

## Chapter 15

### LICENSING AND PERMITTING

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## ARTICLE I. IN GENERAL

### Sec. 15-1. Violation of chapter.

Failure to comply with any licensing or taxing ordinance for which a penalty is not otherwise provided shall constitute an offense for which the punishment shall be a fine of not more than \$200.00. The court may also cause the violator's license to do business to be revoked. (Code 1976, § 9.1; Code 1981, § 15-1; Code 2012, § 15-1; Ord. No. SRO-402-2012, § 15-1, 5-30-2012)

### Sec. 15-2. Authority to tax and regulate.

The Community has the inherent sovereign authority to regulate the conduct of persons and activities within its territory and jurisdiction and also to control economic activity within its boundaries. The provisions of this Community Code of Ordinances shall be liberally construed in accordance with the fullest interpretation of the Community's taxing and regulatory authority permitted by applicable laws, including the provisions of the Constitution of the Community. (Code 2012, § 15-2; Ord. No. SRO-402-2012, § 15-2, 5-30-2012)

### Secs. 15-3—15-22. Reserved.

## ARTICLE II. BUSINESS LICENSES GENERALLY

### Sec. 15-23. Definitions.

In this article, unless the context otherwise requires; the following terms shall have the meanings herein ascribed to them:

*Business* means all activities or acts, personal or corporate, engaged in and caused to be engaged in with the object of gain, benefit or advantage either direct or indirect, but not casual activities or sale, or activities engaged in which are operated from the residence of the operator which residence is located within the exterior boundaries of the Community.

*Community member-owned business* means a business owned by one or more enrolled member(s) of the Salt River Pima-Maricopa Indian Community.

*Engaging*, when used with reference to engaging or continuing in business, includes the exercise of corporate or franchise powers.

*Person* means any individual, corporation, company, association, firm, co-partnership or any group of individuals acting as a unit. (Code 1981, § 15-21; Code 2012, § 15-21; Ord. No. SRO-49-78, § I, 10-26-1977; Ord. No. SRO-402-2012, § 15-21, 5-30-2012; Ord. No. SRO-452-2015, § 15-23, 10-22-2014)

### Sec. 15-24. License required generally.

No person shall commence, practice, transact or carry on any business as defined in this article without first having procured a license as provided for in this article.

(Code 1981, § 15-22; Code 2012, § 15-22; Ord. No. SRO-49-78, § II-1, 10-26-1977; Ord. No. SRO-402-2012, § 15-22, 5-30-2012)

### Sec. 15-25. Relationship to privilege tax.

No provision of this article shall be construed to avoid payment of any privilege license and use tax in accordance with other ordinances of the Community.

(Code 1981, § 15-23; Code 2012, § 15-23; Ord. No. SRO-49-78, § II-3, 10-26-1977; Ord. No. SRO-402-2012, § 15-23, 5-30-2012)

### Sec. 15-26. Application form; payment of fee required.

Application for a license under this article shall be made by the operator on forms furnished by the Community manager. Every application shall be accompanied by an application fee as provided in section 15-28 and shall be fully completed. Upon the granting of a license such application fee shall be applied to the total required license fee.

(Code 1981, § 15-24; Code 2012, § 15-24; Ord. No. SRO-49-78, § II-2, 10-26-1977; Ord. No. SRO-402-2012, § 15-24, 5-30-2012)

### **Sec. 15-27. Processing and approval of application.**

Every application filed pursuant to this article must be processed and approved by such Community departments as shall be designated by administrative order, and such orders shall be uniform in their application for every class of license.

(Code 1981, § 15-25; Code 2012, § 15-25; Ord. No. SRO-49-78, § II-4, 10-26-1977; Ord. No. SRO-402-2012, § 15-25, 5-30-2012)

### **Sec. 15-28. Fee schedule.**

The application and license fees under this section shall be effective within ten days of the enactment of the ordinance from which this article is derived, shall be payable in advance, and, except as otherwise provided in this article, shall be payable in accordance with the provisions of section 15-29. Application fees under this article shall be \$40.00. License fees under this article shall be \$60.00. Community member-owned business license fees under this article shall be \$10.00.

(Code 1981, § 15-26; Code 2012, § 15-26; Ord. No. SRO-49-78, § II-5, 10-26-1977; Ord. No. SRO-142-92, § 1, 10-9-1991; Ord. No. SRO-402-2012, § 15-26, 5-30-2012; Ord. No. SRO-452-2015, § 15-28, 10-22-2014)

### **Sec. 15-29. When fee collected; disposition of funds.**

All fees for applications or licenses collected under the provisions of this article shall be paid in advance and shall be retained by the Community treasurer. In the event no license is issued, the application fee shall not be returned to the applicant but shall be instead applied to cover the costs of processing such application. In the event a license has been granted and later revoked or suspended under the provisions of this article, or in the event the establishment is later discontinued after being licensed under the provisions of this article, no refund or any portion of any of the fee paid for the application or the license shall be made.

(Code 1981, § 15-27; Code 2012, § 15-27; Ord. No. SRO-49-78, § II-6, 10-26-1977; Ord. No. SRO-402-2012, § 15-27, 5-30-2012)

### **Sec. 15-30. Term of license; transferability.**

(a) Unless otherwise provided in this article, licenses under this article shall be issued for a continuous period.

(b) Licenses issued to persons engaged in the business of contracting or construction who do not have or maintain a permanent place of business within the Community shall be issued for a period no longer than the duration of the contract or job in which they are engaged within the Community, and in no event for more than one year.

(c) Unless as otherwise provided in this article, licenses under this article shall be issued for a continuous period and shall be payable each 12 months, for 12 months in advance, beginning January 1 to the next following December 31. Licenses issued under this article shall not be transferable.

(d) No license issued before the effective date of the ordinance from which this section is derived to persons described in subsection (b) of this section shall be valid for more than one year after the effective date of the ordinance from which this section is derived.

(Code 1981, § 15-29; Code 2012, § 15-29; Ord. No. SRO-49-78, § II-11, 10-26-1977; Ord. No. SRO-93-85, § 4, 1-23-1985; Ord. No. SRO-142-92, § 3, 10-9-1991; Ord. No. SRO-402-2012, § 15-29, 5-30-2012)

#### **Sec. 15-30.1. Short-term event license.**

A special event license is a temporary, short-term license that may be issued for a period of no more than four consecutive days for a special event including festivals, expositions or similar types of event held within the Community. The fee for this special event license is \$5.00.

(Ord. No. SRO-462-2015, 5-13-2015)

### **Sec. 15-31. Display of license.**

All licenses issued under the provisions of this article must be displayed in a conspicuous place in the establishment at which the business is conducted or carried on.

(Code 1981, § 15-30; Code 2012, § 15-30; Ord. No. SRO-49-78, § II-12, 10-26-1977; Ord. No. SRO-402-2012, § 15-30, 5-30-2012; Ord. No. SRO-452-2015, § 15-31, 10-22-2014)

**Sec. 15-32. Age of licensee.**

All licensees under this article shall be at least 18 years of age.

(Code 1981, § 15-31; Code 2012, § 15-31; Ord. No. SRO-49-78, § II-8, 10-26-1977; Ord. No. SRO-402-2012, § 15-31, 5-30-2012)

**Sec. 15-33. Applicant previously convicted of felony.**

No license shall be issued to any person under this article who has been convicted of a felony within five years preceding the date of application





for license, unless such person has been pardoned by appropriate authority or has had his or her civil rights restored under appropriate statute. (Code 1981, § 15-32; Code 2012, § 15-32; Ord. No. SRO-49-78, § II-9, 10-26-1977; Ord. No. SRO-402-2012, § 15-32, 5-30-2012)

**Sec. 15-34. Licensees to conform to Community treasurer regulations.**

All licensees under this article shall comply with all regulations of the Community treasurer which are promulgated under the authority of and in compliance with the provisions of this article.

(Code 1981, § 15-33; Code 2012, § 15-33; Ord. No. SRO-49-78, § II-10, 10-26-1977; Ord. No. SRO-402-2012, § 15-33, 5-30-2012)

**Sec. 15-35. Standards of business operation.**

(a) *Lighting; ventilation; plumbing.* Business establishments licensed under this article shall be well lighted and well ventilated and shall have adequate and sanitary toilet facilities for both sexes.

(b) *Security.* Business establishments shall provide such security as may be required by the chief of police to ensure the protection of the public.

(c) *Land use, zoning, etc.* Licensees of business establishments shall abide by all land use, zoning, building and other ordinances of the Community.

(Code 1981, § 15-34; Code 2012, § 15-34; Ord. No. SRO-49-78, § III, 10-26-1977; Ord. No. SRO-402-2012, § 15-34, 5-30-2012)

**Sec. 15-36. License suspension or revocation.**

Upon receiving notice that a licensee in connection with his or her operations under this article has violated any of the provisions under this article or any of the laws of the Community or the United States and upon a showing of such violation, after five days' notice thereof to all parties concerned and a hearing before the Community

manger, the Community manager may suspend or revoke the license previously granted under this article to such licensee.

(Code 1981, § 15-35; Code 2012, § 15-35; Ord. No. SRO-49-78, § II-13, 10-26-1977; Ord. No. SRO-402-2012, § 15-35, 5-30-2012)

**Sec. 15-37. Appeals; waiver of requirements.**

(a) Appeals from the denial, revocation or suspension of a license provided for in this article may be taken to the Community Council in accordance with the procedures established by the council for the hearing of administrative appeals.

(b) The Community Council may waive the requirements of this article as set out in section 15-33 upon a showing that the applicant is of good moral character and rehabilitated.

(c) The president or vice president of the Community may waive application and license fees if the applicant is unable to pay such fees within the year the application is made without undue hardship.

(Code 1981, § 15-36; Code 2012, § 15-36; Ord. No. SRO-49-78, § IV, 10-26-1977; Ord. No. SRO-95-85, 1-23-1985; Ord. No. SRO-402-2012, § 15-36, 5-30-2012)

**Sec. 15-38. Violations.**

(a) Any person who commences, practices, transacts or carries on any business as defined in this article without having a valid business license may be prohibited from transacting business within the Community up to one-year and/or assessed a fine of up to \$5,000.00 per occurrence.

(b) Any person to whom a license has not been issued or if earlier issued has been revoked or suspended, shall cease operations upon receipt of notice from the Community manager. If such person fails to cease operations, then the Community court, upon application of the Community manager for and on behalf of the Community Council and after having found a failure to secure a proper license or a suspension or revocation of a license and failure to cease and desist operations and upon three days' notice by United States mail addressed to the place at which the business operations are carried out and after a hearing to

be held no later than five days after application is made and three days after notice is mailed, shall issue a mandatory injunction requiring such person to vacate the premises and cease and desist operations. The order of the court, as issued, shall be carried out by the chief of police of the Community police department or officers of the Community police department assigned by him or her. (Code 1981, § 15-37; Code 2012, § 15-37; Ord. No. SRO-49-78, § V, 10-26-1977; Ord. No. SRO-402-2012, § 15-37, 5-30-2012)

**Sec. 15-39. Conditions on issuance of business license.**

(a) No license shall be issued to any person pursuant to section 15-24 unless the applicant therefor has submitted a plan of employment, promotion and training approved by the personnel office of the Community pursuant to uniform regulations adopted by the personnel office and approved by the Community Council. Initial regulations shall be submitted to the Community Council for approval within six months after the effective date of the ordinance from which this section is derived.

(b) Any violation of the plan of employment, promotion and training shall be cause for proceedings for suspension or revocation pursuant to section 15-36.

(Code 1981, § 15-38; Code 2012, § 15-38; Ord. No. SRO-93-85, § 3, 1-23-1985; Ord. No. SRO-402-2012, § 15-38, 5-30-2012)

**Secs. 15-40—15-50. Reserved.**

**ARTICLE III. SPECIFIC LICENSES**

**DIVISION 1. HUNTING AND FISHING LICENSES**

**Sec. 15-51. Right of members.**

Any enrolled member of the Community shall have the right to hunt or fish upon the lands of the Community subject only to regulations hereinafter enacted.

(Code 1976, § 9.11; Code 1981, § 15-11; Code 2012, § 15-51; Ord. No. SRO-21-74, 9-26-1973; Ord. No. SRO-402-2012, § 15-51, 5-30-2012)

**Sec. 15-52. Nonmembers required to obtain permits.**

All persons who are not enrolled members of the Community shall be required to obtain hunting and fishing permits from the office of the president of the Community before any such person may hunt or fish upon the lands of the Community. Such hunting and fishing permits shall be subject to regulations imposed by the president of the Community.

(Code 1976, § 9.12; Code 1981, § 15-12; Code 2012, § 15-52; Ord. No. SRO-21-74, 9-26-1973; Ord. No. SRO-402-2012, § 15-52, 5-30-2012)

**Secs. 15-53—15-72. Reserved.**

**DIVISION 2. TRAILER SPACE RENTAL BUSINESS**

**Sec. 15-73. Licenses required to engage in business or renting trailer spaces.**

No person shall engage in the business of renting trailer spaces within the exterior boundaries of the Salt River Indian Reservation without a license from the Community. This requirement shall apply both to rental of bare spaces on which the tenant places his or her own trailer and to rental of spaces with trailers installed. The president of the Community Council shall cause all unlicensed trailer space rental business to be suppressed, in his or her discretion, by police action and/or by appropriate legal proceedings.

(Code 1976, § 9.21; Code 1981, § 15-91; Code 2012, § 15-91; Ord. No. SRO-2-64, 8-13-1963; Ord. No. SRO-402-2012, § 15-91, 5-30-2012)

**Sec. 15-74. Applicability to corporations.**

This division within this Community Code of Ordinances applies to corporations as well as to natural persons, and the term "person," as used in this section, includes the term "corporation" unless the context requires otherwise.

(Code 1976, § 9.29; Code 1981, § 15-92; Code 2012, § 15-92; Ord. No. SRO-2-64, 8-13-1963; Ord. No. SRO-402-2012, § 15-92, 5-30-2012)

**Sec. 15-75. Application for licenses; authority of president; appeal to Community Council.**

(a) It shall be the duty of the president of the Community Council to accept applications for licenses under this division within this Community Code of Ordinances; and when he or she is satisfied that the applicant's proposed business will not constitute an unreasonable hazard to the health, morals or welfare of the members of the Community, to issue such licenses.

(b) Whenever the president refuses a license to an applicant or fails to act upon an application for 30 days, the applicant may appeal in writing to the Community Council, which shall have authority, after a hearing if the applicant requests one, to grant or refuse the license or to authorize issuance of the license upon the applicant's fulfilling additional requirements. The decision of the council shall be final.  
(Code 1976, § 9.22; Code 1981, § 15-93; Code 2012, § 15-93; Ord. No. SRO-2-64, 8-13-1963; Ord. No. SRO-402-2012, § 15-93, 5-30-2012)

**Sec. 15-76. Term of licenses.**

All licenses issued under this division within this Community Code of Ordinances shall remain in force until surrendered, terminated or revoked. (Code 1976, § 9.25; Code 1981, § 15-94; Code 2012, § 15-94; Ord. No. SRO-2-64, 8-13-1963; Ord. No. SRO-402-2012, § 15-94, 5-30-2012)

**Sec. 15-77. License fee; duty of treasurer.**

(a) All licensees under this division within this Community Code of Ordinances shall pay to the treasurer of the Community, before the last day of each calendar month, the sum of \$1.50 for each trailer space occupied by any person for 15 days or more during the preceding calendar month. Non-payment of fees when due shall be cause for revocation of licenses.

(b) It shall be the duty of the treasurer to collect license fees under this division within this Community Code of Ordinances and to account to the council for such fees.  
(Code 1976, § 9.24; Code 1981, § 15-95; Code 2012, § 15-95; Ord. No. SRO-2-64, 8-13-1963; Ord. No. SRO-402-2012, § 15-95, 5-30-2012)

**Sec. 15-78. Form of licenses.**

Licenses issued under this division within this Community Code of Ordinances shall be in substantially the following form:

<p style="text-align: center;"><i>License to Rent Trailer Spaces</i></p> <p>It appearing that _____ has complied with all requirements of Ordinance No. SRO-2-64 of the Community, permission is hereby granted to conduct the business of renting trailer spaces within the exterior boundaries of the Salt River Indian Reservation. This license is issued subject to all applicable requirements of law now or hereafter in force.</p> <p>Fee: \$1.50 per month per occupied trailer space.</p> <p>In witness whereof I have caused this license to be signed by the Salt River Pima-Maricopa Indian Community, Arizona, Arizona, by myself as president of the Community Council, with the seal of the Community affixed, this _____ day of _____, ____.</p> <p>Salt River Pima-Maricopa Indian Community, Arizona</p>
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(SEAL)

By \_\_\_\_\_  
President

(Code 1976, § 9.28; Code 1981, § 15-96; Code 2012, § 15-96; Ord. No. SRO-2-64, 8-13-1963; Ord. No. SRO-402-2012, § 15-96, 5-30-2012)

### **Sec. 15-79. Revocation of licenses.**

(a) *Appeal; hearing.* The president of the Community Council may order any license revoked upon 30 days' notice in writing to the licensee, whenever the president has reason to believe that the licensee has committed conduct which constitutes a federal or state crime, or which would constitute an offense against the Community if the licensee were subject to the jurisdiction of the courts of the Community, or for violation of any of the terms or provisions of this division within this Community Code of Ordinances. Such revocation shall become effective 30 days after delivery of the written notice thereof to the licensee, or if the president cannot find the licensee, then 30 days after the posting of the notice in a conspicuous place at the tribal office, unless during such 30-day period the licensee delivers to the tribal office during business hours a written notice of appeal to the Community Council. If the licensee requests a hearing in his or her notice of appeal, the council shall grant him or her a hearing, either before itself or before a referee designated by the council. Upon appeal, the council shall either affirm or overrule the decision of the president, and the decision of the council shall be final.

(b) *Removal of licensee.* Whenever the revocation of a license has become final, either by failure to appeal the president's notice or by decision of the council on appeal, the licensee may be removed from the reservation, physically if necessary; and the president is authorized to take such action through any court of competent jurisdiction or otherwise as may appear to him or her necessary or advisable to prevent the former licensee from doing unlicensed business through agents or otherwise within the exterior boundaries of the reservation, and/or to enforce his or her exclusion from the reservation.

(c) *Revocation not to relieve liability.* Revocation of a license shall not discharge the former licensee from liability to pay all license fees accrued up to the date of such revocation.

(Code 1976, § 9.26; Code 1981, § 15-97; Code 2012, § 15-97; Ord. No. SRO-2-64, 8-13-1963; Ord. No. SRO-402-2012, § 15-97, 5-30-2012)

### **Sec. 15-80. Conduct of licensed business to be within the law.**

It shall be a condition of all licenses issued under this division within this Community Code of Ordinances that the licensee conduct all business on the Salt River Indian Reservation in an ethical, moral and sanitary manner, commit no nuisance nor suffer any to be committed within the Salt River Indian Reservation, and comply with all applicable federal, state and tribal laws now or hereafter in force.

(Code 1976, § 9.27; Code 1981, § 15-98; Code 2012, § 15-98; Ord. No. SRO-2-64, 8-13-1963; Ord. No. SRO-402-2012, § 15-98, 5-30-2012)

### **Sec. 15-81. Relationship of licenses to leases.**

Licenses issued under this division within this Community Code of Ordinances confer no right of their own force to use tribal or allotted land of the Salt River Indian Reservation. No license shall be issued until the applicant proves to the satisfaction of the president that he or she holds a valid existing right to use land of the Salt River Indian Reservation by lease or otherwise for the purpose of conducting the business of renting trailer spaces; and all licenses issued under this division within this Community Code of Ordinances shall automatically terminate when the licensee loses such right by forfeiture of his or her lease or otherwise.

(Code 1976, § 9.23; Code 1981, § 15-99; Code 2012, § 15-99; Ord. No. SRO-2-64, 8-13-1963; Ord. No. SRO-402-2012, § 15-99, 5-30-2012)

**Secs. 15-82—15-104. Reserved.****DIVISION 3. SALE OF CIGARETTES AT  
RETAIL****Sec. 15-105. Policy.**

It shall be policy of the Salt River Pima-Maricopa Indian Community to protect the health, welfare, and morals of the Community and promote businesses owned by the Community and its members by regulating the sale of cigarettes at retail in accordance with this article. (Code 1981, § 15-111; Code 2012, § 15-111; Ord. No. SRO-63-80, § I, 5-5-1980; Ord. No. SRO-402-2012, § 15-111, 5-30-2012; Ord. No. SRO-431-2014, § 15-111, 2-19-2014)

**Sec. 15-106. Definitions.**

The following words, terms and phrases, when used in this division within this Community Code of Ordinances, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Cigarette* means either of the following:

- (1) Any roll of tobacco or any substitute for tobacco wrapped in paper or in any substance not containing tobacco; or
- (2) Any roll of tobacco wrapped in any substance containing tobacco that, because of its appearance, the type of tobacco used in the filler or its packaging and labeling, is likely to be offered to or purchased by a consumer as a cigarette described in subsection (1) of this section.

*Community* means the Salt River Pima-Maricopa Indian Community.

*Community regulatory agency* means the Community regulatory agency, a department of the Community government who is authorized to conduct a criminal history background check on any applicant for a license under this article.

*Community-owned retailer* means a retailer owned and operated by the Community or a Community division or enterprise.

*Court* means the Salt River Pima-Maricopa Indian Community Court.

*Electronic cigarette* means a noncombustible tobacco-derived product containing nicotine that employs a mechanical heating element, battery or circuit, regardless of shape or size, that can be used to heat a liquid nicotine solution contained in a cartridge.

*Exempt seller* means a person or entity selling cigarettes at retail who maintains that it can operate exempt from State of Arizona cigarette taxes.

*Existing retailers* means the persons or entities selling cigarettes at retail on the Community as of February 1, 2013, which includes retailers owned by the Community, Community members and nonmembers, and who are Talking Stick Resort, Casino Arizona, Talking Stick Golf, Stayshons-Pima/Chaparral, Piipash Shell-Pima/Indian School, Owl Ear-Via Linda, Owl Ear-Pavilions, On Auk Mor-Hayden/McKellips, On Auk Mor-Longmore/McDowell, JR's-87/McDowell, Pavilions 76 gasoline station, and WalMart-101/Chaparral.

*License* means a cigarette retailer license issued under this article.

*Member-owned retailer* means a retailer that is exclusively owned by one or more enrolled members of the Community, from which all profit of the retailer's business is paid exclusively to enrolled Community members who are the exclusive owners, and one or more of the owners actively manage the day-to-day retailer's business.

*Non-exempt seller* means a person or entity that sells cigarettes at retail within the Community subject to payment of State of Arizona cigarette taxes.

*Person* means a natural person.

*Retailer* means a person or entity that has been issued a license under this article.

*Roll-your-own tobacco* means any tobacco that, because of its appearance, type, packaging or



labeling, is suitable for use and likely to be offered to or purchased by consumers as tobacco for making cigarettes.

*State of Arizona cigarette taxes* means all tobacco taxes payable to the State of Arizona on cigarettes intended to be sold on the Community when the seller is not the Community or an enrolled member of the Community.

*Tobacco products* means all cigarettes and roll-your-own tobacco.

*Treasurer* means the person appointed by the Community Council to serve as treasurer of the Community, or the treasurer's authorized designee.

(Ord. No. SRO-431-2014, § 15-112, 2-19-2014; Ord. No. SRO-434-2014, § 15-112, 1-15-2014; Ord. No. SRO-438-2014, § 15-112, 2-26-2014; Ord. No. SRO-499-2018, § 1, 1-10-2018)

#### **Sec. 15-107. License required.**

No person or entity shall sell cigarettes at retail without first having procured a license under this article. A license shall be applicable to a specific person or entity and a single location.

(Code 1981, § 15-112; Code 2012, § 15-112; Ord. No. SRO-63-80, § II-1, 5-5-1980; Ord. No. SRO-402-2012, § 15-112, 5-30-2012; Ord. No. SRO-431-2014, § 15-113, 2-19-2014)

#### **Sec. 15-108. Exempt seller.**

An exempt seller shall have the burden to demonstrate to the reasonable satisfaction of the treasurer that it operates and qualifies as an exempt seller as defined in section 15-106. The treasurer may request that the exempt seller provide any documentation or information that the treasurer determines may be reasonably relevant to the determination whether the exempt seller qualifies as an exempt seller as defined in section 15-106. The treasurer may take action to have the transaction privilege tax license and business license of an exempt seller suspended or revoked if the seller fails or refuses to provide

all information and documents requested by the treasurer within the time established by the treasurer.

(Ord. No. SRO-431-2014, § 15-114, 2-19-2014)

#### **Sec. 15-109. Existing retailers.**

An existing retailer shall file a completed application with the treasurer within 90 days of this article taking effect or such retailer shall not be entitled to a license as an existing retailer under this section. A license shall be issued to each existing retailer upon approval by the treasurer of a completed application filed in accordance with this article.

(Ord. No. SRO-431-2014, § 15-115, 2-19-2014)

#### **Sec. 15-110. Future retailers.**

Except for existing retailers who may be issued a license as provided in section 15-109, no additional license shall be issued to a retailer unless the retailer is:

- (1) A Community-owned retailer;
- (2) A member-owned retailer; or
- (3) A non-exempt seller.

(Ord. No. SRO-431-2014, § 15-116, 2-19-2014)

#### **Sec. 15-111. Density control.**

No license shall be issued for a location which would be within one mile of any other licensed retail location. This one mile distance restriction shall not apply to existing retailers or non-exempt sellers.

(Ord. No. SRO-431-2014, § 15-117, 2-19-2014)

#### **Sec. 15-112. Application form.**

An application for a license shall be completed on a form furnished by the treasurer. Every application shall be fully completed.

(Ord. No. SRO-431-2014, § 15-118, 2-19-2014)

#### **Sec. 15-113. Financial statement.**

At the time of the original application and on June 30 of each year thereafter, each retailer who is not a Community-owned retailer shall file

with the treasurer a completed financial statement of the retailer and its principals, if any, prepared on a form approved by the treasurer. (Ord. No. SRO-431-2014, § 15-119, 2-19-2014)

**Sec. 15-114. Approval of applications.**

An application for a license shall be filed with the treasurer. The treasurer shall make decisions on license applications on a "first come, first serve" basis. The treasurer shall issue or deny a license within 90 days of the date when the completed application is filed. (Ord. No. SRO-431-2014, § 15-120, 2-19-2014)

**Sec. 15-115. Term of license; transferability.**

Licenses under this article shall be issued for a continuous period, subject to suspension or revocation. Licenses under this article shall not be transferable to another person or entity and shall not be transferable to another location. Notwithstanding the foregoing, a Community member's interest in a license or in a retailer may be transferred to a trust established by that member for the primary benefit of that member's immediate family who are also Community members. (Ord. No. SRO-431-2014, § 15-121, 2-19-2014)

**Sec. 15-116. Retailer previously convicted of felony.**

(a) No retailer or person who owns any interest in a retailer shall have been convicted of a felony within the five years preceding the date of application for a license. In addition, while such license is in effect, no retailer or person who owns any interest in a retailer shall be convicted of a felony.

(b) The license application form and the annual financial statement form prepared by the treasurer shall make inquiry into any felony conviction occurring within five years preceding the filing of the application or the while the license is in effect.

(c) On behalf of the treasury department, the Community regulatory agency shall conduct a state and federal criminal history background check pursuant to Arizona Revised Statute

41-1750 and Public Law 92-544 on all applicants and retailers under this section of the Code of Ordinances. Applicants and retailers shall submit a full set of fingerprints to the Community regulatory agency who shall submit them to the Arizona Department of Public Safety, who may exchange the fingerprint data with the Federal Bureau of Investigations.

(d) The treasurer will submit a temporary license to the applicant while the results of the felony criminal background investigation are pending.

(e) Any fees incurred by the Community regulatory agency to carry out the provisions of this section shall be absorbed by the treasurer's budget. (Ord. No. SRO-431-2014, § 15-122, 2-19-2014; Ord. No. SRO-434-2014, § 15-122, 1-15-2014; Ord. No. SRO-438-2014, § 15-122, 2-26-2014)

**Sec. 15-117. Compliance with Community law.**

As a condition to receiving a license and conducting business on the Community, each retailer shall consent to the jurisdiction of the Community and shall agree to comply with all laws and regulations of the Community as a condition to maintaining a license and conducting business on the Community. Each retailer shall timely file all tax and other returns and documents as required by the Community's tax, business license, and other ordinances. (Ord. No. SRO-431-2014, § 15-123, 2-19-2014)

**Sec. 15-118. Suspension or revocation of license.**

Upon receiving information that a retailer has violated any provision of this article or any law of the Community, the treasurer shall, after written notice is provided to the retailer, promptly conduct an informal evidentiary hearing after which the treasurer shall sign a written determination whether the retailer has violated the laws of the Community. If the treasurer determines that the retailer has violated any law

of the Community, the treasurer may suspend for a definite period of time or permanently revoke the retailer's license.

(Ord. No. SRO-431-2014, § 15-124, 2-19-2014)

#### **Sec. 15-119. Appeal.**

An appeal from the treasurer's denial, suspension or revocation of a license shall be filed with the treasurer and with the Secretary of the Community Council. No court of law shall have any jurisdiction to hear such an appeal. An appeal shall be filed within 30 days of the treasurer's decision to deny, suspend or revoke a license. Once the appeal is filed, the Community Council shall appoint a panel of three individuals who shall promptly decide and issue a written decision on the appeal. The panel shall establish its own procedures to promote a correct and prompt decision. The decision of the panel shall be final.

(Ord. No. SRO-431-2014, § 15-125, 2-19-2014)

#### **Sec. 15-120. Violations.**

(a) A person or entity who has not been issued a license and a retailer whose license has been suspended or revoked shall not sell cigarettes at retail. If such person or entity fails to cease such sales, the Community Court shall, upon application of the treasurer, for and on behalf of the Community, and upon three days' notice by United States mail addressed to the retailer's place of business, and after a hearing to be held no later than five days after application is made, issue a mandatory injunction requiring such person to cease and desist such sales. The order of the court, as issued, shall be enforced by the Community police department.

(b) Any tobacco products offered for sale or possessed for sale in the Community in violation of this article or in violation of any regulations promulgated by the treasurer in accordance with section 15-34 shall be deemed contraband and the cigarettes and roll-your-own tobacco shall be subject to seizure by the treasurer and forfeiture to the Salt River Pima-Maricopa Indian Community, and all tobacco products so seized and forfeited shall be destroyed and not resold. A seizure and forfeiture does not relieve any person

from the civil penalties provided for violating this article or any other penalty imposed by law. The treasurer shall give notice of the seizure and forfeiture of tobacco products described in this section by personal service or by certified mail to all persons known by the treasurer to have any right, title or interest in the property. Notice shall include a description of the tobacco products seized, the reason for the seizure and the time and place of the seizure. The treasurer is authorized to promulgate regulations regarding seizure and forfeiture of contraband tobacco products.

(Ord. No. SRO-431-2014, § 15-126, 2-19-2014;  
Ord. No. SRO-499-2018, § 2, 1-10-2018)

#### **Sec. 15-121. Retailers exempt from State of Arizona cigarette taxes.**

No retailer that operates on the Community as a member-owned retailer or otherwise exempt from State of Arizona cigarette taxes shall be entitled to hold or maintain a license under this division within this Community Code of Ordinances unless the treasurer determines that the retailer meets all requirements imposed by this article and the State of Arizona for such cigarette tax exemption. From time-to-time, the treasurer may request information or documents from a retailer in order to make that determination or to verify that all Community, federal and state taxes have been paid in accordance with law. The treasurer may take action to deny, suspend or revoke a license if the retailer or any of its principals fails or refuses to provide all information and documents requested by the treasurer within the time established by the treasurer. The treasurer may request that the retailer provide any documents that the treasurer determines may be reasonably relevant to the determination or verification under this section including, but not limited to, federal or state income or other tax returns, leases, subleases, promissory notes, loan agreements, employment, consulting or other agreements, and the retailer's organizational documents. The treasurer shall not seek to make that determination with respect to a retailer operating exempt from State of Arizona cigarette taxes more frequently than once every 12 months.

(Ord. No. SRO-431-2014, § 15-127, 2-19-2014)



**Sec. 15-122. Civil penalties.**

A person or entity that sells cigarettes at retail on the Community exempt from State of Arizona cigarette taxes but for whom the treasurer determines is not eligible under Arizona law for such exemption shall be subject to a civil fine imposed by the Community Court in an action filed by the treasurer on behalf of the Community, in an amount not to exceed \$100,000.00. A person or entity that sells cigarettes at retail on the Community exempt from State of Arizona cigarette taxes but whose license is suspended or revoked by the treasurer for failing or refusing to provide all information and documents requested by the treasurer within the time established by the treasurer shall be subject to a civil fine imposed by the Community Court in an action filed by the treasurer on behalf of the Community, in an amount not to exceed \$100,000.00. (Ord. No. SRO-431-2014, § 15-128, 2-19-2014)

**Sec. 15-123. Advertising.**

No retailer shall market, advertise or promote the sale of cigarettes with signs, advertising or any other form of communication using "tax free," or "no state taxes," or any comparable or similar wording. The treasurer shall have the exclusive authority to determine if a retailer has violated this section. (Ord. No. SRO-431-2014, § 15-129, 2-19-2014)

**Sec. 15-124. Electronic cigarettes; sales to minors prohibited.**

No person or entity shall knowingly sell, give or furnish an electronic cigarette to a person under the age of 18 years of age. A person or entity who knowingly sells, gives or furnishes an electronic cigarette to a person under the age of 18 years of age is subject to a fine imposed by the treasurer in an amount not to exceed \$5,000.00. (Ord. No. SRO-431-2014, § 15-130, 2-19-2014)

**Secs. 15-125—15-148. Reserved.****DIVISION 4. AMUSEMENT LICENSES****Sec. 15-149. License required.**

No person shall commence, practice, transact or carry on any amusement as a commercial

business enterprise as designated in section 15-154 without first having procured a license as provided for in this division within this Community Code of Ordinances.

(Code 1981, § 15-141; Code 2012, § 15-141; Ord. No. SRO-65-80, § 1(1), 5-31-1980; Ord. No. SRO-402-2012, § 15-141, 5-30-2012)

**Sec. 15-150. Application form and fee.**

Application for a license under this division within this Community Code of Ordinances shall be made by the operator on forms furnished by the Community manager. Every application shall be accompanied by an application fee as provided in section 15-154 and shall be fully completed. Upon the granting of a license, such application fee shall be applied to the total required license fee.

(Code 1981, § 15-142; Code 2012, § 15-142; Ord. No. SRO-65-80, § 1(2), 5-31-1980; Ord. No. SRO-402-2012, § 15-142, 5-30-2012)

**Sec. 15-151. Processing of application.**

Every application filed pursuant to this division within this Community Code of Ordinances must be processed and approved by such Community departments as shall be designated by administrative order, and such orders shall be uniform in their application for every class of license.

(Code 1981, § 15-143; Code 2012, § 15-143; Ord. No. SRO-65-80, § 1(4), 5-31-1980; Ord. No. SRO-402-2012, § 15-143, 5-30-2012)



**Sec. 15-152. Age of licensee.**

All licensees under this division within this Community Code of Ordinances shall be at least 21 years of age.

(Code 1981, § 15-144; Code 2012, § 15-144; Ord. No. SRO-65-80, § 1(8), 5-31-1980; Ord. No. SRO-402-2012, § 15-144, 5-30-2012)

shall have been convicted of a felony within five years preceding the date of application for a license.

(Code 1981, § 15-145; Code 2012, § 15-145; Ord. No. SRO-65-80, § 1(9), 5-31-1980; Ord. No. SRO-402-2012, § 15-145, 5-30-2012)

**Sec. 15-153. Applicant previously convicted of felony.**

No operator applying under this division within this Community Code of Ordinances for license

**Sec. 15-154. Fee schedule.**

The application and license fees under this section shall be effective within ten days of the enactment of the ordinance from which this division within this Community Code of Ordinances is derived, shall be payable in advance, and, except as otherwise provided in this division within this Community Code of Ordinances, shall be payable in accordance with the provisions of section 15-155.

<i>Designated Amusement</i>	<i>Application Fee</i>	<i>License Fee</i>
Automobile and motor-cycle racetrack	\$50.00	\$25.00 per day or night, per year, or period of use; payable annually
Theater	\$50.00	\$100.00 per year, per screen; payable annually
Carnival	\$50.00	\$25.00 per day

(Code 1981, § 15-146; Code 2012, § 15-146; Ord. No. SRO-65-80, § 1(5), 5-31-1980; Ord. No. SRO-402-2012, § 15-146, 5-30-2012)

**Sec. 15-155. Time of payment; disposition; refunds.**

All fees for applications or licenses collected under the provisions of this division within this Community Code of Ordinances shall be paid in advance and shall be retained by the Community treasurer. In the event no license is issued, the application fee shall not be returned to the applicant but shall be instead applied to cover the costs of processing such application. In the event a license has been granted and later revoked or suspended under the provisions of this division within this Community Code of Ordinances or in the event the establishment is later discontinued after being licensed under the provisions of this division within this Community Code of Ordina-

nances, no refund of any portion of any of the fees paid for the application or the license shall be made.

(Code 1981, § 15-147; Code 2012, § 15-147; Ord. No. SRO-65-80, § 1(6), 5-31-1980; Ord. No. SRO-402-2012, § 15-147, 5-30-2012)

**Sec. 15-156. Proration of fees.**

All licenses issued pursuant to this division within this Community Code of Ordinances during a license year may have the license fee prorated to the nearest month between October 1 and the next following March 31 or between April 1 and the next following September 30, whichever is applicable.

(Code 1981, § 15-148; Code 2012, § 15-148; Ord. No. SRO-65-80, § 1(7), 5-31-1980; Ord. No. SRO-402-2012, § 15-148, 5-30-2012)

**Sec. 15-157. Term and transferability of license.**

(a) Unless as otherwise provided in this division within this Community Code of Ordinances, licenses under this division within this Community Code of Ordinances shall be issued for a continuous period and shall be payable each six months for six months in advance beginning October 1 to the next following March 31 and beginning April 1 to the next following September 30.

(b) Licenses issued under this division within this Community Code of Ordinances shall not be transferable.

(Code 1981, § 15-149; Code 2012, § 15-149; Ord. No. SRO-65-80, § 1(11), 5-31-1980; Ord. No. SRO-402-2012, § 15-149, 5-30-2012)

**Sec. 15-158. Display of license; replacement.**

All licenses issued under the provisions of this division within this Community Code of Ordinances must be displayed in a conspicuous place in the establishment at which the amusement is conducted or carried on. If the license is destroyed, lost or defaced, the licensee shall be entitled to replacement license for a fee of \$10.00. (Code 1981, § 15-150; Code 2012, § 15-150; Ord. No. SRO-65-80, § 1(12), 5-31-1980; Ord. No. SRO-402-2012, § 15-150, 5-30-2012)

**Sec. 15-159. Relation to privilege license and use tax.**

No provision of this division within this Community Code of Ordinances shall be construed to avoid payment of the privilege license and use tax in accordance with other ordinances of the Community.

(Code 1981, § 15-151; Code 2012, § 15-151; Ord. No. SRO-65-80, § 1(3), 5-31-1980; Ord. No. SRO-402-2012, § 15-151, 5-30-2012)

**Sec. 15-160. Suspension or revocation of license.**

Upon receiving notice that a licensee in connection with his or her operations under this division within this Community Code of Ordinances has violated any of the provisions under this division

within this Community Code of Ordinances or any of the laws of the Community or the United States and upon a showing of such violation, after proper notice to all parties concerned and a hearing before the Community manager, the Community manager may suspend or revoke the license previously granted under this division within this Community Code of Ordinances to such licensee. (Code 1981, § 15-152; Code 2012, § 15-152; Ord. No. SRO-65-80, § 1(13), 5-31-1980; Ord. No. SRO-402-2012, § 15-152, 5-30-2012)

**Sec. 15-161. Appeals concerning denial, revocation and suspension of licenses.**

Appeals from the denial, revocation or suspension of a license provided for in this division within this Community Code of Ordinances may be taken to the Community Council in accordance with the procedures established by the council for the hearing of administrative appeals.

(Code 1981, § 15-153; Code 2012, § 15-153; Ord. No. SRO-65-80, § 3, 5-31-1980; Ord. No. SRO-402-2012, § 15-153, 5-30-2012)

**Sec. 15-162. Licensees to conform to Community treasurer regulations.**

All licensees under this division within this Community Code of Ordinances shall comply with all regulations of the Community treasurer which are promulgated under the authority of and in compliance with the provisions of this division within this Community Code of Ordinances.

(Code 1981, § 15-154; Code 2012, § 15-154; Ord. No. SRO-65-80, § 1(10), 5-31-1980; Ord. No. SRO-402-2012, § 15-154, 5-30-2012)

**Sec. 15-163. Operational regulations.**

(a) *Sanitary facilities.* Amusement establishments licensed under this division within this Community Code of Ordinances shall be well lighted and well ventilated and shall have adequate and sanitary toilet facilities for both sexes.

(b) *Security.* Amusement establishments shall provide such security as may be required by the chief of police to ensure the protection of the public.

(c) *Obedience to other ordinances.* Licensees of amusement establishments shall abide by all land use, zoning, building and other ordinances of the Community.

(Code 1981, § 15-155; Code 2012, § 15-155; Ord. No. SRO-65-80, § 2, 5-31-1980; Ord. No. SRO-402-2012, § 15-155, 5-30-2012)

#### **Sec. 15-164. Violations.**

Any person to whom a license has not been issued, or if earlier issued has been revoked or suspended, shall cease operations upon receipt of notice from the Community manager. If such person fails to cease operations, then the Community court shall upon application of the Community manager for and on behalf of the Community Council and after having found a failure to secure a proper license or a suspension or revocation of a license and failure to cease and desist operations and upon three days' notice by United States mail addressed to the place at which the operations are carried out and after a hearing to be held no later than five days after application is made and three days after notice is mailed, shall issue a mandatory injunction requiring such person to vacate the premises and cease and desist operations. The order of the court, as issued, shall be carried out by the chief of police of the Community police department or officers of the Community police department assigned by him or her.

(Code 1981, § 15-156; Code 2012, § 15-156; Ord. No. SRO-65-80, § 4, 5-31-1980; Ord. No. SRO-402-2012, § 15-156, 5-30-2012)

#### **Secs. 15-165—15-181. Reserved.**

### **DIVISION 5. PUBLIC DANCE PERMITS**

#### **Sec. 15-182. Policy.**

It is the policy of the Community that public gatherings within the Community be conducted in such a way as to protect the lives and property of members of the Community and others who may be in attendance.

(Code 1981, § 15-161; Code 2012, § 15-161; Ord. No. SRO-75-82, § 1, 12-9-1981; Ord. No. SRO-402-2012, § 15-161, 5-30-2012)

#### **Sec. 15-183. Definitions.**

The following words, terms and phrases, when used in this division within this Community Code of Ordinances, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Private place or private property* means any facility not owned by the Community.

*Public dance* means any gathering in which more than 25 people are in attendance and at which live or recorded secular music is played.

*Public dance place or public property* means any facility owned by the Community.  
(Code 1981, § 15-162; Code 2012, § 15-162; Ord. No. SRO-75-82, § 2, 12-9-1981; Ord. No. SRO-173-94, § 1, 4-11-1994; Ord. No. SRO-402-2012, § 15-162, 5-30-2012)

#### **Sec. 15-184. Permit required.**

No public dance shall be held unless the president or vice president has first issued a permit pursuant to this division within this Community Code of Ordinances.

(Code 1981, § 15-163; Code 2012, § 15-163; Ord. No. SRO-75-82, § 3, 12-9-1981; Ord. No. SRO-402-2012, § 15-163, 5-30-2012)

#### **Sec. 15-185. Issuance of permits.**

(a) *For public dances on private property.* Any owner or lessee of private property who wishes to conduct a public dance on such property may apply to the president or vice president for a permit to hold such a public dance at a place and time certain. The permit shall be issued conditioned on the requirement that there shall be adequate security to protect lives and property. No permit will be issued unless application therefor is made at least seven days prior to the date of the dance. The president or vice president shall determine what level of security will be adequate. All arrangements for security shall be made before the time the permit shall become effective. Each applicant for a public dance permit shall pay a permit fee in the amount of \$50.00. No permit shall be issued to any person or for any facility where a public dance on private property in



violation of this division within this Community Code of Ordinances has been held within 24 months of the application for a permit.

(b) *For public dances on public property.* Any person who wishes to conduct a public dance on public property may apply to the president or vice president for a permit to hold such public dance at a place and time certain. The permit shall be issued conditioned on the requirement that there shall be adequate security to protect lives and property. No permit will be issued unless application therefor is made at least seven days prior to the date of the dance. The president or vice president shall determine what level of security will be adequate. All arrangements for security shall be made before the time the permit shall become effective. Each applicant for a public dance permit shall pay a permit fee in the amount of \$50.00. The issuance of a permit shall also be conditioned on the deposit by the person applying for the permit or money sufficient to ensure that the premises of the public dance will be restored to the condition that existed before the dance. No permit shall be issued for a public dance to be held on public property without there first having been obtained written permission from the person or committee responsible for the use of such public property on which the dance is to be held. (Code 1981, § 15-164; Code 2012, § 15-164; Ord. No. SRO-75-82, § 5, 12-9-1981; Ord. No. SRO-402-2012, § 15-164, 5-30-2012)

#### **Sec. 15-186. Alcoholic beverages.**

No alcoholic beverages shall be permitted at or on the premises of a public dance except within any private residence at the time the public dance is being held.

(Code 1981, § 15-165; Code 2012, § 15-165; Ord. No. SRO-75-82, § 8, 12-9-1981; Ord. No. SRO-402-2012, § 15-165, 5-30-2012)

#### **Sec. 15-187. Illegal substances prohibited.**

No person shall attend a public dance while under the influence of alcoholic beverages or illegal drugs.

(Code 1981, § 15-166; Code 2012, § 15-166; Ord. No. SRO-75-82, § 10, 12-9-1981; Ord. No. SRO-402-2012, § 15-166, 5-30-2012)

#### **Sec. 15-188. Attendance of children restricted.**

No children under the age of 12 years shall be present at any public dance after 10:30 p.m. except for children who are residents of the residence at which the dance is being held.

(Code 1981, § 15-167; Code 2012, § 15-167; Ord. No. SRO-75-82, § 12, 12-9-1981; Ord. No. SRO-402-2012, § 15-167, 5-30-2012)

#### **Sec. 15-189. Parking and safety ordinances.**

Any applicant for a permit shall make adequate arrangements for parking which does not violate Community parking and safety ordinances.

(Code 1981, § 15-168; Code 2012, § 15-168; Ord. No. SRO-75-82, § 11, 12-9-1981; Ord. No. SRO-402-2012, § 15-168, 5-30-2012)

#### **Sec. 15-190. Limitation of time.**

No public dance shall be held after the hour of 1:00 a.m. All music at any public dance shall end 30 minutes before that hour.

(Code 1981, § 15-169; Code 2012, § 15-169; Ord. No. SRO-75-82, § 7, 12-9-1981; Ord. No. SRO-402-2012, § 15-169, 5-30-2012)

#### **Sec. 15-191. Injuries at public dances on private property.**

There shall be a civil cause of action for any injury that results from any incident involving the use of alcoholic beverages that occurs at any public dance on private property. The action shall lie against the person who has possession of the premises in which the injury occurred. Nothing in this division within this Community Code of Ordinances shall limit any other claim which may exist.

(Code 1981, § 15-170; Code 2012, § 15-170; Ord. No. SRO-75-82, § 9, 12-9-1981; Ord. No. SRO-402-2012, § 15-170, 5-30-2012)

#### **Sec. 15-192. Enforcement.**

The department of public safety that has the authority to enforce this division within this Community Code of Ordinances.

(Code 1981, § 15-171; Code 2012, § 15-171; Ord. No. SRO-75-82, § 13, 12-9-1981; Ord. No. SRO-402-2012, § 15-171, 5-30-2012)

**Sec. 15-193. Regulations adopted pursuant to this division within this Community Code of Ordinances.**

The Community shall, from time to time, adopt such regulations as are necessary and proper to effectuate this division within this Community Code of Ordinances.

(Code 1981, § 15-172; Code 2012, § 15-172; Ord. No. SRO-75-82, § 6, 12-9-1981; Ord. No. SRO-402-2012, § 15-172, 5-30-2012)

**Sec. 15-194. Violations.**

Failure by any person conducting a public dance to obtain the permit as required by this division within this Community Code of Ordinances, or having obtained the permit, failure to abide by the terms and conditions of the permit is an offense against the Community and may be punished by imprisonment for not more than six months or by a fine of \$500.00, or both.

(Code 1981, § 15-173; Code 2012, § 15-173; Ord. No. SRO-75-82, § 4, 12-9-1981; Ord. No. SRO-402-2012, § 15-173, 5-30-2012)

**Secs. 15-195—15-211. Reserved.**

**DIVISION 6. PUBLIC DANCE HALL**

**Sec. 15-212. Operation or maintenance.**

Any person or group of persons who operates or maintains a public dance hall within the Community without first having paid a fee not to exceed \$100.00 per year for a license, which license will require the operator to comply with this Community Code of Ordinances with reference to the opening and closing and having an officer in attendance, shall be deemed guilty of an offense and, upon conviction thereof, shall be sentenced to imprisonment for a period not to exceed 30 days or to a fine not to exceed \$90.00, or to both such imprisonment and fine, with costs. A violation of a regulation in the license shall be cause for revocation of the permit.

(Code 1976, § 6.50; Code 1981, § 15-2; Code 2012, § 15-186; Ord. No. SRO-402-2012, § 15-186, 5-30-2012)

**Secs. 15-213—15-232. Reserved.**

**DIVISION 7. FIREWORKS AND PYROTECHNICS**

**Sec. 15-233. Purpose.**

It is the purpose of this division within this Community Code of Ordinances to govern and regulate fireworks and pyrotechnics on the Community in order to protect the safety, health, and welfare of the residents of the Community and to further protect the financial impact of fire loss to the Community and its members due to the improper use of fireworks or pyrotechnic materials.

(Code 1981, § 15-251; Code 2012, § 15-251; Ord. No. SRO-296-2003, 6-4-2003; Ord. No. SRO-402-2012, § 15-251, 5-30-2012)

**Sec. 15-234. Generally.**

Except as otherwise provided in this division within this Community Code of Ordinances, it is unlawful for any person to produce, sell, store, offer for sale, expose for sale, use, possess, fire, display, or discharge (collectively, "use") any fireworks and pyrotechnics (collectively, "fireworks") within the Community.

(Code 1981, § 15-252; Code 2012, § 15-252; Ord. No. SRO-296-2003, 6-4-2003; Ord. No. SRO-402-2012, § 15-252, 5-30-2012)

**Sec. 15-235. Fireworks application and permits.**

(a) It is unlawful for any person to display or discharge fireworks within the Community without having first obtained a fireworks permit.

(b) A fireworks permit shall not be issued unless the applicant holds a valid license issued by the Arizona state fire marshal's office or equivalent.

(c) In order to obtain a permit for displaying or discharging fireworks, the applicant must first apply for a fireworks permit on a form provided by the Community's fire department and pay any related fee(s) associated with the event. For Community events, fee(s) may be waived with approval from the president, vice president or Com-

munity manager. The fireworks application shall be made at least 14 days in advance of the proposed use.

(d) The fire chief or his or her designee shall investigate whether the character and location of the display or discharge as proposed would be hazardous or dangerous to any person or property. The fire chief or his or her designee shall approve, approve with stipulations, or deny the application for pyrotechnic display, and shall notify the applicant of same.

(e) Nothing in this division within this Community Code of Ordinances precludes the application or issuance of other Community permits. (Code 1981, § 15-253; Code 2012, § 15-253; Ord. No. SRO-296-2003, 6-4-2003; Ord. No. SRO-402-2012, § 15-253, 5-30-2012)

#### **Sec. 15-236. Supervision of display.**

Every display of fireworks shall be handled or supervised by a competent and experienced pyrotechnic operator approved by the fire chief or his or her designee.

(Code 1981, § 15-254; Code 2012, § 15-254; Ord. No. SRO-296-2003, 6-4-2003; Ord. No. SRO-402-2012, § 15-254, 5-30-2012)

#### **Sec. 15-237. Penalty.**

Any person who violates this division within this Community Code of Ordinances shall be sentenced to a fine of not more than \$1,000.00.

(Code 1981, § 15-255; Code 2012, § 15-255; Ord. No. SRO-296-2003, 6-4-2003; Ord. No. SRO-402-2012, § 15-255, 5-30-2012)

#### **Sec. 15-238. Moratorium.**

The Community Council may, from time-to-time, as the need arises, in consultation with the Community's fire department and Community manager, issue temporary moratoria prohibiting the use of fireworks.

(Code 1981, § 15-256; Code 2012, § 15-256; Ord. No. SRO-296-2003, 6-4-2003; Ord. No. SRO-402-2012, § 15-256, 5-30-2012)

#### **Sec. 15-239. Further actions.**

The Community manager, in cooperation with the Community's fire department, may produce and execute further policies and procedures to implement this division within this Community Code of Ordinances that are not inconsistent with this division within this Community Code of Ordinances.

(Code 1981, § 15-257; Code 2012, § 15-257; Ord. No. SRO-296-2003, 6-4-2003; Ord. No. SRO-402-2012, § 15-257, 5-30-2012)

#### **Sec. 15-240. Other provisions.**

Other provisions of uniform fire codes, as adopted from time-to-time by Community Council, are hereby affirmed, except as expressly conflicting with this Community Code of Ordinances.

(Code 1981, § 15-258; Code 2012, § 15-258; Ord. No. SRO-296-2003, 6-4-2003; Ord. No. SRO-402-2012, § 15-258, 5-30-2012)