

**Chapter 8**

**BUSINESS REGULATIONS**

**Articles:**

- 8-1 Peddlers**
- 8-2 Business License Code**
- 8-3 Distribution of Handbills**
- 8A-1 Adoption of Model Tax Code**

**Article 8-1 Peddlers**

**Sections:**

- 8-1-1 Business License and Registration Required**
- 8-1-2 Application to City**
- 8-1-3 Issuance of Registration Cards**
- 8-1-4 Revocation of Registration Cards**
- 8-1-5 Peddling Without Registration Cards Prohibited**
- 8-1-6 Permission Required for Selling on Streets or Sidewalks**
- 8-1-7 Signs to be Observed**
- 8-1-8 Hours of Solicitation Limited**
- 8-1-9 Newspaper Vendors Exempt**
- 8-1-10 Charitable, Religious and Educational Organizations; Exemption**

**Section 8-1-1 Business License and Registration Required**

It is unlawful for any person to take part in the act of soliciting, peddling, hawking, selling or vending of goods, wares, merchandise, newspapers, magazines or services from house to house, or to only one house, in the city without having obtained a business license pursuant to Article 8-2 and having registered with the city pursuant to this article.

**Section 8-1-2 Application to City**

A. Applicants for registration under the terms of Section 8-1-1 shall be required to furnish two satisfactory photographs of the applicant, one to be attached to the applicant's registration card and the other to be retained by the city. The city shall require the applicant to file his fingerprint identification with the city clerk.

B. Such applicants for registration shall be required to furnish to the city a complete description of the product to be sold in the city, together with information regarding sales methods to be used and references that will enable the city to determine whether or not such applicant is qualified to receive a registration card as provided in Section 8-1-3. Investigation by the city under the provisions of this chapter shall be completed within fifteen days after the applicant has given the required information.

**Section 8-1-3 Issuance of Registration Cards**

Registration cards under this article shall be given without charge to all applicants who have complied with Section 8-1-2, unless the city discovers that any such applicant is deemed not to be a proper person to be permitted to go from house to house because of any of the following reasons: (1) he has a criminal record; (2) he is associated with a company that has engaged in fraudulent dealings; or (3) the proposed sales proposition includes some element of trickery, fraud or deceit, in which case, in the interest of public safety and protection, the applicant shall not be registered.

**Section 8-1-4 Revocation of Registration Cards**

A. Registration cards issued under the provisions of this article are automatically terminated thirty day after issuance and may furthermore be revoked at any time by the city after notice and hearing.

B. Notice of the hearing for revocation shall be given in writing, setting forth specifi-

cally the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the registrant at his last known address at least five days prior to the date set for hearing.

C. Any person aggrieved by the denial of an application for a registration card as provided herein, or in the decision with reference to the revocation of a card, shall have the right of appeal to the council. Such appeal shall be taken by filing with the council, within fourteen days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for the appeal. The council shall set a time and place for a hearing on such appeal, and notice of such hearing shall be given to the appellant in the same manner as provided for notice of hearing on revocation. The decision and order of the council on such appeal shall be final and conclusive.

**Section 8-1-5 Peddling Without  
Registration Cards  
Prohibited**

It is unlawful for any person to take part in the act of soliciting, peddling, hawking, selling or vending of goods, wares, merchandise, newspapers, magazines or services from house to house, or to only one house, in the city without having registered with the city, without having obtained a registration card, without having such card in possession or failing to exhibit such card when request is made for the registration card by any resident of the city.

**Section 8-1-6 Permission Required  
for Selling on Streets or  
Sidewalks**

It is unlawful for any person to erect or maintain any booth, stand or counter on any sidewalk in the city for the purpose of barter, sale or trade, or keep or maintain upon the streets or alleys any wagon, cart, wheel, vehicle, movable booth or stand for the purpose of

barter or trade without obtaining permission of the council.

**Section 8-1-7 Signs to be Observed**

It is unlawful for any peddler, solicitor or canvasser in the course of his business to ring the doorbell or knock at any building whereon a sign prohibiting peddlers, solicitors or canvassers is exposed to public view.

**Section 8-1-8 Hours of Solicitation  
Limited**

It is unlawful for any peddler, solicitor or canvasser to maintain his business prior to the hour of eight o'clock a.m. on any business day or after sunset during any business day.

**Section 8-1-9 Newspaper Vendors  
Exempt**

Newsboys are exempt from the provisions of this article for the sale of newspaper subscriptions.

**Section 8-1-10 Charitable, Religious  
and Educational  
Organizations;  
Exemption**

A. Any organization, society, association or corporation desiring to solicit, or have solicited in its name, money, donations of money or property, or financial assistance of any kind or desiring to sell or distribute any item of literature or merchandise for which a fee is charged or solicited from persons, other than members of such organization, upon the streets, in office or business buildings, by house to house canvass, or in public places for a charitable, religious, educational, patriotic or philanthropic purpose shall be exempt from the provisions of Section 8-1-2 of this article provided there is filed a sworn application in writing on a form to be furnished by the city which shall give the following information:

1. Name and purpose of the cause for which permit is sought.

2. Names and addresses of the officers and directors of the organization.

3. Period during which solicitation is to be carried on.

4. Whether or not any commission, fees, wages or emoluments are to be expended in connection with such solicitation and the amount thereof.

B. Upon being satisfied that such organization, association or corporation is a religious, educational, charitable, patriotic or philanthropic organization, the city shall issue a permit without charge to such organization, association or corporation to solicit in the city. Such organization, association or corporation shall furnish all of its members, agents or representatives conducting solicitation credentials, in writing, stating the name of the organization, name of agent and purpose of solicitation.

**Article 8-2 Business License Code**

**Sections:**

- 8-2-1 License Required**
- 8-2-2 Issuance of License**
- 8-2-3 Payment**
- 8-2-4 Posting of License**
- 8-2-5 Zoning Regulation**
- 8-2-6 Exhibition of License Required**
- 8-2-7 License Not Transferable**
- 8-2-8 Exemption**
- 8-2-9 Fees**
- 8-2-10 Information Required**
- 8-2-11 Denial and Revocation of Licenses; Hearing**
- 8-2-12 Appeal**
- 8-2-13 Interim Licenses**
- 8-2-14 Re-application for License**

**Section 8-2-1 License Required**

A. It is unlawful for any person to carry on any trade, calling, profession, occupation or business in the city without first having pro-

cured a license from the city to do so and without complying with the regulations of such trade, calling, profession, occupation or business and this article.

B. A person engaging in a business subject to a transaction privilege tax or a use tax is required to obtain a business license.

C. A person engaging in business not subject to a transaction privilege tax or a use tax but who has a physical office within the city is required to obtain a business license.

D. All licenses shall be issued for a period of one year and shall run January through December. No license shall be renewed unless the licensee conforms to the provisions of this code. Licenses issued shall not be transferable.

**Section 8-2-2 Issuance of License**

A. Nothing in this article, and no payment for or issuance of any license issued under the provisions of this article, shall be deemed to legalize any act which otherwise may be in violation of the law, or to exempt any person from any penalty for such violation.

B. Applications for business licenses shall be submitted to the finance officer. Upon compliance with this article, it shall be the duty of the finance officer to issue business licenses within sixty days of submittal of a complete application and to state in each license the amount charged, the period of time covered, the name of the person, firm or corporation for whom issued.

C. In no case shall any mistake in stating the amount of a license, prevent or prejudice the collection by the city of what shall be actually due from anyone required to obtain a business license pursuant to this article.

**Section 8-2-3 Payment**

A. All business license fees shall be paid at the office of the city clerk in such manner as may be specified by the clerk. License fees shall be paid in the amounts and be due on or

before issuance of the license or renewal thereof.

B. A separate license shall be obtained for each branch establishment or separate place of business in which any trade, calling, profession, occupation or business is carried on. Each license shall authorize the person obtaining such license to carry on, pursue or conduct only that trade, calling, profession, occupation or business described in such license and only at the location or place of business that is indicated.

**Section 8-2-4 Posting of License**

Every person having a license required by this article and carrying on a trade, calling, profession, occupation or business at a fixed place of business shall keep such license posted and exhibited in some conspicuous part of the place of business. Every person having such a license, and not having a fixed place of business, shall carry such license with him at all times while carrying on that trade, calling, profession, occupation or business for which the same was granted. Every person having a business license required by this article shall produce and exhibit the license when applying for a renewal thereof and whenever requested to do so by any police officer or by any other authorized person.

**Section 8-2-5 Zoning Regulation**

It shall be the responsibility of the licensee to ensure that the city’s zoning regulations are complied with before applying for a business license and during the term of the license. The payment of a license fee or issuance of a license shall not be deemed to validate the conduct of any business, activity, calling, vocation, profession, or trade at the said address.

**Section 8-2-6 Exhibition of License Required**

Authorized representatives of the city shall have the power to enter free of charge any

place of business during regular business hours for which a license is required by this article and to demand the exhibition of such license for the current term from any person engaged or employed in the transaction of any such business. It is unlawful for such person to fail to exhibit such license when requested to do so.

**Section 8-2-7 License Not Transferable**

No license issued under the provisions of this article shall be assignable or transferable to any other person, firm, company or corporation other than is therein.

**Section 8-2-8 Exemption**

Any person wishing to sell any form of agricultural products produced by him shall be exempted from any license tax imposed by this article for the privilege of selling such products only. Before receiving the exemption, an affidavit of the facts entitling the seller to an exemption must be filed with the clerk.

**Section 8-2-9 Fees**

All persons required to have a business license pursuant to this article shall pay a license fee in the amount to be set by council resolution, which fees shall be reasonably related to the cost of administering the business license fee program.

Initial Application Fee	\$10.00
Annual License Fee	\$35.00
Special Event License Fee	\$15.00 per vendor up to a \$1,000 maximum per event

The council may waive the special event license fee for nonprofit entities if it determines that the special event will provide a substantial public benefit to city residents. (Res. 07-243; Res. 06-222)

**Section 8-2-10 Information Required**

It shall be the duty of the finance officer to require and obtain from every applicant for a license under this article the following information:

- A. Name
- B. Permanent and local address
- C. Business address
- D. A brief description of the nature of business conducted and goods being sold
- E. State privilege license number
- F. Proof of compliance with the city privilege license tax code

- G. Driver's license number and state where issued
- H. Signature of applicant

**Section 8-2-11 Denial and Revocation of Licenses; Hearing**

A. Business licenses may be denied, modified, suspended or revoked by the finance officer after notice and hearing before the city manager for any of the following causes:

1. Fraud, misrepresentation of false statement contained in the application for license.
2. Any violation of this article or failure to meet any licensing requirements, including timely payment of fees.
3. Conducting a business in violation of any federal, state, county or local law.
4. The licensee is convicted of untrue, fraudulent, misleading or deceptive advertising.
5. The licensee is a corporation and is no longer qualified to transact business in the state.

B. Notice of a hearing shall be mailed to licensee by the city manager at least ten days prior to the hearing and shall set forth specifically the grounds of complaint and the time and place of hearing.

C. The city manager shall issue a written decision and mail notice thereof within ten (10) days after the hearing, setting forth the findings and grounds for the decision, to the licensee.

**Section 8-2-12 Appeal**

A. Any person aggrieved by the denial, modification, suspension, or revocation of a license shall have the right to appeal to the council. The appeal must be filed with the city clerk no later than fourteen (14) days after the city manager's decision has been mailed to the person, and must consist of a written statement fully describing the grounds for appeal.

B. The city clerk shall set a time and place for a hearing before the council on such appeal, to be held within thirty (30) days from the filing date of the appeal. Notice of such hearing shall be mailed by the city clerk, to the appel-

lant setting forth specifically the time and place of the hearing.

C. The decision of the city council on appeal shall be final, except any person aggrieved may appeal the decision to superior court.

D. Any non-renewed or revoked license shall be surrendered to the city clerk on demand at the expiration of the appeals process.

**Section 8-2-13 Interim Licenses**

A. A licensee may obtain an interim license to conduct business operations pending its appeal of town's decision to deny renewal, modify, suspend, or revoke a license under this article. The licensee shall apply for an interim license by submitting to the finance officer a written request for an interim license, along with a copy of the notice of appeal (filed for city council or judicial review), and any materials required for a license but not previously provided. The finance officer will issue an interim license within one (1) business day of receipt of the foregoing materials. No fee will be charged for an interim license.

B. An interim license does not constitute permission to violate laws or create a public nuisance. A business may be immediately closed if it constitutes an immediate threat or danger to public health and safety or property, pursuant to applicable building, fire, health and safety regulations or as determined by the court.

C. An interim license automatically expires upon the court's entry of final judgment on the licensee's appeal, and shall be surrendered to the development services manager within ten (10) days thereafter.

**Section 8-2-14 Re-application for License**

No person may apply for a business license under this article within one year from the denial or revocation of any such license.

**Article 8-3      Distribution of Handbills**

**Sections:**

- 8-3-1      Definitions**
- 8-3-2      Posting Notice, Handbill, etc., Prohibited**
- 8-3-3      Throwing Handbills in Public Places; Lawful Distribution**
- 8-3-4      Placing Handbills in or Upon Vehicles**
- 8-3-5      Distributing Handbills and Subscribed Materials at Private Premises**
- 8-3-6      Distributing Handbills at Registered Premises Prohibited**

**Section 8-3-1      Definitions**

The following words, terms and phrases, when used in this article, have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

A. "Handbill" shall mean and include any printed or written matter, any sample or device, circular, leaflet, pamphlet, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter or literature, except "handbill" shall not mean any materials delivered pursuant to a subscription.

B. "Private premises" shall mean and include any dwelling, house, building, or other structure, designed or used either wholly or in part for private residential purposes, whether inhabited, uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule, or mailbox belonging or appurtenant to such dwelling, house, building, or other structure.

C. "Public place" shall mean and include any and all streets, boulevards, avenues, lanes, alleys, or other public ways, and any and all

public parks, squares, spaces, plazas, grounds and buildings. (Ord. 99-50 § 1; Ord. 98-46 § 1)

**Section 8-3-2      Posting Notice, Handbill, etc., Prohibited**

No person shall post, stick, stamp, paint or otherwise affix, or cause the same to be done by any person, any notice, handbill, advertisement or other device calculated to attract the attention of the public, to or upon any sidewalk, crosswalk, curb or curbstone, flagstone, or any other portion or part of any public way or public place, or any lamp post, electric light, telegraph, telephone pole, or railway structure or building, hydrant, shade tree or tree-box, or upon the piers, columns, trusses, girders, railings, gates or other parts of any public bridge or viaduct, or other public structure or building, or upon any pole, box or fixture of a fire alarm except such as may be authorized or required by the laws of the United States, or the State of Arizona, and the ordinances of the city. (Ord. 99-50 § 1; Ord. 98-46 § 1)

**Section 8-3-3      Throwing Handbills in Public Places; Lawful Distribution**

It shall be unlawful for any person to deposit, place, throw, scatter or cast any handbill in or upon any public place within the city which has been registered with the city clerk pursuant to Section 8-3-6; provided, however, that it shall be lawful for any person in or upon a public place to give a handbill to any person willing to accept such handbill, and it shall be lawful to post a handbill on a kiosk or other fixture expressly designated by the city or other governmental entity for handbills. (Ord. 99-50 § 1; Ord. 98-46 § 1)

**Section 8-3-4      Placing Handbills in or Upon Vehicles**

It shall be unlawful for any person to distribute, deposit, place, throw, scatter or cast any

handbill in or upon any automobile or vehicle, unless secured under the windshield wiper or by other means to prevent the material from being blown or drifted away from the vehicle. The provisions of this section shall not be deemed to prohibit the handing, transmitting or distributing of any handbill to the owner or other occupant of any automobile or other vehicle, who is willing to accept the same. (Ord. 99-50 § 1; Ord. 98-46 § 1)

**Section 8-3-5      Distributing Handbills  
and Subscribed  
Materials at Private  
Premises**

Except where the owner or occupant of the premises requests otherwise, a person may place or deposit any handbill or subscribed materials in or upon private premises, if placed thereon in such a manner as to prevent the handbill or subscribed materials from being carried or deposited by the wind or other elements upon any street, sidewalk, or other public place, or upon neighboring private property. For purposes of this section, “subscribed materials” shall mean newspapers and any other printed or written matter delivered to the premises pursuant to a subscription. (Ord. 99-50 § 1; Ord. 98-46 § 1. Formerly 8-3-7)

**Section 8-3-6      Distributing Handbills  
at Registered Premises  
Prohibited**

A. It shall be unlawful for any person to distribute, deposit, place, throw, scatter or cast any handbill upon any premises at an address officially registered with the city clerk for the purposes of avoiding the same, unless such person demonstrates to the city clerk that: (1) good faith efforts have been made to comply with the requirements of this section and that (2) the person, its employees or agents has made no more than three erroneous deliveries to the same premises within a six-month period. A delivery will not be counted as “erro-

neous” if the delivery was made to an address newly added to the registry, and less than ten days have passed since the updated registry was mailed by the city clerk to the person who made the delivery.

B. The city clerk will maintain a registry of the addresses of all residents or property owners who by affidavit have expressed the desire not to receive any handbill at their home or premises. Any address placed in the registry shall automatically expire on January 31st of each year, unless the resident or property owner files a written request with the city clerk within thirty days prior to the expiration date requesting that such registration be continued for the upcoming year. A resident or property owner may request to be removed from the registry at any time, and the city clerk shall remove the name from the registry within three working days.

C. Any person seeking to engage in the distribution of any handbill, from house to house, or to any premises in the city, shall obtain a list of all addresses registered pursuant to this section with the city clerk. Upon request and payment of an annual administrative fee not to exceed ten dollars, the city clerk will mail on a monthly basis a copy of the registry to any person. (Ord. 99-50 § 1; Ord. 98-46 § 1. Formerly 8-3-8)

**Article 8A-1      Adoption of Model Tax  
Code**

The model city tax code adopted by Ordinance 87-4 is hereby adopted by reference. Three copies of the code are on file with the city clerk.