

Chapter 78 – Adult Entertainment Businesses

Ordinance #919, enacting a new chapter 78, Adult Entertainment Businesses, Passed and Effective on 2/6/07

78.010. Definitions.

1. The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

a. “Adult” means a person 18 years of age or older.

b. “Adult arcade” means an establishment where, for any form of consideration, one or more still or motion picture projectors, slide projectors, or similar machines, for viewing by five or fewer persons each, are used to show films, motion pictures, video cassettes, digital video discs (DVD's), slides or other photographic reproductions which are characterized by an emphasis upon the depiction or description of specified anatomical areas or specified sexual activities.

c. “Adult bookstore or video store” means an establishment which has as a regular and substantial portion of its stock-in-trade business, or advertising to the sale, rental or viewing, for any form of consideration any one or more of the following: Books, magazines, periodicals or other printed matter, or photographs, films, sculptures, motion pictures, video cassettes, digital video discs (DVD's), slides or other visual representations, that are characterized by an emphasis upon the depiction or description of specified anatomical areas or specified sexual activities. A business will be presumed to be an adult bookstore or video store if more than 25 percent of its retail value of merchandise or ten percent of its display space consists of the above mentioned materials.

d. “Adult entertainment” means any live exhibition, performance, display or dance of any type, including but not limited to talking, singing, reading, listening, posing, serving food or beverages, soliciting for the sale of food, beverages or entertainment, pantomiming, modeling, removal of clothing, or any service offered for amusement on any premises if the entertainment involves a person who is nude or in such attire, costume or clothing as to expose to view any portion of the human genitals, pubic region, vulva, pubic hair, buttocks, female breast or breasts below a point immediately above the top of the areola or nipple or the human male genitals in a discernibly erect state, even if completely and opaquely covered. In addition said term shall mean the establishment of adult arcades, adult bookstores or video stores, and adult motion picture theatres to which the public, patrons or members are invited or admitted.

e. “Adult entertainment business” means any premises, including parking lots, sidewalks, or other areas under the control or supervision of an adult entertainment

business, to which the public, patrons or members are invited or admitted for patronage of adult arcades, adult bookstores or video stores, or adult motion picture theatres, or wherein an entertainer provides any live exhibition, performance, display or dance which constitutes adult entertainment, to a member of the public, a patron, or member.

f. "Adult motion picture theatre" means an establishment where, for any form of consideration, films, motion pictures, videocassettes, digital video discs (DVD's), slides, or other similar photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material characterized by an emphasis on the depiction or description of specified anatomical areas or specified sexual activities.

g. "Employee" means any and all persons, including managers, entertainers and independent contractors, who work in or at or render any services directly related to the operation of an adult business.

h. "Entertainer" means any person who provides any live exhibition, performance, display, or dance which constitutes adult entertainment within any adult entertainment premises, whether or not a fee is charged or accepted for entertainment.

i. "Manager" means any person who manages, directs, administers or is in charge of the affairs and/or conduct of any portion of any activity involving adult entertainment occurring at any adult entertainment premises.

j. "Nursing home" means a privately operated establishment where maintenance and personal or nursing care is provided for persons who are aged, disabled, or chronically ill and need assistance in caring for themselves.

k. "Operator" means any person operating, conducting or maintaining an adult entertainment business.

l. "Person" means any individual, partnership, corporation, trust, incorporated or unincorporated association, marital community, joint venture, governmental entity or other entity or group of persons, however organized.

m. "Public place" means any area generally visible to public view, and includes streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots and automobiles, whether moving or not.

n. "Server" means any person who serves food or drink at an adult entertainment business.

o. "Specified anatomical areas" means:

i) Uncovered or exposed human genitals, pubic region or pubic hair; or buttock; or female breast or breasts below a point immediately above the top of the areola or nipple; or any combination of these; or

ii) Human male genitals in a discernibly erect state, even if completely and opaquely covered.

p. "Specified sexual activities" means sexual conduct, being actual or simulated acts of human masturbation, sexual intercourse or physical contact, in an act of apparent sexual stimulation or gratification, with a person's clothed or unclothed genitals, pubic area, buttocks, or the breast of a female; or any sadomasochistic abuse or acts including animals or any latent objects in an act of apparent sexual stimulation or gratification.

78.020. Penalty. Any person who violates this Chapter, upon conviction, may be punished in accordance with Chapter 13. In addition, the City may seek injunctive relief to enjoin repeated violations of this Code.

78.030. Operation generally; standards of conduct.

1. General standards of conduct. The following standards of conduct, in addition to any other standard of conduct described in this article, shall be adhered to by all adult entertainment business licensees, their employees, and all adult entertainment business managers, servers and entertainers and patrons of adult entertainment businesses, while on or about the premises of the business:

a. Age restriction. Only persons 18 years of age or older shall be permitted on the premises of any adult entertainment business. If the adult entertainment business serves intoxicating beer or liquor by the drink for consumption on the premises; those under twenty-one (21) are not allowed on the premises unless allowed by State law.

b. View of interior. The premises of all adult entertainment businesses shall be so constructed as to ensure that the interior of the premises is not observable from the exterior of the building. In addition, all windows shall be covered to prevent viewing of the interior of the building from the outside, and all doorways not constructed with an anteroom or foyer shall be covered so as to prevent observation of the interior of the premises from the exterior of the building.

c. Exterior displays. No adult entertainment business shall be conducted in any manner that permits the observation of live performers engaged in an erotic depiction or dance or any material or persons depicting, describing or relating to specified sexual activities or specified anatomical areas from any exterior source by display, decoration, sign, show window or other opening.

d. Nudity prohibited. No employee, server or entertainer in an adult entertainment business shall appear nude, unclothed, in less than opaque attire or in any fashion that exposes to view any specified anatomical area.

e. Certain acts prohibited.

i) No employee, server or entertainer shall perform any specified sexual activities, wear or use any device or covering exposed to view which simulates any specified anatomical area, use artificial devices or inanimate objects to perform or depict any specified sexual activities, or participate in any act of prostitution.

ii) No employee, server, entertainer or patron of an adult entertainment business shall knowingly touch, fondle or caress any specified anatomical area of another person, or knowingly permit another person to touch, fondle or caress any specified anatomical area of such employee, server, entertainer or patron, whether such specified anatomical areas are clothed, unclothed, covered or exposed.

iii) No employee, server or entertainer of an adult entertainment business shall be visible from the exterior of the adult entertainment business while such person is unclothed or in such attire, costume or clothing as to expose to view any specified anatomical area.

iv) No adult entertainer shall solicit, demand or receive any payment or gratuity from any patron or customer for any act prohibited by this article, and no adult entertainer shall receive any payment or gratuity from any customer for any entertainment except as follows:

a) While such entertainer is on the stage or platform, a customer or patron may place such payment or gratuity into a box affixed to the stage; or

b) While such entertainer is not on the stage or platform and is clothed so as to not expose to view any specified anatomical area, a customer or patron may either place such payment or gratuity into the entertainer's hand, or under a leg garter worn by such entertainer at least four inches below the bottom of the pubic region.

v) No employee, server, on entertainer shall appear with exposed specified anatomical areas unless on a stage, at least two (2) feet elevated from the floor and at least ten (10) feet from any patron or customer.

vi) No owner, operator, manager or other person in charge of the premises of an adult entertainment premises shall:

- a) Knowingly permit alcoholic beverages, intoxicating liquor or non-intoxicating beer to be brought upon or consumed on the premises, unless otherwise permitted pursuant to Chapter 50 of this Code;
- b) Knowingly allow or permit the sale, distribution, delivery or consumption of any controlled substance or illegal drug or narcotic on the premises;
- c) Knowingly allow or permit any person under the age of 18 years of age to be in or upon the premises;
- d) Knowingly allow or permit any act of prostitution or patronizing prostitution on the premises; or
- e) Knowingly allow or permit a violation of this article or any other City ordinance provisions or state law.

2. Signs required. All adult entertainment businesses, except those operating exclusively as adult arcades, adult bookstores or video stores, or adult motion picture theatres, shall have conspicuously displayed in the common area in the interior of the premises at the principal entrance to the premises a sign, on which uppercase letters shall be at least two inches high, and lowercase letters at least one inch high, which shall read as follows:

THIS ADULT ENTERTAINMENT BUSINESS IS REGULATED AND LICENSED BY THE CITY OF SARCOXIE.

ENTERTAINERS ARE:

\* Not permitted to engage in any type of sexual conduct or prostitution on the premises or to fondle, caress or touch the breasts, pubic region, buttocks or genitals of any employee, patron or other entertainer or to permit any employee, patron or other entertainer to fondle, caress or touch the breasts, pubic region, buttocks or genitals of said entertainer.

\* Not permitted to be nude, unclothed, or in less than opaque attire, costume or clothing so as to expose to view any portion of the breasts below the top of the areola, or any portion of the pubic region, buttocks and/or genitals.

\* Not permitted to demand or collect any payment or gratuity from any customer for entertainment, except as follows:

- While such entertainer is on the stage, by placing such payment or gratuity into a box affixed to the stage, or

- While such entertainer is not on the stage, by either placing such payment or gratuity into the entertainer's hand, or under the entertainer's leg garter.

## CUSTOMERS ARE:

- \* Not permitted to be upon the stage at any time.
  - \* Not permitted to touch, caress or fondle the breasts, pubic region, buttocks or genitals of any employee, server or entertainer or engage in solicitation of prostitution.
3. Lighting. The premises of all adult entertainment businesses shall be equipped with overhead lighting of sufficient intensity to illuminate every place to which customers are permitted access at an illumination of not less than one foot candle as measured at the floor level, and such illumination must be maintained at all times that any customer or patron is present in or on the premises.
  4. Closed booths or rooms prohibited. The premises of all adult entertainment businesses shall be physically arranged in such manner that the entire interior portion of any booths, cubicles, rooms or stalls is visible from a common area of the premises. Visibility shall not be blocked or obscured by doors, curtains, drapes or any other obstruction whatsoever.
  5. Sanitation. The premises of all adult entertainment businesses shall be kept in a sanitary condition. Separate dressing rooms and restrooms for men and women shall at all times be maintained and kept in a sanitary condition.
  6. Hours of operation. No adult entertainment business may be open or in use between the hours of 10:00 a.m. and 10:00 p.m. on Monday through Saturday, and must be closed on Sundays.

78.040. Manager to be on premises; duty of manager to verify that entertainers and servers are licensed.

1. An adult entertainment business manager shall be on duty at any adult entertainment business at all times the premises are open for business. The name of the manager on duty shall be prominently posted during business hours.
2. It shall be the responsibility of the manager to verify that any person who provides adult entertainment or works as a server within the premises possesses a current and valid adult entertainer's license or an adult entertainment server's license and that such licenses are prominently posted.

78.050. Inspections. All adult entertainment businesses shall permit representatives of the police department and fire department, or any other City official acting in his official capacity, to inspect the premises during normal business hours as necessary to ensure that the business is complying with all applicable regulations and laws.

78.060. Signs. Exterior signs shall inform only of the establishment's name and address and shall not depict or describe specific sexual activities or specified anatomical areas as defined in this Chapter, and provided further that flashing lights and traveling lights are not permitted outside the building.

78.070. License required for business.

1. It shall be unlawful for any person to operate or maintain an adult entertainment business in the City unless the owner, operator or lessee thereof has obtained an adult entertainment business license from the City, or to operate such business after such license has been revoked or suspended by the City.

2. It is unlawful for any entertainer, employee, manager or owner to knowingly perform any work, service or entertainment directly related to the operation of an unlicensed adult entertainment business.

3. The failure to post an adult business license in the manner required in this article shall be prima facie evidence that an adult business has not obtained such a license. In addition, it shall be prima facie evidence that any entertainer, employee, manager or owner who performs any service or entertainment in an adult entertainment business in which an adult entertainment license is not posted in the manner required by this section had knowledge that such business was not licensed.

78.070. License required for managers, servers and entertainers. It is unlawful for any person to work as an entertainer, server or manager at an adult entertainment business without first obtaining a license to do so from the City, or to work as an entertainer, server or manager at an adult entertainment business after such person's license to do so has been revoked or suspended.

78.080. Fees; term; transfer.

1. The license year for all fees required under this article shall be from each January 1 through December 31. The application for a license shall be accompanied by payment in full of the fee stated in this section, and no application shall be considered complete until such fee is paid.

2. All licenses shall be issued for a specific location, and fees shall be nonrefundable and the license shall be nontransferable.

3. The classification of licenses, and fees for each, shall be as follows:

- a. The adult entertainment business license fee is \$500.00 per year.
- b. The adult entertainment manager's license fee is \$25.00 per year.
- c. The adult entertainer's license fee is \$25.00 per year.
- d. The adult entertainment server's license fee is \$25.00 per year.

78.090. Filing, contents and processing of application.

1. Business license. All persons desiring to secure a license to operate an adult entertainment business under the provisions of this article shall make a notarized application with the City Clerk. All applications shall be submitted in the name of the person proposing to conduct or operate the adult entertainment business. All applications shall be submitted on a form supplied by the City Clerk and shall require the following information:

a. The name, residence address, home telephone number, occupation, date and place of birth and social security number of the applicant.

b. The name of the adult entertainment business, a description of the adult entertainment to be performed on the licensed premises, and the name of the owner of the premises where the adult entertainment business will be located.

c. The names, residence addresses, social security numbers and dates of birth of all partners, if the applicant is a partnership; and if the applicant is a corporation, the same information for all corporate officers and directors and stockholders who own ten percent or a greater interest in the corporation.

d. The addresses of the applicant, or of all partners, or of all corporate officers and directors, for the five years immediately prior to the date of application.

e. A description of the adult entertainment or similar business history of the applicant, or of all partners, or of all corporate officers and directors, and whether any such person, in previously operating in this or another City, county or state, has had a business license revoked or suspended, the reason therefore, and the activity or occupation subjected to such action, suspension or revocation.

f. A statement of the business, occupation or employment of the applicant, or of all partners, or of all corporate officers and directors, for the three years immediately preceding the date of the application.

g. A statement from the applicant, or from each partner, or from each corporate officer and director, that each such person has not been convicted of, been released from confinement for conviction of, or had suspended imposition or execution of sentence on or had prosecution deferred on:

i) A felony criminal act within five years immediately preceding the application; or

ii) A misdemeanor criminal act within three years immediately preceding the application; where such felony or misdemeanor criminal act involved moral turpitude, sexual offenses, prostitution, promotion of prostitution, sexual abuse of a child, pornography or related offenses as defined in the Revised Statutes of Missouri,

or involved controlled substances or illegal drugs or narcotics offenses as defined in the Comprehensive Drug Control Act of 1989, RSMo 195.005--195.425, or other statutes or ordinances. The statement shall also indicate that the applicant, each partner, or each corporate officer and director has not been convicted of a municipal ordinance violation, or had suspended imposition or execution of sentence on or had prosecution deferred on a municipal ordinance violation, within three years immediately preceding the application, where such municipal ordinance violation involved moral turpitude, sexual offenses, indecent exposure, prostitution, or sale of controlled substances or illegal drugs or narcotics.

h. A full set of fingerprints and a photograph, to be taken by the Missouri State Highway Patrol or other law enforcement agency, of the applicant, or of all partners if the applicant is a partnership, or of all corporate officers and directors if the applicant is a corporation.

i. If the applicant is a corporation or limited liability company, a current certificate of registration issued by the secretary of state.

j. A statement signed under oath that the applicant has personal knowledge of the information contained in the application and that the information contained therein is true and correct and that the applicant has read the provisions of this article regulating adult entertainment businesses.

Failure to provide the information and documentation required by this subsection shall constitute an incomplete application, which shall not be processed.

2. Manager's, server's or entertainer's license. All persons desiring to secure a license under the provisions of this article to be an adult entertainment manager, server or entertainer shall make a notarized application with the City Clerk. All applications shall be submitted in the name of the person proposing to be an adult entertainment manager, server or entertainer. All applications shall be submitted on a form supplied by the City Clerk and shall require the following information:

a. The applicant's name, home address, home telephone number, date and place of birth, and social security number, and any stage names or nicknames used in entertaining.

b. The name and address of each adult entertainment business where the applicant intends to work as a manager, server or entertainer, and an "intent to hire" statement from an adult entertainment business that is licensed, or that has applied for a license, under the provisions of this article, indicating that the adult entertainment business intends to hire the applicant to manage, serve or entertain on the premises.

c. A statement from the applicant that the applicant has not been convicted of, been released from confinement for conviction of, or had suspended imposition or execution of sentence on or had prosecution deferred on:

i) A felony criminal act within five years immediately preceding the application; or

ii) A misdemeanor criminal act within three years immediately preceding the application; where such felony or misdemeanor criminal act involved moral turpitude, sexual offenses, prostitution, promotion of prostitution, sexual abuse of a child, pornography or related offenses as defined in the Revised Statutes of Missouri, or involved controlled substances or illegal drugs or narcotics offenses as defined in the Comprehensive Drug Control Act of 1989, RSMo 195.005--195.425 or other statutes or ordinances. The statement shall also indicate that the applicant has not been convicted of a municipal ordinance violation, or had suspended imposition or execution of sentence on or had prosecution deferred on a municipal ordinance violation, within three years immediately preceding the application, where such municipal ordinance violation involved moral turpitude, sexual offenses, indecent exposure, prostitution, or sale of controlled substances or illegal drugs or narcotics.

d. A full set of fingerprints and a photograph of the Applicant, to be taken by the Missouri Highway Patrol or by the law enforcement agency.

e. The applicant shall present to the City Clerk, who shall copy such documentation, documentation that the applicant has attained the age of 18 years at the time the application is submitted. Any of the following shall be accepted as documentation of age:

i) A motor vehicle operator's license issued by any state, bearing this applicant's photograph and date of birth;

ii) A state-issued identification card bearing the applicant's photograph and date of birth;

iii) An official and valid passport issued by the United States of America;

iv) An immigration card issued by the United States of America;

v) Any other form of picture identification issued by a governmental entity that is deemed reliable by the City Clerk; or

vi) Any other form of identification deemed reliable by the City Clerk.

Failure to provide the information required by this subsection shall constitute an incomplete application, which shall not be processed.

3. Application processing. Upon receipt of a complete application for an adult entertainment manager's, server's or entertainer's license, the City Clerk or her designee shall forward such application and supporting documentation to the Chief of Police, who shall investigate such application to determine whether the information contained in the application is accurate and whether the applicant is qualified to be issued the license applied for. The Chief of Police shall be allowed ten (10) days to conduct his investigation. If such application is denied, the applicant may request, without cost, a hearing before the Board of Aldermen, who may, in their discretion, order such license to be issued. Such hearing shall occur at the next meeting of the Board. It shall be the duty of the Chief of Police to determine whether the structure where the adult business will be conducted complies with the requirements and meets the standards of the applicable health, building codes, fire code, and nuisance ordinances of the City.

78.100. Review of application by City attorney; issuance.

1. The City attorney shall examine an application for an adult entertainment business license to determine if such application is true and not defective, illegal or fraudulent, or that the applicant or his location is not disqualified. The City attorney may undertake such investigation as he deems appropriate, but shall conclude such examination within ten (10) days. After such examination, the City attorney shall approve the issuance of the license only if the appropriate license fee has been paid, the applicant is qualified, and all the applicable requirements set forth in this article are met. No license shall be approved for any person ineligible pursuant to the provisions in this article. All incomplete applications shall be denied.

2. The records of the City attorney shall show the action taken on the application, and if the license is granted, the City attorney shall direct the City Clerk to issue the proper license. The adult business license shall state that it is not transferable to other persons, and the calendar year for which it is issued. The license shall be kept posted in a conspicuous place in the place of business that is licensed or where the licensee is working.

3. If an application for a license is disapproved, the applicant shall be immediately notified by registered or certified mail to the applicant's last known address and the notification shall state the basis for such disapproval. Any person aggrieved by the disapproval of a license application may seek judicial review in a manner provided by law.

78.110. Ineligibility; grounds for denial.

1. Business license. An adult entertainment business license shall not be issued if one or more of the following conditions exist:

a. The applicant knowingly, or with reckless disregard, failed to supply all of the information requested on the application.

b. The applicant gave materially false, fraudulent or untruthful information on the application.

c. The applicant's proposed business premises do not comply with or meet the requirements of the applicable health, building codes, fire, and nuisance ordinances of the City; provided that, upon a showing that the premises meet such requirements and that the applicant is otherwise qualified, the applicant shall be eligible for reconsideration.

d. The applicant has been convicted of, released from confinement for conviction of, or had suspended imposition or execution of sentence on or had prosecution deferred on any of the crimes set forth in section 78.090 during the time period set forth in section 78.090

e. The applicant has had an adult business license revoked or suspended in this or any other municipality during the past five (5) years.

2. Manager's, server's or entertainer's license. An adult entertainment business manager's, server's or entertainer's license shall not be issued if one or more of the following conditions exist:

a. The employer for whom the applicant intends to work does not have or is ineligible to receive an adult entertainment business license for any of the reasons stated in subsection 1 of this section.

b. The applicant has been convicted of, released from confinement for conviction of, or had suspended imposition or execution of sentence on or had prosecution deferred on any of the crimes set forth in section 78.090 during the time period set forth in section 78.090.

c. The applicant failed to provide all of the information required on the application.

d. The applicant gave materially false, fraudulent or untruthful information on the application.

e. The applicant has had an adult entertainment manager's, server's or entertainer's license revoked or suspended in this or any other municipality during the past five (5) years.

78.120. Display.

1. Every person licensed under this article as an adult entertainment business shall post such license in a conspicuous place and manner on the adult entertainment facility premises.
2. Every person holding an adult entertainment server's, manager's or entertainer's license shall post his license in his work area on the adult entertainment facility premises so it shall be readily available for inspection by City authorities responsible for enforcement of this article.

78.130. Renewal.

1. A license issued under this article may be renewed by making application to the City Clerk on application forms provided for that purpose. Licenses shall expire on December 31 of each calendar year, and renewal applications for such licenses shall be submitted between November 1 and November 15.
2. Upon timely application and review as provided for a new license, a license issued under the provisions of this article shall be renewed by issuance of a new license in the manner provided in this article.
3. If the application for renewal of a license is not made during the time provided in subsection 1 of this section, the expiration of such license shall not be affected, and a new application shall be required.

78.140. Grounds and procedure for suspension, revocation or administrative probation.

1. Whenever the Chief of Police has information that:
  - a. The owner or operator of an adult entertainment business or a holder of an adult entertainment manager's, server's or entertainer's license has violated or knowingly allowed or permitted the violation of any of the provisions of this article;
  - b. There have been recurrent violations of provisions of this article that have occurred under such circumstances that the owner or operator of an adult entertainment business knew or should have known that such violations were committed;
  - c. The adult entertainment business license or the adult entertainment manager's, server's or entertainer's license was obtained through false statements in the application for such license, or renewal thereof;
  - d. The adult entertainment business licensee or the adult entertainment manager, server or entertainer licensee failed to make a complete disclosure of all information in the application for such license, or renewal thereof;

e. The owner or operator, or any partner, or any corporate officer or director, holding an adult entertainment business license has become disqualified from having a license by a conviction as provided in section 78.090;

f. The holder of an adult entertainment manager's, server's or entertainer's license has become disqualified from having a license by a conviction as provided in section 78.090; or

g. There has been a refusal, without just cause, to permit the inspection of the premises pursuant to section 78.050:

i) The Board of Aldermen shall take action as provided in subsection 2 of this section.

2. Whenever the Chief of Police has information as listed in subsection 1 of this section, if such person is an adult entertainment manager, server or entertainer, the chief of police shall inform the City attorney, who may institute revocation proceedings in the municipal court. If such person is the holder of the adult business license, the Chief of Police shall make this information known to the Board of Aldermen, which upon five days' written notice to the person holding the license shall conduct a public hearing to determine whether the license should be suspended or revoked. The Board of Aldermen may pass a resolution setting forth the procedures for the conduct of such hearings. Based on the evidence produced at the hearing, the Board of Aldermen may take any of the following actions:

- a. Suspend the license for up to 90 days.
- b. Revoke the license for the remainder of the license year.
- c. Place the license holder on administrative probation for a period of up to one year, on the condition that no further violations of this article occur during the period of probation. If a violation does occur and after a hearing the violation is determined to have actually occurred, the license will be revoked for the remainder of the license year.

78.150. Judicial review of order of suspension or revocation. Following the entry of an order by the Board of Aldermen denying, suspending, or revoking a license issued pursuant to this Article, such licensee or applicant may seek judicial review in a manner provided by law. The Board of Aldermen may stay enforcement of such order for a period of time not to exceed thirty (30) days pending the filing and/or final disposition of proceedings for judicial review.

Section 2. In the event any provision, restriction, or prohibition established or imposed by this Ordinance is deemed to be invalid by a court of competent jurisdiction; then this Ordinance shall be reformed to eliminate the offending provisions, restriction or prohibition so that the remainder of this Ordinance shall be effective and not unconstitutional.