

ORDINANCE # 1616

AN ORDINANCE REGULATING "EXOTIC DANCING" WITHIN THE CITY LIMITS OF THE CITY OF PRICHARD AND WITHIN ITS POLICE JURISDICTION.

BE IT ORDAINED by the City Council of the City of Prichard, Alabama, as follows:

SECTION 1. For the purposes of this Ordinance, the term "exotic dance" shall have the following meaning: Any dancing, act, or show, done by males or females, for the entertainment of one or more persons, and having sexual connotations.

SECTION 2. For the purposes of this Ordinance, the term "indecent exposure" shall have the following meaning: To expose or exhibit sexual organs or private parts, in a vulgar and indecent manner.

SECTION 3. For the purposes of this Ordinance, the term "indecent dress" shall have the following meaning: The state of nudity or lewd dress.

SECTION 4. It shall be unlawful for any person to perform an exotic dance involving indecent exposure or indecent dress.

SECTION 5. It shall be unlawful for any person to perform an exotic dance without first having procured a permit from the Police Department of the City of Prichard. As a prerequisite to the issuance of the permit, the person desiring the permit shall be fingerprinted and photographed.

SECTION 6. It shall be unlawful for any person having an on premises liquor license to allow or procure exotic dance on said premises by any person not having the permit required by Section 5.

SECTION 7. It is hereby declared to be the intention of the City Council of the City of Prichard that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of same shall be declared unconstitutional or otherwise invaled by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

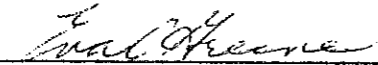
SECTION 8. Any person found guilty of violating any provision of this article shall be punished by a fine of not more than \$500.00 and/or imprisonment at hard labor in the jail of the City of Prichard for a term not to exceed (6) six months.

Adopted this 3rd day of January, 1985.

APPROVED


Mayor Pro-Tem

ATTEST


Eva C. Greene, City Clerk/Treasurer

PUBLISH: PRESS

June 11, 1985

ORDINANCE NO.: 2030

AN ORDINANCE TO REGULATE CHARITABLE SOLICITATION
ON PUBLIC WAYS IN THE CITY OF PRICHARD, ALABAMA

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE
CITY OF PRICHARD, ALABAMA, as follows:

Section 1. Definitions. The following words and phrases shall have the meaning . . . ascribed . . .

(a) *Charitable purpose* - shall mean philanthropic, religious or other nonprofit objectives, including the benefit of poor, needy, sick, refugee or handicapped persons; the benefit of any church or religious society, sect, group or order; the benefit of a patriotic or veterans' association or organization; the benefit of any fraternal, social or civic organization, or the benefit of any educational institution. The term "charitable purposes" shall not be construed to include the direct benefit to the individual making the solicitation.

(b) *Person* - shall mean any individual, firm, co-partnership, corporation, company, association or joint stock association, church, religious sect, religious denomination, society, organization or league, and includes any trustee, receiver, assignee, agent or other similar representative thereof.

(c) *Public way* - shall mean all areas legally opened to public use such as public streets, sidewalks, roadways, highways, parkways, alleys, parks, as well as the interior and areas surrounding public buildings.

(d) *Solicit funds or solicitation of funds* - shall mean a request for the donation of money, property or anything of value or the pledge of a future donation of money, property or anything of value or the selling or offering for sale of any property, real or personal, tangible or intangible, whether of value or not, including, but not limited to, flowers, goods, books, pamphlets, tickets, publications or subscriptions to publications or brochures upon the representation, express or implied, that the proceeds of such sale will be used for a charitable purpose as such term is herein defined. Expressly excluded from the meaning of solicit funds or solicitation of funds is any offer of membership in any organization. A solicitation of funds is complete when the solicitation is communicated to any individual then located within the corporate limits or police jurisdiction of the city.

Section 2. Permit required. It shall be unlawful for any person, directly or through an agent or employee to solicit funds for charitable purposes within the corporate limits or police jurisdiction of the city on a public way within the City of Prichard and its police jurisdiction without first obtaining a permit from the city's revenue department. This permit is in addition to

any other permit required by the City of Prichard. Application for a Permit hereunder must be made at least fifteen (15) days prior to the first date applicant desires to begin solicitation.

(a) Application For Permit. An application for a charitable solicitation on public ways permit shall contain all information relevant and necessary to determine whether a particular permit may be issued, including but not limited to:

- (1) The specific location(s) in which the person intends to solicit contributions;
- (2) The full name, home address, and telephone number of the person or persons who will be soliciting;
- (3) A brief description of the charitable purpose for which the funds are to be solicited; and
- (4) A statement as to whether or not the applicant has been convicted of any criminal offense, either misdemeanor or felony, other than minor traffic violations, and as to any such offense, the dates and places of conviction, the nature of the offense and the punishment or penalty imposed must be provided.

(b) Notification of Issuance of Permit. Not later than ten (10) days after the filing of a completed application, the applicant shall be notified in writing by the city's revenue department of the decision on the issuance or denial of the permit. If the applicant complies with all application requirements then the applicant shall be issued a permit. Any applicant denied a permit may seek an appeal pursuant to section 55-88. A permit is valid for a period of one (1) week from the date of issue or the date such permit is to go in effect whichever is later.

(c) Cost of Permit. Each applicant granted a permit under this article shall pay a nonrefundable permit fee of twenty-five dollars (\$25.00) per location; such fee to cover the cost of administering this article.

(d) Carrying permits. The permit issued to an applicant shall be carried with the applicant at all times when he or she is engaged in a charitable solicitation on a public way.

Section 3. Insurance or bond. No permit shall be issued to an applicant unless the applicant furnishes proof to the city of a public liability bond or insurance policy issued by an insurance company licensed to do business in the State of Alabama, protecting the applicant and organization and further indemnifying the city from all claims for damages to property and bodily injury, including death, which may arise from operations under or in connection with the permit. Such insurance shall be in at least the amounts of one hundred thousand dollars (\$100,000.00) per person and three hundred thousand dollars (\$300,000.00) for each occurrence.

Section 4. Restrictions. No person soliciting charitable contributions on a public way shall:

- (a) Solicit on any street or sidewalk except as provided in this article;
- (b) Solicit in such a way as would restrict or interfere with the ingress or egress of the abutting property owner or tenant; become a public nuisance; increase traffic congestion; delay or constitute a hazard to traffic, life or property; obstruct access to fire, police or sanitation vehicles;
- (c) Wave, flag or motion to vehicles on street;
- (d) Allow no more than eight (8) individuals per location to solicit at any one time.
- (e) Leave any location without first picking up, removing, and disposing of all trash, materials or refuse remaining from operations made by him or the conduct of his operation;
- (6) Solicit without the insurance coverage required in this Ordinance.

Section 5. Suspension or revocation of permit.

- (a) Any permit issued under this article may be suspended or revoked for any of the following reasons:
 - (1) Fraud or misrepresentation in the application for the permit;
 - (2) Fraud or misrepresentation in the course of soliciting for charitable contribution;
 - (3) Soliciting contrary to the conditions of the permit;
 - (4) Soliciting charitable contributions in such a manner as to create a public nuisance or constitute a danger to the public health, safety or welfare;
 - (5) Conviction of any crime involving moral turpitude while holding permit from the City of Prichard.
- (b) Upon suspension or revocation, the revenue department shall deliver written notice to the permit holder stating the action taken and the reason supporting such action. The written notice shall be mailed to the address listed on the application.

Section 6. Appeals. Persons who are denied licenses or whose permits have been suspended or revoked may appeal by filing a written notice of appeal with the city council within five (5) days of their receipt of the written denial

Section 7. Designation of locations. The Prichard Police Department will supply to the revenue department a list of intersections that are available for solicitations. Such list of designated intersections may be added or deleted as circumstances may warrant.

Section 8. Renewals. Permits will be issued on a first come, first serve basis, however, no individual and/or organization may receive a permit to solicit at any one particular location in excess of one (1) time per month per location. If a person or organization desires to solicit at one particular location on two (2) or more consecutive weeks in the same month or more than once per month at a particular location, such applicant may file a written request for an exemption with the city council.

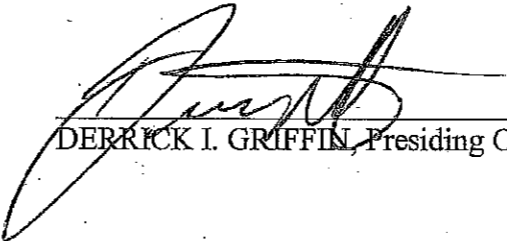
Section 9. Penalties. Any person who violates any provision of this article shall, upon conviction, be punished by a fine not to exceed five hundred dollars (\$500.00) or imprisonment for a period not exceeding six (6) months, or both.

Section 10. Repealer. All ordinance, resolutions and parts of ordinance and resolutions in conflict herewith are hereby repealed.

Section 11. Severability. It is hereby declared to be the intention of the City Council of the City of Prichard, Alabama, that the sections, paragraphs, sentences, clauses and phrases of this ordinance hereby adopted are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance hereby adopted shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance hereby adopted, since the same would have been enacted by the City Council without the incorporation of any such invalid or unconstitutional phrase, clause, sentence, paragraph or section.

Section 12. Effective. This ordinance shall become effective immediately upon its adoption and publication as required by law.

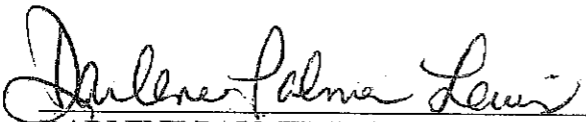
ADOPTED this the 25th day of SEPTEMBER, 2014/


DERRICK I. GRIFFIN, Presiding Officer

APPROVED this the 25th day of SEPTEMBER, 2014.


TROY L. ERHNAME, Mayor

ATTEST:


DARLENE PALMER LEWIS, City Clerk

pay a license at the rate prescribed herein measured by gross receipts from said business during the next preceding year. (Same as agency)

\$150.00 plus .002807 of gross receipts ✓

445118. **CONFECTIONERS:**

\$150.00 plus .001790 of gross receipts ✓

238402. **CONCRETE CONTRACTOR:** Mixed or not, individuals pouring concrete.

\$300.00 plus .001790 of gross receipts. No Bond required. ✓

446120. **COSMETICS:**

\$150.00 plus .002045 of gross receipts ✓

522122. **CREDIT ASSOCIATION:** Local, engaged in supplying information or collecting accounts for their own members only. Same as agency.

\$150.00 plus .002807 of gross receipts ✓

Planning Board

624128. **CUSTODIAL (GROUP) HOME:** must be approved by the City Council, Inspection Department and Fire Department. Applicant must have all State, County and Health Department or other agency permits approved prior to beginning operation. Any person providing care, for compensation, to more than one dependent persons (any person who by reason of physical incapacity, mental defect, behavioral disorder or custodial, judicial order) other than his or her own children in his or her own home, providing 24 hour a day, seven day a week care. Applicant further agrees to abide by such reasonable regulations as the City Council may from time to time impose. Applicant further understands that the facility shall be subject to inspection at any time during usual business hours by appropriate agencies of the City, County, and State.

\$250.00: Facility for two to six persons;

\$350.00: Facility for seven to ten persons;

\$450.00: for eleven to fifteen persons,

For all additional persons \$50.00 each per year. ✓

333124. **DAIRY MACHINERY:** Dealers or agents selling or delivering machinery for handling or processing dairy products.

\$150.00 plus .001524 of gross receipts. ✓

722125. **DANCE HALLS OR NIGHT CLUB:** (Plus any other sections pertaining to the above).

Must be approved by the City Council.

\$250.00 plus .001790 of gross receipts ✓

611126. **DANCING SCHOOLS:** A persons, firms or corporation engaged in the business or profession of teaching dancing.

\$600.00 ✓

623127A. **DAY CARE CENTER- ADULT:** Any person providing care for compensation to more than six (6) adults during part of or all of the daylight hours, but less than 24 hours, apart from their own guardians, provided that the license shall be issued only upon presentation of evidence that the premises meet City fire, safety, and health.