

Section 18-224 Findings; public purpose.

Based on the demonstrated experience of other local governments, including, but not limited to, Peach County, Georgia; Oklahoma City, Oklahoma; Garden Grove, California, and Houston, Texas, which experience the mayor and council have found to be relevant to certain problems that face the City of Thomasville, Georgia, and based on the evidence reviewed by the mayor and council prior to the consideration of the ordinance codified in this article, the mayor and council take note of the notorious and self-evident conditions and secondary effects attendant to the commercial exploitation of human sexuality, particularly the problems of crime, blight, and deterioration which are brought about by alcohol and live nudity which do not vary greatly among the various communities within our country.

Based on a review of the evidentiary materials from other communities referred to above, it is the finding of the mayor and council that public nudity (either partial or total) under circumstances related to the sale and consumption of alcoholic beverages in so-called "nude bars" or establishments offering so-called "nude entertainment" or "adult entertainment" in conjunction with the sale of alcoholic beverages begets criminal behavior and tends to create undesirable community conditions.

Among the acts of criminal behavior reported to be associated with nudity and alcohol are disorderly conduct, prostitution, public indecency and drug trafficking. Among the undesirable community conditions identified with the concentration of adult entertainment establishments are depreciation of property values in neighborhoods surrounding nude bars or adult entertainment establishments where alcoholic beverages are sold, increased expenditures for and allocation of law enforcement personnel to preserve law and order, increased burdens on the judicial system as a consequence of the criminal behavior hereinabove described, and acceleration of community blight by the concentration of adult establishments in particular areas.

Other negative effects learned about by the mayor and council are the apparent connection of these establishments to organized crime and illegal drug sales, the potential spread of communicable diseases to law enforcement personnel who answer calls at adult establishments and to patrons of such establishments, and the potential proliferation of adult entertainment establishments after the initial siting of an adult entertainment establishment in a particular neighborhood.

The mayor and council therefore find that it is in the best interest of the health, welfare, safety and morals and preservation of Thomasville's businesses, neighborhoods, churches, schools, and parks to prevent the adverse impact of adult entertainment establishments. Therefore, the mayor and council find that the prohibition of live nude conduct in establishments licensed to serve alcohol for consumption on the premises is in the public welfare by furthering legitimate government interests, such as reducing criminal activity, protection against property devaluation and deterioration, and eliminating undesirable community conditions normally associated with establishments which serve alcohol and allow and/or encourage nudity, and that such prohibition will not infringe upon the protected constitutional rights of freedom of speech. To that end, this article is hereby adopted.

As used in this article, the following words shall have meanings as set forth below unless otherwise required by context:

Adult entertainer means any person employed by an adult entertainment establishment who appears on the premises totally nude or in such attire to expose his or her specified anatomical areas. For the purposes of this section, adult entertainers include employees as well as independent contractors.

Adult entertainment means live entertainment that is characterized by an emphasis on the depiction, display or the featuring of specified anatomical areas.

Adult entertainment establishment means any of the following:

- (1) Any commercial establishment, including, but not limited to, any so-called modeling studio, adult book store, adult theater, or adult video store, that employs or uses any person live, in any capacity in the sale or service of beverages or food while such person is unclothed or in such

attire, costume or clothing, so as to expose any portion of his or her specified anatomical areas. An establishment meets this definition even if such activity is allowed on only one (1) occasion.

(2) Any commercial establishment, including, but not limited to any so-called modeling studio, adult book store, adult theater, or adult video store, which provides live entertainment where any person appears unclothed or in such attire, costume or clothing as to expose any portion of his or her specified anatomical areas as defined herein. An establishment meets this definition even if such activity is allowed on only one (1) occasion.

(3) Any commercial establishment, including, but not limited to, any so-called modeling studio, adult book store, adult theater, or adult video store, which holds, promotes, sponsors or allows any contest, promotion, special night, event or any other activity where live patrons of the establishment are encouraged or allowed to engage in any of the conduct described in items (1) and (2) above. An establishment meets this definition even if such activity is allowed on only one (1) occasion.

(4) However, traditional or live theater as defined herein shall not be included in this definition.

Alcoholic beverages means and includes all alcohol, distilled spirits, beer, malt beverage, wine or fortified wine as more specifically defined in section 3-1 of this Code.

Business establishment means any business within the city which conducts any trade, occupation, vocation or calling of any kind for gain or profit, directly or indirectly, provided that this shall not include any business, trade and the like licensed by the state unless city licensing is also allowed by state law, nor shall it include any business operated solely under a franchise granted by the city.

Dressing room means an area within an adult entertainment facility which is used by employees for the purpose of changing clothes or using the restroom.

Live means any activity or entertainment which is carried on by an actual living person in the physical presence of patrons.

Minor means any person under eighteen (18) years of age.

Operator means the manager or other person principally in charge of an adult entertainment establishment.

Owner means, if a sole proprietorship, the proprietor; if a partnership, all partners (excluding limited partners); if a corporation, all officers and persons holding more than fifty (50) percent of the outstanding share of stock.

Person means a human being.

Premises means the definite closed or partitioned establishment, whether room, shop or building wherein adult entertainment is performed.

Private performance means adult entertainment being offered or performed in a private room.

Private room means any area within an adult entertainment facility not open to the public and/or not fully visible from an area within the facility open to the public. For purposes of this definition, "fully visible" means that no less than twenty-five (25) percent of the perimeter or circumference of the area can be viewed, without obstruction, from the common area of the facility which is open to the public.

Specified anatomical areas means any of the following:

(1) Less than completely and opaquely covered human genitals or pubic regions; cleft of the buttocks; or any portion of the female breast encompassed within an area falling below the horizontal line one would have to draw to intercept a point above the top of the areola, or any portion of the areola, or any simulation thereof. This definition shall include the entire lower portion of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areola is not so exposed;

(2) Human male genitalia in a discernibly turgid state, even if completely and opaquely covered.

Specific sexual activities means and includes any of the following:

(1) The fondling or other erotic touching of human genitals, pubic regions, buttocks, anus or female breasts;

(2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;

- (3) Masturbation, actual or simulated;
- (4) The displaying of the male or female pubic hair, anus, vulva or genitalia; or
- (5) Excretory functions as part of or in connection with any of the activities set forth in items (1) through (4) above.

Traditional or live theater (mainstream theater) means theater, concert hall, auditorium or similar establishment which regularly features live performances which are not distinguished or characterized by an emphasis on the depiction, description, or display or the featuring of specific anatomical areas or specified sexual activity in that the depiction, display, description or featuring is incidental to the primary purpose of any performance.

(Ord. of 3-24-97(2), § I)

Section 18-225 Permitted locations.

Adult entertainment facilities shall be permitted only in the following zones: C-2 (CU) and M (CU). No license hereunder shall be granted to any proposed location which is within fifty (50) feet of any private residence. The distance for the purpose of this section shall be measured in all directions from the nearest wall enclosing the proposed adult entertainment facility to the nearest point of any residential property line, except that the provisions of this section shall not apply on residences located in areas of the city zoned C-2(CU) or M(CU).

(Ord. of 3-24-97(2), § I)

Section 18-226 License required.

It shall be unlawful for any person, association, firm, partnership or corporation to engage in conduct or carry on, in or upon any premises within the city, an adult entertainment establishment without a valid adult entertainment establishment license to do so. The issuance of such license shall not be deemed to authorize, condone, or make legal any activity or conduct that is illegal or unlawful under any other section of this Code or the laws of the state or the United States. No license for an adult entertainment establishment shall be issued by the city if the premises to be used also holds a license to sell alcoholic beverages for consumption on the premises. Any premises licensed as an adult entertainment establishment shall not be eligible to apply at any time for a license to sell alcoholic beverages for consumption on the premises. The annual license fee for an adult entertainment establishment shall be five thousand dollars (\$5,000.00).

(Ord. of 3-24-97(2), § I)

Section 18-227 On-premise operator required.

An adult entertainment establishment shall have a designated person(s) to serve as an on-premise operator. The operator(s) shall be principally in charge of the establishment and shall be located on the premises during all operating hours.

(Ord. of 3-24-97(2), § I)

Section 18-228 Employee permit required.

It shall be unlawful for any adult entertainer to be employed by an adult entertainment establishment without first obtaining a permit issued under the terms of this article. The annual permit fee for an adult entertainer permit shall be fifty dollars (\$50.00).

(Ord. of 3-24-97(2), § I)

Section 18-229 Admission of minors unlawful.

(a) It shall be unlawful to allow a person younger than eighteen (18) years of age to enter an adult entertainment establishment.

(b) It shall be the duty of the operator to ensure that an attendant is stationed at each public entrance to the establishment at all times during the establishment's operating hours. It shall be the duty of the attendant not to allow any person under the age of eighteen (18) years to enter the establishment. It shall be presumed that an attendant knew a person was under the age of eighteen (18) unless such attendant asked for and was furnished:

(1) A valid operator's, commercial operator's or chauffeur's driver's license; or

(2) A valid personal identification certificate issued by a state department of public safety or similar agency reflecting that such person is eighteen (18) years of age or older.

(Ord. of 3-24-97(2), § I)

Section 18-230 Adult entertainment establishment employees.

(a) An adult entertainment establishment shall not employ any minor in any capacity. No adult entertainer permit shall be issued or renewed for any person who is convicted of a sex-related crime, or drug-related or alcohol-related felony. Any adult entertainer so convicted shall not therefore be employed by an adult entertainment establishment licensed under this article for a period of five (5) years from the date of such conviction, unless a longer time is ordered by a court of competent jurisdiction. The term "convicted" shall include any adjudication of guilt or plea of guilty or plea of nolo contendere.

(b) Before any person may be employed as an adult entertainer, he or she shall file an application for an adult entertainer permit with the city clerk and receive approval by the chief of police or his expressly authorized designee. Each applicant shall provide a signed and notarized consent, on forms prescribed by the State Crime Information Center, authorizing the release of the applicant's criminal records to the city police department. The city shall have fifteen (15) days to investigate the applicant. If the prospective adult entertainer is found to meet the requirement of this section, upon receipt of the certification by the chief of police, the city clerk shall approve the permit and the prospective adult entertainer may begin working on the licensed premises. If the chief of police or his designee does not submit a report within fifteen (15) days of the application, it shall be concluded that the chief of police has no objection to the permit's being granted. If approval is denied, the city clerk shall provide the applicant with the reason for the denial.

(c) No patron, adult entertainer or any other employee of an adult entertainment establishment shall, while on the premises of an adult entertainment establishment, commit the offense of public indecency as defined in O.C.G.A. §16-6-8.

(d) The adult entertainer permit of any employee who violates the laws and regulations of the state or any provision of this article shall be subject to suspension or revocation.

(Ord. of 3-24-97(2), § I)

Section 18-231 Application for license.

(a) Any person, association, firm, partnership or corporation desiring to obtain a license to operate an adult entertainment establishment within the city limits of Thomasville shall make an application to the city clerk. The application must be made in the name of the adult entertainment establishment and include the names of the operator and each owner as defined in this article.

(b) The provisions of this Code on general business licensing shall apply in addition to the provisions of this section:

(1) All approved applications for new licenses under this chapter shall be accompanied by a payment in cash or by certified check for a nonrefundable fee, established from time to time by ordinance

- of the city, to defray, in part, the cost of investigation and report required by this article;
- (2) The city application shall be accompanied by the following:
 - a. Proof of planning and zoning compliance,
 - b. Proof of building code compliance,
 - c. Proof of fire code compliance,
 - d. A legal description of the property upon which the premises are located,
 - e. A current photograph of the operator(s),
 - f. Fingerprints of the operator(s) to be taken by the police department,
 - g. A letter of clearance from the clerk of federal District Court, and a letter of clearance from the clerk of Thomas Superior Court, indicating that the operator as well as all owners do not have any criminal charges currently pending, and that each such individual has no conviction from the respective court in the past ten (10) years,
 - h. A letter of clearance from the clerk of the State Court of Thomas County showing that the applicant has no criminal charges pending and no convictions in the past two (2) years,
 - i. A personal performance bond payable to the city conditioned upon the applicant's and the applicant's employees' of the licensed establishment complying with all laws, ordinances, rules and regulations of the city governing the issuance and control of adult entertainment establishments and the bond shall remain in force as long as the license and its renewals are valid and subsisting and shall be in the amount of one thousand dollars (\$1,000.00),
 - j. An affidavit from the publisher of the Thomasville Times-Enterprise showing that the applicant has caused to be published in the Thomasville Times-Enterprise, once a week for two (2) consecutive weeks, a notice showing the name and address of the applicant, the location for which the license is sought, and that application seeks a license for an adult entertainment establishment,
 - k. The application shall also contain a form of oath providing that the information disclosed in the application is true and correct, and providing further that the applicant will abide by, observe and conduct his or her business according to the rules and regulations prescribed by the city for adult entertainment establishments. The oath shall be taken by the applicant and the agent in charge of the establishment if different from or additional to the applicant;
 - (3) Any false statement or material misrepresentation in any application hereunder shall be grounds for revocation of any license granted hereunder;
 - (4) A general description of the services and entertainment to be provided;
 - (5) The business, occupation and employment history of each agent or operator for five (5) years immediately preceding the date of application;
 - (6) If any agent or operator has had an adult entertainment establishment license or similar type of license denied, revoked or suspended by any other governing authority, then the violations that led to the denial, suspension or revocation as well as the date and dispositions of such, including any fine or sentence imposed, and whether or not the terms of the disposition have been completed;
 - (7) If the establishment does or proposes to do business under a trade name, then a copy of the trade name as properly recorded shall be provided;
 - (8) The application shall be signed by the operator or agent. If the owner is a corporation, it shall be signed in addition by the president and attested by the corporate secretary;
 - (9) The operator, agent or owner shall provide a signed and notarized consent, on forms prescribed by the State Crime Information Center, authorizing the release of their criminal records to the city police department;
 - (10) The written consent of a registered agent as provided by subsection (a) of this section, above, shall be provided.
- (Ord. of 3-24-97(2), § I)

Section 18-232 Issuance of license to persons with prior convictions prohibited.

No license under this article shall be issued, renewed or transferred to any individual having any interest in the adult entertainment establishment in question, either as owned, partner, operator, principal stock holder, directly or indirectly, beneficial or absolute, who (within the ten (10) year period immediately prior to the filing of the application) has been convicted or who has entered a plea of guilty or nolo contendere to any felony offense. No license under this article shall be issued, renewed or transferred to any individual who, within the two (2) year period immediately prior to the filing of the application, has been convicted of or who has entered a plea of guilty or nolo contendere to a total of three (3) misdemeanors in any state or municipal court (or in combination), traffic violations excepted, other than D.U.I.

(Ord. of 3-24-97(2), § I)

Section 18-233 Application; investigation.

(a) Within five (5) days of receipt of the application, the city clerk or the clerk's designee shall review the application and send a copy to the chief of police or his designee to investigate the character and reputation of each owner and operator. The chief of police shall submit a report within sixty (60) days to the city clerk. If no report is received, it shall be concluded that there is no objection.

(b) The city clerk may deny a city license under this article on any of the following grounds:

- (1) Failure to pay the required fees and taxes;
- (2) Failure to provide required valid information, documents and the like;
- (3) False information in the application or attached documents;
- (4) Failure to pass review by the chief of police;
- (5) Prior convictions as provided in this article; or
- (6) Failure to meet any other requirements in this article for a license of the type applied for;

(c) Otherwise, the city clerk shall issue any adult entertainment establishment license provided for in this article.

(Ord. of 3-24-97(2), § I)

Section 18-234 License renewal.

Licenses for adult entertainment establishments may be renewed on a calendar year basis provided that the licensee(s) continue to meet the requirements set out in this article. All applications for renewal of licenses to operate an adult entertainment facility shall be filed with the city clerk no later than 5:00 p.m. on December 31st of the year preceding the year for which the application renewal is made. The annual fee for the license sought to be renewed shall be paid the city at the time the application for renewal is filed. Failure of any holder of a license to operate an adult entertainment establishment to file the application for renewal by the date and time specified shall render the license void, effective the last legal hour on December 31st of that year. In order to operate an adult entertainment establishment a license holder who has allowed the license to lapse shall file a new application for license as if a license had never been held and pursuant to the provisions of this article. Where an application for renewal is timely filed as provided in this article, the license holder shall be permitted to continue operating the adult entertainment establishment.

(Ord. of 3-24-97(2), § I)

Section 18-235 Open to inspection.

Any establishment holding a license issued under this article shall at any time that the premises is open to the public for business be open also to inspection by any officer of the police department, any building inspector of the city or fire department inspector of the city.

(Ord. of 3-24-97(2), § I)

Section 18-236 Consumption; open containers prohibited.

It shall be unlawful for any person owning or operating a place of business licensed under this article to permit any person to drink at any time any whiskey, wine, beer or any other alcoholic beverage of any kind or description upon the premises. It shall be unlawful for any person owning or operating a place of business licensed under this article to permit at any time any glass containing any alcoholic beverage, or any opened or unemptied bottle or other open container of any alcoholic beverage to remain in or on the premises of the place of business.

(Ord. of 3-24-97(2), § I)

Section 18-237 Transfer of licenses.

(a) Licenses under this article may be transferred to another person, partnership, firm or corporation; provided, that such person, partnership or corporation makes application to the city as for a new license and pays any appropriate fees and business or transfer taxes and that person, firm, partnership or corporation otherwise meets the requirements of this article for a new license.

(b) A transfer of location shall be allowed for any license under this chapter, provided the licensee files with the city clerk the following on the new location:

- (1) Proof of planning and zoning compliance;
- (2) Proof of building compliance;
- (3) Proof of fire code compliance;
- (4) A legal description of the property upon which the premises are located;
- (5) Any appropriate location transfer fee or tax; and
- (6) An affidavit from the publisher of the Thomasville Times-Enterprise showing that the applicant has caused to be published in such legal organ, once a week for two (2) consecutive weeks, a notice showing the name and address of the transferrer, and the location for which the license is sought, the type of license held.

(c) Any transfer allowed under this section may be denied or revoked on the same basis as for an application for license under this article.

(Ord. of 3-24-97(2), § I)

Section 18-238 Unlawful operation; declared nuisance.

Any adult entertainment establishment operated, conducted or maintained contrary to the provisions of this Code shall be and the same is hereby declared to be unlawful and a public nuisance. The city may, in addition to, or in lieu of prosecuting a criminal action hereunder, seek the commencement of action(s) or proceedings(s) for the abatement, removal or enjoinder thereof, in a manner provided in Title 41 of the Code of the State of Georgia.

(Ord. of 3-24-97(2), § I)

Section 18-239 Notices; registered agent; jurisdiction.

(a) All licensed adult entertainment establishments must have and continuously maintain in the county a registered agent upon whom any process, notice or demand required or permitted by law or under this article to be served upon the licensee, may be served. This person shall act as registered agent collectively for the operator and each owner. The registered agent must be a resident of the county. The operator may be appointed as the registered agent if he or she is a resident of the county. The licensee

shall file the name of such agent, along with the written consent of such agent, with the city clerk as part of the license application. By appointing such registered agent, and as a condition of the issuance of a license pursuant to the terms of this article, the licensee agrees that any legal action brought by the city against the adult entertainment establishment or the licensee (which includes the operator or any owner) to enforce the provisions of this article, may be filed in any court of competent jurisdiction in Thomas County, Georgia.

(b) Any notice required or permitted to be given by the city clerk or any office, division, department or other agency under this article to any licensee, operator or owner of an adult entertainment establishment, may be given by either: (1) personal delivery or; (2) by certified United States mail addressed to licensee's registered agent at the most recent address specified in the agent's written consent form received by the city clerk. If personally delivered, the notice's effective date shall be the date of delivery. If mailed, the notice's effective date shall be two (2) days after the notice is postmarked. (Ord. of 3-24-97(2), § I)

Section 18-240 Conditions of adult entertainment establishment approval.

(a) Every adult entertainment establishment shall be kept in a clean, sanitary condition and shall be in full compliance with all applicable ordinances and regulations of the city, the county and state.

(b) The Thomasville fire department shall have the authority to regularly inspect any adult entertainment establishment to determine compliance with and enforce all applicable fire regulations.

(c) Thomasville's chief building official or his designee shall have the authority to regularly inspect any adult entertainment establishment to determine compliance with and enforce all applicable building and other technical codes of the city.

(d) The Thomasville police department shall have the authority to periodically inspect any adult entertainment establishment to determine compliance with and enforce all provisions of this article or other applicable laws.

(Ord. of 3-24-97(2), § I)

Section 18-241 Prohibited conduct.

(a) No owner or operator shall permit any patron, customer, or guest to touch, caress or fondle any specified anatomical area of or any part of the body of clothing of any adult entertainer. No owner or operator shall permit any adult entertainer to bring into contact with any patron, customer or guest, any part of the body or clothing of the adult entertainer.

(b) No operator shall permit any patron, customer or guest to touch, caress or fondle any specified anatomical area of any waiter, waitress or any other person who appears on the licensed premises while exposing their specified anatomical areas.

(c) All adult entertainers who expose their specified anatomical areas shall conduct their performances in an open area and shall not be permitted to perform in any closed stalls or rooms.

(d) All adult entertainers shall remain at least ten (10) feet from any customer or patron at all times except for those who serve beverages or food to the patrons.

(e) All adult entertainment which is licensed and permitted by this article shall be carried on inside a closed building with all windows and doors covered so that the activities carried on inside cannot be viewed from the immediate areas surrounding the outside of the building.

(f) No adult entertainer, patron or any other person shall be allowed to engage in any specified sexual activity on the premises of the adult entertainment establishment as defined in this article.

(g) No tips for performing shall be placed by a patron on the person of the employee.

(h) All live performers of adult entertainment shall be restricted to fixed stages and no patrons shall be permitted on such stages for any purpose. "Fixed stage" shall be defined as a raised-floor area or stage at least four (4) feet high and designed exclusively for, and used only by, performers. Tables used for

seating and service to customers do not meet these standards and shall not be used for performing purposes.

(i) No licensee shall offer adult entertainment between the hours of 2:00 a.m. and 12:00 noon.

(j) In all areas where permitted adult entertainment occurs, lighting equivalent to three and five-tenths (3.5) foot candles per square feet shall be maintained.

(k) No private performances shall occur within an adult entertainment facility.

(l) No adult entertainment shall occur in a private room or dressing room within an adult entertainment facility.

(m) No patron shall be allowed in any dressing area or private room nor shall any employee and patron jointly occupy any private room or dressing area.

(Ord. of 3-24-97(2), § I)

Section 18-242 Miscellaneous.

Nothing contained in this article shall be deemed to permit or condone any activity whatsoever which is otherwise found to be obscene, lewd or illegal under an applicable code, regulation or statute which provides any prohibition upon nudity or sexual activity. Further, the activities and uses which are regulated and permitted by this article shall only be allowed if they are not obscene or lewd and not in violation of any other such prohibitions on nudity or sexual activity. This section shall supersede and limit all other provisions of this article.

(Ord. of 3-24-97(2), § I)

Section 18-243 Penalties.

(a) It shall be unlawful for any person to violate the terms of this article and any such violation shall be punishable in the municipal court of the city as provided in section 4.13 of the charter of the city.

(b) It shall be unlawful for a licensee to permit any conduct prohibited in this article which the licensee knows or has reasonable cause to know is taking place on the premises. Any such conduct by a licensee shall be a violation of this Code and shall be punishable in the municipal court of the city as provided. Also, upon conviction or plea of guilty or nolo contendere, the establishment's license may be revoked or suspended as provided in section 18-244 of this Code.

(Ord. of 3-24-97(2), § I)

Section 18-244 Suspension or revocation of license: appeal.

(a) The following shall constitute grounds for the suspension or revocation of any adult entertainment facility license:

(1) Any violation of this article regulating adult entertainment facilities or other ordinances of the city relating to conduct of the business;

(2) Violation of any federal or state law applicable to the licensed premises;

(3) Maintaining the premises or permitting conduct on the premises in such manner as to constitute a nuisance.

(b) Any violation by an agent or employee of a license holder which would subject the licensee to suspension or revocation under subsection (a) shall be considered a violation by the licensee for the purposes of the suspension and revocation provisions of this section.

(c) Should the city clerk determine that grounds for the suspension or revocation exist under subsection (a) of this section, the city clerk shall send notice by first-class mail to the license holder of the license suspension or revocation with a statement of the grounds supporting such action. Any license holder may request a hearing within ten (10) days of the date of such notice before the city manager for the purpose of presenting evidence and asking for reconsideration of such action. Failure to request such

reconsideration in writing within ten (10) days of the date of the notice shall result in a waiver of any appeal rights hereunder. If a hearing for reconsideration before the city manager is requested, a hearing shall be held not more than thirty (30) days from the date the written notice requesting such hearing is received by the city manager. The city manager may sustain, overrule, or modify the decision of the city clerk. The decision of the city manager following the hearing on the matter shall be issued within fifteen (15) days of the date of the hearing and shall be final.

(Ord. of 3-24-97(2), § I)

Section 18-245 Severability.

Should any phrase, clause, or section of this article be deemed unconstitutional by a court of competent jurisdiction, such determination shall not affect the remaining provisions of this article, which provisions shall remain in full force and effect.

(Ord. of 3-24-97(2), § I)

Section 18-246 18-246--18-249. Reserved.