

**THE CITY OF SHARONVILLE POLICE
DEPARTMENT
3639 E. KEMPER RD. SHARONVILLE, OHIO 45241
513-563-1147**

NIGHTCLUB PERMIT ADDENDUM NIGHTCLUB PROMOTER
ANNUAL APPLICATION FEE: \$200.00 (NON-REFUNDABLE)
PER APPLICATION AND FOR EACH PROMOTER
ADDENDUM CHECKS: PAYABLE TO CITY OF SHARONVILLE

Please be advised that a change of managers, promoters, ownership or members of partnership, corporation or officers of the corporation must be reported to the Chief of Police and a new permit may be required.

Promoter's Full Legal Name _____
Last Name First Name Middle Name

Maiden Name (where applicable): _____

Social Security Number: _____ Place of Birth(City and State): _____

Sex: ☐ Male ☐ Female Date of Birth: _____ Height: _____

Weight: _____ Hair Color: _____ Eye Color: _____

Home Address: _____

City: _____ State: _____ Zip Code: _____

Home Telephone: _____ Work Telephone: _____

Current Employer: _____

Address: _____ Telephone: _____

City: _____ State: _____ Zip Code: _____

List three (3) character references, other than relatives:

Name	Address, City, State and Zip	Home Telephone	Work Telephone

CONVICTIONS

Please furnish information on any criminal charges you have received, whether as a juvenile or adult, other than traffic offenses. Please list the date and jurisdictions in which the charge occurred. (If more space is needed, attach a separate sheet):

<u>Date</u>	<u>Criminal Charge</u>	<u>Jurisdiction</u>	<u>Convicted</u>
_____			☐ No ☐ Yes
_____			☐ No ☐ Yes
_____			☐ No ☐ Yes

I hereby certify that there are no willful misrepresentations in or falsifications of the above statements and answers to questions. I am aware that should the investigation disclose such omissions or misrepresentations and falsifications, my application will be rejected.

Signature of Applicant_____

Date: _____

CITY OF SHARONVILLE, OH
Police Department
3639 East Kemper Rd. Sharonville, OH 45241
Phone: (513) 563-1147 – Fax: (513) 563-7321

JAMES NESBIT
Chief of Police

AUTHORIZATION FOR RELEASE OF PERSONAL INFORMATION

I, _____, authorize a review of and full disclosure of all records, or any part thereof, concerning myself, by a duly authorized agent of the City of Sharonville Police Department whether the said records are of public, private or confidential nature.

The intent of this authorization is to provide full and free access to the background and history of my personallife, for the specific purpose of pursuing a background investigation, which may provide pertinent data for the City of Sharonville Police Department to consider in determining my suitability for this permit or license. It is my specific intent to provide access to personal information, however personal or confidential it may appear to be.

I understand that any information obtained by a personal history background investigation, which is developed directly or indirectly, in whole or in part, upon this release authorization will be considered in determining my suitability for this permit or license.

I agree to indemnify and hold harmless the person to whom this request is presented and his/her agents and employees, from and against all claims, damages, losses and expenses, including reasonable attorney fees arising out of or by reason of complying with this request.

I further understand that in the event my application is disapproved, the sources of confidential information cannot be revealed to me. A photocopy of this release form will be valid as an original hereof, even though the said photocopy does not contain an original writing of my signature.

Date

Signature (sign before a notary public)

SWORN to and subscribed before me this

_____ day of _____, year of _____

Notary Public for _____

My Commisison Expires: _____

Notary (legal signature) _____

Notary (printed name) _____

CITY OF SHARONVILLE, OH
Police Department
3639 East Kemper Rd. Sharonville, OH 45241
Phone: (513) 563-1147 – Fax: (513) 563-7321

CRIMINAL RECORD/BACKGROUND INFORMATION REQUEST

DATE _____

Print all the requested information CLEARLY. If an item of information is not applicable, print "N/A" in the item space.

Last Name		First Name			Full Middle Name		
		Month	Day	Year			
Alias and/or Nickname		Date of Birth			Social Security Number		
Place of Birth (City/Town)		State of Birth			Country of Birth		
Current Driver's License Number		State of Issue			Sex		Age
					Feet	Inches	
Previous Driver's License Number		State of Issue			Height		Weight
Hair Color		Eye Color					
Current Home Address		City			State/Country Zip Code		
Previous Home Address		City			State/Country Zip Code		
Home Phone Number		Business Phone Number			Cell Phone Number		
Email Address							
Facebook Account		Twitter Account		Instagram Account		Other Social Media	

CHAPTER 731

Nightclubs and Nightclub Promoters

- 731.01 Definitions.
- 731.02 Nightclub permit required.
- 731.03 Requirements for the operation of an adult nightclub.
- 731.04 Requirements for the operation of a teen nightclub.
- 731.05 Multi-use facilities.
- 731.06 Special obligations and requirements.
- 731.07 Application for permit and fee.
- 731.08 Nightclub promoter permit required.
- 731.09 Action on application(s).
- 731.10 Inspections and investigations.
- 731.11 Display of permit.
- 731.12 Emergency temporary suspension by the Police or Fire Department.
- 731.13 Revocation of permit.
- 731.14 Records.
- 731.15 Deposits and use of fees.
- 731.16 Appeals.
- 731.17 Severability clause.
- 731.18 Remedies available to Law Director.
- 731.99 Penalty.

731.01 DEFINITIONS.

(a) "Nightclub" means a place operated for profit, where food is served for consumption on the premises and one or more forms of amusement are provided or permitted for a consideration that may be in the form of a cover charge or may be included in the price of the food and beverages, or both, purchased by patrons. City-owned facilities and City-sponsored events are excluded from this definition.

(b) "Club premises" means any place where a nightclub is operated or maintained, including all hallways, bathrooms, parking areas and other adjacent portions of the premises which are accessible to the public during operating hours.

(c) "Adult Nightclub" means any nightclub which restricts its admissions to persons twenty-one years of age and over.

(d) "Teen Nightclub" means any nightclub which restricts its admissions to persons under twenty-one years of age.

(e) "Nightclub promoter" means any individual, partnership, corporation, or other entity or agent promoting any venue, performing artists, DJ, advertising services, or similar activities by contracting with a nightclub not owned and/or operated by the promoter. Notwithstanding the exclusion for city-owned facilities and city-sponsored events under the "nightclub" definition, those exclusions do not exist for this definition. All nightclub promoters will need to seek a permit per this Chapter.

(f) "Public Safety Incident" means any event or act that results in the police, fire, or emergency services department response that involves a threat to the health, safety, or welfare of any person or property.

(g) "Proof of insurance" shall mean:

(1) Workers Compensation Insurance as required by Ohio Law.

(2) General Liability Insurance in the amount of \$2 million per occurrence with an annual aggregate amount of at least \$4 million.

(3) If there are any owned and non-owned or hired autos used in connection to the business then the nightclub will have Auto Liability Insurance including in the amount of at least \$1 million combined single limit.

(4) Umbrella or Excess Liability Insurance in the amount of at least \$1 million.

(5) The nightclub should name The City of Sharonville (and any other entities related to the city that might be privy to the relationship) as additional insured on their policy and provide a Certificate of Insurance with The City named as the certificate holder.

(Ord. 2020-56-E. Passed 12-15-20.)

731.02 NIGHTCLUB PERMIT REQUIRED.

It is unlawful for any person to own, lease, operate, manage or maintain a nightclub in the City without first obtaining a nightclub permit from the City as set forth in this Chapter. A permit is required for any existing or future establishment. An existing nightclub may continue operations for two months following the adoption of this chapter as long as a proper permit application has been filed within thirty (30) days of the effective date of this chapter. Any nightclub which has not applied for a permit within the required time, or which does not ultimately qualify for a permit, shall cease operations immediately upon the

expiration of the two (2) month period, or upon denial of a permit application, whichever comes earlier.

(Ord. 2020-56-E. Passed 12-15-20.)

731.03 REQUIREMENTS FOR THE OPERATION OF AN ADULT NIGHTCLUB.

(a) Only persons over the age of twenty-one (21) years shall be permitted to enter or remain on the premises of an adult nightclub, except for entertainers and employees/contractors hired by the owner to work in the club.

(b) The club may operate any day of the week and shall close no later than 2:30 a.m.

(c) Proof of insurance that has coverage equal to or exceeding the requirements listed under section 731.01(g).

(d) Any other requirements as provided in this Chapter.

(Ord. 2020-56-E. Passed 12-15-20.)

731.04 REQUIREMENTS FOR THE OPERATION OF A TEEN NIGHTCLUB.

Teen nightclubs shall be operated only as follows:

(a) The club may operate on any day of the week;

(b) On Friday and Saturday nights, it shall close no later than 12:00 midnight;

(c) On weekdays it shall close no later than 10:30 p.m.

(d) Proof of insurance that has coverage equal to or exceeding the requirements listed under section 731.01(g).

(e) Any other requirements as provided in this Chapter.

(Ord. 2020-56-E. Passed 12-15-20.)

731.05 MULTI-USE FACILITIES.

(a) No teen nightclub shall be located on premises used at any time during the week or weekend as an adult nightclub or as a facility to serve alcoholic beverages. If otherwise permitted to be located in the same premises as an adult nightclub, no teen nightclub shall be operated within twelve (12) hours of the operation of an adult nightclub on the same premises, nor shall an adult nightclub be operated within twelve (12) hours of the operation of a teen nightclub on the same premises.

(b) Subject to the provisions of subparagraph (a) above, a teen nightclub may only be located on the same premises with another permitted business if:

(1) All businesses on the premises comply with the provisions of this chapter relating to teen nightclubs; or

(2) The teen nightclub is physically segregated from the space used by the other businesses and has a separate entrance into the building which is exclusively for the use of its patrons.

(Ord. 2020-56-E. Passed 12-15-20.)

731.06 SPECIAL OBLIGATIONS AND REQUIREMENTS.

(a) A Security Plan shall be required upon the commencement, assumption, or continuation of any nightclub under this Chapter. Security plans shall be furnished to, on forms provided and developed by, the Chief of Police addressing the following information:

(1) Plan of operation, including a crowd management plan, hours of operation and a listing of peak hours;

(2) Site/Building information;

(3) Copy of the floor plan, including the location of all security cameras, and City-Approved occupancy limit;

(4) Safety Conditions;

(5) Patron parking, ingress and egress, vehicular and pedestrian traffic control, if applicable;

(6) Listing of Management Personnel, along with contact information;

(7) Staffing including the number of security and operations personnel;

(8) Contact person and information designating who can receive complaints from the public and/or the City;

(9) Evacuation routes; and

(10) Any additional criteria required by the Chief of Police, addressing other aspects within this Chapter.

(b) It shall be the obligation of the owner/operator to employ an adequate number of qualified security personnel who will be present on club premises during all operating hours to maintain peace and order and to ensure compliance with all applicable laws of the State and of the City. No security plan shall be approved that does not contain all of the following requirements:

(1) Crowd control staffing of at least one (1) security personnel per fifty (50) patrons for the interior of the building, at the door, and to monitor the line to enter the nightclub.

(2) No less than two (2) security personnel shall be on duty patrolling the parking area whenever the nightclub is open.

(3) A nightclub with two (2) or more public safety incidents within a one (1) week period or three (3) or more public safety incidents within a one (1) month period may be required to retain the services of additional security personnel as determined by the Chief of Police or his designee to supplement existing security personnel for a period of three (3) months or until at least three (3) consecutive months have lapsed without two (2) or more public safety incidents, whichever period is longer.

(4) A nightclub with one (1) or more public safety incidents involving the use or threatened use of a deadly weapon or deadly instrument or a death or catastrophic bodily injury may be required to retain the services of additional security personnel as determined by the Chief of Police to supplement existing security personnel for a period of three (3) months or until at least three (3) consecutive months have lapsed without any public safety incidents involving the use or threatened use of a deadly weapon or deadly instrument, whichever period is longer.

(5) For incidents involving the use or threatened use of a deadly weapon or instrument or a death or catastrophic bodily injury, or any incident where a City employee is assaulted, the Chief of Police may require additional security measures including interior and exterior camera systems, metal detection systems or other physical changes which reduce the danger of future acts of violence.

(6) That all security personnel wear an appropriately styled shirt or jacket with the word "Security" on both the front and back in three (3) inch lettering that is clearly visible. The Chief of Police may waive this requirement upon good cause, if the business is able to demonstrate to the Chief of Police's satisfaction that this requirement can be met through alternative means such as the wearing of metal security badges, pins or embroidered patches.

(7) A plan for maintaining order at the nightclub and its premises that shall ensure that patrons do not carry concealed weapons, including but not limited to guns and knives.

(8) A list of equipment to be used for facility security purposes. It is recommended that functioning and properly maintained surveillance cameras be utilized and mounted, at a minimum, to show patrons entering and exiting club premises and to show patrons entering and exiting restrooms. When possible, nightclubs should ensure cameras provide coverage for all blind spots, entrances, exits, service areas, hallways, stairwells, dance floors, and where necessary, outward toward parking lots. Nightclubs shall maintain recordings for at least thirty (30) days and shall provide recordings to the Sharonville Police Department upon request, within forty-eight (48) hours. Digital video of any unlawful conduct should be identified and provided to the Sharonville Police Department upon request, within forty-eight (48) hours.

(9) All nightclubs shall maintain a list of all employees and independent contractors (such as DJs, promoters, and other entertainers) who are present on any individual night. Also maintained shall be contact information for these employees to aid in contacting them as part of a postincident police investigation. Nightclubs shall also maintain contact information for a representative of any private group who has a function or event at the establishment.

(c) It shall be the obligation of the owner/operator to ensure that no controlled substances are offered for sale or consumed on the club premises.

(d) It shall be the obligation of the owner/operator to remove from the club premises any person who is, or appears to be, under the influence of, or affected by the use of, alcohol or drugs, or whose conduct poses a physical danger to the safety of others present.

(e) It shall be the obligation of the owner/operator to provide proper and adequate illumination of all portions of the club premises which are available for public use. A lighting plan, if not previously approved by the City, shall be submitted to the Community Development Department as part of the nightclub permit application.

(f) It shall be the obligation of the owner/operator to prevent loitering and the creation of public nuisances or disturbances of the peace by any patrons of the nightclub on club premises or in the immediate vicinity. "Loitering" shall not include walking between the club building and a patron's vehicle, nor shall it include the act of waiting in line to gain admission to the club. Within thirty (30) minutes of closing time, security personnel shall be responsible for clearing the patrons of the nightclub from the sidewalk and street areas in front of the premises and from other areas accessible to persons around the perimeter and within one hundred and fifty (150) feet of the premises.

(g) It shall be the obligation of the owner/operator to clean up all litter resulting from club operations. The cleanup shall occur within two (2) hours after the end of each day's operation.

(h) The owner/operator shall keep an accurate count of all patrons entering the club premises to prevent exceeding building/fire code occupancy.

(i) Nightclubs shall maintain onsite a current copy of the security plan and proof that all security personnel have reviewed and understood the security plan. These records shall be made available for inspection and review upon the request of the City's public safety personnel.

(j) Nightclubs shall provide a list of all special events and types of entertainment which will significantly increase the influx of patrons and vehicles, to the Chief of Police, or designee, at least forty-eight (48) hours prior to the special event.

(k) Nightclubs and/or Nightclub Promoters shall meet as necessary with City personnel upon request to discuss public safety, citizen concerns, operational issues, and solutions to problems. (Ord. 2020-56-E. Passed 12-15-20.

731.07 APPLICATION FOR PERMIT AND FEE.

A nightclub shall not be operated in the City unless the owner/operator has secured a permit to operate as set forth in this section.

(a) An applicant for a nightclub permit shall provide the following:

- (1) The address where the nightclub is operated or is to be operated;
- (2) Proof of insurance that has coverage equal to or exceeding the requirements listed under section 731.01(g).
- (3) The status of the applicant as an individual, partnership or limited partnership, domestic or foreign corporation, or other entity;
- (4) The full name, residence address, date of birth and social security number of the applicant or the person applying on behalf of a partnership, corporation, or other entity;
- (5) The full name, residence address, date of birth, and social security number of the applicant or any employees applying on behalf of the nightclub;
- (6) If the applicant is a partnership or limited partnership, the name of the partnership; the status of the partnership as a general or limited partnership; the state or other jurisdiction under which it is organized; the address of its principal office in Ohio; its federal identification number; the name and address, date of birth, and social security number of each partner; and the status of each partner as a general or limited partner;
- (7) If the applicant is a corporation, the name of the corporation; the state or other jurisdiction under which it is organized; the address of its principal office; the address of its principal office in Ohio; its federal identification number; the name and address of its statutory agent in Ohio; and the full name, residence address, date of birth, and social security number of each shareholder holding more than two percent (2%) of the applicant's stock. If any shareholder is a corporation or a general or limited partnership, the same information shall be included for such shareholder as is required for an applicant that is a corporation or general or limited partnership.
- (8) Authorization for an investigation into the background, including any criminal record of the applicant and any person or entity named in the application, including authorization to conduct subsequent investigations to supplement or update the information;
- (9) The applicant's agreement to abide by these regulations and the laws of Ohio, and any amendments, additions or reenactments thereof;
- (10) A written security plan as described above for both inside and outside the premises;
- (11) A statement electing whether the nightclub will be operated either exclusively as a teen nightclub or exclusively as an adult nightclub, and a statement of the proposed schedule of operating hours and days.

(b) A nonrefundable filing fee shall be paid at the time of filing the application in the amount of two hundred dollars (\$200.00). The permit issued shall allow its holder to operate the nightclub under the terms and provisions of this chapter for a period of one year beginning on the first day of July of the year of issuance, unless previously revoked with cause by the Safety Service Director. Permit fees shall not be prorated for partial years.

(Ord. 2020-56-E. Passed 12-15-20.)

731.08 NIGHTCLUB PROMOTER PERMIT REQUIRED.

(a) An applicant for a nightclub promoter permit shall provide the following:

- (1) The business name, parcel identification number, mailing address and phone number where the nightclub or event is operated or is to be operated;
- (2) Proof of insurance that has coverage equal to or exceeding the requirements listed under section 731.01(g).
- (3) The status of the applicant as an individual, partnership or limited partnership, domestic or foreign corporation, or other entity;
- (4) Written proof of identity, in the form of a driver's license or a copy of a birth certificate accompanied by a picture identification document issued by a governmental agency;
- (5) The applicant's full true name and any other names used by the applicant in the preceding seven years. If the applicant is a partnership, corporation, limited liability company, or other legal entity, then all persons with an influential interest in the entity shall be deemed an applicant and shall provide the information required by this chapter. Each applicant must sign the application, and each applicant shall be considered a permittee if a permit is granted;
- (6) Authorization for an investigation into the background, including any criminal record of the applicant and any person or entity named in the application, including authorization to conduct subsequent investigations to supplement or update the information;
- (7) The applicant's agreement to abide by these regulations, the codes and ordinances of the City of Sharonville, the laws of Ohio, and any amendments, additions, or reenactments thereof;
- (8) A written statement that the nightclub's security plan, approved by the chief or police or his designee setting forth measures to ensure adequate traffic control, crowd protection and security, both inside and outside the premises will be followed.
- (9) A statement of the proposed event schedule of operating hours and days; and

(10) A nonrefundable filing fee shall be paid at the time of filing the application in the amount of two hundred dollars (\$200.00). The permit issued shall allow nightclub promoter to work at the nightclub under the terms and provisions of this chapter for a period of one year beginning on the first day of July of the year of issuance, unless previously revoked with cause by the Safety Service Director. Permit fees shall not be prorated for partial years.

(b) Nightclubs shall not allow any nightclub promoter to use, lease or rent the nightclub premises (including any outdoor and/or parking areas) without verifying that the promoter has a valid nightclub promoter permit.

(Ord. 2020-56-E. Passed 12-15-20.)

731.09 ACTION ON APPLICATION(S).

(a) The Safety Service Director or his/her designee shall act on the nightclub or nightclub promoter application within thirty (30) days after the applicant has complied with the provisions of this Chapter.

(b) This application will be denied if:

(1) The application is incomplete, contains any false information or fails to comply with these regulations;

(2) The operation of a nightclub at the specified premises would violate existing zoning restrictions;

(3) The report of the building, health and safety inspections conducted pursuant to this Chapter reveals any illegal, unsanitary, unsafe or hazardous condition on the premises subject to the permit or renewal permit or any violation of applicable health and safety codes;

(4) The applicant has failed to cooperate with any required building, health or safety inspection or background investigation, as applicable;

(5) The applicant or any person named in the application for a permit is under age eighteen;

(6) The applicant or any person named in the application within the past five (5) years has been convicted of or pleaded guilty to a felony, or any criminal offense involving drugs or violence set forth in the Ohio Revised Code or substantially equivalent offense under a municipal ordinance in Ohio, or under the laws of another state or territory or of the United States, or under a municipal ordinance in any such jurisdiction;

(7) Any person employed at the nightclub has been convicted of or pleaded guilty to a violation listed in this Chapter.

(8) The Ohio Liquor Control Commission has revoked a permit held by any one of the persons named on the nightclub application;

(9) The applicant has violated these regulations, or aided and abetted any violation of these regulations;

(10) Excluding existing nightclubs as of the effective date of this Chapter, the location of the nightclub is within one thousand (1,000) feet from the boundaries of a parcel of real estate having situated on it a school, church, library, public park, tavern, bar, adult cabaret, or another nightclub;

(11) The required minimum distance between any two (2) nightclubs or to any bar or tavern shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall of each such business. The distance between any nightclub and any school, public park, church, library, residential district, or residential use shall be measured in a straight line, without regard to intervening structures, from the closest property line of the school, public park, church, library or residential district.

(12) Excluding existing nightclubs as of the effective date of this Chapter, the location of the nightclub is within one thousand (1,000) feet from the boundaries of any residential district;

(13) The building, structure, or portion thereof already contains a bar or tavern and the premises will be used as a teen nightclub.

(c) If the application is denied, the Safety Service Director or his/her designee shall promptly notify the applicant in writing of the order denying the application. If approved, the Safety Service Director or his/her designee shall promptly issue to the applicant a permit.

(d) A permit to operate a nightclub or be a nightclub promoter shall contain the address of the permit premises, the name and address of the permit holder, and the date of issuance and date of expiration of the permit.

(Ord. 2020-56-E. Passed 12-15-20.)

731.10 INSPECTIONS AND INVESTIGATIONS.

(a) The City may order a building, health and safety inspection at any time there is reasonable cause to believe that an unsanitary, unsafe, or hazardous condition exists on the premises. The Safety Service Director or his/her designee shall notify the appropriate authorities or agencies to make such inspections at the designated times. Written reports of inspections shall be filed with the Safety Service Director or his/her designee.

(b) City personnel or agents including police officers may while the nightclub is open for business inspect the permit premises to ensure continued compliance with the laws of Ohio and these regulations.

(c) At any time there is reasonable cause to do so, the City may order a background investigation, including the criminal record, if any, of the owner/operator, person named in the application for a permit or employee of an owner/operator. Written report of the investigation shall be filed with the Safety Service Director or his/her designee.

(Ord. 2020-56-E. Passed 12-15-20.)

731.11 DISPLAY OF PERMIT.

The permit to operate a nightclub shall be prominently displayed in an area of the establishment open to the public.

(Ord. 2020-56-E. Passed 12-15-20.)

731.12 EMERGENCY TEMPORARY SUSPENSION BY THE POLICE OR FIRE DEPARTMENT.

The Chief of Police or the Fire Chief or their designee shall have the full and absolute right to temporarily suspend a nightclub permit if it is determined that the activities at the specified premises are detrimental to the public health, safety and welfare.

(a) The facility shall be vacated and closed effective immediately upon verbal notification to the permittee, and/or a manager, agent, representative, or employee of a permittee, by the Chief of Police or Fire Chief or their designee.

(b) The nightclub may reopen thereafter, provided that the situation giving rise to the emergency temporary suspension of the permit has been addressed effectively as determined by the Police and Fire Department.

(c) The Police and Fire Department shall, within seventy-two (72) hours, submit a document outlining the basis for the decision to suspend the permit(s) to the Safety Service Director and City Council. Upon written request from the nightclub, City Council shall schedule a public hearing to be held within thirty (30) days of the appeal request. At the conclusion of the hearing, City Council may:

- (1) Continue the permit;
- (2) Temporarily suspend the permit; or
- (3) Permanently revoke the permit.

(Ord. 2020-56-E. Passed 12-15-20.)

731.13 REVOCATION OF PERMIT.

(a) The City may at any time revoke a permit issued pursuant to these regulations on any of the same grounds listed in this Chapter for denial of the permit. The Safety Service Director or his/her designee shall promptly notify the owner/operator in writing of the order of revocation.

(b) When a permit is revoked, the revocation shall continue for one year.

(Ord. 2020-56-E. Passed 12-15-20.)

731.14 RECORDS.

The Safety Service Director or his/her designee shall keep a complete record of all documents and proceedings under these regulations, including, without limitation, applications, reports, copies of permits issued, notices, correspondence, meeting proceedings, resolutions and orders, and petitions. All documents shall be endorsed by the Safety Service Director or his/her designee with the date of filing. (Ord. 2020-56-E. Passed 12-15-20.)

731.15 DEPOSITS AND USE OF FEES.

Fees collected by the City for permits under these regulations shall be deposited in the City General Fund. (Ord. 2020-56-E. Passed 12-15-20.)

731.16 APPEALS.

The owner(s) or permit holder(s) adversely affected by an order denying, suspending or revoking a permit to operate a nightclub may appeal the order to the City Council for a public hearing to be held within thirty (30) days of the appeal request. (Ord. 2020-56-E. Passed 12-15-20.)

731.17 SEVERABILITY CLAUSE.

If any provision, clause, condition, and/or portion thereof is determined by a Court of competent jurisdiction to be unconstitutional, invalid, and/or unenforceable, for any reason, the same shall not affect in any manner the validity, enforcement, and/or constitutionality of any other clause, condition, or portion hereof and the same shall remain in full force and effect. (Ord. 2020-56-E. Passed 12-15-20.)

731.18 REMEDIES AVAILABLE TO LAW DIRECTOR.

The Law Director, or his/her designee, may institute appropriate legal action, either civil or criminal, as authorized herein, or as may be otherwise available and appropriate either at law or in equity, which may, in the judgment of the Law Director, or his/her designee, be necessary for the enforcement of any order or orders issued pursuant to this chapter. Any such suits or proceedings are to be brought in the name of the City.

(Ord. 2020-56-E. Passed 12-15-20.)

731.99 PENALTY.

(a) Whoever engages in, conducts or carries on, or permits to be engaged in, conducted or carried on in the City of Sharonville, the operation of a nightclub without first having obtained a permit from the City is guilty of a misdemeanor of the first degree. Whoever engages in, conducts, or carries on as a nightclub promoter without having obtained a permit from the City is guilty of a misdemeanor of the first degree.

(b) Whoever violates any of the following is guilty of a misdemeanor of the third degree: If the owner or operator of a nightclub located in the City knowingly:

(1) Refuses to allow appropriate state or local authorities, including police, officers, access to the nightclub for any building, health or safety inspection, or any other inspection conducted to ensure compliance with the regulations adopted by the City under this chapter;

(2) Operates during the hours designated as prohibited hours of operation;

(3) Establishes or operates a nightclub within one thousand feet from the boundaries of a parcel of real estate having situated on it a school, church, library, public park, tavern, bar, an adult cabaret or another nightclub or within one thousand feet from the boundaries of any residential district;

(4) Violates age restrictions described in this Chapter.

(c) Whoever violates any other provision of this chapter for which a provided penalty is not otherwise given, shall be guilty of a misdemeanor of the fourth degree.

(d) Whoever violates the above subsections (b) or (c) and has previously been convicted of any violation of Code Chapter 731 of the Sharonville Municipal Code shall be guilty of the next higher degree of misdemeanor.

(Ord. 2020-56-E. Passed 12-15-20.)