

Chapter 819 - CABARET

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Sec. 819-1. - Definitions.

For the purpose of this chapter the words and phrases defined in the sections hereunder shall have the meanings therein respectively ascribed to them, unless a different meaning is clearly indicated by the context.

(C.O. 716-1; renumbered to C.M.C. 819-1. eff. Jan. 1. 1972)

Sec. 819-1-C. - Cabaret.

"Cabaret" shall mean a place regularly and habitually operated for profit, where food and beverages are served for consumption on the premises, and where one or more forms of entertainment are provided by others for the patrons thereof after 9 p.m. The operation of a radio or a phonograph on the inside of a building, or the rendition of music only, shall not be considered as a form of entertainment within the meaning of this chapter.

(C.O. 716-1; renumbered to C.M.C. 819-1-C, eff. Jan. 1, 1972)

Sec. 819-3. - Cabarets; License Fees.

It shall be unlawful to operate a cabaret unless such operation is duly licensed.

License fees shall be payable as follows:

- (a) If the floor and ground space devoted to the use of patrons and to the use of performers, excluding space for which a dance hall license is required, contains less than 1,000 square feet, the license fee shall be \$500.00 for one year.
- (b) If the floor and ground space as described in paragraph (a) contains more than 1,000 square feet but less than 2,000 square feet, the license fee shall be \$705.00 for one year.
- (c) If the floor and ground space as described in paragraph (a) contains more than 2,000 square feet but less than 3,000 square feet, the license fee shall be \$1,150.00 for one year.
- (d) If the floor and ground space as described in paragraph (a) contains more than 3,000 square feet, the license fee shall be \$1,500.00 for one year.

It shall be unlawful to operate a cabaret between the hours of 1:30 a.m. and 6:00 a.m. where individuals under the legal age in Ohio for consuming beer and intoxicating liquor are present.

(C.O. 716-2; a. Ord. No. 265-1962, eff. Aug. 4, 1962; a. Ord. No. 90-1969, eff. Apr. 1, 1969; renumbered to C.M.C. 819-3, eff. Jan. 1, 1972; a. Ord. No. 327-1975, eff. Sept. 1, 1975; a. Ord. No. 282-1979, eff. Sept. 1, 1979; a. Ord. No. 289-1988, eff. Aug. 3, 1988; Emer. Ord. 463-2010, § 29, eff. Dec. 30, 2010)

Cross reference— Penalty, § 819-99.

Sec. 819-5. - Requirements for License.

No cabaret license shall be issued without the consent of the city manager or person designated by the city manager. No person shall be licensed to operate a cabaret if he has been convicted within the preceding 10 years of a felony or if he has been convicted within the preceding 5 years of a misdemeanor involving moral turpitude. No license shall be issued to a firm or corporation if any officer of the firm or corporation has been convicted within the preceding 10 years of a felony or if any officer has been convicted within the preceding 5 years of a misdemeanor involving moral turpitude.

No license to operate a cabaret shall be issued without the written approval of the division of building construction inspection and the fire division indicating the building is constructed and maintained in strict accordance with all laws, ordinances and regulations governing the erection, maintenance and conduct of buildings used for such purposes. No application for renewal of an existing license shall be approved if prior to the expiration of the existing license the division of building construction inspection or the fire division notifies the city treasurer in writing that the building is not constructed or maintained in strict accordance with all laws, ordinances and regulations governing the erection, maintenance and conduct of buildings used for such purpose.

(C.O. 716-4; renumbered to C.M.C. 819-5, eff. Jan. 1, 1972; a. Ord. No. 92-1977, eff. Mar. 23, 1977; a. Ord. No. 237-1979, eff. June 6, 1979)

Cross reference— Penalty, § 819-99.

Sec. 819-7. - Neighborhood Protest.

The city manager or a designee shall not give consent to the issuance of a cabaret license for the period of at least 30 days from the date of the receipt of the application therefor. The city manager or a designee shall give notice of the pending license application to all property owners within 300 feet of the cabaret premises and to the community council of the area where the cabaret premises are to be located, at least 30 days prior to the license issuance.

If within such period of 30 days a written protest against the issuance of the license is filed with the city manager by a majority of the owners or occupants of the structures located within 300 feet of any point in the property line of the property on which it is proposed to establish and maintain a cabaret, and if the city manager finds upon investigation that the establishment and maintenance of such cabaret will constitute a disturbance to the peace and quiet of the neighborhood within such 300 feet, or will be injurious or harmful to the morals of children or persons attending any church, school, hospital, sanitarium, public library within such 300 feet, the city manager or designee shall refuse consent to the issuance of the license.

(C.O. 716-5; renumbered to C.M.C. 819-9, eff. Jan. 1, 1972; a. Ord. No. 92-1977, eff. Mar. 23, 1977; a. Ord. No. 93-1991, eff. Apr. 12, 1991)

Sec. 819-9. - Police to Have Access.

The city manager or a designee and city police officers shall at all times have access to any cabaret.

(C.O. 716-7; renumbered to C.M.C. 819-9, eff. Jan. 1, 1972; a. Ord. No. 92-1977. eff. Mar. 23, 1977)

Sec. 819-11. - Revocation of License.

If the city manager or designee finds that the further maintenance of any cabaret is injurious to the public welfare and morals, or is a disturbance to the peace and quiet of a neighborhood within 300 feet of the cabaret property, the city manager shall revoke the license of such cabaret without refunder.

(C.O. 716-10; renumbered to C.M.C. 819-11, eff. Jan. 1, 1972; a. Ord. No. 92-1977, eff. March 23, 1977)

Sec. 819-99. - Penalties.

Whoever violates Sections 819-3 or 819-5 of this chapter, shall be guilty of a minor misdemeanor. If the offender has within one year, been convicted of a previous violation of these sections, then the violation shall be a misdemeanor of the first degree.

(C.M.C. 819-99; ordained by Ord. No. 133-1991, eff. May 10, 1991)