEW**

After denial of an initial or renewal application by the City, or suspension or revocation of a license by the City, the applicant or licensee may seek prompt judicial review of such administrative action in any court of competent jurisdiction. The administrative action shall be promptly reviewed by the court. (Ord. No. 99-2376 §235.090, 4-27-99)

#### **SECTION 620.100: NO TRANSFER OF LICENSE**

A licensee shall not transfer his/her license to another, nor shall a licensee operate a sexually oriented business under the authority of a license at any place other than the address designated in the application. (Ord. No. 99-2376 §235.100, 4-27-99)

#### **SECTION 620.110: LOCATION RESTRICTION**

Sexually oriented businesses shall operate in accordance with the following provisions:

1. The sexually oriented business may not be operated within:
  - a. One thousand (1,000) feet of a church, synagogue or regular place of religious worship;
  - b. One thousand (1,000) feet of a public or private elementary or secondary school;
  - c. One thousand (1,000) feet of a boundary of any residential district;
  - d. One thousand (1,000) feet of a public park;
  - e. One thousand (1,000) feet of a licensed daycare center;
  - f. One thousand (1,000) feet of an entertainment business that is oriented primarily towards children or family entertainment; or
  - g. One thousand (1,000) feet of another sexually oriented business.
2. A sexually oriented business may not be operated in the same building, structure, or portion thereof, containing another sexually oriented business classified pursuant to Section 620.020.
3. For the purpose of this Chapter, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or

structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a church, synagogue, regular place of worship, or public or private elementary or secondary school or to the nearest boundary of an affected public park, residential district, or residential lot, or licensed daycare center, or child or family entertainment business.

4. For purposes of Subsection (3) of this Section, the distance between any two (2) sexually oriented business uses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.
5. No sexually oriented business shall be kept open for any purpose between the hours of 12:00 Midnight and 7:00 A.M. No sexually oriented business shall be operated or conducted in connection with, directly or indirectly, any place used for living or sleeping quarters. (Ord. No. 99-2376 §235.110, 4-27-99)

**SECTION 620.120: NON-CONFORMING USES**

- A. Any business lawfully operating on April 27, 1999, that is in violation of the location or structural configuration requirements of this Chapter shall be deemed a non-conforming use. The non-conforming use will be permitted to continue for a period not to exceed two (2) years, unless sooner terminated for any reason voluntarily or discontinued for a period of thirty (30) days or more. Such non-conforming uses shall not be increased, enlarged, extended or altered except that the use may be changed to a conforming use. If two (2) or more sexually oriented businesses are within one thousand (1,000) feet of one another and otherwise in a permissible location, the sexually oriented business that was first (1st) established and continually operated at a particular location is the conforming use and the later-established business(es) is non-conforming.
- B. A sexually oriented business lawfully operating as a conforming use is not rendered a non-conforming use by the location, subsequent to the grant or renewal of the sexually oriented business license, of a church, synagogue, or a regular place of religious worship, public or private elementary or secondary school, licensed daycare center, public park, residential district, or child or family entertainment business within one thousand (1,000) feet of the sexually oriented business. The provision applies only to the renewal of a valid business license, and does not apply when an application for a business license is submitted after a business license has expired or has been revoked.
- C. Violation of Subsection (B) of the Section shall constitute a misdemeanor. (Ord. No. 99-2376 §235.120, 4-27-99)

**SECTION 620.130: ADDITIONAL REGULATIONS FOR ESCORT AGENCIES**

- A. An escort agency shall not employ any person under the age of eighteen (18) years.
- B. A person commits an offense if the person acts as an escort or agrees to act as an escort for any person under the age of eighteen (18) years.
- C. Violation of this Section shall constitute a misdemeanor. (Ord. No. 99-2376 §235.130, 4-27-99)

**SECTION 620.140: ADDITIONAL REGULATIONS FOR NUDE MODEL STUDIOS**

- A. A nude model studio shall not employ any person under the age of eighteen (18) years.

- B. A person under the age of eighteen (18) years commits a misdemeanor if the person appears semi-nude or in a state of nudity in or on the premises of a nude model studio. It is a defense to prosecution under this Subsection if the person under eighteen (18) years of age was in a restroom not open to the public view or visible by any other person.
- C. A person commits a misdemeanor if the person appears in a state of nudity, or with knowledge, allows another to appear in a state of nudity in an area of a nude model studio premises which can be viewed from the public right-of-way.
- D. A nude model studio shall not place or permit a bed, sofa, or mattress in any room on the premises, except that a sofa may be placed in a reception room open to the public. (Ord. No. 99-2376 §235.140, 4-27-99)

**SECTION 620.150: ADDITIONAL REGULATIONS CONCERNING PUBLIC NUDITY**

- A. It shall be a misdemeanor for a person who, with knowledge and intent, appears in person in a state of nudity in a sexually oriented business, or depicts specified sexual activities in a sexually oriented business.
- B. It shall be a misdemeanor for a person who, with knowledge and intent, appears in person in a semi-nude condition in a sexually oriented business, unless the person is an employee who, while semi-nude, is at least ten (10) feet from any patron or customer and on a stage at least two (2) feet from the floor.
- C. It shall be a misdemeanor for an employee, while semi-nude in a sexually oriented business, to solicit any pay or gratuity from any patron or customer, or for any patron or customer to pay or give any gratuity to any employee, while said employee is semi-nude or the clothing of a semi-nude employee.
- D. It shall be a misdemeanor for an employee, while semi-nude, to touch a patron or the clothing of a patron, or for a patron to touch a semi-nude employee or the clothing of a semi-nude employee. (Ord. No. 99-2376 §235.150, 4-27-99)

**SECTION 620.160: REGULATIONS PERTAINING TO EXHIBITION OF SEXUALLY EXPLICIT FILMS, VIDEOS AND LIVE PERFORMANCES**

- A. A person who operates or causes to be operated a sexually oriented business, other than an adult motel, which exhibits on the premises in a viewing room of less than one hundred fifty (150) square feet of floor space, a film, video cassette, other video reproduction, or live performance that depicts "specified sexual activities" or "specified anatomical areas", shall comply with the following requirements:
  - 1. Upon application for a sexually oriented business license, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one (1) or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed thirty-two (32) square feet of floor area. The diagram shall also designate the place at which the business license will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram should be oriented to the north or to some designated street or object and should 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 (6) inches. The City 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.

2. The application shall be sworn to be true and correct by the applicant.
  3. No alteration in the configuration or location of a manager's station may be made without the prior approval of the City.
  4. It is the duty of the owners and operator of the premises to ensure that at least one (1) employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.
  5. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of the entire area of the premises to which any patron is permitted access for any purpose excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two (2) or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of the entire area of the premises to which any patron is permitted access for any purpose from at least one (1) of the manager's stations. The view required in this Subsection must be by direct line of sight from the manager's station.
  6. It shall be the duty of the operator, and it shall also be the duty of any agents and employees present in the premises, to ensure that the view area specified in Subsection (A)(5) of this Section remains unobstructed by any doors, walls, merchandise, display racks or other material at all times and to ensure that no patron is permitted access to any area of the premises that has been designated as an area in which patrons will not be permitted, as designated in the application filed pursuant to Subsection (A)(1) of this Section.
  7. No viewing room may be occupied by more than one (1) person at any time.
  8. The premises 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 five (5) foot-candle (five (5) feet) as measured at floor level.
  9. It shall be the duty of the operator, and it shall also be the duty of any agents and employees present in the premises, to ensure that the illumination described above is maintained at all times that any patron is present in the premises.
  10. No licensee shall allow an opening of any kind to exist between viewing rooms or booths.
  11. No person shall make any attempt to make an opening of any kind between the viewing booths or rooms.
  12. The operator of the sexually oriented business shall, during each business day, inspect the walls between the viewing booths to determine if any openings or holes exist.
  13. The operator of the sexually oriented business shall cause all floor coverings in viewing booths to be non-porous, easily cleanable surfaces, with no rugs or carpeting.
  14. The operator of the sexually oriented business shall cause all wall surfaces and ceiling surfaces in viewing booths to be constructed of, or permanently covered by, non-porous, easy to clean material. No wood, plywood, composition board or other porous material shall be used within forty-eight (48) inches of the floor.
- B. A person having a duty under Subsections (A)(1--14) of this Section commits a misdemeanor if he/she, with knowledge, fails to fulfill that duty. (Ord. No. 99-2376 §235.160, 4-27-99)

**SECTION 620.170: EXTERIOR PORTIONS OF SEXUALLY ORIENTED BUSINESSES**

- A. It shall be unlawful for an owner or operator of a sexually oriented business to allow the merchandise or activities of the establishment to be visible from a point outside the establishment.
- B. It shall be unlawful for the owner or operator of a sexually oriented business to allow the exterior portion of the sexually oriented business to have flashing lights, or any words, lettering, photographs, silhouettes, drawings, or pictorial representations of any manner except to the extent permitted by the provisions of this Chapter.
- C. It shall be unlawful for the owner or operator of a sexually oriented business to allow exterior portions of the establishment to be painted any color other than a single achromatic color. This provision shall not apply to a sexually oriented business if the following conditions are met:
  - 1. The establishment is a part of a commercial multi-unit center; and
  - 2. The exterior portions of each individual unit in the commercial multi-unit center, including the exterior portions of the business, are painted the same color as one another or are painted in such a way so as to be a component of the overall architectural style or pattern of the commercial multi-unit center.
- D. Nothing in this Chapter shall be construed to require the painting of an otherwise unpainted exterior portion of a sexually oriented business.
- E. A violation of any provision of this Section shall constitute a misdemeanor. (Ord. No. 99-2376 §235.170, 4-27-99)

**SECTION 620.180: SIGNAGE**

- A. Notwithstanding any other City ordinance, Code, or regulation to the contrary, it shall be unlawful for the operator of any sexually oriented business or any other person to erect, construct, or maintain any sign for the sexually oriented business other than the one (1) primary sign and one (1) secondary sign, as provided herein.
- B. Primary signs shall have no more than two (2) display surfaces. Each such display surface shall:
  - 1. Not contain any flashing lights;
  - 2. Be a flat plane, rectangular in shape;
  - 3. Not exceed seventy-five (75) square feet in area; and
  - 4. Not exceed ten (10) feet in height or ten (10) feet in length.
- C. Primary signs shall contain no photographs, silhouettes, drawings or pictorial representations in any manner, and may contain only the name of the enterprise.
- D. Each letter forming a word on a primary sign shall be of solid color, and each such letter shall be the same print-type, size and color. The background behind such lettering on the display surface of a primary sign shall be of a uniform and solid color.
- E. Secondary signs shall have only one (1) display surface. Such display surface shall:
  - 1. Be a flat plane, rectangular in shape;
  - 2. Not exceed twenty (20) square feet in area;
  - 3. Not exceed five (5) feet in height and four (4) feet in width; and
  - 4. Be affixed or attached to any wall or door of the enterprise.
- F. The provisions of Subsections (B)(1), (C) and (D) shall also apply to secondary signs.
- G. Violation of any provision of this Section shall constitute a misdemeanor. (Ord. No. 99-2376 §235.180, 4-27-99)

**SECTION 620.190: SALE, USE OR CONSUMPTION OF ALCOHOLIC BEVERAGES PROHIBITED**

- A. The sale, use or consumption of alcoholic beverages on the premises of a sexually oriented business is prohibited.
- B. Any violation of this Section shall constitute a misdemeanor. (Ord. No. 99-2376 §235.190, 4-27-99)

**SECTION 620.200: PERSONS YOUNGER THAN EIGHTEEN YEARS OF AGE PROHIBITED FROM ENTRY--ATTENDANT REQUIRED**

- A. It shall be unlawful to allow a person who is younger than eighteen (18) years of age to enter or be on the premises of a sexually oriented business at any time the sexually oriented business is open.
- B. It shall be the duty of the operator of each sexually oriented business to ensure that an attendant is stationed at each public entrance to the sexually oriented business at all times during such sexually oriented business' regular business hours. It shall be the duty of the attendant to prohibit any person under the age of eighteen (18) years from entering the sexually oriented business. It shall be presumed that an attendant knew a person was under the age of eighteen (18) unless such attendant asked for and was furnished a valid operator's, commercial operator's, or chauffeur's driver's license.
- C. Violation of this Section shall constitute a misdemeanor. (Ord. No. 99-2376 §235.200, 4-27-99)

**SECTION 620.210: MASSAGES OR BATHS ADMINISTERED BY PERSON OF OPPOSITE SEX**

It shall be unlawful for any sexually oriented business, regardless of whether in a public or private facility, to operate as a massage salon, massage parlor or any similar type business where any physical contact with the recipient of such services is provided by a person of the opposite sex. Violation of this Section shall constitute a misdemeanor. (Ord. No. 99-2376 §235.210, 4-27-99)

**SECTION 620.220: HOURS OF OPERATION**

No sexually oriented business, except for an adult motel, may remain open at any time between the hours of 1:00 A.M and 8:00 A.M. on weekdays and Saturdays, and 1:00 A.M. and 12:00 P.M. on Sundays. (Ord. No. 99-2376 §235.220, 4-27-99)

**SECTION 620.230: EXEMPTIONS**

It is a defense to prosecution under this Chapter that a person appearing in a state of nudity did so in a modeling class operated:

1. By a proprietary school, licensed by the State of Missouri, a college, junior college, or university supported entirely or partly by taxation;
2. By a private college or university that maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation. (Ord. No. 99-2376 §235.230, 4-27-99)

**SECTION 620.240: NOTICES**

- A. Any notice required or permitted to be given by any City office, division, department or other agency under this Chapter to any applicant, operator or owner of a sexually oriented business may be given either by personal delivery or by certified United States mail, postage prepaid, return receipt requested, addressed to the most recent address as specified in the application for the license, or any notice of address change that has been received by the City. Notices mailed as above shall be deemed given upon their deposit in the United States mail. In the event that any notice given by mail is returned by the postal service, the City or its designee shall cause it to be posted at the principal entrance to the establishment.
- B. It shall be the duty of each owner who is designated on the license application and each operator to furnish notice to the City in writing of any change of residence or mailing address. (Ord. No. 99-2376 §235.240, 4-27-99)

**SECTION 620.250: INJUNCTION**

A person who operates or causes to be operated a sexually oriented business without a valid business license or in violation of Section 620.110 of this Chapter is subject to a suit for injunction as well as prosecution for criminal violations. Each day a sexually oriented business so operates is a separate offense or violation. (Ord. No. 99-2376 §235.250, 4-27-99)

**SECTION 620.260: SEPARABILITY**

If any Section, Subsection, or clause of this Chapter shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining Sections, Subsections, and clauses shall not be affected thereby. (Ord. No. 99-2376 §235.260, 4-27-99)

**SECTION 620.270: PENALTY FOR VIOLATION**

Violation of any provision of this Chapter shall constitute a misdemeanor. (Ord. No. 99-2376 §235.270, 4-27-99)

**SECTION 620.280: ANCILLARY SALES/RENTAL OF ADULT ORIENTED PRODUCTS**

- A. For the purpose of this Section, "adult oriented products" shall be defined as being books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides or other visual representations that depict or describe "specified sexual activities", or "specified anatomical areas", or instruments, devices, or paraphernalia that are designed for use in connection with "specified sexual activities".
- B. Commercial establishments which sell or rent "adult oriented products", as an ancillary and insignificant portion of their business, shall as a condition of receiving a merchant's license for the City of Aurora (Section 605.020), comply with following provisions:
  - 1. *X-rated movies.* X-rated movies or video tapes shall be restricted to persons over eighteen (18) years of age. If an establishment that is not otherwise prohibited from providing access to persons under eighteen (18) years of age sell, rents, or displays videos that have been rated "X" or rated "NC-17" by the motion picture rating industry ("MPAA"), or that have not been submitted to the MPAA for a rating, and which consist

of images which are distinguished or characterized by an emphasis on depicting or describing "specified sexual activities" or "specified anatomical areas", such videos shall be located in a specified section of the establishment where persons under the age of eighteen (18) shall be prohibited, and shall not be visible from the outside of the premises.

2. *Sealing of materials.* No person shall, for commercial purposes, display in any business at any time open to minors, any book, magazine, or other publication or matter which depicts any photograph or pictorial representation of any of the "specified anatomical areas" or any "specified sexual activities", unless such book, magazine, or other publication or matter is sealed in a plastic wrapper, is stapled closed, or is by any other means sealed in such a manner as to reasonably restrict and deter its being opened prior to sale, whereby such photograph or pictorial representation may become exposed to the view of any minor.
3. *Exemption to sealing.* As defined in Subsection (B), any book, magazine, or other publication or matter need not be wrapped, stapled closed or sealed when displayed from an area which places such book, magazine, or other publication or matter reasonably beyond the reach of any minor; provided, that no such book, magazine, or other publications or matter depicts any photograph or pictorial representation, as defined in Subsection (B), on its cover or elsewhere, whereby such photograph or pictorial representation may become exposed to the view of a minor.
4. *Minor need not view or gain control of material.* To commit a violation of this Chapter it is not required that a minor have actually viewed or physically gained control of any book, magazine, movie, other publication or matter as defined by this Chapter, when such book, magazine, movie or other publication or matter is not wrapped, stapled closed, sealed, covered or removed from view as required. (Ord. No. 99-2376 §235.280, 4-27-99)

## **CHAPTER 625: ENHANCED ENTERPRISE ZONE**

### **SECTION 625.010: LEVEL OF INCENTIVES OFFERED TO QUALIFIED BUSINESSES**

- A. The Aurora City Council, in support of the Enhanced Enterprise Zone program, hereby authorizes the establishment for incentives designed to promote investment and create jobs in areas with lower income and higher levels of unemployment than the State average to qualified businesses eligible for zone benefits.
- B. The Aurora City Council approves the geographic boundaries of the Southern Lawrence County Enhanced Enterprise Zone which encompass the census tract areas shown in the map which is on file in the City offices.
- C. The Aurora City Council hereby authorizes property tax abatement on improvements to real property made by qualified businesses at the level of abatement of fifty percent (50%) on improvements for ten (10) years.
- D. The following type of businesses within the following business clusters will be eligible for Southern Lawrence County Enhanced Enterprise Zone incentives, provided they are located

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within the zone and make improvements to their property:

- 11 Agriculture, forestry, fishing and hunting;
- 21 Mining, quarrying and oil and gas extraction;
- 22 Utilities;
- 23 Construction;
- 31-33 Manufacturing;
- 42 Wholesale trade;
- 48-49 Transportation and warehousing;
- 51 Information;
- 52 Finance and insurance;
- 53 Real estate and rental and leasing;
- 54 Professional, scientific and technical services;
- 55 Management of companies and enterprises;
- 56 Administrative and support and waste management and remediation services;
- 62 Health care and social assistance;
- 71 Arts, entertainment and recreation (except group 7132 Gambling Establishments);
- 72 Accommodation and food services (except subsector 722 Food and Drinking Places);
- 81 Other services (except group 8131 Religious Organizations).

(Ord. No. 2008-2813 §§1--4, 10-28-08)