



Special Business Types: Proposed Regulations, Licensing Procedures and Fees

- Businesses are regulated according to City Code – Chapter 8: Business Regulations
- Anyone wishing to conduct business in the City of Maricopa must first obtain a City-issued business license
- Business licenses are generally valid for the calendar year in which they are issued and can be renewed annually



- Certain business types have special license requirements because they raise unique concerns
- Chapter 8 includes special requirements for the following types of businesses:
 - Peddlers, canvassers, solicitors and transient merchants
 - Swap meets
 - Transient lodging, automobile rental and beverage tax
 - Sexually oriented businesses



- Staff from the following departments have collaborated to identify other special business types as well as draft regulations and licensing procedures for each:

City Clerk's Office

Finance & Administrative Services

Development Services

Legal Counsel

Economic Development

Police Department

- This project was initiated to ensure all businesses in Maricopa, now and in the future, are regulated appropriately, in a clear and business-friendly manner

- Staff researched municipalities in Greater Phoenix and throughout the United States to learn what they consider special business types and how they are regulated
- Model cities were selected and used to draft proposed City of Maricopa regulations and procedures for the following special business types:
 - Tobacco Retail
 - Auctioneers, Pawnbrokers, Scrap Dealers and Secondhand Dealers
 - After-Hours
 - Magic Arts
 - Massage
 - Off Track Betting
 - Tattoo and/or Body Piercing
 - Teen Dance Hall

- Staff has previously sought direction for licensing of:
 1. Tobacco Retail Establishments
 2. Auctioneers, Pawnbrokers, Scrap Dealers and Secondhand Dealers
 3. After-Hours Establishments
 4. Teen Dance Halls
 5. Magic Arts Establishments

- Staff is now seeking City Council direction for:
 1. Massage Establishments
 2. Off Track Betting Establishments
 3. Tattoo and/or Body Piercing Establishments

1. Applicant submits a Special Use Business License Application
2. Prospective licensee and applicable employees submit Special Use Individual Applications and undergo a fingerprinting process for the purpose of obtaining a criminal records check
3. No licenses will be issued until staff has reviewed the applications and criminal records check results are received. Proposed City Code updates outline the grounds for denial
4. Process is repeated each year for license renewal

- **Massage Establishment**

Any place of business or establishment wherein any of the following methods of treatment are administered, practiced or used, or from which is dispatched a person for the purpose of administering, practicing or using any of these methods of treatment.

- **Massage or Touching Techniques:** methods of treatment intended for use upon or in connection with the human body (e.g. oil rubs, herbal wraps, touching procedures)
- **Massage Therapy:** methods of treatment undertaken to increase wellness, relaxation, stress reduction, pain relief and postural improvement, or provide general or specific therapeutic benefits

- **Operating Requirements**

- Must have a Massage Manager or Temporary Manager, licensed by the City, present at all times when open for business
- No employee can be inside a Massage Establishment without a licensed Massage Manager present and on duty
- All employees practicing Massage Therapy must have a current, state-issued Massage Therapist License as required by A.R.S.
- Business cannot be open between the hours of 10 p.m. and 7 a.m.
- Nobody under the influence of liquor or drugs allowed on premises
- A log of all Massage Therapy administered must be maintained and retained for a minimum of 1 year

- **Operating Requirements**

- Proposed article has very specific requirements related to the configuration of the business premises, equipment to be used and maintenance in order to ensure a safe, clean and sanitary environment

- **Zoning Requirements**

- Massage and Massage Services are listed under “Personal Services” and is termed a “Restricted Personal Service” in the permitted uses tables.

- **Zoning Requirements**

- A Conditional Use Permit is required in the General Commercial & Shopping Center Commercial districts; Administrative Use Permit is required in the Mixed Use - General District; not a permitted use in other districts except Transit-Oriented Developments
- Must be located a minimum of 1,000 feet from any other such establishment or smoke shop, hookah lounge, check cashing facility, off-track betting establishment, any public park, and any elementary or secondary educational facility

- **Off Track Betting Establishment**

An Additional Wagering Facility which simulcasts Horse, Harness or Dog Racing events for the purpose of Pari-Mutuel Wagering that is operated as an accessory use to an eating and drinking establishment and is authorized by issuance of a Teletrack Wagering Permit in accordance with Arizona Revised Statutes Section 5-112 and Arizona Administrative Code Title 19, Chapter 2, Article 4

- **Additional Wagering Facility**

A facility which is not the enclosure in which authorized racing takes place but which meets the requirements of Arizona Revised Statutes Section 5-111, Subsection (A) and is used by an Arizona racetrack permittee for handling Pari-Mutuel Wagering

- **Operating Requirements**

- Only allowed as an accessory use in an eating and drinking establishment, which serves as the primary business use
- Must hold a valid permit from the Arizona Racing Commission to conduct pari-mutuel races within the state of Arizona
- Must provide the City with a copy of the plan of operation submitted to the Arizona Racing Commission
- All employees must be at least 18 years of age
- Must take all reasonable efforts to prevent unlawful gambling by anyone under 21 years of age
- Wagering can only be conducted between 7 a.m. and 12 a.m.

- **Zoning Requirements**

- Permitted through Conditional Use Permit in General Commercial and Shopping Center zoning districts as an accessory use to a permitted use.
- Must be located a minimum of 1,000 feet from any other such establishment, any public park, and any elementary or secondary educational facility
- Other restricted uses, such as restricted personal uses and tobacco paraphernalia, are required to be separated by 1,000 feet from Off Track Betting Establishments as well

- **Tattoo and/or Body Piercing Establishment**

Any place of business or establishment wherein branding, scarifying, Tattooing or Piercing is performed.

- **Tattoo**

Any indelible design, letter, scroll, figure, symbol or other mark that is placed on or under the skin with ink or colors by the aid of needles or other instruments and that cannot be removed without a surgical procedure; or any design, letter, scroll, or other mark done by scarring on or under the skin

- **Piercing**

Penetrating, perforating, boring or creating a hole in the skin or another human body part. This proposed article does not apply to ear piercing or procedures prescribed by a health care provider licensed pursuant to A.R.S. tit. 32 (A.R.S. § 32-101 et seq.)

- **Operating Requirements**

- Must have a readable sign, conforming to the City's sign ordinances, posted at the main entrance identifying the business
- Must have written procedures on the proper handling and sterilization of equipment and demonstrate that all personnel are trained in the procedure. All personnel must be updated annually
- Must post and provide to customers upon request, written instruction on Tattoo and/or Piercing care
- Must have a posted procedure, followed by all employees, wherein they are required to obtain two pieces of identification to verify the age of the customer

- **Operating Requirements**

- Must provide training in blood-borne pathogens and cross contamination to all personnel on an annual basis

- **Unlawful Activities**

- Intentionally brand, scarify, Tattoo or pierce the body of a person who is under 16 years of age
- Intentionally brand, scarify, Tattoo or pierce the body of a person who is 16 or 17 years of age without the physical presence of that person's parent or legal guardian
- Perform branding, scarifying, Tattooing or Piercing of the body of a person who is under the influence of alcohol or drugs

- **Zoning Requirements**

- Tattoo and Body Modification Parlors are listed under “Personal Services” and is termed a “Restricted Personal Service” in the permitted uses tables.
- A Conditional Use Permit is required in the General Commercial & Shopping Center Commercial districts; Administrative Use Permit is required in the Mixed Use - General District; not a permitted use in other districts except Transit-Oriented Developments
- Must be located a minimum of 1,000 feet from any other such establishment or smoke shop, hookah lounge, check cashing facility, off-track betting establishment, any public park, and any elementary or secondary educational facility.

- Staff is proposing the below annual business license fees, which will enable the City to recoup expenses associated with licensing the business and monitoring for compliance
- **Massage Establishments**
 - \$250 first year application/licensing fee
 - \$100 annual renewal fee
- **Massage Manager**
 - \$100 first year application/licensing fee
 - \$50 annual renewal fee
- **Off Track Betting Establishments**
 - \$500 first year application/licensing fee
 - \$250 annual renewal fee

Proposed License Fees

- **Tattoo and/or Body Piercing Establishments**
 - \$250 first year application/licensing fee
 - \$100 annual renewal fee
- Staff researched fees charged in other Greater Phoenix communities
- The fees proposed by staff are intended to be as consistent as possible across the different special business types

	MARICOPA		BUCKEYE		GILBERT		MESA		SCOTTSDALE		TEMPE	
	Year 1	Renew	Year 1	Renew	Year 1	Renew	Year 1	Renew	Year 1	Renew	Year 1	Renew
Massage	\$250	\$100	\$200	\$100	\$200	\$200	\$200	\$100	\$400	\$300	\$200	\$100
Massage Managers	\$100	\$50	\$100	--	--	--	\$75	\$25	--	--	--	--
Off Track Betting	\$500	\$250	--	--	--	--	\$1,000	\$500	\$1,100	\$600	\$1,400	\$1,200
Tattoo/Piercing	\$250	\$100	\$200	\$100	--	--	--	--	--	--	--	--

Red = model city for proposed licensing procedures and regulations

- **December 16, 2014:** City Council Work Session presentation
- **December 17, 2014:** Posting of proposed fees and City Code updates for each of the special business types
 - Public notice of proposed fees must be provided with a 60 day period before City Council consideration for approval in accordance with A.R.S. §9-499.15
- **February 17, 2015:** City Council consideration of approval of fees and City Code updates

*Staff will reach out to the Maricopa Chamber of Commerce and other relevant business groups for feedback on proposed fees and City Code updates throughout this process

Questions?