



APPLICATION INSTRUCTIONS

Night Club Permits
Per Ordinance 2013-230

To obtain a license or to renew an existing license to operate a night club within the City of Waco, a person must obtain a permit from the City. To obtain this permit, the person must file a completed application along with other information specified in these instructions and pay any application fees with the Licensing Coordinator. Upon receipt of an application for a night club, the City has 30 days to complete its review and determine whether to issue the permit.

Please follow these instructions when completing the application forms:

1. An applicant for night club license or permit must file a completed application form with the City Secretary's Office, 300 Austin Ave., First Floor-City Hall. The application fee (\$250.00) must be paid for before the application submission will be considered complete.
 - i. The applicant must attach to the application form a sketch or diagram showing the configuration of the premises. The sketch need not be professionally prepared, but it must show the interior dimensions of the business to an accuracy of plus or minus six (6) inches.
 - ii. If the building does not currently have water, gas, or electrical service, the applicant must go to the Inspection Services Department to apply for a Commercial Building check. The applicant should show to the person in the Inspection Services Department the "Notice of Inspection" form that the applicant is given upon filing the application. The inspection for the Commercial Building check can be made at the same time as the inspection for the night club license.
 - iii. If there are coin operated machines in the establishment, the applicant should make sure that such machines have the necessary tax stamps affixed to them. Both the State of Texas and the City of Waco require that their respective tax stamp be affixed to certain types of coin operated machines. The City of Waco tax stamps can be received through the Water Department located at 425 Franklin Ave.
 - iv. If there will be alcoholic beverages sold on the premises, the applicant should obtain the application/permit from the Texas Alcoholic Beverage Commission (TABC), 900 Washington Avenue, Suite 600.
2. The applicant will be given a specific time period on a specified day for city inspections.
3. The City Secretary/Licensing Coordinator sends a copy of the application along with review form to all reviewing departments (Police, Traffic, Health, Fire, Planning, and Inspection). The review form will inform the inspectors of when the applicant has been told to be available on the premises for any necessary inspections. Any inspector making an inspection of the premises should go during the time stated on the Notice of Inspection form given to the applicant.

4. Upon completing all necessary review, each reviewing department must return its Review Form to the City Secretary indicating whether permit is approved or disapproved. If the permit is disapproved, the review should state reason for disapproval.
5. If all departments approve, a permit will be issued.
6. If approved, the City Secretary contacts the applicant to pick up the permit. [Payment of any remaining fees and fines should be made prior to issuance of any permits issued by the Licensing Coordinator.] If the permit application is denied, the applicant will be informed of that fact and the reasons for denial.

If a night club permit is denied, applicant can appeal that denial to the Waco City Council by filing a written appeal with the City Secretary's Office (on 1st floor in Waco City Hall or P.O. Box 2570, Waco, Texas 76702-2570) within ten (10) days of receiving notice of the denial. In that appeal, the applicant must clearly set out his reasons for believing that the denial was in error.

Esmeralda Hudson, TRMC
City Secretary/Licensing Coordinator
P.O. Box 2570
Waco, Texas 76702-2570
(254) 750-5750 (phone)
(254) 750-5748 (fax)
EHudson@wacotx.gov



AS EACH DEPARTMENT REVIEWS THE APPLICATION, THESE
ARE SOME OF THE MATTERS THAT WILL BE CONSIDERED:

INSPECTION SERVICES DEPT.

Determines whether location of operation is (1) properly zoned, (2) within 100 feet of property zones R-1 or R-2, (3) within 300 feet of church, or (4) within 300 feet of public or private school or daycare center. Also determines if the proper number of parking spaces are available and that the following codes are being complied with: building, plumbing, electrical, mechanical, gas, and zoning codes. Inspections should determine the occupancy load of the establishment and gives to the applicant a notice of the limit, which must be posted on the premises. The inspector will check coin operated machines for current tax stamps.

Department Contact: Randy Childers (254) 750-5671

TRAFFIC DEPT.

Checks site for parking, ingress and egress problems. In particular, checks to see if traffic to and from bar will create problems in area, if any regulatory parking signs are needed, and if any sight obstructions exist or may be created. Also checks the number of parking spaces available both off the street on the property and on the street.

Department Contact: Mark Hines (254) 750-6621

POLICE DEPT.

A criminal history check will be made on the applicant and anyone else with an ownership interest in the establishment.

Department Contact: Chief Brent Stroman (254) 750-7500

FIRE DEPT.

Check for any violation of fire codes and fire hazards.

Department Contact: Fire Marshal's Office (254) 750-1740

WATER OFFICE

Will check to see if there are any delinquent water accounts in the applicant's name.

Department Contact: Dolores Michalewicz or Sabrina Beck (254) 299-2489

HEALTH DEPT.

Checks for any violations of health codes and ordinances. If food is to be served, a Food Establishment Permit must be obtained. That permit can be applied for at the Environmental Health Office. Notification and initial inspection to applicant can be on the application for the dance hall and /or alcoholic beverage permit.

Persons involved in handling food, beverages, and ice in any way must obtain a food handler's certificate. Obtaining the certificate requires completing a course offered through the Environmental Health Division at the Waco-McLennan County Public Health District.

Department Contact: Environmental Health Division (254) 750-5464
Waco-McLennan County Public Health District

PLANNING DEPT.

Checks area to assess impact of the proposed operation. The land use plan as well as zoning classification, nearest TABC permits/licenses, and street classification will be reviewed.

Department Contact: Clint Peters (254) 750-5654



NIGHT CLUB APPLICATION

CLASS A New Renewal

(Class A - dancing is permitted for persons between the ages of 14 through 18 only)

CLASS B New Renewal

(Class B - any night club other than a Class A Night Club)

Date: _____

LAST NAME	FIRST NAME	MIDDLE INITIAL	DATE OF BIRTH:
RESIDENCE ADDRESS (including zip):			TELEPHONE NUMBERS
			HOME:
OCCUPATION:			WORK: _____
			CELL:
DRIVER'S LICENSE NO.:	STATE:	EXPIRES:	EMAIL:
LOCATION OF NIGHT CLUB:			
Street Address:			
NAME OF NIGHT CLUB:			IS THE NIGHT CLUB A:
OWNER OF NIGHT CLUB:			
PROPOSED DAYS & HOURS OF OPERATION:			
			<input type="checkbox"/> Sole Proprietorship
			<input type="checkbox"/> Partnership
			<input type="checkbox"/> Corporation
A sketch or diagram showing the configuration of the Night Club attached:			
<input type="checkbox"/> Yes <input type="checkbox"/> No			
Please List at least two Night Club Supervisors:			
Name:	Name:	Name:	
Address:	Address:	Address:	
Date of Birth:	Date of Birth:	Date of Birth:	
Phone: Cell:	Phone: Cell:	Phone: Cell:	
Email:	Email:	Email:	

Have you ever been convicted of an offense other than a minor traffic violation?

Yes No

If yes, list each such conviction below (use additional sheet if necessary) stating the nature of the charge, the year the conviction occurred, and the location where the charge was filed:

Charge:	Year:	Location:
Charge:	Year:	Location:
Charge:	Year:	Location:

I, _____ hereby swear, under penalty of perjury, that the information stated above is true and correct.

(Please sign this portion in front of a Notary)

Signature of Applicant:

Date:

SWORN TO AND SUBSCRIBED BEFORE ME this _____ day of _____, 20_____.

NOTARY IN/FOR STATE OF TEXAS

TO BE COMPLETED BY CITY SECRETARY'S OFFICE

\$250.00 Fee Remitted with Application	Night Club	_____
	TOTAL	_____

Five Year Permit Dates: _____ to _____

OWNER/PARTNER INFORMATION SHEET FOR NIGHT CLUBS

Each individual who owns a 20% or greater interest in the business for which an application for a Night Club license application is filed must complete the following information. If the business is owned by a partnership or corporation, each partner or person who owns a 20% or greater interest in the partnership or corporation must complete the following information.

LAST NAME	FIRST NAME	MIDDLE INITIAL	DATE OF BIRTH	SEX
HOME ADDRESS			DRIVER LICENSE #	STATE
CITY		STATE	ZIP	RACE
TELEPHONE: HOME _____ CELL _____		RELATIONSHIP TO BUSINESS		
WORK _____ OTHER _____				

Have you ever been convicted of an offense other than a minor traffic violation? Yes No

If yes, list each such conviction below (use additional sheet if necessary) stating the nature of the charge, the year the conviction occurred, and the location where the charge was filed:

OWNER/PARTNER

Charge: _____ Year: _____ Location: _____
 Charge: _____ Year: _____ Location: _____
 Charge: _____ Year: _____ Location: _____

I, _____, hereby swear, under penalty of perjury, that the information set out above is true and correct.

SIGNATURE

SWORN TO AND SUBSCRIBED BEFORE ME this ____ day of _____, 20____.

Notary In/For State of Texas



Acknowledgement of Application Receipt & Notice of Inspection

An application for the following permits has been filed with the Licensing Coordinator:

Night Club: New Renewal
Class A Night Club New Renewal

Applicant Name: _____

Night Club Address: _____

Name of Night Club: _____

Dates and Hours of Operation: _____

Fee remitted with application: _____

Notice to Applicant: In order to complete the review process, an inspection and/or investigation must be made of the applicant and premises listed above. You, or someone you pick to represent you, **MUST be present** on the premises at the time set out below. **If you are not present, it will be YOUR RESPONSIBILITY to reschedule the inspection.** Once the inspections are completed, you will be notified whether the application will be granted or denied.

Date: _____, 20____ Tuesday Wednesday Thursday

Between the hours of: 9:00 am and 12:00 noon OR 1:30 pm and 4:30 pm

**CITY OF WACO
NIGHT CLUB RELEASE AND WAIVER**

I hereby authorize any authorized representative of the City of Waco bearing this release or a copy thereof to obtain information contained in any file or other compilation system relating to former employment, educational, or criminal history information matters.

This waiver extends to any and all information possessed by local, county, state, or federal law enforcement agencies that retain criminal history information. I further request and authorize you to release any and all information related to any investigation of me for disciplinary purposes or alleged acts of misconduct, regardless of investigation results. I further authorize the City of Waco's designated employees to discuss with representatives of the City of Waco all information and records provided to the City of Waco. I direct you to release this information upon request of the bearer. This release is executed with full knowledge and understanding that the information is for the official use of the City of Waco.

I understand that this release is good for the term of my Night Club permit, and I will be required to execute a release and waiver upon each renewal of my night club application.

I hereby release the City of Waco, its officers, employees, and agents from any and all liability or damage that may result from furnishing the information requested above to the City of Waco.

Furthermore, I shall hold any and all persons who release the information and records described herein harmless from any liability for any and all release and disclosure to the City of Waco of the information and records described herein, and any discussion of the information. A photostatic copy of this authorization shall be considered as valid as the original.

Full Legal Name (Print): _____

Other Names Used: _____

Current Address: _____
(Number) (Street) (Apt #) (City) (State) (Zip)

Previous Address: _____
(Number) (Street) (Apt #) (City) (State) (Zip)

Social Security Number: _____ Date of Birth: _____

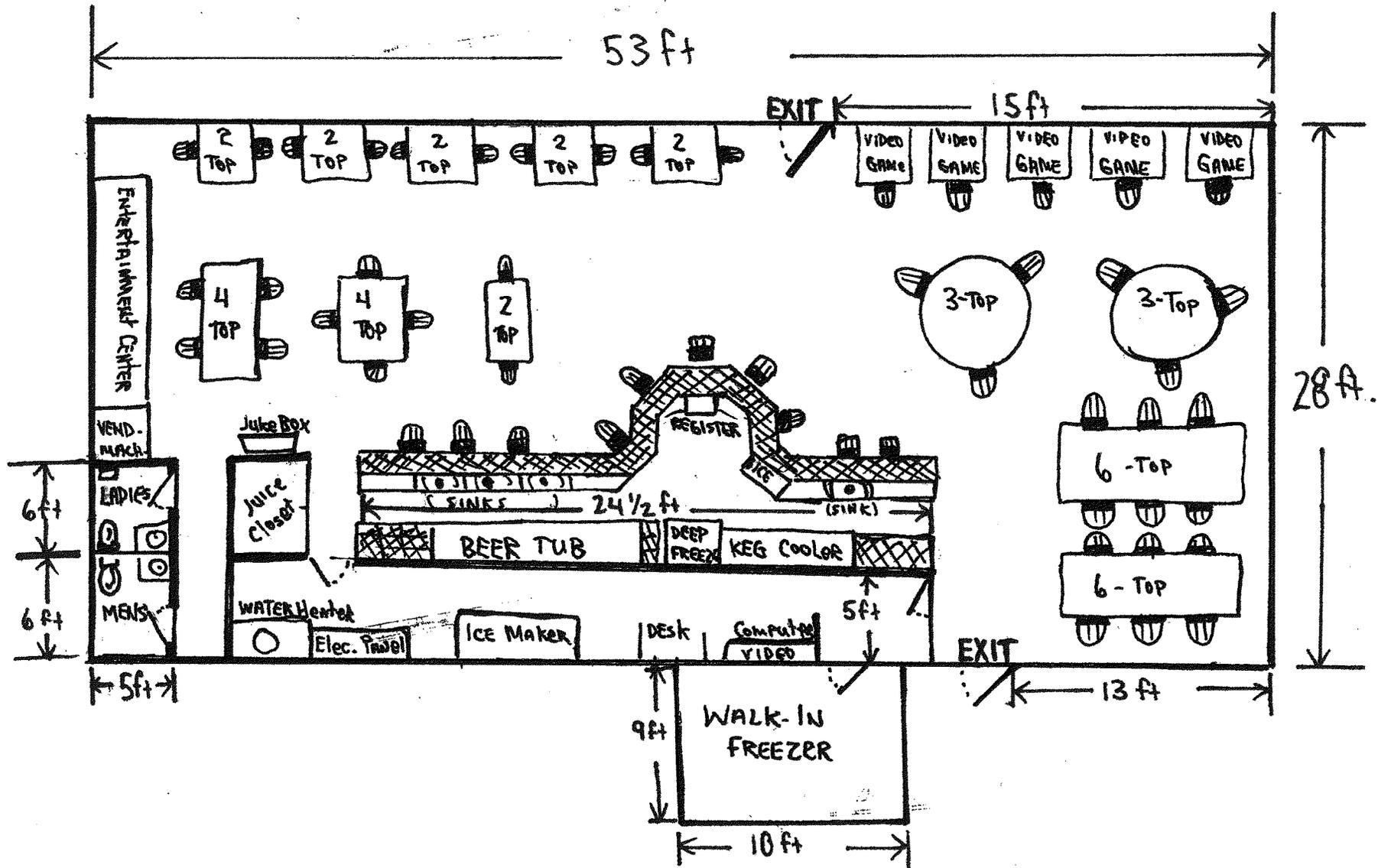
Drivers License: _____
State Number Class Exp. Date

Signature: _____ Date: _____

Subscribed and sworn to before me, the undersigned authority, this _____ day of _____, 20_____.

Notary Public in and for the State of Texas

THE DOG HOUSE 2524 W. WACO DR.



Detail and dimensions

Scaled Floor Plan

Beer cooler/Alcohol storage

Cash register

Jukebox

TV

Furniture

 Tables

 Chairs/stools - show how many chairs at each table and bar

 Bar

 Couches/Lounges

DJ booth

Dance Floor

Stage

Stairs

Pool Tables

Slot Machines/Coin-Operated machines

Walk-in cooler

Restrooms (for Men/Women/Employees)

Office/Kitchen/storage/closets/other rooms if applicable

Dimensions for things against exterior walls

Anything of importance if the building was on fire

 Gas/electric shut offs

 Meters

 Electrical panel, etc.

Hazard locations

 Water heater

 A/C heater room

 Chemical storage

 Fire place, etc

Doors & Exits

Fire Extinguisher locations

Name and address of business on drawing

Street locations



City Secretary's Office
Post Office Box 2570
Waco, Texas 76702-2570
254 / 750-5750
Fax: 254 / 750-5748
www.waco-texas.com

Date: _____

Dear Night Club Owner or Manager:

The City of Waco adopted Ordinance No. 2013-230 on April 16, 2013. This ordinance regulates night clubs where dancing is permitted. To comply with the ordinance, your business establishment is required to obtain a night club permit. You can access instructions and the night club application from the City of Waco website by visiting <http://www.waco-texas.com/permits.asp>

The application must be signed before a Notary. For your convenience, the City Secretary's Office offers Notary services at no charge. Our office is open Monday through Friday from 8:00 a.m. to 5:00 p.m. Your application and fee of \$250.00 must be submitted to the City Secretary's Office within 30 days. We will work with you on scheduling a date and time for inspections. The City Secretary's Office is located at 300 Austin Ave., Waco City Hall, First Floor.

If you have any questions, please contact me.

Esmeralda Hudson, TRMC
City Secretary
(254) 750-5756
EHudson@wacotx.gov

Receipt of Night Club Notification

Date: _____

Name of Night Club: _____

Address of Night Club: _____

Signature: _____

Title: _____

CITY OF WACO STAFF:

Please return this receipt form to the City Secretary's Office.

Ordinance 2013-230

PART II - CODE OF ORDINANCES
Chapter 13 - LICENSES, PERMITS AND BUSINESS REGULATIONS
ARTICLE II. - AMUSEMENTS
DIVISION 4. - NIGHT CLUBS

AN ORDINANCE AMENDING DIVISION 4 "DANCES AND DANCE HALLS" OF ARTICLE II "AMUSEMENTS" OF CHAPTER 13 "LICENSES, PERMITS AND BUSINESS REGULATIONS" OF THE CODE OF ORDINANCES; RENAMING DIVISION 4 "NIGHT CLUBS"; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR A PENALTY; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WACO, TEXAS:

Section 1. That Division 4 "Dance and Dance Halls" of Article II "Amusements" of Chapter 13 "Licenses, Permits, and Business Regulations" of the Code of Ordinances of the City of Waco, Texas, shall be and is hereby amended to read as follows:

DIVISION 4. - NIGHT CLUBS

Sec. 13-91. - Definitions.

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

Class A shall mean a Night Club where dancing is permitted for persons between the ages of 14 through 18 only.

Class B shall mean any night club other than a Class A Night Club.

Dance School shall mean an establishment: (1) where persons contract for instruction in dance methods, styles, techniques, and disciplines recognized by professional dance organizations; (2) the dance instruction is provided only by persons trained in dance methods, styles, techniques, and disciplines recognized by professional dance organizations; (3) the primary purpose of the dancing at the establishment is for the education of the persons contracting for dance instruction and not for entertainment of the general public; and (4) no dancing occurs on premises except by the instructor and the person contracting for dance instruction.

Day or days shall mean calendar days.

Health officer shall mean the individual designated as the health officer or health authority for the city or his designee.

Licensing coordinator shall mean the official designated by the city manager to perform the functions set out in this article.

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Night Club shall mean any room, place or space where dancing by patrons or customers is permitted and to which the public generally may gain admission with or without the payment of a fee or other consideration.

Private club shall mean an association of persons for the promotion of some common object, which operates not for a profit a place for the accommodation of its members and guests only.

Sec. 13-92. - License required and exceptions.

(a) A person commits an offense if the person operates a night club or allows a building that he has an ownership interest in to be operated as a night club, without first obtaining a license from the city.

(b) A person commits an offense if the person operates a night club without the appropriate class of night club license.

(c) It is a defense to prosecution under this section that the actor is conducting a night club at a:

- (1) Private residence from which the general public is excluded;
- (2) Place owned by the federal, state, or local government;
- (3) Public or private elementary school, secondary school, college, or university;
- (4) Place owned by a religious organization;
- (5) Private club;
- (6) Dance School;
- (7) A hotel or motel that contains a dance floor that is not promoted or advertised for use by members of the general public who are not occupants of the hotel's or motel's guest rooms;
- (8) An establishment that:
 - (a) has a certificate of occupancy for a restaurant;
 - (b) derives 50 percent of more of its gross revenues on a quarterly basis from the sale of food and nonalcoholic beverages; and
 - (c) does not charge an entrance or admission fee; or
- (9) Place that has a maximum occupancy load of less than 100 persons.

Sec. 13-93. - License application.

(a) An application for a license to operate a night club must be made to the licensing coordinator on the form prescribed by that official. The application must include:

- (1) the name and physical address of the night club;

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(2) the names, addresses, and birthdates of each person described in subparagraph (c); and

(3) authorization for the City to conduct a criminal background check on each person described in subparagraph (c).

(b) The application must be accompanied by a sketch or diagram showing the configuration of the premises. The sketch need not be professionally prepared, but it must show the interior dimensions of the business to an accuracy of plus or minus six inches.

(c) If a person who wishes to operate a night club is an individual, he must sign the application for a license as the applicant. If the person who wishes to operate a night club is other than an individual, each individual who has a 20 percent or greater interest in the business must sign the application for a license. Each applicant must meet the requirements of Section 13-95 and each applicant will be considered a licensee if the license is granted.

(d) All applications must be accompanied by a nonrefundable application fee in an amount determined by the city council by minute entry or as a part of the annual budget.

(e) An application shall not be considered to have been filed until the application fee is paid and all information required by the application form is submitted.

Sec. 13-94. - Application review.

The licensing coordinator shall forward a copy of all night club license applications to the police department, traffic department, health department, fire department, planning department, and inspection department. Upon receipt of the copy of the application, each department shall make such inspection and/or investigation of the applicant and the premises that is necessary to the enforcement of ordinances and laws for which the department has responsibility. Upon completion of the review, the reviewing department shall forward to the licensing coordinator its recommendation for approval or disapproval of the application. If the application is disapproved, the department shall clearly set forth its reason for the disapproval in writing to the applicant.

Sec. 13-95. - License issuance or denial; term.

(a) Issuance. The licensing coordinator shall issue a night club license, upon payment of the license fee, to an applicant within 30 days of the filing of an application, unless he finds one or more of the following is true:

- (1) An applicant is under 18 years of age;
- (2) An applicant is overdue in payment to the city of taxes, fines, fees, or penalties assessed against or imposed upon the applicant or the applicant's spouse;
- (3) A fee required by this division has not been paid;

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(4) An applicant has falsely answered a question or request for information on the application form;

(5) An applicant:

a. has been convicted of a violation of a provision of this article within 12 months immediately preceding the application;

b. has been denied a license or the renewal of a license under this article within 12 months immediately preceding the application ; or

c. has had a license issued under this article revoked within the preceding 12 months;

(6) An applicant has been convicted of a crime involving the selling, distribution, manufacture, possession, or use of a controlled substance or of controlled substance paraphernalia; or solicitation to purchase or acquire a controlled substance, controlled substance analogue, dangerous drug, or volatile chemical; or the sale of an alcoholic beverage without a permit or license from the state; or prostitution or promotion of prostitution; or manifesting the purpose of engaging in prostitution; or unlawfully carrying a weapon, provided:

a. If the conviction was for a misdemeanor offense, less than two years have elapsed since the date of the conviction or the date of release from confinement for the conviction, whichever is the later date; or

b. If the conviction is for a felony offense, less than five years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date; or

c. If the conviction is for two or more misdemeanor offenses or a combination of misdemeanor offenses occurring within any 24-month period, less than five years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction; or

d. Provided further that the fact that a conviction is being appealed shall have no effect on the disqualification of the applicant.

(7) An applicant has been operating the proposed business as a night club without a valid license under this division within twelve months of the application;

(8) Alcoholic beverages are possessed, consumed, or sold on premises or to be used by the applicant for a Class A night club; or

(9) Operation of the proposed night club would violate the city's zoning ordinance.

(b) Extension of review period. If the applicant is in the process of correcting certain conditions in the premises so that the premises will comply with applicable ordinances and laws, the applicant may request in writing that an extension of 30 days be made to the review period.

(c) Term. No license shall be effective until it has been issued. All licenses for night clubs issued under

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the provisions of this article shall be valid for a period of five years from the date of issuance. The date of issuance shall be stated on the license.

(d) Other license. Acquisition of a license under this article is a separate and distinct requirement from any other licensing requirements. Possession of some other license shall not relieve a person of the requirement to obtain a license pursuant to this article.

(e) Certificate of Occupancy. Despite issuance of a license under this article, a licensee may not occupy or use a structure without obtaining a certificate of occupancy for the use.

(f) Notice of Denial. The licensing coordinator shall notify the applicant in writing of the denial of the application within 30 days of the application's receipt. The notice shall include the basis for the denial.

Sec. 13-96. - Contents; posting of license.

A night club license issued under this article shall be signed by the licensing coordinator and shall state on its face to whom it is issued, the date of issuance, the date of expiration, the address and location of such night club, and whether it is issued for a Class A or Class B Night Club. The license shall be posted by the licensee in a conspicuous place and in such a manner and position that it may be easily read at any time of day or night.

Sec. 13-97. - License transfer.

(a) No license issued under the provisions of this article shall be transferred from one person, partnership, or corporation to another without the payment of a transfer fee and the approval of the licensing coordinator.

(b) The license issued hereunder may be transferred from one location or place of business to another location upon payment of a transfer fee if the new location is approved by the licensing coordinator.

(c) Prior to approving any transfer, the licensing coordinator shall consult with the chief of police, fire marshal, health authority, and building official, or their designees, to determine if the new operator or the new location meets all the standards and requirements applicable to an original application for a night club license, including those set forth in section 13-95.

(d) The licensee may appeal the denial of any license transfer by filing an appeal as provided for in section 13-100

Sec. 13-98.1. - Suspension of license.

(a) The licensing coordinator shall suspend a license for a period not to exceed 30 days if such coordinator determines that:

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(1) in operation or maintenance of the night club, the licensee has violated or is not in compliance with any ordinance of the city or any state law; or

(2) the licensee or an employee of the licensee has:

- a. Refused to allow an inspection of the premises, as authorized by this article; or
- b. Violated sections 13-102(a), 13-102(d), 13-103 or 13-104.

(b) A licensee must correct a violation under subsection (a)(1) prior to re-opening the licensed premises.

Sec. 13-98.2. – Revocation of license

(a) The licensing coordinator shall revoke a license if:

(1) A cause of suspension occurs and the license has already been suspended within the preceding 12 months;

(2) A licensee gave false or misleading information in the material included on or with his original application or a renewal application or in response to an inquiry by the city;

(3) A licensee or an employee of the licensee knowingly allowed possession, use or sale of a controlled substance on the premises;

(4) A licensee or an employee of the licensee knowingly allowed prostitution or the solicitations for the purpose of prostitution on the premises;

(5) A licensee has been convicted of a violation set forth in section 13-95(a)(6) or any provision of the state alcoholic beverage code;

(6) While an employee of the licensee and while on the licensed premises, a person has committed an offense listed in section 13-95(a)(6) or any provision of the state alcoholic beverage code;

(7) A licensee or employee knowingly allowed the night club to operate during a period when the license was suspended;

(8) A licensee of a Class A night club knowingly allowed alcoholic beverages to be possessed, consumed, or sold on premises; or

(9) A licensee or employee has violated section 13-97.

(b) The fact that a conviction is being appealed shall have no effect on the revocation of the license.

Sec. 13-98.3. – Surrender of License after Suspension, Revocation, or Denial of Renewal.

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After receipt of notice of suspension, revocation, or denial of renewal of a night club license, the licensee shall, on or before the date specified in the notice, discontinue operating the night club and surrender the license to the licensing coordinator.

Sec. 13-99. - License renewal.

- (a) A license may be renewed only by making application as provided in Sections 13-93 and 13-95.
- (b) A renewal application on the form prescribed by the licensing coordinator may be submitted no earlier than 60 days before the expiration of the license. The renewal application must be accompanied by a renewal fee set by the city council by minute entry or as a part of the annual budget. When an application for renewal is submitted less than 30 days before the expiration date of the license, the expiration date of the license will not be affected, except as provided in this article.
- (c) When an application for renewal is denied, the applicant shall not be issued a license for one year from the date of the denial. If, subsequent to denial, the licensing coordinator finds that the basis for denial of the renewal license has been corrected or abated, the applicant may be granted a license if at least 90 days has elapsed since the date the denial of the renewal application was final. The applicant must request in writing to the licensing coordinator this reconsideration and provide evidence that the basis for the denial of the renewal has been corrected or abated.

Sec. 13-100. - Appeal.

- (a) Procedure to appeal. If either an original application or a renewal application for a license is denied, suspended or revoked, the applicant shall be informed of that action by written notice that states the basis for the action. The applicant/licensee may appeal that action to the city council by filing a written appeal with the city secretary's office within ten days of receiving the notice of the denial, suspension or revocation of the license. In the notice of appeal, the appealing party shall clearly set out his reasons for believing that the action to deny, suspend or revoke the license was in error. If the appeal is from the denial of a license renewal, suspension or revocation, the denial, suspension or revocation shall be stayed during the pendency of the appeal and the night club may continue to operate.
- (b) Council procedures. The city council shall conduct a public hearing within 30 days of the filing of the appeal. The city council may make such investigation as it may see fit into the appealing party and the premises used or to be used for a night club. Opportunity shall be afforded to all parties and interested persons to present evidence or argument on the issues involved in the appeal. Within 30 days of the closing of the public hearing, the city council shall make its decision on whether to overturn the denial, suspension or revocation of the license. A written notice setting out the city council's decision shall be given to the appealing party. If the city council fails to act within the timeframe stated herein, the denial, suspension or revocation of the license shall be overturned. Provided, that if the appeal is from a denial of an initial license application, not a denial of a license renewal, suspension or revocation, the city council must conduct its hearing and make its decision on whether to overturn the license denial within 30 days from the filing of the appeal.

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(c) Standards for review of initial license denial. At the appeal hearing on a denial of an initial license application, the appealing party must present evidence clearly indicating that the licensing coordinator was incorrect in determining that the stated grounds for the license denial existed.

(d) Standards for review of license suspension, revocation or denial of renewal. At the appeal hearing on a license suspension, revocation, or refusal to renew, the licensing coordinator must present evidence clearly indicating that the stated grounds for such coordinator's action existed.

Sec. 13-101. - RESERVED.

Sec. 13-102. - Operation of night clubs.

(a) Night club supervisor. A person who operates a night club must designate one or more persons as night club supervisors. The names of the supervisors must be included in a license application or renewal application. Whenever a change in the supervisors occurs, notice of that change shall be given to the licensing coordinator. A night club supervisor must remain on the premises of the night club while the night club is open to the public.

(b) Inspection. Representatives of the police, fire, health, inspection or any other department authorized to enforce provisions of this article or state laws with which a night club must comply may inspect the premises of a night club for the purpose of insuring compliance with the law at any time it is open for business or occupied. A person who operates a night club or a person designated as the night club supervisor commits an offense if he refuses to permit an inspection of the premises of a night club by representatives of the city departments named in section 13-94.

(c) Authority to vacate premises. The chief of police, fire marshal or building official shall have the power to cause a night club to be vacated whenever any provision of this article is being violated or when a situation which imposes an immediate threat to safety exists. In addition, where a violation of any ordinance of the city or state law is discovered, the chief of police, fire marshal or building official may order that a night club be vacated and remain closed for up to 24 hours after it is determined that the violation that resulted in the order to close has been corrected.

(d) Hours of Operation. A person commits an offense if: he operates a Class A Night Club during any hours other than the following:

(1) when school is in session in the school district in which the night club is located, between the hours of:

- a. 4:00 p.m. and 10:00 p.m. Monday through Thursday;
- b. 4:00 p.m. and 12:00 midnight, Friday;
- c. 1:00 p.m. and 12:00 midnight, Saturday; and
- d. 1:00 p.m. and 10:00 p.m. Sunday; or

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(2) when school is not in session in the school district in which the night club is located, between the hours of 1:00 p.m. and 12:00 midnight each day of the week.

Sec. 13-103. - Persons under 17 prohibited.

- (a) No person under the age of 17 years may enter a Class B night club unless accompanied by a parent or guardian.
- (b) A person commits an offense if he falsely represents himself to be either a parent or guardian of a person under the age of 17 years for the purpose of gaining the person's admittance into a Class B Night Club.
- (c) A licensee or employee of a Class B Night Club commits an offense if he knowingly allows a person under the age of 17 years to enter or remain on the premises of the night club unless the person is accompanied by a parent or guardian.
- (d) A licensee of a Class B night club commits an offense if he maintains the premises without posting a sign at each entrance to the premises that reads: "It is unlawful for any person under 17 years old to enter the premises without a parent or guardian."

Sec. 13-104. - Persons under 14 and over 18 prohibited.

- (a) No person under the age of 14 years or over the age of 18 years may enter a Class A Night Club.
- (b) A person commits an offense if he is over the age of 18 years and:
 - (1) enters a Class A night club; or
 - (2) for purpose of gaining admittance into a Class A Night Club, he falsely represents himself to be:
 - (A) of an age from 14 through 18 years;
 - (B) a licensee or an employee of a night club; or
 - (C) a parent of guardian of a person inside the night club; or
 - (D) a governmental employee in the performance of official duties.
- (c) A licensee or employee of a Class A Night Club commits an offense if he knowingly allows a person to enter or remain on the premises of the night club who is:
 - (1) under the age of 14 years; or
 - (2) over the age of 18 years.

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(d) It is defense to prosecution under subsection (b)(1) and (b)(2) that the person is:

- (1) a licensee or employee of the night club;
- (2) a parent of guardian of person inside the night club; or
- (3) a governmental employee in the performance of official duties

(e) A licensee of a Class A Night Club commits an offense if he maintains the premises without posting a sign at each entrance to the night club that reads: "It is unlawful for any person under 14 years old to enter this location without a parent or guardian. It is unlawful for any person over 18 years old to enter this location."

Sec. 13-105. – Injunction.

In addition to possible criminal prosecution for violation of this chapter, a person who operates a night club without a valid license is subject to a suit for injunction.

Secs. 13-106—13-114. - Reserved.

Section 2. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 3. That a violation of this ordinance shall be a Class C misdemeanor and the penalty for violating this ordinance shall be as provided for in Sec. 1-14 of the Code of Ordinances of the City of Waco, which shall be a fine of not less than \$1.00 and no more than \$500.00, and each day a violation exists shall be a separate offense.

Section 4. That if any provision of this ordinance shall be held to be invalid or unconstitutional, the remainder of such ordinance shall continue in full force and effect the same as if such invalid or unconstitutional provision had never been a part hereof.

Section 5. That it is the intention of the City Council and is hereby ordained that the provisions of this ordinance shall become and be a part of the Code of Ordinances of the City of Waco, Texas, and that sections of this ordinance may be renumbered or relettered to accomplish such intention.

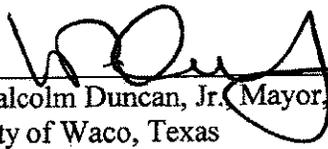
Section 6. That this ordinance shall take effect on June 3, 2013.

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Section 7. That it is hereby officially found and determined that the meeting at which this ordinance is passed is open to the public as required by law and that public notice of the time, place, and purpose of said meeting was given as required.

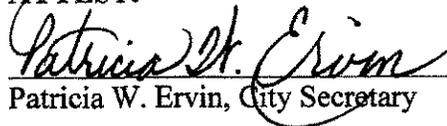
FIRST READING: this 2nd day of April, 2013.

SECOND READING: this 16th day of April, 2013.



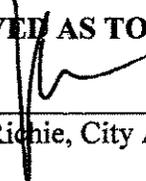
Malcolm Duncan, Jr. Mayor
City of Waco, Texas

ATTEST:



Patricia W. Ervin, City Secretary

APPROVED AS TO FORM & LEGALITY:



Jennifer Richie, City Attorney