ORDINANCE AMENDING CHAPTER 34 OF THE CITY CODE BY REPEALING ARTICLE II, DANCE HALLS, AND REPLACING IT WITH A NEW ARTICLE II, ENTITLED “NIGHTCLUBS AND NIGHTCLUB ENTERTAINMENT PROMOTERS”

WHEREAS, the City Council finds that safe nightclubs within the city enhance commerce in the city and contribute to the cultural diversity and to quality of life in the city; and

WHEREAS, safe nightclubs will enhance revitalization efforts; and

WHEREAS, the City Council finds and determines that some nightclubs within the city contribute to littering, 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 nightclubs which are managed without adequate attention to preventing these problems; and

WHEREAS, the City Council also finds and determines that the existence of such problems seriously impacts the peace, health, safety and welfare of residents of nearby areas including fear for the safety of their children and visitors to the area, as well as contributing to the deterioration of their neighborhoods and quality of life; and

WHEREAS, many neighborhoods throughout Winston-Salem have experienced a significant growth in nightclubs; and

WHEREAS, on numerous occasions, the impact of these nightclubs has been more significant when the establishment hosts a nightclub entertainment promoter for a special event, performance, or the like, or when the nightclub fails to alert law enforcement to criminal conduct occurring at the nightclub.

BE IT ORDAINED by the City Council of the City of Winston-Salem that the Code of Ordinances of the City of Winston-Salem is hereby amended as follows:
Section I. Chapter 34 of the Winston-Salem City Code is hereby amended by repealing Article II and by adding the following new Article II, entitled “Nightclubs and Nightclub Entertainment Promoters.”

ARTICLE II. DANCEHALLS* NIGHTCLUBS AND NIGHTCLUB ENTERTAINMENT PROMOTERS.

Sec. 34-51. Generally. Purpose.
It shall be lawful for any person to operate a public dance or dancehall within the corporate limits of the city, provided that the provisions of this article are complied with.

This Article is intended to address and reduce criminal activity in nightclubs. It is not intended or designed to establish rules concerning or to require additional permits (and related fees) as prerequisite to the manufacture, sale, purchase, transportation, possession, consumption or other use of alcoholic beverages.

*State law reference—Authority of city of license, prohibit and regulate dancehalls, G.S. 160A-181.

Sec. 34-52. Applicability of article; dances conducted for charitable purposes. Definitions.
This article shall not apply to dances conducted by organizations where the entire net proceeds derived from the dance shall be used for eleemosynary purposes; provided, however, that any organization which conducts a dance for eleemosynary purposes shall obtain a permit.

Application to hold such a dance shall be made by the organization conducting the dance to the chief of police for his investigation and approval. All other public dances or dancehalls shall be operated subject to the provisions of this article.

(a) Nightclub: An establishment used primarily for serving alcoholic beverages to patrons or for patrons to consume beverages on the premises; where the sale of prepared food, if any, is accessory to the primary use; and where entertainment opportunities (such as music,
dancing, table games, etc.) are provided. This definition includes nightclubs where gross receipts from sales of alcoholic beverages exceed gross receipts from sales of food. Included in this definition are nightclubs with outdoor and/or indoor operations.

(b) Nightclub entertainment promoter: Any individual, partnership, corporation, or other entity or agent promoting a for-profit event by placing assets at risk through contracting with event venues, performing artists, advertising services, or similar entities to arrange for and produce the event at which there are presentations or performances of entertainment of any sort, including both live performances and amplified presentations of prior performances, at a nightclub not owned or operated by the promoter.

(c) For-profit event: Any event other than a non-profit event.

(d) Non-profit event: Any event designed and intended to produce profits for the benefit of and/or subsequent disbursement by organizations which are tax exempt under federal tax laws and Internal Revenue Service regulations.

(e) Violence reduction program: A set of guidelines prepared and published by the Winston-Salem Police Department for the safe operation of nightclubs, including guidance for appropriate response to criminal activity or violence observed in a nightclub, and including appropriate training for nightclub staff/employees. A nightclub is presumed to be participating successfully in this program when its operations consistently comply with the violence reduction program’s guidelines.

(f) Public safety concerns: One or more acts of violence resulting in physical injury or observed illegal drug activity occurring within a nightclub, outside the club on property or parking areas owned, leased or operated by the nightclub, or on a street adjacent thereto.

Sec. 34-53. Application for license. Nightclub permit required.
Any person desiring to obtain a license for the operation of a public dance or dancehall in the city shall first make a written application, one week in advance of the date for which the dance is scheduled, to the chief of police for a permit to conduct such dance or dancehall, and shall obtain a license therefore, stating in such application the place where the proposed place for such dance or dancehall is to be located, the name and address of the person promoting the dance and the name of the person who will be in charge of the conduct of the dance in such place.

No nightclub may conduct, present or allow any nightclub entertainment activities at any location for which the nightclub does not have a valid nightclub permit issued by the Revenue Collector’s Office and a valid privilege license issued pursuant to Sec. 34-12. This prohibition does not affect the nightclub’s manufacture, sale, purchase, transportation, possession, consumption or other use of alcoholic beverages or food service.

Sec. 34-54. Permit from chief of police requisite to granting of license. Permit Application, Issuance, Expiration, Renewal, Emergency Temporary Suspension, Temporary Suspension, Revocation and Appeals.

No license shall be issued for the operation of a public dancehall or a place where public dances are held, for which a charge shall be made to those attending, which charge is either in the form of admission or entrance fees for the dance or dancehall itself, or in the form of dues paid to a person giving or holding the dance, or for conducting a dancehall or clubroom for the purpose of a dance, unless the applicant shall have first obtained a permit from the chief of police, subject to the right of appeal to the city council as provided in this article.

(a) Nightclub permits may be obtained from the Revenue Collector’s Office upon the submission of a completed application and an annual permit fee of $50. The Chief of Police or his designee shall review these materials, any incidents occurring at the nightclub within the
preceding twelve (12) months, the nightclub’s past compliance with Article II, and the nightclub’s historical (if any) participation in the violence reduction program and submit his recommendations to the Revenue Collector. A permit renewal application by a nightclub which has successfully participated in and complied with the violence reduction program in the previous year will not be denied based on any criminal incidents occurring at the nightclub within the preceding twelve months. With regard to nightclubs which do not successfully participate in the violence reduction program, the Chief of Police or his designee may consider past nightclub permit revocations and suspensions, violations of ABC laws by the applicant and any prior permitees affiliated or associated with the applicant, evidence of illegal drug activity on or about the permitted premises, and evidence of fighting, disorderly conduct and other dangerous activities on or about the permitted premises. If the Revenue Collector’s Office finds that the applicant has not submitted a complete application or has not submitted the appropriate fee or if the Chief of Police or his designee finds that the applicant has not complied with this Article, the Revenue Collector’s Office shall decline to issue the permit. The annual permit fee shall be returned to the applicant along with a letter stating the reason(s) for the denial.

(b) Nightclub permits are valid through June 30th unless suspended or revoked for failure to comply with Article II. If the permit is revoked, the permit holder forfeits the annual permit fee for that year.

(c) Nightclub permits may be renewed upon submission of an updated application, review of past compliance with this Article’s provisions, and payment of the applicable fee.

(d) The Revenue Collector’s Office may temporarily suspend or revoke a nightclub’s permit for a violation of one or more of the provisions of this Article II. This prohibition does not affect the nightclub’s manufacture, sale, purchase, transportation, possession, consumption,
or other use of alcoholic beverages or food service during any suspension or revocation. Such suspension or revocation shall be held in abeyance for a period of three (3) business days to permit the nightclub’s owner, agent, or manager, etc., to appeal the suspension or revocation. Notification of suspension or revocation shall be by certified mail, hand delivery, or by leaving notification at the nightclubs. A nightclub's permit shall not be suspended or revoked for a violation of Article II which is not a public safety concern as defined in Sec. 34-52(f), unless the violation is found to have continued or recurred after the nightclub has received notice of the violation and an opportunity to remedy or prevent the violation’s recurrence.

(e) Emergency Temporary Suspension by Police Department. The on-duty field commander for the Police Department may temporarily suspend a nightclub’s entertainment if the field commander determines that immediate suspension of entertainment is necessary to restore order or because of the nightclub’s failure to comply with Article II’s security requirements.

This prohibition does not affect the nightclub’s manufacture, sale, purchase, transportation, possession, consumption, or other use of alcoholic beverages or food service. The suspension of entertainment shall be effective immediately upon verbal notification to the nightclub’s owner, manager, agent, or representative and shall be effective for up to 24 hours as needed to restore order or to ensure compliance with the security requirement. After that time, the nightclub 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 field commander shall promptly submit a document outlining the basis for his decision to suspend entertainment to the Chief of Police or his designee. The Chief of Police shall, within five (5) business days, submit a finding to the Revenue Collector’s Office either recommending continuation of the nightclub’s permit, temporary suspension for a designated
period, or revocation. The Revenue Collector’s Office shall notify the nightclub in accordance with subsection (d) above.

(f) Appeal procedure concerning denial, suspension or revocation. Within three (3) business days of receiving notice of denial, suspension or revocation of a nightclub permit, the permit applicant or holder may appeal the action by filing a written notice of appeal with the Revenue Collector’s Office. The City Manager or his designee will conduct a hearing as promptly as possible (and within five (5) business days of receiving the written notice of appeal) to determine whether to (a) reinstate or issue the permit, (b) temporarily suspend the permit or (c) permanently revoke the permit. The permit applicant or holder shall be entitled to appear, testify, and present evidence at the hearing. However, formal rules of evidence shall not apply and reasonable limitations may be placed upon total hearing time. Upon request, the hearing shall be recorded.

A temporary suspension may not extend beyond the date on which the permit expires. This prohibition does not affect the nightclub’s manufacture, sale, purchase, transportation, possession, consumption, or other use of alcoholic beverages or food service during any suspension or revocation. The City Manager or his designee shall prepare written findings and conclusions concerning the appeal decision within five (5) business days of the hearing.

(g.) Appeal procedure concerning imposition of security requirement. Within ten (10) business days of receiving notice that the nightclub has become subject to the security requirement in 34-55, the permit holder may appeal the action by filing a written notice of appeal with the Revenue Collector’s Office. The City Manager or his designee will conduct a hearing as promptly as possible (and within five (5) business days of receiving the written notice of appeal) to determine whether to (a) continue imposition of the security requirement, (b) continue imposition of the security requirement but shorten the requirement’s duration, or (c) remove the
security requirement. The permit applicant or holder shall be entitled to appear, testify, and present evidence at the hearing. However, formal rules of evidence shall not apply and reasonable limitations may be placed upon total hearing time. Upon request, the hearing shall be recorded. The City Manager or his designee shall prepare written findings and conclusions concerning the appeal decision within five (5) business days of the hearing.

Sec. 34-55. Hearings by chief of police relative to granting of permit. Nightclub Operations.

The chief of police may hear statements and evidence of citizens and others as to the suitability and location of the place where a dance or dancehall is to be located, or as to the fitness of such person who proposes to conduct the dance or dancehall.

In addition to complying with N.C.G.S. Chapter 18B, nightclub owners, operators, managers, and any others in apparent control of a nightclub must satisfy the following requirements.

(a) Nightclub Entertainment Promoter Use: Nightclubs shall not allow any nightclub entertainment promoter to use, lease or rent the nightclub premises (including any outdoor and/or parking areas) without verifying that the promoter has a valid nightclub entertainment promoter permit and has complied with the security staffing requirements in Sec. 34-58 of this Article.

(b) Parking. A nightclub shall provide adequate, sufficiently lit parking in accordance with applicable zoning ordinances.

(c) Telephone. A nightclub shall have a public telephone listing.

(d) Noise. The noise levels generated by the operation shall not exceed the requirements of Chapter 46 of the City Code and Chapter 15 of the Forsyth County Code on adjoining properties zoned and/or occupied for residential purposes or occupied by a hotel/motel.

(e) ABC Permit. Owner/operator shall at all times hold a valid ABC permit.
(f) Litter, Vomit, Urine and Feces. All litter (as well as vomit, urine and feces) must be removed from parking areas available to and used by patrons by 7:30 a.m. on the day following the nightclub’s operation. Additionally, litter reasonably attributable to the nightclub and/or its patrons (and any vomit, urine and feces) must be removed from city streets and sidewalks adjoining the nightclub and from neighboring businesses by 7:30 a.m. on the day following the nightclub’s operation.

(g) Security Requirement: The security requirement shall only apply to nightclubs which do not qualify as safe operations and nightclubs which either decline to or do not successfully participate in the Police Department’s violence reduction program for nightclubs.

“Safe operation” means that the nightclub 1.) has during the last three months promptly contacted law enforcement upon becoming aware of any criminal conduct, including but not limited to any criminal violation of any state law or city ordinance such as fighting or other disorderly conduct and any violation of the controlled substances, gambling, ABC, or prostitution statutes, and 2.) has adhered to all other provisions of the Police Department’s violence reduction program for nightclubs.

Any nightclub which has participated successfully in the Police Department’s violence reduction program for nightclubs will be presumed to be a safe operation and will not be required to meet the security requirement until the nightclub fails to maintain a safe operation. Any nightclub that becomes subject to the security requirement must provide security as detailed below for three (3) months and must retrain its employees in the Police Department’s violence reduction program. A nightclub that has declined to participate in the Police Department’s violence reduction program must comply with this section’s security requirements. A nightclub which elects to participate in the Police Department’s violence reduction program can become
exempt from the security requirement again if it operates in a safe manner (see “safe operation” above) for three (3) months from the time it implements the security requirement.

If a nightclub is subject to the security requirement, security guards registered pursuant to North Carolina General Statute Chapter 74-C and/or uniformed law enforcement officers must be present in parking areas the nightclub operates or utilizes and in areas adjoining the nightclub from 9:00 p.m. until one (1) hour after the nightclub closes to provide security and supervision of those areas as follows: up to forty patrons, one guard/officer; up to 70 patrons, two guards/officers; up to 100 patrons, three guards/officers. For all patrons in excess of 100, the nightclub must provide one guard/officer for each additional 75 patrons. The nightclub shall consider maximum occupancy levels and attendance at past performances to estimate the approximate number of patrons expected. Each nightclub may admit only the number of patrons for which it has law enforcement officers or security guards present in accordance with the above ratios.

Should a nightclub become subject the security requirement due to its failure to adhere to the violence reduction program, the police department shall give written notification to the owner, manager, or employee in charge of the nightclub that the nightclub will become subject to the security requirement and the date that requirement shall take effect. The nightclub may appeal this decision pursuant to 34-54(g), but the security requirement shall not be held in abeyance pending the appeal.

(h) A nightclub permit holder or applicant who submits an application containing false or misleading information will be permanently banned from obtaining a nightclub permit. Additionally, the suspension or revocation of the nightclub’s alcoholic beverage license by the Alcoholic Beverage Control Commission will result in the suspension or revocation of the permit
Sec. 34-56. Authority to require police protection as condition for granting permit.

Nightclub Entertainment Promoter Permit Required.

The chief of police may require, as a condition for the granting of a permit under the provisions of this article, that the person seeking such permit shall furnish proper police protection by the payment of such fees as may be necessary for extra police to supervise such dancehall or place where such a dance is to be conducted. Extra police who supervise the dancehall or place where a dance is to be conducted shall be paid the prevailing wage for regularly appointed police officers of the city police department.

Every nightclub entertainment promoter as defined by 34-52(b) shall operate only with a valid nightclub entertainment promoter permit issued by the Revenue Collector’s Office. This prohibition does not affect the nightclub entertainment promoter’s manufacture, sale, purchase, transportation, possession, consumption, or other use of alcoholic beverages or food service during any suspension or revocation.

Sec. 34-57. Appeal of decisions of chief of police. Permit Application, Issuance, Expiration, Renewal, Emergency Temporary Suspension, Temporary Suspension, Revocation and Appeals.

The applicant for a permit under the provisions of this article shall have the right to appeal to the city council from any adverse ruling or refusal on the part of the chief of police to grant the permit provided for in this article.

(a) A nightclub entertainment promoter permit may be obtained from the Revenue Collector’s Office upon submission of a completed application, an annual permit fee of $50, and evidence of compliance with all provisions of this article. The Chief of Police or his designee
shall review these materials and submit his findings to the Revenue Collector. The Chief of
Police or his designee may consider past permit revocations and suspensions; violations of ABC
laws by prior permitees affiliated or associated with the applicant; evidence of illegal drug
activity on or about premises previously used by the entertainment promoter while the
promoter’s event was occurring; and evidence of fighting, disorderly conduct and other
dangerous activities on or about premises previously used by the entertainment promoter while
the promoter’s event was occurring and submit his findings to the Revenue Collector. A permit
renewal application by a nightclub entertainment promoter which has successfully participated in
and complied with the violence reduction program in the previous year will not be denied based
on any criminal incidents occurring at the nightclub entertainment promoter’s event(s) within the
preceding twelve months. If the Revenue Collector’s Office finds that the applicant has not
submitted a complete application or has not submitted the appropriate fee or if the Chief of
Police or his designee finds that the applicant has not complied with Article II previously, the
Revenue Collector’s Office shall decline to issue the permit. The annual fee shall be returned to
the applicant along with a letter stating the reason(s) for the denial.

(b) Nightclub entertainment promoter permits are valid through June 30th unless
revoked for failure to comply with Article II. If the permit is revoked, the permit holder forfeits
the annual permit fee for that year.

(c) A nightclub entertainment promoter permit may be renewed upon submission of an
updated application, review of compliance with Article II’s provisions, and payment of the
applicable fee.

(d) The Revenue Collector’s Office may deny, suspend or revoke a nightclub
entertainment promoter’s permit upon receiving notice of a violation of Article II. This
prohibition does not affect the nightclub entertainment promoter’s manufacture, sale, purchase,
transportation, possession, consumption, or other use of alcoholic beverages or food service
during any suspension or revocation. The nightclub entertainment promoter shall have three (3)
business days to appeal the suspension or revocation. Notification of revocation shall be by
certified mail or hand delivery. A nightclub entertainment promoter's permit shall not be
suspended or revoked for a violation of Article II which is not a public safety concern as defined
in Sec. 34-52(f), unless the violation is found to have continued or recurred after the nightclub
entertainment promoter has received notice of the violation and an opportunity to remedy or
prevent the violation's recurrence.

(e) Emergency Temporary Suspension by Police Department. The on-duty field
commander for the Police Department may temporarily suspend a nightclub entertainment
promoter’s permit if the field commander determines that immediate suspension of entertainment
is necessary to restore order or because of the nightclub entertainment promoter’s failure to
comply with Article II’s security requirements. This prohibition does not affect the nightclub
entertainment promoter’s manufacture, sale, purchase, transportation, possession, consumption,
or other use of alcoholic beverages or food service. This suspension of entertainment shall be
effective immediately upon verbal notification to the nightclub entertainment promoter or his
agent or representative and shall be effective for up to 24 hours as needed to restore order or to
ensure compliance with the security requirement. After that time, the nightclub entertainment
promoter may resume entertainment, provided that the situation giving rise to the emergency
temporary suspension has been addressed effectively as determined by the Chief of Police. The
field commander shall promptly submit a document outlining the basis for his decision to
suspend entertainment to the Chief of Police or his designee. The Chief of Police shall, within
five (5) business days, submit a finding to the Revenue Collector’s Office either recommending
reinstatement of the nightclub entertainment promoter’s permit, temporary suspension for a
designated period, or revocation. The Revenue Collector’s Office shall notify the nightclub
entertainment promoter in accordance with subsection (d) above.

(f) Appeal procedure. Within three (3) business days of receiving notice of denial,
suspension or revocation of a nightclub entertainment promoter permit, the permit applicant or
holder may appeal the action by filing a notice of appeal with the Revenue Collector’s Office.
The City Manager or his designee will conduct a hearing as promptly as possible (and within five
(5) business days of receiving the written notice of appeal) to determine whether to (a) reinstate
or issue the permit, (b) temporarily suspend the permit or (c) permanently suspend the permit.
The permit applicant or holder shall be entitled to appear, testify, and present evidence at the
hearing. However, formal rules of evidence shall not apply and reasonable limitations may be
placed upon total hearing time. Upon request, the hearing shall be recorded.

A temporary suspension may not extend beyond the date on which the permit expires.
This prohibition does not affect the nightclub entertainment promoter’s manufacture, sale,
purchase, transportation, possession, consumption, or other use of alcoholic beverages or food
service during any suspension or revocation. The City Manager or his designee shall prepare
written findings and conclusions concerning the decision on the appeal within five (5) business
days of the hearing.

Sec. 34-58. Operation without permit or without payment of license tax—Nightclub
Entertainment Promoter Security Requirements.
Any person who shall operate a public dancehall in the city or conduct a public dance without
first obtaining a permit and paying the license fee provided for in this chapter shall be guilty of a
violation of this Code.

(a) A nightclub entertainment promoter who will admit fewer than 100 persons to the
event is not subject to the security requirements in subsection (b).
(b) Subject to the provisions of subsection (c), for the first three events a nightclub entertainment promoter presents or promotes at a nightclub, the nightclub entertainment promoter must meet the security staffing requirements set forth in Sec. 34-55 (g) for nightclubs subject to the security requirement. After presenting three events without criminal incidents occurring, the nightclub entertainment promoter shall be deemed to be a safe promoter and shall not be required to provide security, regardless of whether the nightclub at which the event will be held is required to provide security.

A nightclub entertainment promoter subject to the security requirement is responsible for providing security unless that promoter and the nightclub agree by written contract that the nightclub is responsible for security. If the nightclub at which the event will be held is also subject to the security requirement, the nightclub entertainment promoter’s compliance with security requirements will satisfy the nightclub’s obligation to provide security for the period of that event.

If, however, a nightclub entertainment promoter who is a safe promoter and therefore does not have to provide security holds an event at a nightclub subject to the security requirement, the nightclub remains responsible for providing security pursuant to Section 34-55(g).

(c) If a nightclub entertainment promoter has not presented three safe events after December 1, 2007 but has presented safe event(s) prior to December 1, 2007, such a promoter may attach evidence to the nightclub entertainment promoter permit application to show that the promoter has in the past presented safe events. Such a promoter who has presented three or more prior events without incident, regardless of the event dates, and who has not presented events at which criminal incidents have been reported, will be deemed to be a safe promoter exempt from the security requirements of subsection (b) above. Such a promoter who has presented two prior
events without incident, regardless of the event dates, and who has not presented events at which
criminal incidents have been reported, must comply with the security requirements in subsection
(b) above for one event before being deemed to be a safe promoter. Such a promoter who has
presented one prior event without incident, regardless of the event date, and who has not
presented events at which criminal incidents have been reported, must comply with the security
requirements in subsection (b) above for two events before being deemed to be a safe promoter.

(d) For purposes of determining the number of security guards or law enforcement
officers required, the nightclub entertainment promoter shall consider past numbers of attendees
at similar events. The Police Department shall assist the nightclub entertainment promoter in
this assessment. If inadequate information is available, the fire code occupancy number for the
facility at which the event will be held shall determine the number of law enforcement officers or
security guards the promoter shall provide.

(e) Every nightclub entertainment promoter shall notify the Police Department of any
productions, performances, or events it or its agents promote at least ten (10) business days
before the event. That notification shall include information about the promoter’s security plan
and a telephone or cell number at which the promoter may be reached.

(f) Within forty-eight (48) hours after the event, the security guard or law enforcement
personnel providing security for the event shall notify the Police Department’s Special
Operations Division of the approximate number of attendees and of any criminal law violations
occurring at the event.

(g) Every nightclub entertainment promoter must attend the Police Department’s violence
reduction program.

Sec. 34-59. Performance bond for dances conducted by nonresidents.
(a) If tickets to any dance conducted by a person who is a nonresident of the city are sold in advance of the time the dance is scheduled to be held, a performance bond in the amount of $5,000.00, with a surety licensed to do business in the state, shall be posted with the city to ensure that the dance as advertised is in fact held or the money collected by sale of tickets is refunded to purchasers. There will be no sale of tickets in advance until such performance bond is posted. The surety and conditions of such bond shall be approved by the chief of police or the city manager, and the terms of such bond, among other provisions, shall provide for:

1. The reimbursement of all moneys collected if a performance comparable to the one as advertised is not rendered.
2. A refund of the sale price of tickets if no performance is rendered.
3. The payment of all bills incurred in the printing of tickets, posters, advertising and other expenses incurred in preparation for the holding of the dance.
4. The appointment of a local resident as a process agent upon whom process may be served in any action for any breach of performance or conditions of such bond.

(b) The posting of such bond shall precede the sale of tickets.

Sec. 34-60. Suspension or revocation of permit.

(a) Any permit issued under this article shall be subject to revocation or suspension for a definite or indefinite time by the city council, without refund of any part of the license tax paid, if the person to whom the permit is issued or the manager or person in charge of the business or any employees shall violate any ordinance or law relative to such business, or be convicted of a crime, or if, in the judgment of the city council, the business, by reason of its nature or the manner or place in which it is conducted, constitutes a nuisance, or is a menace to good order or to public health, safety or morals.
(b) Upon the revocation or suspension of any such permit, it shall be unlawful for the person to whom such permit was granted to continue to conduct such business.

Section II: Upon adoption this ordinance is effective December 1, 2007.