
BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. Section 3.30.010 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Purpose.”

The City of Wichita encourages the development of Arts and Culture and recognizes that having entertainment establishments provide a means for such activity. The City of Wichita further recognizes that having a variety of entertainment in the City promotes a rich and diverse cultural experience.

The City of Wichita also recognizes that entertainment establishments serving alcohol have demonstrated the potential for creating an environment where various types of disturbances, excessive noise and disorderly conduct by inebriated patrons may occur. These negative effects are adverse to the public safety and the quality of life in the community.

The City of Wichita finds and determines that some nightclubs and entertainment establishments within the City contribute to public intoxication, public urination, noise, disorderly conduct, assaults, and other similar problems connected primarily with the routine congregation
of persons around such nightclubs, especially those which are managed without adequate security and attention to preventing these problems.

The City of Wichita finds that in the Old Town Entertainment District, a significant amount of police resources are being expended to address safety issues at large entertainment establishments located within the District.

The purpose of this Chapter is to regulate the operation of all entertainment establishments so as to minimize the negative effects and to preserve the public safety, health and welfare. It is not the City's intent to regulate or restrict the type or content of entertainment provided in these establishments. All licensees will be responsible for controlling patron conduct on the premises of such establishments, making adequate provisions for security and crowd control to minimize disturbances caused by the operation of such entertainment establishments.

SECTION 2. Section 3.30.020 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Definitions.”

The following words, as used in this Chapter, have the meanings set forth below:

"Abutting" means touching or directly contiguous to.

"Adjacent" means an area which is no further than twenty-five (25) feet from the licensed premises, unless otherwise provided by a specific section of this Code.

"Alcoholic beverage" means any alcoholic liquor or any cereal malt beverage as those terms are defined by Sections 4.04.010(b) and 4.04.010(h) of the Code of the City of Wichita and amendments thereto.

"Art" or "fine art" means works that are visual in nature, including, but not limited to, paintings, drawings, watercolors, graphics, sculptures, prints, ceramics, textiles and photos
which are created by an artist to display or sell and produced or intended primarily for aesthetic purposes rather than utility.

"Art gallery" means any establishment whose primary purpose is to exhibit and/or offer for sale works of fine art or precious/semi-precious metals. For the purposes of this Chapter, such an establishment will have a legal capacity not to exceed two hundred (200) people and will not be licensed to sell any alcoholic beverage on a permanent basis. In the event that temporary alcoholic beverage sales are conducted on the premises of an art gallery, such sales shall conform with all applicable state and city laws regulating the same.

"Ambient music" means low-level, background music, which is inaudible from any portion of the exterior of the premises. Ambient music does not include music played by a disc jockey, "DJ" or music that is used for karaoke or other live performances. Ambient music may include music played by a jukebox, when such music is inaudible from any portion of the exterior of the premises.

"Chief of Police" means the Chief of the Wichita Police Department or his/her designee.

"Coffee shop" means any establishment whose primary purpose is to serve coffee or teas along with food items. For the purposes of this Chapter, such an establishment will have a legal capacity not to exceed one hundred (100) people and will not be licensed to sell any alcoholic beverage on a permanent basis. In the event that temporary alcoholic beverage sales are conducted on the premises of a coffee shop, such sales shall conform with all applicable state and city laws regulating the same.

“Criminal Nuisance Violation” means an offense which is not reported to law enforcement by the licensee occurring on the licensed premises by the licensee or patrons of the entertainment establishment relating to commercial gambling, prostitution, violations of
any law regulating controlled substances, violation of any law related to alcoholic liquor, or any felony or misdemeanor committed for the benefit of or at the direction of, or in association with any criminal street gang with the specific intent to promote, further or assist in any criminal conduct by gang members.

“Criminal Street Gang” means any organization, association or group, whether formal or informal, which engages in those activities set forth in K.S.A. 22-3901(j).

"Entertainment" means any single event, a series of events, or an ongoing activity or business, occurring alone or as part of another business, to which the public is invited or allowed to watch, listen, or participate, or is conducted for the purposes of holding the attention of, gaining the attention of, or diverting or amusing patrons, including, but not limited to any of the following:

(a) Dancing by patron(s) to live or recorded music;
(b) The presentation of music played on sound equipment operated by an agent or contractor of the establishment, commonly known as "disc jockey" or "DJ";
(c) The presentation of live music whether amplified or un-amplified;
(d) The presentation of music videos, music concerts or other similar forms of musical entertainment from any source; or
(e) Any amusement or event such as live music or other live performance which is knowingly permitted by any Entertainment Establishment, including, but not limited to, presentations by single or multiple performers, such as hypnotists, pantomimes, comedians, dance acts, concerts, dances, live bands, karaoke or other live music.
"Entertainment Establishment(s)" means any event center or any person or entity which provides entertainment as defined by this Chapter, or any person or entity which provides a venue for any such entertainment. Such term shall not include book readings, storytelling, the playing of ambient music, or other similar activities for which no fee is charged.

"Entertainment License" means a license obtained from the City, pursuant to the provisions of this Chapter, for the purposes of operating an Entertainment Establishment.

"Event Center" means premises which are frequently rented out for public or private activities that are not repeated on a weekly basis, and which are not open to the public on a daily basis at times other than when an event is scheduled.

"Health Officer" means the Director of Public Works and Utilities or his/her designee.

“ID Scanner” means a device capable of deciphering any electronically readable information encoded on the magnetic strip or bar code of a drivers’ license or non-drivers’ identification card issued by the Department of Revenue and which transports this information into a database for alert notifications, storing, later review or use by the licensee or others.

"License" means the authority to conduct the business of an entertainment establishment within the city limits.

"Licensee" means any person to whom a current license has been issued under this Chapter authorizing such person to conduct the business of an entertainment establishment within the city limits.

"Loitering" means remaining idle in essentially one location, to be dilatory, to tarry, to dawdle and shall include, but not be limited to, standing around, hanging out, sitting, kneeling, sauntering or prowling.
"Manager" means a person, regardless of the job title or description, who is operating the establishment or who has discretionary powers to organize, direct, carry on, or control the operations of an Entertainment Establishment or teen club. Authority to engage in one or more of the following functions is prima facie evidence that a person is a Manager of the Entertainment Establishment or teen club:

(a) Hire or terminate employees; or
(b) Contract for the purchase of furniture, equipment, or supplies, except for the occasional replenishment of stock; or
(c) Disburse funds of the business, except for the receipt of regularly replaced items of stock; or
(d) Make or participate in making policy decisions regarding operations of the Establishment.

"Music" as used in this Chapter shall not apply to radios or ambient music.

"Music store / music only venue" shall mean any establishment that sells musical instruments or offers music lessons or offers open jam session opportunities to musicians. For the purposes of this Chapter, such an establishment will have a legal capacity not to exceed one hundred (100) people and will not be licensed to sell any alcoholic beverage on a permanent basis. In the event that temporary alcoholic beverage sales are conducted on the premises of a music store/music only venue, such sales shall conform with all applicable state and city laws regulating the same.

"Nonprofit dance" means any dance held by a fraternal, social, school, church or other nonprofit organization which is merely incidental to its principal purpose and where the general public is not solicited or permitted.
"Non-profit organization" means an organization or institution organized under Internal Revenue Code Section 501(c)(3) and recognized as a public charity or private foundation established for a religious, charitable, scientific, literary or public safety purpose.

“Occupancy” shall be the maximum number of persons approved for occupancy by the Director of the Metropolitan Area Building and Construction Department and the City Fire Marshal pursuant to the International Building Code.

"Office of Central Inspection" means and includes the Metropolitan Area Building and Construction Department.

“Old Town Entertainment District” means that area of the City of Wichita bounded by: Central on the North, including all property abutting Central to the North, Wabash on the East, including all property abutting Wabash on the East, St. Francis Street to the West, including all property abutting St. Francis to the West and Douglas on the South, including all property abutting Douglas to the South.

“Old Town Large Assembly Entertainment Establishment” means an entertainment establishment located within the Old Town Entertainment District, as defined by this Chapter and which has:

1) A maximum occupancy equal to or greater than two hundred (200) people if licensed as a drinking establishment by the City of Wichita; or

2) A maximum occupancy equal to or greater than two hundred seventy-five (275) people if licensed as a drinking establishment/restaurant or event center by the City of Wichita; or
3) A maximum occupancy greater than two hundred seventy-five (275) people if licensed as a teen club or if no alcoholic liquor is served or consumed on the licensed premises; or

4) A maximum occupancy greater than two hundred (200) people if the licensee allows patrons or guests to consume alcohol on the premises of such business as permitted by K.S.A. 41-719(i) et seq.

If multiple establishments are licensed within the same physical structure with a common connecting area, the occupancy of all establishments shall be utilized to determine if the establishments are an Old Town Large Assembly Entertainment Establishment.”

"Person" means any individual, owner, operator, corporation, partnership, or association.

"Photo identification" means a valid driver’s license, non-driver identification card, government issued identification card or a current school identification card which contains the individual’s photograph.

"Premises" means any place where an entertainment establishment is operated or maintained and includes all hallways, bathrooms, parking areas, and other adjacent portions of the premises, which are under the control of the licensee or which are utilized by the licensee and are accessible to the public during operating hours.

"Responsible Person" means any person who is any of the following:

a. The person who owns the Entertainment Establishment or teen club; or

b. The person in charge of the Entertainment Establishment or teen club; or

c. The person using the Entertainment Establishment or teen club under a special arrangement, contract or rental agreement; or
d. The Entertainment Establishment's manager, on-site supervisor, or other employee who is responsible for the operation of the establishment;

"Superintendent" means the Director of the Metropolitan Area Building and Construction Department or his or her designee.

"Teen Club" is any building or part or other enclosed place where a teen dance is held or teen dancing is permitted, not including:

a. An accredited public or private school or college;

b. Property owned or controlled by the federal, state, or local government;

c. A facility operated by an organization which has been recognized as exempt from federal income taxation when teen dancing is but an occasional activity incidental to the facility's primary purposes.”

SECTION 3. Section 3.30.070 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Hours of operation.”

(a) It is unlawful for any licensee, owner, manager, or responsible person of a teen club to permit or allow entertainment between the hours of midnight and noon. No person, except an employee, licensee, owner, manager or responsible person shall be on the licensed premises of a teen club and the premises shall be closed between the hours of midnight and 7:00 a.m.

(b) Other than those types of establishments set forth in subsection (d), it shall be unlawful for any licensee, owner, manager or responsible person of an entertainment establishment to permit or allow entertainment between the hours of 2:00 a.m. and noon. No person, except an employee, licensee, owner, manager or
responsible person shall be on the licensed premises of an entertainment establishment and the premises shall be closed between the hours of 2:00 a.m. and 7:00 a.m.

(c) For the purposes of this section, "employee" shall be defined as an individual who is employed by, works on or upon the licensed premises and receives financial compensation from the licensee.

(d) For any establishment offering entertainment that is regulated by this Chapter and is an art gallery, coffee shop or music store/music only venue as those terms are defined in Section 3.30.020, it shall be unlawful for any licensee, owner, manager or responsible person of such an establishment to permit or allow entertainment between the hours of 2:00 a.m. and noon. Provided, however, music student recitals, music lessons, or closed recording sessions may be conducted at any time the premises are open. Such premises shall be closed between the hours of 2:00 a.m. and 5:00 a.m.

(e) At closing time, all entertainment establishments and teen clubs shall conform to the following procedures:

(1) The lights are to be fully illuminated;

(2) The music, dancing or other live entertainment is to be stopped thirty minutes prior to closing time.

(3) For establishments that sell and/or allow the serving and consumption of alcoholic liquor, all alcoholic liquor is to be removed from all tables and no patron shall be in possession of any alcoholic liquor; and
(4) Patrons are to be directed to vacate the premises in a timely and orderly manner as required by Section 3.30.075 of this Code.

SECTION 4. Section 3.30.080 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Application—Contents.”

(a) Before any license is granted or issued for a teen club or entertainment establishment, an application shall be filed with the City Treasurer, setting forth the following facts:

(1) The name, address, social security number, date of birth of the applicant and telephone number where the applicant can be reached between the hours of 8:00 a.m. and 5:00 p.m.;

(2) Location of the teen club or entertainment establishment;

(3) Date for which the license is desired;

(4) Hours and days the teen club or entertainment establishment is to be open and closed;

(5) A statement as to whether or not cereal malt beverages or alcoholic liquor will be sold to patrons at the location of the entertainment establishment;

(6) A statement that the applicant is familiar with the conditions imposed by the terms of this Chapter;

(7) Maximum occupant load of the building, facility or area;

(8) A description of the nature of entertainment to be provided.

(b) In addition the applicant must furnish:
(1) The names and addresses of the owner of the premises which such establishment is located;

(2) The manager or operator and, if a corporation or partnership, all the names and addresses of the officers of such corporation or partnership and any individual who owns twenty-five or more percent of the stock of such corporation. If the license is to be held by a corporation, the resident agent and registered office of said corporation;

(3) The name, address, social security number, and date of birth of the applicant, owner, manager and other responsible person of the establishment. If a corporation, all the names, addresses, social security numbers and date of birth of the officers, managers or directors of such corporation and any individual who owns twenty-five or more percent of the stock of such corporation. If the license is to be held by a corporation, the resident agent and registered office of said corporation. If the applicant is a partnership, all the names, addresses, social security numbers, and date of birth of all partners of the partnership;

(4) An emergency management plan, consisting of, but not limited to: fire evacuation, storm shelter provisions, patron crowd control, and emergency access for police, fire and ambulance;

(5) A written safety plan submitted on a form developed and approved by the Chief of Police, which at a minimum, includes the following:

(a) The number and location of personnel responsible for crowd management;
(b) The occupancy load of the establishment, average patron attendance, and the type of entertainment events held at the establishment;

(c) The establishment’s written identification checking and patron search procedures;

(d) The establishment’s written procedures for insuring that only persons twenty one (21) years or older are served alcohol;

(e) The establishment’s written procedures for handling violent or criminal incidents and other emergencies and its notification procedures of the Wichita Police or Fire Departments regarding such incidents;

(f) The establishment’s written procedures for crowd control and preventing overcrowding;

(g) A description of the training provided or completed by personnel including conflict de-escalation training;

(h) The establishment’s written plan for maintaining order on areas adjacent to the licensed premises;

(i) Current contact information for the individual or position responsible for addressing safety, security and citizen or neighborhood complaints;

(6) The name of the private security agency, if any, to be employed to provide security for the club or entertainment establishment;

(7) Detailed plans and drawing of the teen club or entertainment establishment and adjoining areas indicating the dance floor, the waiting area for persons seeking admission, the parking areas, all restrooms, coat rooms, game
rooms and all other spaces accessible by patrons and all interior and exterior
doors and windows, and all sources of exterior lighting;

(8) A statement as to whether the applicant has ever had any license denied,
revoked or suspended by the City of Wichita or the State of Kansas or any
other governmental entity, the reason therefor and the business activity or
occupation of the individual subsequent to such suspension, revocation or
denial; and

(9) A statement that the applicant consents and agrees that any member of the
Police Department or Fire Department as well as other code enforcement or
health officers of the City may, at any time, enter and inspect any part of
such premises.

(c) A license shall be denied if one or more of the following conditions exist:

(1) Any applicant, owner, establishment manager, officer, manager or director
of a corporate applicant, any person owning more than twenty five (25)
percent or more of the stock of a corporate applicant, or any partner of a
partnership applicant of the teen club or entertainment establishment has,
within the preceding ten (10) years, been convicted of or placed on diversion
for a:

a. Felony; or

b. For any conviction or diversion of a misdemeanor within the last
three years involving:
i. Laws pertaining to any controlled substance(s) prohibited by the Uniform Controlled Substance Act, K.S.A. 65-4101, et seq. and amendments thereto:

   ii. Laws pertaining to alcohol or cereal malt beverage;

   iii. Prostitution;

   iv. Public indecency;

   v. A sex crime or other person crime as defined by Chapter 21 of the Kansas Statutes Annotated;

   vi. Any crime of violence or physical force;

   vii. Any weapons charge; or

   viii. Violations of this Chapter, or Sections 3.08.030 or Chapter 3.28 of the Code of the City.

(2) An applicant is less than twenty-one (21) years of age.

(3) The premises do not comply with the health, housing, fire and zoning codes of the City of Wichita.

(4) The applicant has knowingly made a false, misleading or fraudulent statement of fact to the City in the application process.

(5) The application is incomplete or if it contains any material misrepresentation.

(6) The application does not propose adequate measures for the protection of the public health, safety and welfare in terms of traffic control, crowd protection and security, the monitoring of the ages of patrons or an emergency management plan.
(7) If the license is sought to be renewed, a license shall not be renewed if three or more unreported criminal nuisance violations, as defined by this Chapter, occurred on the premises within the twelve-month period preceding the application.

(8) The applicant must not be currently under indictment, charge or information for any felony on any crime enumerated in Subsection (c)(1).

(d) In order to prohibit an entertainment establishment from constituting a "Night Club in the City," as defined by the Wichita-Sedgwick County Unified Zoning Code, conditions relating to the type of entertainment allowed at such establishment may be placed upon a license by the Office of Central Inspection.

(e) The application is filed with, and the license fee is paid to the City Treasurer. The license will not be issued until the application has been reviewed and approved by the Chief of Police, the Office of Central Inspection and the Fire Chief.

(f) The Chief of Police may impose such conditions on the issuance of the license which are necessary to protect the public health, safety and welfare. Conditions shall be based upon specific and articulable facts reasonably related to insuring public health and safety, including but not limited to the protection of minors from alcohol and other criminal activity, prevention of public nuisances, enhancement of fire protection, traffic control, crowd control, security personnel, security lighting and emergency access. Such conditions are only subject to change at:

i. The time of renewal of the license;

ii. After a hearing before the City Council upon a request by the applicant to modify the conditions or;
iii. As an additional condition imposed pursuant to Section 3.30.090(c).

The applicant may appeal to the City Council the imposition of additional conditions pursuant to the requirements of Section 3.30.100.

SECTION 5. Section 3.30.090 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“A\textit{dministrative procedures.”}

a. A teen club or entertainment establishment license may be suspended, revoked, or denied if:

(1) Any data furnished on the application is incomplete, false or is not updated as required by this Chapter;

(2) Failure to comply with any condition of the teen club or entertainment establishment license;

(3) The licensee or a manager has become ineligible to hold a license;

(4) The owner, manager, partner, director or other person owning twenty-five percent or more of the stock of a corporate licensee or a partner of a partnership licensee is convicted of any violation, which would make them ineligible to obtain an entertainment establishment or teen club license;

(5) The premises are in violation of the health, housing, fire, zoning or building codes of the City of Wichita, or the State of Kansas;

(6) Evidence of a material variance in the actual plan and design of the premises from the plans submitted pursuant to this Chapter, or from the original design of the premises when initially licensed, with the concurrence of the Office of Central Inspection;
(7) Any Police Officer, Fire Department Official, Office of Central Inspection, or Environmental Services Inspector is refused access to inspect the premises during normal business hours;

(8) The premises are in violation of the maximum occupant load of such building;

(9) The licensee or any employee, agent or responsible person is found to be in violation of the provisions of this Chapter or any other ordinance, rule or regulation by the City Council of the City of Wichita;

(10) The licensee fails to comply with additional security requirements or other conditions imposed by the Chief of Police, pursuant to the provisions of this Chapter; or

(11) Three or more criminal nuisance violations, as defined by this Chapter, have occurred on the licensed premises within the previous twelve months of the application.

For the purposes of this section, "conviction" or "violation" shall include being placed on diversion or being adjudged guilty upon entering a plea of no contest, or being placed under indictment, charge or information for any felony or crime enumerated in Section 3.30.080(c).

b. The Chief of Police shall provide written notice of the intent to revoke, suspend or deny an entertainment establishment or teen club license by personal service or by certified mail, return receipt requested. The notice shall be sent to the mailing address of the licensee on file with the City Treasurer. The notice shall provide the effective date of the revocation or suspension of the license. Such notice shall detail
the reasons or basis for the revocation, denial, or suspension of the license. No revocation or suspension shall be imposed on less than five (5) business days’ notice to the licensee, and shall specify the rights of the licensee to appeal any such denial, revocation or suspension.

c. In lieu of suspension or revocation, the Chief of Police may impose additional conditions on the license to protect the public health, safety and welfare. The imposition of such additional conditions shall be based on violations occurring on the premises by the licensee, his/her employees, patrons, agents or responsible person of the provisions of this Chapter, the laws of the City of Wichita, or state or federal laws. Conditions shall be based upon specific and articulable facts reasonably related to insuring public health and safety, including but not limited to: the protection of minors from alcohol, protection of patrons from criminal activity, including but not limited to homicide, aggravated assault, weapon offenses, drug offenses and disorderly conduct, prevention of public nuisances, enhancement of fire protection, traffic control, crowd control, security lighting and emergency access.

d. The Chief of Police shall notify the licensee in writing of any additional conditions imposed on the licensee. Such notice shall specify the additional conditions, set forth facts which support the basis for the addition of such conditions and a time frame for completion of such additional conditions. Such conditions may include, but are not limited to the following:

(1) Prohibiting the establishment from alcohol sales of any kind;

(2) Restrictions upon the hours of operation of the establishment;
(3) Restrictions upon the maximum occupancy within the establishment;

(4) Requiring the owner, licensee or responsible person to identify individuals that are prohibited from entering onto the premises;

(5) Completion of improvements upon the licensed premises that have an impact of mitigating crime such as fences, lights, security cameras or other devices;

(6) Increased presence of security personnel;

(7) Other conditions which may be appropriate to remedy violations of this Chapter by the licensee.

SECTION 6. Section 3.30.095 of the Code of the City of Wichita, Kansas, is hereby created as follows:

“Immediate suspension due to immediate threat to public safety.”

a. The Chief of Police, or duty Chief, may require a licensee to cease operations and disperse all patrons whenever conduct by disorderly patrons reaches a magnitude that presents an immediate threat to the public safety and well-being of the patrons and general public in the vicinity of the establishment. The establishment shall remain closed until the threat has passed.

b. The Chief of Police, or Duty Chief, may temporarily suspend a licensee’s entertainment if it is determined that the licensee has failed to comply with the provisions of this Chapter or additional security requirements imposed by the Chief of Police, and the lack of security or violation of the terms of this Chapter poses a substantial risk of harm to patrons or others. This prohibition does not affect the establishment’s sale, purchase, possession or consumption of alcoholic liquor or
food service. The suspension of entertainment shall be effective immediately upon verbal notification by the Chief of Police or Duty Chief to the licensee, manager, agent or representative and shall be effective for up to twenty-four (24) hours as needed to restore order or to ensure compliance with required security requirements. After that time, the establishment may resume entertainment provided that the situation giving rise to the emergency temporary suspension of entertainment has been addressed effectively as determined by the Chief of Police. The Chief or Duty Chief shall promptly complete a report outlining the basis for his/her decision to suspend entertainment and recommendations to adequately remedy the deficiencies to the entertainment establishment’s security or safety plans. A copy of the report shall be provided to the licensee, at the time the report is submitted to the Chief. The Chief or his designee shall, within five (5) business days, meet with the licensee regarding the report and make a finding to either continue the temporary suspension for a designated period, end the suspension, or recommend revocation of the license. Within three (3) business days of receiving the notice of temporary suspension, the licensee may appeal the Chief’s decision to the City Council. The notice of appeal shall be filed with the City Clerk. The City Council shall conduct a hearing pursuant to Section 2.04.235 of the Code of the City of Wichita at the Council’s next available meeting, which must not be more than ten business days from the filing of the notice of appeal.

c. It is unlawful for any person to fail to comply with any directive issued by the Chief of Police or Duty Chief under the authority of this section.

SECTION 7. Section 3.30.100 of the Code of the City of Wichita, Kansas, is hereby
amended to read as follows:

“Appeal Procedure.”

a. Unless otherwise specified by this Chapter, any applicant or licensee aggrieved by the denial, suspension, modification, revocation or imposition of additional conditions, of an entertainment establishment or teen club license may file with the City Clerk a written notice of appeal to the City Council within ten (10) business days of the decision by the Chief of Police or his/her designee. The Notice of Appeal shall specify:

(1) the name and address of the appellant;
(2) the date of application;
(3) the date of the denial, suspension, modification, revocation or imposition of additional conditions of the license or application;
(4) the factual basis for the appeal.

b. Upon receipt of a complete and timely filed Notice of Appeal, the City Clerk shall schedule a hearing before the City Council, no later than thirty days from the date of the filing of the Notice of Appeal with the City Clerk. Any appeal shall stay the suspension, modification or revocation of the license until the matter is heard by the City Council.

c. The City Council may approve the denial, suspension, modification, revocation, or imposition of additional conditions, overrule the denial, suspension, modification, revocation or imposition of additional conditions or modify the decision of the Chief of Police.

d. In any hearing before the City Council pursuant to this section, a certified copy of
a conviction from any local, state, or federal court for any violation, is *prima facia* evidence of such violation of the provisions of Section 3.30.090 of the Code of the City of Wichita.

e. The Council's decision may be appealed to the Eighteenth Judicial District Court of the State of Kansas pursuant to K.S.A. 60-2101 and any amendments thereto. Any such appeal to the District Court shall not stay the denial, revocation, modification or suspension of the license by the City Council.

SECTION 8. Section 3.30.120 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Security Personnel and Control of Premises.”

a. It is the obligation of the owner, manager, licensee or responsible person and a condition of the license to maintain, at all times when the teen club or entertainment establishment is open for business, adequate security personnel for the premises of such business,

b. It is the obligation of the owner, manager, licensee or responsible person of a teen club or entertainment establishment where dancing occurs, to maintain illumination in such entertainment establishment at a minimum level of one candle feet at a plane three feet above the dance floor.

c. The owner, licensee, manager or responsible person shall provide for the orderly dispersal of patrons from the premises of the teen club or entertainment establishment at closing time, and shall prevent patrons from congregating or loitering on the premises of the teen club or entertainment establishment.
d. The owner, licensee, manager or other responsible person shall be responsible to ensure that an adequate number of security personnel are employed and in attendance before, during and following each entertainment event as is necessary in order to maintain order and insure compliance with all applicable federal, state and city laws and ordinances.

e. There must be a person in charge of and responsible for security on duty at all times when the teen club or entertainment establishment is open to the public or when patrons are leaving the premises at closing time. Security personnel will remain on the premises for a period of not less than thirty minutes after the closing time of such establishment to direct the orderly dispersal of patrons from the premises of the establishment.

f. The owner, licensee, manager or responsible party of a teen club or entertainment establishment is responsible to exercise appropriate control over its invitees on the premises for such purposes as preventing unnecessary noise, litter, trespass, loitering, property damage, traffic obstruction and similar activities which may constitute a nuisance.

g. If the history of operation of a teen club or entertainment establishment shows inadequate control of litter, the health officer may impose appropriate regulations, including the posting of a bond, to ensure litter prevention or clean-up as a condition of continued validity of the existing license or of the issuance of a future license. Such decision may be appealed pursuant to the procedures set forth in Section 3.30.100.
h. One of the purposes of the security personnel requirement is to maintain the public
peace and order on the premises of the teen club or entertainment establishment.
The licensee is under a continuing obligation to take reasonable measures,
including to call the police department, to curtail any conduct which is or threatens
to be in violation of state or local laws or offensive to public health, decency and
morality, or peace and order, including, without limitation, minors in possession
of liquor or tobacco products, use or possession of controlled substances, crimes
of violence and disorderly conduct. Failure to immediately notify law
enforcement of criminal activity occurring on the licensed premises shall be
grounds for revocation or suspension of the license.

SECTION 9. Section 3.30.125 of the Code of the City of Wichita, Kansas, is hereby
created to read as follows:

“Old Town Large Assembly Entertainment Establishment Requirements.”

In addition to the operational requirements set forth in the this Chapter, due to the high
concentrations of entertainment establishments in the Old Town Entertainment District and the
large impact on police resources which are consumed due to activities of large occupancy
entertainment establishments, the following additional requirements shall apply to all Large
Assembly Entertainment Establishment licenses within the Old Town Entertainment District.
These requirements are imposed on businesses which meet the definition of Entertainment
Establishment as defined by this Chapter and are located within the Old Town Entertainment
District.

a. An ID Scanner shall be utilized by the establishment to properly identify patrons.
Such device must be used, at a minimum, from the hours of 11:00 p.m. to close,
on Friday and Saturday, and on evenings when a special event or concert is occurring. At the discretion of the licensee, information may be used to ban patrons from the licensed premises;

b. Appropriate signage, approved by the Chief of Police or his/her designee, must be displayed inside the entertainment establishment and immediately adjacent to entrances and exits informing patrons of their responsibility to exit in an orderly manner and the penalties for failing to exit in an orderly manner as set forth by Section 5.48.038 of this Chapter; and

c. No patron or individual under the age of twenty-one (21) may be on the licensed premises after 12:00 a.m. midnight unless such individual is an employee of the licensee, under the direct supervision of an on-site manager, licensee or other employee who is twenty-one (21) years of age or older.

SECTION 10. Section 3.30.130 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Right of Access.”

During any hours in which any person is present on the premises, all teen clubs and entertainment establishments shall be open to inspection by City Health, Fire, Zoning, Building and license inspectors and Wichita Police Officers or other law enforcement agencies. Failure to allow entry may result in suspension or revocation of the license.

SECTION 11. Section 3.30.160 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Premises capacity.”
It shall be the duty of the Fire Chief and the Director of the Metropolitan Area Building Department to determine the number of persons who can safely be accommodated at any one time in any building, premises or location where any teen club or entertainment establishment is located. The Fire Chief and the Director of the Metropolitan Area Building Department shall rate and limit the occupancy of the building, premises or location and furnish a certificate thereof to the owner or operator of such teen club or entertainment establishment, which owner shall be required to post such certificate near the main exit in the building. Such owner, operator, licensee or responsible person is hereby required to limit the attendance at such teen club or entertainment establishment to such capacity as has been determined by the Fire Chief and Director of the Metropolitan Area Building Department. It shall be unlawful to post a certificate of occupancy showing a greater capacity than that shown by the Metropolitan Area Building Department and Fire Chief.

The penalty assessed by the court for violating the premise’s maximum occupancy, shall not be less than the minimum penalty required by Section 15.01.110 of the Code of the City of Wichita.

SECTION 12. Section 3.30.200 is hereby created to read as follows:

“Violations not exclusive.”

The provisions of this Chapter are in addition to any other violation enumerated within the ordinances of the Code of the City of Wichita. This Chapter in no way limits the penalties, actions or abatement procedures which may be taken by the city for a violation of any ordinance of the city or statute of the State of Kansas.

SECTION 14. This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon its passage and publication once in the official city paper.

PASSED by the governing body of the City of Wichita, Kansas, this 13th day of December, 2016.

__________________________________________
Jeff Longwell, Mayor

ATTEST:

_____________________________________
Karen Sublett, City Clerk

Approved as to Form:

_____________________________________
Jennifer L. Magaña
City Attorney and Director of Law