CHAPTER 41. LICENSING AND REGULATION OF PARTICULAR BUSINESSES

Article I. Barber Shops, Beauty Parlors and Similar Establishments

Section 41.010. Inspections.

The Director of Public Health or his representative shall, at least, once each year, and as often as necessary, inspect and examine all barbers, barber shops, barber schools, barber colleges, cosmetologists, cosmetologist school, cosmetologist colleges, hairdressers, hairdresser schools, hairdresser colleges, manicurists, manicurist schools and manicurist colleges, in the City of Webster Groves.

Section 41.015. Sanitation Requirements.

All persons owning, operating or managing such businesses and engaged in, following or practicing such trades or occupations shall strictly comply with the following requirements:

a. The premises shall be open to the Director of Public Health and his representatives for inspection during business hours. Each establishment shall at all times display a certificate of inspection issued by the Director of Public Health within the preceding twelve (12) months, certifying that the establishment and its operation have been found to be clean and sanitary. No inspection certificate shall be issued unless the applicant has obtained from the proper State Board a certificate or permit to engage in such business.

b. The premises shall be at all times supplied with running hot and cold water, connected with the City Water facilities, and drained through pipes into the sewers of the City. All premises where such shops, schools, or colleges are conducted shall at all times be kept in a clean and sanitary condition.

c. The premises shall be separate and apart from living quarters of any building, and shall not be used as sleeping quarters by any person.

d. Every person engaged in any of such businesses or occupations shall thoroughly cleanse his or her hand with soap and water immediately before serving any person. All cups, brushes, combs, clippers, razors, scissors, tweezers, blackhead removers, files, pushers, buffers, spatulas, and other tools and all massage and scalp applicators shall be kept in a clean and sanitary condition at all times, and shall be sterilized before serving any person; brushes and tools which might be injured by cleansing in hot water must be thoroughly cleansed in some other manner approved by the Director of Public Health and shall be sterilized in some antiseptic solution before serving any person.

e. Open powder boxes are prohibited.

f. Any towel, dry towel, steam towel or wash towel which has been used on any person must be laundered before it is used on any other person. When the hair of any person is cut, a newly laundered towel or protection band must be placed around the neck of the person so as to prevent the hair cloth from touching his skin. When a chair is used for any purpose a clean towel, either cloth or paper,

must be placed on the headrest of the chair before any person is permitted to recline thereon.

g. Any cream, emollient, or similar article shall be removed from its container with a spatula, and any unused portions so removed shall not be used on any other person.

h. The use of styptic pencils, powder puffs and sponges is prohibited. The use of styptic powder and individual applicators is permitted.

i. All metal tools, brushes or combs that have been used on a person who has eruptions on the face or scalp shall, before being used again, be sterilized or immersed for not less than fifteen minutes in one of the following antiseptics: twenty percent (20%) solution formaldehyde or two percent (2%) solution Lysol. Any person serving such a person shall, before serving another person, thoroughly wash his hand with hot water and soap, and then in one-thousandth (1/1000) solution of bichloride of mercury or fifteen percent (15%) solution of formalin.

Section 41.020. Periodic Examination of Barbers, Cosmetologists, Hairdressers, Etc.

The Director of Public Health shall, at such times as he may deem it advisable, and at least once every four (4) months, cause every barber, cosmetologist, hairdresser, manicurist, instructor, student or apprentice to be examined; if such a person is found to be free from venereal disease and all other infectious, contagious or communicable diseases or ailments which in the judgment of the Director of Public Health render unfit such a person to serve the public in his or her trade, then the Director of Public Health shall issue a certificate of health.

Section 41.025. Certificate of Health Required.

No person shall pursue or engage in any of the businesses enumerated in Section 41.010 without having procured within the preceding four (4) months a certificate of health from the Director of Public Health and having such certificate of health displayed at all times in his shop or place of employment.

Section 41.030. Inspection Fee.

Each such business shall pay to the City of Webster Groves an annual inspection fee of Twenty-Five Dollars ($25.00).

Section 41.035. Rules and Regulations.

The Director of Public Health may promulgate uniform rules and regulations for the purpose of effectuating or enforcing the provisions of this Article. Any such rules and regulations shall be printed on a card, in large type, and shall at all times be prominently displayed where the customers can conveniently read them.

Section 41.040. Penalties for Violation.

Any person who has violated any of the rules or provisions of this Article shall be cited to appear before the Director of Public Health and show cause why his or her certificate of

inspection of health should not be revoked and, upon failure to show cause, the Director of Public Health shall have the power to revoke such certificate of inspection of health permanently or for such period of time as he may deem proper, and in addition thereto said person shall be subject to any other penalties for violation of this Article.

Any person violating any of the provisions of this Article shall be subject to a fine of not less than Five Dollars ($5.00) no more than One Hundred Dollars ($100.00), and each day's violation shall constitute a separate offense.

Article II. Bowling and Ten Pin Alleys, Miniature Golf Courses

Section 41.050. License Required.

Every person keeping, conducting or operating any ten pin alley, bowling alley or miniature golf course shall obtain a license therefor, on payment of an annual license tax of Twenty-Five Dollars ($25.00) for each such establishment, payable annually on the 1st day of February, and applicable to the period expiring on the next succeeding 31st day of January; provided, however, if a license is issued between the 31st day of July and the 1st day of the next succeeding February 1st, the tax for the period ending six (6) months after the 31st of July shall be Twelve Dollars and Fifty Cents ($12.50).

No license shall be issued until the applicant therefor produces satisfactory evidence to the City Council of his character and qualifications. Any license may be revoked by the City Council at any time.

Section 41.060. Limitations on Operation.

No person may keep, operate, or conduct a bowling or ten pin alley or miniature golf course without a license, or between the hours of 12:00 a.m. on Saturday nights and 12:00 p.m. on Sundays, or between 12:00 a.m. and 9:00 a.m. during any other day of the week, or at any location other than that approved by the City Council, or in any manner deemed by the City Council to be contrary to the general welfare of the City and its inhabitants.

Section 41.070. Penalty for Violation.

Any person who violates any provision of this Article will be subject to a fine of not less than Five Dollars ($5.00) or more than One Hundred Dollars ($100.00).

Article III. Dance Halls

Section 41.110. Definitions.

The term "**Public Dance**" as used in this Article includes any dance or ball to which admission can be had by payment of a fee or by purchase, possession or presentation of a ticket or token, or at which a charge is made for caring for clothing or any other property, or which is conducted for the purpose of promoting the sale of refreshments, or any other dance or ball to which the public generally may gain admission with or without payment of a fee. The term shall not include a private dance at home, or a dance given by the City, or in a public school, or by a bona fide society, club or association where the attendance is restricted to the bona fide members of such society, club, or association and their guests, and is not open to the general public.

The term "**Public Dance Hall**" as used in this Article includes any room, place, platform or space and the premises appurtenant thereto in or on which a public dance is held.

Section 41.115. License Required.

No person may keep or conduct any public dance hall or hold any public dance without first having obtained a license. The fee for a license shall be One Hundred Dollars ($100.00). The license shall be applicable to the period expiring on the next succeeding 31st day of December.

No license may be issued to any person to keep or conduct any public dance hall or hold any public dance unless he has first produced to the City Council satisfactory evidence of his character and qualifications.

If a majority of the owners or occupants of structures or property located within a radius of four hundred (400) feet from any part of the premises on which a dance hall is to be located or upon which a public dance is to be held protest in writing, the Council shall not direct the issuance of a license except by unanimous vote, and if a license is issued the Council may, by unanimous vote, revoke the same.

Section 41.120. Regulations.

a. No public dance shall be held on Sunday, or between the hours of 12:00 a.m. and 9:00 a.m., or in any other location than that approved by the City Council and described in an appropriate license.

b. Every public dance hall shall be kept at all times in a clean, healthful and sanitary condition, and every stairway, passageway and room thereof shall be kept open and lighted, sufficiently so that it is possible to see distinctly to any part thereof.

c. No dancing partners of either sex shall be paid, employed or furnished by the persons conducting a public dance or dance hall.

d. No public dance hall shall be licensed or operated unless it complies with and conforms to the provisions of the building code of the City of Webster Groves respecting assembly halls, and all other ordinances of the City, and especially the health, sanitary and fire regulations of the City, and is properly ventilated and supplied with sufficient free drinking fountains, and separate and adequate toilet facilities for men and women, and is a safe and proper place for the purpose for which it is to be used.

e. No person under the age of seventeen (17) years shall be permitted to attend or take part in any public dance after the hour of 8:00 p.m., unless accompanied by a parent or guardian or responsible adult person who has the written permission of the parent or guardian to take such person to the dance.

f. No intoxicating liquor shall be sold, given away, kept or permitted upon the premises where a public dance is held.

g. No disorderly or indecent conduct or immoral, profane or indecent language, or indecent act may be permitted in or about a public dance hall or public dance.

Section 41.125. Enforcement of Regulations.

The members of the Police, Fire, Public Works and Public Health departments of the City shall have access at all times to all public dance halls. Whenever any provision of this article is violated or whenever any indecent act is committed or any disorder takes place at any public dance hall, the Police Chief shall cause the premises to be vacated and closed.

Section 41.130. Penalty for Violation.

Any person, or any person acting as manager, agent or representative of any person, who operates, conducts, owns, leases, or manages a public dance or dance hall which does not fully comply with the provisions of this Article, shall be subject to a fine of not less than Ten Dollars ($10.00) no more than One Hundred Dollars ($100.00).

Article IV. Gas Companies

Section 41.150. License Tax.

Every person, firm or corporation engaged in the business of selling or distributing natural, artificial or mixed natural and artificial gas for heating, lighting, power or refrigeration, in the City of Webster Groves shall pay as an annual license tax a sum equal to seven percent (7%) of the gross receipts from such business conducted in the City each year. The term "**gross receipts**" as used in this Article means the aggregate amount of all sales and charges during any period for which payment is due less credits, allowances, refunds, sales taxes and uncollectible accounts actually charged off during said payment period.

Section 41.155. Statement of Gross Receipts and Payment of Tax.

Each person engaged in such business shall file with the Director of Finance on or before the 31st day of May, 1975, a sworn statement showing the gross receipts derived from the transaction of such business in the City of Webster Groves from August 1, 1974 to April 30, 1975, and simultaneously pay to the Director of Finance the tax required by Section 41.150 for said period of time. On or before the last day of each and every month thereafter, each person engaged in such business shall file a sworn statement with the Director of Finance showing the gross receipts derived from the transaction of such business in the City of Webster Groves during the preceding month, and simultaneously pay to the Director of Finance the tax as required by Section 41.150.

Section 41.175. Penalty for Violation.

Any person who fails to comply with any provision of this Chapter, or in any other way violates any provision of this Chapter, may be fined not less than Ten Dollars ($10.00) or more than One Hundred Dollars ($100.00) for each offense.

Article IV(a). Water Companies

Section 41.180. License Tax.

Every person, firm or corporation engaged in the business of selling or distributing water in the City of Webster Groves shall pay as an annual license tax a sum equal to seven

percent (7%) of the gross receipts from such business conducted in the City each year. The term "**gross receipts**" as used in this article means, with respect to any year, the amount collected during that year less credits, allowances or refunds to customers credited, allowed or refunded during that year on account of water actually sold or distributed during that year, excepting therefrom water sold or distributed to the City of Webster Groves.

Section 41.185. Statement of Gross Receipts to Be Filed.

Each person engaged in such business shall file with the Director of Finance, on or before the 31st day of August, 2002, a sworn statement showing the gross receipts derived from the transaction of such business in the City of Webster Groves from December 31, 2001 to July 31, 2002 and simultaneously pay to the Director of Finance the tax required by Section 41.180 for said period of time. On or before the last day of each and every month thereafter, each person engaged in such business shall file a sworn statement with the Director of Finance showing the gross receipts derived from the transaction of such business in the City of Webster Groves during the preceding month, and simultaneously pay to the Director of Finance the tax as required by Section 41.180. (Ord. No. 8287, § 1, 7-16-02).

Section 41.190. Payment of Tax; Duration of License.

The license tax is due and payable on or before January 31st in each year. The license granted covers the year ending the preceding December 31st in each case.

Section 41.195. In Lieu of Certain Taxes.

This license tax is in lieu of all other excise, license or occupation taxes applicable to said business, but shall not exempt any such persons from the payment of any tax levied by or for the benefit of the City upon real or personal property.

Section 41.200. Penalty for Violation.

Any person who fails to comply with any provision of this Chapter, or in any other way violates any provision of this Chapter, may be fined not less than Ten Dollars ($10.00) or more than One Hundred Dollars ($100.00) for each offense.

Article V. Hospitals and Homes

Section 41.210. Definition.

Within this Article the term "**Institution**" shall include any hospital, sanitarium, establishment, home or other place or institution for the boarding, lodging, nursing or care of the sick or such persons as are suffering from or afflicted with bodily or mental infirmities or ailments of any kind whatsoever.

Section 41.220. Permit Required.

No person may establish, maintain, operate or conduct an institution without first having obtained a permit from the Department of Public Health. Any application for a permit shall be filed in writing with the Department of Public Health, and shall contain the following:

a. The name of every person who is to control, operate or manage the proposed institution, including the matron superintendent, resident physician or surgeon and medical staff, every physician or surgeon who is in any manner connected or identified with the proposed institution, and if the applicant is a corporation, then also the names of the officers and Board of Directors thereof.

b. The location of the proposed institution and the name under which it will be operated or conducted.

c. The size and dimension of the building or buildings and the number of rooms in each building.

d. The maximum number of patients that the institution can properly accommodate.

e. A statement whether any business is or will be conducted or operated in the same building or buildings or on the same premises, and, if so, what other business.

f. A written statement from each of the members of the medical staff, the resident physician or surgeon, superintendent and matron, certifying that he or she will serve on the staff of said institution.

Upon the filing of a satisfactory application, the Department shall cause the premises in question to be inspected. If he determines that the proposed institution will in all respects comply with the requirements of this Article, and the premises are in all other respects in a sanitary condition, he shall issue a permit.

A permit may not be transferred without the approval in writing of the Department. Any attempted transferal, or change in the name or location of the institution, will forfeit the permit.

Section 41.230. Inspections; Revocation of Permit.

Every institution shall at all times be open to inspection by the Director of Public Health or his duly authorized representatives, who may inspect the premises as often as may be deemed proper. If any violation is found of the terms of the application for the permit under which the institution was opened, conducted, managed or maintained, or any violation of any of the provisions of this Article or of any of the ordinances or regulations of the City of Webster Groves or statutes of the State of Missouri, then the Director shall recommend to the City Council the revocation of the permit issued for the institution.

The City Council may revoke any permit for any violation of any of the provisions of this Article or of the laws of the State of Missouri, or of the ordinances of the City of Webster Groves, or of any rules and regulations which may be prescribed from time to time by the Department of Public Health. Before a permit may be revoked, the Council shall issue a notice to the person named in the permit, advising him of the time and place of the

Council's intended action and the grounds therefor, and must serve the notice at least ten (10) days prior to the hearing, either by delivering a copy thereof to the person named or by leaving a copy of the notice at the institution named in the permit which the Council intends to investigate.

Section 41.240. Requirements for Maintenance and Conduct of Hospitals and Homes.

Every institution shall conform to the following requirements:

Every room, including water closet compartments and bathrooms, must have at least one window opening directly upon the street or upon an areaway, yard or court, and one-half (1/2) of the sash must be capable of being opened full width. The total area of the windows in each room must be at least one-eighth (1/8) of the superficial area of the floor of the room.

Each room occupied or to be occupied by inmates must be of such dimensions as will give each inmate not less than four hundred (400) cubic feet of air space, and must have at least one window connecting with the external air for each four beds. There must be provided for each inmate at least one-thousand five hundred (1500) cubic feet of fresh air per hour whether by natural ventilation or by the use of ventilating appliances. Each bed must have at least forty (40) square feet of floor space, and in every room or dormitory containing more than one bed the beds must be so arranged as to leave a passageway of not less than two (2) feet horizontally on each side of each bed.

Every building must have not less than one (1) fire escape for every fifty (50) persons, or fraction thereof, for whom accommodations are provided above the first floor. Every building of three (3) or more stores in height must be provided with iron stair fire escapes attached to the exterior of the building, built solid from the upper window sill to the ground, with an iron ladder from the upper story to the roof. A fire escape may not run past a window if it is practical to avoid it. All fire escapes must be of the kind known as stationary fire escapes, and must have proper and safe balconies for each story, surrounded on the sides with wire bank and pipe rail not less than three (3) feet in height with openings from the building to balconies, and the stairways must when practicable be of an angle of not more than fifty-five (55) degrees and must be enclosed with wire and rail not less than three feet high.

Each ward or wing must have running water furnished in one or more places, either in the ward or convenient thereto, so that it will be adequate and convenient. The plumbing, water closets, bathrooms and other sanitary appliances and equipment must be constructed in accordance with the City ordinances. The floor of any cellar or basement must be properly cemented so as to be watertight.

Each hall must be open to the external air with suitable windows, and must have no room or other obstruction at either end, unless sufficient light or ventilation is otherwise provided.

Every institution, including the culinary department, dining rooms, laundry, laboratory, morgue and post-mortem rooms connected with it, must be equipped from May 15th to November 15th with doors, screens and other appliances necessary for the exclusion of flies.

In each building there must be a suitable room to be used for the isolation of cases of contagious, infectious, epidemic or communicable diseases that may be found in the institution until such time as the persons suffering from the diseases may be removed. The room or rooms provided must have separate toilet facilities and a stationary wash stand with a supply of running water.

In each building there must be a suitable room for the proper care of the dead pending their removal.

No person in charge or control of any institution, or connected therewith as nurse, physician or attendant, or orderly, shall permit or allow the body of any inmate or person who has been under care in the institution, and has died therein, to be removed from the institution to any undertaking establishment within twenty-four (24) hours after death, unless the removal has been authorized in writing by some member of the immediate family of the deceased person or by some other person legally authorized to order or permit removal. No body may be removed otherwise than in accordance with the ordinances of the City concerning the removal of dead bodies. No body may be kept at any institution longer than thirty-six (36) hours after death without permission of the Department of Public Health.

Every person who secures a permit shall immediately notify the Department of Public Health of any change in the medical staff, resident physician or surgeon, superintendent or matron attached to or connected with the institution.

Section 41.250. Rules and Regulations.

The Department of Public Health is authorized to make, from time to time, such rules and regulations in respect to the management and conduct of any institution and the care and treatment of the patients or inmates thereof as he may deem wise.

Section 41.260. Records.

Each institution must keep a complete record of every inmate admitted to the institution, showing the name, address, age, sex and social status and the date of admission and discharge or disposition. In the case of an infant or child, the record must show the name and address of the person or persons from whom it was received, so far as can be ascertained, the name, address, nationality, and occupation of its parents, and the reason for its being brought to the institution. In case of the discharge or disposition of any infant or child or other dependent person, the record must show the name and address of the person to whom the inmate was given or delivered, and must state whether that person was a parent or guardian, or had legally adopted the infant or child. These records shall be open at all times to the inspection of the Department of Public Health.

Section 41.270. Penalty for Violation.

Any person who owns, operates, conducts, maintains, or manages an institution which does not comply with the requirements of this Article, and any person assisting in such conduct, shall be subject to a fine of not less than Twenty-Five Dollars ($25.00) or more than One Hundred Dollars ($100.00), or to imprisonment in the City Jail for not less than one or more than three (3) months, or to both such fine and imprisonment. Each day that a violation continues will constitute a separate offense.

Section 41.280. Definition of a Short Term Rental.

To qualify as a Short Term Rental for purposes of this Article, such use shall comply with the conditions which are established within Chapter 53 the Zoning Ordinance.

(Ord. No. 7873, § 1, 6-13-95, Ord. No. 8987, § 1, 8-15-2017).

Section 41.285. Licenses Required; Fees and Conditions Therefor.

For purposes of licensing, a short-term rental shall pay the fee prescribed for a service occupation as defined in Section 40.110(h) of the Code of Webster Groves. The method of calculating the license shall be as prescribed in Section 40.120(c).

Such licenses shall be applied for and issued annually upon the applicant meeting the following conditions:

1. Acquire a properly issued license under this subsection;
2. All requirements of Chapter 53 must be met, a conditional use permit must be acquired and must remain in good standing at all times before a license under this subsection shall be issued;
3. Acquire a residential occupancy permit from the Department of Planning and Development annually;
4. Obtain certification from the Department of Planning and Development that all items in the notification packet related to short term rentals have been completed for the property. The packet will include the following:
    a. The name and contact information of the responsible contact designated in the application;
    b. Occupancy limits applicable to the property;
    c. Restrictions on noise applicable under the City's housing code, including limitations on the use of amplified sound;
    d. Parking restrictions;
    e. Trash collection schedule;
    f. Information on applicable requirements of the Americans with Disabilities Act;
    g. Other guidelines and requirements applicable to Short Term Rental uses as amended from time to time by the Director of Finance or his/her designee.
5. Providing evidence satisfactory to the Director of Finance of membership or registration in a regional or national bed and breakfast/ short term rental service;
6. Provide proof of general liability insurance in an amount adequate to protect guests and third party persons against property damage / bodily injury;

7. During the annual inspection, provide proof of an operable smoke detector, carbon monoxide detector and fire extinguisher in each leasable unit/room.

   (Ord. No. 7873, § 1, 6-13-95, Ord. No. 8987, § 1, 8-15-2017).

Section 41.286. Term of License.

All licenses issued according to the provisions of this Article shall be valid until December 31 of the year in which the permit for a Short Term Rental was obtained. Thereafter all licenses shall be valid for one (1) year beginning on January 1 and ending on December 31. Renewal of licenses shall be permitted beginning on December 1.

No license shall be issued under this chapter except for the full license period and the full license fee. (Ord. No. 8987, § 1, 8-15-2017).

Section 41.287. Permit Exhibition.

Every person required to obtain a permit under the provisions of this Ordinance shall prominently exhibit the notification packet requirements in each rental room. The Short Term Rental Notification Requirements can be found in Chapter 53 the Zoning Ordinance. (Ord. No. 8987, § 1, 8-15-2017)

Section 41.288. Transfer Prohibited.

It shall be unlawful for any person other than the person to whom the license or permit was issued to use any license or permit issued under the provisions of this Article. (Ord. No. 8987, § 1, 8-15-2017).

Section 41.289. Guest Log to Be Available for Inspection.

Each short term rental shall maintain a daily log of guests to demonstrate compliance with the requirements of the Zoning Ordinance. The guest log shall be formatted to include information as determined by the City which may be amended from time to time. Such guest logs shall be available for inspection by the City during normal business hours. The City is empowered to make copies of such logs. Facilities are required to keep available for inspection guest logs for their last three years of operation.

Cross reference: Section 2, "**Definitions**," Zoning Code; Section 12, "**Conditional Uses**," Zoning Code.
(Ord. No. 8987, § 1, 8-15-2017)

Section 41.290. Permit Revocation.

Any license or permit issued under this Ordinance may be revoked or suspended by the Director of Finance, after notice and hearing, for any of the following reasons:

a. Fraud, misrepresentation or false statement contained in the application for a permit;

b. Fraud, misrepresentation or false statement made by the permittee in the course of conducting Short Term Rental activities;

c. Conducting Short Term Rental activities contrary to the provisions contained in the permit;

d. Conducting Short Term Rental activities in such a manner as to create a public nuisance, constitute a breach of the peace or endanger the health, safety or general welfare of the public

(Ord. No. 8987, § 1, 8-15-2017)

Section 41.295. Penalty for Violation.

Penalty provision shall be as provided in Section 1.060 of the Code of Webster Groves. (Ord. No. 8987, § 1, 8-15-2017)

Article VI. Licensing and Regulation of Peddlers, Solicitors and Transient Merchants

Section 41.310. Definitions.

The following words, terms, and phrases, and their derivations, used in this Ordinance, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

"Charitable organization" means and includes not-for-profit entities such as municipally-affiliated, philanthropic, social service, health, welfare, benevolent, educational, civic, cultural or fraternal entities.

"Contributions" mean and include the words alms, money, subscription, property or any donations under the guise of a loan or money or property.

"Department" means the Department of Finance.

"Director" means the Director of Finance.

"Goods" shall mean all things that are movable at the time of sale or delivery.

"Gallery" shall mean any room that contains wall space upon which art is displayed for sale to the public.

"Hawker" means any person who offers goods, property or services for sale in the streets, highways, thoroughfares or public rights-of-way of the City by crying out, or by signals, music or other noise.

"Mobile Vending Cart" shall mean a non-motorized structure with at least two (2) operational wheels which is easily moved and which is used for vending by a transient merchant.

"Mobile Vending Cart Operator" shall mean a transient merchant who is conducting business from a mobile, but not motorized, vending cart.

"Peddler" means any person who travels from place to place – whether by foot, vehicle, wagon, cart or any other means of conveyance whatsoever, for the purpose of displaying, selling, making sales, soliciting or offering for sale, or leasing with the option to buy, at

retail, any goods, property or services. This definition also includes any person who solicits orders, whether in person or not, and as a separate transaction makes deliveries to purchasers as part of the scheme to evade the provisions of this Ordinance, but shall exclude any person who has an invitation from a resident to visit that person's residence.

"Peddling" includes all activities ordinarily performed by a peddler as indicated in the definition of "peddler."

"Solicitor" shall mean any person who, without invitation, goes upon private property, to request contribution of funds or anything of value, or sell goods or services for political, charitable, religious, or other non-commercial purposes or who canvasses for political, charitable, religious or other non-commercial purposes without seeking contributions or selling anything of value.

"Solicitation" includes all activities performed by a solicitor as defined herein.

"Street Vendor" means any person who is licensed to sell, offer for sale, exhibit, display, demonstrate or take orders for the retail sale of any goods or service whatsoever from a motorized vehicle, trailer, semi-permanent stand or structure, or similar device.

"Transient Merchant" The phrase "transient merchant" shall mean any "hawker," "mobile vending cart operator," or "peddler," as herein defined.

Section 41.311. License or Registration Required.

a. No person shall engage in the business of being a transient merchant without first having obtained a license therefore, except as provided for in Section 41.323 and Section 41.326; and further provided, however, that any person who conducts business as a street vendor or mobile vending cart operator as herein defined shall be required to comply with the additional rules and regulations set forth in this Article. No person shall sell from a vehicle or mobile vending cart that has not been licensed by the City. No person shall act as an agent or an employee for any person licensed under the provisions of this Article VI unless such person has first obtained an identification certificate from the Director.

b. No person shall engage in solicitation without first having registered with the Department, except as provided in Section 41.323(c) below.

c. Each Mobile Vending Cart Operator shall first obtain a Mobile Vending Cart Operator's License from the Director on forms provided by the Department and in compliance with the provisions of Section 41.328 hereof.

d. Each Street Vendor shall first obtain a Street Vendor's License from the Director on forms provided by the Department and in compliance with the provision of Section 41.329 hereof.

Section 41.312. License Applications.

Every person required to obtain a license to the provisions of this Article VI of Chapter 41 shall file with the Director of Finance an application in writing, on a form to be furnished by the Department, which shall provide at least the following information:

a. Proof of age, address and identification of the applicant, to be provided through the applicant's driver's license, articles of incorporation (for sponsors), or other legally recognized form of identification;

b. A brief description of the business or activity to be conducted;

c. The hours, location and length of time for which the right to peddle or solicit is desired;

d. If employed, the name, address and telephone number of the employer; or if acting as an agent, the name, address and telephone number of the principal who is being represented, with credentials in written form establishing the relationship and the authority of the employee or agent to act for the employer or principal, as the same may be;

e. A statement as to whether or not the applicant has been convicted of a felony, misdemeanor or ordinance violation (other than traffic violations), the nature of the offense or violation, the penalty or punishment imposed, the date when and place where such offense occurred, and other pertinent details thereof;

f. A statement from the Director of Revenue of the State of Missouri certifying that the applicant is not delinquent in the payment of any sales tax if the list of delinquent taxpayers provided to the City by the Director of Revenue indicates a delinquency on the part of such person;

g. Proof of possession of any license or permit which, under federal, state or local laws or regulations, the applicant is required to have in order to conduct the proposed business, or which, under any such law or regulation, would exempt the applicant from the licensing requirement of this Ordinance.

Section 41.313. License Fees.

Prior to the issuance of a License or Registration pursuant to the provisions of this Article, the applicable fee, if any, shall be paid. From time to time, the Director of Finance shall submit a schedule of fees by category of licensee for approval by motion of the City Council at any public meeting. At the time the application is filed with the Department, the applicant shall pay the prescribed fee to cover the cost to the City of processing the application and investigating the facts stated therein. Such fees shall be waived for religious, political, community or charitable organizations.

Section 41.314. Application Review; Issuance of Licenses, Registrations.

a. Upon receipt of an application for a License or Registration, the Director of Finance or authorized representative, shall review the application as deemed necessary to ensure the protection of the public health, safety and general welfare.

b. If the Director finds the application to be satisfactory, the Director shall indicate approval on the application and shall deliver, upon payment of the prescribed fee, if any, the required permit or registration to the applicant.

c. The license or registration permit shall show the name and address of the applicant, the class of license or permit issued, the kind of goods or services to be sold or delivered, the date of issuance, and the length of time that the license or permit shall be in effect. The license or permit shall also show the license or permit number and identifying description of any vehicle to be used in carrying on the business or conduct for which the license or permit is issued.

d. A record of all licenses and permits issued shall be maintained by the Department for a period of two (2) years.

Section 41.315. Denial of License Permit.

a. Upon the Director of Finance's review of the application, the Director may refuse to issue a license or permit to the applicant under this Ordinance for any of the following reasons:

1. The location and time of solicitation or transient merchant activities would endanger the safety and welfare of the solicitors, transient merchants or their customers or persons solicited;

2. An investigation reveals that the applicant falsified information on the application;

3. The applicant has a been convicted of a felony, misdemeanor or ordinance violation involving a sex offense, trafficking in controlled substances, or any violent acts against persons or property, such conviction being entered within the five (5) years preceding the date of application;

4. The applicant is a person against whom a judgment based upon, or conviction for, fraud, deceit or misrepresentation has been entered within the five (5) years immediately preceding the date of application;

5. There is no proof as to the authority of the applicant to serve as an agent to a principal; or

6. The applicant has been denied a permit under this Section within the immediate past 12 months, unless the applicant can and does show to the satisfaction of the Director that the reasons for such earlier denial no longer exist.

b. The Director's disapproval and the reasons for disapproval shall be noted on the application, and the applicant shall be notified that his or her application is disapproved and that no license or permit will be issued. Notice shall be mailed to the applicant at the address shown on the application form, or at the applicant's last known address.

Section 41.316. Term of Permit.

All licenses and registrations issued according to the provisions of this Article shall be valid until December 31 of the year in which the ordinance codified in this section is enacted.

Thereafter all licenses shall be valid for one (1) year beginning on January 1 and ending on December 31. Renewal of licenses shall be permitted beginning on December 1.

No license shall be issued under this chapter except for the full license period and the full license fee.

Section 41.317. Permit Exhibition.

Every person required to obtain a permit under the provisions of this Ordinance shall prominently exhibit the license or permit at all times when conducting any transient merchant or street vendor business and shall provide all necessary licenses when requested to do so by any prospective customer, person solicited or Department employee.

Section 41.318. Transfer Prohibited.

It shall be unlawful for any person other than the person to whom the license or permit was issued to use any license or permit issued under the provisions of this Article.

Section 41.319. Fixed Stands Prohibited.

a. No person, whether licensed pursuant to the provisions of this Article VI or not, shall stop or remain in any one (1) location in any street, alley or public place within the City to conduct business as a transient merchant for longer than is necessary to make a sale to a customer wishing to engage in a transaction. No person, whether licensed pursuant to the provisions of this Article VI or not, shall conduct business from a fixed stand located in any street, alley or public place.

b. Fixed stands on private property shall only be allowed if permitted, and upon the terms of, the zoning district regulations applicable to property upon which the fixed stand is located and only if the private property owner has authorized such use in writing before any license is issued.

Section 41.320. Curb Service Prohibited.

No person shall operate or maintain any stand, vehicle, store or place of business on or next to any street, lane, highway or public place in such a manner that the customers or traders with such person occupy or congregate within the limits of the street, lane, highway or public place. No person shall be permitted to use the streets, alleys, lanes or public places of the City for the service of customers or for the transaction of business, or to use any stands, stores or other places of business in any manner that shall require the customer, when transacting such business, to stand within the limits of the streets, highways, alleys or public places of the City. This provision shall not apply to licensed street vendors operating with City permission.

Section 41.321. Prohibited Areas.

No person, whether licensed pursuant to this Article or not, shall, in the sale of goods, wares, merchandise, or any other form of personal property, obstruct any street, alley, sidewalk or driveway except as may be necessary and reasonable to consummate a sale. No transient merchant or street vendor shall remain, barter, sell, offer or expose for sale

any goods, wares or merchandise adjacent to any property against the wish or desire of the property owner or the tenant or occupant of such property, nor within five hundred (500) feet of the entrance to any school building between the hours of 8:00 a.m. and 5:00 p.m. on the days when school is in session, nor on those portions of streets that abut a public park. No person shall engage in the business of being a transient merchant on any street, alley or public place after having been requested to desist by any police officer of the City because of congested or dangerous traffic conditions.

Section 41.322. Practices Prohibited.

No transient merchant shall, while in any public place, shout or cry out his or her goods or merchandise, nor blow any horns, ring any bell, broadcast or play any sound, or use any similar device at a level in excess of 60 decibels to attract the attention of the public.

Section 41.323. Exempt Persons.

The following shall be exempt from all license fees under this Article and under Chapter 40, and shall be exempt from all other requirements of this Article VI except safety regulations of this Article VI:

a. Any person under eighteen (18) years of age, when engaged in the business of being a transient merchant on foot in the neighborhood of his or her residence under the direct supervision of any parent, legal guardian, school or recognized charitable organization or religious organization.

b. Any person exempt from the licensing requirements of this Article by virtue of State or Federal law, but only to the extent exempted by such State or Federal law and no more.

c. Any person who is the duly authorized representative or agent of any religious or charitable organization, or who, for any political organization or purpose, is seeking funds or membership or contacting members of a political organization or electors in any local, state or federal election.

d. Any person engaging in business solely at a City-operated, affiliated or sponsored market, fair or special event provided that all transactions are conducted solely within the confines of that market, fair or special event location and that the rules and regulations of the market, fair or special event are observed.

e. Any person who sells works of art and who rents wall space in a gallery as distinguished from a consignment shop or antique store or similar commercial enterprise and who has paid a gallery fee or rented wall space not exceeding $500 per space.

Section 41.324. Hours of Solicitation.

Transient merchants, solicitors and canvassers may only call at any dwelling or residence between the hours of 9:00 a.m. and 7:00 p.m. Mondays through Fridays and between the hours of 9:00 a.m. and 5:00 p.m. on Saturdays and Sundays, except by appointment with the owner or occupant of such dwelling or residence.

Section 41.325. Entry Upon Premises Unlawful.

It shall be unlawful for any person, whether licensed or unlicensed, while conducting the activities of a solicitor or transient merchant, to enter upon any residential premises in the City where the owner, occupant or person legally in charge of the premises has posted, at the entry to the premises, or at the entry to the principal building on the premises, a sign bearing the words “No Peddlers,” “No Solicitors,” or words of similar import.

Section 41.326. Special Event License.

A charitable organization sponsoring a special event with a duration not to exceed four (4) consecutive days may obtain a special event license which shall excuse transient merchants conducting business at the special event from paying any license fee except as required by this subsection 41-326. A special event license shall be issued to cover all transient merchants conducting business at the special event only under the following conditions:

a. The special event license shall apply only to those transient merchants conducting business under the auspices of the organization obtaining the special event license and operating at the special event with the permission of the special event license holder.

b. The organization sponsoring the special event shall maintain a record containing the name, address, telephone number and date of birth of each transient merchant operating under its auspices at the special event. This record shall be displayed to any law enforcement officer or any representative of the City of Webster Groves upon request.

c. A special event license shall be issued only for a prescribed location.

d. All other provisions of this Code and all provisions of any other applicable ordinance, law, rule or regulation shall be complied with to the extent not inconsistent herewith.

e. From time to time, the Director of Finance shall submit a schedule of Special Event License Fees for approval by motion by the City Council at any public meeting, and such fees shall be applicable to all departments of the City.

f. No more than six (6) special event licenses shall be issued to any one charitable organization in any calendar year.

Section 41.327. General provisions.

a. **Applicability of Health Code -- Inspection.** All licensees and their employees shall be subject to and comply with all applicable requirements, standards, rules and regulations (“regulations”) of the St. Louis County Health Department for dispensing and purveying food. All food held, offered for sale, sold or given away by licensees shall be subject to and comply with all Regulations. Proof is required that a person has filed an application for a permit from the County Health Department before receiving a permit for a vendor’s license from Webster Groves.

b. **Health Inspections and Analysis.** It shall be the duty of every licensee to permit inspections to be made and, when required, to furnish samples of any foods kept, offered for sale or given away by the licensee as often as may be deemed necessary to determine that the foods are free from adulteration, are not misbranded, and do not contain an excessive number of microorganisms or their toxins. The licensee shall answer all reasonable and proper questions and furnish records of the sampled product. Samples shall be examined or analyzed by or under the direction of the County's Department of Health, and a record of each such examination or analysis shall be made and kept in its office.

c. No transfer of ownership shall be allowed on any license issued hereunder.

Section 41.328. Mobile Vendor Cart Regulations.

a. Every mobile vending cart used by a licensed vendor in or about the business shall have the name of the owner and his address plainly, distinctly, and legibly painted in letters and figures at least two inches in height in a conspicuous place on the outside of each side of every such wagon, cart or other vehicle, and such name and address shall be kept so painted plainly and distinctly at all times while such wagon, cart or other vehicle is in use during the continuance of the license covering the use of such wagon, cart or other vehicle.

b. No mobile vending cart used within the City shall interfere with or impede the flow of traffic on any City street. No mobile vending cart shall violate any traffic or parking laws, including the prohibition of double parking of the City.

c. All mobile vending carts used in the sale of the products described in this chapter must be kept in a clean and sanitary condition at all times, and when containing loads or parts of loads of food products, they must be kept only in sanitary places that meet with the rules and regulations of the County Health Department.

d. No mobile vending cart shall be located on any City sidewalk or other public way during non-vending hours, nor shall any such pushcart or other item be parked, stored or left overnight.

e. No mobile vending cart shall be motor powered. Nothing in this paragraph shall prohibit the transportation of a licensed vendor's cart to and from the licensed vendor's authorized location by a motor powered vehicle.

Section 41.329. Street Vendor Regulations and Districts.

a. **Vending Permitted.** A street vendor may sell or offer for sale or permit the offering or selling of any goods upon any public sidewalk, street, roadway, or roadway median within the City of Webster Groves except in those areas designated by ordinance as prohibited, and in compliance with the regulations of this section.

b. **Street Vending Districts Prohibited.** Street Vendors are prohibited within the boundaries of the Business Taxing Districts as established in Old Orchard, Old Webster and Crossroads within the City of Webster Groves.

c. **Additional Requirements.**

1. **Application.**

Every individual who desires a license as a street vendor shall make application therefor in conformity with the provisions of this subsection. The application for a Street Vendor license shall be not less than $150 per year, but from time to time, the Director of Finance shall submit a schedule of fees by category of licensee for approval by motion of the City Council at any public meeting. A non-refundable application processing fee of $25.00 shall be collected at the time of application; provided, however, that upon the granting of a license, the amount of the application fee shall be credited to the fee for the annual license.

2. **Special Street Vendor Permit Requirements.**

The Director shall issue the license to the applicant upon meeting the following conditions:

A. Present proof of compliance with all requirements deemed necessary by the County Department of Health, the Department of Public Works, the Police Department or the Department of Parks and Recreation; and

B. Present proof of insurance in the amount of one hundred thousand dollars ($100,000) bodily injury coverage and property damage in the amount of twenty thousand dollars ($20,000) with an insurance company of good standing and duly licensed in Missouri on each vehicle used in the operation of the vending business.

3. **Rules and Regulations.**

A. The business of street vending shall only be permitted between the hours of 7:00 a.m. and 8:00 p.m.

B. No vehicle related to the operation of a street vending business shall be located on any City sidewalk or other public way during non-vending hours, nor shall any such pushcart or other item be parked, stored or left overnight;

C. A licensed street vendor may not block the passage of the public through a public area or interfere with access to ramps, curb cuts or other conveniences for individuals with disabilities. If a sufficient crowd gathers to transact business with a licensed street vendor such that the passage of the public through a public area is blocked or that access to ramps, curb cuts or other conveniences for individuals with disabilities is blocked a police officer may disperse that portion of the crowd that is blocking the passage of the public.

D. A licensed street vendor may not conduct a vending business in a public area so as to obstruct access to private property, except with the prior written consent of the owner or manager of the property.

E. The conduct and behavior of all licensed street vendors shall comply in all respects with existing noise ordinances.

F. No licensed street vendor shall conduct a vending business within 150 feet from another licensed vendor or an existing business which sells or offers for sale comparable goods or merchandise.

G. No licensed street vendor shall conduct a vending business within 500 feet of a special event unless such vendor has first obtained the written permission of the permit holder of the fair or festival and has been issued a festival vendor's license under the provisions of this chapter.

H. Licensed street vendors shall keep the sidewalks, street and other spaces adjacent to their vending sites or locations clean and free of paper, peelings and refuse of any kind. All trash or debris accumulating within fifteen (15) feet of any vending stand shall be collected and disposed of by the vendor each day of operation.

I. Licensed vendors may not put refuse from the operation of their vehicle in or beside any public or private trash container or in any drain along or in the streets or sidewalks.

J. Licensed vendors may not leave their vehicle unattended at any time.

K. Whenever a vehicle is stopped for the purpose of making a sale, it shall be stopped at the right hand curb of the street at the extreme right hand edge of the pavement and shall be legally parked. No sale shall be made from any such vehicle from other than the curb side when said vehicle is legally parked or to any person who is standing in the normally traveled portion of a City street or alley. At such stops the vehicle's motor shall be turned off unless its operation is essential to protecting the product sold.

L. No vehicle may be parked or stored in a restricted parking area.

M. Each vending vehicle subject to the provisions of this chapter shall be equipped with:

(i) A mechanical and electrical safety signaling device which while the vehicle is stopped to make sales, will display flashing signals plainly visible from the front and rear, during the day or night, indicating that sales are being made therefrom;

(ii) A receptacle for the disposal of wrappers, papers, containers and other trash.

(iii) All vehicles used in the sale of the products described in this chapter must be kept in a clean and sanitary condition at all times, and when containing loads or parts of loads of such products, they must be kept only in sanitary places that meet with the rules and regulations of the County Health Department.

N. The Public Works Director shall formulate any additional rules and regulations necessary for the safety of the pedestrian and traveling public.

Section 41.330. Permit Revocation.

Any license or permit issued under this Ordinance may be revoked or suspended by the Director of Finance, after notice and hearing, for any of the following reasons:

a. Fraud, misrepresentation or false statement contained in the application for a permit;

b. Fraud, misrepresentation or false statement made by the permittee in the course of conducting solicitation or peddling activities;

c. Conducting peddling or solicitation activities contrary to the provisions contained in the permit;

d. Conviction for any crime involving moral turpitude;

e. Conducting transient merchant or solicitation activities in such a manner as to create a public nuisance, constitute a breach of the peace or endanger the health, safety or general welfare of the public;

f. Knowing or repeated violations of Chapter 60 the Code of Webster Groves regarding solicitation within the public right of way; or

g. Violation of Section 70.710 of the Code of Webster Groves regarding aggressive solicitation.

Section 41.331. Notice and Hearing.

Notice of a hearing for revocation of a license or permit issued under this Article VI shall be provided in writing and shall set forth specifically the grounds for the proposed revocation and the time and place of the hearing. Notice shall be mailed, postage prepaid, to the holder of the license or permit at the address shown on the application or at the last known address of the holder of the license or permit.

Section 41.332. Appeals.

Any person aggrieved by the action or decision of the Director of Finance to deny, suspend or revoke a permit applied for under the provisions of this Article VI shall have the right to appeal such action or decision to the City Manager within fifteen (15) days after the notice of the action or decision has been mailed to the person's address as shown on the application form, or to his or her last known address.

a. An appeal shall be taken by filing with the Director a written statement setting forth the grounds for the appeal.

b. The Director shall transmit the written statement to the City Manager within ten (10) days of its receipt and the City Manager shall set a time and place for a hearing on the appeal.

c. A hearing shall be set not later than twenty (20) days from the date of receipt of the appellant's written statement.

d. Notice of the time and place of the hearing shall be given to the appellant in the same manner as provided for the mailing of notice of action or decision.

e. The decision of the City Manager on the appeal shall be final and binding on all parties concerned.

Section 41.333. Claims of Exemption.

Any person claiming to be legally exempt from the regulations set forth in this Ordinance, or from the payment of a fee, shall cite to the Director of Finance the section, statute or other legal authority under which exemption is claimed and shall present to the Director proof of qualification for such exemption.

Section 41.334. Violations and Penalty.

Violation of any of the provisions of this Ordinance shall be treated as an infraction, and shall, upon conviction, be punishable by a fine of not less than $50.00 nor more than $100.00 or by imprisonment not to exceed ninety (90) days or by both such fine and imprisonment. In addition to any criminal enforcement, the City or any individual may pursue any available civil remedies deemed appropriate and necessary.

Section 41.335. Severability.

The provisions of this Ordinance are declared to be severable. If any section, sentence, clause, or phrase of the Ordinance shall for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decisions shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance, but they shall remain in effect; it being the legislative intent that this Ordinance shall remain in effect notwithstanding the validity of any part.

Section 41.336-41.359. Reserved.

(Ord. No. 8690 §1, 11-2-10)

Article VII. Junk Dealers

Section 41.360. Definition.

The term "**Junk Dealer**" includes any person who collects, stores, handles, sells and displays for sale quantities of scrap iron or scrap metals; parts or portions of used automobiles or vehicles of any kind; second hand or used building or construction materials; used or second-hand bottles, glass or glassware; old rubber or discarded rubber tires and tubes; rags and waste paper; parts or portions of old and second-hand machinery, tools and equipment; any other second-hand goods; and every other kind of materials or articles customarily found in and about junk or second-hand yards.

Section 41.365. License Required.

Every junk dealer who has no stand or place of business within the City of Webster Groves shall obtain a license upon payment of a license fee of One Hundred Dollars ($100.00) for each calendar year. The payment of this fee shall not exempt any junk dealer from the payment of other license fees for carts, wagons, or other vehicles.

Every junk dealer who has a stand or place of business within the City of Webster Groves shall pay a license fee of Two Hundred Dollars ($200.00) for each calendar year.

No license may be issued until written application thereof has been made to the City Council and approved.

Every license is non-transferable and may be annulled or revoked at any time if it is used by any person other than the person named in the license, or if the licensee violates any provisions of this Article.

Section 41.370. Register -- Open to Inspection.

Every junk dealer must keep a register of the name and address of every person from whom he purchases "**junk**" and said register shall be available for examination by the police department.

Section 41.375. Buying From Minors Prohibited.

No junk dealer may buy or receive any property from any minor without the written consent of the parent or guardian of such minor, nor knowingly purchase or receive stolen property.

Section 41.380. Penalty for Violation.

Any junk dealer who violates any provision of this Article shall be subject to a fine of not less than Five Dollars ($5.00) or more than Fifty Dollars ($50.00), and may have his license revoked.

Article VIII. Motion Picture Operators

Section 41.410. License Required.

Every person who exhibits motion pictures commercially shall obtain a license upon payment of an annual license tax of Fifty Dollars ($50.00) for each place of showing, payable on the 1st day of February of each year.

No such license may be issued until the applicant has procured from the City Clerk a certificate that the premises and the apparatus used in connection with the exhibition fully comply with the conditions set forth in this Article. The Council may revoke any license when the pictures exhibited therein are so lewd, filthy, violent, degrading or obscene as to shock or offend reasonable standards of conduct and morals.

Section 41.415. Objectionable Pictures and Performances Prohibited.

No person may produce, exhibit, or show on the stage or on the screen any play, moving pictures, or performance principally devoted to the showing, exhibiting, or exploiting of gang life, the acts and performances of gangsters and gunmen, and denizens of the underworld generally, wherein are exhibited killings, murders, or other violations of the law by such gangsters, gunmen, or underworld characters, so violent and sordid as to transgress the bounds of decency.

Section 41.420. Regulation of Booths.

The term "**picture machine**" as used in this Article includes any machine or device operated by or with the aid of electricity, adapted and used to project upon a screen or other surface pictorial representations of a respectable character, which the public are admitted to view upon the payment of an admission fee.

Every picture machine installed, maintained or operated must be enclosed within a booth which meets the following regulations.

a. **Frame, Roof, and Floor.** The frame must be composed of angle iron not less than one inch by one inch by one-eighth, properly braced so as to secure rigidity and security, and must be riveted or bolted at the joints. Every booth must be sheathed and roofed with sheet iron of not less than Number 20 B. & S. gauge, or with one-fourth (1/4) inch hard asbestos board, in either case to be securely riveted or bolted to the angle iron frame, or with matched lumber thoroughly covered upon the inner side of the enclosure with asbestos not less than one-quarter of an inch thick. The booth must be floored with sheet iron of not less than No. 20 B. & S. gauge, or with one-quarter inch hard asbestos boards, in either case to be securely riveted or bolted to the iron frame, or with boards covered with asbestos at least one-eighth (1/8) of an inch thick, with the surface protected by a covering of sheet metal of not less than Number 26 B. & S. gauge.

b. **No Combustible Material Allowed.** All shelves, furniture and fixtures in the booth must be constructed of incombustible material; no material of combustible nature may be in the booth, except the films used in the operation of the machine, and the machine-stand, which may be of wood, if it is covered with asbestos or metal.

c. **Ventilation.** Each booth must be provided with a metal pipe, not less than six (6) inches in diameter, for ventilating purposes, which must project through the top or

side of the booth and be extended outside of the roof or outer wall of the building in which the booth is situated.

d. **Door-Opening for Projection.** The entrance door into the booth must be no larger than two feet by five feet and of the same construction as the booth, and so arranged as to close automatically, either by means of a spring placed upon the exterior and riveted to the framework or by a metal rope and weight attachment. Two latches (2) of steel must be provided, one (1) twelve (12) inches below the top and the other twelve (12) inches above the bottom of the door. The latch bars must be so connected by metal rods that one operation will open both latches.

The orifice, or opening, for the operator's view, or through which the picture is thrown, must not be larger than twelve (12) inches by twelve (12) inches, and must be provided with a gravity door of the same construction as the booth, which door is held open only by pressure of the operator's feet, or by fusible links placed in a series with fine cords arranged so that one of the links is suspended directly over the film when in the slide of the apparatus.

e. **Electrical Wiring-Exit Signs.** All electrical wiring in the booth must have non-inflammable insulation. Each lamp connected with a picture machine must have a separate switch, located within the booth. There must be in the booth a switch controlling the lights in the exhibition room. There must be a separate system of lighting, controlled by a switch located in the ticket office, or other convenient place outside of the operating booth, to operate red signal lamps; one lamp must be placed at each exit within a transparent sign marked "Exit," in letters not less than five (5) inches high. The location of these signs and lights will be determined by the Director of Public Works. Electrical wiring in the booth or ticket office or exhibition room must be installed in accordance with the rules and regulations established from time to time by the National Board of Fire Underwriters.

Section 41.425. Handling of Film.

Every picture machine must be equipped with incombustible magazines for receiving and delivering films during the operation of the machine. A shutter must be placed in front of the condenser of each machine, arranged to remain closed until held open by pressure of the operator's foot or other approved device that will insure the immediate dropping of the shutter when the operation of the machine is stopped. Films not in the machine must be kept in metal boxes with tight fitting covers in the booth enclosing the machine.

Section 41.430. Regulations for Exhibition Rooms.

A picture machine may be installed, maintained or operated only in a building that abuts directly upon a street, constructed of brick, masonry or other incombustible material, and the exhibition room must abut directly upon a street. If an exhibition room directly abuts upon only one street, the booth enclosing the picture machine must be placed at the end of the exhibition room which is opposite and farthest from the street. Each such room must have two (2) exits opening upon the street, and may not exceed one thousand (1,000) square feet in area. If an exhibition room abuts upon two (2) streets, or a street and an alley, the booth enclosing the picture machine must be located at the end of the room opposite to and farthest from either the street or the alley. Every such room must have at least three (3) exits, at least two (2) upon one street and at least one upon the

other street or alley, each exit being not less than five (5) feet wide. An exhibition room abutting directly upon two (2) streets and an alley may not exceed five thousand (5,000) square feet in area, unless located in a building of the first class, and must have two (2) exits upon each of the three sides adjacent to the streets and alley. An open court leading directly to a street or alley, and not less than six (6) feet in width, may for the purpose of this provision, be deemed an alley. No exhibition room with a gallery may be located in any building other than a building of the first class. Every building exceeding one story in height in which the first floor of any portion thereof is used as an exhibition hall for picture machines, and in which an upper floor is occupied for dwelling or lodging purposes, must have all communicating openings through any floor, such as stairways, elevator shafts, dumb waiters or other openings, enclosed in walls of fireproof material. All seats in any exhibition hall for picture machines must be securely fastened to the floor and must be so arranged that there will not be more than six (6) seats between any seat and an aisle. No exit in an exhibition hall for picture machines may be less than three (3) feet wide; all exit doors must be arranged to swing outward and must have approved fastenings. All aisles must lead directly to exits and all exits must be directly accessible to aisles. Every aisle must be at least three (3) feet in width where it begins, and must be increased in width toward the exit, two (2) inches to every ten (10) running feet in length.

Section 41.440. Age of Operator.

No person under the age of twenty-one (21) years may operate any picture machine.

Section 41.445. Regulation of Hours of Showing.

No motion picture may be exhibited between the hours of 12:00 a.m. on Saturday night and 1:00 p.m. in the afternoon of the following Sunday.

Section 41.450. Penalty for Violation.

Any person violating any of the provisions of this Article shall be subject to a fine of not less than Five Dollars ($5.00) nor more than One Hundred Dollars ($100.00), and each day's violation shall constitute a separate offense.

Article IX. Motor Buses

Section 41.510. Definition.

The term "**Motor Bus**" as used in this Article includes every motor vehicle having a seating capacity of ten or more persons which is offered for or engaged in conveying passengers, with or without baggage, for hire, within the City of Webster Groves, without regard to the time consumed or the distance traveled, where the passenger has no control over the route of passage or carriage and where the charge for carriage is made on the basis of carrying a passenger from one designated place to another designated place, along a definite route. The term "**operator**" includes any person actively engaged in the operating of a motor bus.

Section 41.515. License Required for Each Bus.

No motor bus may be offered for or engaged in carrying passengers, with or without baggage, for hire, over or upon the public streets in the City of Webster Groves without a

valid license for each motor bus. No such license may be issued until a permit has been obtained from the City permitting the operation of the motor bus. No such license will be transferable or assignable, or will be valid after the licensee's permit has been revoked. When presented with a permit the City Clerk shall issue an annual license upon the payment of an occupation tax levied upon the owners of each and every motor bus company of a gross receipts tax of five percent (5%) of said receipts attributable to, or emanating from business originating within the City limits.

Section 41.520. Permit Required.

Before obtaining a permit the applicant must file a written application verified by the owner or owners of the vehicle in question, stating:

a. That the owner or owners desire a permit to operate a motor bus or buses for the conveyance of passengers, with or without baggage, for hire over and upon the public streets of the City.

b. The name and address of the owner or owners, and if a corporation, then in addition to its name and address the names and addresses of the officers thereof.

c. The name of the manufacturer and factory number of each bus to be operated, the seating capacity, the state license number, and the amount and holder of any mortgage thereon.

d. The particular route to be covered, the schedule to be run, the rates to be charged, and the name and address of the operator or operators of the bus or buses.

The application must produce satisfactory evidence of technical skill and financial responsibility.

Section 41.525. Insurance-Bond Requirements.

The applicant shall give bond to the City or maintain and carry liability insurance, all to be approved by the Council, for each vehicle proposed to be operated in the following amounts:

Each vehicle of ten (10) or less passenger capacity, in the sum of Five Thousand Dollars ($5,000.00) for one person and Fifteen Thousand Dollars ($15,000.00) total liability for two (2) or more persons, and for property damage of One Thousand Dollars ($1,000.00).

Each vehicle of from eleven (11) to twelve (12) passenger capacity, in the sum of Five Thousand Dollars ($5,000.00) for one (1) person and Twenty Thousand Dollars ($20,000.00) total liability for two (2) or more persons, and for property damage of One Thousand Dollars ($1,000.00).

Each vehicle of from thirteen (13) to eighteen (18) passenger capacity, in the sum of Five Thousand Dollars ($5,000.00) for one (1) person and Twenty-Five Thousand Dollars ($25,000.00) total liability for two (2) or more persons, and for property damage of One Thousand Dollars ($1,000.00).

Each vehicle of from nineteen (19) to twenty-four (24) passenger capacity, in the sum of Five Thousand Dollars ($5,000.00) for one (1) person and Thirty-Five Thousand Dollars ($35,000.00) total liability for two (2) or more persons, and for property damage of One Thousand Dollars ($1,000.00).

Each vehicle of more than twenty-four (24) passenger capacity, in the sum of Five Thousand Dollars ($5,000.00) for one (1) person and Fifty Thousand Dollars ($50,000.00) total liability for two (2) or more persons, and for property damage of One Thousand Dollars ($1,000.00).

Such bond or liability insurance shall bind the obligors thereunder to make compensation for injuries to persons and loss of and damage to property resulting from the negligent operation of the motor vehicle and shall provide adequate security for the prompt payment of any sum accruing to the City and for the performance of other obligations owing to the City.

No such bond or insurance will be required of any motor carrier to whom or which a certificate of convenience and necessity has been issued by the Public Service Commission of the State of Missouri, if the motor carrier produces to the Council satisfactory proof that it has filed and that there is on file with the Commission a liability insurance policy or bond approved by the Commission in some insurance company, or association, or other insurer, authorized to transact business in the State of Missouri, in such sum and upon such conditions as the Commission may deem necessary adequately to protect the interests of the public with due regard to the number of persons and amount of property involved, which liability insurance binds the obligors thereunder to make compensation for injuries to persons and loss of or damage to property resulting from the negligent operation of such motor carrier. Nor will any such bond or insurance be required of any motor carrier to which or whom apply the provisions of Section 390.126, Revised Statutes of Missouri of 1959, as it may be amended from time to time, which motor carrier shall produce to the Council satisfactory proof and evidence that said carrier has furnished annually to the Commission, and at such other times as may be required, satisfactory proof and evidence of such motor carrier's financial ability properly to protect the interest of the public and pay compensation for injuries to persons and loss or damage to property, on account of or arising out of negligent operation of such carrier's business, and that such carrier has not been required by the Commission to furnish any liability insurance policy or bond.

The insurance herein required must be carried in a firm or corporation which has been duly licensed or permitted to do insurance business in the State of Missouri, and which is approved by the Council, and every applicant, before a license is issued, must deposit its insurance policy with the City Clerk or furnish to the City Clerk a certificate from the insurance company that such insurance is in full force and effect upon each vehicle, and must file in either event a certificate from the insurance company agreeing that it will notify the City of Webster Groves in writing immediately upon the cancellation or expiration of the insurance.

Upon the cancellation or expiration of any such insurance the permit or license herein provided for will be revoked and forfeited until proper certificates from the insurance company are filed with the City Clerk.

Section 41.530. Application; Already Existing Service.

An application for a permit to operate motor buses along a route or in a district already served by another person shall not be granted unless the City Council after investigation finds that additional motor buses should be used, and, after so finding, gives the person already holding a permit to operate along said route or in such district the right to operate additional buses in such number as the Council has found necessary; in the event that such person refuses or fails to operate such additional buses within the time fixed by the Council, the application may be granted.

Section 41.535. License Tax.

Every person engaged in the business of operating a motor bus within the City of Webster Groves must pay to the City, as an annual license tax, a sum equal to five percent (5%) of the gross receipts derived from the operation of such business conducted within the City.

Section 41.540. Statement of Gross Receipts to Be Filed.

Every such person must file with the City Clerk on or before the 15th day of March a sworn statement showing the gross receipts derived from such business in the City of Webster Groves during the preceding calendar year, and must pay to the City Collector an amount equal to five percent (5%) of the gross receipts shown by such statement.

The City Clerk is authorized to investigate the correctness and accuracy of the statement, and for that purpose he shall have access, at all reasonable times, to the books, documents, papers and records of any person making such a statement.

Section 41.545. Credit for License Tax.

In the event that any such person is required by the terms of any franchise contract entered into with the City of Webster Groves to make any payments to the City, then such person shall receive a credit on such payments equal to the amount of tax provided for in Section 41.535. Nothing herein contained shall be construed to exempt the owner of any bus from paying to the City the tax imposed as a registration tax or license fee by the City in licensing motor vehicles or automobiles to be operated on its streets, or from payment of any tax levied upon real or personal property belonging to such person. Nor shall anything herein be construed to exempt the owner or driver of a motor vehicle from the qualifications which the City or the State of Missouri may require of persons who operate motor vehicles or automobiles upon public streets or places.

Section 41.550. Certain Information to Be Posted in or Upon Motor Bus.

The license when issued must at all times be posted in the vehicle to which it applies and within view of the passengers carried therein.

The name and address of the driver or operator must at all times be posted in the vehicle under the heading: “Name and Address of - Chauffeur,” unless the vehicle is operated by a corporation, in which case the name and address of the corporation must appear.

Motor buses, operated as such, must be plainly marked in such a manner as to indicate their character, and on every bus, when at the service of the public, there must be a sign, plainly visible by day or night, indicating the route traversed and the destination of the vehicle.

Section 41.555. Operating Requirements.

No motor bus while waiting for time of departure may stop or stand on any public street or place except on such public stands as are lawfully established, or upon private stands as may be established by permit.

No person may operate a motor bus who has any infirmity of body or mind which might render him or her unfit for the safe operation thereof. Nor may any motor bus be operated by any person who is addicted to the use of intoxicating liquors. Every motor bus must be kept in a clean, sanitary condition, and the motor, brakes and other mechanism thereof must be kept in good working order.

No operator of any motor bus may (a) solicit passengers other than by the sign to be posted on the bus as provided in this Article; (b) discharge or take on passengers or cross the tracks of any steam railway without bringing the motor bus to a full stop; (c) carry more than two (2) passengers, including the driver in excess of the seating capacity of the motor bus as fixed by the manufacturers' rating; (d) operate the motor bus while any person riding thereon is not entirely within the body thereof, or while any person is standing or sitting on the running boards, fenders, or doors thereof; (e) discharge or take on passengers except at the right hand side of the motor bus, except that if the driver is seated on the right hand side then passengers entering or leaving the seat beside the driver may do so on the left-hand side; (f) willfully or without the consent of the passenger carry any passenger beyond the point on the route of the motor bus at which the passenger had requested that he be permitted to leave, or beyond the destination indicated on the printed sign displayed on the bus in accordance with this Article.

Section 41.560. Rules and Regulations.

The Director of Public Works may adopt such reasonable regulations, not inconsistent with the provisions of this Article for the operation and inspection of such vehicles and for the qualifications of the drivers as will best conserve the interest of the City and the safety of the general public.

Section 41.565. Penalty for Violation.

Any person who operates a motor bus, or owns a motor bus and permits it to be operated, in the City of Webster Groves without a valid license, or without complying fully with all provisions of this Article, or who in any other way violates any of the provisions of this Article, will be subject to a fine of not less than Twenty-Five Dollars ($25.00) or more than One Hundred Dollars ($100.00) for each offense.

Article X. Day Care Facilities[1]

[1]**Editor's note** - Ord. No. 7315, § 1, adopted Aug. 21, 1984, repealed Art. X, §§ 41.610-41.635, pertaining to schools and homes, and enacted a new Art. X, §§ 41.605-41.630, as herein

Section 41.605. Definitions.

For the purposes of this article, certain words and terms are defined as follows:

a. "**Adult**" is any person eighteen (18) years of age or over.

b. "**Adult Day Care Home**" in residential and commercial zoning districts, a building or dwelling maintained, (the "**premises**") by a person who provides care to eight (8) or fewer functionally impaired adults; additionally, in residential districts the owner or lessee of a premises to whom an occupancy permit has been issued shall maintain the Adult Day Care Home premises as his or her permanent residence and shall physically occupy the premises at all times that a premises is used to provide an adult day care program. Furthermore, at no time shall any such program in a residential district provide medical care, therapy or other services which require the presence on site of an additional care provider or specialist, even if the state license allows the provision of such services.

c. "**Adult Day Care Center**" is an adult day care program providing care to more than eight (8) functionally impaired adults.

d. "**Adult Day Care Program**" is a group program, licensed by the State of Missouri Department of Social Services-Division of Aging, designed to provide care and supervision to meet the needs of functionally impaired adults for periods of less than twenty-four (24) hours but more than two (2) hours per day in a place other than the adult's own home, however at no time shall any such program provide medical care, therapy or other services which require the presence on site of an additional care provider or specialist, even if the state license allows the provision of such services.

e. "**Child Day Care**" is care of a child away from his/her own home for any part of the twenty-four (24) hour day, for compensation or otherwise. Day Care is a voluntary supplement to parent responsibility for the child's protection, development, and supervision. Day Care may be given in a Day Care Home or a Day Care Center.

f. "**Child Day Care Home**" or "**Child Day Nursery**" shall be held to mean, in residential and commercial zoning districts, a building or dwelling maintained (the "**premises**") by a person who provides or attempts to provide care for more than four (4) but not more than ten (10) children, who are not related to the Day Care Provider, at any one time during the daytime for compensation or otherwise; additionally, in residential districts, the owner or lessee of a premises to whom an occupancy permit has been issued shall maintain the Day Care Home premises as his or her permanent residence and shall physically occupy the premises at all times that a premises is used to provide any Day Care service for unrelated children.

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set out, with minor, non-substantive additions and deletions made by the editor for purposes of clarity.

g. "**Child Day Care Center**" is a facility other than the provider's permanent residence, or separate from the provider's living quarters, where care is provided for children for any part of the twenty-four (24) hour day.

h. "**Child Day Care Facility**" is a Child Day Care Home or a Child Day Care Center, whether known or incorporated under another title or name.

i. "**Functionally Impaired Adult**" is an individual aged eighteen (18) or older who, by reason of age or infirmity, requires care and supervision

j. "**Related**" is any of the following relationships by marriage, blood, or adoption between the provider and the children in care: parent, grandparent, great-grandparent, brother, sister, stepparent, stepbrother, stepsister, uncle, aunt, niece, nephew, or first cousin.

k. "**Person**" shall be held to mean and include any person, firm, corporation, association, institution or incorporated or unincorporated organization, and the pronouns "**his**, " "**him**, " "**himself**" and "**who**" shall be deemed and construed to refer to such person.

l. "**Child**" means and includes an individual who is seventeen (17) years of age or under and the word "**children**" means and includes more than one such individual.

m. "**Infant**" is any child under the age of twelve (12) months.

n. "**Toddler**" is any child between the age of twelve (12) months to twenty-four (24) months.

o. "**Preschool Child**" is any child two (2) years through five (5) years of age who is not in kindergarten for five-year-old children.

p. "**School-Age Child**" is any child age five (5) years or older who is in kindergarten or elementary school.

q. "**Staff/Child Ratio**" means the number of child-care staff required in relation to the number of children in care.

r. "**School System**" is a public or private school which provides education in at least the first through the sixth grade.

s. "**Nursery School**" is a school operated by a person or organization which is conducted primarily for education of preschool-age children for no more than four (4) hours per child per day and which provides no custodial care. For purposes of application of Section 12 (additional use regulations) of Ordinance No. 5906, the term "**nursery school**" shall include the term "**day care center**. " (Ord. No. 7315, § □1, 8-21-84; Ord. No. 8169, § 1, 10-3-00; Ord. No. 8284, § 2, 7-16-02)

Section 41.610. Regulations Regarding a Child Day Care Home.

a. Any person providing Child Day Care to four (4) or fewer children is not operating a Child Day Care Home and need not comply with any of the provisions of this article.

b. Any organization or person planning to offer Child Day Care for five (5) and not more than ten (10) children shall apply for a license from the City of Webster Groves and have such license issued before accepting more than four (4) unrelated children for Child Day Care. The application for such license shall be limited, however, to specifying the location to be used, the name and address of the person connected with the operations and a copy of the application submitted to the State of Missouri Division of Family Services for the license to be issued by that division. Upon receiving the application, the Director of Planning shall notify the Fire Chief and together they shall promptly make inquiry into the facts set out in the application, and inspect the home to determine whether it conforms to the ordinances then in effect and meets the applicable requirements of the Fire Safety Rules and Regulations for Child Day Care Homes prepared by the Missouri Department of Public Safety, State Fire Marshal's Office. Within ten (10) days after receiving an application, each office shall file a report in writing with the city manager stating the recommendations. Upon favorable recommendations, the City Council shall issue such license following a public hearing for which notice shall be given as provided in Chapter 53 of this Code. In issuing the license, the City Council shall address whether the issuance of the license will:

1. Substantially increase traffic hazards or congestion; and.

2. Adversely affect the character of the neighborhood.

The council's finding being negative as to both of the subjects referred to in subsection (1) and (2), above, then the application shall be granted and the City Council will direct the issuance of a license upon payment of a license fee of Fifty Dollars ($50.00). If affirmative as to either subject, then such license shall be denied.

c. In addition to the application for a license to the City Council, an application for a conditional use permit should be filed with the Director of Planning and Development, who shall notify the Fire Chief and together they shall promptly make inquiry into the facts set out in the application, and inspect the buildings, if already in existence, or the plans and specifications therefor, to determine whether they conform to all the requirements of this article, and in particular Section 41.620, all other ordinances then in effect, and the applicable requirements of the Fire Safety Rules and Regulations for Day Care Centers prepared by the Missouri Department of Public Safety, State Fire Marshal's Office. The Director of Planning and Development shall set a public hearing date before the Plan Commission, which shall consider all facts and make recommendation to the City Council regarding approval or disapproval of a conditional use permit under the provisions of Chapter 53 of the City Code, the Zoning Code, Section 53.170.

If the City Council is satisfied that the applicant, and the superintendent or person or persons to be in charge, are of good moral character, and possess sufficient

knowledge, experience and ability to conduct the proposed institution, and that the buildings specified comply with all the requirements of this and all other ordinances of the City, the laws of the State of Missouri and of the Untied States affecting such establishment or institutions, and that a conditional use permit should be issued under the provisions of Section 53.170, the City Council may direct the issuance of a conditional use permit and a license therefor.

d. References in this ordinance to the permissible number of children to be cared for in the Child Day Care home shall not prohibit the provision of care for more than ten children where the State of Missouri Division of Family Services has approved the home for more than ten children under the provisions of 13 CSR 40 - 61.140 Overlap Care of Children, or any successor rule issued by the Division of Family Services. Care for more than ten children shall not be permitted without prior proof of approval by the Division of Family Services, and shall be subject to the applicable state rules issued by the Division of Family Services relating to such "**overlapping**" care.

(Ord. No. 7315, § □1, 8-21-84; Ord. No. 7500, §§ 1-2, 8-16-88; Ord. No. 7540, § □1, 5-16-89; Ord. No. 8284, § 3, 7-16-02)

Section 41.615. Licensing Provisions for Child Day Care Centers.

No person may open, conduct, manage or maintain any Child Day Care Center within the City of Webster Groves without having first applied for and received a license therefor. Any person desiring a license may apply in writing to the City Council. The application shall specify the location proposed to be used, the name and address of each person connected or to be connected with the center, and if a corporation, the name and address of each member of the board of directors together with a copy of the article of incorporation. This application shall set forth a full description of the accommodations to be provided and the nature and kind of care, supervision, instruction or benefits given or proposed, stating whether full or part-time. In lieu of the foregoing the applicant may provide to the City a copy of the application filed with the Division of Family Services for the State of Missouri for issuance of the State's license for a Child Day Care Center. In either event a copy of the application shall be filed with the Director of Planning.

In addition to the application for a license to the City Council, an application for a conditional use permit shall be filed with the Director of Planning and Development, who shall notify the Fire Chief and together they shall promptly make inquiry into the facts set out in the application, and inspect the buildings, if already in existence, or the plans and specifications therefor, to determine whether they conform to all the requirements of this article, and in particular Section 41.620, all other ordinances then in effect, and the applicable requirements of the Fire Safety Rules and Regulations for Day Care Center prepared by the Missouri Department of Public Safety, State Fire Marshal's Office. The Director of Planning and Development shall set a public hearing date before the Plan Commission, which shall consider all facts and make recommendation to the City Council regarding approval or disapproval of a conditional use permit under the provisions of Chapter 53 of the City Code, the Zoning Code, Section 53.170.

If the City Council is satisfied that the applicant, and the superintendent or person or persons to be in charge, are of good moral character, and possess sufficient knowledge, experience and ability to conduct the proposed institution, and that the buildings specified

comply with all the requirements of this and all other ordinances of the City, the laws of the State of Missouri and of the United States affecting such establishment or institutions, and that a conditional use permit should be issued under the provisions of Section 53.170, the City Council may direct the issuance of a license therefor, upon payment of a license fee of Fifty Dollars ($50.00). (Ord. No. 7315, § □1, 8-21-84; Ord. No. 8284, § 4, 7-16-02)

Section 41.620. Physical Requirements of the Child Day Care Center and Regulations Regarding the Operation Thereof.

The following rules and regulations issued by the Missouri Division of Family Services dated September 22, 1982 and revised effective February 1983, relating to Child Day Care Centers are attached hereto and are adopted by reference and shall be enforced by the appropriate employees and officers of the City of Webster Groves (as for instance, where appropriate, the reference to State Fire Marshal shall for purposes of this article mean the City Fire Chief and reference to Division of Family Services shall mean City Council):

13 CSR 40-62.070, Physical Requirements of the Center;

13 CSR 40-62.080, Furniture, Equipment and Materials;

13 CSR 40-62.090, Personnel;

13 CSR 40-62.100, Child-Care Staff/Child Ratio;

13 CSR 40-62.110, Medical Examination Reports;

13 CSR 40-62.190, Records and Reports. (Ord. No. 7315, § 1, 8-21-84; Ord. No. 8284, § 5, 7-16-02)

Section 41.630. Regulations Regarding an Adult Day Care Home.

a. Any organization or person planning to offer Adult Day Care for not more than eight (8) functionally impaired adults shall apply for a license from the City of Webster Groves and have such license issued before accepting such adults for Day Care. Application for such license shall be limited, however, to specifying the location to be used, the name and address of the person connected with the operations and a copy of the application submitted to the State of Missouri Division of Aging for the license to be issued by that division. Upon receiving the application, the Director of Planning and Development shall notify the Fire Chief and together they shall promptly make inquiry into the fact set out in the application, and inspect the home to determine whether it conforms to the ordinances then in effect and meets the applicable requirements of the Fire Safety Rules and Regulations for Day Care Home prepared by the Missouri Department of Public Safety, State Fire Marshal's Office. Each office shall file a report in writing with the City Manager stating the recommendations. Upon favorable recommendations, the City Council shall issue such license following a public hearing for which notice shall be given as provided in Chapter 53 of this Code. In issuing the license, the City Council shall address whether the issuance of the license will:

    1. Substantially increase traffic hazards or congestion; and

2. Adversely affect the character of the neighborhood.

The Council's finding being negative as to both of the subjects referred to in subsections (a) and (b) above, then the application shall be granted and the City Council will direct the issuance of a license upon payment of a license fee of Fifty Dollars ($50.00). If affirmative as to either subject, then such license shall be denied.

b. In addition to the application for a license to the City Council, an application for a conditional use permit shall be filed with the Director of Planning and Development, who shall notify the Fire Chief and together they shall promptly make inquiry into the facts set out in the application, and inspect the buildings, if already in existence, or the plans and specifications therefor, to determine whether they conform to all the requirements of this article, and in particular Section 41.640, all other ordinances then in effect, and the applicable requirements of the Fire Safety Rules and Regulations for Day Care Centers prepared by the Missouri Department of Public Safety, State Fire Marshal's Office. The Director of Planning and Development shall set a public hearing date before the Plan Commission, which shall consider all facts and made recommendation to the City Council regarding approval or disapproval of a conditional use permit under the provisions of Chapter 53 of the City Code, the Zoning Code, Section 53.170.

If the City Council is satisfied that the applicant, and the superintendent or person or persons to be in charge, are of good oral character, and possess sufficient knowledge, experience and ability to conduct the proposed institution, and that the buildings specified comply with all the requirements of this and all other ordinances of the City, the laws of the State of Missouri and of the United States affecting such establishment or institutions, and that a conditional use permit should be issued under the provisions of Section 53.170, the City Council may direct the issuance of a conditional use permit and a license therefor.

Section 41.635. Licensing Provisions for Adult Day Care Centers.

No person may open, conduct, manage or maintain any Adult Day Care Center within the City of Webster Groves without having first applied for and received a license therefor. Any person desiring a license may apply in writing to the City Council. The application shall specify the location proposed to be used, the name and address of each person connected or to be connected with the center, and if a corporation, the name and address of each member of the board of directors together with a copy of the article of incorporation. This application shall set forth a full description of the accommodations to be provided and the nature and kind of care, supervision, instruction or benefits given or proposed, stating whether full or part-time. In lieu of the foregoing the applicant may provide to the City a copy of the application filed with the Division of Aging for the State of Missouri for issuance of the State's license for an Adult Day Care Center. In either event a copy of the application shall be filed with the Director of Planning.

In addition to the application for a license to the City Council, an application for a conditional use permit shall be filed with the Director of Planning and Development, who shall notify the Fire Chief and together they shall promptly make inquiry into the facts set out in the application, and inspect the buildings, if already in existence, or the plan and specifications therefor, to determine whether they conform to all the requirements of this

article, and in particular Section 41.640, all other ordinances then in effect, and the applicable requirements of the Fire Safety Rules and Regulations for Day Care Centers prepared by the Missouri Department of Public Safety, State Fire Marshal's Office. The Director of Planning and Development shall set a public hearing date before the Plan Commission, which shall consider all facts and make recommendation to the City Council regarding approval or disapproval of a conditional use permit under the provisions of Chapter 53 of the City Code, the Zoning Code, Section 53.170.

If the City Council is satisfied that the applicant, and the superintendent or person or persons to be in charge, are of good moral character, and possess sufficient knowledge, experience and ability to conduct the proposed institution, and that the buildings specified comply with all the requirements of this and all other ordinances of the City, the laws of the State of Missouri and of the United States affecting such establishment or institutions, and that conditional use permit should be issued under the provisions of Section 53.170, the City Council may direct the issuance of a license therefor, upon payment of a license fee of Fifty Dollars ($50.00).

Section 41.640. Physical Requirements of the Adult Day Care Center and Regulations Regarding the Operation Thereof.

Adult Day Care Homes and Centers shall comply with the provisions in the Code of State Regulations found at 13 CSR 70-92.010(3)(F), as amended from time to time.

Section 41.685. Duration, Renewal and Revocation of Licenses for Day Care Facilities.

The license for either a Day Care Home or Center for children or for functionally impaired adults will expire one (1) calendar year after the date of the issuance; it will not be transferable or assignable. It shall describe the kind of institution to be operated thereunder, the location, and the number of children or functionally impaired adults cared for therein. Such a license may be renewed annually thereafter by the Director of Finance, upon receipt of an appropriate application for renewal, favorable reports from the Director of Public Works and Fire Chief, and payment of the renewal fee of Fifteen Dollars ($15.00). A license may be revoked by the City Council at any time, for good cause shown, after giving the holder ten (10) days previous notice in writing of the reasons for the proposed revocation, and a hearing thereon. The issuance of a license by the City for a Day Care Facility and any renewal thereof shall be contingent upon the applicant being issued a State license from the regulating agency and maintaining such license in good standing. (Ord. No. 7315, § □1, 8-21-84; Ord. No. 8284, § 6, 7-16-02)

Section 41.690. Penalty for Violation.

Any person who operates or maintains any Day Care Facility for children or functionally impaired adults without the appropriate license or not in full compliance with the requirements of this article, and any person who assists or takes part in such conduct, shall be subject to a fine of not less than Twenty-Five Dollars ($25.00) or more than One Hundred Dollars ($100.00) or imprisonment in the city jail for not less than one (1) or more than three (3) months or by both such fine and imprisonment. Each day of violation shall be a separate offense. (Ord. No. 7315, § □1, 8-21-84; Ord. No. 8284, § 7, 7-16-02).

Article XI. Skating Rinks

Section 41.710. License Required.

Every person who keeps or operates a ice-skating or roller-skating rink shall obtain a license, upon payment of an annual license tax of One Hundred Dollars ($100.00) for each rink. The license tax is payable at the time of issuance of the license and is applicable to the period expiring on the next succeeding 31st day of January, and is payable thereafter on the 1st day of February of each year; provided, however, any person to whom a license is issued between the 31st day of July and the 1st day of the next succeeding February shall pay Fifty Dollars ($50.00) for the period ending six (6) months after the 31st day of July.

No license may be issued unless the applicant has first furnished to the City satisfactory evidence of his character and qualifications. A license may be revoked by the City Council at any time.

Section 41.720. Conditions of Operation.

All such rinks shall close at 12:00 a.m. and not reopen until 7:00 a.m., nor operate at any location other than that approved by the City Council, or in any manner deemed by the City Council to be detrimental to the welfare of the City or its inhabitants.

Section 41.730. Penalty for Violation.

Any person violating any of the provisions of this Article shall be deemed guilty of a misdemeanor and upon conviction therefor be subject to a fine of not less than Ten Dollars ($10.00) and not more than One Hundred Dollars ($100.00), for each offense.

Article XII. Taxicabs

Section 41.750. Definition.

The term "**Taxicab**" as used in this Article includes every motor vehicle having a seating capacity of one or more persons which is offered for or engaged in conveying passengers with or without baggage, for hire, within the City of Webster Groves, if the charge for carrying is made on the basis of the time consumed or the distance traveled from one place to another place.

Section 41.755. Registration Required for Each Taxicab.

No owner or operator of any taxicab may enter the City for the purpose of doing business therein without first registering such taxicab at the Police Department and completing a form to be furnished by said Department, which form shall require, inter alia, the following:

Section 41.760. Required Information.

a. The name and address of the owner or owners, and if a corporation, the name and address of the officers thereof.

b. The State license number of each taxicab and the number of the operator's Missouri Chauffeur's license.

c. The rates to be charged and the name and address of each operator of each taxicab.

d. The points where such taxicabs will be stationed for calls.

Section 41.765. License Fee.

a. Each taxicab or fleet owner authorized to do business in this City shall pay the sum of Twenty-Five Dollars ($25.00) annually and receive a permit therefor from the Director of Finance.

b. No taxicab business license shall be required for motor vehicles being operated as such, if said business or service is licensed by the City of St. Louis, or St. Louis County, and only as long as, and to the same extent as, such licensing authority allows taxicab businesses licensed by the City of Webster Groves to operate within its boundaries without further licensing requirements or fees and the ordinance under which the business or service is licensed is similar in content to this Article XII of Chapter 41. Such a taxicab shall have affixed to its windshield or rear window a license obtained from the City of St. Louis, or St. Louis County. The aforementioned license must be valid for the current year and the operator must comply with all of the requirements of the ordinance of the licensing authority and with all applicable provisions of this Article XII, Chapter 41. (Ord. No. 8005, § 1, 10-21-97)

Section 41.770. Application for Permit.

An application for a permit shall be addressed to the City Manager and shall be issued when convenience and necessity demand. This application shall be in writing, verified by the affidavit of the applicant, or if the applicant be a corporation, partnership or association of persons of any kind, by its duly authorized officer or agent, and shall state the following facts:

a. The full name and address of the applicant and, if a partnership, the names and addresses of all partners; if a corporation or association of persons, the names and addresses of all the officers and directors thereof.

b. The number of taxi cabs the applicant desires to operate.

c. The type of motor car to be used, horse power and name of manufacturer.

d. The insurance or bond proposed to be carried, the amount of such insurance and the company issuing the policy, or the amount and type of such bond.

Section 41.775. Certain Information to Be Prominently Posted in Each Taxicab.

a. A current passport-size photograph of the operator with his name, address and chauffeur's license number.

b. The name and address of the company insuring the passenger against personal injury and property damage. (Ord. No. 8005, § 1, 10-21-97)

Section 41.776. Insurance Required.

a. Every operator of a taxicab business, or of a courtesy car service, shall maintain and carry public liability insurance in the sum of Twenty-Five Thousand Dollars ($25,000.00) for each person who may be injured in any one (1) accident, Fifty Thousand Dollars ($50,000.00) limit for any one (1) accident, and Ten Thousand Dollars ($10,000.00) for any property damage, at any time by reason of the negligence of the driver or operator of its taxicab or courtesy car. If the minimum insurance requirements of the State Safety Responsibility Law shall be increased by the General Assembly of the State of Missouri, such increases shall automatically become the minimum requirements of this section.

b. The 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, and shall be kept and maintained continuously in force and effect. A verified copy of the insurance policy shall be filed with the Director of Finance, with the certificate of the insurer that the policy is in full force and effect.

c. In the event any insurance policy provided for hereunder lapses and is not immediately renewed, the operator's licenses shall be deemed immediately revoked without the necessity for future action by this City for all taxicabs affected thereby.

(Ord. No. 8005, § 3, 10-21-97)

Section 41.780. Fares; Meters; Zones.

Every taxicab shall be equipped with an automatic meter for the purpose of measuring the fare to be charged and the face of said meter shall at all times be in plain view of the passenger; provided, however, one or more taxicabs may be operated on a zone system, if the zone charges are prominently displayed on or in the taxicab.

Section 41.785. Operating Requirements.

No person may drive or operate a taxicab in this City, if he has any infirmity of body or mind which might render him unfit for such operation nor may any such vehicle be driven or operated by any person who is addicted to the use of intoxicating liquors or drugs, or by any person who has been convicted of a felony, or more than two moving violations within one year. Every such vehicle must be kept in a clean and sanitary condition and the motor, brakes and other mechanism must be kept in good working order.

Section 41.790. Inspection of Taxicabs.

The Department of Police shall, annually or more often, inspect any taxicab operating over and upon the streets of the City, for the purposes of determining the mechanical fitness of the taxicabs; if, upon such inspection, any mechanical defect is found, affecting the safe operation and use of the taxicab, it shall be immediately taken out of service and remain

out of use, until such defect has been repaired or otherwise remedied and the taxicab has been approved by the Department of Police.

Section 41.795. Penalties for Violation.

Any person who operates a taxicab, or owns a taxicab and permits it to be operated, in the City of Webster Groves without a valid license, or without complying fully with all provisions of this Article, or who in any other way violates any of the provisions of this Article, will be subject to a fine of not less than Twenty-Five Dollars ($25.00) or more than One Hundred Dollars ($100.00) for each offense.

Article XIII. Telephone Companies

Section 41.810. License Tax on Gross Receipts.

Each person, firm, company or corporation now or hereafter engaged in the business of furnishing exchange telephone service in the City of Webster Groves, Missouri shall pay to said City, as an annual license tax, a sum equal to seven percent (7%) of the gross receipts derived from the furnishing of said service within said City as hereinafter set forth.

Section 41.812. Statement of Gross Receipts and Payment of Tax.

All such persons, firms, companies or corporations mentioned in Section 41.810, hereof, shall file with the Director of Finance of said City on or before the 15th day of March, 1976, 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, 1975 through January 31, 1976. On or before the 30th day of April, 1976, such person, firm, company or corporation herein mentioned shall file with the Director of Finance a sworn statement of the gross receipts derived by such person, firm, company or corporation from the furnishing of such service during the period February 1, 1976 through March 31, 1976. Thereafter, such sworn statement shall be filed on the last day of each calendar month, and shall reflect the gross receipts derived during the preceding calendar month. Payment of the tax as provided herein shall be made simultaneously with the filing of such statement of gross receipts.

Section 41.814. License.

The first payment of the tax as herein provided shall be based upon gross receipts for the period from January 1, 1975, to January 31, 1976, and shall be for a license to operate for the period from March 15, 1976, to April 30, 1976. The payment of April 30, 1976, shall be based on gross receipts for the period February 1, 1976, through March 31, 1976, and shall be for a license to operate for the month of May, 1976. Thereafter, each payment made on or before the last day of each succeeding month shall be based on gross receipts derived from the preceding month, and shall be for a license to operate in the month following such payment.

Section 41.815. In Lieu of Certain Taxes.

This tax is in lieu of all other excise, license or occupation taxes, upon any person subject to this tax, but shall not exempt any person from the payment of any tax levied by or for the benefit of the City of Webster Groves upon any real or personal property.

Section 41.820. Right to Trim Trees.

Any person engaged in furnishing exchange telephone service in Webster Groves may trim trees upon and overhanging the streets, alleys, sidewalks and public places to prevent the branches from coming in contact with telephone wires or cables, if the trimming is done under the supervision and direction of the Director of Public Works.

Section 41.825. Removing, Raising, or Lowering Wires.

Any person who owns telephone wires in the City shall, on the request of any person, remove or raise or lower such 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 benefited party or parties, 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.

Section 41.830. Penalty for Violation.

Any person who, and the president, manager, superintendent, or local officer in charge of any corporation which, violates or fails to comply with any of the provisions of this Article, or files a false or misleading statement, may be fined not more than One Hundred Dollars ($100.00) for each offense.

Article XIV. Electric Utilities

Section 41.840. License Tax.

a. Every person, firm, company or corporation how or hereafter engaged in the business of furnishing and distributing electricity for light, heat, power and other purposes in the City of Webster Groves, Missouri, shall pay the City of Webster Groves, Missouri, as a license tax, a sum equal to seven percent (7%) of the "**gross receipts**" of such business.

b. Each person engaged in such business shall file with the Director of Finance on or before the 31st day of May, 1975 a sworn statement showing the gross receipts derived from the transaction of such business in the City of Webster Groves from July 1, 1974 to April 30, 1975, and simultaneously pay to the Director of Finance the tax required by Section 41.840(a). Each said person shall, on or before the last day of each and every month thereafter file a sworn statement with the Director of Finance showing the gross receipts derived from the transaction of such business in the City of Webster Groves during the preceding month, and simultaneously pay to the Director of Finance the tax required by Section 41.840(a).

c. Any person, firm, company or corporation engaged in the business hereinabove set forth within the City of Webster Groves, Missouri, making any payment of a license or occupational tax to the City under any ordinance or contract pursuant thereto heretofore enacted shall receive credit for such payments on the tax set forth herein.

d. The tax required to be paid shall be in lieu of any other excise, license, or occupation tax on any person, firm, company or corporation engaged in the business described in subsection a. hereof, but nothing herein contained shall be so construed as to exempt any such person, firm, company or corporation from the payment to the City of Webster Groves, Missouri, of the tax which the City of Webster Groves, Missouri, levies upon any real or personal property belonging to any such person, firm, company or corporation.

e. Any person, firm, company or corporation mentioned in subsection a. hereof who conducts any business therein mentioned without complying with the requirements and provisions of this Article shall be guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not less than Ten Dollars ($10.00) and not more than Five Hundred Dollars ($500.00) for each offense. Each day of such operation in violation of this Article shall constitute a separate offense.

f. All ordinances or parts of ordinances in conflict with this Article are hereby repealed. The validity of any such section or portion thereof of this Article shall not affect the validity of the remainder thereof.

Article XV. Trailers and Trailer Camps

Section 41.850. Definition.

The term "**Trailer**" as used in this section includes any vehicle without motive power designed for carrying property or passengers on its own structure and for being drawn by self-propelled vehicle, including a semi-trailer or vehicle of the trailer type so designed and used in conjunction with a self-propelled vehicle that a considerable part of its own weight rest upon and is carried by the towing vehicle, and any vehicle, whether moving under its own power or attached to and drawn by another motor vehicle, designed and constructed to permit occupancy for use as a temporary or permanent dwelling or sleeping quarters for one or more persons.

Section 41.855. Parking in Public Places Limited.

No person may park any trailer upon any street, alley, highway or other public place for a period of more than one (1) hour.

Section 41.860. License Required.

No person may park or use or occupy a trailer for more than twenty-four (24) hours on any parcel of land without a license, nor may the owner, lessee or agent of any parcel of land permit the use or occupancy of a trailer without a license except that the owner of a trailer may park or store it on his own property without a license as long as it is not used or occupied for sleeping or dwelling purposes. Provided further that no such owner shall, at any time, park or store a trailer in the required front or side yards, but he may do so in the required rear yard in compliance with the requirements of the Zoning Ordinance, regulating the location of accessory buildings and structures. Each application for a license shall be made in writing upon the forms provided to the Department of Public Health. The application shall set forth the street and number of the occupied dwelling if any on the parcel of land in question and the name of the occupant and it shall be accompanied by the written consent of the owner of the dwelling; it shall contain a

statement of the character and location of the sanitary sewer facilities available and the permission of the owner for their use and a statement showing what disposition will be made of all waste water on the premises. An application for a license to locate a trailer on a vacant parcel of land shall contain the name of the street or streets on which the property abuts a description of the character and location of the sanitary facilities available and a written permit for their use. A permit may not be granted if not proper sanitary sewage facilities are available or if in the opinion of the Department of Public Health the use of the location proposed would endanger the health of inhabitants of the City or if the location proposed is within a zone where such use is forbidden or if the use at the location proposed would violate any other ordinance of the City.

A license granted will be for a period not to exceed six (6) months and will not be transferable and may be revoked for failure to observe all the requirements of the ordinances of the City and the rules and regulations of the Health Department. The license fee is Five Dollars ($5.00) payable in advance.

Should a license or permit be refused the applicant may appeal to the City Council and after a hearing thereon the Council may order the permit to be granted or may sustain the ruling of the Department of Public Health.

Section 41.865. Renewal of License.

A license may be renewed in the same manner and subject to the same conditions and license fees as in the case of the original application for the license.

Section 41.870. Additional Health Requirements.

The Department of Public Health in addition to the health conditions herein prescribed, may require additional facilities respecting drinking water, garbage disposal or sanitation, in order to protect the public health and all other general health requirements.

Section 41.875. Compliance with Building Code.

If the wheels or jacks are removed, except for temporary repair, or if the trailer is attached to the ground by means of posts, piers, foundation or otherwise, same shall be subject to all requirements of the Building code and other ordinances relating to buildings-the location thereof.

Section 41.880. Trailer Camps.

In any trailer camp, a minimum area of eight hundred square feet shall be required for each trailer, and no trailer may be situated within ten feet of any existing building, or of the property line of the adjoining property, or within twenty-five feet of any public street. No person may own, operate or manage any trailer camp, or the premises on which a trailer camp is located, in violation of this section, or may assist in such conduct.

Section 41.885. Penalty for Violation.

Any person who violates any of the provisions of this Article shall be subject to a fine of not less than Five Dollars ($5.00) or more than Twenty-Five Dollars ($25.00); each day such a violation continues shall constitute a separate offense.

Article XVI. Unattended Businesses

Section 41.910. When Unattended Business Deemed a Public Nuisance.

All business establishments in the City of Webster Groves which are open for business but without an attendant on duty within such establishment, shall not permit such unattended place of business to become a public nuisance. Any such establishment shall be deemed a public nuisance, for purposes of this ordinance, if the owner or operator thereof or any person or persons using or gathering in or about such premises shall be convicted of violating the ordinances and laws relating to or concerned with public peace and order, including, but not limited to, ordinances prohibiting any of the following:

a. Breach of peace

b. Destruction of property

c. Loitering

d. Assault

e. Larceny

f. Public Nuisance

g. Any convictions arising out of or relating to the building, plumbing, fire safety or zoning ordinances.

Section 41.920. Standard for Operation.

The owner or operator of any unattended business establishment shall keep the same clean and orderly and shall in all respects conduct said business in a manner as orderly and in compliance with City ordinances as if the same were at all times attended.

Section 41.930. Exceptions.

None of the provisions of this Article shall apply to coin-operated vending machines located outside or away from any business establishment; including, but not limited to, public telephone booths, soft-drink, candy, cigarette, ice and milk vending machines.

Section 41.940. Penalty for Violation.

Any person, firm or corporation violating the terms of this Article may be required by the City Manager or his duly authorized agents to have at least one attendant on duty within such establishment at such times as may be designated by the City Manager. The City Manager or any of his duly authorized agents shall also be empowered to close such establishment until such time as it has complied with the provisions of this Article. Failure to comply with any such order of the City Manager or any other provision of this Article shall constitute a misdemeanor and upon conviction thereof shall be fined in an amount not less than Ten Dollars ($10.00) nor more than One Hundred Dollars ($100.00). Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

Article XVII. Billiard or Pool Table Rooms

Section 41.966. License Required.

Every person keeping, conducting or operating any billiard or pool table room shall obtain a license therefor under the provisions of Chapter 40, Article II of the Code of Webster Groves, 1963.

No license shall be issued until the applicant therefor produces satisfactory evidence to the City Council of his character and qualifications. Any license may be revoked by the City Council at any time.

Section 41.967. Limitations on Operation.

Every such billiard or pool table room shall:

a. Have a minimum of 10 billiard or pool tables;

b. Provide an unobstructed view of the interior thereof from the outside;

c. Be located on the ground floor of the building in which it is located;

d. Not permit the sale, use or consumption of any beverage having an alcoholic content on the premises;

e. Not have any more than one telephone serving the premises;

f. Not operate or be open for business between the hours of 1:00 a.m. Sunday and 1:00 p.m. Sunday, or between the hours of 1:00 a.m. and 8:00 a.m. on all other days of the week;

g. Not dispense food or beverage except in compliance with Chapter 35, Article I, of the Code of Webster Groves, 1963;

h. Not permit any person under the age of eighteen (18) years upon or in the premises after 11:00 p.m. on any day of the week.

Section 41.968. Penalty for Violation.

Any person who should violate any provisions of this Ordinance shall, upon conviction, be subject to a fine of not less than Five Dollars ($5.00) nor more than One Hundred Dollars ($100.00) and in addition thereto, such conviction shall be grounds for immediate revocation of any license granted to such person for the operation of a billiard or pool table room.

Article XVIII. Massage Establishments

Section 41.970. Definitions.

a. "**Massage**" shall mean any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the external parts of the body, for medical or hygienic purposes, with the hands or with the aid of any

mechanical or electrical apparatus or appliances with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments, unguents or other similar preparations commonly used in this practice.

b. "**City**" shall mean that area within the municipal boundaries of the City of Webster Groves, Missouri.

c. "**Massage Establishments**" shall mean any establishment having a fixed place of business wherein a principal function is such that massage is given, engaged in, or carried on, or permitted to be given, engaged in, or carried on. Any establishment engaged in or carrying on, or permitting any combination of massage and bath house shall be deemed a massage establishment.

d. "**Masseur**" or "**Masseuse**" shall mean any person, whether paid by fixed salary or who is an independent contractor, who administers to another person, for any form of consideration, a bath, massage, manipulation of the body, electric vibration, magnetic stimulation or similar procedure.

e. "**Outcall Massage Service**" shall mean any business not licensed as a massage establishment under the provisions of this ordinance wherein a principal function is such that massage is given, engaged in, or carried on not at a fixed location but at a location designated by the massage technician, customer or client.

f. "**Director**" shall mean Director of Finance, City of Webster Groves, Missouri.

g. "**Health Officer**" shall mean the Director of Public Health of the City of Webster Groves, Missouri, or his authorized representative.

h. "**Superintendent**" shall mean the Chief of Police or such other person designated by the Council of the City of Webster Groves, Missouri, acting in the capacities of Chief of Police.

i. "**Employee**" shall mean any person, other than a masseur or masseuse who renders any service to the permittee, who receives compensation or any consideration directly or indirectly from the permittee, and who has no physical contact with the permittee's customers or clients.

j. "**Permittee**" shall mean any person receiving a permit to operate a massage establishment or outcall massage service under the provisions of this ordinance.

k. "**Person**" shall mean any individual, co-partnership, firm, association, company, corporation, or combination of individuals of whatever form or character.

l. "**Applicant**" shall mean any person who applies for a permit as required by this Article. When information is requested of applicant pursuant to the provisions of 41.972(c), the term "**Applicant**" shall be deemed to include with regard to a corporation, partnership, or other business entity other than a sole proprietorship, the stockholders, members of the Board of Directors, officers, partners, members of the firm, members of an unincorporated association, and all employees and agents who shall perform any services for the massage establishment.

Section 41.971. Provisions Not Applicable - To Whom.

The provisions of this ordinance shall not apply to hospitals, nursing homes, sanatoria, persons holding an unrevoked certificate of entitlement to practice the healing arts under the laws of the State of Missouri, or persons working under the direction and control of such persons or in any such establishment.

Section 41.972. Permit Required - Massage Establishment - Outcall Services.

a. It shall be unlawful for any person to engage in, conduct or carry on, or to permit to be engaged in, conducted or carried on, in or upon any premises in the City, the operation of a massage establishment or an outcall massage service as herein defined without first having obtained a permit duly issued by the Director as set forth herein.

b. The Health Officer and the Superintendent shall conduct the required investigation on behalf of the City.

c. Application for a permit to engage in the business of a massage establishment or outcall massage service shall be obtained from the Director and shall contain the following information:

1. The two (2) previous addresses (if any) within the three (3) years immediately prior to the present address of applicant;

2. Written proof that the individual or partnership applicant is over the age of eighteen (18) years;

3. Individual or partnership applicant's height, weight, color eyes, hair and sex;

4. Two (2) portrait photographs at least two (2) inches by two (2) inches;

5. Businesses, occupations, or employments of the applicant for the three (3) years immediately preceding the date of the application;

6. The history of the applicant in operation of a massage establishment or similar business or occupation, including, but not limited to, whether or not such person, in previously operating in this or another city or state under a permit has had such permit revoked or suspended and the reason therefor, and the business activity of suspension or revocation;

7. All criminal convictions other than misdemeanor traffic violations;

8. The name and address of each masseur or masseuse who is or will be employed in said establishment;

9. Such other identification and information necessary to discover the truth of the matters hereinbefore specified as required to be set forth in the application;

10. Nothing herein contained shall be construed to deny to the investigation officials the right to take fingerprints and additional photographs of the applicant.

11. Applicant shall furnish information from which the City can determine whether the masseurs, masseuses, or employees who work in, or will work in, applicant's massage establishment or engage in the outcall service are employed on a salary or other fixed compensation basis or are employed as independent contractor, applicant shall file with his application a copy of all written agreements wherein the terms of such status are set forth, and applicant shall furnish information showing the amounts of said fee or money paid, or to be paid, and the method of computation thereof, under such agreements.

d. All applications for a massage establishment or outcall massage service permit, shall be accompanied by an investigation fee of Fifty Dollars ($50.00), no part of which shall be refundable.

e. Upon the receipt of said application, the Director shall refer the application to the Department of Public Works, the Planning Department, the Police Department and the Department of Health. Each of these departments shall within thirty (30) days from the date of said application review records or make an inspection of the premises proposed to be devoted as a massage establishment and shall make a written recommendation to the Director concerning compliance with the respective requirements.

f. The Director shall issue said permit if upon investigation and the reports filed it is found.

1. That the operation as proposed by applicant, complies or would comply with all applicable laws and ordinances, including but not limited to, the City's building code, zoning laws, and health regulations;

2. The applicant (including those deemed to be applicants within the meaning of the definition) has not been convicted in a Court of competent jurisdiction (and not subsequently pardoned), for a period of two (2) years prior to the date of the application of an offense of prostitution, maintaining a house of prostitution, or sodomy.

Otherwise, said permit shall be denied. In the event of denial, notification and reasons for denial shall be set forth in writing and shall be sent to the applicant by means of Certified Mail or hand delivery.

g. An appeal may be taken by any aggrieved party to the Board of Adjustment of the City of Webster Groves, Missouri.

h. Upon application, the Director shall be authorized to issue a temporary massage establishment permit to any applicant who is currently the owner or operator of such an establishment pending review and investigation of the application submitted herein. Such temporary permit shall remain in effect for a period of thirty (30) days or until issuance of the permit applied for, unless said permit has been

denied for any of the reasons set forth herein, in which event said temporary permit shall be of no further force and effect.

Section 41.973. Display of Permits, Register.

a. The owner or operator shall display the massage establishment permit issued in an open and conspicuous place on the premises.

b. The operator of a massage establishment or an outcall massage service must maintain a register or written listing of all persons employed by him, whether as independent contractors or otherwise, as masseurs, masseuses or employees. Such register shall be available for inspection at all times during regular business hours.

Section 41.974. Suspension or Revocation of Permit.

a. Any massage establishment's permit issued under this Article shall be subject to suspension or revocation by the Director for violation of any provision of this Article or for any grounds that would warrant the denial of the issuance of such permit in the first instance.

b. The permittee shall be entitled to a hearing before the Director prior to the suspension or revocation of any permit under this Article. At such hearing evidence will be received for the purpose of determining whether or not such permit shall be suspended or revoked or whether the permit may be retained.

Section 41.975. Sanitation Requirements.

a. All premises used by permittees hereunder shall be subject to periodic inspection by the City for safety of the structure and the propriety of plumbing, ventilation, heating and sanitation.

b. One artificial white light of not less than forty (40) watts shall be provided and lighted in each room where a massage is being administered.

c. The walls shall be clean and painted with an approved washable mold-resistant paint in all rooms where water and steam baths are given.

d. Floors shall be free from any accumulation of dust, dirt, or refuse.

e. All equipment used in the massage operation shall be maintained in a clean and sanitary condition.

f. Towels, sheets and linens of all types shall be clean and freshly laundered, and shall not be used for more than one person.

g. Dressing and locker facilities shall be available for patrons. Security deposit facilities shall be available for the protection of the valuables of the patrons.

Section 41.976. Sexual Stimulation of Customers.

a. It shall be unlawful for any masseur or masseuse to offer to or to masturbate any individual customers.

b. It shall be unlawful for any masseur or masseuse to offer to, or to intentionally touch, the genitals of a person being massaged by such masseur or masseuse.

Section 41.977. Inspection.

Officials of the City, including the Health Officer, the Director and the Superintendent, shall have the right to enter the premises from time to time during regular business hours for the purpose of making reasonable inspections to enforce compliance with building, fire, electrical, plumbing, or health regulations, and for the purpose of determining that the provisions of this Article, and other provisions of law are being complied with.

Section 41.978. Transfer or Renewal of Permit.

No massage establishment permit shall be transferable except upon first having obtained a new permit from the Director pursuant to all the requirements for a new application and shall be accompanied by a filing and investigation fee of Fifty Dollars ($50.00), no part of which shall be refundable. The application for such transfer shall contain the same information as required herein for an initial application for such permit.

Permits issued hereunder shall be in effect for a period of twelve (12) months, and may be renewed for like periods of time thereafter upon application therefor.

Section 41.979. Employees, Agents, Independent Contractors.

The Director, if he finds a massage establishment being operated without the license required hereunder, to more effectively provide enforcement of this ordinance, may give notice to any employee, agent, or independent contractor that his employer or principal has not procured a license required hereunder and it shall thereafter be a misdemeanor for such employee, agent, or independent contractor to conduct or assist in the conduct of the operation of such business. Notice required by this section shall be personal service made by any employee of the City.

Section 41.980. Penalties.

Any person who violates any of the provisions of this Article shall, upon conviction, be sentenced to not more than ninety (90) days imprisonment or not more than a Five Hundred Dollar ($500.00) fine, or by both such fine and imprisonment.

Article XVIII(a). Sexually Oriented Businesses

Section 41.981. Purpose and Findings.

a. **Purpose.** It is the purpose of this Ordinance to regulate sexually oriented businesses in order to promote the health, safety, morals, and general welfare of the citizens of the City, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses

within the City. The provisions of this Ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent, nor effect of this Ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this Ordinance to condone or legitimize the distribution of obscene material.

b. **Findings.** Based on evidence concerning the adverse secondary effects of adult uses on the community presented in hearings and in reports made available to the Council, and on findings incorporated in the cases of City of Renton v. Playtime Theatres, Inc., 475 U.S. 41 (1986); Young v. American Mini Theatres, 426 U.S. 50 (1976); FW/PBS, Inc. v. City of Dallas, 493 U.S. 215 (1990); Barnes v. Glen Theatre, Inc., 501 U.S. 560 (1991); City of Erie v. Pap's A.M., 120 S. Ct. 1382 (2000), and on studies in other communities including, but not limited to: Phoenix, Arizona; Minneapolis, Minnesota; St. Paul, Minnesota; Houston, Texas; Indianapolis, Indiana; Amarillo, Texas; Garden Grove, California; Los Angeles, California; Whittier, California; Austin, Texas; Seattle, Washington; Oklahoma City, Oklahoma; Cleveland, Ohio; Beaumont, Texas; Dallas, Texas; Newport News, Virginia; Bellevue, Washington; New York, New York; and St. Croix County, Wisconsin; and also on findings from the Report of the Attorney General's Working Group On The Regulation Of Sexually Oriented Businesses (June 6, 1989, State of Minnesota), the Council finds:

1. Sexually oriented businesses lend themselves to ancillary unlawful and unhealthy activities that are presently uncontrolled by the operators of the establishments. Further, there is presently no mechanism to make the owners of these establishments responsible for the activities that occur on their premises.

2. Certain employees of sexually oriented businesses, defined in this Ordinance as adult theaters and adult cabarets, engage in higher incidence of certain types of illicit sexual behavior than employees of other establishments.

3. Sexual acts, including masturbation, and oral and anal sex, occur at sexually oriented businesses, especially those which provide private or semi-private booths or cubicles for viewing films, videos, or live sex shows.

4. Offering and providing such space encourages such activities, which creates unhealthy conditions.

5. Persons frequent certain adult theaters, adult arcades, and other sexually oriented businesses for the purpose of engaging in sex within the premises of such sexually oriented businesses.

6. At least 50 communicable diseases may be spread by activities occurring in sexually oriented businesses, including, but not limited to, syphilis, gonorrhea, human immunodeficiency virus infection (HIV-AIDS), genital

herpes, hepatitis B, Non A, Non B amebiasis, salmonella infections and shigella infections.

7. Since 1981 and to the present, there has been an increasing cumulative number of reported cases of AIDS (acquired immunodeficiency syndrome) caused by the human immunodeficiency virus (HIV) in the United States: 600 in 1982; 2,200 in 1983; 4,600 in 1984; 8,555 in 1985, and 253,448 through December 31, 1992.

8. There continue to be increasing numbers of reported cases of AIDS in the State of Missouri.

9. Since 1981 and to the present, there have been an increasing cumulative number of persons testing positive for the HIV antibody test in Missouri.

10. The number of cases of early (less than one year) syphilis in the United States reported annually has risen, with 33,613 cases reported in 1982, and 45,200 through November, 1990.

11. The number of cases of gonorrhea in the United States reported annually remains at a high level, with over one-half million cases being reported in 1990.

12. In his report of October 22, 1986, the Surgeon General of the United States has advised the American public that AIDS and HIV infection may be transmitted through sexual contact, intravenous drug abuse, exposure to infected blood and blood components, and from an infected mother to her newborn.

13. According to the best scientific evidence, AIDS and HIV infection, as well as syphilis and gonorrhea, are principally transmitted by sexual acts.

14. Sanitary conditions in some sexually oriented businesses are unhealthy, in part, because the activities conducted there are unhealthy, and, in part, because of the unregulated nature of the activities and the failure of the owners and the operators of the facilities to self-regulate those activities and maintain those facilities.

15. Numerous studies and reports have determined that semen is found in the areas of sexually oriented businesses where persons view “adult” oriented films.

16. The findings noted in subsections (1) through (15) raise substantial governmental concerns.

17. Sexually oriented businesses have operational characteristics which should be reasonably regulated in order to protect those substantial governmental concerns.

18. A reasonable licensing procedure is an appropriate mechanism to place the burden of that reasonable regulation on the owners and the operators

of the sexually oriented businesses. Further, such a licensing procedure will place an incentive on the operators to see that the sexually oriented business is run in a manner consistent with the health, safety, and welfare of its patrons and employees, as well as the citizens of the City. It is appropriate to require reasonable assurances that the licensee is the actual operator of the sexually oriented business, fully in possession and control of the premises and activities occurring therein.

19. Removal of doors on adult booths and requiring sufficient lighting on premises with adult booths advances a substantial governmental interest in curbing the illegal and unsanitary sexual activity occurring in adult theaters.

20. Requiring licensees of sexually oriented businesses to keep information regarding current employees and certain past employees will help reduce the incidence of certain types of criminal behavior by facilitating the identification of potential witnesses or suspects and by preventing minors from working in such establishments.

21. The disclosure of certain information by those persons ultimately responsible for the day-to-day operation and maintenance of the sexually oriented business, where such information is substantially related to the significant governmental interest in the operation of such uses, will aid in preventing the spread of sexually transmitted diseases.

22. In the prevention of the spread of communicable diseases, it is desirable to obtain a limited amount of information regarding certain employees who may engage in the conduct which this Ordinance is designed to prevent, or who are likely to be witnesses to such conduct.

23. The fact that an applicant for an adult use license has been convicted of a sexually related crime leads to the rational assumption that the applicant may engage in that conduct in contravention of this Ordinance.

24. The barring of such individuals from the management of adult uses for a period of years serves as a deterrent to, and prevents conduct which leads to, the transmission of sexually transmitted diseases.

25. The general welfare, health, morals, and safety of the citizens of the City will be promoted by the enactment of this Ordinance.

Section 41.982. Definitions.

a. "**Adult Arcade**" shall mean any place to which the public is permitted or invited, wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly 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 their emphasis upon matters exhibiting "specified sexual activities" or "specified anatomical areas."

b. "**Adult Bookstore**", "**Adult Novelty Store**" or "**Adult Video Store**" shall mean a commercial establishment which has forty percent (40%) or more of its stock-in-trade, or derives forty percent (40%) or more of its revenues, or devotes forty percent (40%) or more of floor space open to the general public to one or more of the following:

1. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, slides, or other visual representations, which are characterized by their emphasis upon the exhibition or display of "specified sexual activities" or "specified anatomical areas;"

2. Sex toys and instruments, devices, or paraphernalia which are designed for use or marketed primarily for sadomasochistic use or abuse of the user or others.

c. "**Adult Cabaret**" shall mean a nightclub, bar, restaurant, or similar commercial establishment which regularly features:

1. Persons who appear semi-nude; or

2. Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities;" or

3. Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the exhibition or display of "specified sexual activities" or "specified anatomical areas."

d. "**Adult Motel**" shall mean a hotel, motel, or similar commercial establishment, which:

1. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the exhibition or display of "specified sexual activities" or "specified anatomical areas;" and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; and either

2. Offers a sleeping room for rent for a period of time that is less than ten (10) hours, or

3. Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than ten (10) hours.

e. "**Adult Motion Picture Theater**" shall mean a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

f. "**Adult Theater**" shall mean a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear nude or semi-nude, or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."

g. "**Distinguished**" or "**Characterized by an Emphasis Upon**" shall mean the dominant or principal theme of the object referenced. For instance, when the phrase refers to films "which are distinguished or characterized by an emphasis upon the exhibition or display of specified sexual activities or specified anatomical areas," the films so described are those whose dominant or principal character and theme are the exhibition or display of "specified anatomical areas" or "specified sexual activities."

h. "**Employee**," "**Employ**," and "**Employment**" describe and pertain to any person who performs any service on the premises of a sexually oriented business on a full-time, part-time, or contract basis, regardless of whether the person is denominated as an employee, independent contractor, agent, or by another status. Employee does not include a person exclusively on the premises for repair or maintenance of the premises, or for the delivery of goods to the premises.

i. "**Enforcement Officer**" shall mean the City Code Enforcement Officers or such persons as may be designated by the City Council.

j. "**Escort**" shall mean a person who, for consideration, and for another person, agrees or offers: (1) to act as a companion, guide, or date, or (2) to privately model lingerie, or (3) to privately perform a striptease.

k. "**Escort Agency**" shall mean a person or business association that for a fee, tip, or other consideration, furnishes, offers to furnish, or advertises to furnish, escorts as one of its primary business purposes.

l. "**Establish**" or "**Establishment**" shall mean and 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 addition of any sexually oriented business to any other existing sexually oriented business; or

    4. The relocation of any sexually oriented business.

m. "**Licensee**" shall mean a person in whose name a license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a license; and in the case of an employee, a person in whose name a license has been issued authorizing employment in a sexually oriented business.

n. "**Nude**," "**Nudity**" or a "**State of Nudity**" shall mean the showing of the human male or female genitals, pubic area, vulva, anus, or anal cleft with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state.

o. "**Operate or Cause to Be Operated**" shall mean to cause to function or to put or keep in a state of doing business. "**Operator**" means any person on the premises of a sexually oriented business who is authorized to exercise operational control of the business, or who causes to function or who puts or keeps in operation, the business. A person may be found to be operating or causing to be operated a sexually oriented business regardless of whether that person is an owner, pan owner, or licensee of the business.

p. "**Person**" means an individual, proprietorship, partnership, corporation, association, or other legal entity.

q. "**Regularly Features**" or "**Regularly Shown**" shall mean a consistent or substantial course of conduct, such that the films or performances exhibited constitute a substantial portion of the films or performances offered as a part of the ongoing business of the sexually oriented business.

r. "**Semi-Nude**" or "**In a Semi-Nude Condition**" shall mean the showing of the female breast below a horizontal line across the top of the areola at its highest point or the showing of the male or female buttocks. 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.

s. "**Semi-Nude Model Studio**" shall mean a commercial establishment which regularly features a person (or persons) who appears semi-nude and is provided to be observed, sketched, drawn, painted, sculptured, or photographed by other persons who pay money or any form of consideration, but shall not include a proprietary school licensed by the State of Missouri or a college, junior college or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation.

t. "**Sex Toy**" shall mean instruments, devices, or paraphernalia which are designed for use or marketed primarily for stimulation of the human genital organs.

u. "**Sexual Encounter Center**" shall mean a business or commercial establishment that as one of its principal business purposes, offers for any form of consideration, a place where two (2) or more persons may congregate, associate, or consort for the purpose of "**specified sexual activities**." The definition of sexual encounter center or any sexually oriented businesses shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized sexual therapy.

v. "**Sexually Oriented Business**" shall mean an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, semi-nude model studio, or sexual encounter center, or any business which by name or advertising is self-designated as a sexually oriented business.

w. "**Specified Anatomical Areas**" shall mean:

1. The human male genitals in a discernibly turgid state, even if completely and opaquely covered; or

2. Less than completely and opaquely covered human genitals, pubic region, buttocks, or a female breast below a point immediately above the top of the areola.

x. "**Specified Criminal Activity**" shall mean 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; engaging in organized criminal activity relating to a sexually oriented business; sexual assault; molestation of a child; distribution of a controlled substance; or any similar offenses to those described above under the criminal or penal code of other states or countries;

2. For which:

A. Less than two (2) years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense;

B. Less than five (5) years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is of a felony offense; or

C. Less than five (5) years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if the convictions are of two (2) or more misdemeanor offenses or a combination of misdemeanor occurring within any twenty-four (24) month period.

3. 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.

y. "**Specified Sexual Activities**" shall mean any of the following:

1. The fondling of another person's genitals, pubic region, anus, or female breasts;

2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy; or

3. Excretory functions as part of, or in connection with, any of the activities set forth in (1) through (2) above.

z. "**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 which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or the establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

Section 41.983.1 License Required.

a. It is unlawful:

1. For any person to operate a sexually oriented business without a valid sexually oriented business license issued by the City pursuant to this Ordinance.

2. For any person who operates a sexually oriented business to employ a person to work for the sexually oriented business who is not licensed as a sexually oriented business employee by the City pursuant to this Ordinance.

3. For any person to obtain employment with a sexually oriented business without having secured a sexually oriented business employee license pursuant to this Ordinance.

b. An application for a license must be made on a form provided by the City. All applicants must be qualified, according to the provisions of this Ordinance.

c. An applicant for a sexually oriented business license or a sexually oriented business employee license shall file with the Enforcement Officer a completed application made on a form prescribed and provided by the City Treasurer. An application shall be considered complete if it includes the information required in this section. The applicant shall be qualified according to the provisions of this Ordinance. The application shall be notarized. The application shall include the information called for in subsections (1) through (6), and where applicable, subsection (7), as follows:

1. The full true name and any other names used in the preceding five (5) years.

2. The current business address.

3. Either a set of fingerprints suitable for conducting necessary background checks pursuant to this Ordinance, or the applicant's Social Security Number, to be used for the same purpose.

4. If the application is for a sexually oriented business license, the name, business location, legal description, business mailing address and phone number of the proposed sexually oriented business.

5. Written proof of age, in the form of either (i) a copy of a birth certificate and current photo, (ii) a current driver's license with picture, or (iii) other picture identification document issued by a governmental agency.

6. The issuing jurisdiction and the effective dates of any license or permit held by the applicant relating to a sexually oriented business, and whether any such license or permit has been denied, revoked, or suspended, and if so, the reason or reasons therefor.

7. If the application is for a sexually oriented business license, the name and address of the statutory agent or other agent authorized to receive service of process.

The information provided pursuant to subsections (1) through (7) shall be supplemented in writing by certified mail, return receipt requested, to the Enforcement Officer within ten (10) working days of a change of circumstances which would render the information originally submitted false or incomplete.

d. The application for a sexually oriented business 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 (6) inches.

e. If the person who wishes to operate a sexually oriented business is an individual, he or she shall sign the application for a license as applicant. If the person that wishes to operate a sexually oriented business is other than an individual (such as a corporation), each officer, director, general partner, or other person who will participate directly in decisions relating to management of the business shall sign the application for a license as the applicant. Each applicant must be qualified under Section 41.983.2, and each applicant shall be considered as a licensee if a license is granted.

f. A person who possesses a valid business license is not exempt from the requirement of obtaining any required sexually oriented business license. A person who operates a sexually oriented business and possesses a business license shall comply with the requirements and provisions of this Ordinance, where applicable.

g. The information provided by an applicant in connection with the application for a license under this Ordinance shall be maintained by the Enforcement Officer on a confidential basis, and may be disclosed only: (1) to other governmental agencies

in connection with a law enforcement or public safety function, or (2) as may otherwise be required by law or a court order.

Section 41.983.2 Issuance of License.

a. Upon the filing of a completed application for a sexually oriented business license or a sexually oriented business employee license, the Enforcement Officer shall issue a Temporary License to the applicant, which Temporary License shall expire upon the final decision of the Enforcement Officer to deny or grant the license. Within twenty (20) days after the receipt of a completed application, the Enforcement Officer shall either issue a license, or issue a written notice of intent to deny a license, to the applicant. The Enforcement Officer shall approve the issuance of a license unless one or more of the following is found to be true:

1. An applicant is less than eighteen (18) years of age.

2. An applicant is delinquent in the payment to the City of taxes, fees, fines, or penalties assessed against or imposed upon the applicant in relation to a sexually oriented business.

3. An applicant has failed to provide information as required by Section 41.983.1 for issuance of the license.

4. An applicant has been convicted of a specified criminal activity. The fact that a conviction is being appealed shall have no effect under this subsection. For the purpose of this subsection, "**conviction**: '

   A. Means a conviction or a guilty plea; and

   B. Includes a conviction of any business entity for which the applicant had, at the time of the offense leading to the conviction for a specified criminal activity, a management responsibility or a controlling interest.

5. The license application fee required by this Ordinance has not been paid.

6. An applicant has falsely answered a question or request for information on the application form.

7. The proposed sexually oriented business is located in a zoning district other than a district in which sexually oriented businesses are allowed to operate under the City of Webster Groves Zoning Ordinance, or is not in compliance with the location restrictions established for sexually oriented businesses in the appropriate zoning district(s).

b. An applicant that is ineligible for a license due to subsection (a)(4) of this section may qualify for a sexually oriented business license only when the time period required by the applicable subsection in Section 41.982(x) has elapsed.

c. The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the number of the license issued to that applicant, the

expiration date, and, if the license is for a sexually oriented business, the address of the sexually oriented business. A sexually oriented business employee license shall contain a photograph of the licensee. The sexually oriented business 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. A sexually oriented business employee shall keep the employee's license on his or her person or on the premises where the licensee is then working or performing, and shall produce such license for inspection upon request by a law enforcement officer or other authorized city official.

Section 41.983.3 Fees.

Every application for a sexually oriented business license or sexually oriented business employee license (new or renewing) shall be accompanied by a fee as set periodically by the Council to cover the actual costs of administration and investigation. Sexually Oriented Businesses shall also be subject to the Business License requirements and fees of the City as set forth in this Code. All license applications and fees shall be submitted to the Director of Finance of the City.

Section 41.983.4 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 41.983.1. An application for renewal shall be made at least thirty (30) days before the expiration date, and when made less than thirty (30) 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 one (1) year from the date of denial. If, subsequent to the denial, the City finds that the basis for denial of the renewal license has been corrected or abated, the applicant shall be granted a license if at least ninety (90) days have elapsed since the date that the denial became final.

Section 41.983.5 Suspension.

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

a. Violated or is not in compliance with any section of this Ordinance; or

b. Refused to allow an inspection of the sexually oriented business premises as authorized by this Ordinance.

Section 41.983.6 Revocation.

a. The Enforcement Officer shall issue a written statement of intent to revoke a sexually oriented business license if a cause of suspension in Section 41.983.5 occurs and the license has been suspended within the preceding twelve (12) months.

b. The Enforcement Officer shall issue a written statement of intent to revoke a sexually oriented business license if the Officer determines that:

1. A licensee gave false or misleading information in the material submitted during the application process;

2. A licensee has knowingly allowed possession, use, or sale of controlled substances on the premises;

3. A licensee has knowingly allowed prostitution on the premises;

4. A licensee has knowingly operated the sexually oriented business during a period of time when the licensee's license was suspended;

5. A licensee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sex act to occur in or on the licensed premises. This subsection will not apply to an adult motel, unless the licensee knowingly allowed sexual activities to occur either (i) in exchange for money, or (ii) in a public place or within public view.

c. The fact that a conviction is being appealed shall have no effect on the revocation of the license.

d. When, after the notice and hearing procedure described in Section 41.983.7, the Enforcement Officer revokes a license, the revocation shall continue for one (1) year and the licensee shall not be issued a sexually oriented business license for one (1) year from the date revocation becomes effective, provided that, if the conditions of Section 41.983.7 (b) are met, a Provisional License will be granted pursuant to that section. If, subsequent to revocation, the Enforcement Officer finds that the basis for the revocation found in subsections (b)(1) and (b)(4) of this section has been corrected or abated, the applicant shall be granted a license if at least ninety (90) days have elapsed since the date the revocation became effective.

Section 41.983.7 Hearing; License Denial, Suspension, Revocation; Appeal.

a. If the Enforcement Officer determines that facts exist for denial, suspension, or revocation of a license under this Ordinance, the Enforcement Officer shall notify the applicant or licensee (respondent) in writing of the intent to deny, suspend, or revoke the license, including the grounds therefor, by personal delivery, or by certified mail. The notification shall be directed to the most current business address on file with the Enforcement Officer. Within five (5) working days of receipt of such notice, the respondent may provide to the City Manager, in writing, a response that shall include a statement of reasons why the license or permit should not be denied, suspended, or revoked. Within three (3) days of the receipt of respondent's written response, the City Manager shall notify respondent in writing of the hearing date on respondent's denial, suspension, or revocation proceeding.

Within ten (10) working days of the receipt of respondent's written response, the City Manager shall conduct a hearing at which respondent shall have the opportunity to be represented by counsel and present evidence and witnesses on

his or her behalf. If a response is not received by the City Manager in the time stated or, if after the hearing, the City Manager finds that grounds as specified in this Ordinance exist for denial, suspension, or revocation, then such denial, suspension, or revocation shall become final five (5) days after the City Manager sends, by certified mail, written notice that the license has been denied, suspended, or revoked. Such notice shall include a statement advising the applicant or licensee of the right to appeal such decision to a court of competent jurisdiction.

If the City Manager finds that no grounds exist for denial, suspension, or revocation of a license, then within five (5) days after the hearing, the City Manager shall withdraw the intent to deny, suspend, or revoke the license, and shall so notify the respondent in writing by certified mail of such action and shall contemporaneously issue the license.

b. When a decision to deny, suspend, or revoke a license becomes final, the applicant or licensee (aggrieved party) whose application for a license has been denied, or whose license has been suspended or revoked, shall have the right to appeal such action to a court of competent jurisdiction. Upon the filing of any court action to appeal, challenge, restrain, or otherwise enjoin the City's enforcement of the denial, suspension, or revocation, the City shall immediately issue the aggrieved party a Provisional License. The Provisional License shall allow the aggrieved party to continue operation of the sexually oriented business or to continue employment as a sexually oriented business employee, as the case may be, and will expire upon the court's entry of a judgement on the aggrieved party's action to appeal, challenge, restrain, or otherwise enjoin the City's enforcement.

Section 41.983.8 Transfer of License.

A licensee shall not transfer his or 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.

Section 41.984. Inspections.

a. For the purpose of ensuring compliance with this Ordinance, an applicant, operator or licensee shall permit law enforcement officers and any other federal, state, county or city agency in the performance of any function connected with the enforcement of this Ordinance, normally and regularly conducted by such agencies, to inspect, at any time the business is occupied or open for business, those portions of the premises of a sexually oriented business which patrons or customers are permitted to occupy.

b. The provisions of this section do not apply to areas of an adult motel which are currently being rented by a customer for use as a permanent or temporary habitation.

Section 41.985. Location of Sexually Oriented Business.

a. A person commits a misdemeanor if that person operates or causes to be operated a sexually oriented business in any zoning district other than "**C**" Commercial, as defined and described in the Webster Groves Zoning Code.

b. A person commits an offense if the person operates or causes to be operated a sexually oriented business within 1,000 feet of:

1. A church, synagogue, mosque, temple, or building which is owned and used primarily for religious worship and related religious activities;

2. A public or private educational facility including, but not limited to, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, and universities. "**School**" includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school;

3. A public park or recreational area which has been designated for park or recreational activities including, but not limited to, a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, wilderness areas, or other similar public land within the City which is under the control, operation, or management of the City park and recreation authorities;

c. A person commits an offense if the person operates or causes to be operated a sexually oriented business within 500 feet of: of a parcel of land which is used for a Child Day Care Center.

d. A person commits an offense if the person operates or causes to be operated a sexually oriented business within 250 feet of another licensed sexually oriented business.

e. A person commits an offense if the person operates or causes to be operated a sexually oriented business with a customer entrance within 100 feet of any property zoned for residential use.

f. For the purpose of subsection (b) and (c) of this section, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as the pan of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a use listed in subsection (b) or (c). The presence of a city, county or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this section.

g. For purposes of subsection (c) of this section, the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to the intervening structures or objects or political boundaries, from the closest exterior wall of the structure in which each business is located.

Section 41.986.1 Operating Regulations.

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, live entertainment, or other video reproduction which depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:

1. Upon application for a sexually oriented license, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one 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 permit, if granted, will be conspicuously posted. 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 licensee of the premises to ensure that at least one (1) licensed 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 every 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 each area of the premises to which any patron is permitted access for any purpose from at least one 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 licensee to ensure that the view area specified in subsection (5) remains unobstructed by any doors, curtains, partitions, walls, merchandise, display racks, or other materials and, at all times, to ensure that no patron is permitted access to any area of the premises which

has been designated as an area in which patrons will not be permitted in the application filed pursuant to subsection (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 (5.0) foot candles as measured at the floor level.

9. It shall be the duty of the licensee 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 openings of any kind to exist between viewing rooms or booths.

11. No person shall make or attempt to make an opening of any kind between viewing booths or rooms.

12. The licensee shall, during each business day, regularly inspect the walls between the viewing booths to determine if any openings or holes exist.

13. The licensee shall cause all floor coverings in viewing booths to be nonporous, easily cleanable surfaces, with no rugs or carpeting.

14. The licensee shall cause all wall surfaces and ceiling surfaces in viewing booths to be constructed of, or permanently covered by, nonporous, easily cleanable 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 subsection (1) through (14) of subsection (a) herein commits a misdemeanor if he or she knowingly fails to fulfill that duty.

Section 41.986.2 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.

Section 41.986.3 Additional Regulations Concerning Public Nudity.

a. It shall be a misdemeanor for a person to knowingly and intentionally, in a sexually oriented business, appear in a state of nudity or engage in specified sexual activities.

b. It shall be a misdemeanor for a person to knowingly or intentionally, in a sexually oriented business, appear in a semi-nude condition, unless the person is an

employee who, while semi-nude, is at least six (6) 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 receive directly any pay or gratuity from any patron or customer, or for any patron or customer to pay or give any gratuity directly to any employee, while that employee is semi-nude in a sexually oriented business.

d. It shall be a misdemeanor for an employee, while semi-nude, to knowingly and intentionally touch a customer or the clothing of a customer.

Section 41.986.4 Hours of Operation.

No sexually oriented business, except for an adult motel, may remain open at any time between the hours of 10:00 p.m. and 8:00 a.m. daily.

Section 41.987. Prohibition Against Children in a Sexually Oriented Business.

A person commits a misdemeanor if the person knowingly allows a person under the age of eighteen (18) years on the premises of a sexually oriented business.

Section 41.988. Exemptions.

It is a defense to prosecution under Section 41.986.3 that a person appearing in a state of nudity did so in a modeling class operated:

a. By a proprietary school, licensed by the State of Missouri; a college, junior college, or university supported entirely or partly by taxation;

b. By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or

c. In a structure:

1. Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and

2. Where, in order to participate in a class, a student must enroll at least three (3) days in advance of the class; and

3. Where no more than one (1) nude model is on the premises at any one time.

Section 41.989. Penalties.

A person who operates or causes to be operated a sexually oriented business in violation of the provisions of this Article shall, upon conviction, be sentenced to not more than ninety (90) days imprisonment nor not more than a Five Hundred Dollar ($500.00) fine, or by both such fine and imprisonment.

Article XIX. Amusement Centers and Penny Arcades.

Section 41.990. Definitions.

a. "**Amusement Center**" and "**Penny Arcade**" shall mean any establishment which provides six (6) or more mechanical amusement devices for use or operation by the public, but excluding any establishment that:

1. Derives at least seventy-five percent (75%) of its gross income from the sale of food and/or beverage for consumption on premises; or

2. Is operated primarily as a movie theater, bowling alley, skating rink or other similar establishment, which displays or operates amusement devices only during the hours that such establishment makes its primary service or activity available to the public. (Ord. No. 8526, § 1, 12-05-06)

b. "**Mechanical Amusement Device**" shall mean any machine, which, upon the insertion of a coin, slug, token, plat, disc, or any other insertion device, may be operated by the public for use as a game, entertainment, or amusement, of any kind or description whatever.

c. "**Person**" shall mean any individual, co-partnership, firm, association, company, corporation, or combination of individuals, of whatever form or character.

d. "**Director**" shall mean the Director of Finance, City of Webster Groves, Missouri.

e. "**City**" shall mean that area within the municipal boundaries of the City of Webster Groves, Missouri. (Ord. No. 7304, § 1, 4-17-84).

Section 41.991. Provisions Not Applicable -- To Whom.

The provisions of this article shall not be applicable to any person having set up in his private residence one (1) or more mechanical amusement devices when employed for his own private use or for the use of his family, nor clubs where mechanical amusement devices are used exclusively by club members and upon which no charge for playing is made, nor to business establishments or other public places which may have five (5) or less mechanical amusement devices for use or operation by the public.

Section 41.992. License Required.

It shall be unlawful for any person to operate, or to permit to be operated on any premises in the city, an amusement center or penny arcade, without first securing a license duly issued by the director as set forth herein.

Section 41.993. Requirements for License -- Term.

a. An application for the operation of an amusement center or penny arcade in the city shall be obtained from the director.

b. Each such application shall be verified and shall contain the name of the proposed operation (if a partnership, the names of all partners, and if a corporation, the names of all officers and stockholders), the proposed location of the amusement center or penny arcade, and the number and types of machines to be provided.

Such application shall be accompanied by accurately scaled and duly dimensioned plans of the premises, showing the proposed location of the machines.

c. Each such application shall be accompanied by an application fee of Fifty Dollars ($50.00), no part of which shall be returnable. An annual license fee of Fifty Dollars ($50.00) shall be charged for each machine.

d. Each such application shall be referred by the director to the Chief of Police, who shall investigate the character and fitness of the proposed operator as well as any other persons listed as having an interest in the proposed license. The plans submitted with such application shall be submitted to the Building Commissioner who shall determine whether said proposed operation would comply with the applicable zoning ordinances, and shall be submitted to the Fire Marshal who shall determine whether said proposed operation would comply with the provisions of the Fire Code. The Police, Building Commissioner and Fire Marshal shall within sixty (60) days file written reports with the Director.

e. Such license shall be issued by the Director, unless he finds one or more of the following:

1. Intentional misstatements or misleading statement of fact in the application;

2. The proposed operation would not comply with all applicable City ordinances;

3. Any parties interested in the proposed business have been convicted of any violation of statute or ordinance involving moral turpitude, or have previously had a business license suspended or revoked. Provided, that if the Director shall find that the conduct of such parties subsequent to the aforesaid conviction, suspension or revocation, has been such as to indicate fitness to operate a business, and that permitting such applicant to conduct such an operation would not be contrary to the public interest, he may issue said license;

4. Failure to pay the required application fee.

f. The term of said license shall be one (1) year from the date of issuance, and may be renewed as provided herein.

g. Each applicant shall be notified by mail or by hand delivery of the issuance or nonissuance of a license by the Director. (Ord. No. 7304, § 2, 4-17-84)

Section 41.994. Renewal -- Procedure.

a. Within thirty (30) days of the expiration of the license, a licensee may apply to the Director for renewal thereof, on such application as shall be provided by the Director.

b. Renewal applications shall contain the name, address and license number of the licensee's operation, and further, licensee shall indicate any changes from the information furnished to the Director at the time of the original application.

c. An application for renewal shall be accompanied by a renewal application fee of Fifty Dollars ($50.00), no part of which shall be returnable. In addition, an annual license fee of Fifty Dollars ($50.00) shall be charged for each machine.

d. The Director shall renew said license if he shall find that said operation shall have been conducted in accordance with all applicable laws and ordinances. (Ord. No. 7304, § 2, 4-17-84).

Section 41.995. Suspension or Revocation -- Procedure.

a. The Director may suspend for a period up to ninety (90) days or revoke a license theretofore issued, if he finds one or more of the following:

1. Intentional misstatements or misleading statements of fact in the application, not discovered until after the issuance of such license.

2. Permitting such conduct as would constitute a violation of any state statutes or city ordinances pertaining to consumption or possession of alcoholic beverages by a minor, or any statutes pertaining to possession of controlled substances or narcotics, on the premises of such operation.

3. Violations of this article.

b. In the event the Director revokes such license, the licensee shall have a period of ten (10) days following revocation to request a hearing before the Director. Said hearing shall be held no later than ten (10) days following the notice of such request, and upon written notice duly given the licensee by the Director at least five (5) days prior to the date of such hearing. The decision of the Director and the reasons therefor shall be sent by certified mail and hand delivered to licensee.

Section 41.996. Miscellaneous Regulations -- Conduct Prohibited.

a. No person under the age of fourteen (14) years shall be permitted on the premises of an amusement center or penny arcade unless accompanied by his parent or legal guardian. No person aged fourteen (14), fifteen (15) or sixteen (16) years shall be permitted on the premises of an amusement center without having on his person an identification card supplied by the operator, and containing that person's name, age, home address, telephone number, date of birth, and signature of the recipient, and the issuer. No such identification card shall be issued by the operator unless receiving the written permission of the parent or legal guardian. The operator shall maintain a permanent record of the names of the parents or legal guardians who have granted such permission. Such record shall be available for inspection at all times by the director and the Webster Groves Police Department.

b. No alcoholic beverages or nonintoxicating beer shall be permitted on the premises of an amusement center or penny arcade.

c. No narcotics or controlled substances under the laws of the United States or the State of Missouri shall be permitted on the premises of an amusement center or penny arcade.

d. At least one supervisor of at least eighteen (18) years of age, employed by the operator, shall be on duty at all times and be present on the premises of an amusement center and penny arcade.

e. An amusement center or penny arcade may not operate between the hours of 11:00 p.m. and 9:00 a.m. of the following day, except on Fridays when they may not operate between the hours of 12:00 a.m. midnight and 9:00 a.m. of the following day, and except on Saturdays when they may not operate between the hours of 12:00 a.m. midnight and 12:00 noon the next day, all times official St. Louis County time.

Section 41.997. Penalties.

Any person who shall be convicted of a violation of any provision of this article may be punished by a fine not exceeding Five Hundred Dollars ($500.00), or by serving a sentence of not more than thirty (30) days, or by both such fine and sentence.

Article XX. Vending and Amusement Machines

Section 41.998. Definitions.

a. "**Amusement Machine**" shall mean any machine or device which, upon the insertion of a coin, slug, token, plate, disc, key or any other insertion device into any slot, crevice or other opening, or by the payment of any price, may be operated by the public for use as a game, entertainment, or amusement, of any kind or description.

b. "**Vending Machine**" shall mean any machine or device which, upon the insertion of a coin, slug, token, place, disc, key or any other insertion device into any slot, crevice or other opening, or by the payment of any price, dispenses any goods, merchandise, personal property of any description, food, drink or confection, or provides any service as dry cleaning, washing, drying or any other service.

c. "**Person**" shall mean any individual, partnership, firm, association, company, corporation, organization, combination of any of the foregoing or any other entity of whatever form or character.

d. "**Director**" shall mean the Director of Finance, City of Webster Groves, Missouri.

e. "**City**" shall mean that area within the municipal boundaries of the City of Webster Groves, Missouri.

Section 41.999. Provisions Not Applicable -- To Whom.

The provisions of this article shall not be applicable to:

a. Persons engaged in charitable or not-for-profit enterprises, provided the Vending Machines or Amusement Machines owned and operated by such Persons shall have a sign affixed to them stating the name of the organization receiving proceeds from such machines and, provided, further, the burden of establishing this exemption shall be on the person claiming the exemption.

b. Coin changing, check approving, newspaper vending machine or postage stamp dispensing devices.

c. Coin operated dry cleaning, washing or drying devices located on the premises of businesses licensed as laundromats.

d. Mechanical Amusement Devices located in Amusement Centers or Penny Arcades licensed as such under Part V, Chapter 41, Article XIX of the Code of Webster Groves.

e. Coin operated washing machines and drying devices in apartment complexes containing ten or fewer units.

Section 41.999.1. License Required.

It shall be unlawful for any Person to operate, or to permit to be operated on any premises in the City, a Vending Machine or Amusement Machine, without first securing a license duly issued by the Director as set forth herein.

Section 41.999.2. Requirements for License -- Term.

a. An application for the operation of a Vending Machine or Amusement Machine in the City shall be obtained from the Director.

b. Each application shall be verified and shall contain the name and address of the applicant (if a partnership, the names of all partners, and if a corporation, the names of all officers, directors and stockholders); the location or proposed location of the Vending Machine or Amusement Machine; a description of all other business conducted at such location or the name and address of the Person conducting such other business; a description of the Vending Machine or Amusement Machine to be covered by the license including, but not limited to, the item or items that it dispenses or, in the case of an Amusement Machine, the game, entertainment or amusement it provides, significant mechanical feature, the name of the manufacturer and the serial number.

c. Each application shall be accompanied by an initial license fee of Twenty-Five Dollars ($25.00) for each Vending Machine and Fifty Dollars ($50.00) for each Amusement Machine.

d. A license shall be issued by the Director unless he finds one or more of the following:

1. Intentional misstatements or misleading statements of fact in the application;

2. The granting of the license would conflict with existing City ordinances.

3. Any parties having an interest in the ownership or operation of the Vending Machine or Amusement Machine to be licensed have been convicted of any violation of statute or ordinance involving moral turpitude, or have previously had a business license suspended or revoked; provided,

however, if the Director shall find that the conduct of such parties subsequent to the aforesaid conviction, suspension or revocation, has been such as to indicate fitness to operate a business in the City, and that the granting of such license would not be contrary to the public interest, he may issue the license.

4. Failure to pay the required application fee in a timely manner;

e. Each applicant shall be notified by mail or by hand delivery of the issuance or non-issuance of a license by the Director.

f. The term of the initial license shall be from the date of issuance until December 31 of the year in which the license is issued. A license may be renewed as provided herein.

g. Every Vending Machine or Amusement Machine licensed under this Article shall have affixed upon the front thereof in plain view, the City license issued for such machine, as well as a statement indicating the name and address of the person owning, distributing or exhibiting such machine, or placing such machine at its location.

h. The premise on which any Vending Machine or Amusement Machine is maintained or exhibited shall be open to inspection by the Police Department of the City.

Section 41.999.3. Renewal -- Procedure.

a. The license year will begin on January 1st and end on December 31st. Within thirty (30) days prior to the expiration of the license, the license may apply to the Director for renewal thereof.

b. A renewal application shall be submitted on a form provided by the Director and shall contain the name, address and license number of licensee's Vending Machine or Amusement Machine, and shall disclose all changes from the information furnished to the Director on the original application.

c. An application for renewal shall be accompanied by an annual license fee of Twenty-Five Dollars ($25.00) for each Vending Machine and Fifty Dollars ($50.00) for each Amusement Machine.

d. The Director shall renew a license if he finds that the Vending Machine or Amusement Machine shall have been operated in compliance with all applicable laws and ordinances.

Section 41.999.4. Suspension or Revocation -- Procedure.

a. The Director may suspend for a period of up to ninety (90) days, or revoke, a license heretofore issued if he finds one or more of the following:

1. Intentional misstatements or misleading statements of fact in any application submitted by the licensee;

2. Conduct is permitted on the premises where the Vending Machine or Amusement Machine is located that violates any law or ordinance;

3. Violation of this Article;

4. Failure to pay the annual license fee in a timely manner.

b. In the event the Director revokes the license, the licensee shall have a period of ten (10) days following revocation to request a hearing before the Director. Said hearing shall be held no later than ten (10) days following receipt of notice of such request, and upon written notice duly given the licensee by the Director at least five (5) days prior to the date of such hearing. The decision of the Director and the reasons therefor shall be sent by certified mail or hand delivered to licensee.

Section 41.999.5. Delinquent License.

License fees due hereunder shall become delinquent on January 1st of the license year. Payments made after said due date shall be subject to a penalty of five percent (5%) of the amount due if payment is made during the first month of delinquency, and five percent (5%) of the amount due, plus an additional one percent (1%) of the amount due for each additional month or part thereof that payment is delinquent if payment is made any time following the first month of delinquency, up to a maximum of twenty-five percent (25%).

Section 41.999.6. Impoundment of Machine.

Any Vending Machine or Amusement Machine subject to this Article that is placed within the City without the license issued hereunder affixed upon the front of the machine in plain view shall be subject to impoundment. The Director shall attempt to notify the owner of the violation by letter or by notice placed on the machine. If within five (5) days of the mailing or posting of such notice, the owner of the machine has not displayed the necessary license, the City may seize and impound the machine. The owner shall pay an impoundment fee of Twenty Dollars ($20.00) per machine and a storage fee of Five Dollars ($5.00) per day per machine.

Section 41.999.7. Penalties.

Any person who shall be convicted of a violation of any provision of this Article may be punished by a fine not exceeding Five Hundred Dollars ($500.00), or by serving a sentence of not more than thirty (30) days, or by both such fine and sentence. (Ord. No. 7473, § 1, 12-15-87; Ord. No. 7502, § 1, 9-6-88).