

CHAPTER 11 – LICENSES, TAXATION AND MISCELLANEOUS
BUSINESS REGULATIONS

Sec. 11-103. Sexually oriented businesses; license; issuance.

(a) Upon filing an application, the City shall issue a temporary license that is valid for a period of sixty (60) days. The Temporary license may not be extended. The City by its Management Services Director or designee shall approve or deny the issuance of a permanent license within sixty (60) days after receipt of an application. If the City fails to approve or deny the permanent license within sixty (60) days after receipt of an application, the license shall be deemed to have been approved. The City shall approve the issuance of a permanent 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 sections 11-100 through 11-118 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 sections 11-100 through 11-118, other than the offense of operating a sexually oriented business without a license, within two (2) years immediately preceding the application. The fact that a conviction is being appealed shall have no effect.
- (5) The application fee required by sections 11-100 through 11-118 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 Peoria Zoning Ordinance.
 - a. An applicant has failed to obtain the required permits under the Peoria 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 that if committed in this state would constitute one of the following offenses:

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As described in Chapter 14 of the Arizona Criminal Code:

1. Indecent exposure;
2. Public sexual indecency;
3. Sexual abuse;
4. Sexual conduct with a minor;
5. Sexual assault;
6. Sexual assault of a spouse;
7. Molestation of a child;

As described in Chapter 32 of the Arizona Criminal Code

8. Enticement of persons for purpose of prostitution;
9. Procurement by false pretenses of person for purpose of prostitution;
10. Procuring or placing persons in house of prostitution;
11. Receiving earnings of prostitute;
12. Causing spouse to become prostitute;
13. Taking child for purpose of prostitution;
14. Detention of persons in house of prostitution for debt;
15. Keeping or residing in house of prostitution;
16. Pandering;
17. Transporting persons for purpose of prostitution or other immoral purpose;
18. Child prostitution;
19. Prostitution;

As described in Chapter 35.1 of the Arizona Criminal Code

20. Commercial sexual exploitation of a minor;
21. Sexual exploitation of a minor;
22. Portraying adult as minor;
23. Admitting minors to public displays of sexual conduct;

Incest as described in Chapter 36 of the Arizona Criminal Code;

Prostitution and related offenses and solicitation as described in Chapter 13, of this Code;

Public display of explicit sexual material offensive to others;

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Permitting minors to enter premises wherein there is displayed explicit sexual material which is offensive to others;

Attempt, solicitation, conspiracy, or facilitation to commit any of the foregoing offenses.

b. For which:

1. Less than two (2) 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;

2. Less than five (5) 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

3. Less than five (5) 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 (2) or more misdemeanor offenses or combination of misdemeanor offenses occurring within any twenty-four (24) month period.

(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 (7) a. of this section may qualify for a license only when the time period required by paragraph (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.

State Law Reference. Ch. 14, A.R.S. §13-1401, et seq. Sexual Offenses.

Ch. 32, A.R.S. §13-3201, et seq. Prostitution. Ch. 35.1, A.R.S. §13-3551, et seq. Sexual

Exploitation of Children. Ch. 36, A.R.S. §13-3601, et seq. Family Offenses.

(Ord. No. 98-16, 3/17/98, Enacted)