

## **Ordinance No. 784**

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, A MUNICIPAL CORPORATION OF ARIZONA, ADOPTING BY REFERENCE THAT CERTAIN DOCUMENT "PEDDLER'S LICENSE AND BUSINESS LICENSE AMENDMENTS" DECLARED BY RESOLUTION NO. 1860 TO BE A PUBLIC RECORD; AMENDING ARTICLES 8-01 "PEDDLERS" AND 8-02 "BUSINESS LICENSE" IN CHAPTER 8 "BUSINESS" OF THE TOWN CODE TO CONFORM WITH CHANGES IN STATE LAW AND UPDATE BUSINESS LICENSE FEES; PROVIDING THAT ALL OTHER CHAPTERS, ARTICLES, AND SECTIONS OF THE TOWN CODE, NOT HEREIN REPEALED OR AMENDED, SHALL REMAIN IN FULL FORCE AND EFFECT; PROVIDING THAT, IF ANY PROVISION IN THIS ORDINANCE IS HELD INVALID BY A COURT OF COMPETENT JURISDICTION, THE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, Arizona towns may authorize their town clerks to issue business licenses and set fees therefor of not less than ten dollars (\$10) nor more than five thousand dollars (\$5,000) [ARS 9-240(B)(19)]; and

WHEREAS, the Town of Prescott Valley has required licenses for peddlers and businesses since the adoption of Ordinance No. 8 (June 28, 1979) and currently regulates these activities in Articles 8-01 "PEDDLERS" and 8-02 "BUSINESS LICENSE" in Chapter 8 "BUSINESS" of the Town Code; and

WHEREAS, the Arizona Legislature recently adopted Chapter 341, Laws 2012, preempting local authorities from regulating (by means of licensing, registering or certifying) alarm businesses and alarm agents; and

WHEREAS, the Arizona Legislature had previously adopted a similar provision applicable to contractors doing business in Arizona; and

WHEREAS, the legislature determined that the regulating of alarm businesses, alarm agents and contractors is a matter of statewide concern and assumed exclusive authority to regulate those professions, to conduct background checks and to issue licenses to qualifying businesses; and

WHEREAS, the state's preemption of Town authority to regulate alarm businesses, alarm agents and contractors does not extend to Town authority to require these businesses to obtain a license and pay a fee for the privilege of doing business within the Town limits; and

WHEREAS, currently the Town requires all who apply for a peddler's license (including alarm businesses, alarm agents and contractors) to submit to a background check and to provide the information necessary to complete such background checks; and

WHEREAS, the Code also requires that all who apply for a business license to provide information that would facilitate a background check; and

WHEREAS, to conform with these changes in state law, the Council desires to amend the Town Code to exempt alarm businesses, alarm agents and contractors from the requirement that they submit to background checks; and

WHEREAS, the Council further desires to amend the Code to require these businesses to provide only the identifying information reasonably necessary to issue a business license for the privilege of doing business within the Town limits; and

WHEREAS, as a matter of housekeeping, the Council desires to update the business license fees related to spirituous liquor businesses to include all liquor business series listed in Title 4 “Alcoholic Beverages” of the Arizona Revised Statutes;

WHEREAS, the Town Council hereby finds that these amendments and refinements are in the best interests of the community and are designed to further the health, safety and welfare of its citizens; and

WHEREAS, A.R.S. §9-802 permits adoption of public records by reference, and the document attached hereto “PEDDLER’S LICENSE AND BUSINESS LICENSE AMENDMENTS” has been declared by Resolution No. 1860 to be such 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 attached hereto entitled “PEDDLER’S LICENSE AND BUSINESS LICENSE AMENDMENTS” declared by Resolution No. 1860 to be a public record and on file in the office of the Town Clerk for public review, be hereby adopted as if fully set forth herein in accordance with A.R.S. §9-802.

SECTION TWO. That all other Chapters, Articles, and Sections of the Town Code, not herein 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 23rd day of January, 2014.

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Harvey C. Skoog, Mayor

ATTEST:

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Diane Russell, Town Clerk

APPROVED AS TO FORM:

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Ivan Legler, Town Attorney