

Ordinance No. 776

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, A MUNICIPAL CORPORATION OF ARIZONA, ADOPTING BY REFERENCE A DOCUMENT ENTITLED "AUCTIONS, JUNK DEALERS AND DEALERS OF USED ARTICLES" (DECLARED BY RESOLUTION NO. 1849 TO BE A PUBLIC RECORD); RENAMING ARTICLE 8-05 ("AUCTIONS, JUNK DEALERS, SCRAP METAL DEALERS, AND DEALERS OF USED ARTICLES") TO "AUCTIONS, JUNK DEALERS AND DEALERS OF USED ARTICLES" IN CHAPTER 8 "BUSINESS" AND AMENDING SAID ARTICLE CONSISTENT WITH RELATED AMENDMENTS TO THE ARIZONA REVISED STATUTES; PROVIDING THAT ALL OTHER CHAPTERS, ARTICLES AND SECTIONS OF THE TOWN CODE, NOT HEREIN REPEALED OR AMENDED, SHALL REMAIN IN FULL FORCE AND EFFECT; PROVIDING THAT, IF ANY PROVISION IN THIS ORDINANCE IS HELD INVALID BY A COURT OF COMPETENT JURISDICTION, THE REMAINING PROVISIONS SHALL NOT BE AFFECTED BUT SHALL CONTINUE IN FULL FORCE AND EFFECT; AND PROVIDING THAT THIS ORDINANCE SHALL BE EFFECTIVE THIRTY (30) DAYS AFTER ITS PASSAGE AND APPROVAL ACCORDING TO LAW.

WHEREAS, by Ordinance No. 193 (dated November 10, 1988) the Town of Prescott Valley enacted regulations for the conducting of business as auction houses, junk dealers, pawnshops and secondhand dealers in an effort to avoid trafficking in stolen merchandise; and

WHEREAS, by Ordinance No. 407 (dated November 21, 1996), the Town Council amended the regulations to strengthen the reporting requirements for auction house operators, junk dealers, pawnbrokers and secondhand dealers ("used goods dealers"), and to add certain of the prohibitions applicable to pawnbrokers in state law to these same businesses; and

WHEREAS, by Ordinance No. 627 (dated June 9, 2005) the Town Council amended the regulations to require licensing of used goods dealers, including scrap metal dealers, as a tracking mechanism, to provide for a police officer hold for property reasonably believed to be stolen and in the possession of used goods dealers, and to include requirements for scrap metal dealers, jewelry auctions and dealers of precious items consistent with the regulations set forth in A.R.S. §§ 44-1641 *et seq.*, 44-1671 *et seq.*, and 44-1601 *et seq.*; and

WHEREAS, on April 29, 2013, the Arizona governor approved House Bill 2262, amending A.R.S. §§44-1641 *et seq.* to vest in the Arizona Department of Public Safety the express authority to regulate scrap metal dealers throughout the state of Arizona thereby preempting the power of cities and town to register and regulate scrap metal dealers within their respective boundaries (reserving to cities and towns only the power to enforce business licensing laws); and

WHEREAS, the Town Council desires now to amend the Town Code to conform to the recent statutory amendments regarding the registering and regulation of scrap metal dealers;

WHEREAS, A.R.S. §9-802 provides for adoption by reference of "public records"; and

WHEREAS, the document adopting these amended regulations ("Auctions, Junk Dealers and Dealers of Used Articles") has been declared by Resolution No. 1849 to be a "public record";

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, ARIZONA, AS FOLLOWS:

SECTION ONE. That that certain document entitled "Auctions, Junk Dealers and Dealers of Used Articles" of the Town Code of the Town of Prescott Valley, declared to be a "public record" by Resolution No. 1849 (and available for public inspection in the Office of the Town Clerk, 7501 East Civic Circle, Prescott Valley, Arizona, 86314), is hereby referred to, adopted and made a part hereof as if fully set forth herein.

SECTION TWO. That all other Chapters, Articles, and Sections of the Town Code, not herein repealed or amended, shall remain in full force and effect.

SECTION THREE. That, if any provision in this Ordinance is held invalid by a Court of competent jurisdiction, the remaining provisions shall not be affected but shall continue in full force and effect.

SECTION FOUR. That this Ordinance shall be effective thirty (30) days after its passage and approval according to law.

PASSED AND APPROVED by the Mayor and Common Council of the Town of Prescott Valley, Arizona, this 12th day of September, 2013

Harvey C. Skoog, Mayor

ATTEST:

Diane Russell, Town Clerk

APPROVED AS TO FORM:

Ivan Legler, Town Attorney