

CHAPTER V. BUSINESS LICENSES AND REGULATIONS

ARTICLE 1A. ADULT EMPLOYEE PERMITS

SECTIONS

5-1A01 ADULT PERMITS

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- (a) No person shall be an entertainer or employee in an adult business or an adult use, as defined in 4-9 of the Leawood Development Ordinance, without a valid permit issued by the City Clerk.
- (b) *Application for Permit.*
 - (1) Any person desiring to secure a permit shall make application to the City Clerk. The application shall be filed in triplicate with and dated by the City Clerk.
 - (2) The application for a permit shall be upon a form provided by the City Clerk. An applicant for a permit shall furnish the following information under oath:
 - (a) Name.
 - (b) Home address and telephone number.
 - (c) Date and place of birth.
 - (d) All aliases, stage names or nicknames.
 - (e) Written proof that the individual is at least 18 years of age.
 - (f) All residential addresses of the applicant for the past three years.
 - (g) The applicant's height, weight, color of eyes and hair.
 - (h) The business, occupation or employment of the applicant for five years immediately preceding the date of the application.
 - (i) The adult use or adult business permit history of the applicant; whether such person, in previously operating in this or any other city or state under permit, has had such permit revoked or suspended, the reason therefor, and the business activity or occupation subject to such action of suspension or revocation.
 - (j) All criminal, city ordinance, or county resolution violation convictions, forfeiture of bonds and pleadings of nolo contendere on all charges, except minor traffic violations.
 - (k) Fingerprints and two portrait photographs at least two inches by two inches of the applicant taken within six months prior to submission of the application.
 - (l) The name and address of each business at which the applicant intends to work.
 - (m) A statement by the applicant that he or she is familiar with the provisions of this Section and is in compliance with them.

- (c) No permit shall be issued until the Police Department has investigated the applicant's qualifications to receive a permit. The permit application shall be forwarded by the City Clerk to the Police Department within one business day after receipt of a complete application. The results of that investigation shall be filed in writing with the City Clerk not later than five days after the date of receipt of the application by the City Clerk. The City Clerk shall maintain the report of the Police Department as a confidential record and shall not disclose it to any person except members of the City Council, the applicant, and such other persons as the City Council may designate. Within five days of receiving the results of the investigation conducted by the Police Department, the City Clerk shall notify the applicant that his or her application is granted or denied. Written notice of the City Clerk's decision shall be hand delivered or mailed to the applicant within 24 hours after the decision has been rendered. The failure of the City Clerk to render such a decision within the time frames set forth above shall be deemed to constitute an approval.
- (d) The City Clerk shall grant, conditionally grant or deny an application for a permit in accordance with the standards set forth in subsection (h) of this section. Any conditions imposed upon the permit shall be in keeping with the objective development standards of subsection (h) of this section.
- (e) If the applicant requests a hearing within 10 days of receipt of notification of denial, a public hearing shall be held before the City Council at which time the applicant may present evidence bearing upon the question.
- (f) Failure or refusal of the applicant to give any information relevant to the investigation of the application or his or her refusal or failure to appear at any reasonable time and place for examination under oath regarding the application or his or her refusal to submit to or cooperate with any investigation required by this Section shall constitute an admission by the applicant that he or she is ineligible for such permit and shall be grounds for denial thereof by the City Clerk.
- (g) The City hereby recognizes the requirement for prompt judicial review of a decision relating to the issuance of an adult employee permit as set forth in *Freedman v. Maryland*, 380 U.S. 51 (1965). In accordance with the requirements, if the adult employee permit is denied and an appeal or other legal challenge to the action is filed with the District Court of Johnson County or a federal District Court, the City Attorney shall submit the record or file any responsive pleading not more than 10 days after the service of process upon the City notwithstanding any provision of the Kansas Code of Civil Procedure or the Rules of the Kansas Supreme Court which may permit a longer period of time for the filing of the administrative record or a responsive pleading.

- (h) *Standards for Issuance of Permit.* To receive a permit as an entertainer or employee, an applicant shall meet the following standards:
- (1) The applicant shall be at least 18 years of age.
 - (2) The applicant shall not have been convicted of or pleaded no contest to a felony or misdemeanor classified by the State as a sex or sex related offense pursuant to Article 35 of Chapter 21 of the Kansas Statutes Annotated.
 - (3) The applicant shall not have been convicted of or pleaded nolo contendere to any violation of this Section.

(Ord. 1731C; 5-18-98)