

ORDINANCE NO. 2945 NEW SERIES

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AMENDING CHAPTER 21.2 (SEXUALLY ORIENTED BUSINESSES) BY PROHIBITING THE USE OF ELECTRONIC BENEFIT TRANSFER (EBT) CARDS AT CERTAIN ADULT BUSINESSES; ESTABLISHING AN EFFECTIVE DATE; AND PROVING PENALTIES FOR VIOLATIONS.

WHEREAS, the City of Glendale regulates adult businesses and sexually oriented businesses in Glendale City Code, Chapter 21.2, Sexually Oriented Businesses; and

WHEREAS, Arizona Revised Statutes § 46-297 was enacted in 2013 and requires municipalities who license or regulate adult oriented business entertainment establishments to implement measures to ensure all adult oriented business entertainment establishment's disable the ability of automatic teller machines and point-of-sale terminals operated on the business's premises to accept the electronic benefit transfer card or process an electronic benefit transfer card transaction; and

WHEREAS, that certain document entitled "Amendments to Glendale City Code, Chapter 21.2, Sexually Oriented Businesses," three copies of which are on file in the office of the City Clerk, was declared to be a public record by Resolution adopted at the June 23, 2015 City Council Voting Meeting; and

WHEREAS, the Glendale City Council held a public hearing on June 23, 2015 and considered the required amendments to Glendale City Code, Chapter 21.2, Sexually Oriented Businesses;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GLENDALE as follows:

SECTION 1. An Ordinance of the Council of the City of Glendale, as specified in that certain document known as "Amendments to Glendale City Code, Chapter 21.2, Sexually Oriented Businesses," three copies of which are on file in the office of the City Clerk, which was made a public record by Resolution adopted at the June 23, 2015 City Council Meeting, as is hereby referred to, adopted, and made a part hereof as if fully set out in this ordinance. Pursuant to this Ordinance, the following sections of the Glendale City Code, Chapter 21.2 Sexually Oriented Businesses are amended: 21.2-4, 21.2-31, 21.2-46, 21.2-74, 21.2-113, and 21.2-134.

SECTION 2. This Ordinance's amendment of Sections 21.2-4, 21.2-31, 21.2-46, 21.2-74, 21.2-113, and 21.2-134 of Chapter 21.2 of the Glendale City Code shall be effective on July 24, 2015 and be retroactively applied from and after February 1, 2014.

SECTION 3. Any person who fails to comply with this code, including any provisions of the amendments to Glendale City Code, Chapter 21.2, Sexually Oriented businesses is subject to the following penalties:

Sec. 21.2-31. - Revocation or suspension.

- (a) The tax and license manager may suspend any adult business license for a specified period not to exceed thirty (30) days, or revoke such license, for any of the following reasons:
- (1) The licensee has violated or is not in compliance with sections 21.2-33, 21.2-34, 21.2-35, 21.2-40, 21.2-41, 21.2-42, 21.2-43, 21.2-44, 21.2-45, 21.2-46, 21.2-51, 21.2-52, 21.2-60, 21.2-61, 21.2-71, 21.2-72, 21.2-73, 21.2-74, 21.2-83, 21.2-84, 21.2-85, 21.2-100, 21.2-101, 21.2-102, 21.2-110, 21.2-111, 21.2-112, 21.2-113, 21.2-120, 21.2-131, 21.2-132 or 21.2-133, 21.2-134, or any applicable provisions of the zoning ordinance.
 - (2) The licensee recklessly or knowingly gives any false or misleading material statement in the course of applying for or renewing a license.
 - (3) The licensee, or any employee of a licensee, has recklessly or knowingly allowed prostitution on the adult business premises.
 - (4) The licensee has been convicted of an offense listed in section 21.2-23 for which the applicable time periods for disqualification have not expired.
 - (5) For an operator or manager, if on two or more occasions within any twelve (12)-month period, any employee of an adult business has committed any of the crimes specified in section 21.2-23 on the adult business premises, and convictions for such offenses have been obtained.
 - (6) The licensee, or any employee of a licensee, has recklessly or knowingly allowed any act of "sexual intercourse," "oral sexual contact" or "sexual contact," including masturbation, to occur on the adult business premises, as such terms are defined in Arizona Revised Statutes, section 13-1401, as amended. This subsection (a)(6) shall not apply to adult motels unless a licensee, or any employee of a licensee, recklessly or knowingly allows any act of sexual intercourse, oral sexual contact or sexual contact to occur in a public place or in public view, or unless such licensee or employee recklessly or knowingly allows any act of sexual intercourse, oral sexual contact or sexual contact to occur at the motel, in exchange for any consideration paid or received by any person other than normal fees charged by the motel for room rentals.
 - (7) The licensee is delinquent for a period of more than thirty (30) days in payment to the city of any taxes or fees related to the adult business.
- (b) The fact that a conviction is being appealed shall have no effect on the revocation or suspension of a license.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Glendale,
Maricopa County, Arizona, this 23rd day of June, 2015.



MAYOR

ATTEST:



City Clerk

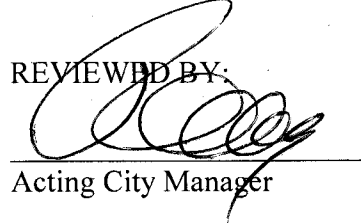
(SEAL)

APPROVED AS TO FORM:



City Attorney

REVIEWED BY:



Acting City Manager