ORDINANCE NO. 83-16

AN ORDINANCE PROVIDING FOR A CABARET LICENSE ESTABLISHING REQUIREMENTS AND PENALTY

BE IT ORDAINED by the Wendover City Council of Tooele County, State of Utah, as follows:

CABARETS

SECTIONS:

1. Definitions.
2. License Required Fee.
3. Premises to Comply With Health and Fire Regulations, Etc., Ventilation, Toilets, Display of License.
4. Investigation and Recommendation by Police.
5. License Requirements.
6. Expiration of License.
7. Access by Police Department, Inspections and Reports.
8. Suspension or Revocation of License.
9. Operation After License Denied or Revoked.
10. Minor to be Accompanied by Parent or Guardian, Misrepresentations to Secure Admission of Minor.
11. Beer License.
12. Sale or Consumption of Beer by Minor.
13. Separation of Dance Area and Seating Area.
14. Lighting, View of Booth, Etc.
15. Access to Restrooms.
16. Aisle or Areaway.
17. Entertainers.
18. Minimum Size of Dancing Area.
19. Parking Space.
20. Distance from School, Church, Park or Recreation Center.
21. Disreputable Conduct Prohibited.
22. Compliance with Chapter.
23. Penalty.
24. Effective Date.

SECTION 1. DEFINITIONS. "Cabaret" shall mean duly licensed restaurants which permit their patrons to dance and restaurants, taverns, or premises which entertain their patrons with live performers who sing or dance or which permit their patrons to dance shall be deemed to be "cabarets" and such places shall be subject to the cabaret licensing provisions as hereinafter provided.

SECTION 2. CABARET LICENSE REQUIRED - FEE. No cabaret, as herein defined, shall open for business without first obtaining a license, as herein provided, from the City of Wendover. The license fee required for a cabaret license shall be $10.00 a day, or $100.00 per year.

The Wendover City Council may, with or without a hearing, at its discretion, refuse to grant any license applied for and may revoke any license at any time, and in such case no cause need be stated.

SECTION 3. PREMISES TO COMPLY WITH HEALTH AND FIRE REGULATIONS, ETC.; VENTILATION; TOILETS; AND DISPLAY OF LICENSE. No license shall be issued pursuant to this Ordinance until it shall be found that the place for which it is issued complies with and conforms to all laws, ordinances and health and fire regulations applicable thereto and is properly ventilated and has available sufficient and separate toilet conveniences for each sex, and is a safe and proper place for the purposes for which it shall be used. Every person to whom a license is issued under this Ordinance shall post the same in a conspicuous place on the premises covered by such license.

SECTION 4. INVESTIGATION AND RECOMMENDATION BY CHIEF OF POLICE; LICENSING AUTHORITY. The police department shall examine and investigate all applicants for licenses and the premises to be licensed under this Chapter. Following such examination, the recommendations of the police department shall be made in writing to the Wendover City Council. The Wendover City Council shall be the licensing authority for cabarets.

SECTION 5. LICENSE REQUIREMENTS. Applicants for such license shall file application in writing with the City Clerk together with the fee as herein provided. Such applications shall be referred to the Wendover City Council by the City Clerk, which Council shall, within thirty (30) days after such reference, return said application to the City Council together with the report of its findings and its recommendations as to the granting or denying of said license.

SECTION 6. EXPIRATION OF LICENSE. All licenses issued under this Chapter shall be issued for a period not to exceed one year and all licenses shall expire on the thirty-first day of December of each year.

SECTION 7. ACCESS BY POLICE DEPARTMENT; INSPECTIONS AND REPORTS. The police department shall be permitted to have access to all premises licensed. It shall be unlawful to lock the rear door of the premises during the hours that such

premises are open to the public so that the police department, operating in compliance with the provisions of this Chapter, may have immediate entry to the premises or establishment licensed hereunder and may do so without delay. The police department shall make periodic inspections of the premises and report its findings to the Wendover City Council.

SECTION 8. SUSPENSION OR REVOCATION OF LICENSE. All suspensions of licenses hereunder shall be for the period of not less than one year and all revocations hereunder shall not be renewable to the persons involved. Any licenses issued pursuant to this Chapter may, after a hearing, be suspended or revoked for the violation of any provision of this Chapter or any other ordinance of any other law relating to such places. The Wendover City Council shall hear and determine all suspension and revocation matters.

SECTION 9. OPERATION AFTER LICENSE DENIED OR REVOKED. If, at any time, a license under the provisions of this Ordinance is denied or revoked, it shall thereafter be unlawful for any person to operate, open, maintain, manage or conduct any such business at the same premises until a new license shall be granted by the Wendover City Council.

SECTION 10. MINOR TO BE ACCOMPANIED BY PARENT OR GUARDIAN; MISREPRESENTATIONS TO SECURE ADMISSION OF MINOR. It shall be unlawful to permit any person who has not reached the age of eighteen (18) years to attend or remain at any cabaret where beer is sold or served, or cabaret which is licensed to sell beer. It shall be unlawful for any person to misrepresent his age for the purpose of gaining admission to a public dance or cabaret.

SECTION 11. BEER LICENSE. If a licensee desires to operate as herein provided, he shall first obtain an appropriate retail beer license and conform to the provisions of the ordinances of the City concerned with the sale of beer.

SECTION 12. SALE OR CONSUMPTION OF BEER BY MINOR. The sale or consumption of beer by any person under the age of twenty-one (21) years is expressly prohibited hereunder.

SECTION 13. SEPARATION OF DANCE AREA AND SEATING AREA. The dance area in a licensed cabaret must be separated from the seating area by a minimum aisle or areaway of three feet.

SECTION 14. LIGHTING; VIEW OF BOOTH, ETC. Premises licensed pursuant to this Chapter shall maintain throughout such

premises, during business hours, a minimum of two candle power light measured at a level of five feet above the floor. No booth, blind or stall shall be maintained unless all tables, chairs and occupants, if any therein, are kept open to full view from the main floor at the entrance of such licensed premises.

SECTION 15. ACCESS TO RESTROOMS. Access to restrooms must be by an aisle or areaway of at least three feet in width and in no event shall a cabaret license be issued if it is necessary to cross directly over the dance area to have access to restrooms.

SECTION 16. AISLE OR AREAWAY BETWEEN BAR AND DANCE AREA. If the dance area is adjacent to or in front of a bar where beer or food is served or consumed, there must be a minimum aisle or areaway of five feet between the bar and the dance area.

SECTION 17. ENTERTAINERS. Impromtu audience performers or itinerant walk-in guitar players or entertainers are prohibited. It shall be unlawful to furnish live entertainment for patrons of restaurants on premises herein, unless the premises are licensed as a cabaret.

SECTION 18. MINIMUM SIZE OF DANCING AREA. No cabaret license shall be granted unless the premises to be licensed thereunder shall contain at least three hundred square feet of suitable dancing area.

SECTION 19. PARKING SPACE. See the requirements outlined in Chapter 7 of the Zoning Code.

SECTION 20. DISTANCE FROM SCHOOL, CHURCH, PARK OR RECREATION CENTER. No premises shall be licensed hereunder which are located within a distance of less than three hundred feet from any public schools, church, public parks or recreation centers.

SECTION 21. DISREPUTABLE CONDUCT PROHIBITED. It shall be unlawful for any person to whom a license under this Chapter has been issued to allow or permit on the licensed premises any indecent act to be committed or any conduct of a gross, violent or vulgar character, or to permit prostitutes, pimps or procureres to enter and remain on said premises.

SECTION 22. COMPLIANCE WITH ORDINANCE. All cabaret licenses, whether original applicants or renewal applicants, must comply with all the applicable provisions of this Ordinance.

SECTION 23. PENALTY. Any persons found guilty of the violation of any provision of this Ordinance shall be deemed guilty of a Class "B" Misdemeanor.

SECTION 24. EFFECTIVE DATE. This Ordinance shall be effective thirty (30) days after the date of its passage and after having been posted in three (3) public places in the City of Wendover, Tooele county, Utah, for a period of not less than twenty (20) days.

PASSED by the City Council of the City of Wendover, Tooele County, Utah, this 19th day of July, 1983.

Hugh K. Nielson
MAYOR

ATTEST:

Margaret L. Schuler
RECORDER

(S E A L)