



SEXUALLY ORIENTED BUSINESSES

<u>License</u>	<u>Application Fee</u>	<u>Permit Fee 1st Year License</u>	<u>Annual Renewal</u>	<u>Approval Required</u>
Adult Arcade	\$600.00	N/A	\$600.00	Police, Planning, & NSD
Adult Cabaret	\$600.00	N/A	\$600.00	Police, Planning, & NSD
Adult Motel	\$600.00	N/A	\$600.00	Police, Planning, & NSD
Adult Theater	\$600.00	N/A	\$600.00	Police, Planning, & NSD
Sexually Oriented Business Manager	\$100.00	N/A	\$100.00	Police
Adult Cabaret Performer	\$24.00	N/A	\$24.00	None

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 processes and time frames vary based on the type of license applied for.

ARTICLE XII. SEXUALLY ORIENTED BUSINESSES

Sec. 10-131. Definitions.

In this article, unless the context otherwise requires:

1. *Adult arcade* means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, 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."
2. *Adult cabaret* means a nightclub, bar, restaurant, escort bureau, nude model studio, or similar commercial establishment that, during any part of any two or more days within any continuous thirty calendar day period, features live performances or activities on the business premises that are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities." The term "adult cabaret" is intended to apply to businesses that emphasize and seek, through the conduct of one or more dancers or performers, to arouse or excite the patron's sexual desires. Nothing in the definition of "adult cabaret" shall be construed to apply to the presentation, showing, or performance of any play, drama, or ballet in any theater, concert hall, fine arts academy, school, institution of higher education, or other similar establishment as a form of expression of opinion or communication of ideas or information, as differentiated from the promotion or exploitation of nudity for the purpose of advancing the economic welfare of a commercial or business enterprise.
3. *Adult cabaret performer* means any employee who performs either semi-nude or in a state of nudity on the business premises, except an employee who:
 - a. Performs only upon a stage upon which no patrons are then present, and
 - b. While on that stage does not make physical contact with any patron other than incidental hand-to-hand contact that may occur during the act of tipping.

For purposes of this definition, a patron is considered to be present on a stage if the licensee, or any employee of the licensee, knowingly permits any part of the body of a patron, other than the patron's hands and arms, to be supported by the surface of the stage.

4. *Adult motel* means a hotel, motel or similar commercial establishment that:
 - a. 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 that 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 that advertises the availability of this adult type of photographic reproductions; or
 - b. Offers a sleeping room for rent for a period of time that is less than ten hours; or
 - c. Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than ten hours.
5. *Adult theater* means a commercial establishment, or portion of a commercial establishment, that offers, for any form of consideration, during any part of any two or more days within any continuous thirty calendar day period, films, motion pictures, video cassettes, or other video reproductions that depict explicit sexual activity in a viewing room of one hundred fifty square feet of floor space or greater. Multiple viewing rooms of one hundred and fifty feet of floor space or greater located on the same business premises shall be considered one adult theater.
6. *City Clerk* means the City Clerk of the City Clerk Department of the City of Phoenix or the City Clerk's designee.
7. *Column* means a building component used primarily to support axial compressive load that is no wider, including aesthetic features and decorative attachments, than two feet at its widest point and is separated from the closest point of the next closest column by at least ten feet.
8. *Dancing pole* means a vertical pole that is regularly used by adult cabaret performers during performances that occur upon a stage and that is no wider than four inches at its widest point, provided that no vertical pole located within three feet of another vertical pole shall qualify as a dancing pole.
9. *Direct line of sight* means a straight line between the observer and the object being observed, unobstructed by any wall, curtain, glass, partition, or other physical barrier of any description, excluding a dancing pole and a guardrail.
10. *Employ or employment* shall mean the act of hiring, or engaging, or authorizing the services of, an employee.
11. *Employee* means an individual who is hired, engaged or authorized to perform any service on the premises of a sexually oriented business on a full-time, part-time or contract basis, whether or not the individual is denominated an employee, independent contractor or otherwise. "Employee" includes an individual who is authorized to perform any service on the licensed premises for no compensation and an individual who is authorized to perform any service on the licensed premises in exchange for the payment of any form of consideration to the licensee. "Employee" does not include an individual exclusively on the premises for repair or maintenance of the premises or for the delivery of goods to the licensee, nor an attorney, accountant or other person whose primary function is to provide professional advice and assistance to the licensee.
12. *Erotic entertainer* shall have the meaning as prescribed at Section 6-15.
13. *Escort* means any person who for monetary consideration in the form of a fee, commission or salary, is held out to the public as available for hire to consort with or to accompany another or others to social affairs, places of amusement or entertainment, within any place of public resort, or within any private quarters.
14. *Escort bureau* means a person who for a fee, commission, profit, payment or other monetary consideration, furnishes, refers, or offers to furnish or refer, escorts, or provides, or offers to introduce, patrons to escorts.
15. *Established or establishment* mean and include any of the following:
 - a. The opening or commencement of any sexually oriented business as a new business;
 - b. The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
 - c. The addition of any sexually oriented business to any other existing sexually oriented business; or
 - d. The relocation of any sexually oriented business.

16. *Explicit sexual activity* means the clearly visible insertion of the human penis into the mouth, anus or vagina of any person.
17. *General patron area* means that portion of the business premises, excluding lobbies and restrooms, that is available to any member of the general public lawfully on the premises.
18. *Guardrail* means a guardrail required to be present by applicable codes or regulations, with components evenly distributed throughout, that does not obstruct more than thirty percent of the view within the outer perimeter of the guardrail.
19. *Knowingly* means, with respect to conduct or to a circumstance described by an ordinance defining an offense, 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.
20. *License* means the license required by this article as a condition to operating a sexually oriented business.
21. *Licensee* means a person in whose name a license to operate a sexually oriented business has been issued, as well as the individual or individuals listed as an applicant on the application for a sexually oriented business license.
22. *Manager* means any employee of an adult cabaret, an adult arcade, an adult motel, or an adult theater, who is authorized by the licensee to exercise overall operational control of the business, to supervise employees, or to fulfill any of the functions required of a manager by this article.
23. *Manager's station* means that location or locations designated by the business for purposes of placing a manager to observe employee performances and patron conduct.
24. *Non-porous* excludes any wood, plywood, composition board or other porous material.
25. *Nude model studio* means any place where a person appears semi-nude, in a state of nudity, or displays specified anatomical areas, and is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted, by other persons for any form of consideration. "Nude model studio" does not include a proprietary school that is licensed by this state, a college, community college or university that is supported entirely or in part by taxation, a private college or university that maintains and operates educational programs in which credits are transferable to a college, community college or university that is supported entirely or in part by taxation or a structure to which all of the following apply:
 - a. A sign is not visible from the exterior of the structure and no other advertising appears indicating that a nude or semi-nude person is available for viewing; or
 - b. Where in order to participate in a class a student must enroll at least three calendar days in advance of the class; and
 - c. Where no more than one nude or semi-nude model is on the premises at any one time.
26. *Nudity or a state of nudity* means:
 - a. The appearance of the cleft of the buttocks, anus, male genitals, female genitals, or areola of the female breast; or
 - b. A state of dress that fails to opaquely cover the cleft of the buttocks, anus, male genitals, female genitals, or areola of the female breast.
27. *Open room* means a room or space inside of a building that: (a) meets the following test: each point within the room or space is visible to all other points within the room or space, measured at a height just above fifty-four inches and ignoring all items not considered to be a wall pursuant to this definition, (b) is nine hundred square feet or more in area, (c) has a level floor, and (d) contains no walls. For purposes of this paragraph, a wall is any wall, curtain, room divider, furniture, plant or planter, railing, barrier or other solid object, including transparent glass, that rises higher than fifty-four inches from the level of the floor, provided that the following shall not be considered a wall: (a) a column, (b) a dancing pole, (c) a guardrail, (d) a stage, (e) a vending machine and (f) an individual. The interior space to be measured shall include only the general patron area, all stages used for performances, and all managers' stations provided that the manager's station has no wall higher than fifty-four inches from the level of the floor. For purposes of this paragraph, the room or space to be measured may include contiguous levels of higher elevation if they meet both of the following requirements:

(a) the level is no higher than thirty-two inches from the level of the lowest finished floor, and (b) the level contains no wall higher than fifty-four inches from the level of the lowest finished floor.

28. *Operate or causes to be operated* means to: (a) cause to function or to put or keep in operation, or (b) participate directly and regularly in decisions relating to the operation of the business, with the authority to hire managers. A person may be found to be operating or causing to be operated a sexually oriented business whether or not that person is an owner, part owner, manager or licensee of the business. Any individual with the authority to hire managers may be presumed to be operating the business for purposes of this definition.
29. *Oral sexual contact* means oral contact with the penis, vulva or anus.
30. *Permit* means the permit required by this article to work as a manager of certain sexually oriented businesses.
31. *Person* means an individual, proprietorship, partnership, corporation, association, or other legal entity.
32. *Physical contact* shall mean direct or indirect physical contact that occurs between two individuals, including contact that occurs through clothing or by means of any object.
33. *Sexually oriented business* means an adult arcade, adult cabaret, adult motel, or adult theater.
34. *Semi-nude* means a state of dress that shows the female breast below a horizontal line across the top of the areola at its highest point, or which shows the male or female buttocks. This definition shall not include any portion of the cleavage of the female breast exhibited by a dress, blouse, leotard, bathing suit, or other wearing apparel, provided that the areola is not exposed in whole or in part.
35. *Sexual contact* means any direct or indirect touching, fondling or manipulating of any part of the unclothed genitals or unclothed anus by any part of the body or by any object or causing a person to engage in such contact.
36. *Sexual intercourse* means penetration into the penis, vulva or anus by any part of the body or by any object or masturbatory contact with the penis or vulva.
37. *Specified anatomical areas* means: (a) Human genitals in a state of sexual arousal; (b) the appearance of the anus, male or female genitals, or areola of the female breast; or (c) a state of dress that fails to opaquely cover the anus, male or female genitals, or areola of the female breast.
38. *Specified sexual activities* means and includes any of the following:
 - a. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
 - b. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
 - c. Masturbation, actual or simulated; or
 - d. Excretory functions as part of or in connection with any activities set forth in (a) through (c) above.
39. *Stage* means that portion of the business premises that has been designated as a stage by the licensee pursuant to the provisions of this article, or that portion of the business premises that is principally used for employees to perform either semi-nude or in a state of nudity without the presence of patrons. In either case, a "stage" shall include all stairs or ramps leading thereto.
40. *Topless bar* shall have the meaning as prescribed at Section 6-15.
41. *Transfer of ownership or control* of a sexually oriented business means any of the following:
 - a. The sale, lease, or sublease of the business;
 - b. The transfer of securities that constitute a controlling interest in the business, whether by sale, exchange, or similar means; or
 - c. The establishment of a trust, gift, or other similar legal device that 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.

42. *Vending machine* means a machine regularly used to dispense small items for a consideration that is operational and in use, including an automatic teller machine, provided that the rear of the machine is located no more than one foot from a perimeter wall and the front of the machine extends no farther than five feet from that same perimeter wall.
43. *Viewing room* means the room, booth, or area where a patron of a sexually oriented business would ordinarily be positioned while watching a film, motion picture, video cassette, or other video reproduction.

Sec. 10-132. Classification.

Sexually oriented businesses shall be classified as follows:

1. Adult arcades;
2. Adult cabarets;
3. Adult motels; and
4. Adult theaters.

Sec. 10-133. License, permit, or identification card required.

A. It shall be unlawful for any person:

1. To operate a sexually oriented business without a separate, valid license, issued by the City for each classification of business listed at Section 10-132. A suspended license is not a valid license for purposes of this paragraph.
2. To employ or hire a manager who does not either possess a sexually oriented business manager's permit as required by subsection (C) of this section or comply with the requirements of subsection 10-134.01(C).
3. To operate an adult cabaret, an adult arcade, an adult motel, or an adult theater, without a manager who either has been issued a permit pursuant to the provisions of this article or who has met the requirements of subsection 10-134.01(C).
4. To employ an adult cabaret performer who does not possess a valid, unexpired, unrevoked identification card issued pursuant to either Section 10-134.02 or Section 6-17, or a valid, unexpired, unrevoked provisional identification card issued pursuant to Section 10-134.02.
5. Who has not reached the age of eighteen years to appear on the premises of an adult cabaret as an employee, regardless of whether that person has been issued an identification card, or a provisional identification card, pursuant to this article or Article IV of Chapter 6.

B. It shall be unlawful for any person who is an employee of an adult cabaret to appear on the premises of the adult cabaret as an adult cabaret performer without possessing on his or her person, or on the business premises, either:

1. A valid, unexpired, unrevoked identification card issued by the City pursuant to this article;
2. a valid, unexpired, unrevoked identification card issued pursuant to Article IV of Chapter 6;
3. or a valid, unexpired, unrevoked provisional identification card issued pursuant to Section 10-134.02 or Section 6-17.

C. It shall be unlawful for a person to be a manager of an adult cabaret, an adult arcade, adult motel, or an adult theater, without either possessing a valid permit or meeting the requirements of subsection 10-134.01(C).

D. An applicant for a license or permit shall file in person at the Office of the City Clerk an application made on a form prescribed and provided by the City Clerk. The applicant shall be qualified according to the provisions of this article. The application shall be signed under oath by the applicant and notarized. The application shall include the following information:

1. The full true name and any other names used in the preceding five years.

2. Current residence address and telephone number.
3. Residence addresses for the previous five years and dates at each.
4. Place and date of birth.
5. Height, weight, and color of hair and eyes.
6. If the application is for a license, the name, business location, business mailing address and phone number of the sexually oriented business.
7. Written proof of age, in the form of a current driver's license with picture, or other picture identification document issued by a governmental agency.
8. Two identical, portrait, passport-quality photographs of the applicant, approximately two inches by two inches in size, taken within the preceding month, one digital photograph taken by the City at the time of application, and one set of the applicant's complete fingerprints.
9. The issuing jurisdiction and the effective dates of any license or permit relating to a sexually oriented business, whether any such license or permit has been denied, revoked or suspended and, if so, the reason or reasons therefor.
10. All criminal charges, complaints, informations, or indictments in the preceding five years which resulted in a conviction or a plea of guilty or no contest for any offense described in Section 10-134(A)(7) and committed in this state, or any offense committed outside this state which if committed in this state would constitute an offense described in Section 10-134(A)(7).
11. If the application is for a license, the name and address of the statutory agent or other agent authorized to receive service of process.
12. If applicable, applicant's spouse's full true name, maiden name, other names used in the preceding five years, current residence address, and date and place of birth.
13. If the application is for a permit, the business name and physical address for each licensee at which the permittee will be providing the services of a manager and the date and time at which such services will begin.
14. If the application is for a license, the hours during which the business will or may be operated for each day of the week.
15. If the application is for a license, evidence that the applicant has a legal or equitable right to operate the sexually oriented business on the premises for a stated period of time beginning no later than forty-five calendar days from the date of application. The evidence meeting the requirement of this paragraph may be either a deed, lease, or other similar document, or a sworn, signed statement on a form provided by the City Clerk for this purpose.

The information provided pursuant to this subsection, except for paragraphs (13) and (14), shall be supplemented in writing by hand-delivery or certified mail, return receipt requested, to the City Clerk within ten calendar days of a change of circumstances that would render the information originally submitted false or incomplete. The information required pursuant to paragraph (13) shall be supplemented in writing and received in the office of the City Clerk at least one City working day prior to the addition of a licensee and no later than one City working day after the deletion of a licensee. The information required pursuant to paragraph (14) shall be supplemented in writing by hand-delivery or certified mail, return receipt requested, to the City Clerk, on a form provided by the City Clerk for that purpose, at least one City working day prior to any change.

- E. The application for a license shall be accompanied by a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business, and that space available to the public labeled by classification as set forth in Section 10-132. The sketch or diagram need not be professionally prepared but shall 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. Applicants who are required to comply with Section 10-143 shall also submit a diagram meeting the requirements of Section 10-143. Applicants who are required to comply with Section 10-148 shall submit a diagram that also meets the requirements of Section 10-148. Any change in the information required to be submitted by this subsection shall be provided to the City Clerk, on a form provided by the City Clerk for that purpose, no later than five calendar days after the change.

- F. If a person who wishes to operate a sexually oriented business is an individual, he shall sign the application for a license as applicant. Except as otherwise provided in this subsection, if a person who wishes to operate a sexually oriented business is other than an individual, each individual who will operate the business on behalf of such entity shall sign the application for a license as applicant. Each applicant must be qualified under Section 10-134 and each applicant shall be considered a licensee if a license is granted. Attorneys, accountants and other persons whose primary function is to provide professional advice and assistance to the licensee are not required to sign the application for a license as an applicant.
- G. A person who possesses a license issued pursuant to the provisions of Title 4, Arizona Revised Statutes, is exempt, as to the licensed location only, from the provisions of this article relating to the operation of an adult cabaret.
- H. The City Clerk is authorized to receive criminal history record information for the purpose of evaluating the fitness of applicants for a license in any of the classifications set forth in Section 10-132 and for a manager's permit.

Sec. 10-134. Issuance of license.

- A. The City Clerk shall approve or deny the issuance of a license within forty-five calendar days after receipt of an application. If the City Clerk fails to approve or deny the license within forty-five calendar days after receipt of an application the license shall be deemed to have been approved. The City Clerk shall approve issuance of a license unless one or more of the following is found to be true:
 - 1. An applicant is under eighteen years of age.
 - 2. An applicant or an applicant's spouse is delinquent in the payment to the City of taxes, fees, fines, or penalties assessed against or imposed upon the applicant or the applicant's spouse in relation to a sexually oriented business or arising out of any other business activity owned or operated by the applicant or the applicant's spouse and licensed by the City.
 - 3. An applicant has failed to provide information required by this article for issuance of the license or has falsely answered a question or request for information on the application form.
 - 4. An applicant or an applicant's spouse has been convicted of a violation of a provision of this article, other than the offense of operating a sexually oriented business without a license, within two years immediately preceding the application. The fact that a conviction is being appealed shall have no effect.
 - 5. The application fee required by this article has not been paid.
 - 6. An applicant or the proposed establishment is in violation of or is not in compliance with Sections 10-136, 10-141, 10-142, 10-143, 10-144, 10-148 or applicable provisions of the Phoenix Zoning Ordinance.
 - 7. An applicant or an applicant's spouse:
 - a. Has been convicted of any of the following offenses if committed in this State or any offense committed outside this State which if committed in this State would constitute one of the following offenses:
 - i. As described in A.R.S. Tit. 13, Ch. 14 (A.R.S. § 13-1401 et seq.):
 - aa. Indecent exposure;
 - bb. Public sexual indecency;
 - cc. Sexual abuse;
 - dd. Sexual conduct with a minor;
 - ee. Sexual assault;
 - ff. Sexual assault of a spouse;
 - gg. Molestation of a child;

- ii. As described in A.R.S. Tit. 13, Ch. 32 (A.R.S. § 13-3201 et seq.):
 - aa. Enticement of persons for purpose of prostitution;
 - bb. Procurement by false pretenses of person for purpose of prostitution;
 - cc. Procuring or placing persons in house of prostitution;
 - dd. Receiving earnings of prostitute;
 - ee. Causing spouse to become prostitute;
 - ff. Taking child for purpose of prostitution;
 - gg. Detention of persons in house of prostitution for debt;
 - hh. Keeping or residing in house of prostitution;
 - ii. Pandering;
 - jj. Transporting persons for purpose of prostitution or other immoral purpose;
 - kk. Child prostitution;
 - ll. Prostitution;
 - iii. As described in A.R.S. Tit. 13, Ch. 35.1 (A.R.S. § 13-3551 et seq.):
 - aa. Commercial sexual exploitation of a minor;
 - bb. Sexual exploitation of a minor;
 - cc. Portraying adult as minor;
 - dd. Admitting minors to public displays of sexual conduct;
 - iv. Incest, as described in chapter 36 of the Arizona Criminal Code;
 - v. Prostitution and related offenses and solicitation, and operating and maintaining a live sex act business, as described in Chapter 23, Article IV, Division 1 of this Code.
 - vi. Disorderly houses as described in Chapter 23, Article IV, Division 2 of this Code;
 - vii. As described in Chapter 23, Article IV, Division 4 of this Code:
 - aa. Public sexual activity;
 - bb. Solicitation of public exposure;
 - cc. Indecent exposure;
 - dd. Public display of explicit sexual material offensive to others;
 - ee. Permitting minors to enter premises wherein there is displayed explicit sexual material which is offensive to others;
 - viii. Attempt, solicitation, conspiracy, or facilitation to commit any of the foregoing offenses.
- b. For which:
- i. 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;

- ii. 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
 - iii. 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.
- 8. There exists at the applied-for business location a license of the same classification or a completed, pending and non-denied application for a license of the same classification.
- 9. An applicant or an applicant's spouse has had a license issued pursuant to this article revoked within the five year period preceding the application for the same classification of business.
- 10. The applicant changed its use or occupancy, or expanded its floor space, on or after July 1, 2005, and is not in compliance with the Phoenix Building Construction Code. For purposes of this paragraph, the term "use or occupancy" shall have the meaning as set forth in the Phoenix Building Construction Code.
- B. The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant or applicant's spouse.
- C. An applicant who has been convicted or whose spouse has been convicted of an offense listed in paragraph (A)(7)(a) of this section may qualify for a license only when the time period required by paragraph (A)(7)(b) of this section has elapsed.
- D. The license shall state on its face the name of the person or persons to whom it is granted, the number of the license issued to that applicant, the expiration date, and the address of the sexually oriented business. The license shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be easily read at any time.

Sec. 10-134.01. Issuance of manager's permit.

- A. The City Clerk shall approve or deny the issuance of a manager's permit within sixty calendar days after receipt of an application. If the City Clerk fails to approve or deny the issuance of a manager's permit within sixty calendar days after receipt of an application, the permit shall be deemed to have been approved. The City Clerk shall approve the issuance of a manager's permit unless one or more of the following is found to be true:
 - 1. The applicant is less than eighteen years of age.
 - 2. The applicant has failed to provide information required by this article for issuance of the permit or has falsely answered a question or request for information on the application form.
 - 3. The applicant has been convicted of a violation of a provision of this article within two years immediately preceding the application. The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant.
 - 4. The application fee required by this article has not been paid.
 - 5. The applicant has been convicted of an offense listed in subdivision 10-134(A)(7)(a) for which the time period required in subdivision 10-134(A)(7)(b) has not elapsed. The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant.
- B. The permit shall state on its face the name of the permittee, the number of the permit issued to that applicant, and the expiration date. The permit shall contain a photograph of the permittee. A permittee shall keep the permit on his or her person or on the premises where the permittee is then working, and shall produce such permit for inspection upon request by a law enforcement officer or other authorized City official.
- C. Notwithstanding any other provision of this article, a person may act as a manager at a business licensed pursuant to this article for the sixty consecutive calendar day period following the date of application or, if the application is denied, until the decision of the City Clerk to deny the license becomes final, provided that:
 - 1. The person has submitted a complete application for a manager's permit pursuant to this article, and

2. The person maintains a copy of that application on his or her person or on the premises where the applicant is then working and produces that copy for inspection upon request by a law enforcement officer or other authorized City official.
- D. No person to whom a valid, unexpired permit has been issued pursuant to this section may perform as an adult cabaret performer at an adult cabaret at which the permittee is providing the services of a manager.
 - E. Notwithstanding any other provision of this section, a permittee who has applied for permit cancellation pursuant to subsection 10-137(B) and who is not performing the functions of a manager under this article on the premises of a particular licensee may perform as an adult cabaret performer on behalf of that licensee upon application as required by this article.

Sec. 10-134.02. Issuance of adult cabaret performer identification card; fee required; change in information; revocation; duplicate.

- A. The identification card issued by the City pursuant to this article shall state on its face the name of the adult cabaret performer, his or her physical description and date of birth, the account number and expiration date. The card shall contain a photograph of the applicant. An adult cabaret performer shall produce the identification card or provisional identification card issued pursuant to this article, or the identification card issued pursuant to Article IV of Chapter 6 for inspection upon request of a law enforcement officer or City Regulatory Licensing Inspections Official.
- B. An applicant for an adult cabaret performer identification card shall provide the following information to the City Clerk on a form, or in a form, approved by the City Clerk:
 1. Full true name.
 2. All other names under which an identification card or provisional identification card has been issued pursuant to this article or Article IV of Chapter 6.
 3. Current mailing (record) address and telephone number.
 4. Stage name currently used, if any.
 5. Height, weight, and color of hair and eyes.
 6. Date of birth and written proof of age, in the form of a current driver's license with photograph, or other current picture identification document issued by a governmental agency.
 7. A statement as to whether the applicant has been convicted of any offense in Chapter 32 (Prostitution), Title 13, Arizona Revised Statutes, Sections 23-52 or 23-53, Phoenix City Code, or of the same or similar offenses in another state or jurisdiction, within the previous five years.
 8. Signature of applicant.
 9. One digital photograph of the applicant taken by the City at the time of application.
- C. An identification card issued pursuant to this section is valid from the date and time of issuance until midnight of the previous day one year later.
- D. The City Clerk shall approve or deny the application no later than four City working hours after receipt of the application, or the application will be deemed denied.
- E. The application shall be approved if the applicant has:
 1. Reached the age of eighteen years.
 2. Provided all of the information required by subsection B and Section 10-134.04.
 3. Paid the fee required by this section.
 4. Not been convicted of any offense in Chapter 32 (Prostitution), Title 13 of the Arizona Revised Statutes, Sections 23-52 or 23-53 of the Phoenix City Code, or of the same or similar offenses in another state or jurisdiction, within the previous five years.

5. Not had a license issued pursuant to this article or Section 6-17 revoked within the previous:
 - a. Year if revoked pursuant to paragraph 10-134.02(L)(1), paragraph 10-134.02(L)(2), paragraph 10-134.02(L)(6), paragraph 6-26(A)(1), paragraph 6-26(A)(2), or paragraph 6-26(A)(6).
 - b. Five years if revoked pursuant to paragraph 10-134.02(L)(3) or paragraph 6-26(A)(3).
- F. The application shall be denied if the applicant has:
 1. Not reached the age of eighteen years.
 2. Failed to provide all of the information required by subsection B and Section 10-134.04.
 3. Not paid the fee required by this article.
 4. Been convicted of any offense in Chapter 32 (Prostitution) of Title 13 of the Arizona Revised Statutes, Sections 23-52 or 23-53 of the Phoenix City Code, or of the same or similar offenses in another state or jurisdiction, within the previous five years.
 5. Had a license issued pursuant to this section or Section 6-17 revoked within the previous:
 - a. Year if revoked pursuant to paragraph 10-134.02(L)(1), paragraph 10-134.02(L)(2), paragraph 10-134.02(L)(6), paragraph 6-26(A)(1), paragraph 6-26(A)(2), or paragraph 6-26(A)(6).
 - b. Five years if revoked pursuant to paragraph 10-134.02(L)(3) or paragraph 6-26(A)(3).
- G. If the application is denied, or is deemed denied, and the applicant is physically present at the office of the City Clerk, the City Clerk shall hand-deliver the applicant the notice of denial, which shall state the reasons for denial. If the application is denied, and the applicant is no longer present in the Office of the City Clerk, the applicant shall be mailed the notice of denial, which shall state the reasons for denial, by certified mail to the applicant's address of record, within one City working day of the date of denial. Service by mail is complete upon mailing. Within ten calendar days after service of the notice of denial, or within ten calendar days after the application has been deemed denied pursuant to subsection D, the applicant may file a request for hearing in the Office of the City Clerk stating the reasons why the application should not have been denied and providing an address at which the applicant may be served by mail. If the applicant fails to provide a request for hearing as permitted by this subsection, a final notice of application denial shall be issued by the City Clerk and no further action on the application by the City Clerk shall be required. Within ten City working days after service of a request for hearing on the City, the City Clerk shall either issue the identification card to the applicant or shall schedule a hearing before the License Appeal Board and shall send notification to the applicant in writing by certified mail of the date, time and place of the hearing. If, upon receipt of a timely request for hearing, the City Clerk fails to send a timely notification either withdrawing the notice of denial or scheduling a hearing, the notice of denial shall be deemed withdrawn. The hearing, if requested, shall be scheduled not less than twenty nor more than forty-five calendar days after receipt by the City Clerk of the request for hearing. If the applicant requests a hearing, either the City Clerk or the License Appeal Board may continue the hearing on the request of the applicant for good cause shown. The License Appeal Board or the city may condition the grant of a continuance on the applicant's waiver of the time deadline for holding the hearing established by this subsection. The hearing shall be conducted in an informal manner. The applicant may be represented by counsel. The technical rules of evidence shall not apply, provided that the decision of the License Appeal Board shall in all cases be based upon substantial and reliable evidence. Review shall be de novo and the burden of proof at the hearing shall be on the city. The License Appeal Board shall render a written decision either sustaining or overturning the decision to deny the application within five city working days after completion of the hearing and shall either hand-deliver a copy of the decision to the applicant or mail a copy of the decision to the applicant by certified mail to the applicant's address of record. If more than sixty days elapse between the receipt by the city of a request for hearing and the mailing or hand-delivery by the License Appeal Board of a final decision to the applicant, a decision in favor of the applicant shall be deemed to have been rendered. The decision of the License Appeal Board shall be final upon hand-delivery or, if mailed, at the end of five calendar days after mailing, and shall constitute final administrative action.
- H. When the decision to deny the license application becomes final, the applicant shall have the right to seek judicial review of the decision by way of special action or other available remedy in the Superior Court. If the applicant files an action in the Superior Court challenging the license application denial within fourteen calendar days after the License Appeal Board decision has become final, and serves the complaint on the City within that same fourteen-day time period, and the Superior Court fails to issue a decision on the merits of the complaint within sixty calendar days after service of the complaint on the City, the City shall issue the applicant

a provisional identification card within one City working day after the expiration of the sixty-day time period. The sixty-day rule of this subsection shall apply only to a challenge, or to that part of a challenge, to the denial of the application that relates specifically to the decision to deny the application and not to the constitutionality of the ordinance itself. The right of a person to work pursuant to a provisional identification card issued pursuant to this subsection shall expire as provided by the City Clerk but shall be reissued as necessary to the card holder without cost if a decision has not been rendered by the Superior Court prior to its expiration.

- I. The application fee for the identification card issued pursuant to this section shall be twenty-four dollars and is non-refundable.
- J. A change in the information required to be provided to the City Clerk pursuant to paragraphs (B)(1) and (3) of this section shall be submitted to the City Clerk on the form prescribed by the City Clerk for that purpose within ten calendar days of the change, provided that an applicant who has been issued a provisional identification card shall update this information with the City Clerk within one City working day of the change. A change in the information required to be provided to the City Clerk pursuant to paragraph (B)(4) of this section shall be submitted to the City Clerk on the form prescribed by the City Clerk for that purpose prior to any change.
- K. The information provided by an applicant pursuant to paragraphs (B)(1), (2), (3), (6), (8) and (9) of this section, the applicant's proof of age, and the applicant's social security number and residence address, if they should appear on any documentation submitted by the applicant pursuant to this section, shall be maintained by the City Clerk on a confidential basis, provided that:
 1. Such information may be disclosed to other governmental agencies in connection with a law enforcement or public safety function.
 2. Such information may be disclosed with the permission of the card holder or applicant.
 3. An adult cabaret licensee may receive verification of card holder status if the licensee provides the card holder's name and license number.
- L. The City Clerk shall revoke the identification card, or provisional identification card, of any person who has:
 1. Provided false or misleading information on, or in connection with, an application submitted pursuant to this section.
 2. Failed to update the information listed at paragraphs (B)(1), (3) and (4) of this section, as required by subsection J of this section.
 3. Been found responsible for or guilty of, in either a civil or criminal case, a violation of any of the provisions of subsections 6-15(B), (C) or (D), or subsections 10-148(A)(1) through (A)(10), on three or more separate days within a three year period. For purposes of this paragraph, the time period from midnight until 1:00 a.m. shall be considered to be the previous day.
 4. Been convicted of any offense in Chapter 32 (Prostitution) of Title 13 of the Arizona Revised Statutes, Sections 23-52 or 23-53 of the Phoenix City Code, or of the same or similar offenses in another state or jurisdiction, within the previous five years.
 5. Been issued a provisional identification card and had the denial of the application for the related non-provisional identification card sustained by judicial order.
 6. Failed to pay the fee required by this article.
- M. To revoke an identification card, or provisional identification card, the City Clerk shall hand-deliver, or mail by certified mail to the card holder's address of record, a written notice of intent to revoke the identification card, together with a summary of the grounds therefor. Service by mail shall be complete five calendar days after mailing. Within ten calendar days after service of the notice of intent to revoke, the card holder may file a request for hearing in the Office of the City Clerk stating the reasons why the identification card should not be revoked. Within ten City working days after service of a request for hearing on the City, the City Clerk shall either withdraw the notice of intent to revoke or shall revoke the license and schedule a hearing before the License Appeal Board and shall send notification to the card holder in writing by certified mail of the date, time and place of the hearing. If the card holder fails to file a timely request for hearing, the City Clerk shall issue a notice of revocation as the final administrative action and shall deliver the notice to the card holder by hand-delivery or by certified mail to the card holder's address of record. Service by mail shall be complete five calendar days after mailing. If, upon receipt of a timely request for hearing, the City Clerk fails to send a timely notification either withdrawing the notice of intent to revoke or scheduling a hearing, the notice of intent to

revoke shall be deemed withdrawn. The hearing, if requested, shall be scheduled not less than twenty nor more than forty-five calendar days after receipt by the City Clerk of the request for hearing. If the card holder requests a hearing, either the City Clerk or the License Appeal Board may continue the hearing on the request of the card holder for good cause shown. The License Appeal Board or the City may condition the grant of a continuance on the card holder's waiver of the time deadline for holding the hearing established by this subsection. The hearing shall be conducted in an informal manner. The card holder may be represented by counsel. The technical rules of evidence shall not apply, provided that the decision of the License Appeal Board shall in all cases be based upon substantial and reliable evidence. Review shall be de novo and the burden of proof at the hearing shall be on the City. The License Appeal Board shall render a written decision either sustaining or overturning the decision to revoke the license within five city working days after completion of the hearing and shall either hand-deliver a copy of the decision to the card holder or mail a copy of the decision to the card holder by certified mail to the card holder's address of record. If more than sixty calendar days elapse between the receipt by the City of a request for hearing in compliance with this section and the mailing or hand-delivery by the License Appeal Board of a final decision to the card holder, a decision in favor of the card holder shall be deemed to have been rendered. The decision of the License Appeal Board shall be final upon hand-delivery or, if mailed, at the end of five calendar days after mailing, and shall constitute final administrative action. The card holder who has filed a request for hearing in compliance with this subsection may continue to work as an adult cabaret performer pending receipt or service of the final decision of the License Appeal Board.

When the decision to revoke the license of the card holder becomes final, the card holder shall have the right to seek judicial review of the decision by way of special action or other available remedy in the Superior Court. If the card holder files an action in the Superior Court seeking review of the decision of the License Appeal Board within fourteen calendar days after the decision of the License Appeal Board becomes final, and serves the summons and complaint on the City within that same fourteen-day time period, the decision of the License Appeal Board shall be stayed pending the entry of judgment on the merits by the Superior Court.

- N. Notwithstanding subsection H, a provisional identification card shall be immediately revoked upon a judicial order sustaining the denial of the application for the related identification card.
- O. A person to whom an identification card has been issued pursuant to this section may apply for an additional card at any time pursuant to this section unless an injunction has been entered by the Superior Court prohibiting a new application. The application fee for a duplicate identification card is ten dollars.
- P. The holder of one or more cards issued pursuant to this section may cancel the card or cards by completing the form prescribed by the City Clerk for that purpose and filing it with the City Clerk.
- Q. A person to whom a provisional identification card has been issued pursuant to this section shall notify the City Clerk in writing, on a form prescribed by the City Clerk for that purpose, within one City working day of employment or termination, of each adult cabaret or topless bar by name and address at which that person has been employed or terminated since the date of application. The notification requirement of this subsection shall terminate upon the actual issuance, if any, of an identification card.
- R. The City Clerk may provide for the resolution of any contested matter arising under this section by consent agreement. The terms of a consent agreement may impose conditions that go beyond the requirements of this article and may include a fine as a civil sanction.
- S. The provisions of this Section shall prevail over any conflicting provisions in this Article.
- T. All other provisions of this Section shall apply to a license or license application issued or filed pursuant to this Section.

Sec. 10-134.03. Temporary work authorization; licensee qualification; qualification revocation; hearing.

- A. A licensee may issue a temporary work authorization to an adult cabaret performer for employment on the business premises without an identification card or provisional identification card if all of the following conditions are met:
 - 1. The licensee is a qualified licensee.
 - 2. The licensee has registered with the City Clerk on the form and in the form prescribed by the City Clerk for that purpose the following information for the adult cabaret performer:
 - a. True name.

- b. Stage name.
 - c. Current digital photograph of the adult cabaret performer.
 - d. Digital photograph of a current, government-issued photo identification document for the adult cabaret performer.
 - e. The adult cabaret performer certifies that he or she has not been convicted of any offense in Chapter 32 (Prostitution) of Title 13, Arizona Revised Statutes, Sections 23-52 or 23-53, Phoenix City Code, or of the same or similar offenses in another state or jurisdiction, within the previous five years.
 - f. The adult cabaret performer certifies that he or she has not provided another, similar certification to that licensee, another licensee, or a topless bar during that calendar year.
 - g. A manager whose name has been provided to the City Clerk pursuant to Subsection C issues, signs and dates the temporary work authorization.
3. The adult cabaret performer has reached the age of eighteen years.
 4. The temporary work authorization expires at 1:00 a.m. on the tenth calendar day following the date of issuance.
 5. The licensee gives a copy of the fully-completed temporary work authorization to the applicant and obtains the applicant's signature showing receipt of a copy of the form.
 6. The adult cabaret performer is not currently licensed as an adult cabaret performer or erotic entertainer under this Code.
- B. The temporary work authorization shall be a copy, in the form prescribed by the City Clerk, of the registration provided to the City Clerk pursuant to Subsection A.
- C. The City Clerk shall qualify a licensee to issue temporary work authorizations pursuant to this section if the licensee is not currently serving a suspension pursuant to Subsection F and the licensee provides the City Clerk with the following information on a form provided by the City Clerk for that purpose:
1. Name, address and telephone number of the licensee.
 2. The names of those managers authorized by the licensee to issue temporary work authorizations pursuant to this Section.
- D. No person shall apply for a temporary work authorization at a topless bar or an adult cabaret after having been given a temporary work authorization in compliance with this section or Section 6-18 in that calendar year.
- E. The licensee shall maintain on the business premises for a period of thirty days a copy, in a form prescribed by the City Clerk, of all registrations submitted to the City Clerk pursuant to Paragraph (A)(2) and shall make those copies available for inspection to any Law Enforcement Officer or City Regulatory Licensing Inspections Official upon request.
- F. In addition to any other remedy provided for in this Article, the City Clerk may suspend the qualification of a licensee by issuing a written notice of intent to suspend for a period not to exceed one year if the licensee, or any employee of the licensee, fails to comply with any provision of this Section. The notice of intent to suspend may be served by hand-delivery or by certified mail to the licensee. Service by mail shall be complete upon mailing.
- G. If a licensee disagrees with a notice of intent to suspend, the licensee may request an informal review of the decision by submitting to the City Clerk within ten calendar days after service a statement of reasons why the qualification should not be suspended. If no informal review is requested, the City Clerk shall issue a final order of suspension and serve the order upon the licensee by hand-delivery or certified mail. Service by mail shall be complete five calendar days after mailing. After any informal review conducted, the City Clerk shall issue a written decision either withdrawing the notice of intent to suspend or issuing a final order of suspension, and shall serve the decision by hand-delivery or certified mail. Service by mail shall be complete five calendar days after mailing. There shall be no other administrative appeal from a final order of suspension, although the licensee may challenge the order by special action or other available remedy in the Superior Court. The suspension of the qualification of a licensee shall be stayed pending a decision of the Superior Court, if the

licensee files a special action or other appropriate action in the Superior Court within ten calendar days after service of the written decision following request for informal review.

Sec. 10-134.04. Applications; additional requirements.

A. No license, permit or identification card 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. 10-135. Fees.

- A. The nonrefundable application fee for a license is six hundred dollars, provided that any person applying for two or more licenses on the same day for the same physical address shall pay a fee of one hundred eighty dollars for each application after the first. The nonrefundable application fee for a sexually oriented business manager's permit is one hundred dollars.
- B. In addition to the application fee provided for in subsection A, the applicant 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 subsection 10-133(D).

Sec. 10-136. Inspection.

- A. A licensee, manager or employee shall permit law enforcement officers, City Regulatory Licensing Inspections Officials, and any other federal, state, county or City agency in the performance of any function connected with the enforcement of this article, normally and regularly conducted by such agency, to inspect the premises of a sexually oriented business for the purpose of: (1) ensuring compliance with this article, or (2) inspecting the records required to be maintained pursuant to subsections 10-148(A) and (B), at any time the business premises are occupied or open for business.

- B. The files and records required to be maintained pursuant to subsections 10-148(A) and (B) shall be made available for inspection on the business premises to any law enforcement officer of this State or City Regulatory Licensing Inspections Official upon demand. The adult cabaret may require the Law Enforcement Officer or Inspector to complete an inspection log with name, serial, badge or employee identification number, time, date, and purpose for the inspection.
- C. The files and records required by subsections 10-148(A) and (B) shall be retained on the business premises of the adult cabaret for a period of two years from the last date of employment or hire.
- D. It shall be unlawful for a licensee, manager or employee of a sexually oriented business to refuse to permit Law Enforcement Officers or City Regulatory Licensing Inspections Officials to inspect the videotapes of monitoring required to be made and maintained under Section 10-143(A)(19), to inspect the records required to be maintained pursuant to subsections 10-148(A) and (B), or to refuse to permit a law enforcement officer or any agency enumerated in subsection (A) of this section to inspect the premises at any time the premises are occupied or open for business.
- E. The provisions of this section do not apply to areas of an adult motel that are currently being rented by a customer for use as a permanent or temporary habitation.

Sec. 10-137. Expiration of license and permit; voluntary termination of license or permit; effect of license renewal on suspension or revocation.

- A. Each license is valid from the date and time of issuance until midnight of the previous day one year later, and may be renewed only by making application as provided in Section 10-133. Each permit is valid from the date and time of issuance until midnight of the day prior to the date of application one year later, and may be renewed only by making application as provided in Section 10-133. The application shall contain the information required to be submitted with an original application provided that a renewal application need not contain information that has been provided in a previous application and has not changed since the time of the most recent application. Application for renewal of a license should be made at least forty-five calendar days before the expiration date, and when made less than forty-five calendar days before the expiration date, the expiration of the license will not be affected. Application for renewal of a permit should be made at least sixty calendar days before the expiration date, and when made less than sixty calendar days before the expiration date, the expiration of the permit will not be affected.
- B. No license or permit shall be voluntarily terminated except as provided in this subsection. A licensee or permittee may apply for license or permit termination, as applicable, by completing an application form provided by the City Clerk for that purpose. The applicant shall indicate on the application whether the license or permit is in use and shall keep that information current in the records of the City until the application has been approved or denied. The application shall be granted unless: (1) the application is incomplete or has been falsified, (2) the license is suspended, (3) the license or permit has been noticed for suspension or revocation, or (4) the City Clerk determines that the Phoenix Police Department has witnessed one or more violations of this article that are unresolved, in which case the application shall be denied. An application filed pursuant to this section that has not been either approved or denied within thirty calendar days after submission of the application shall be deemed approved. A decision to deny an application shall be served and appealed as provided in Section 10-140, provided that an appeal shall automatically result in a hearing that shall be held, and a decision rendered, no later than forty-five calendar days after receipt of the request for hearing. If the licensee or permittee requests a hearing, either the Board or the City Clerk may continue the hearing on the request of the licensee or permittee for good cause shown. The License Appeal Board or the City may condition the grant of a continuance on the respondent's waiver of the time deadline for holding the hearing and issuing the decision established by this subsection.
- C. The annual renewal of a license or permit issued pursuant to this article shall have no effect on any suspension or revocation proceedings brought pursuant to this article.

Sec. 10-138. Suspension.

The City Clerk shall suspend a license for a period not to exceed fourteen calendar days if she determines that the licensee, manager or an employee of the licensee has violated or is not in compliance with any of the following: subsections 10-133(A)(2), (3) or (4), Section 10-136, subsection 10-141(C), Sections 10-142, 10-143, 10-144, or 10-148, or applicable provisions of the Phoenix Zoning Ordinance.

Sec. 10-139. Revocation of license.

- A. The City Clerk shall revoke a license if she determines that:

1. A licensee gave false or misleading information in the application.
 2. A licensee or manager of an adult motel has knowingly allowed an act of sexual intercourse, oral sexual contact, or sexual contact, including masturbation, to occur in a public place or within public view.
 3. A licensee or manager has knowingly allowed prostitution on the premises. The term "*prostitution*" shall have the meaning as provided in A.R.S. § 13-3211.
 4. A licensee, manager or an employee has knowingly operated the sexually oriented business during a period of time when the licensee's license was suspended.
 5. A licensee has been convicted of an offense listed in subdivision 10-134(A)(7)(a) for which the time period required in subdivision 10-134(A)(7)(b) has not elapsed.
 6. On two or more occasions within a twelve month period, a person or persons, while in or on the licensed premises, committed an offense listed in subdivision 10-134(A)(7)(a), for which a conviction has been obtained, and the person or persons were managers or employees of the sexually oriented business at the time the offenses were committed.
 7. A licensee or manager has knowingly allowed any act of sexual intercourse, oral sexual conduct, or sexual contact, including masturbation, to occur in the general patron area or upon a stage.
 8. A licensee has violated subsection 10-141(A) or (B).
 9. The licensee has no legal or equitable right to occupy the licensed premises for purposes of operating the licensed sexually oriented business.
- B. The fact that a conviction is being appealed shall have no effect on the revocation of the license.
- C. When the City Clerk revokes a license, the revocation shall continue for one year and the licensee shall not be issued a sexually oriented business license for one year from the date revocation becomes effective. If the basis for the revocation was false or misleading information in the application, and the application has been corrected, the applicant shall be granted a license if at least ninety calendar days have elapsed since the date the revocation became effective. If the license was revoked pursuant to paragraph (A)(5) of this section, an applicant may not be granted another license until the appropriate number of years required under subdivision 10-134(A)(7)(b) have elapsed. If the license was revoked pursuant to paragraph (A)(9) of this section, the first sentence of this subsection shall not apply.

Sec. 10-139.01. Revocation of permit.

- A. The City Clerk shall revoke a permit if she determines that:
1. A permittee gave false or misleading information in the application; or
 2. A permittee has been convicted of an offense listed in subdivision 10-134(A)(7)(a) for which the time period required in subdivision 10-134(A)(7)(b) has not elapsed; or
 3. A permittee has violated a provision of this article, regardless of whether the person was acting in the role of permittee.
- B. When the City Clerk revokes a permit, the revocation shall continue for one year and the permittee shall not be issued a permit for one year from the date the revocation becomes effective. If the applicant's permit was revoked under subsection (A)(2) of this section, the applicant may not be granted another permit until the appropriate number of years required under subdivision 10-134(A)(7)(b) have elapsed.

Sec. 10-140. Hearing; judicial review; consent agreements; stay of enforcement.

- A. If the City Clerk determines that grounds exist for the denial, suspension, or revocation of a license or permit under this article, she shall notify the applicant, licensee or permittee (respondent) in writing of her intent to deny, suspend, or revoke, including a summary of the grounds therefor. The notification shall be by certified mail to the address on file with the City Clerk; by personal service on the applicant, licensee, permittee, or manager; or by personal service on a responsible person at the business address on file with the City Clerk, or at the actual business address, if different. Within ten City working days of receipt of such notice, the respondent may provide to the City Clerk in writing a response which shall include a statement of reasons why

the license or permit should not be denied, suspended, or revoked and may include a request for a hearing. If a response is provided, it must include an address to which all mailings shall be sent. If no address is provided, the appeal shall not be affected and the most recent mailing address of record on file with the City Clerk shall be the address of the respondent. If a response is not received by the City Clerk within the time stated, the notification shall be the final administrative action of denial, suspension or revocation and notice of such will be sent to the respondent within five City working days after expiration of the period for submitting a response. Within five City working days after receipt of a response, the City Clerk shall either withdraw the intent to deny, suspend, or revoke, and send notification of the withdrawal to the respondent in writing by certified mail or shall schedule a hearing before the License Appeal Board and shall send notification to the respondent in writing by certified mail of the date, time and place of the hearing. If the City Clerk fails to send a timely notification either withdrawing the intent or scheduling a hearing, the intent to deny, suspend or revoke shall be deemed withdrawn. The hearing, if requested, shall be scheduled not less than twenty nor more than forty-five calendar days after receipt by the City Clerk of the request for a hearing. If the respondent requests a hearing, either the License Appeal Board or the City Clerk may continue the hearing on the request of respondent for good cause shown. The License Appeal Board or the City may condition the grant of a continuance on the respondent's waiver of the time deadline for holding the hearing established by this subsection. The hearing shall be conducted in an informal manner. The respondent may be represented by counsel. The technical rules of evidence shall not apply, provided that the decision of the License Appeal Board shall in all cases be based upon substantial and reliable evidence. Review shall be de novo and the burden of proof at the hearing shall be on the City. The License Appeal Board shall render a written decision within five City working days after completion of the hearing and shall either hand-deliver a copy of the decision to the respondent or mail a copy of the decision by certified mail to the address of the respondent as designated in this subsection. If more than sixty calendar days elapse between receipt by the City Clerk of a request for a hearing and mailing or hand-delivery by the License Appeal Board of a final decision to the respondent, a decision in favor of the respondent shall be deemed to have been rendered. In the case of an intent to deny a renewal application of a license or permit or an intent to suspend or revoke a license or permit, the respondent may continue to work or operate pending receipt of the final decision of the License Appeal Board. The decision shall be final upon hand-delivery to the respondent or, if mailed, at the end of five calendar days after it is mailed, and shall constitute final administrative action.

- B. When the decision to deny, suspend or revoke a license or permit becomes final, the respondent shall have the right to seek judicial review of the decision by way of special action or other available procedure in the Superior Court. In the case of a denial of an original application, if the court has not ruled within sixty calendar days after service of the complaint on the City, the City Clerk shall issue a temporary license or permit to the applicant on the next City working day. If the court sustains the denial, the temporary license or permit shall expire upon entry of judgment. If the court overturns the denial, the license or permit shall be deemed granted upon judicial decision and the license or permit issued accordingly, subject to the City's right of appeal. The decision to deny a renewal application for a license or permit or to suspend or revoke a license or permit shall be stayed until the entry of judgment on the merits by the Superior Court, provided that the licensee or permittee files the action and serves the complaint on the City within fourteen calendar days after the administrative decision becomes final.
- C. The City Clerk may provide for the resolution of any contested matter arising under this section by consent agreement. The terms of a consent agreement may impose conditions that go beyond the requirements of this article and may include a fine as a civil sanction.
- D. Any license or permit suspended, revoked, or denied renewal as ordered by the License Appeal Board pursuant to this section shall be stayed for fourteen calendar days from the date the decision becomes final. The licensee may waive this provision in writing, or the City may seek to enforce the suspension or revocation sooner through special action or other available remedy in the Superior Court.

Sec. 10-141. Transfer of license; limitation on number of licenses in operation; hours of operation.

- A. A licensee shall not transfer his license to another person or location, 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.
- B. It shall be unlawful for any person to knowingly operate more than one license of the same classification at a geographic location. A suspended license is considered operational for purposes of this subsection. A revoked license is considered operational for purposes of this subsection if the licensee is permitted to continue operating by law.

- C. It shall be unlawful to operate a business licensed pursuant to this article outside of the hours of operation required to be provided to the City Clerk by this article.

Sec. 10-142. Additional regulations for adult motels.

- A. Evidence that a sleeping room in a hotel, motel, or similar commercial establishment 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. It shall be unlawful for a person who is in control of a sleeping room in a hotel, motel, or similar commercial establishment that does not have a sexually oriented business license to rent or subrent a sleeping room to a person and, within ten hours from the time the room is rented, rent or subrent 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.
- D. It shall be unlawful for a person to operate a massage establishment, as that term is defined in Article III of Chapter 10, on the business premises of an adult motel.

Sec. 10-143. Regulations pertaining to exhibition of sexually explicit films or videos.

- A. An adult arcade that exhibits on the premises in a viewing room of less than one hundred fifty square feet of floorspace, a film, videocassette, or other video reproduction that depicts specified sexual activities or specified anatomical areas shall comply with the following requirements:
 - 1. Each application for a license shall contain a diagram of the premises showing the location of all manager's stations, viewing rooms, lighting fixtures, video cameras and monitors installed for monitoring purposes, and restrooms, and shall designate all portions of the premises in which patrons will not be permitted. Restrooms shall not contain video reproduction equipment. 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 shall be oriented to the north or to some designated street or object and shall 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 City 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. Any change in the information required to be submitted by this subsection shall be provided to the City Clerk as required by subsection 10-133(E).
 - 4. It shall be the duty of the licensee, manager and of any employees present on the premises, to ensure that each viewing room is visible from a continuous main aisle and remains unobstructed by any doors, curtains, walls, merchandise display racks or other materials or enclosures at all times that any patron is present in the premises and 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. The provisions of this paragraph shall not apply to any sexually oriented business that is required or elects to comply with the provisions of paragraph (20) of this subsection.
 - 5. The interior premises, with the exception of any viewing rooms and the aisles contiguous to each viewing room, 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 one footcandle as measured at the floor level. Each viewing room and the aisles contiguous to such viewing room shall be illuminated with lighting fixtures of sufficient intensity to provide an illumination of not less than three-fourths footcandle as measured at three feet above floor level. It shall be the duty of the licensee, manager and of any employees present on the premises, to ensure that the illumination described above is maintained at all times that the premises is open for business.
 - 6. It shall be the duty of the licensee, manager and of any employees present on the premises, to ensure that no act of sexual intercourse, oral sexual contact, or sexual contact, including masturbation, as defined in A.R.S. § 13-1401, occurs in or on the licensed premises.

7. It shall be the duty of the licensee, manager and of any employees present on the premises, to ensure that not more than one person is present in a viewing room at any time. No person shall enter a viewing room that is occupied by another person.
8. It shall be the duty of the licensee, manager and of any employees present on the premises, to ensure that no openings of any kind exist between viewing rooms. No person shall make or attempt to make an opening of any kind between viewing rooms.
9. It shall be the duty of the licensee, manager or of any employee, who discovers two or more patrons in a viewing room or discovers any person making or attempting to make an opening of any kind between viewing rooms, to immediately escort such persons from the premises.
10. It shall be the duty of the licensee, manager or of any employee, who discovers an opening of any kind between viewing rooms to immediately secure such rooms, and prevent entry into them by any patron until such time as the wall between the rooms has been repaired to remove the opening. Removal and repair of openings between viewing rooms shall be in a manner that is as structurally substantial as the original wall construction.
11. It shall be the duty of the licensee, manager and of any employee on the premises, during each business day, to regularly inspect the walls between viewing rooms for openings of any kind.
12. It shall be the duty of the licensee, manager and of any employee on the premises, to initiate and enforce a no loitering policy in viewing rooms.
13. It shall be the duty of the licensee to post conspicuous signs in well-lighted entry areas of the business stating all of the following:
 - a. That no loitering is permitted in viewing rooms.
 - b. That the occupancy of viewing rooms is limited to one person.
 - c. That sexual intercourse, oral sexual contact and sexual contact, including masturbation, on the premises is prohibited.
 - d. That the making of openings between viewing rooms is prohibited.
 - e. That violators will be required to leave the premises.
 - f. That violations of subparagraphs (b), (c) and (d) of this paragraph are unlawful.
14. It shall be the duty of the licensee to ensure that floor coverings in viewing rooms are non-porous, easily cleanable surfaces, with no rugs or carpeting.
15. It shall be the duty of the licensee to ensure that all wall surfaces and seating surfaces in viewing rooms, or any room or area providing patron privacy are constructed of, or permanently covered by, non-porous, easily cleanable material.
16. It shall be the duty of the licensee to ensure that premises are clean and sanitary at all times. Cleaning procedures shall include all of the following:
 - a. The licensee shall maintain a regular cleaning schedule, documented by appropriate logs, and shall employ sufficient personnel to assure the establishment is clean.
 - b. The licensee shall provide an employee to check all areas for garbage, trash, body fluids and excrement and to remove and clean all areas with a disinfectant. All solid waste generated by the business shall be collected from the premises for disposal at a lawful solid waste disposal facility at least twice each week. Prior to collection solid waste shall be stored in a manner that prevents access by animals or members of the public and which will not facilitate the creation of a health nuisance.
 - c. Thorough cleaning of the entire interior of any room providing patron privacy shall be done using a disinfectant. Cleaning shall include floors, walls, doors, seating, monitors, video cameras, and windows and other surfaces.

17. It shall be the duty of the licensee to ensure any seating within a viewing room is designed so as to accommodate one person only.
18. It shall be the duty of the licensee to provide in a conspicuous place on the premises free information relating to the prevention of sexually transmitted diseases, including AIDS.
19. It shall be the duty of the licensee, manager and of any employees present on the premises to monitor the number of occupants in a viewing room. Monitoring shall be accomplished by one of the following methods:
 - a. The licensee shall designate one or more employees to monitor the number of occupants in each viewing room by visually inspecting the interior of each viewing room on the premises at least once every thirty minutes. A designated employee shall be on the premises at all times the business is open to the public. The licensee shall make a record of the monitoring required by this paragraph by use of video cameras and video recorders. The video cameras and video recorders shall be operated continuously at all times that the premises is open for business. The licensee shall make or cause to be made a videotape of such monitoring that shall provide a constant date and time display. The licensee shall maintain and, upon request, shall make available to law enforcement officers for inspection and copying the most recent seventy-two hours of videotape of the monitoring required by this paragraph. Law enforcement officers may use and view videotapes of monitoring for law enforcement purposes only. The videotapes shall be returned to the licensee within fifteen business days after delivery to the law enforcement officers unless the videotapes are required as evidence. If the videotapes are required as evidence, the law enforcement officers shall make a copy of the videotapes for the licensee upon the licensee's request. If a video camera or video recorder is not in operation for any reason, then it shall be the duty of the licensee, manager and any designated employee to immediately secure each viewing room monitored by such equipment and prevent entry into the viewing room by any patron until such time as the equipment is repaired and fully operational; or
 - b. The licensee shall designate one or more employees to monitor the number of occupants in a viewing room by use of video cameras, video recorders and monitors that provide an ability to inspect the interior of each viewing room on the premises. A designated employee shall be on the premises at all times the business is open to the public. The monitors shall be installed within a manager's station of thirty-two square feet or less of floor area. The video cameras, recorders, and monitors shall be operated continuously at all times that the premises is open for business. The licensee shall keep a record of the monitoring required by this paragraph by making or causing to be made a videotape of such monitoring that shall provide a constant date and time display. The licensee shall maintain and, upon request, shall make available to law enforcement officers for inspection and copying the most recent seventy-two hours of videotape of the required monitoring. Law enforcement officers may use and view the videotapes of monitoring for law enforcement purposes only. The videotapes shall be returned to the licensee within fifteen business days after delivery to the law enforcement officers, unless the videotapes are needed as evidence. If the videotapes are needed as evidence, the law enforcement officer shall make a copy of the videotapes for the licensee upon the licensee's request. If a video camera, monitor or recorder is not in operation for any reason, then it shall be the duty of the licensee, manager and any designated employee to immediately secure each viewing room monitored by such equipment and prevent entry into the viewing room by any patron until such time as the equipment is repaired and fully operational.

The provisions of this paragraph (19) shall not apply to any sexually oriented business that is required or elects to comply with the provisions of paragraph (20) of this subsection.

20. 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, including the interior of each viewing room but excluding restrooms, to which any patron is permitted access for any purpose. A manager's station shall not exceed thirty-two square feet of floor area. 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 paragraph must be by direct line of sight from the manager's station. It is the duty of the licensee to ensure that at least one employee is on duty and situated in each manager's station at all times that any patron is on the

premises. It shall be the duty of the licensee, manager and of any employees present on the premises to ensure that the view area specified in this paragraph remains unobstructed by any doors, curtains, walls, merchandise, display racks or other materials or enclosures at all times that any patron is present on the premises and 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.

The provisions of this paragraph (20) shall apply to any sexually oriented business which is established after the effective date of this ordinance. For the purposes of this paragraph, "established" means any of the following:

- a. The opening or commencement of a sexually oriented business with a viewing room or rooms as a new business;
- b. The conversion of an existing business, whether or not a sexually oriented business, to a sexually oriented business with a viewing room or rooms;
- c. The addition of a viewing room or rooms to a sexually oriented business, other than an adult motel;
- d. The expansion, extension, or enlargement of the floor area of a viewing room beyond the floor area occupied by such viewing room on or after the effective date of this ordinance.

B. It shall be unlawful for a person having a duty under this section to knowingly fail to fulfill that duty.

Sec. 10-144. Loitering and exterior lighting and monitoring requirements.

A. It shall be the duty of the licensee of a sexually oriented business to: (a) initiate and enforce a no loitering policy within the external boundaries of the real property upon which the sexually oriented businesses is located; (b) post conspicuous signs stating that no loitering is permitted on such property; (c) designate one or more employees to monitor the activities of persons on such property by visually inspecting such property at least once every thirty minutes or inspecting such property by use of video cameras and monitors; and (d) provide adequate lighting of the exterior premises to provide for visual inspection or video monitoring to prohibit loitering. The video cameras and monitors shall operate continuously at all times that the premises is open for business. The monitors shall be installed within a manager's station.

B. It shall be unlawful for a person having a duty under this section to knowingly fail to fulfill that duty.

Sec. 10-145. Penalties and enforcement; civil sanctions for adult cabaret performers and other employees.

- A. A person who violates any provision of this article, except for subsection 10-148(D), is guilty of a Class 1 misdemeanor.
- B. A person who provides false or misleading information in response to a request for information pursuant to subsection 10-134.02(B) is guilty of a Class 1 misdemeanor.
- C. The remedies provided for in this section are cumulative with the remedies provided for in Sections 10-134.02, 10-138, 10-139 and 10-139.01. The civil remedies provided for violations of subsections 10-134.02(A) and (J), Section 10-136, and for violations of paragraphs 10-148(A)(1) through (A)(10) are cumulative with the criminal penalty of this section.
- D. Any adult cabaret performer or other employee who violates subsection 10-133(B), subsection 10-134.02(A), subsection 10-134.02(J), Section 10-136, or paragraphs 10-148(A)(1) through (A)(10) is subject to a civil sanction of not less than two hundred fifty dollars nor more than two thousand five hundred dollars per violation. An adult cabaret that violates subsection 10-148(C) or (D) is subject to a civil sanction of not less than two hundred-fifty dollars nor more than two thousand five hundred dollars per violation. Each day of any violation of subsection 10-148(C) or (D) shall constitute a separate offense. The court shall not suspend any part or all of the imposition or execution of any sanction required by this subsection, provided that the court may reduce the civil sanction of a person found responsible for a violation of subsection 10-133(B) or subsection 10-134.02(A) to no less than fifty dollars if the person had a valid adult cabaret performer identification card or provisional identification card, or a valid erotic entertainer identification card, lawfully issued in his or her name at the time of the violation.
- E. Civil actions to enforce this section may be adjudicated by a Judge or Hearing Officer.

- F. 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 procedures set forth in the Arizona Revised Statutes, City Ordinance or as provided in the Local Rules of Practice and Procedure, City Court, City of Phoenix.
- G. Any party may appeal the judgment of the City Court to the Superior Court. Appeals from civil proceedings shall be in accordance with the Superior Court Rules of Appellate Procedure, Civil. Execution of any judgment shall be stayed pending appeal when the defendant posts an appeal bond in accordance with the order of the Trial Court, or when no bond is fixed and a notice of appeal has been filed.
- H. A civil citation brought pursuant to this section shall be served within one year of the offense.

Sec. 10-146. Injunction.

The operation of a sexually oriented business without a valid license in violation of this article shall constitute a nuisance and a person who operates or causes to be operated such business shall be subject to a suit for injunctive relief as well as prosecution for criminal violations.

Sec. 10-147. Applicability of ordinance to existing businesses.

Except as otherwise provided in section 10-143, the provisions of this article shall apply to the activities of all persons and sexually oriented businesses described herein, whether such businesses or activities were established or commenced before, on or after the effective date of this ordinance.

Sec. 10-148. Regulations pertaining to sexually oriented businesses featuring nudity or live performances.

- A. It is unlawful on the premises of an adult cabaret for an adult cabaret, an adult cabaret licensee, an employee of an adult cabaret, or an employee of an adult cabaret licensee to knowingly fail to ensure compliance with the following:
 1. No employee, using their hands or any other part of their body, while performing in the general patron area, upon a stage, or in any other location used for employee performances, may knowingly make physical contact with the female breasts of any patron.
 2. No employee, using their hands or any other part of their body, may knowingly make physical contact with the anus or genitals of any other person.
 3. No female employee, while that employee is performing in the general patron area, upon a stage, or in any other location used for employee performances, may knowingly cause her breasts to make physical contact with any patron.
 4. No female employee may knowingly cause her breasts to make physical contact with the hands, or any part of the head or face, of any patron.
 5. No employee, while that employee is located in the general patron area, upon a stage, or in any other location used for employee performances, may knowingly cause his or her anus or genitals to make physical contact with any patron or with any other person.
 6. No patron, using their hands or any other part of their body, while on the business premises, may knowingly make physical contact with the breasts of any female employee, while that employee is performing in the general patron area, upon a stage, or in any other location used for employee performances.
 7. No patron, using their hands or any other part of their body may knowingly make physical contact with the anus or genitals of any employee.
 8. No employee shall knowingly engage in any act of sexual intercourse, oral sexual contact, or sexual contact, including masturbation, while in the general patron area, upon a stage, or in any other location used for employee performances.
 9. No employee shall ask or direct a patron or prospective patron to either touch his own anus or genitals, touch the breasts of any female person, touch the anus or genitals of any other person, or to expose his anus or genitals to that employee or to any other person on the premises.

10. A patron may not place any money on the person or in or on the costume of an employee, provided that incidental hand-to-hand contact occurring during the act of tipping while the patron is in the general patron area is not prohibited.
11. A person below the age of eighteen years may neither observe a person in a state of nudity in a live performance on the premises of a sexually oriented business, nor appear in a state of nudity in a live performance on the premises of a sexually oriented business.
12. A sign, in the following form, shall be posted near the entrance of the sexually oriented business in such a manner as to be clearly visible to patrons upon entry:

Rules and Regulations

1. You must be 18 years of age or older to enter these premises.
 2. No patron may place any money on the person of, or on the costume of, an employee of this business.
 3. Hand-to-hand tipping of employees is permitted.
 4. No patron may touch, or make contact with, the breasts, anus or genitals of any employee of this business.
13. No adult cabaret performer or employee may be employed or hired who has not reached the age of eighteen years.
 14. No employee may perform in any location of the adult cabaret other than the general patron area or upon a stage. No stage may overlap with the general patron area. In order to qualify as a stage for purposes of this paragraph, the area above the stage up to a height of six feet must be clearly visible at a height of five feet from all points within a contiguous area of one hundred fifty square feet located within the general patron area.
 15. No more than one patron may be permitted on a stage at any one time. For purposes of this paragraph, a stage shall mean all stages located within the same story of the building. For purposes of this paragraph, the word "story" shall have the meaning as provided in the Zoning Code.
 16. A manager in a manager's station shall observe all performances at all times by direct line of sight. For purposes of this paragraph, the word "observe" shall mean direct observation or capable of direct observation by simply turning the head of the person or repositioning the body of that person in a fixed location.
 17. A manager in a manager's station shall observe by direct line of sight during the entire performance the entire body of all patrons who have paid a separate consideration for a performance by one or more adult cabaret performers. For purposes of this paragraph, "separate consideration" shall mean any payment to any person, including gratuity, other than that payment required to enter the premises. The word "observe" shall mean direct observation or capable of direct observation by simply turning the head of the person or repositioning the body of that person in a fixed location. Notwithstanding any other provision of this article, the only obstruction permitted of the view to the patron shall be the body of the performer providing the performance.
 18. A manager in a manager's station shall observe by direct line of sight the entire body of all patrons who are in physical contact with an adult cabaret performer, regardless of whether the adult cabaret performer is engaged in a performance. Notwithstanding any other provision of this article, the only obstruction permitted of the view to the patron shall be the body of the performer.
 19. The head of the body of all managers fulfilling the requirements of this section shall potentially be clearly visible by direct line of sight to another person standing anywhere within a defined area. In order to qualify as a "defined area" for purposes of this paragraph, the area must be contiguous, at least one hundred fifty square feet in size and located within the general patron area. The line of sight from the defined area shall be measured at a height of five feet.
 20. No patron shall be permitted in a manager's station at any time.

21. No person shall remain in a position, move to a position, or move an object to a position, with the intention of preventing a manager from fulfilling any of the obligations imposed upon him by this section.
22. The location and physical dimensions of the general patron area, all locations available to patrons, the "defined area" specified by paragraph (19) of this subsection, all "walls" as defined in the definition of "open room" at Section 10-131, all stages and all manager's stations shall be clearly designated on a sketch or diagram filed with the City Clerk. The sketch or diagram need not be professionally prepared but shall 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. If the floor plan is drawn to a designated scale, it must be drawn on one side of a single page no larger than 8 1/2 inches by 11 inches. A copy of the most recent sketch or diagram on file with the City Clerk shall be posted near the entrance of the business in such a manner as to be clearly visible to patrons upon entry.
23. The general patron area must be an open room. Stairways, ramps, and elevators that are made available to patrons in order to move from one floor to another or from one level to another shall be considered part of the general patron area, provided that notwithstanding any other provision of this article, no performances may occur in those areas.
24. No person to whom an adult cabaret performer card has been issued and not canceled pursuant to subsection 10-134.02(P), a person to whom a provisional identification card has been issued pursuant to subsection 10-134.02(H), or a person to whom an erotic entertainer identification card has been issued pursuant to Article IV of Chapter 6 may perform the functions of a manager under this article except in compliance with Sections 10-133 and 10-134.01.
25. The adult cabaret shall provide training to all employees by a qualifying manager, which shall consist of:
 - i. A description of the general patron area and the stage area in which performances may be conducted for the business.
 - ii. Receipt of a current copy of the City's Sexually Oriented Business Ordinance.
 - iii. Receipt of a current copy of Code Section 23-52.
 - iv. Receipt of a current copy of Chapter 32, Title 13, Arizona Revised Statutes.
 - v. The name and signature of the manager providing the training on the statement required by paragraph (26) of this subsection.

In order to qualify as a manager for purposes of this paragraph, the manager shall either possess a valid permit issued pursuant to this article or qualify to act as a manager pursuant to Section 10-134.01(C).

26. Before performing at an adult cabaret, an adult cabaret performer shall sign a statement, provided by the City Clerk, in substantially the following form:

I, (name of performer), have received from (name of adult cabaret), or am currently in possession of, a current copy of the City's Sexually Oriented Business Ordinance, Phoenix City Code Section 23-52, and Chapter 32 of Title 13, Arizona Revised Statutes. I have been instructed as to the location of all stages and the general patron area for this business. I understand that as an adult cabaret performer in the City of Phoenix, I may not touch, either directly or indirectly, the breasts of any female person on the premises, or the anus or genitals of any person on the premises, nor may I permit any other person to touch me, directly or indirectly, in those areas.
27. Before working at an adult cabaret, a manager shall sign a statement, provided by the City Clerk, in substantially the following form:

I, (name of manager), have received from (name of adult cabaret), or am currently in possession of, a copy of the City's Sexually Oriented Business Ordinance, Phoenix City Code Section 23-52, and Chapter 32 of Title 13, Arizona Revised Statutes. I have been instructed as to the location of the manager's station(s), all stages and the general patron area for this business. I understand that an employee may not touch, directly or indirectly, the breasts of any female person on the

premises or the anus or genitals of any person on the premises, nor may the employee permit a patron to touch him or her, as applicable, directly or indirectly, in those areas.

- B. An adult cabaret shall maintain on the premises at all times a hard copy file for each adult cabaret performer that shall contain the following:
1. Full true name.
 2. Date of birth.
 3. Height, weight, and color of hair and eyes.
 4. Current residence address and telephone number.
 5. Stage name under which the adult cabaret performer is working at the business, if any.
 6. Shift(s) being worked and hours for each, including beginning and ending hours.
 7. Date or dates of hire.
 8. Copy of a government-issued photo identification card.
 9. Statement in the form specified by this section signed by the adult cabaret performer.
 10. A copy of any notice received from the City that an adult cabaret performer does not qualify to perform pursuant to Section 10-134.02, 6-17, 6-25 or 6-26.
- C. An adult cabaret shall file with the City Clerk, on a form and in the manner prescribed by the City Clerk, a list of all adult cabaret performers by true name, stage name and license number prior to their employment on the business premises of the adult cabaret.
- D. On November 1 of each year, or the City working day immediately following if November 1 is not a City working day, an adult cabaret shall file with the City Clerk, on a form and in a manner prescribed by the City Clerk, a complete list of all adult cabaret performers, by true name, stage name and license number, who are authorized to perform on the premises.

Secs. 10-149. Reserved.

Provided as a service of the
CITY OF PHOENIX
CITY CLERK DEPARTMENT
LICENSE SERVICES SECTION

Rev. 7-12

This publication can be provided in an alternate format by contacting the City Clerk Department,
(602) 262-6811/ V; (602) 534-2737/TTY; or (602) 495-5847/FAX.

License Services
200 W. Washington St., 1st Floor
Phoenix, AZ 85003-1611
(602) 262-4638
FAX: (602)-495-0783

Email: licenseservices@phoenix.gov

Web Site: www.phoenix.gov/licenseservices