

Chapter 5.12

BUSINESS ACTIVITIES

Sections:

5.12.040 Adult Entertainment Business.

5.12.045 Yard Sales.

5.12.040 **Adult Entertainment Business.** No adult entertainment business, as defined in BCMC 20.09.025 shall be permitted until an adult entertainment business permit has been approved by the Mayor upon compliance with this section. The following procedures shall apply:

A. Application. Any person, as defined in BCMC 20.09.025, seeking a permit for an adult entertainment business shall submit to the Mayor the following:

1. A completed application supplied by the Mayor, which includes a site plan accurately drawn at a scale of one (1) inch = one hundred (100) feet or larger, showing the following:
 - a. The boundaries and dimensions of the site;
 - b. Existing streets, roads, and highways bordering or crossing the site;
 - c. Interior private roads;
 - d. Location and uses of existing and proposed structures;
 - e. Location of parking capabilities, including access points;
 - f. Scale and North arrow;
 - g. Vicinity map showing adjacent properties;
 - h. Location of draining facilities;
 - i. Location of utility easements;
 - j. Location of nearest residence or sensitive land uses as defined by BCMC 20.09.025;
 - k. The size and location of all existing and proposed signs, marquees, or other advertising devices;
 - l. Complete floor plan including but not limited to the locations of

all fixtures, improvements, furniture, furnishings, booths, and enclosures; and

m. All of the above demonstrating compliance with the requirements of BCMC 20.60.260.

2. A non-refundable application fee as established by the City Fee Schedule Resolution.

3. Additional information as required by the Mayor.

If an application is determined to be incomplete, the applicant shall submit the additional necessary information requested. Within fourteen (14) days of receipt of the additional information from the applicant, the City of Benton City shall issue a written determination of completeness or identify what remaining information is required. If the applicant refuses to submit the required information within ninety (90) days, the application shall lapse.

B. Review by Mayor. The Mayor shall refer the matter to appropriate agencies for their comments, and shall determine the following:

1. The proposed use conforms with all applicable Ordinances and regulations of the City of Benton City which also apply to other permitted uses in the applicable zoning district.

2. The proposed use complies with the density requirements of the Benton City Comprehensive Plan.

3. The building size meets the total square footage and setback requirements for the commercial zoning requirements for the proposed use and all necessary structures.

4. The proposed use complies with all applicable requirements of the Benton-Franklin District Health Department and the Department of Social and Health Services.

5. Exterior advertising shall be limited to one, two-square foot, non-illuminated double-faced sign or its equivalent.

6. The filing of an adult entertainment business permit application with the City Clerk.

7. Off-street parking areas shall be provided as required by BCMC 20.57.060.

8. No public display of nude or semi-nude entertainers or persons visible to the exterior of the building housing an adult entertainment business shall be permitted.
9. The site for the proposed use shall be landscaped in such a manner to be compatible with surrounding uses.
10. The applicant shall conform to Uniform Fire Code (UFC), state, and local fire standards for fire prevention.
11. The applicant must comply with Uniform Building Code (UBC) requirements for the proposed use.

C. Notification. If the Mayor determines all the above are satisfied, written notification of the proposed use shall be placed in the legal section of the City's official newspaper and shall be sent by first class U.S. Mail to owners of real property, as shown in the records of the Benton County Assessor, located within two hundred (200) feet of any portion of the boundary of the proposed use; provided, if the owner of the property for which the proposed use is requested owns another parcel or parcels adjacent the property, notification shall be mailed to owners of real property located within two hundred (200) feet of any portion of the boundaries of such adjacent parcels. The notification shall contain a statement that the proposed use shall be approved without holding a public hearing if no objection is submitted to the Mayor within fourteen (14) calendar days following date of mailing of notification.

Failure to send notice to a person specified in this section or failure to receive notice shall not invalidate any proceedings or decision in connection with the proposed use.

D. Approval by Mayor. If no objection is received by the Mayor within fourteen (14) days following mailing of the notification, the proposed use shall be approved or conditionally approved. If conditional approval is given, the applicant shall have six (6) months to satisfy the conditions. The Mayor shall endeavor to issue a decision on the proposed use within twenty-five (25) working days from the date of submittal of a complete application.

E. Grounds for denial of permit. It shall be grounds for denial of a permit if the applicant has been convicted within the past two years of a misdemeanor or gross misdemeanor involving a specified criminal activity; within the past five years of a felony offense involving a specified criminal activity identified in BCMC 20.09.025; or within the past five years of two or more misdemeanor or gross misdemeanor offenses or combination of misdemeanor and gross misdemeanor offenses involving specified criminal activities as defined in BCMC 20.09.025.

- F. Denial. If, after reviewing the application, the Mayor determines that the proposal does not meet the requirements of this chapter and BCMC 20.60.260, he/she shall deny the request and inform the applicant in writing the reasons for the denial.

- G. Appeal. Anyone aggrieved by the Mayor's decisions shall have fourteen (14) days from the date of decision to appeal to the Benton County Superior Court.

- H. Continuation of business pending appeal of permit suspension or revocation. Whenever a request for appeal of a permit suspension or revocation is timely filed, a permittee may continue to operate the adult use business for which the permit was required pending the decision from the Mayor or the Benton County Superior Court.

- I. Permit fee. Prior to the issuance of any license provided herein, the applicant should pay the required fee to the license officer in the amount as set by the most current City Fee Schedule Resolution, which shall be paid to the City Treasurer. (Ord. 678, September 1998.)

5.12.045 **Yard Sales.**

- A. All persons or entities prior to holding yard sale, as defined herein, shall secure a license from the City Clerk upon the submission of the Yard Sale Permit Application in compliance with the following conditions:
 - 1. No person or entity shall be granted a license to conduct a yard sale more frequently than twelve (12) yard sales during any twelve (12) month period. No yard sale shall be conducted for a continuous period in excess of three (3) calendar weeks, and all yard sales shall be separated by a period of not less than fourteen (14) calendar days. In no event may any person or entity be permitted more than 180 yard sale days during any twelve (12) month period.
 - 2. The yard sale permit must be posted in a conspicuous location at the site of the yard sale for its duration.
 - 3. The yard sale may be conducted only upon the private property of the applicant and shall not be permitted on sidewalks, alleys, streets or other public ways or property, including the posing of any signs, posters or property.

4. Yard sales shall be conducted in an orderly fashion as to prevent a disturbance of the peace, public nuisance, or a hazard to persons or properties.
 5. All items offered for sale at the yard sale shall be removed from the sale site at the conclusion of the permitted period.
 6. Violation of this Section shall constitute a civil infraction and may be enforced before the Hearing Examiner and result in the revocation of the permit and suspension of future permits for yard sales.
- B. For the purpose of this Section, "Yard Sale" means a yard sale, patio sale, garage sale, or any similar sale of used or secondhand merchandise offered to the general public. (Ord. 959, August 2016; Ord. 728, March 2001.)