

Chapter 8

BUSINESS REGULATIONS

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Article 8-1 Peddlers

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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. Such persons shall be referred to as “peddlers” in this article.

Charitable, religious, educational, patriotic and philanthropic organizations shall not be required to comply with this article but shall comply with the permit requirements of Article 8-1A. (Ord. 10-157 § 1)

Section 8-1-2 Application to City

A. Applications for registration cards shall be filed with the city clerk. Applicants shall provide their vehicle license number and two satisfactory passport-size photographs of the applicant. One photograph shall be attached to the applicant’s registration card and the other shall be retained by the city.

B. Each applicant shall submit a full set of fingerprints to the city clerk. The city clerk or designee shall forward the fingerprints accompanied by appropriate fees to the state Department of Public Safety for the purpose of seeking criminal history information on such applicant pursuant to A.R.S. § 41-1750 and Public Law 92-544. The Department of Public Safety may exchange this fingerprint data with the Federal Bureau of Investigation. Information obtained shall be used only for the purpose of evaluating applications for registration cards for peddlers in the city and shall otherwise remain confidential. The applicant shall pay the fingerprinting fee charged to the city by the state Department of Public Safety at the time of filing the application. The fingerprinting fee shall be nonrefundable.

C. Applicants shall furnish to the city clerk 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 clerk 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 clerk under the provisions of this article shall be completed within fifteen business days after the applicant has given the required information. The fifteen-day time period shall be extended if the criminal history information

has not been received at least thirteen business days prior to the end of the fifteen-business-day period. In that case, the time for issuing the registration card shall be extended to two business days following receipt by the city of such information. (Ord. 10-157 § 1)

Section 8-1-3 Issuance of Registration Cards

A. The city clerk shall issue a registration card only in compliance with this article.

B. The applicant shall pay to the city clerk the costs for processing the application, including but not limited to city staff time in accordance with a schedule adopted by the city council. Such fee shall be paid at the time the application is submitted.

C. An application may be denied for any of the following reasons: (1) the applicant has a criminal record; (2) the applicant is associated with a company that has engaged in fraudulent dealings; (3) the proposed sales proposition includes some element of trickery, fraud or deceit or (4) the applicant fails to obtain a business license pursuant to Article 8-2. An applicant may appeal the denial of an application for a registration card by filing a written appeal with the council within fourteen business days after notice of the denial has been mailed by first class mail postage prepaid to such person's last known address setting forth the grounds for the appeal. The council shall set a time and place for a hearing on such appeal. Notice of such hearing shall be given to the applicant 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. (Ord. 10-157 § 1)

Section 8-1-4 Revocation of Registration Cards

A. Registration cards issued under the provisions of this article automatically expire thirty days after issuance. Registration cards may be revoked after notice and hearing if it is

determined that the person has a criminal record, the person is associated with a company that has engaged in fraudulent dealing, or the sales include trickery, fraud or deceit.

B. A person whose registration card has been revoked shall have the right of appeal to the council. Such appeal shall be taken by filing with the council, within fourteen business days after notice of the revocation has been mailed by first class mail postage prepaid to such person's last known address, a written statement setting forth the grounds for the appeal.

C. Notice of the hearing for revocation shall be given in writing, setting forth specifically the grounds for the appeal and the time and place of hearing. Such notice shall be mailed by first class mail postage prepaid to the registrant at his last known address at least five business days prior to the date set for hearing. The decision and order of the council on such appeal shall be final. (Ord. 10-157 § 1)

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 a registration card issued by the city clerk or 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 or an officer of entity providing public safety services to the city. (Ord. 10-157 § 1)

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, cart or counter on any street or sidewalk in the city for the pur-

pose of barter, sale or trade, or keep or maintain upon the streets, alleys, or sidewalks any wagon, cart, wheel, vehicle, movable booth or stand for the purpose of barter or trade except as part of an approved event sponsored or approved by the council. (Ord. 10-157 § 1)

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.

Article 8-1A Charitable, Religious, Educational, Patriotic and Philanthropic Organizations

Sections:

- 8-1A-1 Permit Required**
- 8-1A-2 Issuance of Permit**
- 8-1A-3 Expiration and Revocation of Permits**

Section 8-1A-1 Permit Required

It is unlawful for any charitable, religious, educational, patriotic or philanthropic organization, society, association, corporation or other entity to solicit in its name, money, donations of money or property, or financial assistance, to sell any service, or 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, in the city without having obtained a permit pursuant to this article. (Ord. 10-157 § 1)

Section 8-1A-2 Issuance of Permit

A. The city clerk shall issue a permit without charge to applicants who have complied with this article.

B. The application for a permit shall contain 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.

C. Such organization, society, association or corporation shall furnish all of its members, agents or representatives conducting solicitation a copy of the permit and credentials, in writing, stating the name of the organization, society, association or corporation, the name of agent and the purpose of solicitation.

D. An application may be denied if the organization does not present satisfactory evidence of being a nonprofit charitable, religious, educational, patriotic or philanthropic organization, society, association, corporation or similar entity. (Ord. 10-157 § 1)

Section 8-1A-3 Expiration and Revocation of Permits

A. Permits issued pursuant to this article automatically expire thirty calendar days after issuance. A permit may be revoked if the person engages in fraudulent dealing.

B. A person whose permit has been revoked shall have the right of appeal to the council following the procedures for revoca-

tion set forth in Section 8-1-4. (Ord. 10-157 § 1)

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 a valid business license from the city, except a property owner or property management company is not required to obtain a business license to rent residential real property to a person for residential use.

B. 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. (Ord. 11-169 § 1)

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, and 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

A. The application for a license shall include the following information:

1. Name;
2. Permanent and local address;
3. Business address;
4. A brief description of the nature of business conducted and goods being sold;
5. State privilege license number;
6. Proof of compliance with the city privilege license tax code;
7. Signature of applicant.

B. A.R.S. § 41-100 restricts the city's authority to issue business licenses to those applicants lawfully present in the United States. Unless the applicant is exempt as described in this subsection, the city may not issue a business license to an individual unless that individual presents any one of the following documents:

1. Arizona driver's license issued after 1996 or an Arizona nonoperating identification license;
2. Driver's license issued by any state that verifies lawful presence in the United States;
3. Birth certificate or delayed birth certificate issued in any state, territory, or possession of the United States;
4. United States certificate of birth abroad;
5. United States passport;
6. Foreign passport with a United States visa;
7. Form I-95 with a photograph;
8. United States Citizenship and Immigration Services employment authorization document or refugee travel document;
9. United States certificate of naturalization;
10. United States certificate of citizenship;
11. Tribal certificate of Indian blood; or
12. Tribal or Bureau of Indian Affairs affidavit of birth.

C. If all of the following apply, an individual is exempt from the requirement that he present one of the documents listed in subsection (B) of this section, prior to being issued a business license:

1. The individual is a citizen of a foreign country or, if at the time of application, the individual resides in a foreign country; and
2. The benefits that are related to the license do not require the individual to be present in the United States in order to receive those benefits. (Ord. 10-154 § 1)

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.
6. Failure to provide the information required by Section 8-2-10(B).

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 days after the hearing, setting forth the findings and grounds for the decision, to the licensee. (Ord. 10-154 § 1)

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 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 days from the filing date of the appeal. Notice of such hearing shall be mailed by the city clerk, to the appellant 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 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 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.