

ORDINANCE NO. 4185

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, AMENDING CHAPTER 58 OF THE CODE OF THE CITY OF CHANDLER BY AMENDING SECTIONS 58-2.1, 58-2.3, 58-4.1 A. AND B., 58-4.2, AND ADDING SECTION 58-5.2 ALL RELATING TO LICENSE REQUIREMENTS, TERM AND LATE FEES

BE IT ORDAINED by the City Council of the City of Chandler, Arizona, as follows:

SECTION 1: That Section 58-2.1 of Chapter 58 of the Code of the City of Chandler is hereby amended to read as follows:

58-2.1. Application. A person desiring to obtain a tele-track wagering facility site license shall make application to the Management Services Director (MSD), who shall refer such application to the Planning and Development Department, Police Department and Fire Department for appropriate recommendations. The application shall be in such form as prescribed by the MSD and shall be fully completed before processing by the MSD. The application must be submitted at least forty-five (45) days prior to the proposed date of providing tele-track wagering within the City; however, this provision may be waived by the MSD.

The application shall include a description of the proposed tele-track wagering activity and shall include, but not be limited to, the required information set forth in this subsection.

- A. Full name and address of the applicant and owner/managing agent of the property on which the wagering facility is to be located.
- B. Proof of current license from the Arizona Racing Commission to conduct tele-track wagering within the State of Arizona.
- C. Proof of a liquor license allowing for on-site consumption of alcohol in effect for the site at which the tele-track wagering is to be located.
- D. Designation of managing agent of the applicant and managing agent of the owner of the property on which the tele-track wagering will be located.
- E. Name, address and telephone number of statutory agent in Arizona if either the applicant or the owner of the site is a corporation.
- F. A floor plan containing an accurate drawing to scale of all buildings upon the premises and the lot lines of the parcel on which the activity will take place.
- G. A vicinity ownership map showing and labeling all lots within three hundred (300) feet of the exterior boundaries of the lot on which the activity is to be located. The three hundred-foot measurement shall exclude any public property or public rights-of-way.
- H. 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 as depicted on the last assessment of property by Maricopa County.
- I. A parking plan showing all parking spaces available upon the site for the applicant's use.

SECTION 2: That Section 58-2.3 of Chapter 58 of the Code of the City of Chandler is hereby amended to read as follows:

58-2.3. Public hearing on license; notice.

- A. The City Council shall hold a public hearing on the initial application for license, and notice of said hearing shall be given by the applicant 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.
 - 3. Notice shall be mailed by first class mail to each owner as listed on the vicinity ownership list. The MSD may require additional notice if he/she deems necessary.
- B. After public hearing, the Council may issue the license with any conditions it deems necessary or deny said license.

SECTION 3: That Section 58-4.1 of Chapter 58 of the Code of the City of Chandler is hereby amended to read as follows:

58-4.1. Mechanical amusement device license fees.

- A. Every applicant, before being granted a mechanical amusement device license, shall pay a license fee for the privilege of operating or maintaining for operation each mechanical amusement device. The term of the license is January 1 through December 31. The license fee shall be set forth by Council resolution. The annual license fee for an initial license shall be pro-rated on a calendar quarter basis as follows:

TABLE INSET:

January 1 - March 31	100% of annual license fee
April 1 - June 30	75% of annual license fee
July 1 - September 30	50% of annual license fee
October 1 - December 31	25% of annual license fee

The license fee provided in this section shall be due and payable immediately when such mechanical amusement device is placed at a business establishment within the City. The fee shall be delinquent five (5) days after it becomes due and thereafter shall require payment of an additional twenty (20) percent before the required license is issued. No such license shall be issued until all previous taxes and penalties have been paid.

- B. Each license issued under this section shall pay an annual renewal license fee due and payable on or before January 1 of each year. Such fee shall be considered delinquent if not received on or before the last business day of January. Annual renewal fees deemed delinquent shall require payment of an additional twenty (20) percent before the required license is issued. No such license shall be issued until all previous taxes and penalties have been paid.

SECTION 4: That Section 58-4.2 of Chapter 58 of the Code of the City of Chandler is hereby amended to read as follows:

58-4.2. Display of mechanical amusement device license; transferability; separate license for each machine.

- A. The mechanical amusement device license or licenses shall be posted conspicuously at the location of the machine in the premises wherein the device is to be operated or maintained to be operated.
- B. Such license may be transferred from one (1) machine or device to another similar machine at the same location. The applicant or licensee shall be required to pay a license fee for each and every machine displayed or operated by him/her.

SECTION 5: That Chapter 58 of the Code of the City of Chandler is hereby amended by adding a new Section 58-5.2 to read as follows:

58-5.2 Licenses requirement

Licenses required by this Chapter shall be in addition to any other license or permit required by the City, the County or the State.

SECTION 6: The provisions of this ordinance are effective from and after December 31, 2009

INTRODUCED AND TENTATIVELY APPROVED by the City Council this 22nd day of October 2009.

ATTEST:

S/Marla Paddock
CITY CLERK

S/Boyd W. Dunn
MAYOR

PASSED AND ADOPTED by the City Council this 16th day of November 2009.

ATTEST:

S/Marla Paddock
CITY CLERK

S/Boyd W. Dunn
MAYOR

APPROVED AS TO FORM:

S/Mary Wade
CITY ATTORNEY