

CHAPTER 8 BUSINESS REGULATIONS

ARTICLE 8-1 BUSINESS LICENSE¹

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Section 8-1-1 License Required

- A. It is unlawful for any person, whether as principal or agent, either personally or for another person, or for any corporation, or as a member of any firm or co-partnership, to commence, practice, transact or carry on any trade, calling, profession, occupation or business within the town limits without first having procured a license from the town to do so and without complying with all regulations of such trade, calling, profession, occupation or business as specified or required by the United States Government or the State of Arizona and its political subdivisions. No license shall be issued without proof by the applicant of such compliance and verification by the clerk that no violation of the town's zoning regulations will occur by such issuance.
- B. The practicing or carrying on of any trade, calling, profession, occupation or business by any person, corporation or partnership without first having procured a license from the town to do so, or without complying with any and all regulations of such trade, calling, profession, occupation or business, as required by other law or by this article shall constitute a separate violation of this article for each and every day that such trade, calling, profession, occupation or business is practiced, carried on or conducted within the town.
- C. Upon submission of valid proof the following individuals or groups may obtain from the town clerk a written exemption from the provisions of this chapter.
1. Non-profit educational institutions, fraternal and service clubs, bona fide religious organizations, and agencies of any federal, state or local governments.
 2. Non-profit private clubs where a basic membership fee covers the cost of the use of facilities.
 3. Fund raising projects of non-profit and bona fide religious organizations, not conducted on a regular basis.

¹Ordinance 43-94

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4. Special event permits issued at the direction of the council upon application by the organizers sponsoring the event.

Section 8-1-2 Application and Issuance²

- A. It shall be the duty of the clerk upon receipt of a properly completed application for a business license and verification of the data contained thereon, to prepare and issue a license under this article for every person, corporation or partnership required to pay a license fee hereunder and to state in each license the amount charged for the same, the period of time covered thereby, the name of the person, corporation or partnership for whom issued and the trade, calling, profession, occupation or business licensed and the location or place of business where the trade, calling, profession, occupation or business is to be carried on, transacted or practiced.
- B. It shall be the duty of the clerk upon receipt of a properly completed application for a liquor license and verification of the data contained thereon, to prepare and issue a license under this article for every person, corporation or partnership required to pay a license fee hereunder and to state in each license the amount charged for the same, the period of time covered thereby, the name of the person, corporation or partnership for whom issued and the location or place of business
- C. In no case, shall any mistake made by the clerk in issuing any license or collecting the amount of fee for any license or the amount actually due from any person required to pay for a license as provided herein, prevent, prejudice or stop the town from collecting the correct amount of fee or charge for any license or the amount actually due from any person required to pay for a license as provided herein, or revoking any license erroneously issued and refunding the fee collected.
- D. No greater or lesser amount of money shall be charged or received by the clerk for any license than is provided for in this article, and no license shall be issued for any period of time other than as provided herein.
- E. All charges for a license required by this article shall be paid in advance and in lawful money of the United States of America at the office of the clerk.

Section 8-1-3 Term of Licenses

- A. The renewal charge for annual licenses provided herein shall become due and payable on the anniversary date of the issuance of the license and every anniversary date thereafter, except that any new license charge shall become due and payable and be paid on or before the day of commencing to carry on, transact or practice the trade, calling, profession, occupation or business for which a license is required by this article.
- B. The charge for quarterly licenses provided herein shall become due on the first day of each calendar quarter, for which required.
- C. The charge for weekly licenses provided for in this article shall become due and payable and be paid on or before the first day of each week for which required.
- D. The charge for daily licenses required by this article shall become due and payable and

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be paid before each day for which required.

Section 8-1-4 Number of Licenses

- A. A separate charge for a license shall be paid for each branch establishment or separate place of business in which any person, corporation or partnership shall carry on, transact or practice a trade, calling, profession, occupation or business.
- B. When more than one trade, calling, profession, occupation or business is carried on, transacted or practiced by the same person, corporation or partnership at one fixed place of business, only one license shall be required and the charge for such license shall be the highest charge applicable to any of the activities, and all activities shall be listed on the license issued.
- C. When more than one trade, calling, profession, occupation or business shall be carried on, transacted or practiced by the same person, corporation or partnership without any fixed place of business, a separate license shall be required and a separate appropriate charge be paid for each activity for which a license is required by this article.

Section 8-1-5 License to be Exhibited

- A. Each person, corporation or partnership having a license and having a fixed place of business shall keep said license, while in force, at some conspicuous place or location within the place of business.
- B. Each person, corporation or partnership having a license and having no fixed place of business shall carry such license with them at all times, while engaged in any activity for which the license was issued, except that a person acting for any such corporation, firm or company and not being the only person acting for such corporation, firm or company may carry with them a copy of the license which has been issued by the clerk and plainly marked or stamped "Duplicate".
- C. Each person, corporation or partnership having a license shall produce and exhibit the same whenever requested to do so by any designated officer of the town or by the clerk.

Section 8-1-6 Inspector of Licenses

- A. The clerk shall be inspector of licenses and may appoint, with approval of the manager, such assistant inspectors as may be required to enforce these regulations.
- B. Each assistant inspector of licenses, immediately upon the facts coming to their knowledge, shall report to the clerk the name of any person, corporation or partnership carrying on, transacting or practicing any trade, calling, profession or business within the town without first having obtained a license as required by this article.

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Section 8-1-7 Duties and Powers of Inspectors

- A. The inspector of licenses and the assistant inspectors, each in the discharge and performance of their duties, shall have and exercise the following powers:
1. To file a complaint for any violation of the provisions of this chapter with the town magistrate.
 2. To enter, free of charge and at any reasonable time, any place of business for which a license is required by this article and to demand exhibition of the license for the current period of time from any person, corporation or partnership engaged in carrying on, transacting or practicing any trade, calling, profession, occupation or business at such place of business and, if such person, corporation or partnership shall fail then and there to exhibit such license, such person, corporation or partnership shall be liable to the penalties provided for violation of this article.
- B. When the charge for any license required hereunder shall remain unpaid for ten days from and after the due date, such charge shall be delinquent and the clerk, on the day upon which said charge becomes delinquent, shall add thereto an amount equal to twenty-five percent of said charge as a penalty and no receipt or license shall be issued thereafter by the clerk until the charge and penalty shall be paid in full.

Section 8-1-8 Transfer of License

No license issued under the provisions of this article shall be assigned or transferred to any other person, corporation or partnership without first obtaining permission from the town.

Section 8-1-9 Prorating Prohibited

No license fee herein provided shall be prorated, except that annual licenses issued after the first of December shall be valid for all of the subsequent year and shall reflect an appropriate expiration date.

Section 8-1-10 Business License Fees²

Initial application for providers of services, wholesalers and manufacturers with a fixed place of business within the town limits

\$60

Initial application for retail merchants, restaurants, bars, contractors and rental of real and personal property with a fixed place of business within the town limits and persons engaging in the sale or rental of real estate

\$60

Initial application for Wholesalers, manufacturers and providers of services without a fixed place of business within the town limits

\$60

²Ordinance 457-09, Ordinance 554-14, 580-15

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Initial application for Retail merchants, etc. (as above) without a fixed place of business within the town limits	\$60
Renewal fee for all businesses within the town limits	\$40/year
Renewal fee for all businesses without a fixed place of business within the town limits	\$60/year
Liquor license – all license types (issued January)	\$200/calendar year
Peddlers and mobile merchants as defined in this chapter	\$250/calendar quarter or fraction thereof
Promoters of entertainments, circuses, bazaars, etc., who receive a percentage of receipts or other consideration for their services. Each such promoter shall also obtain liability insurance of a minimum of \$1 million naming the town as insured.	\$100/week
Animal Show	\$100/week
Circus Parade Only	\$50/day
Handbill Distributor	\$10/day
Amusement Company, such as ferris wheel, merry-go-round, etc., not part of a circus	\$100/day
Tent Show	\$100/day
Wrestling Exhibition	\$100/day
Road Show, Carnival or Circus	\$100/day
Practice of palmistry, phrenology, astrology, fortune telling, mind reading, clairvoyancy, magic or any healing practices not licensed by the State of Arizona, or any similar calling without a fixed place of business	\$50/day

Section 8-1-11 Restrictions; Suspension; Revocation

Licenses issued under the provisions of this chapter may be restricted, suspended or revoked by the town clerk, after notice and an opportunity for a hearing, for any of the following causes:

- A. Fraud, misrepresentation or false statement contained in the application for license.

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- B. Fraud, misrepresentation or false statement made in the course of carrying on the business.
- C. Any violation of this chapter.
- D. Conviction of any crime or misdemeanor involving moral turpitude.
- E. Conducting business in violation of any town ordinance, county ordinance or state law relating to the public health, safety and welfare.

Section 8-1-12 Appeals

- A. Notice of the hearing for restrictions, suspension or revocation of a license shall be given in writing, by the town clerk, setting forth specifically the grounds for the restrictions, suspension or revocation and the time and place of the hearing. Such notice shall be mailed to the licensee at the address listed on the business license application at least ten days prior to the date set for the hearing. The mailing of such notice shall constitute proper notice to the licensee.
- B. Any person aggrieved by the denial of an application for license or by the restrictions placed upon the license or by the suspension or revocation of such license shall have the right of appeal to the council. Such appeal shall be taken by filing with the town clerk, within fourteen days after such denial, restriction, suspension or revocation, a written statement setting forth fully the grounds for the appeal. The council shall set a time and a place for hearing of such appeal, and notice of such hearing shall be given to the appellant in the same manner as provided for notice of a hearing on suspension or revocation. The decision and order of the council on such appeal shall be final.

ARTICLE 8-2 PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS¹

- 8-2-1 License Required
- 8-2-2 Definitions
- 8-2-3 Exemptions from Article
- 8-2-4 Application for License and Permit
- 8-2-5 Investigation of Applicant for License and Permit; Issuance and Contents of License
- 8-2-6 Solicitation by Charitable, Religious, Patriotic or Philanthropic Organizations
- 8-2-7 Posting of License; Issuance of Identification Cards
- 8-2-8 Location for Transaction of Business Regulated
- 8-2-9 Creation of Undue Noise Prohibited
- 8-2-10 Enforcement of Article; Record of Licenses Issued and Violations Reported
- 8-2-11 Revocation of License and Permit
- 8-2-12 Appeal from Denial or Revocation of License
- 8-2-13 Peddling, Etc., on Posted Premises or Refusal to Leave Premises Upon Request Prohibited

¹Ordinance 43-94; Ordinance 504-15

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Section 8-2-1 License Required

It is unlawful for any peddler, solicitor, transient merchant or itinerant vendor, as the same are defined in this chapter, to engage in such business within the corporate limits of the town without first obtaining a license in compliance with the provisions of this chapter, provided, However, that the provisions of this chapter shall not apply to the producers of agricultural products as defined in state law, or to any member of the family or agents or persons in the service of the producer, when the agricultural products are sold or disposed of on behalf of the producer.

Section 8-2-2 Definitions

In this chapter, unless the context otherwise requires:

- A. "Solicitor" means any person, corporate or individual, or firm, whether resident of the town or not, who travels, or whose agents travel, either by foot, wagon, automobile, motor truck or any other type of conveyance, from place to place, from house to house, from street to street or business to business, taking or attempting to take orders for sale of goods, wares and merchandise, edible foodstuffs, personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether collecting advance payments on such sales or not; provided that such definition shall include any person or firm who, for themselves or itself, or for another person or firm, hires, leases, uses or occupies any building, structure, tent, railroad boxcar, boat, hotel room, lodging house, apartment, shop or any other place within the town for the sole purpose of exhibiting samples and taking orders for future delivery.
- B. "Peddler" means any person, individual or corporate, or firm, whether a resident of the town or not, who travels, or whose agents travel, by foot, wagon, automobile or any other type of conveyance, from place to place, from house to house, from street to street or business to business, carrying, conveying or transporting goods, wares, merchandise, edible foodstuffs or provisions, offering and exposing the same for sale or making sales and delivering articles to purchasers or who, without traveling from place to place, shall sell or offer the same from a wagon, automotive vehicle, railroad car or other conveyance, and further provided, that persons or firms who solicit orders and as a separate transaction make delivery to purchasers as a part of the scheme of design to evade the provisions herein contained shall be deemed a peddler subject to the provisions herein contained. The word "peddler" shall include the words "hawker" and "huckster".
- C. "Transient merchant", "itinerant merchant" or "itinerant vendor" means any person, corporate or individual, or firm, whether owner or otherwise, whether a resident of the town or not, who engages, or whose agents engage, in a temporary business of selling and delivering goods, wares, merchandise, edible foodstuffs or provisions, within the town, and who in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, tent, railroad boxcar, boat, public room in a hotel, lodging house, apartment, shop, or any street, alley or other place within the town for the exhibition and sale of such goods, wares, merchandise and edible foodstuffs, either privately or at public auction. The person or firm so engaged shall not be relieved from complying with the provisions of this chapter merely by reason of associating temporarily with any local dealer, trader, merchant or auctioneer or by conducting such transient business in connection with, as a part of, or in the name of any such local dealer, trader, merchant or auctioneer.

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Section 8-2-3 Exemptions from Article

In addition to the provisions of subsection C of Section 8-1-1, the terms of this article do not include the acts of persons selling personal property at wholesale to dealers in such articles, nor to newspaper deliverers, students on school class projects, nor to acts of merchants or their employees in delivering goods in the regular course of business. Nothing contained in this article prohibits any sale required by statute or by order of any court or prevents any person from conducting a bona fide auction sale pursuant to law.

Section 8-2-4 Application for License and Permit

- A. Individual Applicants. Individual applicants for the permit and license under this article must comply with the licensing requirements of Article 8-1 as well as this article. An applicant shall supply the following information to the town clerk in addition to the information required by Article 8-1:
1. Name and description of the applicant; date of birth; social security number.
 2. Address (legal and local); state sales tax number.
 3. A brief description of the nature of the business and the goods to be sold.
 4. If employed, the name and address of the employer, together with evidence establishing the exact relationship.
 5. The length of time for which the right to do business is desired.
 6. If a vehicle is to be used, a description of the same, together with license number or other means of identification.
 7. A photograph of the applicant taken within sixty days immediately prior to the date of filing of the application, which picture shall be two inches by two inches, showing the head and shoulders of the applicant in a clear and distinguishing manner.
 8. The names of at least two reliable property owners of the town who will certify as to the applicant's good character and business responsibility, or, in lieu of the names of references, any other available evidence as to the good character and business responsibility of the applicant.
 9. A statement as to whether or not the applicant has been convicted of any crime, misdemeanor (except minor traffic violations) or violation of any municipal laws, the nature of the offense and the punishment or penalty assessed therefor.
 10. Applicants proposing to sell edible foodstuffs shall file with the application a statement by a reputable physician of the town, dated not more than ten days prior to the submission of the application, certifying the applicant to be free of infectious, contagious or communicable disease or, in lieu thereof, a Maricopa County health card.
 11. At the time of filing the application, a fee of twenty-five dollars shall be paid to the clerk to cover the costs of the investigation.

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- B. Corporate or Firm Applicants. Corporate or firm applicants must furnish the following information upon duplicate applications sworn to by an appropriate officer of the firm or corporation authorized so to do:
1. Name of applicant; date of birth; social security number.
 2. Address (legal and local); state sales tax number.
 3. A brief description of the nature of the business and the goods, etc., to be sold.
 4. The length of time for which the right to do business is desired.
 5. If vehicles are to be used, the quantity and description of same, together with the license numbers or other means of identification.
 6. A list of all of the agents or representatives who will be operating within the town, including their addresses. In this connection, such firm or corporation shall furnish at the time of application the following information and material pertaining to such representatives or agents:
 - a. A photograph of each agent or representative taken within sixty days immediately prior to the date of the filing of the application, which picture shall be two inches by two inches, showing the head and shoulders of the agent or representative in a clear and distinguishing manner.
 - b. The names of at least two reliable property owners of the town who will certify as to each person's good character and business responsibility or, in lieu of the names of references, any other available evidence as to the good character and business responsibility of the agents or representatives concerned.
 - c. A statement as to whether each agent or representative has been convicted of any crime, misdemeanor (except minor traffic violations) or violation of any municipal laws, the nature of the offense and the punishment or penalty assessed therefor.
 - d. A statement by a reputable physician of the town, dated not more than ten days prior to the submission of the application, certifying the applicant to be free of infectious, contagious or communicable disease or, in lieu thereof, a health certificate or card issued by Maricopa County.
 - e. A fee of twenty-five dollars per agent or representative shall be paid to the clerk to cover the cost of investigation.
- C. No license issued hereunder shall be transferable, but corporate or firm licensees may change, substitute or alter the list of their agents or representatives furnished to the clerk at any time; provided, however, that for each newly named agent or representative on such list, the information and material required in subsection B, paragraph 6 of this section must be provided to the town clerk. A newly named agent or representative will not be deemed in compliance with the requirements of this ordinance until an identification card has been issued to such agent or representative pursuant to Section 8-2-7 of this ordinance.

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Section 8-2-5 Investigation of Applicant for License and Permit; Issuance and Contents of License

Upon receipt of such application, the clerk shall cause such investigation of such person's business responsibility or moral character to be made as is deemed necessary to the protection of the public good. No license shall be issued until ten working days have passed or completion of the required investigation, whichever is the longer. If, as a result of such investigation, the applicant's or their agents' or representatives' business responsibility and character are found to be unsatisfactory, the application shall be denied. If, as a result of the investigation, the character and business reputation appear to be satisfactory, the clerk shall so certify in writing, and a license shall be issued by the clerk. The clerk shall keep a full record of all licenses issued. Such license shall contain the number of the license, the date the same is issued, the nature of the business authorized to be carried on, the amount of the license fee paid, the expiration date of such license, the place where such business may be carried on under such license and the name of the person authorized to carry on the same.

Section 8-2-6 Solicitation By Charitable, Religious, Patriotic or Philanthropic Organizations

- A. Any organization, society, association or corporation desiring to solicit or have solicited in its name money, donations of money or property or financial assistance of any kind or desiring to sell or distribute any item of literature or merchandise to persons other than members of such organization upon the streets, in office or business buildings, by door-to-door contact, or in public places for a charitable, religious, patriotic or philanthropic purpose exclusively shall be exempt from the provisions of Sections 8-2-1, 8-2-3 and 8-2-10 of this article; provided, there is filed a sworn application in writing on a form to be furnished by the town clerk which shall give the following information:
1. Name and purpose of the cause for which the permit is sought.
 2. Names and addresses of the officers and directors of the organization.
 3. Period during which the solicitation is to be carried on.
 4. Whether or not any commission, fees, wages or emoluments are to be expended in connection with such solicitation and the amount thereof.
- B. Upon being satisfied that such organization, association or corporation is a religious, charitable, patriotic or philanthropic organization, but no later than ten working days after receipt of the application, the clerk shall issue a permit without charge to such organization, association or corporation to solicit in the town. Such organization, association or corporation shall furnish all of its members, agents or representatives conducting solicitations identification cards stating the name of the organization, name of agent and purpose of solicitation which must be displayed upon demand.

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Section 8-2-7 Posting of License; Issuance of Identification Cards

The license issued to the individual or corporate licensees hereunder shall be posted in a conspicuous place if such licensees are using a vehicle or building. The clerk shall issue an identification card to each individual licensee having upon it the pertinent information contained in such license. Agents and representatives of corporate and firm applicants shall be issued similar identification cards. All such cards shall be shown upon request and no licensee or such licensee's agent or representative may undertake the activities regulated by this chapter until such identification card has been issued.

Section 8-2-8 Location for Transaction of Business Regulated

No licensee hereunder shall have any exclusive right to any location in the public street, nor shall any licensee be permitted a stationary location, nor shall they transact business within three hundred feet of a public school ground, nor shall they be permitted to operate in any congested area where the operations might impede or inconvenience the public. For the purpose of this article, the judgment of the clerk or the clerk's representative, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced.

Section 8-2-9 Creation of Undue Noise Prohibited

No licensee nor any person in their behalf shall shout, make any outcry, blow a horn, ring a bell or use any sound device, including any loud-speaking radio or sound-amplifying system, upon any of the streets, alleys, parks or other public places of the town or upon any private premises in the town where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the public thoroughfares for the purpose of attracting attention to any goods, wares or merchandise which such licensee proposes to sell.

Section 8-2-10 Enforcement of Article; Record of Licenses Issued and Violations Reported

It shall be the duty of the law enforcement agency of the town to enforce this article. The law enforcement agent shall report to the clerk all convictions for violation of this article, and the clerk shall maintain a record for each license issued and record the reports of violations therein.

Section 8-2-11 Revocation of License and Permit

Permits and licenses issued under the provisions of this article may be revoked by the clerk after notice and hearing, as provided in Article 8-1 of this code, for any of the following causes:

- A. Fraud, misrepresentation or false statement contained in the application for license.
- B. Fraud, misrepresentation or false statement made in the course of carrying on their business.

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- C. Any violation of this chapter.
- D. Conviction of any crime or misdemeanor involving moral turpitude.
- E. Conducting business in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

Section 8-2-12 Appeal From Denial or Revocation of License

An appeal from denial or revocation of license shall be controlled by the provisions of Article 8-1 of this chapter, pertaining to appeal regarding business licenses.

Section 8-2-13 Peddling, etc., on Posted Premises or Refusal to Leave Premises Upon Request Prohibited

- A. It is unlawful for any peddler, solicitor or transient merchant, their agents or representatives, to come upon any premises whereon a sign bearing the words "no peddlers," "no solicitors," "no transient merchants," "no "door-to-door salesmen," or any combination of such terms or terms similar thereto is exposed to public view.
- B. It is also unlawful for any peddler, solicitor or transient merchant, their agents or representatives to remain on any premises after having been requested to leave by the owner or occupant thereof whether such premises are posted as specified above or not.

Article 8-3 YARD SALES¹

- 8-3-1Definitions
- 8-3-2Regulations
- 8-3-3License

Section 8-3-1 Definitions

In this article, unless the context otherwise requires:

- A. "Miscellaneous merchandise" means those items offered for retail sale at a yard sale which merchandise has not been purchased for the purpose of resale.
- B. "Yard sales" means the resale by the resident of a specific address of miscellaneous merchandise occurring without regularity.

Section 8-3-2 Regulations

¹Ordinance 99-97

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- A. Yard sales shall only be conducted by the owner or resident of a specific residential address and only for the purposes of selling miscellaneous merchandise at retail.
- B. Yard sales shall be limited to no more than four times per calendar year per address and shall not exceed forty-eight hours in total length for each of the four permitted times.
- C. At no time shall any yard sale be permitted to operate if, in the judgment of the town manager, such operation is detrimental to the public health, safety or welfare of the surrounding neighbors or the community.
- D. All yard sales shall be conducted during the daylight hours only, and all miscellaneous merchandise as well as the tables or stands that they are displayed on shall be removed from the sight at the conclusion of each permitted forty-eight hour period.

Section 8-3-3 License

- A. It shall be unlawful for any person or other entity or for any agent, servant or employee of any person or other entity to engage in, carry on or conduct a yard sale without first obtaining a license to do so.
- B. There shall be a charge of one dollar for a license which shall be issued for each forty-eight hour period of a yard sale.

ARTICLE 8-4 PARIMUTUEL WAGERING¹

- 8-4-1 Definitions
- 8-4-2 Purpose; Effect on Other Regulations
- 8-4-3 Administration
- 8-4-4 Teletrack Operator, Teletrack Wagering Establishment, License Required
- 8-4-5 Information Required for Teletrack Operator License Applications
- 8-4-6 Teletrack Wagering Establishment License; Application
- 8-4-7 Location of Teletrack Wagering Establishment
- 8-4-8 Additional Information
- 8-4-9 Payment of Fee and Taxes
- 8-4-10 Fingerprinting, Criminal History Investigation, Exemption
- 8-4-11 Issuance and Display of License Identification Card; Nontransferability
- 8-4-12 Fees
- 8-4-13 Term of License
- 8-4-14 Public Hearing on Teletrack Wagering Establishment License; Notice
- 8-4-15 Information Update
- 8-4-16 Special Provisions
- 8-4-17 Renewal
- 8-4-18 Inspection of Premises, Property and Records
- 8-4-19 Revocation; Grounds
- 8-4-20 Teletrack Operator License Suspension

¹Ordinances 105-97 and 125-98

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Section 8-4-1 Definitions

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

- A. "Person" means any individual, partnership, limited partnership, firm, corporation or association of any kind.
- B. "Racing program" means the live races conducted at an authorized track and any simulcast races shown to the public in conjunction with live racing on which parimutuel wagering is allowed.
- C. "Teletrack operator" means any person who holds an Arizona Racing Commission permit for dog or horse racing events within Arizona and who accepts bets or wagers on the results of any parimutuel race at a location other than the race track and who regularly conducts dog or horse racing events for at least thirty days in the course of a calendar year.
- D. "Teletrack wagering" means parimutuel wagering conducted at an off-track teletrack facility on a dog or horse racing program which is authorized within Arizona.
- E. "Teletrack wagering establishment" means any establishment at which a teletrack operator accepts bets or wagers on the results of a dog or horse racing program conducted by a teletrack operator at an authorized track within Arizona.
- F. "Teletracking" means the telecast of live audio and visual signals of dog or horse racing programs conducted at an authorized enclosure within Arizona to an authorized additional wagering facility within Queen Creek for the purpose of parimutuel wagering.

Section 8-4-2 Purpose; Effect on Other Regulations

This article is enacted for regulatory purposes. Persons required to obtain a license for any activity covered by this article remain subject to all other applicable regulatory, tax or fee ordinances of the town.

Section 8-4-3 Administration

- A. The town manager shall administer this article, except as otherwise specifically provided, and shall develop appropriate forms for this purpose. The county sheriff's department shall assist in connection with license applications and enforcement.
- B. License applications made pursuant to this article shall be submitted to the town manager or designee, who may issue, deny, suspend or revoke licenses in accordance with this Article, provided that the decision whether or not to issue a teletrack wagering establishment license shall be made by the town council following the hearing provided for in Section 8-4-14.

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Section 8-4-4 Teletrack Operator, Teletrack Wagering Establishment, License Required

- A. It is unlawful for any person to function in the town as a teletrack operator or operate a teletrack wagering establishment without first obtaining the appropriate license under this article.
- B. The licenses required by this section shall be in addition to any other licenses or permits required by any governmental authority.
- C. A separate teletrack wagering establishment license is required for each teletracking location within the town.
- D. A separate teletrack operator license is required for each teletrack operator located at a teletrack wagering establishment.
- E. A person desiring to operate a teletrack wagering establishment and to function as a teletrack operator shall obtain a license for each activity.
- F. Licenses issued pursuant to this chapter are nontransferable.

Section 8-4-5 Information Required for Teletrack Operator License Applications

Applications for a teletrack operator license under this chapter shall include the following information:

- A. The applicant's business name, business location, business mailing address and business telephone number.
- B. The full legal name, date of birth and residence address of all persons who participate in management, control or policy direction of the teletrack operator, including, with respect to a corporation, the corporation's officers, directors and shareholders holding ten percent or more of the outstanding shares of the corporation's stock.
- C. Information with respect to any of the persons identified pursuant to section B of this section shall include a full disclosure as to (1) any felony conviction of such person within the preceding five years; (2) any judicial or administrative finding of violation of any law or regulation relating to racing, wagering or gaming, in any jurisdiction; and (3) revocation or suspension of any license or permit relating to parimutuel betting or teletracking activities.
- D. Proof that the applicant holds a valid permit from the Arizona Racing Commission to conduct parimutuel races within the State of Arizona.
- E. Proof that a teletrack wagering establishment license has been issued or applied for with respect to the facility in which the teletrack operator license will be utilized, and proof of an agreement for use of the establishment by the applicant for teletrack wagering purposes.

BUSINESS REGULATIONS

- F. A plan of operation in accordance with the specifications of Arizona Administrative Code, Title 19, Chapter 2, Section R19-2-404.

Section 8-4-6 Teletrack Wagering Establishment License; Application

Applicants for a teletrack wagering establishment license shall provide the following information as part of the application:

- A. The applicant's name, date of birth, residence address and telephone number.
- B. The applicant's business name, business location, business mailing address and business telephone number.
- C. The full legal name, date of birth and residence address of all persons who participate in management, control or policy direction of the establishment, including, with respect to a corporation, the corporation's officers, directors and stockholders holding ten percent or more of the outstanding shares of the corporation's stock.
- D. Information with respect to any of the persons identified pursuant to subsection C of this section shall include full disclosure as to (1) any felony conviction of such person within the preceding five years; (2) any judicial or administrative finding of violation of any law or regulation relating to racing, wagering or gaming, in any jurisdiction; and (3) revocation or suspension of any license or permit relating to parimutuel betting or teletracking activities.
- E. Proof of a current license for the site if the establishment serves liquor.
- F. Accurate drawings to scale indicating the floor plan of all buildings on the premises and the precise location of all teletracking facilities and activities.
- G. A site plan for all buildings and associated parcel lines, including evidence of compliance with Section 8-4-7 of this article.
- H. A vicinity ownership map showing and labeling all parcels within five hundred feet of the exterior boundaries of the parcel, not including public property or right-of-way.
- I. A vicinity ownership list and mailing labels properly addressed, containing names and mailing addresses, with correct zip codes, of owners of all parcels shown on the vicinity ownership map.
- J. A parking plan showing all parking spaces available for the site and traffic flow patterns.
- K. A security plan which may include security guards and other appropriate measures for the protection of patrons, employees and the public.
- L. Proof that a teletrack operator license has been issued or applied for with respect to each operator who will conduct teletrack wagering activities at the establishment, and proof of an agreement between the applicant and each operator for use of the establishment by the operator for teletrack wagering purposes.

Section 8-4-7 Location of Teletrack Wagering Establishment

- A. No license shall be granted for any teletrack wagering establishment unless all of the following standards are met:
1. No teletrack wagering establishment shall be located within one thousand feet of any other teletrack wagering establishment.
 2. No teletrack wagering establishment shall be located within five hundred feet of any public or private school, public park or day nursery or preschool.
 3. The applicant for teletrack wagering establishment located within five hundred feet of any of the following zoning district boundaries: RI-43, RI-35, RI-18, RI-8, RI-6, R-2, R-3, R-4, R-5, MHR, C-S, C-O, C-1 or C-2 has posted the property and sent notice of the proposed teletrack use to each household on the vicinity ownership map required in Section 8-4-6 (I). Such notice shall be sent and shall indicate that the resident shall file any protest to the application in writing with the town manager or designee within thirty days or the application will be administratively approved. If any protests are received, a public hearing shall be held in accordance with Section 8-4-14 prior to issuance unless a petition requesting waiver of this requirement, signed by fifty-one percent of those persons residing thirty days or more within a five hundred-foot radius of the proposed location is received and verified by the town manager or designee. In such case, the town council may waive the requirements of this paragraph.
- B. For purposes of this section, streets, alleys and other thoroughfares adjacent to the zoning district boundaries specified in subsection (A)(3) shall themselves be considered within such district boundaries. With respect to any such street, alley or other thoroughfare, measurements to determine whether the teletrack wagering establishment is within five hundred feet of such boundary shall be taken to the edge of such alley nearest to the teletrack wagering establishment, or from the centerline of such street or thoroughfare, or to the property line of said public or private school, public park or other teletrack wagering establishment. Measurement from the teletrack wagering establishment shall be taken from that portion of the teletrack wagering establishment, including projections therefrom, that is closest to said residential district, public or private school, public park or other teletrack wagering establishment.
- C. These provisions shall not be construed as permitting any use or activity which is otherwise prohibited or made punishable by law.

Section 8-4-8 Additional Information

In addition to the information specified above an applicant shall provide such supplemental information as the town manager or designee reasonably determines to be necessary to fully evaluate the application.

Section 8-4-9 Payment of Fees and Taxes

No application for a license under this chapter will be processed with respect to an applicant who is delinquent in payment of any town taxes, fees or other payments due.

Section 8-4-10 Fingerprinting, Criminal History Investigation, Exemption

Applicants for any license under this chapter, and all other persons required to be identified in connection with an application shall be subject to background and criminal history investigation and fingerprinting, provided that, fingerprinting and criminal history investigation will not be required for a teletrack operator if:

- A. The applicant, within twelve months prior to filing the application for a town teletrack operator license, has supplied the required information to the Arizona Racing Commission or to the Arizona Department of Racing or updated such information previously supplied as to any material changes and a criminal history investigation has been conducted at the state level on the basis of said information; and
- B. The information described in subsection A and the result of the criminal investigation are available to the county sheriff.

Section 8-4-11 Issuance and Display of License Identification Card; Nontransferability

- A. At the election of the town manager or designee, the license identification card may constitute the actual license issued.
- B. The license identification card shall be displayed on an outer garment, on the front of the body above the waist, with photograph visible while the holder is on the teletrack wagering establishment premises.

Section 8-4-12 Fees

An application for a teletrack operator or teletrack wagering establishment shall include a nonrefundable application fee of two hundred dollars and other fees required by this article.

- A. The fee for a teletrack operator license shall be:
 - 1. One thousand two hundred dollars per year for up to four parimutuel betting windows or tote machines.
 - 2. Five hundred dollars per year for each parimutuel window or tote machine in excess of four.
- B. The fee for a teletrack wagering establishment license shall be one hundred dollars per year.
- C. A twenty-five dollar fee for criminal history investigation and fingerprinting shall be paid at

the time of application with respect to each applicant and person required to be identified in connection with an application under this article, unless exempt from Section 8-4-10.

- D. A ten dollar fee shall be paid for a replacement license identification card if required because of loss of the original.

Section 8-4-13 Term of License

The term of a teletrack wagering establishment and teletrack operator license issued pursuant to the provisions of this article is one year, commencing at the same time as the teletrack permit issued by the State of Arizona for the establishment.

Section 8-4-14 Public Hearing on Teletrack Wagering Establishment License; Notice

- A. The town council shall hold a public hearing on an application for a teletrack wagering establishment license except as provided in Section 8-4-7(A)(3). Notice of the hearing shall be given at least thirty days prior to the hearing in the following manner:
 - 1. Notice shall be published at least once in a newspaper of general circulation in the town.
 - 2. Notice shall be posted on the subject property in such a manner as to be legible from the public right-of-way.
 - 3. Notice shall be mailed by first class mail to each owner and tenant as listed on the vicinity ownership list.
- B. Within five working days of the public hearing the applicant shall be notified in writing of the council's decision to approve or deny the application. The town manager or designee shall communicate this decision to the state racing commission.
- C. The council may approve or deny the application or may approve subject to conditions for any reason deemed appropriate by the council in order to provide optimum protection for the public health, safety and welfare.

Section 8-4-15 Information Update

An applicant or licensee shall give written notice to the town manager or designee of any material changes in information submitted in connection with an application, within ten days of such change.

Section 8-4-16 Special Provisions

- A. A person under the age of eighteen years may not be present on the premises of a teletrack wagering establishment during any time when teletrack wagering is being conducted, unless accompanied by a parent or guardian.
- B. The owner or operator of the teletrack wagering establishment shall take all reasonable measures, including but not limited to requiring identification from persons entering or

present in a teletrack wagering establishment, to prevent unlawful gambling by minors.

- C. Wagering pay-offs in a single amount of five hundred dollars or more shall be made by check or similar instrument other than cash. Notice to this effect shall be posted conspicuously near all betting windows.
- D. Teletrack wagering establishments shall maintain security in accordance with the security plan approved during licensing of the establishment by the town.
- E. Teletrack wagering may be conducted only between the hours of 7:00 a.m. and 1:00 a.m.
- F. Revocation or suspension of a state operator license or permit will constitute automatic revocation or suspension of the corresponding town license.

Section 8-4-17 Renewal

- A. Sixty days prior to the license expiration date, a licensee may apply to the town manager or designee for renewal of the license. Application shall be made and reviewed as an original application, except that an application fee payment is not required on a renewal application. All other applicable fee payments are required.
- B. Criminal history investigations and fingerprinting shall be completed each year as part of the renewal process, unless Section 8-4-10 applies.
- C. Granting of a license under this article does not confer an entitlement to or presumption of renewal of the license. Renewal may be denied for any reason deemed sufficient by the town council.

Section 8-4-18 Inspection of Premises, Property and Records

The business premises of any person required to be licensed under this article, including any property on the premises and any and all ledgers, books, records or memoranda, including information maintained on computer disks, tapes and terminal memory shall be open to inspection by representatives of the town upon request, at any time during the licensee's regular business hours.

Section 8-4-19 Revocation; Grounds

- A. The town manager or designee may revoke a license in accordance with the procedures on any of the grounds for revocation stated in Article 8-1 of this chapter, and for any of the following additional grounds:
 - 1. Violation of the laws governing wagering within the State of Arizona or the sale of liquor within the State of Arizona.
 - 2. Repeated acts of violence or disorderly conduct.
 - 3. False or misleading testimony by the licensee in an investigation or other proceeding.

4. Delinquency for more than thirty days in the payment of any applicable taxes or fees to the town.
 5. Failure to operate a teletrack wagering establishment in compliance with plans submitted and approved pursuant to Section 8-4-6 (F), (J) and (K) of this article.
 6. Violation of any of the provisions of this article.
- B. Revocation of a teletrack wagering establishment license shall constitute revocation of the teletrack operator license(s) issued for the same location.

Section 8-4-20 Teletrack Operator License Suspension

The teletrack operator license will be suspended in the event the teletrack wagering establishment location is no longer licensed due to ownership change or expiration of teletrack wagering establishment license.

ARTICLE 8-5 SEXUALLY ORIENTED BUSINESSES¹

8-5-1 Purpose and Findings

8-5-2 Definitions

8-5-3 Classification

8-5-4 License Required

8-5-5 Issuance of License

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8-5-12 Location of Sexually Oriented Businesses

8-5-13 Additional Regulations for Adult Motels

8-5-14 Additional Regulations for Exhibition of Sexually Explicit Films, Videos or Live Entertainment in Viewing Rooms

8-5-15 Additional Regulations for Escort Agencies

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8-5-17 Additional Regulations Concerning Public Nudity

8-5-18 Prohibition Against Children in a Sexually Oriented Business

8-5-19 Hours of Operation

8-5-20 Exemptions

8-5-21 Penalty; Injunction

Section 8-5-1 Purpose and Findings

- A. Purpose. It is the purpose of this article to regulate sexually oriented businesses in order

¹Ordinance 123-98

to promote the health, safety, morals and general welfare of the citizens of the town, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within the town. The provisions of this article have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this article to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this article to condone or legitimize the distribution of obscene material.

- B. Findings. Based on evidence concerning the adverse secondary effects of adult uses on the community presented in hearings and in reports made available to the council, and on findings incorporated in the cases of *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986), *Young v. American Mini Theatres*, 426 U.S. 50 (1976) and *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991), and on studies in other communities including, but not limited to, Phoenix, Arizona; Minneapolis, Minnesota; Houston, Texas; Indianapolis, Indiana; Amarillo, Texas; Garden Grove, California; Los Angeles, California; Whittier, California; Austin, Texas; Seattle, Washington; Oklahoma City, Oklahoma; Cleveland, Ohio and Beaumont, Texas and also on findings from the Report of the Attorney General's Working Group On The Regulation Of Sexually Oriented Businesses, (June 6, 1989, State of Minnesota), the council finds:
1. Sexually oriented businesses lend themselves to ancillary unlawful and unhealthy activities that are presently uncontrolled by the operators of the establishments. Further, there is presently no mechanism to make the owners of these establishments responsible for the activities that occur on their premises.
 2. Certain employees of sexually oriented businesses defined in this article as adult theaters and cabarets engage in higher incidence of certain types of illicit sexual behavior than employees of other establishments.
 3. Sexual acts, including masturbation, and oral and anal sex, occur at sexually oriented businesses, especially those which provide private or semi-private booths or cubicles for viewing films, videos or live sex shows.
 4. Offering and providing such space encourages such activities, which creates unhealthy conditions.
 5. Persons frequent certain adult theaters, adult arcades and other sexually oriented businesses for the purpose of engaging in sex within the premises of such sexually oriented businesses.
 6. At least fifty communicable diseases may be spread by activities occurring in sexually oriented businesses, including, but not limited to, syphilis, gonorrhea, human immunodeficiency virus infection (HIV-AIDS), genital herpes, hepatitis B, Non A, Non B amebiasis, salmonella infections and shigella infections.
 7. Since 1981 and to the present, there has been an increasing cumulative number of reported cases of AIDS caused by the human immunodeficiency virus (HIV) in the United States -- 600 in 1982, 2,200 in 1983, 4,600 in 1984, 8,555 in 1985 and 253,448 through December 31, 1992.
 8. As of June 26, 1996, there have been 4,377 reported cases of AIDS in the State of Arizona.

9. The number of cases of early (less than one year) syphilis in the United States reported annually has risen, with 33,613 cases reported in 1982 and 45,200 through November of 1990.
10. The number of cases of gonorrhea in the United States reported annually remains at a high level, with over one-half million cases being reported in 1990.
11. The surgeon general of the United States in his report of October 22, 1986, has advised the American public that AIDS and HIV infection may be transmitted through sexual contact, intravenous drug abuse, exposure to infected blood and blood components, and from an infected mother to her newborn.
12. According to the best scientific evidence, AIDS and HIV infection, as well as syphilis and gonorrhea, are principally transmitted by sexual acts.
13. Sanitary conditions in some sexually oriented businesses are unhealthy, in part, because the activities conducted there are unhealthy, and, in part, because of the unregulated nature of the activities and the failure of the owners and the operators of the facilities to self-regulate those activities and maintain those facilities.
14. Numerous studies and reports have determined that semen is found in the areas of sexually oriented businesses where persons view "adult" oriented films.
15. The findings noted in paragraphs number 1 through 14 raise substantial governmental concerns.
16. Sexually oriented businesses have operational characteristics which should be reasonably regulated in order to protect those substantial governmental concerns.
17. A reasonable licensing procedure is an appropriate mechanism to place the burden of that reasonable regulation on the owners and the operators of the sexually oriented businesses. Further, such a licensing procedure will place a heretofore nonexistent incentive on the operators to see that the sexually oriented business is run in a manner consistent with the health, safety and welfare of its patrons and employees, as well as the citizens of the town. It is appropriate to require reasonable assurances that the licensee is the actual operator of the sexually oriented business, fully in possession and control of the premises and activities occurring therein.
18. Removal of doors on adult booths and requiring sufficient lighting on premises with adult booths advances a substantial governmental interest in curbing the illegal and unsanitary sexual activity occurring in adult theaters.
19. Requiring licensees of sexually oriented businesses to keep information regarding current employees and certain past employees will help reduce the incidence of certain types of criminal behavior by facilitating the identification of potential witnesses or suspects and by preventing minors from working in such establishments.
20. The disclosure of certain information by those persons ultimately responsible for the day-to-day operation and maintenance of the sexually oriented business, where such information is substantially related to the significant governmental interest in the operation of such uses, will aid in preventing the spread of sexually transmitted diseases.
21. It is desirable in the prevention of the spread of communicable diseases to obtain a

limited amount of information regarding certain employees who may engage in the conduct which this article is designed to prevent or who are likely to be witnesses to such activity.

22. The fact that an applicant for an adult use license has been convicted of a sexually related crime leads to the rational assumption that the applicant may engage in that conduct in contravention of this article.
23. The barring of such individuals from the management of adult uses for a period of years serves as a deterrent to and prevents conduct which leads to the transmission of sexually transmitted diseases.
24. The general welfare, health, morals and safety of the citizens of the Town will be promoted by the enactment of this article.

Section 8-5-2 Definitions

In this article, unless the context otherwise requires:

- A. "Adult arcade" means any place to which the public is permitted or invited wherein coin-operated, slug-operated, or for any form of consideration, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video or laser disc players, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."
- B. "Adult bookstore, adult novelty store or adult video store" means a commercial establishment which, as one of its principal purposes, offers for sale or rental for any form of consideration any one or more of the following:
 1. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; or
 2. Instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities."

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as an adult bookstore, adult novelty store or adult video store. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an adult bookstore, adult novelty store or adult video store so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

- C. "Adult cabaret" means a nightclub, bar, restaurant or similar commercial establishment which regularly features:

1. Persons who appear in a state of nudity or semi-nude; or
 2. Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or
 3. Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."
- D. "Adult motel" means a hotel, motel or similar commercial establishment which:
1. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or
 2. Offers a sleeping room for rent for a period of time that is less than ten hours; or
 3. Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than ten hours.
- E. "Adult motion picture theater" means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."
- F. "Adult theater" means a theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or semi-nude, or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."
- G.

“Employee” means a person who performs any service on the premises of a sexually oriented business on a full-time, part-time or contract basis, whether or not the person is denominated an employee, independent contractor, agent or otherwise and whether or not said person is paid a salary, wage or other compensation by the operator of said business. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises.

- H. “Escort” means a person who, for consideration, agrees or offers to act as a companion, guide or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
- I. “Escort agency” means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration.
- J. “Establish” or “Establishment” means and includes any of the following:
 - 1. The opening or commencement of any sexually oriented business as a new business; or
 - 2. The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business; or
 - 3. The additions of any sexually oriented business to any other existing sexually oriented business; or
 - 4. The relocation of any sexually oriented business.
- K. “Licensee” means a person in whose name a license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a license; and in the case of an employee, a person in whose name a license has been issued authorizing employment in a sexually oriented business.
- L. “Nude model studio” means any place where a person who appears semi-nude, in a state of nudity, or who displays "specified anatomical areas" and is provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons who pay money or any form of consideration. “Nude model studio shall not include a proprietary school licensed by the State of Arizona or a college, junior college or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation; or in a structure:
 - 1. That has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; and
 - 2. Where in order to participate in a class a student must enroll at least three days in advance of the class; and
 - 3. Where no more than one nude or semi-nude model is on the premises at any one time.

- M. "Nudity" or a "state of nudity" means the showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state.
- N. "Person" means an individual, proprietorship, partnership, corporation, association or other legal entity.
- O. "Semi-nude" or in a "semi-nude condition" means the showing of the female breast below a horizontal line across the top of the areola at its highest point or the showing of the male or female buttocks. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, skirt, leotard, bathing suit or other wearing apparel provided the areola is not exposed in whole or in part.
- P. "Sexual encounter center" means a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:
1. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
 2. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.
- Q. "Sexually oriented business" means an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio or sexual encounter center.
- R. "Specified anatomical areas" means:
1. The human male genitals in a discernibly turgid state, even if completely and opaquely covered; or
 2. Less than completely and opaquely covered human genitals, pubic region, buttocks or a female breast below a point immediately above the top of the areola.
- S. "Specified criminal activity" means any of the following offenses:
1. Prostitution or promotion of prostitution; dissemination of obscenity; sale, distribution or display of harmful material to a minor; sexual performance by a child; possession or distribution of child pornography; public lewdness; indecent exposure; indecency with a child; engaging in organized criminal activity; sexual assault; molestation of a child; gambling; or distribution of a controlled substance; or any similar offenses to those described above under the criminal or penal code of other states or countries for which:
 - a. Less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense; or
 - b. 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, if the conviction is of a felony offense; or

- c. Less than five years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if the convictions are of two or more misdemeanor offenses or combination of misdemeanor offenses occurring within any twenty-four month period.

2.

The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant or a person residing with the applicant.

- T. "Specified sexual activities" means any of the following:
1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts; or
 2. Sex acts, actual or simulated, including intercourse, oral copulation, masturbation or sodomy; or
 3. Excretory functions as part of or in connection with any of the activities set forth in paragraphs 1 and 2 above.
- U. "Substantial enlargement" of a sexually oriented business means the increase in floor area occupied by the business by more than twenty-five percent, as the floor area exists on the date this article takes effect.
- V. "Transfer of ownership or control" of a sexually oriented business means and includes any of the following:
1. The sale, lease or sublease of the business; or
 2. The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange or similar means; or
 3. The establishment of a trust, gift or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

Section 8-5-3 Classification

Sexually oriented businesses are classified as follows:

1. adult arcades
2. adult bookstores, adult novelty stores or adult video stores
3. adult cabarets
4. adult motels
5. adult motion picture theaters
6. adult theaters
7. escort agencies
8. nude model studios
9. sexual encounter centers

Section 8-5-4 License Required

A. It is unlawful:

- 1.

For any person to operate a sexually oriented business without a valid sexually oriented business license issued by the town pursuant to this article.

2. For any person who operates a sexually oriented business to employ a person to work for the sexually oriented business who is not licensed as a sexually oriented business employee by the town pursuant to this article.
 3. For any person to obtain employment with a sexually oriented business without having secured a sexually oriented business employee license pursuant to this article.
- B. An application for a license must be made on a form provided by the town.
- C. All applicants must be qualified according to the provisions of this article. The application may request and the applicant shall provide such information (including fingerprints) as to enable the town to determine whether the applicant meets the qualifications established in this article.
- D. If a person who wishes to operate a sexually oriented business is an individual, the person must sign the application for a license as applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each individual who has a ten percent or greater interest in the business must sign the application for a license as applicant. Each applicant must be qualified under the following section and each applicant shall be considered a licensee if a license is granted.
- E. The completed application for a sexually oriented business license shall contain the following information and shall be accompanied by the following documents:
1. If the applicant is:
 - a. An individual, the individual shall state his/her legal name and any aliases and submit proof that he/she is eighteen years of age;
 - b. A partnership, the partnership shall state its complete name, and the names of all partners, whether the partnership is general or limited, and a copy of the partnership agreement, if any;
 - c. A corporation, the corporation shall state its complete name, the date of its incorporation, evidence that the corporation is in good standing under the laws of its state of incorporation, the names and capacity of all officers, directors and principal stockholders, and the name of the registered corporate agent and the address of the registered office for service of process.
 2. If the applicant intends to operate the sexually oriented business under a name other than that of the applicant; he or she must state the sexually oriented business' fictitious name and submit the required registration documents.
 3. Whether the applicant, or a person residing with the applicant, has been convicted of a specified criminal activity as defined in this article, and, if so, the specified criminal activity involved, the date, place and jurisdiction of each.
 4. Whether the applicant, or a person residing with the applicant, has had a previous license under this article or other similar sexually oriented business ordinances from

another municipality or county denied, suspended or revoked, including the name and location of the sexually oriented business for which the permit was denied, suspended or revoked, as well as the date of the denial, suspension or revocation, and whether the applicant or a person residing with the applicant has been a partner in a partnership or an officer, director or principal stockholder of a corporation that is licensed under this article whose license has previously been denied, suspended or revoked, including the name and location of the sexually oriented business for which the permit was denied, suspended or revoked as well as the date of denial, suspension or revocation.

5. Whether the applicant or a person residing with the applicant holds any other licenses under this article or other similar sexually oriented business ordinance from another municipality or county and, if so, the names and locations of such other licensed businesses.
 6. The single classification of license for which the applicant is filing.
 7. The location of the proposed sexually oriented business, including a legal description of the property, street address and telephone number(s), if any.
 8. The applicant's mailing address and residential address.
 9. A recent photograph of the applicant(s).
 10. The applicant's driver's license number, Social Security number and/or his/her state or federally issued tax identification number.
 11. A sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared, but it must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches.
 12. A current certificate and straight-line drawing prepared within thirty days prior to application by a registered land surveyor depicting the property lines and the structures containing any existing sexually oriented businesses within one thousand feet of the property to be certified; the property lines of any established religious institution/synagogue, school, or public park or recreation area within one thousand feet of the property to be certified. For purposes of this section, a use shall be considered existing or established if it is in existence at the time an application is submitted.
 13. If an applicant wishes to operate a sexually oriented business, other than an adult motel, which shall exhibit on the premises, in a viewing room or booth of less than one hundred-fifty square feet of floor space, films, video cassettes, other video reproductions, or live entertainment which depict specified sexual activities or specified anatomical areas, then the applicant shall comply with the application requirements set forth in Section 8-5-14.
- F. Before any applicant may be issued a sexually oriented business employee license, the applicant shall submit on a form to be provided by the town the following information:
1. The applicant's name or any other name (including "stage" names) or aliases used

by the individual

2. Age, date, and place of birth
 3. Height, weight, hair and eye color
 4. Present residence address and telephone number
 5. Present business address and telephone number
 6. Date, issuing state and number of driver's permit or other identification card information
 7. Social Security number
 8. Proof that the individual is at least eighteen years of age
- G. Attached to the application form for a sexually oriented business employee license as provided above, shall be the following:
1. A color photograph of the applicant clearly showing the applicant's face and the applicant's fingerprints on a form provided by the Maricopa County Sheriff's Office. Any fees for the photographs and fingerprints shall be paid by the applicant.
 2. A statement detailing the license history of the applicant for the five years immediately preceding the date of the filing of the application, including whether such applicant previously operated or is seeking to operate, in this or any other county, city, state or country has ever had a license, permit or authorization to do business denied, revoked or suspended, or had any professional or vocational license or permit denied, revoked or suspended. In the event of any such denial, revocation or suspension, state the name, the name of the issuing or denying jurisdiction and describe in full the reason for the denial, revocation or suspension. A copy of any order of denial, revocation or suspension shall be attached to the application.
 3. A statement whether the applicant has been convicted of a specified criminal activity as defined in this article and, if so, the specified criminal activity involved, the date, place and jurisdiction of each.

Section 8-5-5 Issuance of License

- A. Upon the filing of said application for a sexually oriented business employee license, the town clerk shall issue a temporary license to said applicant. The application shall then be referred to the appropriate town departments for an investigation to be made on such information as is contained on the application. The application process shall be completed within thirty days from the date the completed application is filed. After the investigation, the town clerk shall issue a license, unless it is determined by a preponderance of the evidence that one or more of the following findings is true:
1. The applicant has failed to provide information reasonably necessary for issuance of the license or has falsely answered a question or request for information on the

application form; or

2. The applicant is under the age of eighteen years; or
 3. The applicant has been convicted of a "specified criminal activity" as defined in this article; or
 4. The sexually oriented business employee license is to be used for employment in a business prohibited by local or state law, statute, rule or regulation, or prohibited by a particular provision of this article; or
 5. The applicant has had a sexually oriented business employee license revoked by the town within two years of the date of the current application. If the sexually oriented business employee license is denied, the temporary license previously issued is immediately deemed null and void. Denial, suspension or revocation of a license issued pursuant to this subsection shall be subject to appeal as set forth in Section 8-5-10.
- B. A license granted pursuant to this section shall be subject to annual renewal upon the written application of the applicant and a finding by the town that the applicant has not been convicted of any specified criminal activity as defined in this article or committed any act during the existence of the previous license, which would be grounds to deny the initial license application. The renewal of the license shall be subject to the payment of the fee as set forth in Section 8-5-6.
- C. Within thirty days after receipt of a completed sexually oriented business application, the town clerk shall approve or deny the issuance of a license to an applicant. The town clerk shall approve the issuance of a license to an applicant unless it is determined by a preponderance of the evidence that one or more of the following findings is true:
1. An applicant is under eighteen years of age.
 2. An applicant or a person with whom applicant is residing is overdue in payment to the town of taxes, fees, fines or penalties assessed against or imposed upon him/her in relation to any business.
 3. An applicant has failed to provide information reasonably necessary for issuance of the license or has falsely answered a question or request for information on the application form.
 4. An applicant or a person with whom the applicant is residing has been denied a license by the town to operate a sexually oriented business within the preceding twelve months or whose license to operate a sexually oriented business has been revoked within the preceding twelve months.
 5. An applicant or a person with whom the applicant is residing has been convicted of a specified criminal activity defined in this article.
 6. The premises to be used for the sexually oriented business have not been approved by the Maricopa County health department, Rural Metro fire department and the building official as being in compliance with applicable laws and ordinances.
 7. The license fee required by this article has not been paid.

8. An applicant of the proposed establishment is in violation of or is not in compliance with any of the provisions of this article.
- D. The license, if, granted shall state on its face the name of the person or persons to whom it is granted, the expiration date, the address of the sexually oriented business and the classification for which the license is issued pursuant to Section 8-5-3. All licenses shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that they may be easily read at any time.
- E. The health department, fire department and the building official shall complete their certification that the premises is in compliance or not in compliance within twenty days of receipt of the application by the town.
- F. A sexually oriented business license shall issue for only one classification as found in Section 8-5-3.

Section 8-5-6 Fees

- A. Every application for a sexually oriented business license (whether for a new license or for renewal of an existing license) shall be accompanied by a five hundred dollar non-refundable application and investigation fee.
- B. In addition to the application and investigation fee required above, every sexually oriented business that is granted a license (new or renewal) shall pay to the town an annual non-refundable license fee of five hundred dollars within thirty days of license issuance or renewal.
- C. Every application for a sexually oriented business employee license (whether for a new license or for renewal of an existing license) shall be accompanied by an annual one hundred dollar non-refundable application, investigation and license fee.
- D. All license applications and fees shall be submitted to the town clerk.

Section 8-5-7 Inspection

- A. An applicant or licensee shall permit representatives of the Maricopa County Sheriff's Office, the Maricopa County Health Department, Rural Metro Fire Department, Town Zoning Department, or other town departments or agencies to inspect the premises of a sexually oriented business for the purpose of insuring compliance with the law, at any time it is occupied or open for business.
- B. A person who operates a sexually oriented business or his agent or employee commits a misdemeanor if he refuses to permit such lawful inspection of the premises at any time it is open for business.

Section 8-5-8 Expiration of License

- A. Each license shall expire one year from the date of issuance and may be renewed only by making application as provided in Section 8-5-4. Application for renewal shall be made at least thirty days before the expiration date, and when made less than thirty days before the expiration date, the expiration of the license will not be affected.

- B. When the town clerk denies renewal of a license, the applicant shall not be issued a license for one year from the date of denial. If, subsequent to denial, the town clerk 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 ninety days have elapsed since the date denial became final.

Section 8-5-9 Suspension

The town clerk shall suspend a license for a period not to exceed thirty days if a licensee or an employee of a licensee has:

- C. violated or is not in compliance with any section of this article;
- D. refused to allow an inspection of the sexually oriented business premises as authorized by this article.

Section 8-5-10 Revocation

- A. The town clerk shall revoke a license if a cause of suspension in Section 8-5-9 occurs and the license has been suspended within the preceding twelve months.
- B. The town clerk shall revoke a license if:
 - 1. A licensee gave false or misleading information in the material submitted during the application process; or
 - 2. A licensee has knowingly allowed possession, use or sale of controlled substances on the premises; or
 - 3. A licensee has knowingly allowed prostitution on the premises; or
 - 4. A licensee knowingly operated the sexually oriented business during a period of time when the licensee's license was suspended; or
 - 5. Except in the case of an adult motel, a licensee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation or other sex act to occur in or on the licensed premises; or
 - 6. A licensee is delinquent in payment to the town, county or state for any taxes or fees past due.
- C. When the town clerk revokes a license, the revocation shall continue for one year, and the licensee shall not be issued any sexually oriented business license for one year from the date the revocation became effective. If, subsequent to revocation, the town clerk finds that the basis for the revocation has been corrected or abated, the applicant may be granted a license if at least ninety days have elapsed since the date the revocation became effective.
- D. After denial of an application, or denial of a renewal of an application, or suspension or revocation of any license, the applicant or licensee may seek prompt judicial review of such administrative action in any court of competent jurisdiction. The administrative action shall be promptly reviewed by the court.

Section 8-5-11 Transfer of License

A licensee shall not transfer his/her license to another, nor shall a licensee operate a sexually

oriented business under the authority of a license at any place other than the address designated in the application.

Section 8-5-12 Location of Sexually Oriented Businesses

- A. A person commits a misdemeanor if that person operates or causes to be operated a sexually oriented business in any zoning district not permitted in the Queen Creek Zoning Ordinance.
- B. A person commits a misdemeanor if the person operates or causes to be operated a sexually oriented business within one thousand feet of:
 - 1. A church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities; or
 - 2. A public or private educational facility including but not limited to child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges and universities; school includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school; or
 - 3. A boundary of a residential district as defined in the Queen Creek Zoning Ordinance; or
 - 4. A public park or recreational area which has been designated for park or recreational activities including but not limited to a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, wilderness areas or other similar public land within the town which is under the control, operation or management of the town park and recreation authorities; or
 - 5. The property line of a lot devoted to a residential use as defined in the Queen Creek Zoning Ordinance; or
 - 6. An entertainment business which is oriented primarily towards children or family entertainment; or
 - 7. A licensed premises, licensed pursuant to the alcoholic beverage control regulations of the State.
- C. A person commits a misdemeanor if that person causes or permits the operation, establishment, substantial enlargement, or transfer of ownership or control of a sexually oriented business within one thousand feet of another sexually oriented business.
- D. A person commits a misdemeanor if that person causes or permits the operation, establishment or maintenance of more than one sexually oriented business in the same building, structure or portion thereof, or the increase of floor area of any sexually oriented business in any building, structure or portion thereof containing another sexually oriented business.

- E. For the purpose of subsection B of this section, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as the part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a use listed in subsection B. Presence of a town, county or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this section.
- F. For purposes of subsection C of this section, the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to the intervening structures or objects or political boundaries, from the closest exterior wall of the structure in which each business is located.

Section 8-5-13 Additional Regulations for Adult Motels

- A. Evidence that a sleeping room in a hotel, motel or a similar commercial establishments has been rented and vacated two or more times in a period of time that is less than ten hours creates a rebuttable presumption that the establishment is an adult motel as that term is defined in this article.
- B. A person commits a misdemeanor if, as the person in control of a sleeping room in a hotel, motel or similar commercial establishment that does not have a sexually oriented business license, he rents or subrents a sleeping room to a person and, within ten hours from the time the room is rented, he rents or subrents the same sleeping room again.
- C. For purposes of subsection B of this section, the terms "rent" or "subrent" mean the act of permitting a room to be occupied for any form of consideration.

Section 8-5-14 Regulations Pertaining to Exhibition of Sexually Explicit Films, Videos or Live Entertainment in Viewing Rooms

- A. A person who operates or causes to be operated a sexually oriented business, other than an adult motel, which exhibits on the premises in a viewing room of less than one hundred fifty square feet of floor space, a film, video cassette, live entertainment or other video reproduction which depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:
 - 1. An application for a sexually oriented business license shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed thirty-two square feet of floor area. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six inches. The town clerk may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and

certifies that the configuration of the premises has not been altered since it was prepared.

2. The application shall be sworn to be true and correct by the applicant.
3. No alteration in the configuration or location of a manager's station may be made without the prior approval of the town clerk.
4. It is the duty of the licensee of the premises to ensure that at least one licensed employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.
5. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.
6. It shall be the duty of the licensee to ensure that the view area specified in paragraph 5 of this subsection remains unobstructed by any doors, curtains, partitions, walls, merchandise, display racks or other materials and, at all times, to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to paragraph 1 of this subsection.
7. No viewing room may be occupied by more than one person at any time.
8. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than five foot-candles as measured at the floor level.
9. It shall be the duty of the licensee to ensure that the illumination described above is maintained at all times that any patron is present in the premises.
10. No licensee shall allow openings of any kind to exist between viewing rooms or booths.
11. No person shall make or attempt to make an opening of any kind between viewing booths or rooms.
12. The licensee shall, during each business day, regularly inspect the walls between the viewing booths to determine if any openings or holes exist.
13. The licensee shall cause all floor coverings in viewing booths to be nonporous, easily cleanable surfaces, with no rugs or carpeting.
14. The licensee shall cause all wall surfaces and ceiling surfaces in viewing booths to be constructed of, or permanently covered by, nonporous, easily cleanable material. No wood, plywood, composition board or other porous material shall be used within forty eight inches of the floor.

- B. A person having a duty under subsection A of this section commits a misdemeanor if he knowingly fails to fulfill that duty.

Section 8-5-15 Additional Regulations for Escort Agencies

- A. An escort agency shall not employ any person under the age of eighteen years.
- B. A person commits a misdemeanor if the person acts as an escort or agrees to act as an escort for any person under the age of eighteen years.

Section 8-5-16 Additional Regulations for Nude Model Studios

- A. A nude model studio shall not employ any person under the age of eighteen years.
- B. A person under the age of eighteen years commits a misdemeanor if the person appears semi-nude or in a state of nudity in or on the premises of a nude model studio. It is a defense to prosecution under this subsection if the person under eighteen years was in a restroom not open to public view or visible to any other person.
- C. A person commits a misdemeanor if the person appears in a state of nudity, or knowingly allows another to appear in a state of nudity in an area of a nude model studio premises which can be viewed from the public right-of-way.
- D. A nude model studio shall not place or permit a bed, sofa or mattress in any room on the premises, except that a sofa may be placed in a reception room open to the public.

Section 8-5-17 Additional Regulations Concerning Public Nudity

- A. It shall be a misdemeanor for a person who knowingly and intentionally, in a sexually oriented business, appears in a state of nudity or depicts specified sexual activities.

- B. It shall be a misdemeanor for a person who knowingly or intentionally in a sexually oriented business appears in a semi-nude condition unless the person is an employee who, while semi-nude, shall be at least ten feet from any patron or customer and on a stage at least two feet from the floor.
- C. It shall be a misdemeanor for an employee, while semi-nude in a sexually oriented business, to solicit any pay or gratuity from any patron or customer or for any patron or customer to pay or give any gratuity to any employee, while said employee is semi-nude in a sexually oriented business.
- D. It shall be a misdemeanor for an employee, while semi-nude, to touch a customer or the clothing of a customer.

Section 8-5-18 Prohibition Against Children in a Sexually Oriented Business

A person commits a misdemeanor if the person knowingly allows a person under the age of eighteen years on the premises of a sexually oriented business.

Section 8-5-19 Hours of Operation

No sexually oriented business, except for an adult motel, may remain open at any time between the hours of one o'clock A.M. and eight o'clock A.M. on weekdays and Saturdays, and one o'clock A.M. and noon P.M. on Sundays.

Section 8-5-20 Exemptions

It is a defense to prosecution under Section 8-5-17 that a person appearing in a state of nudity did so in a modeling class operated:

- A. By a proprietary school licensed by the State of Arizona; a college, junior college or university supported entirely or partly by taxation;
- B. By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation; or
- C. In a structure:
 - 1. Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and
 - 2. Where, in order to participate in a class a student must enroll at least three days in advance of the class; and
 - 3. Where no more than one nude model is on the premises at any one time.

Section 8-5-21 Penalty; Injunction

- A. Violation of any requirement or prohibition stated in this article is a class one misdemeanor. With respect to a violation that is continuing in nature, each day that the violation occurs is a separate offense.
- B. In addition to other penalties, a sexually oriented business which operates without a valid license shall constitute a public nuisance, which, in addition to any other enforcement mechanisms in this Code, may be abated by a suit for injunctive relief.