

CHAPTER 11 – LICENSES, TAXATION AND MISCELLANEOUS
BUSINESS REGULATIONS

Sec. 11-102. Sexually oriented businesses; license or permit required.

(a) It shall be unlawful for any person:

(1) To operate a sexually oriented business without a valid license, issued by the City for the particular type of business, except that no license shall be required of an adult bookstore that is not required to comply with Section 11-113.

(2) To employ a person who does not possess a sexually oriented business employee permit as required by subsection (b) or (c) of this section or who is not authorized temporarily to work or perform services pursuant to subsection (d) of this section.

(3) To operate an adult arcade, an adult motel, adult bookstore or nude model studio operated in combination with an adult arcade or adult motel without a manager who has been issued a permit as such pursuant to the provisions of sections 11-100 through 11-118.

(b) Except as provided in subsection (d) of this section, it shall be unlawful for any person who is an employee of an adult cabaret or a nude model studio to appear on the premises of the adult cabaret or a nude model studio in a state of nudity or in a live performance or activity that is characterized by the exposure of specified anatomical areas or by specified sexual activities, without a valid permit.

(c) Except as provided in subsection (d) of this section, it shall be unlawful for a person to be a manager of an adult arcade, adult motel, adult bookstore or a nude model studio operated in combination with an adult arcade or an adult motel, without a valid permit.

(d) Provided that required zoning approvals have been obtained, an applicant for an employee's or manager's permit, upon receipt by the City of his or her application for a permit, shall be granted a temporary work permit to allow them to work or perform services until such time as the regular permit is granted or the decision to deny the permit becomes final pursuant to Section 11-109. Upon receipt of the applicant's completed application for a permit, the City shall issue the applicant a temporary work permit. The applicant shall keep the temporary work permit on his or her person or on the premises where the applicant is then working or performing services, and produce such permit for inspection upon request by a law enforcement officer or other authorized city official.

(e) An applicant for a license or permit shall file in person at the City an application made on a form prescribed and provided by the City. The applicant shall be qualified according to the provisions of sections 11-100 through 11-118. The application shall be signed under oath by the applicant and notarized. The application shall include but not be limited to the information called for in paragraphs 1 through 8:

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- (1) The full true name and any other names used in the preceding five (5) years.
- (2) Current residential mailing address and telephone number.
- (3) If the application is for a license, the name, business location, mailing address and phone number of the sexually oriented business.
- (4) Written proof of age, in the form of a birth certificate, current driver's license with picture, or other picture identification document issued by a governmental agency.
- (5) Two (2) identical, portrait passport-quality photographs of the applicant, approximately two (2) inches by two (2) inches in size, taken within the preceding month and two (2) sets of the applicant's complete fingerprints.
- (6) The issuing jurisdiction and the effective dates of any license or permit relating to a sexually oriented business, whether any such license or permit has been denied, revoked or suspended and, if so, the reason or reasons therefore.
- (7) All criminal charges, complaints, information, or indictments in the preceding five (5) years which resulted in a conviction or a plea of guilty or no contest for any offense described in Section 11-103(a)(7) and committed in this state, or any offense committed outside this state which if committed in this state would constitute an offense described in Section 11-103(a)(7).
- (8) If the application is for a license, the name and address of the statutory agent or other agent authorized to receive service of process.

The information provided pursuant to paragraphs (1) through (8) of this subsection shall be supplemented in writing by certified mail, return receipt requested, to the City within ten (10) working days of a change of circumstances that would render the information originally submitted false or incomplete.

(f) The application for a license shall be accompanied by a sketch or 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 shall 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 inches. Applicants who are required to comply with Section 11-113 shall submit a diagram meeting the requirements of Section 11-113.

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(g) If a person who wishes to operate a sexually oriented business is an individual, they shall sign the application for a license as applicant. Except as otherwise provided in this subsection if a person who wishes to operate a sexually oriented business is other than an individual, each officer, director, general partner or other person who will participate directly and regularly in decisions relating to management of the business shall sign the application for a license as applicant. Each applicant must be qualified under Section 11-104 and each applicant shall be considered a licensee if a license is granted. Attorneys, accountants and other persons whose primary function is to provide professional advice and assistance to the licensee, are not required to sign the application for a license as an applicant.

(h) A person who possesses a valid video center license or theater license is not exempt from the requirement of obtaining a license. A person who operates a sexually oriented business and possesses a video center license or theater license shall comply with the requirements and provisions of sections 11-100 through 11-118 and the Peoria sales tax code when applicable.

(i) The information provided by an applicant in connection with the application for a license or permit under sections 11-100 through 11-118 shall be maintained by the City on a confidential basis, except that such information may be disclosed to other governmental agencies in connection with a law enforcement or public safety function.

(Ord. No. 98-16, 3/17/98, Enacted)

(Ord. No. 00-13, 3/7/00, Amended (a), (b) and (c)) SUPP 2000-1