

ARTICLE 22. ADULT-ORIENTED BUSINESS

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Section 2201. Purpose and Intent

It is the purpose and intent of this Section to regulate adult-oriented businesses in order to promote the health, safety, morals, and general welfare of the citizens of Apache County and to establish reasonable and uniform regulations to prevent any deleterious location and concentration of sexually oriented businesses within the county, thereby reducing or eliminating the adverse secondary effects from such adult-oriented businesses. The provisions of this Section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including adult-oriented materials. Similarly, it is not the intent or effect of this Section to restrict or deny access by adults to adult-oriented materials protected by the First Amendment or to deny access by the distributors and exhibitors of adult-oriented entertainment to their intended market; neither is it the intent nor effect of this Section to condone or legitimize the distribution of obscene material.

Section 2202. Definitions

In this Article, unless otherwise specified:

1. "Adult arcade" means any place to which the public is permitted or invited wherein money-operated, slug-operated, or for any form of consideration, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video or laser disc players, or other image-producing devices are maintained to show images to one person 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 bookstore," "adult novelty store," or "adult video store" means a business establishment that offers for sale or rental, for any form of consideration, any one or more of the following:
 - a. Books, magazines, periodicals, or other printed matter; or photographs, films, motion pictures, video cassettes, DVDs, video reproductions, slides, or other

- visual representations that are characterized by the depiction or description of specified sexual activities or specified anatomical areas; or
- b. Instruments, devices, or paraphernalia that are designed for use in connection with specified anatomical areas and that meet one or more of the following criteria:
 - (1) A substantial or significant portion of its inventory, stock, or merchandise on hand at any time is composed of sexually explicit material;
 - (2) A substantial or significant portion of its gross income for any one month is derived from the sale or rental, in any form of consideration, of sexually explicit material;
 - (3) A substantial or significant amount of sexually explicit material is displayed in its display area;
 - (4) One of its principal business purposes is the sale or rental of sexually explicit material; or
 - (5) It regularly excludes all minors from the premises or a section thereof because of the sexually explicit nature of the items sold, rented, or displayed therein.
 3. “Adult cabaret” means a nightclub, bar, restaurant, or similar business establishment that regularly features:
 - a. Persons who appear in a state of nudity or seminude;
 - b. Live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities; or
 - c. 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.
 4. “Adult motel” means a hotel, motel, or similar business 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 10 hours; or
 - c. Allows a tenant or occupant of sleeping room to sublet the room for a period of time that is less than 10 hours.
 5. “Adult motion picture theater” means a business establishment where, for any form of consideration, films, motion pictures, video cassettes, DVDs, slides, or similar photographic reproductions are regularly shown that are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
 6. “Adult theater” means a theater, concert hall, auditorium, or similar business establishment that regularly features persons who appear in a state of nudity or seminude, or live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities.

7. "Employee" means a person who performs any service on the premises of a sexually oriented business on a full-time, part-time, or contract basis, whether or not the person is denominated an employee, independent contractor, agent, or otherwise and whether or not said person is paid a salary, wage, or other compensation by the operator of said business. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises.
8. "Escort" means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
9. "Escort agency" means a person or business association that furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.
10. "Establishment" means 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 adult-oriented business;
 - c. The addition of any adult-oriented business to any other existing adult-oriented business; or
 - d. The relocation of any adult-oriented business.
11. "Licensee" means a person in whose name a license to operate an adult-oriented business has been issued, as well as the individual listed as an applicant on the application for a license; and in the case of an employee, a person in whose name a license has been issued authorizing employment in an adult-oriented business.
12. "Massage establishment" means an enterprise in which a person, firm, association, or corporation engages in or permits massage activities, including any method of pressure on, friction against, stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of external soft parts of the body with the hands or with the aid of any mechanical or electrical apparatus or appliance. This subsection does not apply to:
 - a. Physicians licensed under A.R.S. Title 32, Chapter 7, 8, 13, 14, or 17, as amended;
 - b. Registered nurses, licensed practical nurses, physical therapists, or technicians who are acting under the supervision of a physician licensed under A.R.S. Title 32, Chapter 13, 15, 17, or 19, as amended;
 - c. Persons who are employed or acting as trainees for a bona fide amateur, semiprofessional athlete, or athletic team;
 - d. Persons who are licensed under A.R.S. Title 32, as amended, or if the activity is limited to the head, face, or neck; or
 - e. Massage therapy that is a nonsexual massage offered by an individual who is licensed by a professionally recognized organization.
13. "Nude model studio" means any place where a person who appears seminude or in a state of nudity or who displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. Nude

- model studio shall not include a proprietary school licensed by the state of Arizona or a college, junior college, or university supported entirely or in part by public taxation; a private college or university that maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or a structure:
- a. That has no sign visible from the exterior of the structure and no other advertising that indicates a nude or seminude person is available for viewing;
 - b. Where in order to participate in a class a student must enroll at least three days in advance of the class; and
 - c. Where no more than one nude or seminude model is on the premises at any one time.
14. "Nudity" or "a state of nudity" means the showing of the human male or female genitals, pubic area, vulva, anus, or anal cleft or cleavage with less than a fully opaque covering; the showing of the female breast with less than a fully opaque covering of any part of the nipple; or the showing of the covered male genitals in a discernibly turgid state.
 15. "Person" means an individual, proprietorship, partnership, corporation, association, or other legal entity.
 16. "Seminude" or "in a seminude condition" means the showing of the female breast below a horizontal line across the top of the areola at its highest point or the showing of the male or female buttocks. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel provided the areola is not exposed in whole or in part.
 17. "Sexual encounter center" means a business establishment that as one of its principal business purposes offers for any form of consideration:
 - a. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
 - b. Activities between male and female persons or persons of the same sex when one or more of the persons is in a state of nudity or seminude.
 18. "Sexually explicit material" means any material that depicts or describes specified sexual activities or specified anatomical areas.
 19. "Adult-oriented business" means an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.
 20. "Specified anatomical areas" means:
 - a. The human male genitals in a discernibly turgid state, even if completely and opaquely covered; or
 - b. Less than completely and opaquely covered human genitals, pubic region, buttocks, or a female breast below a point immediately above the top of the areola.
 21. "Specified criminal activity" means prostitution or promotion of prostitution; dissemination of obscenity; sale, distribution, or display of harmful material to a minor; sexual performance by a child; possession or distribution of child pornography; public lewdness; indecent exposure; indecency with a child;

- engaging in organized crime; sexual assault; molestation of a child; gambling; a drug offense as defined in Title 13 of the Arizona Revised Statutes; or any offenses similar to those described in this subsection under the criminal or penal code of other states or countries. The offenses in this subsection shall disqualify the applicant — regardless of whether a conviction of the applicant or person residing with the applicant is being appealed — if one of the following is true:
- a. Less than two years has elapsed since the date of conviction, termination of probation, or release from confinement imposed for the conviction, whichever is the later date, if the conviction is for a misdemeanor offense;
 - b. Less than five years has elapsed since the date of conviction, termination of probation, or release from confinement for the conviction, whichever is the later date, if the conviction is for a felony offense; or
 - c. Less than five years has elapsed since the date of the last conviction, the termination of probation, or the release from confinement for the last conviction, whichever is the later date, if the convictions are for two or more misdemeanor offenses or a combination of misdemeanor offenses occurring within any 24-month period.
22. “Specified sexual activities” means:
- 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, masturbation, or sodomy; or
 - c. Excretory functions as part of or in connection with any of the activities set forth in subsections (22)(a) and (b).
23. “Substantial enlargement of an adult-oriented business” means an increase in floor area occupied by the business of more than 25 percent.
24. “Transfer of ownership or control of an adult-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.
25. “Adult-oriented business manager” means a person on the premises of an adult-oriented business who is authorized to exercise overall operational control of the business.

Section 2203. Classification

Adult-oriented businesses are classified as follows:

1. Adult arcades;
2. Adult bookstores, adult novelty stores, or adult video stores;
3. Adult cabarets;
4. Adult motels;
5. Adult motion picture theaters;

6. Adult theaters;
7. Escort agencies;
8. Nude model studios; and
9. Sexual encounter centers.

Section 2204. Location of Adult-Oriented Businesses

- A.** No person shall operate or cause to be operated an adult-oriented business in any zoning district other than Light Industrial or Heavy Industrial, as defined and described in the Ordinance, nor shall any person operate or cause to be operated an adult-oriented business without a conditional use permit that meets all of the requirements set forth in this Section.
- B.** No person shall operate or cause to be operated an adult-oriented business within 1,000 feet of:
 1. A church, synagogue, mosque, temple, or building that is used primarily for religious worship and related religious activities;
 2. A public or private educational facility including but not limited to child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, and universities. "School" includes all the school grounds;
 3. A boundary of a residential zoning district as defined in this Ordinance;
 4. A public park or recreational area that has been designated for park or recreational activities, including but not limited to parks, playgrounds, nature trails, swimming pools, reservoirs, athletic fields, basketball or tennis courts, pedestrian or bicycle paths, wilderness areas, or other similar public land within the city that is under the control, operation, or management of the city park and recreation authorities;
 5. The property line of a lot devoted to a residential use;
 6. An entertainment business that is oriented primarily toward children or family entertainment; or
 7. A premise licensed under the alcoholic beverage control regulations of the state, excluding adult cabarets.
- C.** No person shall cause or permit the operation, establishment, substantial enlargement, or transfer of ownership or control of an adult-oriented business within 200 feet of another adult-oriented business.
- D.** No person shall cause or permit the operation, establishment, or maintenance of more than one adult-oriented business in the same building, structure, or portion thereof, or the increase in floor area of any adult-oriented business in any building, structure, or portion thereof containing another adult-oriented business.
- E.** For purposes of the 1,000-foot restriction in subsection (B), measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as the part of the premises where an adult-oriented business of a use listed in Section 2203 is located. Presence of a city, county, or other political subdivision boundary shall be irrelevant for the purposes of calculating and applying the distance requirements of this Section.

- F. For purposes of the 200-foot requirement referenced in subsection (C), the distance between any two adult-oriented businesses shall be measured in a straight line, without regard to the intervening structures or objects or political boundaries, from the closest exterior wall of the structure in which each business is located.

Section 2205. Adult Motels

- A. Evidence that a sleeping room in a hotel, motel, or similar business establishment has been rented and vacated two or more times in a period of time that is less than 10 hours creates a rebuttable presumption that the establishment is an adult motel as that term is defined in this Ordinance.
- B. If a person is in control of a sleeping room in a hotel, motel, or similar business establishment that does not have an adult-oriented license, it shall be unlawful for that person to rent or sublet a sleeping room to a person and, within 10 hours from the time the room is rented, rent or sublet the same room again.
- C. For purposes of subsection (B), the terms “rent” and “sublet” mean the act of permitting a room to be occupied for any form of consideration.

Section 2206. Sexually Explicit Films, Videos, or Live Entertainment in Viewing Rooms

A person who operates or causes to be operated an adult-oriented business, other than an adult motel, that exhibits on the premises in a viewing room of less than 150 square feet of floor space a film, video cassette, DVD, or other video reproduction depicting, or live entertainment involving, specified sexual activities or specified anatomical areas shall comply with the following requirements:

1. Upon application for a conditional use permit for an adult-oriented business, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more managers’ stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager’s station may not exceed 32 square feet of floor area. 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 should be oriented to the north or to some designated road or object and should 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 6 inches. The county 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. No alteration in the configuration or location of a manager’s station may be made without the prior approval of the county.
4. It is the duty of the licensee of the premises to ensure that at least one licensed employee is on duty and situated in each manager’s station at all times that any patron is present inside the premises.

5. 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 to which any patron is permitted access for any purpose, excluding restrooms. Restrooms may not contain video reproduction equipment. 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 subsection must be by direct line of sight from the manager's station.
6. It shall be the duty of the licensee to ensure that the view area specified in subsection (5) remains unobstructed by any doors, curtains, partitions, walls, merchandise, display racks, or other materials and, at all times, to ensure that no patron is permitted access to any area of the premises that has been designated as an area in which patrons will not be permitted in the application filed under subsection (1).
7. No viewing room may be occupied by more than one person at any time.
8. The premises 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 5 foot-candles as measured at the floor level.
9. It shall be the duty of the licensee to ensure that the illumination described in subsection (8) is maintained at all times that any patron is present in the premises.
10. No licensee shall allow openings of any kind to exist between viewing rooms or booths.
11. No person shall make or attempt to make an opening of any kind between viewing booths or rooms.
12. The licensee shall, during each business day, regularly inspect the walls between the viewing booths to determine if any openings or holes exist.
13. The licensee shall cause all floor coverings in viewing booths to be nonporous, easily cleanable surfaces, with no rugs or carpeting.
14. The licensee shall cause all wall surfaces and ceiling surfaces in viewing booths to be constructed of, or permanently covered by, nonporous, easily cleanable material. No wood, plywood, composition board, or other porous material shall be used within 48 inches of the floor.

Section 2207. Escort Agencies

- A. An escort agency shall not employ any person under the age of 18 years.
- B. No person shall act as an escort or agree to act as an escort for any person under the age of 18 years.

Section 2208. Nude Model Studios

- A. A nude model studio shall not employ any person under the age of 18 years.
- B. No person under the age of 18 years shall appear seminude or in a state of nudity in or on the premises of a nude model studio. No employee shall allow a person under the age of 18 years to appear seminude or in a state of nudity in or on the premises of a nude model studio. It is a defense to prosecution under this subsection if the person

under 18 years was in a restroom not open to public view or visible to any other person.

- C. No person shall appear in a state of nudity, or knowingly allow another person to appear in a state of nudity, in an area of a nude model studio premises that can be viewed from the public right-of-way.
- D. A nude model studio shall not place or permit a bed, sofa, or mattress in any room on the premises, except that a sofa may be placed in a reception room open to the public.

Section 2209. Public Nudity

- A. No person shall intentionally or knowingly, in an adult-oriented business, appear in a state of nudity or depict specified sexual activities.
- B. No person shall intentionally or knowingly, in an adult-oriented business, appear in a seminude condition unless the person is an employee who, while seminude, shall be at least 10 feet from any patron or customer and on a stage at least 2 feet from the floor.
- C. No employee shall, while in a seminude condition in an adult-oriented business, solicit any pay or gratuity to any employee, while said employee is in a seminude condition in an adult-oriented business.
- D. No employee of an adult-oriented business shall, while in a seminude condition, touch a customer or the clothing of a customer.

Section 2210. Prohibition Against Children

No person shall knowingly allow a person under the age of 18 years on the premises of any adult-oriented business.

Section 2211. Hours of Operation

No adult-oriented business, except for an adult motel, may remain open at any time between the hours of 12:00 a.m. and 8:00 a.m. on weekdays or Saturdays, or at any time on Sundays.

Section 2212. Exemptions

It is a defense to prosecution under this Section that a person appearing in a state of nudity did so in a modeling class operated:

1. By a proprietary school licensed by the state of Arizona or a college, junior college, or university supported entirely or partly by taxation;
2. By a private college or university that maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
3. In a structure:
 - a. That has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing;
 - b. Where, in order to participate in a class, a student must enroll at least three days in advance of the class; and
 - c. Where no more than one nude model is on the premises at any one time.

Section 2213. Injunction

A person who operates or causes to be operated an adult-oriented business without a valid license or in violation of any part of this Section is subject to a suit for injunction as well as prosecution for criminal violation. Such violation shall constitute a Class One misdemeanor. Each day an adult-oriented business operates in violation of any part of this Article is a separate offense or violation.

Section 2214. Licenses: Business and Employee

A. License requirements:

1. It is unlawful:
 - a. For any person to operate an adult-oriented business without a valid adult-oriented business license issued by Apache County under this Article;
 - b. For any person who operates an adult-oriented business to employ a person to work for the adult-oriented business who is not licensed as an adult-oriented business employee by Apache County under this Article; or
 - c. For any person to obtain employment with an adult-oriented business without having secured an adult-oriented business employee license under this Article.
2. An application for a license must be made on a form provided by the county.
3. All applications must be qualified according to the provisions of this Article. The application may request and the applicant shall provide such information (including fingerprints) as to enable Apache County to determine whether the applicant meets the qualifications established in this Article.
4. If a person who wishes to operate an adult-oriented business is an individual, the person must sign the application for a license as applicant. If a person who wishes to operate an adult-oriented business is other than an individual, each individual who has a 20 percent or greater interest in the business must sign the application for a license as applicant. Each applicant must be qualified under this Article, and each applicant shall be considered a licensee if a license is granted.
5. The completed application for an adult-oriented business license shall contain the following information and shall be accompanied by the following documents:
 - a. If the applicant is:
 - (1) An individual, the individual shall state the individual's legal name and any aliases and submit proof that the individual is 18 years of age;
 - (2) A partnership, the partnership shall state its complete name and the name of all partners, whether the partnership is general or limited, and a copy of the partnership agreement, if any;
 - (3) A corporation, the corporation shall state its complete name; the date of its incorporation; evidence that the corporation is in good standing under the laws of its state of incorporation; the names and capacity of all officers, directors, and principal stockholders; the name of the registered corporate agent; the address of the registered corporate agent; and the address of the registered office for service of process;
 - (4) A limited liability company, the company shall state its complete name, and the names of all members who own a 20 percent or greater interest in the capital or profits of the limited liability company. If the management of the limited liability company is vested in a manager or managers, the

company shall also state the name of each person who is a manager of the limited liability company.

- b. If the applicant intends to operate the adult-oriented business under a name other than that of the applicant, the applicant must state the adult-oriented business's fictitious name and submit the required registration documents.
- c. The applicant must state whether the applicant, or a person residing with the applicant, has been convicted of a specified criminal activity as defined in this Article, and, if so, the specified criminal activity involved, the date, place, and jurisdiction of each.
- d. The applicant must state whether the applicant, or a person residing with the applicant, has had a previous license under this Article or another similar adult-oriented business ordinance from another county denied, suspended, or revoked, and if so, the name and location of the adult-oriented business for which the permit was denied, suspended, or revoked, as well as the date of the denial, suspension, or revocation, and whether the applicant or a person residing with the applicant has been a partner in a partnership or an officer, director, or principal stockholder of a corporation licensed under this Article whose license has previously been denied, suspended, or revoked, including the name and location of the adult-oriented business for which the denial, suspension, or revocation applied.
- e. The applicant must state whether the applicant or a person residing with the applicant holds any other licenses under this Article or another similar adult-oriented business ordinance from another county and, if so, the names and locations of such other licensed businesses.
- f. The applicant must provide the single classification of license for which the applicant is filing.
- g. The completed application must give the location of the proposed adult-oriented business, including a legal description of the property, street address, and telephone number(s), if any.
- h. The applicant must state the applicant's mailing address and residential address.
- i. A recent photograph of the applicant(s) must be provided with the application.
- j. The applicant must provide the applicant's driver's license or Arizona identification number and either the applicant's Social Security number or state or federally issued tax identification number or both.
- k. A sketch or diagram must show the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared, but it must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus 6 inches.
- l. A current certificate and straight-line drawing must be prepared within 30 days prior to application by a registered land surveyor depicting the property lines and the structures containing any existing sexually oriented businesses within 200 feet of the property to be certified and also depicting the property lines of any established use listed in the Zoning Ordinance. For purposes of

this subsection, a use shall be considered existing or established if it is in existence at the time an application is submitted.

B. Issuance and renewal of adult-oriented business license:

1. Within 30 days after receipt of a completed adult-oriented business application, the county shall approve or deny the issuance of a license to an applicant. The county shall approve the issuance of a license to an applicant unless it is determined by a preponderance of the evidence that one or more of the following findings is true:
 - a. An applicant is under 18 years of age;
 - b. An applicant or a person with whom an applicant is residing is overdue in payment to the county of taxes, fees, fines, or penalties assessed against or imposed upon that person in relation to any business;
 - c. An applicant has failed to provide information reasonably necessary for issuance of the license or has falsely answered a question or request for information on the application form;
 - d. An applicant or a person with whom the applicant is residing has been denied a license by the county to operate an adult-oriented business within the preceding 12 months or has had a license to operate an adult-oriented business revoked within the preceding 12 months;
 - e. An applicant or a person with whom the applicant is residing has been convicted of a specified criminal activity as defined in this Article;
 - f. The premises to be used for the adult-oriented business have not been approved by the Community Development Department as being in compliance with applicable laws and ordinances;
 - g. The license fee required by this Article has not been paid;
 - h. An applicant of the proposed establishment is in violation of or is not in compliance with one or more of the provisions of this Article.
2. The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, the address of the adult-oriented business, and the classification for which the license is issued. All licenses shall be posted in a conspicuous place at or near the entrance to the adult-oriented business so that they may be easily read at any time.
3. The Community Development Department shall complete certifications that the premises are in compliance or not in compliance with the requirements of this Article.
4. An adult-oriented business license shall issue for only one classification as set forth in this Article.
5. A license granted under this Article shall be subject to annual renewal upon the written application of the applicant and a finding by the county that the applicant has not been convicted of any specified criminal activity as defined in this Article or committed any act during the existence of the previous license that would be grounds to deny the initial license application. The renewal of the license shall be subject to the payment of the fee as set forth in subsections (D)(1) through (3).

C. Issuance and renewal of employee license:

1. Before any applicant may be issued an adult-oriented business employee license, the applicant shall submit on a form to be provided by Apache County the following information:
 - a. The applicant's name or any other names (including "stage" names) or aliases used by the individual;
 - b. Age, date, and place of birth;
 - c. Height, weight, and hair and eye color;
 - d. Present residence address and telephone number;
 - e. Present business address and telephone number;
 - f. Date, issuing state, and number of driver's license or other identification card information;
 - g. Social Security number; and
 - h. Proof that the individual is at least 18 years of age.
2. Attached to the application form for an adult-oriented business employee license as provided in subsections (C)(1)(a) through (h) shall be the following:
 - a. A color photograph of the applicant clearly showing the applicant's face, and the applicant's fingerprints on a form provided by the Sheriff's Office. Any fees for the photographs and fingerprints shall be set from time to time by the Board of Supervisors and paid by the applicant.
 - b. A statement detailing the license history of the applicant for the five years immediately preceding the date of the filing of the application, including whether such applicant previously operated or is seeking to operate, in this or any other county, city, state, or country; has ever had a license, permit, or authorization to do business denied, revoked, or suspended; or has ever had any professional or vocational license or permit denied, revoked, or suspended. In the event of any such denial, revocation, or suspension, the applicant shall state the name on the application or license and the name of the issuing or denying jurisdiction, and describe in full the reason for the denial, revocation, or suspension. A copy of any order of denial, revocation, or suspension shall be attached to the application.
 - c. A statement as to whether the applicant has been convicted of a specified criminal activity as defined in this Article and, if so, the specified criminal activity involved and the date, place, and jurisdiction of each conviction.
3. Upon the filing of a complete application for an adult-oriented business employee license, the application shall then be referred to the appropriate county departments for an investigation to be made on such information as is contained on the application. The application process shall be completed within 60 days from the date the completed application is filed. After the investigation, the county shall issue a license, unless it is determined by a preponderance of the evidence that one or more of the following findings is true:
 - a. The applicant has failed to provide information reasonably necessary for issuance of the license or has falsely answered a question or request for information on the application form;
 - b. The applicant has been convicted of a specified criminal activity as defined in this Article;
 - c. The applicant is under the age of 18 years;

- d. The adult-oriented business employee license is to be used for employment in a business prohibited by local or state law, statute, rule, or regulation, or prohibited by a particular provision of this Article;
- e. The applicant has been denied a license by the county to operate an adult-oriented business within the preceding 12 months or has had an adult-oriented business operating license revoked by the county;
- f. The applicant has had an adult-oriented business employee license revoked by the county within two years of the date of the current application. If the adult-oriented business employee license is denied, the temporary license previously issued is immediately deemed null and void. Denial, suspension, or revocation of a license issued under this Section shall be subject to appeal as set forth herein.

D. Fees:

1. Every application for an adult-oriented business license (whether for a new license or for renewal of an existing license) shall be accompanied by a nonrefundable application and investigation fee as set from time to time by the Board of Supervisors.
2. In addition to the application and investigation fee required in subsection (D)(1), every adult-oriented business that is granted a license (new or renewal) shall pay to the county an annual nonrefundable license fee within 30 days of license issuance or renewal; this fee is set from time to time by the Board of Supervisors.
3. Every application for an adult-oriented business employee license (whether for a new license or for renewal of an existing license) shall be accompanied by an annual nonrefundable application, investigation, and license fee as set from time to time by the Board of Supervisors.

E. Inspection:

1. An applicant or licensee shall permit representatives of the Sheriff's Office, Community Development Department, or other county departments or agencies to inspect the premises of an adult-oriented business for the purpose of ensuring compliance with the law at any time the premises are occupied or open for business.
2. A person who operates an adult-oriented business or the person's agent or employee commits a Class 2 misdemeanor by refusing to permit such lawful inspection of the premises at any time the premises are open for business.

F. Expiration of license:

1. Each license shall expire one year from the date of issuance and may be renewed only by making application per this Section. A complete application and fees for renewal shall be submitted at least 30 days before the expiration date.
2. When the county denies renewal of a license, the applicant shall not be issued a license for one year from the date of denial. If, subsequent to denial, the county finds that the basis for denial of the renewal license has been corrected or abated, the applicant may be granted a license if at least 90 days has elapsed since the date the denial became final.

G. Suspension. The county shall suspend a license for a period not to exceed 30 days if it determines that a licensee or an employee of a licensee has committed any of the following:

1. Violating or not being in compliance with one or more provisions of this Article;
2. Refusing to allow an inspection of the adult-oriented business premises as authorized by this Article;
3. Violating applicable provisions of the Apache County Zoning Ordinance;
4. Being on the premises of the adult-oriented business while in an intoxicated condition; committing disorderly conduct as defined by Title 13 of the Arizona Revised Statutes, as amended, while on the premises of the business; or knowingly permitting an employee to be on the business premises while the employee is in an intoxicated condition;
5. Knowingly permitting gambling by any person on the premises of the adult-oriented business; or
6. Convicted for a drug offense as defined in Title 13 of the Arizona Revised Statutes.

H. Revocation:

1. The county shall revoke a license if a cause of suspension occurs and the license has been suspended within the preceding 12 months.
2. The county shall revoke a license if it determines any of the following:
 - a. A licensee gave false or misleading information in the material submitted during the application process;
 - b. A licensee has knowingly allowed possession, use, or sale of controlled substances on the premises;
 - c. A licensee has knowingly allowed prostitution on the premises;
 - d. A licensee has knowingly operated the adult-oriented business during a period of time when the licensee's license was suspended;
 - e. Except in the case of an adult motel, a licensee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sex acts to occur in or on the licensed premises;
 - f. A licensee is delinquent in payment to the county or state for any taxes or fees past due; or
 - g. On two or more occasions within a 12-month period, a person or persons while in or on the licensed premises committed a drug offense as defined in Title 13 of the Arizona Revised Statutes or an alcohol offense as defined in Title 4 of the Arizona Revised Statutes. The license denial, suspension, or revocation shall be stayed automatically pending judicial review of such administrative action.
3. When the county revokes a license, the revocation shall continue for one year, and the licensee shall not be issued an adult-oriented business license for one year from the date the revocation became effective. If, subsequent to revocation, the county finds that the basis for the revocation has been corrected or abated, the applicant may be granted a license if at least 90 days have elapsed since the date the revocation became effective.
4. After denial of an application, or denial of a renewal of an application, or suspension or revocation of any license, the applicant or licensee may seek prompt judicial review of such administrative action in any court of competent jurisdiction. The administrative action shall be promptly reviewed by the court.

- I.** Transfer of license. A licensee shall not transfer the license to another, nor shall a licensee operate an adult-oriented business under the authority of a license at any place other than the address designated in the application.
- J.** Injunction. A person who operates or causes to be operated an adult-oriented business without a valid license or is in violation of any part of this Article is subject to suit for injunction as well as prosecution for a criminal violation. Each day an adult-oriented business operates in violation of any part of this Article is a separate offense or violation.