

CHAPTER 8-8 ADULT USES -LICENSING

8-8-1

AGE REQUIREMENT

A license to operate any Adult Use establishment may not be issued to anyone under the age of 18 years of age.

Legislative History:
Ordinance No. 434, 2/17/09.

Authority:
SDCL 11-12-4 & 11-12-5
SDCL 12

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LICENSE APPLICATION DISCLOSURE REQUIREMENTS

In addition to information required on a Conditional Use Permit Application, any prospective operator of an Adult Use establishment must disclose in connection with an application for a license: their name, any name used in the prior five years, current business address, fingerprints or social security number, name and address of the proposed business, proof of age, and information on any other licenses to operate Adult Use businesses, the status of such license, and any infractions pertaining to their other Adult Use businesses that occurred in the prior twelve (12) months. As to any partnership, the disclosure must be made by any partner, general or limited. As to any corporation, this disclosure must be made by any officer, director and principal stockholder.

Legislative History:
Ordinance No. 434, 2/17/09.

Authority:
SDCL 11-12-4 & 11-12-5
SDCL 12

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CRIMINAL BACKGROUND RESTRICTION

A license to operate an Adult Use establishment may not be issued to anyone who has been convicted of a felony of moral turpitude within five (5) years of the application for the license, or convicted of a misdemeanor of moral turpitude within two (2) years of the application for the license. As to any partnership, the license shall not be issued if any partner, general or limited, has been convicted of such a felony or misdemeanor in such specified time period. As to any corporation, the license shall not be issued if any of its officers, directors or principal stockholders have been convicted of such a felony or misdemeanor in such specified time period.

Legislative History:
Ordinance No. 434, 2/17/09.

Authority:
SDCL 11-12-4 & 11-12-5
SDCL 12

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LICENSING AND INVESTIGATION FEES

Any application for a license or permit to operate any Adult Use establishment shall be

accompanied by a \$1500 investigation fee, and a \$5000 licensing fee. The \$5000 licensing fee shall thereafter be paid annually.

Legislative History:
Ordinance No. 434, 2/17/09.

Authority:
SDCL 11-12-4 & 11-12-5
SDCL 12

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LICENSE REVOCATION

After a hearing at which the licensee has the right to be represented by an attorney, and exhaustion of any judicial appeal rights, the City may revoke any license issued to operate an Adult Use establishment upon a finding:

- A. That the licensee, his agents, officers or employees maintain or continue to maintain a nuisance on the licensed premises.
- B. That the licensee gave false information in the material submitted for the license.
- C. A licensee or employee has knowingly allowed possession, use or sale of controlled substances as those are defined under State law.
- D. A licensee or employee has knowingly allowed prostitution on the premise.
- E. Excluding conduct within a private room of an adult motel, a licensee or employee has knowingly allowed any specified sexual activity to occur on the premises.
- F. A licensee or employee has knowingly violated any provision of Title Eight.

Legislative History:
Ordinance No. 434, 2/17/09.

Authority:
SDCL 11-12-4 & 11-12-5
SDCL 12