



# AMUSEMENTS

<u>License Type</u>	<u>Application Fee</u>	<u>License Fees</u>
Coin Operated Game Machine	\$110.00	\$10.00 annually. Monthly fee in the amount of \$1.50 per machine per month, with a \$3.00 monthly minimum. \$5.00 per game initially for tagging
Concession Games		\$12.50 per day per game per event \$5.00 per game initially for tagging
Concessionaire	\$110.00	\$10.00 annually
Game Center	\$150.00	\$40.00 annually
Pool Hall	\$150.00	\$40.00 annually per table
Ride	\$110.00	\$40.00 annually per ride \$5.00 per ride initially for tagging
Teenage Dance Hall	\$180.00	\$300.00 annually

*Application fees are not refundable and cannot be applied to license fees. (Ordinance G-2197, 5/19/81)*

**For your convenience, we suggest that you make an appointment prior to visiting License Services. Call (602) 262-4638 between 8 a.m. and 5 p.m. Monday - Friday. The approval process takes approximately 90 days.**

## ARTICLE I. IN GENERAL

### Sec. 7-1. Interpretation and purpose.

In interpretation and application, the provisions of this chapter shall be construed to promote the interest, health, comfort, convenience, safety, general welfare, and morals of the public and to collect all license fees for all establishments and devices covered under the provisions of this chapter.

### Sec. 7-2. Scope.

This chapter is not intended to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by any ordinance amending this chapter. Where this chapter imposes a greater restriction on persons or things covered under the provisions of this chapter than is imposed or required by such existing provisions of law, the provisions of this chapter shall control.

### Sec. 7-3. Definitions.

In this chapter, unless the context otherwise requires:

1. *Act of violence* means an incident consisting of a riot, brawl or a disturbance in which bodily injuries are sustained by any person and such injuries would be obvious to a reasonable person, or tumultuous conduct of sufficient intensity as to require the intervention of a peace officer to restore normal order, or an incident in which a weapon is brandished, displayed or used.
2. *Amusement* means any establishment or device for which a license fee is set forth in section 7-13 of this chapter.
3. *Board* means the License Appeal Board.
4. *Business hours* means the posted hours that the business is open to the public, the hours that the business is normally open to the public or, in the case of a business without fixed or normal business hours, those hours that the business is open to the public.
5. *Business premises* means all area controlled or utilized by the licensee in connection with the operation of the licensed business, including all parking areas, driveways, and walkways under the licensee's control or made

available for customer use. This definition applies irrespective of whether the area is open or accessible to the public.

6. *City Clerk* means the City Clerk of the City of Phoenix or the City Clerk's designee.

7. *Coin-operated game machine* means any machine, device or apparatus in a business open to the public that is used as a game or contest of any description or for entertainment or which may be used for any such game or contest or for entertainment and the operation or use of which is permitted, controlled, or made possible by the deposit or placing of any coin, plate, disc, slug, key, currency, or any other device into any slot, crevice, or other opening, or by any payment in lieu thereof, except a machine, device, or apparatus used or offered for use by any person for playing or rendering music or as a test of strength or endurance.

8. *Concession game* means any game operated by a concessionaire for profit in which an individual pays a fee for participation and may receive a prize.

9. *Concessionaire* means any business operating at a fair, carnival, festival or similar event that occurs on a temporary, intermittent or seasonal basis.

10. *Conviction* means entry of judgment of guilt by the court of original jurisdiction.

11. *Game center* means any enclosed or indoor establishment open to the public in which six or more coin-operated game machines are operated for the purpose of amusement or entertainment.

12. *Intentionally* means, with respect to a result or to conduct described in this chapter defining an offense, that a person's objective is to cause that result or to engage in that conduct.

13. *Kiddie ride* means an amusement device designed for children in which no more than three children ride upon an imitation object or animal such as a horse, car, motorcycle, spaceship, wagon or cartoon figure that operates either as a carousel or on a fixed platform. This definition is limited to those amusement devices that have a horizontal diameter of no more than six feet at their widest part.

14. *Knowingly* means, with respect to conduct or a circumstance described in this chapter, that a person is aware or believes that his or her conduct is of that nature or that the circumstance exists. It does not require any knowledge of the unlawfulness of the act or omission.

15. *Manager* means an individual authorized by the licensee to exercise overall operational control of the business, to supervise employees, or to fulfill any of the functions of a manager required by this article.

16. *Person* means an individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, receiver, syndicate or other legal entity.

17. *Person financially interested* means, for a corporation, any person who is an officer or a director or a shareholder holding more than ten percent of the shares thereof and for a noncorporate business means any person who shares in the profits of the business on the basis of gross or net revenue but not including any person who receives a portion of such gross or net revenue in return for the privilege of permitting any other persons to maintain any amusement in their place of business.

18. *Physical barrier* means a solid wall or other similar fixture that is all of the following:

- a. Non-transparent.
- b. Cannot be moved by a patron.
- c. Does not permit any object to be passed through, under or over it.
- d. In compliance with all applicable building and fire codes.

19. *Pool hall* means any establishment open to the public that rents or makes available for a consideration six or more billiard or pool tables.

20. *Qualifying charitable organization* means a charitable organization that is exempt from federal income taxation under Section 501(C)(3) of the Internal Revenue Code and that has been in continuous existence for the previous thirty-six months.

21. *Repeated acts of violence* means two or more acts of violence occurring within any seven consecutive calendar days or three or more acts of violence occurring within any thirty consecutive calendar days.

22. *Ride* means any amusement device in which a charge is made to the public for the privilege of riding in or on any mechanical device, and where the purpose of the ride is to amuse and entertain, including, but not limited to, such things as merry-go-rounds, whips, Ferris wheels, roller coasters, and other similar devices, but excluding a kiddie ride.

23. *School* means any regularly organized nonprofit, charitable, or religious institution providing solely educational curricula for its students which curricula are taught by competent instructors.

24. *Spirituous liquor* means any alcohol, brandy, whisky, rum, tequila, mescal, gin, wine, port, ale, beer, malt liquor, malt beverage, absinthe, or compound or mixture of any of them or of any of them with any vegetable or other substance, alcohol bitters, bitters containing alcohol and any liquid mixture or preparation, whether patented or otherwise, that produces intoxication, fruits preserved in ardent spirits and beverages containing more than one-half of one percent of alcohol by volume.

25. *Tag* means the sticker, decal or label issued by the City Clerk pursuant to this chapter for a particular device, game, ride or machine.

26. *Tamper-proof* means unable to be removed without the use of a screwdriver, wrench, or other similar tool.

27. *Teenage dancehall* means an establishment open to persons under eighteen years of age in which at least one person under the age of eighteen years is unaccompanied by either a parent, legal guardian or other adult having the care, custody or supervision of the juvenile, where music is furnished for the purpose of dancing, and at which an admission or minimum fee is charged. A teenage dancehall includes the building or pavilion or other place provided for dancing together with all surrounding premises used for parking or any other activity related to the dancing operation.

**Sec. 7-4. Chapter exclusions; public property; certain dancehalls; nonprofit associations and educational institutions.**

A. The provisions of this chapter shall not apply to any device or establishment located upon any property owned by the United States of America, the State of Arizona, or Maricopa County. In addition, the provisions of this chapter shall not apply to any device or amusement taking place upon property owned by the City of Phoenix unless the device or establishment is privately owned or privately operated, in which case the provisions of this chapter shall apply.

B. The provisions of this chapter shall not apply to teenage dancehalls in which dances are conducted and controlled exclusively by qualifying charitable organizations or public or private schools and in which dances are under the exclusive planning and direction of duly elected or appointed officers or committees of such institutions, organizations or schools and whereby after payment of expenses all of the proceeds collected as admission fee or cover charge therefor go directly to charitable or welfare purposes or directly into the treasury of such institutions, organizations or schools.

**Sec. 7-5. Compliance; penalties.**

Any person who fails to comply with any of the provisions of this chapter is guilty of a Class 1 misdemeanor. Each day that any violation of this chapter continues is a separate offense.

**Sec. 7-6. Amusements to be conducted in lawful manner.**

Each person having charge of any amusement shall at all times conduct such amusement in a lawful manner and in such a manner as to not endanger the health or safety of the City of Phoenix, its inhabitants, or the users of the amusement. A violation of any law, ordinance or regulation in conducting any amusement is a violation of this chapter.

**Sec. 7-7. Investigation to determine violation; requests for investigation.**

A. The Police Chief and the City Clerk or any of their duly authorized agents may enter in a lawful manner and during business hours the premises in which amusements regulated pursuant to this chapter are being conducted, and in so doing may attend, witness, visit, and investigate any and all of the performances, exhibitions, amusements, or attractions on the premises. In addition, the Police Chief, the City Clerk, or any of their duly authorized agents may inspect, in a lawful manner and during business hours, the portion open to the public of buildings in which

amusements regulated pursuant to this chapter are conducted to determine whether or not there exist any violations of this chapter.

B. The City Clerk or the Police Chief may request any other department in the City to make an investigation to determine whether or not amusements are being operated in compliance with the Phoenix City Code or other applicable law.

## ARTICLE II. LICENSES

### Sec. 7-8. License requirement.

It is unlawful for any person to operate or carry on a business involving any amusement without a valid license as provided for in this chapter. A suspended license is not a valid license for purposes of this chapter.

### Sec. 7-9. Applications; change in information; change of ownership or control; criminal history.

A. An application for a license pursuant to this chapter shall be made on forms furnished by the City Clerk and shall be fully completed. Each application shall be accompanied by an application fee as provided in Section 7-13.

B. In addition to any other requirements in this chapter, the application shall contain, as applicable, the following information about the applicant, any person financially interested in the business to be licensed, and any manager of the business to be licensed:

1. Full legal name and any name by which each person is or has been known.
2. Business name.
3. Business address and telephone number.
4. Legal form of the applicant.
5. Organizing document together with all amendments thereto.
6. Physical description and date and place of birth of each individual.
7. Written proof in the form of a current, picture identification document issued by a governmental agency that the individual has reached eighteen years of age.
8. Fingerprints.
9. All prior felony and misdemeanor criminal convictions.
10. Home address and telephone number.
11. Mailing address for purposes of receiving city notices and other licensing correspondence.
12. Any revocation or suspension of a license issued pursuant to this chapter, including any consent agreement entered into pursuant to this chapter, or pursuant to the laws of any other governmental entity.
13. The name of the principal manager who will be managing or operating the amusement at the indicated location and proof of that person's authority to act on behalf of the applicant.
14. The name and address of a statutory agent.
15. Except for corporations listed on the major stock exchanges, the names and addresses of all persons financially interested in the business. In the event that a "person financially interested" in the applicant business is a corporation or limited liability company, the owner shall provide the names and addresses of all persons financially interested in that corporation or limited liability company.
16. For a teenage dance hall, the dates and hours during which the business premises will be operated as a teenage dance hall.
17. For a teenage dancehall, a clearly legible sketch or diagram showing the configuration of the overall business premises and the area to be licensed drawn on one page measuring 8 ½ by 11 inches with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches.

18. For a concessionaire, the date or dates of each event at which a concession game will be operated and the number of games to be used at each event.

19. Such information requested by the City Clerk to determine the truth of the information required to be set forth in the application as set forth above.

C. Except as provided in subsections D, E, F and G, any change in the information required to be provided by this section shall be reported to the City Clerk's office within ten calendar days of the change in the manner prescribed by the City Clerk for that purpose.

D. No manager shall be hired or employed and no change shall be made to a person financially interested in the licensee until the licensee has received the approval of the City Clerk after submission of the application prescribed by the City Clerk for that purpose. The application shall be granted unless the applicant fails to meet the requirements of section 7-12 or fails to pay the fee required by this chapter. To deny an application, the City Clerk shall personally serve or mail by certified mail to the applicant at applicant's address of record a written notice that the application was denied, stating the reasons therefor. The denial of an application filed pursuant to this subsection may be appealed as provided in section 7-12.

E. Any addition to the dates or hours provided to the City Clerk by a teenage dancehall or teenage dancehall applicant pursuant to this section shall be provided to the City Clerk in the manner prescribed by the City Clerk for that purpose no later than ten calendar days prior to the change. Any deletion from the dates or hours provided to the City Clerk pursuant to this section shall be reported to the City Clerk in the manner prescribed by the City Clerk for that purpose at least one city business day prior to the change.

F. Any change to the configuration of the overall business premises or area licensed of a teenage dancehall shall be reported to the City Clerk in the manner prescribed by the City Clerk for that purpose at least one city business day prior to the change.

G. Any change to the dates of events or number of machines in use at an event provided by a concessionaire shall be reported to the City Clerk in the manner prescribed by the City Clerk for that purpose at least one city business day prior to the change.

H. Any applicant, person financially interested, or manager for a license issued pursuant to this chapter shall present the application required by this section. At least one individual who is either an officer or owner of the applicant, a person financially interested in the applicant, or a manager authorized to act on behalf of the applicant shall personally appear in the office of the City Clerk. The City Clerk is authorized to receive criminal history record information, including conviction and non-conviction data, of license applicants, persons financially interested, and managers for the purpose of evaluating the fitness of those persons in connection with the issuance, renewal, suspension or revocation of the licenses listed in section 7-13. Such information shall be used only for the purpose of such evaluation. The City Clerk shall submit a full set of the applicant's fingerprints to the Arizona Department of Public Safety for the purpose of obtaining a state noncriminal records check pursuant to Section 41-1750, Arizona Revised Statutes, and Public Law 92-544. The Police Department shall have a reasonable time within which to investigate the application and background of the applicant, persons financially interested, and manager. Based on such investigation, the Police Department shall recommend to the City Clerk approval or denial of the license.

**Sec. 7-9.01. Application; Additional requirements.**

A. No license shall be issued to an individual if the individual does not present any of the following documents to the City Clerk indicating that the individual's presence in the United States is authorized under Federal Law:

1. An Arizona driver license issued after 1996 or an Arizona nonoperating identification license.
2. A driver license issued by a state that verifies lawful presence in the United States.
3. A birth certificate or delayed birth certificate issued in any state, territory or possession of the United States.
4. A United States certificate of birth abroad.
5. A United States passport.
6. A foreign passport with a United States Visa.
7. An I-94 Form with a photograph.

8. A United States citizenship and immigration services employment authorization document or refugee travel document.
9. A United States certificate of naturalization.
10. A United States certificate of citizenship.
11. A tribal certificate of Indian blood
12. A tribal or Bureau of Indian Affairs Affidavit of Birth.

B. This section does not apply to an individual, if all of the following apply:

1. The individual is a citizen of a foreign country or, if at the time of application, the individual resides in a foreign country.
2. The benefits that are related to the license do not require the individual to be present in the United States in order to receive those benefits.

**Sec. 7-10. Privilege license and use taxes.**

No provision of this chapter shall be construed to avoid payment of the privilege license and use tax in accordance with chapter 14 of this Code.

**Sec. 7-11. Repealed.**

**Sec. 7-12. Application; approval and grounds for denial; appeal of denial.**

A. Applications for licenses shall be approved by the City Clerk unless:

1. The application fails to meet the requirements of this chapter.
2. The applicant will not be operating the amusement to be licensed in conformance with all laws and regulations.
3. The applicant is a corporation or limited liability company and is not qualified to transact business in the State of Arizona.
4. The applicant has provided false or misleading information on the application or in connection with the application process.
5. The applicant is applying for any amusement license and the owner of the amusement, or any member, partner, person financially interested, or managing employee of the applicant has within the past five years been convicted of a felony or misdemeanor involving moral turpitude that relates to the activity to be licensed or has, within two years preceding the date of the issuance of a license, violated any of the provisions of this chapter while conducting any amusement regulated by this chapter.
6. The applicant is a teenage dance hall or a game center and the owner of the amusement, any member, partner, person financially interested, or managing employee of the applicant, or any independent contractor hired to perform a service on behalf of the applicant has been convicted of a sexual or violent offense against a child at any time.
7. The applicant, a person financially interested in the applicant, or a manager of the applicant has had a license revoked due to a violation of a consent agreement entered into pursuant to this chapter within the previous two years.

B. The City Clerk shall deny a license by personally serving or mailing by certified mail to the applicant's address of record a written notice of denial stating the reasons therefor.

C. Appeals from the denial of a license provided for in this chapter shall be taken to the License Appeal Board in accordance with the procedures in article II of chapter 19 of the Phoenix City Code.

**Sec. 7-13. Fee schedule; fingerprint fee; proration; inspection of records; penalty for late payment; license expiration; nontransferability.**

A. The application and license fees shall be as provided in this section. This first period license fee is due prior to issuance of the license. All application and license fees are non-refundable.

<b>License Type</b>	<b>Application Fee</b>	<b>License Fees</b>
Coin Operated Game Machine	\$110.00	\$10.00 annually. Monthly fee in the amount of \$1.50 per machine per month, with a \$3.00 monthly minimum. \$5.00 per game initially for tagging
Concession Games		\$12.50 per day per game per event \$5.00 per game initially for tagging
Concessionaire	\$110.00	\$10.00 annually
Game Center	\$150.00	\$ 40.00 annually
Pool Hall	\$150.00	\$ 40.00 annually per table
Ride	\$110.00	\$ 40.00 annually per ride \$5.00 per ride initially for tagging
Teenage Dance Hall	\$180.00	\$ 300.00 annually

B. In addition to the application fee provided in this section, the applicant, designated agent, controlling person or manager shall pay the City Clerk the fee established by the Director of the Arizona Department of Public Safety for the processing of state noncriminal justice fingerprints. This fee shall be paid for each person, after the first, required to submit fingerprints pursuant to section 7-9.

C. The annual license fee for game centers, pool halls, rides and teenage dancehalls shall be prorated to the nearest month.

D. Payment of the per-month, per-machine license fee for coin-operated game machines is due the last day of the month following the month in which the machine was operated.

E. The per-day, per-game, per-event license fee of a concessionaire shall equal the number of concession games operated within the city multiplied by the number of days or partial days in operation and by the number of events.

F. Payment of the per-day, per-game, per-event license fee of a concessionaire is due prior to the event.

G. The application fee for an application for change of ownership or control is \$70.00.

H. A penalty of ten percent shall be assessed on any coin operated game machine monthly fee not paid when due. Any penalty assessed by the City Clerk pursuant to this subsection shall be paid within thirty days after receipt of the assessment.

I. Licenses for a coin-operated game machine, concessionaire, game center, pool hall, ride or teenage dancehall expire on December 31 unless renewed pursuant to this chapter.

J. Licenses issued pursuant to this chapter are not transferable between persons except upon approval of the City Clerk as provided in this chapter.

K. Licenses issued pursuant to this chapter are not transferable between locations.

**Sec. 7-13.1. License renewal; fee; penalty; denial; appeal.**

A. Any person licensed pursuant to this article shall complete a license renewal form as prescribed by the City Clerk.

B. The license renewal fee is the amount of the annual license fee stated in section 7-13.

C. The license renewal fee is due prior to the expiration of the license being renewed.

D. A penalty of ten percent shall be assessed on any license renewal fee not paid when due as required by this section. Any penalty assessed pursuant to this section shall be paid within thirty days after receipt of the assessment.

E. Annual licenses not renewed prior to their expiration may be renewed during the following month of January. The renewal of a license pursuant to this subsection shall not have retroactive effect.

F. A license may be denied renewal upon any one or more of the following grounds:

1. The licensee, person financially interested or manager has violated any of the provisions of this chapter.
2. The applicant is delinquent in the payment of any fee provided for in this chapter.

G. To deny the renewal of a license, the City Clerk shall personally serve, or mail by certified mail to the licensee's address of record, a written notice of denial of non-renewal, stating the reasons therefor. The licensee may appeal the notice of denial by filing a notice of appeal with the City Clerk within ten calendar days after service. Service by mail shall be complete three federal business days after mailing. All appeals from the denial of a renewal shall be heard by the License Appeal Board pursuant to the provisions of chapter 19, article ii of this Code.

H. The renewal of a license pursuant to this section shall have no effect on a suspension or revocation action brought pursuant to this chapter.

**Sec. 7-13.2. Administrative inspections; location.**

A. The owner or operator of any coin-operated game machine located in this city shall produce for inspection the records that show the location and earnings of each machine upon the reasonable request of the City Clerk, the Police Chief, or any of their duly authorized agents in order to verify compliance with this chapter. The records that may be inspected are those that relate to the location and earnings of any coin-operated game machine that was operated within the city within the previous three years. For each machine for which the records do not clearly establish location, there shall be a rebuttable presumption that the machine was located and operated as an amusement within the city during each month in the licensing year and the appropriate fee shall be assessed accordingly.

B. The owner or operator of any concession game located in this city shall produce for inspection the records that show the location and earnings of each game upon the reasonable request of the City Clerk, the Police Chief, or any of their duly authorized agents in order to verify compliance with this chapter. The records that may be inspected are those that relate to the location and earnings of any concession game that was operated within the city within the previous three years. For each game for which the records do not clearly establish location, there shall be a rebuttable presumption that the game was located and operated as an amusement within the city during each day in the licensing year and the appropriate fee shall be assessed accordingly.

C. The records subject to inspection pursuant to this section shall be produced at the regular business address of the owner or operator if that address is located within the City of Phoenix and on file with the City Clerk. In all other cases, the records shall be promptly produced at the location within the City of Phoenix designated by the City Clerk, the Police Chief, or any of their duly authorized agents.

**Sec. 7-14. Repealed.**

**Sec. 7-15. Repealed.**

**Sec. 7-16. Repealed.**

**Sec. 7-17. Repealed.**

**Sec. 7-18. Repealed.**

**Sec. 7-19. Display of identification tags and licenses; replacement fee; nontransferability; expiration.**

A. It is unlawful for any person to operate a coin operated game machine, ride or concession game that does not have the correct tag affixed to the device:

1. In a conspicuous place such that the tag is both clearly visible to patrons or potential patrons and tamper-proof;  
or
2. In a non-conspicuous place to patrons or potential patrons, provided that a manager or other employee of the licensee is available at all times to display the tag to a patron, a law enforcement officer of this state, or a city regulatory licensing inspections official upon request.

- B. All licenses issued pursuant to the provisions of this chapter, other than identification tags, shall be displayed in a conspicuous place on the business premises in a location that is clearly visible to the general public.
- C. The fee to replace a license or tag is five dollars.
- D. All identification tags are non-transferable.
- E. It is unlawful to affix a tag to a coin-operated game machine, ride or concession game other than the coin-operated game machine, ride or concession game for which the tag was issued.
- F. A tag expires with the expiration of the associated license, provided that a tag can be renewed with a license renewal pursuant to section 7-13.1 without retroactive effect.

**Sec. 7-20. Suspension, revocation, termination of license; grounds and procedure; appeal.**

- A. Any license issued pursuant to this chapter shall be revoked or suspended upon any one or more of the following grounds:
  1. The licensee, its employee, agent, manager or any person connected or associated with the license as a member, partner, officer, stockholder or manager, or any "person financially interested" as defined in section 7-3 of this chapter has violated any provision of the Phoenix City Code in conducting an amusement licensed under the provisions of this chapter or has been convicted of a violation of the Phoenix City Code, State or Federal law in conducting an amusement licensed under the provisions of this chapter.
  2. The licensee, its employee, agent, manager or any person connected or associated with the license as a member, partner, director, officer, stockholder or manager, or any "person financially interested" as defined in section 7-3 of this chapter has knowingly made any false, misleading or fraudulent statement of material fact in the application, or in connection with the application process, for any license required by this chapter.
  3. The licensee has been convicted since the issuance of the license of a felony, or of a misdemeanor involving moral turpitude, that relates to the licensed activity.
  4. The game center or teenage dancehall licensee has been convicted of a sexual or violent offense against a child at any time. For purposes of this paragraph, "licensee" shall mean the applicant, any manager, and any person financially interested in the licensee.
  5. The licensee has knowingly employed a manager who has been convicted at any time of a sexual or violent offense against a child.
  6. The licensee is a corporation or a limited liability company and is not or is no longer qualified to transact business in the State of Arizona.
- B. To suspend or revoke a license, the City Clerk shall notify the licensee in writing by certified mail at the address as shown on the application or otherwise more recently of record, or by hand-delivery, that said license is suspended or revoked. The cause for such suspension or revocation shall be set forth in the notice. A suspended or revoked license shall be surrendered to the City Clerk on demand.
- C. Appeals from the suspension, revocation, or termination of a license as provided for in this chapter may be taken to the License Appeal Board in accordance with the procedures in article II of chapter 19 of the Phoenix City Code.
- D. A license suspension shall not exceed sixty calendar days. In ordering a suspension under this section, the City Clerk shall consider the following factors as may be applicable in the exercise of the City Clerk's discretion: prior warnings given, date of violation, earlier violations, duration of licensure, circumstances of the violation or conviction and their connection to the regulatory purpose of the licensing scheme, punishment imposed for earlier violations or convictions, cooperation with City licensing or law enforcement personnel, investment in business, number of employees, knowledge of City regulations, and other aggravating or mitigating circumstances relating directly to the violation or conviction.

**Sec. 7-20.1. Business succession and liability.**

The provisions of article II, chapter 13 and article IV, chapter 14, relating to business succession and liability, shall be applicable to all application fees, licenses and license fees imposed under this chapter.

**Sec. 7-20.2. Consent agreements.**

- A. The City Clerk may, either before or after the issuance of a notice of suspension or revocation, provide for informal disposition of any matter by consent agreement.
- B. The consent agreement provided for by this section may include requirements on the licensee that go beyond the requirements of this article.
- C. The consent agreement shall in all cases require the licensee to agree to the appeal provisions of this section.
- D. The license of any person violating any of the terms of a consent agreement shall be revoked by the City Clerk for a period of two years by sending a notice of revocation, specifying the violation, to the licensee at his address of record.
- E. Notwithstanding any other provision of this article, a notice of revocation issued pursuant to this section may be appealed to the License Appeal Board by filing a notice of appeal pursuant to Article II, Chapter 19 of this Code, provided that the only issue in an appeal authorized by this subsection shall be whether a violation of the consent agreement occurred. The provisions of Section 19-15 of this Code shall apply to a notice of revocation issued pursuant to this section.
- F. Except as otherwise provided in this article, all hearings on appeals filed pursuant to this section shall be governed by the rules of the License Appeal Board. If the Board determines that a violation of the consent agreement occurred, the license shall be revoked as originally noticed and immediately surrendered to the City Clerk on receipt of written demand.
- G. The revocation of a license after the hearing provided for in this section may be challenged by way of special action or other available remedy in the Superior Court.
- H. A violation of a consent agreement entered into pursuant to this section shall be considered a violation of this chapter.

**Sec. 7-20.3. Civil sanction.**

- A. The remedies provided for in this section are cumulative with those provided for in sections 7-5, 7-20, and 7-20.2 of this Code.
- B. Any licensee, employee or agent of the licensee, or any other person connected or associated with the licensee as a partner, director, officer, stockholder or manager, or any "person financially interested" as defined in section 7-3, who violates any provision of this chapter is subject to a civil sanction as follows:
  - 1. For the first violation, five hundred dollars.
  - 2. For a second violation within a period of one hundred eighty days from the date of any other violation, one thousand dollars.
  - 3. For a third, or subsequent, violation within a period of one hundred eighty days from the dates of any two other violations, two thousand five hundred dollars.
- C. For purposes of calculating the enhanced penalty of paragraph B of this section only, violations occurring on the same calendar day are considered as one violation.
- D. A violation of this chapter may be used for enhancement under this section without having been the subject of a separate complaint.
- E. The court shall not suspend any part or all of the imposition or execution of any sanction required by this section below five hundred dollars.

**Sec. 7-20.4. Jurisdiction of the court.**

- A. Jurisdiction of all proceedings to enforce the provisions of section 7-20.3 of this article is in the Municipal Court of the City of Phoenix.
- B. Civil actions to enforce section 7-20.3 of this article may be adjudicated by a judge or court hearing officer.

**Sec. 7-20.5. Commencement of a civil action.**

Any civil action to enforce a civil sanction imposed pursuant to this article shall be commenced and summons shall be issued in accordance with the Local Rules of Practice and Procedure for the City of Phoenix City Court.

**Sec. 7-20.6. Admission or denial of allegation in a civil complaint; hearing; findings of court; civil sanction.**

- A. A person served with a civil complaint shall appear at the time and place stated in the summons, or may appear prior to that time, and upon the directions contained in the summons, and admit or deny the allegations of the complaint. Allegations not denied at the time of appearance are deemed admitted.
- B. If the allegations are admitted, the court shall enter judgment for the City and impose the civil sanction specified in section 7-20.3.
- C. If the person denies the allegations of the complaint, the court shall set the matter for hearing. Civil hearings are informal and held without a jury, and the City is required to prove the violation charged by a preponderance of the evidence. Technical rules of evidence do not apply, except for statutory privileges relating to privileged communications. If the person elects to be represented by counsel, the person shall so notify the court at least ten days prior to the hearing date. Hearings may be recorded. If the court finds in favor of the person, the court shall enter an order dismissing the complaint. If the court finds in favor of the City, the court shall enter judgment for the City and impose the civil sanction specified in section 7-20.3.
- D. If the person served with a civil complaint fails to appear on or before the time directed to appear or at the time set for hearing by the court, the allegations of the complaint shall be deemed admitted and the court shall enter judgment for the City and impose the civil sanction specified in section 7-20.3.

**Sec. 7-20.7. Appeal of court decision.**

Any party may appeal the judgment of the court to the Superior Court. Appeals from civil proceedings shall be in accordance with the Superior Court Rules of Appellate Procedure – Civil.

**ARTICLE III. ADDITIONAL REGULATIONS FOR PARTICULAR AMUSEMENTS**

**Sec. 7-21. Illumination; ventilation; toilet facilities.**

The following amusement establishments licensed under this chapter shall be well lighted and well ventilated and shall have adequate and sanitary toilet facilities for both sexes:

- 1. Pool halls.
- 2. Game centers.
- 3. Teenage dancehalls.

**Sec. 7-22. Repealed.**

**Sec. 7-23. Repealed.**

**Sec. 7-24. Repealed.**

**Sec. 7-25. Pool halls; attendant; juveniles; hours of operation; security; management; fencing; lighting.**

- A. During the hours that a pool hall is open to the public, the licensee shall provide a person of legal age to be present in the pool hall at all times. No licensee or employee shall permit a juvenile under the age of fourteen years in a pool hall unless the juvenile is accompanied by his or her parent or legal guardian.
- B. No licensee, manager, employee or agent of a pool hall shall:
  - 1. Knowingly or intentionally conduct or permit to occur at or upon the business premises, any of the following:
    - a. An act that would be a violation of any of the provisions of Titles 4 or 13, Arizona Revised Statutes.
    - b. An act that would be a violation of any provision of the Phoenix City Code.

C. The licensee, manager and operator of a pool hall shall provide such security as may be necessary to maintain the business premises free from criminal activity at all times.

D. The licensee, manager and operator of a pool hall shall exercise the management necessary to prevent repeated acts of violence, disorderly conduct, or other unlawful activity on the business premises.

E. A pool hall shall mail to the City Clerk via U.S. mail postage-prepaid, hand-deliver to the City Clerk, or provide to the City Clerk as the City Clerk may otherwise prescribe, a detailed report of all acts of violence occurring on the business premises within seven calendar days of the occurrence.

F. A pool hall shall, consistent with otherwise applicable law, erect and maintain a solid fence at least six feet in height separating the business premises from all contiguous property.

G. A pool hall shall, consistent with otherwise applicable law, install and maintain lighting adequate to illuminate all outdoor areas of the business premises.

H. A pool hall that is located within three hundred feet of the boundary line of the following residential zones: RE-43, RE-35, RE-24, R1-18, R1-14, R1-10, R1-8, R1-6, R-2, R-3, R-4, R-4A, R-5, S-1, and PAD 1 through PAD 15, shall not operate between the hours of 1:00 a.m. and 6:00 a.m. For purposes of this subsection, the three-hundred-foot measurement shall be made from the nearest point of ingress to, or egress from, the pool hall to the nearest residential zone, measured as could be traveled in the shortest distance by foot remaining outside of, and without passing through or over, any buildings. For purposes of this measurement, private entrances and emergency exits, not ordinarily available to the public for ingress or egress, shall not be considered.

I. For purposes of this section, the term "licensee" includes any person connected or associated with the licensee as a partner, director, officer, or stockholder, or any "person financially interested" as defined in section 7-3 of this Code.

#### **Sec 7-26. Game centers; acts of violence; security.**

A. The licensee, manager and operator of a game center shall provide the security necessary to maintain the business premises free from criminal activity at all times.

B. The licensee, manager and operator of a game center shall exercise the management necessary to prevent repeated acts of violence, disorderly conduct, or other unlawful activity on the business premises.

C. A game center shall mail to the City Clerk via U.S. mail postage-prepaid, hand-deliver to the City Clerk, or provide to the City Clerk as the City Clerk may otherwise prescribe, a detailed report of all acts of violence occurring on the business premises within seven calendar days of the occurrence.

#### **Sec. 7-27. Rides.**

A. Rides shall not be operated between the hours of 1:00 a.m. and 7:00 a.m.

B. It is unlawful for any person to operate a ride that does not have a tag affixed to the ride in a location clearly visible to the public.

C. The owner of the ride must submit the following information about the ride to be licensed and tagged:

1. Name of manufacturer.
2. Type of ride.
3. Serial number, if available.

D. It shall be unlawful for any person to advertise in any manner that would lead a reasonable person to believe that the issuance of a ride tag pursuant to this article means that the city has inspected the ride for safety or functionality.

#### **Sec. 7-28. Coin-operated game machines; concession games; tag applications.**

A. The applicant for a tag shall submit to the City Clerk the following information for each game or machine in the form prescribed by the City Clerk:

1. Name of manufacturer.
2. Type of game or machine.

3. Manufacturer's name for the game or machine.
  4. Manufacturer's serial number, if available.
  5. A permanent, owner-applied serial number for all games or machines for which a manufacturer's serial number is not available.
  6. Such other information as the City Clerk may reasonably request in order to fulfill the requirements of this chapter.
- B. The application shall be approved by the City Clerk unless:
1. The applicant has failed to provide information required by this chapter or has falsely answered a request for information.
  2. Fraud or material misstatement was committed in the application process.
  3. The applicant has failed to pay the fee required by this chapter.
  4. The applicant does not have a valid, unsuspended coin-operated game machine or concession game license issued pursuant to this chapter.

**Sec. 7-28.1. Coin-operated game machine tags; revocation.**

The City Clerk may revoke a tag for the following reasons:

- A. The machine or device has been operated in violation of the law.
- B. Fraud or material misstatement was committed in connection with the tag application.
- C. The tag was transferred to a machine for which the tag was not issued.
- D. The person to whom the tag was issued is no longer authorized to do business in this state.
- E. The person to whom the tag was issued is no longer licensed as a coin-operated game machine licensee pursuant to this chapter.
- F. The applicant is not current in the payment of privilege taxes to the city or of any fee required to be paid pursuant to this chapter.
- G. The licensee has violated any of the provisions of this chapter.

**Sec. 7-28.2. Concession game tags; revocation.**

The City Clerk may revoke a tag for the following reasons:

- A. The game has been operated in violation of the law.
- B. Fraud or material misstatement was committed in connection with the tag application.
- C. The tag was transferred to a game for which the tag was not issued.
- D. The person to whom the tag was issued is no longer authorized to do business in this state.
- E. The person to whom the tag was issued is no longer licensed as a concessionaire pursuant to this chapter.
- F. The applicant is not current in the payment of privilege taxes to the city or of any fee required to be paid pursuant to this chapter.
- G. The licensee has violated any of the provisions of this chapter.

**Sec. 7-29. Teenage dancehalls; operation.**

- A. No teenage dancehall shall operate between the hours of midnight and 5:00 a.m.

- B. Patrons of teenage dancehalls shall be limited to individuals who are at least fourteen years of age but less than eighteen years of age.
- C. No licensee, manager or operator of a teenage dancehall shall permit a juvenile under the age of sixteen years to remain on the business premises between the hours of 10:00 p.m. and closing after being informed by any law enforcement officer of this state that the juvenile does not meet the exception of section 22-1 of this Code.
- D. No licensee, manager or operator of a teenage dance hall shall knowingly permit any person to consume, dispense, or possess spirituous liquors in any form on the premises.
- E. The licensee, manager and operator of a teenage dancehall shall at all times prohibit admission to, or evict from, the premises anyone who appears to be under the influence of alcohol or drugs or who is disturbing the peace and quiet of any person.
- F. The occupancy limits of any teenage dancehall inside the premises shall be determined by the City Fire Department, but shall in no event be greater than one person per every seven square feet of area for dancing purposes. The occupancy limits shall be posted in a conspicuous place inside the teenage dancehall.
- G. A teenage dancehall that is contiguous to premises open to non-juveniles shall be separated from those other premises by a physical barrier.
- H. The licensee, manager and operator of a teenage dancehall shall provide the security necessary to maintain the business premises free from criminal activity at all times.
- I. The licensee, manager and operator of a teenage dancehall shall exercise the management necessary to prevent repeated acts of violence, disorderly conduct, or other unlawful activity on the business premises.
- J. A teenage dancehall shall mail to the City Clerk via U.S. mail postage-prepaid, hand-deliver to the City Clerk, or provide to the City Clerk as the City Clerk may otherwise prescribe, a detailed report of all acts of violence occurring on the business premises within seven calendar days of the occurrence.
- K. No person shall be permitted to be employed or hired on a salary, contract or commission basis in any teenage dancehall for the purpose of dancing with patrons of such teenage dancehall. This subsection does not apply to bona fide instructors of dancing regularly employed for the exclusive purpose of giving bona fide instructions in dancing.
- L. No teenage dancehall shall operate during dates or hours that have not been previously provided to the City Clerk pursuant to section 7-9.
- M. No person shall operate a business other than a teenage dancehall during those dates or hours provided to the City Clerk as dates or hours for the operation of a teenage dancehall as required by this chapter.
- N. No teenage dancehall shall operate without at least one of the following on the business premises at all times:
1. An individual identified in the records of the City Clerk pursuant to subsection 7-9(B).
  2. An individual approved by the City Clerk pursuant to subsection 7-9(D).

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