

TEEN DANCE HALLS⁵

Sec. 16A-140. Definitions.

For the purpose of this article, the following terms shall have the meanings respectively ascribed to them in this section unless the context clearly requires otherwise:

- (1) *Teen dance activity* means social dancing by person(s) under twenty-one (21) years of age unaccompanied by a parent or guardian at which an admission or minimum fee is charged.
- (2) *Teen dance hall* means any place or establishment where a teen dance activity takes place or is provided. The term includes the building or pavilion or other place where the teen dancing activity takes place, together with all surrounding premises used for parking or surrounding premises used for any other purpose relating to the teen dancing activity.
- (3) *Licensing officer* means the director of the finance and technology department of the city or his designee.
- (4) *Owner* means the owner of record, as shown by the records in the office of the County Assessor, of the premises where a teen dance hall is located.
- (5) *Business owner* means any legal owner of a teen dance hall or teen dance activity.
- (6) *Person* means any individual, firm, corporation, partnership, company, association, business trust, government entity, and any other form of multiple organization.

Sec. 16A-141. Applicability, provisions cumulative.

(a) The provisions of this article shall apply to all teen dance activities or teen dance halls and persons as defined herein, whether such activities were commenced before, on or after the effective date of this article.

(b) The provisions of this article shall be in addition to any other regulations, privilege or license taxes or permit requirements required by the city, the state or other applicable agency and cumulative to any other applicable regulations, procedures or penalties.

(c) The provisions of this article shall not apply to any teen dance activity or teen dance hall conducted by a religious or governmental organization, or by a nonprofit organization with an IRS 501(c)(3) status or other nonprofit, eleemosynary or charitable

designation approved by the licensing officer, when the activity or dance hall is conducted on the premises of or sponsored by the religious, governmental or nonprofit organization.

Sec. 16A-142. License required.

(a) It is unlawful for any person to own, manage, operate or provide a teen dance hall or conduct a teen dance activity without first obtaining and maintaining in effect a teen dance hall license as required by this article.

(b) It is unlawful for any person licensed as provided in this article to operate under any name or conduct business under any designation not specified in the license.

Sec. 16A-143. Application.

(a) Any person desiring to obtain a teen dance hall license shall make application to the licensing officer who shall refer such application to the chief of police and community development director and any other interested department for appropriate investigation. The application shall be in such form as prescribed by the licensing officer and shall be fully completed before processing by the licensing officer. The application must be submitted at least forty-five (45) days prior to the proposed date of any teen dance activity.

(b) The application shall include a description of the proposed teen dance activity and shall include, but not be limited to, the following information set forth in this subsection. Paragraphs (1) through (9) below are required to be completed about the applicant, the business owner, the licensee if not the applicant or the business owner and the agent responsible for managing the premises on a day to day basis (hereinafter "managing agent"):

- (1) Full legal name and any name by which the person is or has been known;
- (2) Current home address and telephone number and addresses over the past five (5) years;
- (3) Driver's license number or State of Arizona identification card number;
- (4) Birth date, height, weight, hair and eye color;
- (5) Business occupation and employment history for five (5) years;
- (6) License history, including issuance, revocation, suspension or termination of any current or past state or city licenses, any liquor license number and managing agent; permits; professional or business license;

- (7) The applicants and agents shall submit a full set of fingerprints to the Tempe police department for the purpose of obtaining a state or federal, or both, criminal records check pursuant to A.R.S. § 41-1750 and Public Law (PL) 92-544. The Department of Public Safety is authorized to exchange this fingerprint data with the Federal Bureau of Investigation. Fingerprints must be submitted on fingerprint cards provided by the finance and technology director or designee.
- (8) Listing of any prior felony or misdemeanor convictions except minor traffic violations;
- (9) Documentation of age over eighteen (18) years;
- (10) Designation of the managing agent who will be managing or operating the teen dance hall at the indicated location and proof of the managing agent's authorization to act on behalf of any corporation or organization;
- (11) Name, address and telephone number of any other local agent authorized to conduct daily business and proof of authority to act on behalf of the prospective licensee;
- (12) Name, address and telephone of statutory agent in Arizona if a corporation or an out-of-state applicant, licensee or owner;
- (13) Except for corporations listed on the major stock exchanges, the names and addresses of all persons financially interested in the business. If a person financially interested in the business of the prospective licensee is a corporation, the names and addresses of all persons financially interested in that corporation shall be provided;
- (14) A plan of operation, program plan and security plan to ensure compliance with § 16A-145 and applicable provisions of this article;
- (15) Evidence of current, valid privilege license issued by the city;
- (16) Evidence of current, valid use permit or any other applicable zoning approval for the proposed activity issued by the city;
- (17) Legal description and location of the premises and lot where the proposed activity will take place, submitted on a map drawn to scale, at least eight and one-half (8½) by eleven (11) inches, showing the dimensions of the property and the name and width of all internal and abutting streets, roads or alleys, any existing buildings, fences and easements, with distances to property lines;
- (18) Floor plan containing an accurate drawing to scale depicting the interior plan

and layout of the premises;

- (19) A vicinity ownership map showing and labelling all lots within one hundred fifty (150) feet of the exterior boundaries of the lot on which the establishment is located. The one hundred fifty (150) foot measurement shall exclude any public property or public rights-of-way;
- (20) A vicinity ownership list, and mailing labels properly addressed, containing names and mailing addresses, with correct zip codes, of owners of all parcels required to be shown on the vicinity ownership map. The owners shall be as shown on the last assessment of the property by the county;
- (21) A complex/center/building tenant list, and mailing labels properly addressed, containing names and mailing addresses, with correct zip codes, of tenants which share the site or building with the proposed licensee as to use of common points of ingress and egress or common parking areas or facilities; and
- (22) Such other information as may be requested by the licensing officer to determine the truth of the information required to be set forth above.

(c) Any change in ownership of the business or in the information required to be provided in paragraphs (1), (10), (11), (12), (13) or (18) above shall be reported to the licensing officer within ten (10) calendar days after the change. Such changes shall be subject to investigation and approval by the city as provided in subsection (e) hereof and, if disapproved, the disapproval shall be grounds for termination of the license as provided in § 16A-151 of this code. The requirement for reporting changes as required herein is effective at all times during the city's consideration of the application and at all times when a license issued hereunder is in effect. All other information set out above must be updated at the time of the renewal of the license.

(d) Any change in the plan of operation or security plan in paragraph (14) above must be approved by the city prior to the change becoming effective. Failure to comply with an approved plan of operation, program plan or security plan shall constitute grounds for termination of the license as provided in § 16A-151.

(e) The police department shall conduct an investigation of the application and background of the applicant and proposed licensee. Based on such investigation, the police department shall recommend to the licensing officer the approval or denial of the license. In addition, the community development department and fire department, and any other affected department, may inspect any premises proposed as the site of the establishment and may make separate recommendations to the licensing officer concerning compliance with the provisions of this article and applicable codes. The licensing officer shall make a recommendation as to issuance or denial of the license, including any conditions recommended or applicable to the license or licensee, and

transmit the recommendation to the city council.

Sec. 16A-144. Application fee and license fee.

(a) The application shall be accompanied by a nonrefundable application fee in the amount set by council by motion or resolution, and the license fee as required herein.

(b) The license fee shall be set by council by motion or resolution for each day that a teen activity takes places and for annual license. The annual license fee for an initial license may be pro-rated to one-half (1/2) the amount required herein if the proposed licensee will be open for business only during the last half of the calendar year, that is, after July 1.

Sec. 16A-145. Requirements for operation of establishment, plan of operation, program plan and security plan required.

(a) A teen dance hall shall comply with this article and all applicable city and state laws and ordinances, including but not limited to fire and building and zoning codes. In addition, the following requirements apply:

- (1) No teen dance hall may be open and no teen dance activity may be conducted on any day after 11:30 p.m. unless otherwise specified in the teen dance hall license issued by the city. In no event shall any person fifteen (15) years of age or under be allowed on the premises of a teen dance hall or activity after 10:00 p.m.;
- (2) Patrons over twenty (20) years of age or under fifteen (15) years of age are prohibited at a teen dance activity or in a teen dance hall;
- (3) Written proof of identification shall be required for admission to a teen dance hall to ensure compliance with paragraph (2) of this section. The following written instruments are the only acceptable types of identification:
 - a. An unexpired driver's license issued by any state, provided such license includes a picture of the licensee;
 - b. An identification license issued pursuant to state law;
 - c. An armed forces identification card;
 - d. A valid unexpired passport issued by a government which contains a photograph of the person and the date of birth;
 - e. An unexpired identification card issued by a public or private school or educational institution which contains a date of birth and

photograph;

- (4) No person shall be admitted to, nor shall any person be allowed to remain on, the licensed premises who is or appears to be under the influence of spirituous liquor or drugs or who is disturbing the peace;
- (5) No spirituous liquor may be furnished, sold, served, displayed, visible or consumed at a teen dance hall during the hours that the teen dance activity is conducted. If the teen dance hall licensee holds a liquor license from the state, spirituous liquor service, display and consumption must terminate during the hours that the teen dance activity is conducted;
- (6) No person shall smoke, as defined in § 22-41 of this code, nor shall tobacco in any form be consumed or possessed by a minor, nor dispensed, displayed or visible to any minor, at a teen dance hall during the hours that a teen dance activity is conducted;
- (7) Admittance and any admittance lines for entry to the teen dance hall shall be closed at 10:30 p.m. or at such other time prescribed in the license issued by the city. In no event shall a patron be allowed to exit and subsequently re-enter the dance hall during a teen dance activity;
- (8) Any parking used by patrons of the licensee, any parking area of the licensee, and any parking area within three hundred (300) feet of the licensed premises shall be supervised by the licensee to ensure that the parking areas are used by persons entering and exiting from their vehicles and are not used as a gathering place, or for consumption or illegal possession of spirituous liquor or tobacco, and conform with the security plan approved by the city;
- (9) A plan of operation which demonstrates how the licensee will ensure compliance with these regulations shall accompany the application and is subject to approval by the city. Any change in the plan of operation shall be submitted to the city at least ten (10) days prior to the proposed change becoming effective and must be approved by the city prior to becoming effective;
- (10) A program plan shall be provided to the city prior to issuance of the license. The program plan shall include a calendar of regular and special teen events, programs or concerts for the upcoming period, including target audience or market, expected attendance, entertainment and format, and security plan modifications. Security plan modifications must be approved by the police department. Any changes occurring after submission of the program plan shall be submitted to the

police department at least fifteen (15) days prior to the proposed program or change taking effect and shall be accompanied by proposed amendments or additions to the security plan;

(11) A security plan, including security staffing and qualifications, lighting, landscaping, building and parking security and other aspects sufficient to address interior and exterior safety of patrons and the public, and any other items requested by the police department or licensing officer, shall be submitted for approval by the police department prior to issuance of a license. Any change in the security plan after submission or after approval shall be submitted ten (10) days prior to the proposed change becoming effective and must be approved by the police department prior to becoming effective; and

(12) Other regulations and conditions may be required for a licensee or for all licensees generally as the council deems desirable.

(b) A copy of the plan of operation, program plan and security plan shall be available at the teen dance hall for inspection by the city during business hours and at other reasonable times. The plans shall include such information as required by the licensing officer, including identification of employees, agents or private contractors who are responsible for security and ensuring compliance with the terms of this article.

Sec. 16A-146. Grounds for denial.

The following include, but are not limited to, grounds for denial of an application for teen dance hall license:

- (1) The applicant, or proposed conduct of the teen dance activity, fails to meet the requirements of this article or any applicable provision of this code or law;
- (2) The applicant or conduct of the proposed teen dance activity will not conform or comply with laws and regulations;
- (3) The applicant does not have an acceptable plan for compliance with § 16A-145 of this article on requirements for operation;
- (4) The applicant is a corporation or entity which is not qualified to transact business in Arizona;
- (5) Misrepresentations or material misstatements are made in the application;
- (6) Harm to the public health, safety or welfare of the community, or clear or present danger of serious damage or danger to the public, would result from granting the license; or

- (7) A business owner, or a managing agent, an applicant, other managing employee or a controlling person in the business to be licensed has been convicted of:
- a. a felony; or
 - b. a misdemeanor which relates to the activity to be licensed,
- or has, within two (2) years preceding the date of the issuance of a license, violated any of the provisions of this article or the city code while conducting a teen dance hall or teen dance activity.

Sec. 16A-147. Public hearing on license, notice.

- (a) The city council shall hold a public hearing on the application.
- (b) Notice of the hearing shall be given at least fifteen (15) days prior to the hearing in the following manner:
 - (1) Notice shall be published at least once in a newspaper of general circulation in the city;
 - (2) Notice shall be posted on the affected property in such a manner as to be legible from the public right-of-way; and
 - (3) Notice shall be mailed by first class mail to each owner and tenant as provided in paragraphs (20) and (21) of § 16A-143.
- (c) At the public hearing, the council may adopt the recommendation of the licensing officer or may render any other decision, including but not limited to conditions applicable to the licensee.

Sec. 16A-148. Display of license, lost or destroyed license.

A licensee shall display such license in a conspicuous place in the teen dance hall. If a license is destroyed, lost or defaced, the licensee shall be entitled to a replacement license for a fee set by the licensing officer.

Sec. 16A-149. Transferability, automatic termination of license.

- (a) Licenses issued hereunder are not transferable.
- (b) The following shall result in automatic termination of a teen dance hall license:

- (1) Any change in location of a licensed teen dance hall;
- (2) Any sale or transfer of any interest in the teen dance hall; or
- (3) Upon the revocation or termination of any use permit or other zoning approval issued by the city relating to the teen dance hall or activity.

(c) A new application may be made by the person whose license is terminated as provided in this section, or by another person desiring to own or operate a teen dance hall.

Sec. 16A-150. Renewal, appeals from denial.

(a) Annually, at least thirty (30) days prior to the first day of January of each year, a licensed teen dance hall shall apply to the licensing officer for renewal of the teen dance hall license. Application shall be made and reviewed as an original application except that:

- (1) No application fee is payable on a renewal application; and
- (2) Public hearing and notice as required in § 16A-147 shall be conducted only if required by the licensing officer.

(b) Appeals from the denial of a renewal license application may be taken to the city council by filing a written notice of appeal with the city clerk within seven (7) calendar days after the date of the decision of the licensing officer denying the renewal license. The city council may affirm, deny, modify or otherwise amend the decision of the licensing officer. The city council's decision is final.

Section 16A-151. Grounds for termination, hearing.

(a) In addition to the automatic termination of a license as provided in this article, the license may be revoked, suspended or denied renewal for any one or more of the following grounds:

- (1) The licensee is guilty of fraud in conducting the business or deceit in obtaining a license to conduct the business;
- (2) The licensee has been convicted in a court of competent jurisdiction of a felony or of any misdemeanor which relates to the licensed activity;
- (3) The licensee is guilty of untrue, fraudulent, misleading or deceptive advertising;
- (4) The licensee is grossly ignorant of or guilty of wilful negligence in the business of the teen dance hall;

- (5) The licensee has violated any of the provisions of §§ 16A-143, 16A-145 or 16A-153 of this article, or § 22-8 of this code on juvenile curfew, or any other provision of this article or the city code;
- (6) The licensee fails to comply with the terms of the plan of operation, program plan or security plan as approved by the city;
- (7) There occurs on the premises repeated acts of violence or disorderly conduct;
- (8) The licensee or any employee or managing agent thereof fails or refuses to make the premises or records available for inspections and examination as provided in this article;
- (9) The licensee knowingly files an application or other document with material information which is false or misleading or knowingly gives testimony in an investigation or other proceeding which is false or misleading;
- (10) The licensee is delinquent for more than ninety (90) days in the payment of any applicable taxes to the city;
- (11) The licensee fails to take reasonable steps to protect the safety of a customer of the licensee entering, leaving or remaining on the licensed premises when the licensee knew or should have known of the danger to such person, or the licensee fails to take reasonable steps to intervene by notifying law enforcement officials or otherwise to prevent or break up an act of violence or an altercation occurring on the licensed premises or immediately adjacent to the premises when the licensee knew or reasonably should have known of such acts of violation or altercations;
- (12) The licensee, his managing agent, or other managing employee knowingly associates with a person who has engaged in racketeering, as defined in A.R.S. § 13-2301, or has been convicted of a felony and the association is of such nature to create a reasonable risk that the licensee will fail to conform to the requirements of this article or any criminal statute of this state; or
- (13) Any enlargement or expansion of the premises of the teen dance hall or activity occurs without appropriate approvals from the city.

(b) To suspend or revoke a license, the licensing officer shall deliver or mail by certified mail to the business address as shown by the license application, or to the last reported business address shown in a renewal or other report, a written notice that such license is suspended or revoked. The reason for the suspension or revocation shall be set

forth in the notice and the provisions of subsection (c) hereof on hearing and appeal rights. A suspended or revoked license shall be surrendered to the licensing officer on demand.

(c) The licensing officer shall grant on demand to any licensee whose license has been revoked or suspended a full hearing on the merits of such suspension or revocation. Appeal of the licensing officer's decision to the city council shall be made within seven (7) calendar days after the receipt of the licensing officer's notice of suspension or revocation, and failure to demand a hearing within such time will constitute full waiver. The decision of the council is final.

Sec. 16A-152. Application after denial or termination.

No person may apply for a teen dance hall license within one year from:

- (1) The denial of any such license to the applicant; or
- (2) The suspension, revocation, termination or non-renewal of such license

unless the cause of the denial, suspension, termination, revocation or nonrenewal has been, to the satisfaction of the licensing officer, removed in such time.

Sec. 16A-153. Unlawful activities.

It is unlawful for any person or licensee at a teen dance hall to:

- (1) Operate without any required city or state license or permit or in violation of any applicable city or state law or ordinance;
- (2) Admit persons over twenty (20) years of age or under fifteen (15) years of age;
- (3) Allow an intoxicated or disorderly person to come into or remain on the licensed premises;
- (4) Knowingly permit unlawful possession, use, or sale of narcotics, dangerous drugs or marijuana;
- (5) Knowingly permit prostitution or solicitation of prostitution;
- (6) Knowingly permit unlawful gambling on the premises;
- (7) Knowingly permit trafficking in stolen property;
- (8) Fail or refuse to make the premises or records, or the plans required in § 16A-145, available for inspection as provided in this article; or

- (9) Employ or permit a person to be employed on a salary, contract or commission basis for the purpose of dancing with patrons, except that this shall not apply to bona fide instructors of dancing regularly employed for the exclusive purpose of giving bona fide instructions for dancing.

Sec. 16A-154. Investigation to determine violation, requests for investigation.

The police chief or the licensing officer or any of their agents may enter in a lawful manner the premises of a teen dance hall or where a teen dance activity takes place and may attend, witness, visit and investigate any and all of the teen dance activities or teen dance hall and any other activities therein and thereon. In addition, the police chief or the licensing officer or their agents may inspect in a lawful manner the teen dance hall or the buildings and premises in which teen dance activities are carried on to determine whether or not there exist any violations of this article or the city code. The police chief or licensing officer may request any other department of the city to make an investigation to determine whether or not the teen dance hall or activity is being operated in compliance with this article and ordinances of the city.

Sec. 16A-155. Penalty.

(a) A violation of this article is an offense, punishable as provided in § 1-7 of this code. Each day on which a violation continues shall be a separate offense.

(b) In addition to the punishments provided in this section, a violation of this article is grounds for revocation of the license as provided in § 16A-151.