Memorandum

Tempe

City of Tempe

Date: April 17, 2012

Subject: Medical Marijuana Application Processing Procedures

Acceptance of applications for Medical Marijuana Dispensaries / Cultivation Facilities.

PROCESS FOR ACCEPTING APPLICATIONS:

The City of Tempe requires applicants seeking to operate a Medical Marijuana dispensary, cultivation facilities and similarly related uses, to apply for an administrative review application, in order to provide an applicant a zoning determination (clearance) letter whether or not the site is in conformance with the local ordinance regulations.

APPLICATION REVIEW PROCESS:

- 1. Applicants must submit a COMPLETE APPLICATION, as outlined in the submittal checklist, and include a non-refundable review fee
- 2. Each application received by the City of Tempe, Community Development Department, will be reviewed based on the following criteria:
 - a. Conformance to the requirements specified in Section 3-426 of the Zoning and Development Code (Ordinance No. 2011.01, Medical Marijuana).
 - b. Submittal of all items identified in the Medical Marijuana Dispensary and/or Cultivation Facility Application Checklist (form on the following page). If any items are not provided by the applicant at the time of initial submittal, the application will be considered an INCOMPLETE APPLICATION. Incomplete applications will not be eligible for review until all missing items are provided.
 - c. Compliance with a. & b. above (subject to staff review, see Status Letter No. 9 below) will reserve the site location identified in the application for 60 calendar days. No additional applications within a ¼ mile of the site will be authorized.
 - d. Noncompliance with a. & b. above will result in a determination of NOT IN COMPLIANCE and the application will not be considered for further review.
 - e. Applicants will be contacted by city staff regarding the status of their application.

Medical Marijuana Application Processing Procedures (continued)

STATUS LETTER

- 3. Applicants with sites that comply with a. & b. above (subject to staff review) will be issued a letter, within 10 calendar days, stating the site is IN COMPLIANCE. The letter will also identify any items that may be required prior to the issuance of a building permit or in order to receive a certificate of occupancy.
- 4. Additional information may be required of the applicant prior to the issuance of the letter in order to verify that any outstanding issues are resolved (If the applicant does not submit any corrections or missing information within <u>60 calendar days</u> from the date of the original submittal, the pending application will automatically expire. And a new application would be required).
- 5. The site will be identified as a PENDING MEDICAL MARIJUANA SITE, subject to application and final determination by the Arizona Department of Health Services. This IN COMPLIANCE letter will be valid for 60 calendar days from the date the application was submitted or until the dispensary registration certificate with the state expires.
- Applicants with sites that do not comply with a. & b. above will be issued a letter, within 10 calendar days, stating that the site is NOT IN COMPLIANCE. There will be no further processing of the application. A new application will be required for future processing.

Medical Marijuana Dispensary and/or Cultivation Facility Application Checklist:

A Complete Submittal shall include <u>ALL OF THE FOLLOWING</u>:

- 1. A completed Project Submittal Form; and
- 2. A completed Business/Property Owner Listing information form; and
- 3. Application fee (non-refundable); and
- 4. Property owner's letter of authorization for a Medical Marijuana related business; and
- 5. The name and location of the dispensary's off-site cultivation facility, if applicable; and
- 6. A map (8 ½ x 11") showing site in compliance with Tempe's separation requirements; and
- 7. A copy of the (draft) business operating procedures in accordance with regulations; and
- 8. A Site Plan (24 x 36" size and 8 ½ x 11" reduction), with the following:
 - a. Site Information
 - 1. Name of design team & business owner (contact name, address, and phone).
 - 2. Project Name.
 - 3. Site Address.
 - b. Site Layout
 - 1. Fully dimensioned plan drawn to scale, with North arrow.
 - 2. Location/Vicinity map.
 - 3. Existing/Proposed configuration of buildings
 - 4. parking, walkways and landscape areas
 - 5. Property lines.
 - 6. Adjacent street right-of-way and alleys
 - 7. Location of all exterior lighting (existing/proposed)
 - 8. All refuse areas (existing/proposed).
 - c. Site Data
 - 1. Zoning district.
 - 2. Parcel size
 - 3. Total building area and tenant area
 - 4. Type of construction per Building Code.
 - 5. # of parking required/provided, (calculate per use defined in Sec. 4-600 Parking).
- 9. A scaled floor plan (24 x 36" size and 8 ½ x 11" reduction) with labeled rooms, dimensioned, including the occupancy classification of areas per Building Code; and
- 10. A completed Hazardous Materials Information form; and
- 11. A completed Security Plan form.

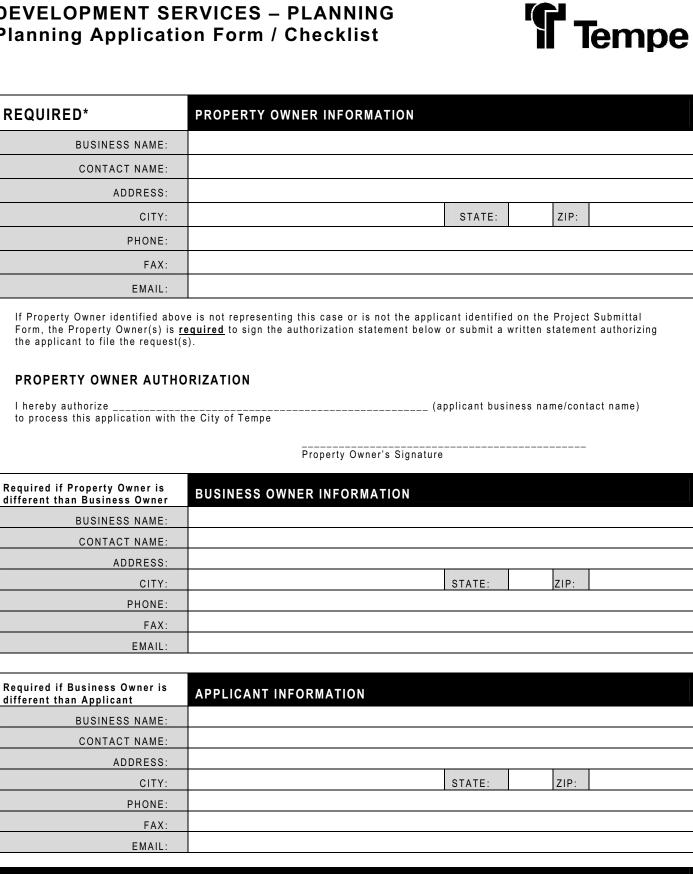
Project Submittal Application

City of Tempe Development Services Department 31 E. 5th Street, Garden Level, Tempe, AZ 85281 Building Safety - Phone:480-350-8341 Fax:480-350-8677 Planning - Phone: 480-350-8331 Fax: 480-350-8872



				ww.tempe.gov			
Draiget Name:			Project Ir	nformation - Require	ed		
Project Name:							
Project Address:				Suite No.:			
Proposed Use of Building/Suite:				Existing Zoning:			
Legal Description: Attached						Parcel No.:	
Description of Work/Request:							
				ation (for building pl Information - Requi			
Company or Firm Name:			Applicant	intormation - Requi	Telephone 1:		
					()		Ext:
Applicant's Name:					Telephone 2:		
					()		Ext:
Applicant's Street Address :					Fax:		
City:			State:	Zip:	Email Address	s(es):	
				•		· · /	
Applicant Signature:					Date:		
			Fo	r City Use Only	1		
Planning	Fees	Building		Engineering		Submitted Materials:	
		New Bui	lding	Engineering		Building	Fire
Dev Plan Review		□ Compl □ Prelea		□ Revision		Planning	Signs
Sign Permit			130	Tracking Nos.:		Engineering	
□ Use Permit		□ Add/Alt		DS		0 0	
□ Variance		🗆 TI				□ Spec Book(s)	Soils Report
General Plan Amend		□ AFES (O/H)		BP		□ Structural Calcs	□ Report
Zoning Amend		□ MF		EN		□ Truss Calcs	□ Materials
□ Zoning Verification Letter		□ NRes		PL		Hydraulic Calcs	Color Board
□ Subdivision/Condo		□ Res Remodel/Add				Parking Analysis	Haz Mat Form
□ PAD Overlay		Pool		X		Lighting Cut Sheets	□ Other:
□ Legal Posting Signs		🗆 Demo		PC		Total Valuation:	
□ Administrative Decision		□ Grading	Only	PPC			
□ Abatement		□ Phased	Constr			Total Submittal Fees:	
□ Shared Parking	Phased Constr w/UG MEP			CA	<u> </u>		
□ CCR Review				FR			
□ Continuance		□ Structural Frame □ MEP Only		RA			
□ Appeal			-				
		□ Factory I		SGN		- Validation:	
□ Other			-	PF		Validation.	
Fire	1	□ Revision		MCA Code:		_	
Tanks		□ New Sta		MCA Code.			
Spray Paint Booth		□ Permits based				_	
Special Extinguishing		on Stand	lard #	File With:		Data Of	
Fire Alarm						Date Stamp:	
Kitchen Hood System		□ Suiting		_			
Rack Storage	□ Other			Received By:			
□ Hazmat							
□ Other							

DEVELOPMENT SERVICES – PLANNING Planning Application Form / Checklist



	REQUIRED SIGNATURE		
	agree that all items required for formal submittal and is complete. If the submittal is incomplete a delay in processing.	Applicant Signature	 Date
OFFICE USE ONLY	□ New PL-PROJ □ Existing PL		

City of T HAZARDOUS MATERI	
Permit Number:	o. New Add Alt Dept. Use Only
JOB ADDRESS	OWNER
SIZE OF NEW BUILDING OR ADDITION	USE OF NEW BUILDING OR ADDITION
PRESENT USE OF EXISTING BUILDING AREAS	DOING BUSINESS SINCE? (YEAR)
OCCUPANCY NAME	RESPONSIBLE PARTY/EMERGENCY COORDINATOR PHONE:
How Do You Dispose of Your Hazardous Waste? Have You Ever Done Business In Arizona Before? Yes or No Under What Name? Contingency Plan? Yes or No Location:	
or property. (See definitions on back) Combustible Dusts Flam/Combust Material Compressed Gases Highly Toxic Material Corrosive Material Organic Peroxides Cryogenic Fluids Unstable (Reactive)	Toxic Materials ials Other Health Hazards izers Solids Liquids Gases
Indicate equipment or process involving any of the above material: Hydraulic Equipment Dust Collectors Indust/Medical Gas Electro Plating Picking or Garnetting Spray Painting Magnesium Processing Oven Process Molten Salt Baths Welding/Cutting	Drying Rooms Fiberglass Operations Flow Coaters Baler or Shredder Dip Tanks Aboveground Tanks Dry Cleaning Underground Tanks Scrubbers Others
flash point of flammable and combustible liquids. Provide Material S I certify that the information contained in this Report is true and false statements or misrepresentations may result in the revoca prosecution. Violations of statutes and regulations pertaining to may result in criminal and/or civil prosecution. (A.R.S.§ 49-261, process or type of hazardous substances referred to in this Rep Department (P.O. Box 5002, Tempe, AZ 85280) within 14 days	Safety Data Sheets for each chemical listed. correct to the best of my knowledge. I understand that any ation of my certificate of occupancy and/or criminal the use, handling and disposal of hazardous substances , 262, 263 and § 49-923, 924, 925) Changes in quantity, port must be submitted to the Development Services
Printed Name:	Signature:
Printed Title:	Date Signed:
DEVELOPMENT SERVIC 480-350	
Occupancy Classification	Date
Ву	
Comments	

LIST HAZARDOUS MATERIAL	AMT IN USE	AMT IN STORAGE	FAHRENHEIT FLASH PT.

BLASTING AGENT

is any material or mixture consisting of fuel and oxidizer intended for blasting, not otherwise classified as an explosive, in which none of the ingredients is classified as explosives, provided that the finished product as mixed and packaged for use or shipment cannot be detonated by means of a No. 8 test blasting cap when unconfined. Materials or mixtures classified as nitrocarbonitrates by the Department of Transportation regulations shall be included in this definition.

COMBUSTIBLE DUSTS AND POWERS

(including metals). Finely divided flammable solids which may be dispersed in air as a dust cloud. Examples: wood sawdust, plastics, coal, flour, powdered metals (few exceptions).

COMBUSTIBLE FIBERS

are readily ignitable and free-burning fibers, such as cotton, sisal, henequen, ixtle, jute, hemp, tow, cocoa fiber, oakum, baled waste, baled wastepaper, kapok, hay, straw, excelsior, Spanish moss and other like materials.

COMPRESSED GAS

(a) A gas or mixture of gases having, in a container, an absolute pressure exceeding 40 psi at 70°F (21.1°C);or (b) A gas or mixture of gases having, in a container, an absolute pressure exceeding 104 psi at 130°F (54.4°C) regardless of pressure at 70°F (21.1°C); or (c) A liquid having a vapor pressure exceeding 40 psi at 100°F (37.8°C) as determined by ASTM D-323-72.

CORROSIVE

is a chemical that causes visible destruction of, or irreversible alterations in living tissue by chemical action at the site of contact. A chemical is considered to be corrosive if, when tested on the intact skin of albino rabbits by the method described in the U.S. Department of Transportation in Appendix A to CFR 49 Part 173, it destroys or changes irreversibly the structure of the tissue at the site of contact following an exposure period of four hours. This term shall not refer to action on inanimate surfaces.

CRYOGENIC FLUIDS

are those fluids that have a normal boiling point below -150°F.

EXPLOSIVE

is any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion, that contains oxidizing and combustible units or other ingredients in such proportions, quantities, or packing, that an ignition by fire, by friction, by concussion, by percussion or by detonation of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressure are capable of producing destructive effects on contiguous objects or of destroving life and limb.

FLAMMABLE/COMBUSTIBLE LIQUID

is any liquid having a flash point below 200°F.

FLAMMABLE SOLID

is a solid substance, other than a blasting agent or explosive, that is liable to cause fire through friction, or as a result of retained heat from manufacture, or which has an ignition temperature below 212°F or which burns so vigorously or persistently when ignited so as to create a serious hazard. Finely divided solid materials which when dispersed in air as a cloud may be ignited and cause an explosion are flammable solids.

HIGHLY TOXIC MATERIALS

are materials which produces a lethal concentration which falls within any of the following categories:

(a) A chemical that has a median lethal dose (LD50) of 50 milligrams or less per kilogram of body weight when administered orally to albino rats weighing between 200 and 300 grams each.

(b) A chemical that has a median lethal dose (LD50) of 200 milligrams or less per kilogram of body weight when administered by continuous contact for 24 hours (or less if death occurs within 24 hours) with the bare skin of albino rabbits weighing between 2 and 3 kilograms each.

(c) A chemical that has a median lethal concentration (LD50) in air of 200 parts per million by volume or less of gas or vapor, or 2 milligrams per liter or less of mist, fume, or dust, when administered by continuous inhalation for one hour (or less if death occurs within one hour) to albino rats weighing between 200 and 300 grams each.

ORGANIC PEROXIDES

are organic compounds which contain the double oxygen or peroxy (-0-0-) group and are subject to explosive decomposition.

OTHER HEALTH HAZARDS

carcinogens, target organ toxins, irritants, sensitizers.

(a) Carcinogens: substances which produce or are suspected of producing or inciting cancer.

(b) Target Organ Toxins: substances which cause damage to particular organs or systems.

(c) Irritants: substances, other than corrosives, which cause a reversible inflammatory effect on living tissue by chemical action at the site of contact.

(d) Sensitizers: substances which cause an allergic reaction in normal tissue after repeated exposure. OXIDIZER

is a chemical other than a blasting agent or explosive as defined that initiates or promotes combustion in other materials, thereby causing fire either of itself or through the release of oxygen or other gases. **PESTICIDE**

is any substance or mixture of substances, including fungicides, intended for preventing, destroying, repelling or mitigating any pest and any substance or mixture of substances intended for use as a plan regulator, defoliant or desiccant. Products defined as drugs in the Federal Food, Drug and Cosmetic Act are exempt.

PYROPHORIC

is a chemical that will spontaneously ignite in air at or below a temperature of 130°F (54.4°C). RADIOACTIVE MATERIAL

is any material or combination of materials that spontaneously emits ionizing radiation.

TOXIC MATERIAL

is a material which produces a lethal dose or a lethal concentration which falls within any of the following categories:

(a) A chemical or substance that has a median lethal dose (LD50) or more than 50 milligrams per kilogram but not more than 500 milligrams per kilogram of body weight when administered orally to albino rats weighing between 200 and 300 grams each.

(b) A chemical or substance that has a median lethal dose (LD50) of more than 200 milligrams per kilogram but not more than 1,000 milligrams per kilogram of body weight when administered by continuous contact for 24 hours (or less if death occurs within 24 hours) with the bare skin of albino rabbits weighing between 2 and 3 kilograms each.

(c) A chemical that has a median lethal concentration (LD50) in air of 200 parts per million, but not more than 2,000 parts per million by volume of gas or vapor, or 2 milligrams per liter but not more than 20 milligrams per liter of mist, fume, or dust, when administered by continuous inhalation for one hour (or less if death occurs within one hour) to albino rats weighing between 200 and 300 grams each.

UNSTABLE (Reactive)

is a chemical which in the pure state, or as produced or transported, will vigorously polymerize, decompose, condense, or will be come self-reactive under conditions or shock, pressure or temperature. WATER-REACTIVE MATERIALS

are materials which explode, violently react, produce flammable, toxic or other hazardous gases, or evolve enough heat to cause self-ignition or ignition of nearby combustibles upon exposure to water or moisture.

Security Plan



Police Department

120 E. Fifth Street Tempe, Arizona 85281 (480) 350-8749 FAX: (480) 350-8493

MEDICAL MARIJUANA SECURITY PLAN

(Rev. 2/14/11)

Establishment:

Address:

Business Phone:

Business FAX:

Business E-Mail:

Maximum Occupancy:

Effective Date of Plan:

Date of Plan Review:

D.H.S. Permit Issue Date:

D.H.S. Permit # :

I. PURPOSE OF THE PLAN

This Plan addresses security measures for an establishment whose use shall require a Security Plan pursuant to Tempe City Code, Section 26-70.

This Security Plan's purpose is to comply with the Security Plan conditions and/or requirements set forth in a Use Permit; to address the concerns of the zoning ordinance regarding: any significant increase in vehicular or pedestrian traffic, adequate control of disruptive behavior both inside and outside the premises, compatibility with surrounding structures and uses, any deterioration of the neighborhood or to the downgrading of property values; and to assist in providing an environment which may enhance safeguarding of property and public welfare and reduce the necessity for calls for service from law enforcement agencies.

This Security Plan, when approved by the City of Tempe, is granted to the establishment as set forth in Tempe City Code, Section 26-70. A Security Plan may be required as a condition prior to the acceptance of this use. Deviations from or changes, modifications or alterations to the Plan shall not occur without prior written approval of the City of Tempe. A copy of this Security Plan must be kept on the premises at all times and shall be made available upon request.

II. PLAN OF OPERATION, PROGRAM PLAN AND HOURS

1. <u>PERMITTEE NAME</u>: _____

 TYPE OF NOT-FOR-PROFIT ORGANIZATION:
 Corporation

 Sole Proprietorship
 LLC
 Partnership
 Other

2. <u>MANAGING AGENT(S):</u>

3.

Name: Title:	
Address:	
Address.	
Phone:	
FAX:	
Cell:	
	SS OWNER(S) (if different than Managing Agent)
BUSINES	SS OWNER(S) (if different than Managing Agent)
BUSINES	SS OWNER(S) (if different than Managing Agent)
BUSINES Name: Address:	SS OWNER(S) (if different than Managing Agent)
BUSINES Name: Address: Phone:	SS OWNER(S) (if different than Managing Agent)
E-Mail: _ BUSINES Name: Address: Phone: FAX: Cell: _	SS OWNER(S) (if different than Managing Agent)

4. **PROPERTY OWNER or MANAGER** (if different from Managing Agent):

Name:Address:
Phone:
HOURS OF OPERATION:
OFF-SITE CULTIVATION FACILITY:
Name of Cultivation Facility: Name of contact person: Address:
Phone: FAX:

7. <u>DESCRIPTION OF OPERATIONS/SERVICES</u> (attach or describe):

Estimated Daily Attendance:	
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8. <u>COOPERATION/COMPLAINTS/CONCERNS</u>:

5.

6.

- a. Permittee will maintain communications with establishments located on and adjacent to the premises, and with residents and other businesses that may be affected by patrons or operations of the Permittee. Permittee designates the following person to receive and respond to concerns or complaints from other residents or businesses:
- b. Permittee, managing agents, on-duty managers, supervisors and security personnel will cooperate closely with Tempe police, officers and neighbors in addressing and investigating complaints and concerns.
- c. Permittee's managing agent(s) shall meet with Tempe Police Department when requested by the Security Plan Manager or other personnel of the Tempe Police Department on matters related to this Plan.

III. GENERAL SAFETY CONDITIONS

- 1. Exterior entrances shall be illuminated with a minimum of five (5) foot-candles of light at ground level to six (6) feet vertical between the hours of sunset and sunrise.
- 2. Lighting shall be maintained to provide a minimum of two (2) foot-candles of light throughout all parking lots.
- 3. Existing exterior lamps provided on the building and in the parking areas for security of patrons and employees shall be repaired immediately when the light is not operational to maximize the lighting efficiency.
- 4. Only ADA locks shall be used on any public restroom doors.
- 5. Light switches to public restrooms (if provided) shall be inaccessible and incapable of use by anyone other than Permittee staff.
- 6. Landscape plantings shall not conflict with the above lighting standards. Landscape plantings, including trees, shall also be maintained to allow for good surveillance.
- 7. Any graffiti that may appear on the Permittee's property shall be removed or covered within forty-eight (48) hours, upon discovery or when notice is given by the Police Department.
- 8. All fire lanes shall be properly posted and curbs painted in RED.
- 9. All debris, including glass and can containers, shall be removed from parking lots and adjacent landscape areas after closing.
- 10. Closed Circuit Television (CCTV) system is required on the building entry/exit area, all points of sale, cultivation room and parking lot. Exterior cameras must be illuminated for sufficient camera quality recording. The CCTV must be digitally recorded and the recording medium must be saved for a minimum of thirty-one (31) days. A fixed camera must be focused on all marijuana storage areas and access doors at all times. Camera resolution must be 704 x 480 or greater.
- 11. A drop safe is recommended behind the counter for excess change and cash on hand. Install and maintain a safe in the office.
- 12. Install and maintain a wide angle viewer in office door(s).
- 13. Install and maintain a 3 x 18 inch lexan vision panel on any solid door.
- 14. The street numbers must be twelve (12) inches tall and located at ______. The suite numbers must be four (4) inches tall and located on the top section of each door.
- 15. All patrons must display a photo identification in accordance with DHS guidelines.

- 16. There shall be a physical separation/counter of at least 48 inches in height between the patron and employee. Separation shall be from wall to wall to prohibit patron access behind the counter. A panic alarm shall be installed behind the counter or worn on a fob by an employee.
- 17. Video monitor in entry area depicting customers face upon entry visible to customers.
- 18. All marijuana shall be secured at all times with the exception or real time sales. Marijuana shall be stored after hours in a lockable storage container approved by Tempe Police Crime Prevention.
- Comply with all Department of Health Services rules and regulations regarding storage, sales, and distribution of marijuana sales and cultivation. All rules set forth in the security plan are in addition to and not in lieu of DHS rules and regulations R9-17-101 R9-17-315. If there are any conflicts the most restrictive rules shall apply.
- 20. Hours of operation for a dispensary are limited to not earlier than 8:00 AM and not later than 6 PM, daily.
- 21 All customers entering the establishment shall remove their hats, sunglasses and other similar objects which obstruct physical identification. This shall not apply to clothing worn over the face for established religious reasons
- 22 No persons under the age of 21 allowed in the dispensary
- 23 If the business is located in a suite and shares a wall with an adjacent business, the wall must be reinforced to prevent penetration through the wall from one suite to another. The modified wall must be from floor level to a minimum of 8 feet in height and conform to all building and fire codes. The wall must cover the entire length of the wall that is shared.
- A burglar alarm shall be installed that will activate upon motion via entrance through the doors, glass, rooftop access and cover any shared wall. The alarm SHALL be monitored by an alarm company.
- 25 All marijuana shall be dispensed to customers in sealed containers. Container meaning customer shall not receive marijuana in "open air" immediately accessible to the consumer without having to open a container, package, seal.
- All marijuana being transported to and from the facility with a threshold weight of _______ shall be transported with the assistance two armed security guards. The guards shall meet or exceed the requirements and regulations established by A.R.S 32-2621 through A.R.S 32-2636. Tempe police dispatch must be contacted one hour prior to transport with route location, time, and vehicle description.
- 27 A controlled access door shall be used at the point of ingress and any

subsequent door(s) which separates the patron area from the employees, cultivation room or any room with marijuana. A controlled ingress door is defined as a door which requires an employee to electronically release the door. This shall prohibit entry into the building and controlled access areas without staff knowledge. There are no restrictions on egress beyond complying with building codes.

IV. PATRON PARKING, INGRESS AND EGRESS, VEHICULAR AND PEDESTRIAN TRAFFIC CONTROL

- 1. <u>PARKING</u>
 - a. Any parking used by patrons or employees of the Permittee and any parking area of the Permittee shall be supervised by the Permittee to ensure that the parking areas are used by persons entering and exiting from their vehicles and are not used as a gathering place, for consumption of spirituous liquor, for violations of state or city law, acts of violence or disorderly conduct.
 - b. Signs stating *"No Loitering"* shall be posted throughout the parking area utilized by patrons. Signs shall be placed in locations visible to all patrons.

2. <u>PATRON INGRESS/EGRESS</u>

- a. The entrance to the premises will be continually monitored by Permittee for compliance with the maximum occupancy requirements for the premises.
- b. Identification shall be required of all unknown persons and verified by Permittee or its representatives prior to entry to the office after hours. A log of patron identification, including ID type and number, shall be obtained and recorded before patron is granted entry. The log must be maintained by the office personnel.
- c. Entrances and parking areas will be monitored by Permittee or a designated security service.

V. STAFFING AND OPERATIONS

1. OFFENSES AND POLICE CALLS FOR SERVICE

The Permittee agrees that it, its agents or employees will not commit or knowingly allow violations of Arizona state law or Tempe city ordinances to occur on the premises utilized by patrons of the Permittee. Permittee will also inform patrons, through appropriate signage or other means, that acts and conduct prohibited by the following laws and ordinances are not allowed or tolerated by the Permittee on any premises or parking areas utilized by patrons of the Permittee; and that violators will be considered as trespassers by the Permittee, subject to criminal prosecution for trespass in addition to any offense charged.

- a. A.R.S. 4-101 et seq. through 4-261, as amended, Arizona Liquor Laws.
- b. A.R.S. 13-101 et seq. Arizona Criminal Code and A.R.S. 28-101 et seq. Arizona Motor Vehicle Code.
- C. Tempe City Code § 22-8, Curfew. This law sets a curfew for juveniles under the age of sixteen (16) at 10:00 p.m., and for juveniles age sixteen (16) and seventeen (17) at midnight. To comply with this law, Permittee agrees it will not allow any juveniles to remain at any location on its premises 1/2 hour prior to the curfew established in the code unless they are guests of Permittee.

2. <u>DEADLY WEAPONS</u>

Permittee acknowledges that the Tempe Police Department recommends that Permitted notify patrons that the carrying of deadly weapons on the Permittee's premises and Permittee's parking areas is not permitted.

VI. CONDITIONS OF PLAN

- 1. <u>COMPLIANCE WITH THE PLAN</u>. Successful execution and enforcement of this Plan may be a requirement and condition of Tempe's use acceptance. Termination, cancellation or non-approval of the Plan constitutes a breach of any condition requiring the existence an approved Security Plan.
- 2. <u>TERMINATION OF PLAN</u>. This Plan will terminate two (2) years from the Security Plan's effective date. It shall be the responsibility of the Permittee to insure the continuation of the Security Plan which may be renewed for two (2) year periods. Permittee must insure the continuation of the Security Plan by contacting the Security Plan Manager sixty (60) days prior to expiration of the Plan.
- 3. <u>VIOLATIONS AND PENALTIES</u>. No person shall operate a use, which requires a Security Plan as directed in Tempe City Code, Section 26-70, in the absence of such required Security Plan or in a manner which violates a Security Plan required by this Article, and is punishable as set forth in Tempe City Code, Section 1-7.
- 4. <u>REVOCATION OF THE PLAN.</u> The Plan may be revoked by the City of Tempe upon ten (10) days written notice to the Permittee for 1) a violation of the Plan, 2) violation of the conditions of the Use Permit, 3) violation of Tempe ordinances or

law, 4) repeated acts of violence or disorderly conduct as reflected by police calls for service or offenses occurring on premises utilized by patrons of the Permittee, 5) failure of the Permittee to take reasonable steps to protect the safety of person(s) entering, leaving or remaining on the premises when the Permittee knew or should have known of the danger to such person, or the Permittee 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 premises or on premises utilized by patrons and employees of the Permittee when the Permittee knew or reasonably should have known or such acts of violation or altercations, 6) any enlargement or expansion of the premises, plan of operation or program format without appropriate approvals from Tempe, 7) misrepresentations or material misstatements of the Permittee, its agents or employees.

- a. Permittee may request a hearing to appeal the decision to revoke this Plan by making the request in writing addressed to the Chief of Police of the Police Department, within five (5) days of receipt of the revocation. The Chief of Police, or a designated representative, may modify, affirm or reverse the revocation.
- b. If the Permittee is dissatisfied with the administrative review by the Police Department, the Permittee may file an appeal in writing with the City Clerk to be heard by the City Council. Any appeal shall be filed within ten (10) days of receipt of the decision of the Police Department, setting forth the reasons why the decision should not be implemented; and
- c. The City Council, acting in its legislative capacity, may modify or remand the decision of the Police Department.
- 5. <u>ASSIGNMENT OR TRANSFER</u>. This Plan is not assignable or transferable to Permittee's successors or assigns. The Plan is automatically terminated upon sale or transfer of any interest in the Permittee.
- 6. <u>SECURITY PLAN CHANGES</u>. Any change in personnel identified in this Plan shall be reported to the Security Plan Manager or his designee within fourteen (14) calendar days after the change. Any change in the plan of operation or program shall be reported to the Security Plan Manager or his designee at least fourteen (14) calendar days prior to the change taking place and is subject to approval by the Security Plan Manager. The Tempe Police Department may modify this plan at any time as needed, based on but not limited to crime, calls for service, or public safety concerns. These modifications are also appealable as described in section VI, 4a
- 7. <u>MEETING REQUIREMENTS</u>. Management of Permittee shall arrange meetings with a representative of the Tempe Police Department for their staff and security personnel pertaining to disorderly conduct, safety, I.D. verification and general security issues prior to opening, and at intervals thereafter or when deemed necessary by the Security Plan Manager or other personnel of the Tempe Police

Department. A letter shall be forwarded to the Security Plan Manager with proposed meeting date(s) and number of employees attending. **Meetings throughout the year will be required as necessary.**

8. A copy of this Security Plan must be kept on the premises at all times and shall be made available upon request. Permittee shall provide a copy of their policy and procedures, training documentation and overall operational plan pertaining to security.

APPLICANT:

APPROVED:

Name:	Name:
Title:	Tempe Police Department
Address:	120 East Fifth Street
	Tempe, AZ 85281
Phone:	480-350-8749
Date:	Date: