



MEMORANDUM

Office of the City Attorney

Legistar No. 000047

Phone: 334-5011/Fax 334-2229
Box 46

TO: Mayor and City Commission

DATE: July 10, 2000
FIRST READING

FROM: City Attorney


SUBJECT: Ordinance No. 0-00-73

An ordinance of the City of Gainesville, Florida relating to licensing of adult entertainment establishments and escort services; amending section 14.5-63(b)(1)c. deleting the requirement that stockholders of a corporate applicant be identified; amending section 14.5-65(a) providing that if the city manager does not act on an application for a license within 30 days the license shall be deemed granted; amending section 14.5-71(d) providing that a licensee whose license is revoked may continue in operation while appealing the decision in the court; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.


Recommendation: The City Commission adopt the proposed ordinance.

The City Commission at its meeting of June 12, 2000, authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance amending the adult performance establishment license requirements to conform to a recent Supreme Court decision.

Prepared by:


Patricia M. Carter,
Sr. Assistant City Attorney

Approved and
Submitted by:


Marion J. Radson,
City Attorney

MJR:PMC:sw

Ordinance No. _____
0-00-73

An ordinance of the City of Gainesville, Florida relating to licensing of adult entertainment establishments and escort services; amending section 14.5-63(b)(1)c. deleting the requirement that stockholders of a corporate applicant be identified; amending section 14.5-65(a) providing that if the city manager does not act on an application for a license within 30 days the license shall be deemed granted; amending section 14.5-71(d) providing that a licensee whose license if revoked may continue in operation while appealing the decision in the court; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

WHEREAS, at least 10 days notice has been given once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of a Public Hearing in the Auditorium of City Hall in the City of Gainesville; and

WHEREAS, a Public Hearing was held pursuant to the published notice described at which hearing the parties in interest and all others had an opportunity to be and were, in fact, heard;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA:

Section 1. Section 14.5-63(b)(1)c. of the Code of Ordinances is amended to read as follows:

Sec. 14.5-63. Application for license; application fee; consent by applicant.

(b) Contents of application. The completed applicatoin shall contain the following information and shall be accompanied by the following documents:

(1) If the applicant is:

c. A corporation, the corporation shall state its complete name, the

1 date of its incorporation, evidence that the corporation is in good standing,
 2 the names and capacities of all officers; and directors ~~and stockholders~~
 3 ~~holding five percent or more of the voting shares of the corporation, the~~
 4 name and address of the registered corporate agent for service of process,
 5 the name, residential address and residential telephone number of the
 6 person making the application for the corporation and provide a copy of its
 7 articles of incorporation.

8 **Section 2.** Section 14.5-65(a) of the Code of Ordinances is amended to read as follows:

9 **Sec. 14.5-65. Grant; denial; rejection.**

10 (a) *Time period for granting or denying license.* The city manager shall grant or deny
 11 an application for a license under this article within 30 days from the date of its proper
 12 filing. ~~Upon~~ If the city manager does not grant or deny the application in the timeframe
 13 given, the license will be considered to have been granted and the expiration of the
 14 ~~thirtieth day,~~ the applicant shall be permitted to begin operating the business for which a
 15 license is sought, ~~unless and until the city manager notifies the applicant of a denial of the~~
 16 ~~application and states the reason(s) for the denial.~~

17 **Section 3.** Section 14.5-71(d) of the Code of Ordinances is amended to read as follows:

18 **Sec. 14.5-71. Revocation.**

19 (d) *Effective date of revocation.* The revocation shall take effect ten days after the
 20 date the city manager mails the notice of revocation to the licensee or on the date the
 21 licensee delivers the license to the city manager, whichever happens first. If the licensee
 22 appeals the revocation to the circuit court as provided in section 14.5-58, the revocation
 23 shall be stayed until such appeal has been exhausted or abandoned.

D R A F T

6-26-00

1 **Section 4.** It is the intention of the City Commission that the provisions of Sections 1
2 through 3 of this Ordinance shall become and be made a part of the Code of Ordinances
3 of the City of Gainesville, Florida, and that the Sections and Paragraphs of this Ordinance
4 may be renumbered or relettered in order to accomplish such intentions.

5 **Section 5.** If any section, sentence, clause or phrase of this ordinance is held to be invalid
6 or unconstitutional by any court of competent jurisdiction, then said holding shall in no
7 way affect the validity of the remaining portions of this ordinance.

8 **Section 6.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of
9 such conflict hereby repealed.

10 **Section 7.** This ordinance shall become effective immediately upon final adoption.

11
12 **PASSED AND ADOPTED** this _____ day of _____, 2000.

13
14 _____
15 PAULA M. DeLANEY
16 MAYOR

17
18 ATTEST: Approved as to form and legality

19
20 _____
21 KURT M. LANNON
22 CLERK OF THE COMMISSION

MARION J. RADSON
CITY ATTORNEY

23 This Ordinance passed on first reading this _____ day of _____, 2000.

24 This Ordinance passed on second reading this _____ day of _____,
25 2000.