

CHAPTER 18

TRANSIENT OCCUPANCY TAX

(Repealed by 3175)

CHAPTER 19

FORTUNE TELLING

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5-19-1: PURPOSE OF THIS CHAPTER:

The purposes of this Chapter shall be to protect the health, safety, and welfare of residents of the City by means of investigation and regulation of fortunetellers. (1846)

5-19-2: LICENSE REQUIRED:

It shall be unlawful for any clairvoyant, astrologer, seer, palmist, soothsayer, fortune teller, spiritualist, or spirit medium to engage in such business and charge or receive fees, rewards, or anything of value therefor without first obtaining a license therefor in compliance with the provisions of this Chapter. If more than one (1) person is associated in any of the above categories at the same place of business, each person so engaging shall be required to obtain a separate license. (1846)

5-19-3: APPLICATION:

Applicants for a license under this Chapter must file with the Finance Director a sworn application in writing on a form to be furnished by the Finance Director which shall contain, but not necessarily be limited to, the following information: (1846)

- (A) Name and description of the applicant. (1846)
- (B) Address (legal and local). (1846)
- (C) If employed, the name and address of the employer, together with credentials establishing the exact relationship. (1846)

- (D) The length of time for which the right to do business is desired. (1846)
- (E) If a vehicle is to be used, a description of the same, together with license number or other means of identification. (1846)
- (F) A photograph of the applicant taken within sixty (60) days immediately prior to the date of the filing of the application, which picture shall be two inches by two inches (2" x 2"), showing the head and shoulders of the applicant in a clear and distinguishing manner. (1846)
- (G) The fingerprints of the applicant and the names of at least two (2) reliable property owners of the City who will certify as to the applicant's good character and business responsibility or in lieu of the names of references, any other available evidence as to the good character and business responsibility of the applicant as will enable an investigator to properly evaluate such character and business responsibility. (1846)
- (H) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor, or violation of any municipal laws, the nature of the offense, and the punishment or penalty assessed therefor. (1846)
- (I) No license issued hereunder shall be transferable. (1846)

5-19-4: INVESTIGATION OF APPLICANT; ISSUANCE OF LICENSE:

Upon receipt of such application, the Finance Director shall cause an investigation to be made to determine whether the applicant or any officer, director, trustee, or partner or any agent, employee, or other person associated with the applicant: (1846)

- (A) Has been convicted of a felony involving a transaction in securities or consumer fraud in any state of federal jurisdiction within the seven- (7-) year period immediately preceding the filing of the application; (1846)
- (B) Has been convicted of a felony, the essential elements of which consisted of fraud, misrepresentation, or theft by false pretenses, in any state or federal jurisdiction within the seven- (7-) year period immediately preceding the filing of the application; (1846)
- (C) Has been or is presently subject to an injunction, judgment, decrees, or permanent order of any federal court entered within the seven- (7-) year period immediately preceding the filing of the application of such injunction, judgment, decree, or permanent order: (1846)
 1. Involving the violation of fraud or registration provisions of the securities laws of that jurisdiction; or (1846)
 2. Involving the violation of the consumer fraud laws of that jurisdiction. (1846)
- (D) Has been convicted of a felony involving moral turpitude or burglary, robbery, or theft as defined in Arizona Revised Statutes or a crime of violence in any state or federal jurisdiction within the seven- (7-) year period immediately preceding the filing of the application. (1846)

If as a result of such investigation it is determined that any of the items set forth above as (A), (B), (C), and (D) are determined to exist, the Finance Director shall deny the application. If not, the license shall be issued by the Finance Director upon payment of the required fee. (1846)

5-19-5: FEES:

The license fee for any clairvoyant, astrologer, seer, palmist, soothsayer, fortune teller, spiritualist, or spirit medium shall be three hundred dollars (\$300.00) per calendar year or part of a calendar year, and all annual fees shall be paid in advance. (1846)

5-19-6: LICENSE TO BE POSTED:

The license issued to the licensee hereunder by the Finance Director shall be posted in a conspicuous place if the licensee is using a vehicle or building in his business, and otherwise must be kept by the person and exhibited at any time upon request. (1846)

5-19-7: RENEWALS:

Licenses which are continually renewed shall pay the annual fee prescribed in Section 5-19-5. Licenses which are not continuously renewed shall be treated as an original application upon application for renewal. (1846)

5-19-8: SUSPENSION AND REVOCATION:

Whenever the Finance Director has reason to believe that any licensee is guilty of any of the following acts: (1846)

- (A) Fraud, misrepresentation, or false statement contained in the application for license; (1846)
- (B) Fraud, misrepresentation, or false statement made in the course of carrying on the business; (1846)
- (C) Violation of any of the provisions of this Chapter; (1846)
- (D) Conviction of any crime described in Items (A), (B), (C), and (D) of Section 5-19-4; (1846)
- (E) Conducting business in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public; (1846)

The Finance Director shall immediately suspend the license and give the licensee notice by registered mail of the suspension and of a hearing to be held within ten (10) days to determine whether or not the permit should be revoked. The notice shall contain a statement of the purported reason for the suspension. At the hearing the licensee shall have the right to be represented by counsel, to introduce witnesses on his behalf and at his own expense, and to have the testimony given at the hearing transcribed. Within the next three (3) days after the hearing, excluding weekends and legal holidays, if the Finance Director determines that there is a good and sufficient reason for revocation of the licensee's license, the Finance Director shall enter an order revoking the license effective immediately and notify the licensee by registered mail. (1846)

5-19-9: APPEAL:

Within five (5) days, excluding weekends and legal holidays, an applicant for a license or a licensee may appeal to the City Manager from either the refusal of the Finance Director to issue a license under this Chapter or from the revocation of any license granted in accordance with this Chapter. The City Manager may appoint a Hearing Officer to hear the appeal. (2383)

CHAPTER 20

PAYMENTS IN LIEU OF THE RESIDENTIAL DEVELOPMENT TAX

(2210,2240,2443,2466,2908)

(Repealed by 3502)