

B. Any person entertaining or performing any dance or in any play, exhibition, show or other entertainment, or any person serving food or spirituous liquors in a restaurant, night club, bar, cabaret, tavern, tap room, theater or in a private, fraternal, social, golf or country club, or in any public place who appears clothed, costumed, unclothed or uncostumed in such a manner that the lower part of his or her torso, consisting of the private parts or anal cleft or cleavage of the buttocks, is not covered by a fully opaque fabric material or is so thinly covered as to appear uncovered, is guilty of a misdemeanor.

A person who knowingly conducts, maintains, owns, manages, operates or furnishes any restaurant, night club, bar, cabaret, tavern, tap room, theater or any place serving food or spirituous liquors, or a private, fraternal, social, golf or country club, or any public place where any person appears clothed, costumed, unclothed or uncostumed in such a manner that the lower part of his or her torso, consisting of the private parts or anal cleft or cleavage of the buttocks, is not covered by a fully opaque fabric material, or is so thinly covered as to appear uncovered, is guilty of a misdemeanor. (Ord. 756, 3-26-69)

6-01-001-0006 PROHIBITED PUBLIC ACTIVITIES:

It is unlawful for any person to urinate or defecate in a public place, except where enclosed facilities intended for such purposes have been provided, or in any place exposed to public view. (Ord. 10, 2-7-1895; Rev. 12/06/2005, Ord. No. 2005-22.)

6-01-001-0007 REPEALED

(Ord. No. 2010-03, 02/16/10)

6-01-001-0008 REPEALED

(Ord. No. 2010-02, 02/16/10)

6-01-001-0009 GENERAL OFFENSE

It shall be unlawful for any person to commit any act or fail to perform any requirement which is prohibited or required by State law, insofar as such laws are applicable to Municipal government.

6-01-001-0010 POLICE OFFICERS, ACTS RELATIVE TO:

A. Giving Assistance to Police Officers: It shall be unlawful for any male citizen over the age of eighteen (18) years to refuse or neglect to render assistance to any police officer when called upon for such assistance or aid in the suppression of riot or other unlawful assemblage or in the arrest of any person who has committed an offense. (Ord. 194, 11-20-16)

B. Resisting an Officer: It shall be unlawful for any person to wilfully interfere with, resist, delay, obstruct, molest or threaten to molest any officer or any member of the Police or Fire Departments or the Building Inspector of the City in the exercise of his official duties or knowingly and maliciously give any false information to any officer of the City. (Ord. 217, 9-11-18)

6-01-001-0011 REPEALED

6-01-001-0012 GAMBLING:

A. Gambling Prohibited: Every person who shall carry on or open or cause to be opened or who shall conduct either as owner, proprietor or employee, whether for hire or not, any game of faro, monte, roulette, lasquet, rouge et noire, roundo, vinget, uno or twenty one, poker, stud poker, draw poker, fan tan, thaw, seven and one-half, chuck-aluck, blackjack or any similar game whatsoever played with cards, dice or any other device, slot machine or machines of like character, whether the same be played for money, checks, credits or any representative of value or any person who shall play in or be a party to any of the games above mentioned, or any proprietor, owner or part owner, lessee, manager or any person having management, supervision or control, temporary or permanent, of any house or other resort maintained for gambling shall permit any of the games mentioned above or any other gambling game to be played in such place, shall be guilty of a misdemeanor.

B. Establishment of Guilt: Subsection A. above shall be construed that any person or persons as therein enumerated who shall play any of the games or run or operate any of the games or be a party thereto as enumerated in said Subsection A., or any person or persons who shall stand by knowing that any of the games are being played as enumerated in said Subsection A. hereof, shall upon conviction thereof be guilty of a misdemeanor.

C. Obtaining Money by Gambling: Every person who by any gambling game, as enumerated in Subsection A. hereof, or any other gambling game not enumerated, or by fortune telling, trick or sleight of hand by use of cards or other implements or instruments, or while betting on sides or hands of any such play or game fraudulently obtains from any person money or property of any description, shall be punished for a violation of this Code.

D. Lease Prohibited for Certain Purposes: If any owner or person in the management or control of any property shall knowingly rent or lease the same to be used as a place where gambling is carried on in any form, he shall be deemed guilty of a misdemeanor. (Ord. 181, 5-25-16)

E. Exception: Off-track wagering on electronically televised simulcasts of horse, harness or dog racing conducted in conformance with A.R.S. §5-101 et seq., and specifically authorized by the Flagstaff City Council, or their designee, shall not be prohibited by this Ordinance. (Ord. 1776, 11/03/92)

1. Application and Issuance of Initial Permit and Criteria: The City Council may consider any information contained within the application or allowed to be considered by the Arizona Department of Racing or the Arizona Racing Commission in authorizing or recommending the issuance of a permit for off-track wagering on electronically televised simulcasts pursuant to Paragraph E. above. The permit shall authorize all off-track wagering on electronically televised simulcasts including horse, harness, dog racing or any combination thereof during its term and shall not be limited in scope to the specific category of racing specified at the time of application. (Ord. 1776, 11/03/92)

2. Renewal of Permit to conduct off-track wagering: All applications for the renewal of a permit to conduct off-track wagering as authorized by the Flagstaff City Council pursuant to Paragraph E. of this Section shall be reviewed by the City Manager on a yearly basis. When reviewing applications for the renewal of such a permit the following shall constitute grounds for denying the renewal of a wagering establishment permit if the City Manager determines such non-

renewal to be in the best interests of the City, its residents and businesses. The City Manager may consider any additional factors or information which may be relevant to the City's interest in protecting the health, welfare or morals of the citizens of Flagstaff.

- a. Revocation of any state racing, wagering or gaming permit which is required for the race track or wagering establishment.
- b. Failure of the permittee to immediately cease all racing or wagering activity and/or failure of the permittee to promptly notify the City Manager or his designee, in writing, upon suspension or revocation of any state racing, wagering or gaming permit for the race track or wagering establishment.
- c. Conviction by a court of competent jurisdiction of the permittee or any of its owners, managers or employees, and in the case of a corporation, its principal officers, directors and principal shareholders, of any felony or any violation of law or regulation related to racing, wagering or gaming, in any jurisdiction.
- d. Adjudication, in any civil action or administrative proceeding in any jurisdiction, that the permittee or any of its owners, managers, or employees, and in the case of a corporation, its principal officers, directors and principal shareholders, are responsible for violation of any law or regulation related to racing, wagering or gaming.
- e. The City Manager finds that the permittee has committed a felony or a violation of any racing, wagering or gaming law or regulation, in any jurisdiction.
- f. The City Manager finds that any owner, manager or employee of the permittee, and in the case of a corporate permittee, any of its principal officers, directors or principal shareholders, has committed a felony or a violation of any racing, wagering or gaming law or regulation, in any jurisdiction.
- g. Information exists that demonstrates that the proposed wagering establishment use does not comply with all applicable zoning, building and land-use codes and regulations.
- h. The permittee is delinquent in payment of any privilege license taxes or use taxes owed to the City and has not, upon reasonable notice, made such payment together with any applicable interest and penalties.
- i. The City Manager finds that the security plan for the wagering establishment is inadequate or needs to be updated or modified and that the permittee has not, upon reasonable notice, made satisfactory improvements or modifications to the security plan.
- j. The City Manager finds that unlawful gambling by a minor or minors has occurred at the wagering establishment and that the security measures of the permittee remain inadequate to prevent unlawful gambling by minors.
- k. The City Manager finds that alcoholic beverages have been purchased or consumed by a person or persons under the lawful drinking age on the premises of the wagering establishment or, with respect to multiple use facilities, anywhere on the premises of the

multiple use facility and that the security measures of the permittee remain inadequate to prevent purchase or consumption of alcoholic beverages by those persons under the lawful drinking age.

I. The City Manager finds that the permittee has made a false statement on or in connection with its permit application or application for last previous permit renewal or that any false, incomplete or misleading information has been provided by the permittee on or in connection with such permit or renewal application. (Ord. 1743, 03/03/92)

3. Suspension of an Off-track Wagering Permit: Any permit to operate an off-track wagering facility issued under the provisions of this Chapter may be suspended as provided in this Section. Suspensions under this Section shall be for a prescribed period of time not to exceed sixty (60) days unless otherwise provided for below. If the basis for the suspension has not been cured within sixty (60) days, the City Council may, in their discretion, issue a subsequent suspension.

a. The permit may be suspended by the City Council upon one or more of the following grounds:

(1) Reasonable cause exists to believe that the permittee, owner, manager, employee, or in the case of a corporate licensee, any of its principal officers, directors or principal shareholders, has committed a felony or a violation of any racing, wagering or gaming law or regulation in any jurisdiction.

(2) Reasonable cause exists to believe that the permittee, owner, manager, employee, or in the case of a corporate licensee, any of its principal officers, directors or principal shareholders, are responsible for violation of any civil or administrative racing, wagering or gaming law or regulation.

(3) The permittee is delinquent in payment of any privilege license taxes or use taxes owed to the City.

(4) Reasonable cause exists to believe that the security plan for the off-track wagering facility is inadequate or needs to be updated or modified; that unlawful gambling by a minor or minors has occurred at the off-track wagering facility; or that alcoholic beverages have been purchased or consumed by a person or persons under the lawful drinking age on the premises of the off-track wagering facility or, with respect to multiple use facilities, anywhere on the premises of the multiple use facility.

(5) Reasonable cause exists to believe that the permittee has made a false statement on or in connection with its permit application or application for last previous permit renewal or that any false, incomplete or misleading information has been provided by the permittee on or in connection with such permit or renewal application.

(6) Upon any suspension of any State racing, wagering or gaming license which is required for the race track or off-track wagering facility, the City permit for the off-track wagering facility shall be automatically suspended without further action by the City

until the State license is reinstated or reissued or until such suspension of the State license is finally overturned by a court of competent jurisdiction. Upon such automatic suspension of the City permit as provided in this subsection, the holder of the City permit shall immediately cease all racing or wagering activity and shall promptly notify the City Manager or his designee, in writing, of the suspension of the State license.

4. Revocation of an Off-track Wagering Permit: Any off-track wagering facility permit issued under the provisions of this Chapter may be revoked as provided in this Section. No application for reinstatement of the off-track wagering facility permit shall be considered for a period of one year from the date of revocation, unless the applicant demonstrates by clear and convincing evidence to the City Council that extraordinary circumstances exist such that the interests of the City and its residents and businesses would best be served by consideration of the application prior to expiration of such one year period.

a. The off-track wagering facility permit may be revoked by the City Council upon one or more of the following grounds:

(1) Revocation of any state racing, wagering or gaming permit which is required for the race track or wagering establishment.

(2) Failure of a permittee to immediately cease all racing or wagering activity and/or failure of the permittee to promptly notify the City Manager or his designee, in writing, upon suspension or revocation of any State racing, wagering or gaming permit for the race track or wagering establishment.

(3) Conviction by a court of competent jurisdiction of the permittee, or any of its owners, managers, or employees, or in the case of a corporate licensee, any of its principal officers, directors or principal shareholders, of any felony or any violation of law or regulation related to racing, wagering or gaming law in any jurisdiction.

(4) Adjudication, in any civil action or administrative proceeding in any jurisdiction, that the permittee, or any of its owners, managers, or employees, or in the case of a corporate licensee, any of its principal officers, directors or principal shareholders, are responsible for violation of any law or regulation related to racing, wagering or gaming.

(5) Information exists that demonstrates that the off-track wagering facility does not comply with all applicable zoning, building and land-use codes and regulations.

(6) The permittee is delinquent in payment of any privilege license taxes or use taxes owed to the City and has not, upon reasonable notice, made such payment together with any applicable interest and penalties.

(7) The City Council finds that the security plan for the off-track wagering facility is inadequate or needs to be updated or modified and that the permittee has not, upon reasonable notice, made satisfactory improvements or modifications to the security plan.

(8) The City Council finds that unlawful gambling by a minor or minors has occurred at the off-track wagering facility and that the security measures of the permittee remain inadequate to prevent unlawful gambling by minors.

(9) The City Council finds that alcoholic beverages have been purchased or consumed by a person or persons under the lawful drinking age on the premises of the off-track wagering facility or, with respect to multiple use facilities, anywhere on the premises of the multiple use facility and that the security measures of the permittee remain inadequate to prevent purchase or consumption of alcoholic beverages by those persons under the lawful drinking age.

(10) The City Council finds that the permittee has made a false statement on or in connection with its original permit application or application for renewal or that any false, incomplete or misleading information has been provided by the permittee on or in connection with such permit or renewal application.

5. Right of Appeal: An applicant or permittee shall have the right to appeal from a denial of their application or suspension or revocation of their permit as follows:

a. The City Council's decision to deny an initial permit or suspend or revoke an existing permit shall be a final decision and may be appealed by Special Action to Superior Court.

b. The City Manager's decision to deny renewal of a permit may be appealed to the City Council. The Notice of Appeal shall be filed within forty-five (45) days of the date notice of the denial was mailed to the applicant. The City Council's decision to deny renewal of a permit is a final decision and may be appealed by Special Action to Superior Court.

6. Delegation of Authority to Promulgate Administrative Procedures and Establish Schedule of Fees: The City Manager shall adopt and promulgate such rules and regulations necessary to effectuate and administer the provisions of this Chapter, prepare such forms as required and establish a schedule of fees for a permit application. (Ord. 1776, 11/03/92)

(Ord. No. 1714, Amended, 09/17/91; Ord. No. 1743, Amended, 03/03/92; Ord. No. 1776, Amended, 11/03/92)

6-01-001-0013 WEAPONS; RESTRICTIONS, PROHIBITIONS:

A. Firing Prohibited: No person shall, within the corporate limits, fire or discharge any air gun, air pistol, BB gun, pellet gun, dart gun, gas gun or other similar gun or instrument. This section does not apply to the use of any such gun or instrument by a law enforcement officer or other duly authorized public official or employee in the performance of an official duty. (Ord. 171, 6-28-15; Ord. 444, 6-2-58; Ord. 2012-06, Amended, 04/17/2012)

6-01-001-0014 PLASTIC BAGS OR COVERINGS:

A. No bag made of plastic material of an average gauge thinner than .001 inch which is large enough to fit over a child's head shall be used by any business establishment as a container for products delivered to purchasers, or by any other business establishment to package articles delivered to customers or other persons doing business with the establishment, unless there is