

TELE-TRACK WAGERING FACILITY SITES

Sec. 16A-100. Definitions.

For the purposes of this article, unless the context otherwise requires, all words and phrases shall have the same meaning attributed to them as is provided in A.R.S. § 5-101 et seq.

Sec. 16A-101. State license required.

No person shall operate a tele-track wagering site within the city without first obtaining and properly maintaining in force a license for a racing meeting and pari-mutuel wagering as required by A.R.S. § 5-101 et seq.

Sec. 16A-102. Tele-track wagering facility site permit.

A person holding a permit for horse, harness or dog racing meetings pursuant to A.R.S. §5-111 may apply for a tele-track wagering facility site permit from the city through the finance and technology director or his designee of the city.

Sec. 16A-103. Application.

(a) A person desiring to obtain a tele-track wagering facility site permit shall make application to the finance and technology director who shall refer such application to the community development department, police department and fire department for appropriate recommendations. The application shall be in such form as prescribed by the finance and technology director and shall be fully completed before processing by the finance and technology director. 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 finance and technology director

(b) 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.

- (1) Full name and address of the applicant and owner/managing agent of the property on which the wagering facility is to be located;
- (2) Proof of current permit from the Arizona Racing Commission to conduct tele-track wagering within the state;
- (3) Proof of liquor license in effect for the site at which the tele-track wagering is to be located;
- (4) 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;

- (5) Name, address and telephone number of statutory agent in the state if either the applicant or the owner of the site is a corporation;
- (6) 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;
- (7) 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 (300) foot measurement shall exclude any public property or public rights of way;
- (8) 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; and
- (9) A parking plan showing all parking spaces available upon the site for applicant's use.

Sec. 16A-104. Application fee and permit fee.

(a) The application shall be accompanied by a nonrefundable application fee as established by the city council (see Appendix A).

(b) The annual permit fee shall be established by the city council (see Appendix A).

The annual permit fee for an initial permit may be prorated on a monthly basis. The permit shall be valid from July 1 of each year through June 30 of the following year.

Sec. 16A-105. Public hearing on permit, notice.

(a) The city council shall hold a public hearing on the initial application for permit and notice of said 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 listed on the vicinity ownership list.

(b) After public hearing, the council may issue the permit with any conditions it deems necessary or deny said permit.

Sec. 16A-106. Display of permit, nontransferability.

Permittee shall display the permit set forth in this article in a conspicuous place within the facility. No permit shall be transferrable.

Sec. 16A-107. Renewal.

(a) Annually, at least thirty (30) days prior to the first day of July of each year, a permitted tele-track wagering facility site shall apply to the finance and technology director for renewal of the permit. Application shall be made and reviewed as an original application except that:

- (1) No application fee is payable on a renewal application, except if said renewal application is not timely filed, a late fee in the sum of one hundred dollars (\$100) shall be imposed; and
- (2) Public hearing and notice shall be conducted only if required by the finance and technology director.

Sec. 16A-107.1. Secondary permit.

A person qualified pursuant to § 16A-101 may obtain a secondary tele-track wagering facility site permit for a period of time within a permit year which a current permittee (primary permittee) is not licensed by the state to conduct a racing meeting and pari-mutual wagering. Such secondary permit shall only be issued at the site and for the same type of tele-track wagering for which the primary permittee is licensed upon compliance with the following requirements:

- (1) Furnish written permission from a person holding a valid tele-track wagering facility site permit for the use of the same facilities and site (primary permittee);
- (2) Furnish written permission from the owner/managing agent of the property on which the tele-track wagering facility site permit is currently permitted;
- (3) File an application with the finance and technology director containing all information set forth in § 16A-103 except subsection (b)(7) and (8);
- (4) Pay the nonrefundable application fee as set forth in § 16A-104(a); and

- (5) All other provisions of article V herein shall apply to the secondary permit with the exception of § 16A-105, and the finance and technology director may issue the permit upon the same terms and conditions as those issued to the primary permittee.

Sec. 16A-108. Revocation, hearing.

(a) A permit may be revoked if the operation at the facility site is not in the best interests of the city. The permit shall be revoked for any of the following:

- (1) Any violation of the laws governing wagering within the state or the sale of liquor within the state;
- (2) There occurs on the facility site repeated acts of violence or disorderly conduct;
- (3) The permittee knowingly files an application or other documents with material information which is false or misleading or gives testimony in an investigation or other proceedings which is false or misleading; or
- (4) The permittee is delinquent for more than thirty (30) days in the payment of any applicable taxes or fees to the city.

(b) To revoke a permit, the finance and technology director shall deliver or mail by certified mail to the business address as shown by the permit application a written notice that such permit is revoked. The reason for revocation shall be set forth in the notice together with the provisions of subsection (c) hereof on hearing and appeal rights. A revoked license shall be surrendered to the finance and technology director on demand.

(c) The finance and technology director shall grant on demand to any permittee or managing agent whose permit has been revoked a full hearing on the merits of such revocation. Appeal of the finance and technology director's decision to the city council shall be made within seven (7) calendar days after the receipt of the finance and technology director's notice of revocation, and failure to demand a hearing within such time will constitute full waiver. The decision of the council is final.

Sec. 16A-109. Unlawful to operate without permit.

It is unlawful for any person to operate or allow the operation of a tele-track wagering facility on any site within the city without first having obtained and maintain in force a permit as set forth in this article.