



Office of Arizona Attorney General

Mark Brnovich

Legislator Request for Attorney General Investigation of Alleged State-Law Violation by County, City, or Town (Continued)



\*Identify the member(s) of the Legislature submitting this request for investigation (attach additional sheet if necessary):

Representative Don Shooter

\*Provide a contact person for communications from the Attorney General's Office regarding this request (may be a Legislator listed above or an employee of the Legislature).

\*Name:

Donald Shooter

\*Email address:

dshooter@azleg.gov

\*Phone number:

(602) 926-4139

\*Mailing address:

1700 W. Washington #222

Phoenix, AZ 85007

\*The specific question for the Attorney General to investigate is:

City Ordinance requiring of a church a Conditional Use Permit

to operate in a commercial zone, whereas secular non-profit assemblies (clubs, civic, etc.) do not.

\*The name of the county, city, or town that is the subject of this request:

City of Somerton, Arizona

\*The specific ordinance, regulation, order, or other official action adopted or taken by the governing body of the county, city, or town and the date thereof:

City of Somerton Zoning Ordinance, adopted 4/2015

PP 29, 30, and 72. Ordinance 2.4-1 table of allowed use for mixed use districts

\*The specific Arizona statute(s) and/or constitutional provision(s) with which the action conflicts:

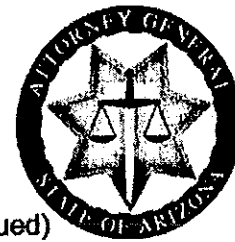
ARS 41-1493.03 Free exercise of religion; land use regulation. Section B "Government shall not impose or implement a land use

in a manner that treats a religious assembly...on less than equal terms with a nonreligious assembly."

\* required field Rev. 8-2016



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\*All relevant facts of which you are aware (attach separate sheet if necessary):

Iglesia Bautista de Somerton (church) rented a building located at 118 C W. Main St in Somerton, Arizona and to open 11/6/2016

On 10/27/16, the City of Somerton required a conditional use permit, consisting of an application \$575 and minimum 1 1/2 month process, and possible restrictions.

On 10/28/16, the church wrote a letter stating it would not comply since the CUP requirement did not equally treat religious assemblies as others.

On 10/31/16, the City of Somerton responded with a letter stating the church w/o a CUP will be subject to a citation for zoning code violation.

Please note, if other nonreligious, nonprofit of like assembly were to meet where the church is proposing to meet at 118C W Main St

a CUP would not be required, as that type of assembly would be entitled by right to operate according to City zoning ordinance.

\*All relevant legal authority, including federal and state case law, of which you are aware (attach separate sheet if necessary):

Case law, United States Court of Appeals for the Ninth Circuit No. 09-15422. This case is nearly identical and ironically same county.

\*Any litigation involving this issue of which you are aware (include case name, number, and court where filed) : there is no current litigation, however, Iglesia Bautista de Somerton will use any remedy available, especially if cited.

Check this box if you are attaching supporting documentation.

**NOTE: This form and other information submitted to the Attorney General's Office is subject to the public records law, A.R.S. § 39-121 et seq.**

I, a current member of the Legislature, verify that I and the other Legislators listed on the previous page (if any) are submitting this request for investigation under A.R.S. § 41-194.01.

\*First Name:  \*Last Name:

\*Signature:  \*Date:

Please submit the completed form to:  
 Arizona Attorney General's Office  
 Attn: Civil Litigation Division/A.R.S. § 41-194.01  
 1275 West Washington Street  
 Phoenix, Arizona 85007  
[cldinvestigations@azag.gov](mailto:cldinvestigations@azag.gov)

\* required field  
 Rev. 8-2016