

**TOWN OF PRESCOTT VALLEY  
REQUEST FOR COUNCIL ACTION  
Date: January 9, 2014**

**SUBJECT:** Amendments to Town Code Chapter 8 “BUSINESS”

**SUBMITTING DEPARTMENT:** Clerk’s Office

**PREPARED BY:** Diane Russell, Town Clerk

**AGENDA LOCATION:** Comments/Communications , Consent , Work/Study,  
New Business , Public Hearing , Second Reading

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**ATTACHMENTS:** a) Resolution No. 1860, b) document titled “PEDDLER’S LICENSE AND BUSINESS LICENSE”, and c) Ordinance No. 784

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**SUMMARY/BACKGROUND:** On May 11, 2012, the Governor of Arizona signed into law H.B. 2748 “Regulation of Alarm Businesses and Agents” which preempted the power of local authorities to license, register or certify alarm businesses and alarm agents. The state legislature found that the regulation of alarm businesses and agents was a matter of statewide concern and assumed exclusive authority to regulate these businesses. A licensing scheme was established under the authority of the state Board of Technical Registration. The legislature previously adopted similar provisions for contractors doing business in Arizona (vesting authority in the state Registrar of Contractors to regulate them).

The state requires each applicant for an alarm business/agent license or contractor’s license to submit to a background check. Licenses are issued only if applicants meet the standards established by the state for a particular profession.

This preemption of local authority does not extend to the authority that towns and cities have to require business licenses simply for the privilege of doing business within their limits. But, if the application for a business license requires that certain information be provided by the applicant for the purpose of conducting a background check, that requirement might be perceived as regulating that business.

Presently the Town Code requires all who apply for a business license and a peddler’s license to provide background information that will facilitate an investigation by the Town Clerk or Police Chief. The Town Code also requires that all who apply for a peddler’s license submit to a background check. In order to comply with H.B. 2748 these proposed amendments to Chapter 8 “Business” exempt alarm businesses/agents and contractors from background checks and from the requirement to provide background information that would facilitate any investigation. These state-regulated businesses may apply for a Town business license by providing only the information necessary to identify the applicant, to ensure zoning compliance, and to track activities for purposes of collecting transaction privilege taxes.

At the same time (as a matter of housekeeping) staff also proposes that the business license fees for Spirituous Liquor Businesses be updated to reflect all applicable liquor businesses listed in Title 4 “Alcoholic Beverages” of the Arizona Revised Statutes (except wholesalers which, by statute, must be removed from local regulation).

[Note: when ordinances are of any length, it is a cost-saving measure for the Town Clerk’s office to adopt the substantive changes by “reference” in accordance with A.R.S. §9-802. This reduces publication

costs. It involves a first step of declaring by Resolution that the substantive changes are a separate public document, then adopting those changes by reference in the published ordinance.]

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**OPTION ANALYSIS:** The Council may adopt Resolution No. 1860 declaring the proposed changes to Chapter 8 “BUSINESS” to be a separate public document (which may then be adopted by reference in Ordinance No. 784), or decline to adopt Resolution No. 1860.

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**ACTION OPTION:** a) Motion to authorize the Mayor (or, in his absence, the Vice-Mayor) to sign Resolution No. 1860 declaring certain revisions to Town Code Chapter 8 “BUSINESS” to be a public record for purposes of adoption by reference, **OR** Motion not to approve Resolution No. 1860. **VOTE.**

b) Motion to read Ordinance No. 784 (adopting by reference the Amendments to Chapter 8 “BUSINESS” declared by Resolution No. 1860 to be a public record) on two separate occasions by title only, then to place the same on final passage, **OR** Motion not to read Ordinance No. 784. **VOTE.**

(if the Motion is to read Ordinance No. 784, the Mayor instructs the Town Clerk to read the Ordinance by title only for the first reading).

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**RECOMMENDATION:** Staff recommends authorizing signing Resolution No. 1860 and adopting Ordinance No. 784 for the purpose of adopting these amendments to Town Code Chapter 8 “BUSINESS”.

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**FISCAL ANALYSIS:** Adoption of the proposed Resolution and Ordinance is not expected to have any additional fiscal impact on the Town.

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**REVIEWED BY:**

Management Services Director \_\_\_\_\_

Town Clerk \_\_\_\_\_

Town Attorney \_\_\_\_\_

Town Manager \_\_\_\_\_

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**COUNCIL ACTION:**

Approved    Denied    Tabled/Deferred    Assigned to \_\_\_\_\_