

**Ordinance No. 808**

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, A MUNICIPAL CORPORATION OF ARIZONA, AMENDING CHAPTER 8 “BUSINESS” OF THE TOWN CODE BY RENAMING AND AMENDING SECTION 8-02-030 “LICENSE REQUIRED” IN ARTICLE 8-02 “BUSINESS LICENSE” TO CONFORM WITH CHANGES IN STATE LAW; PROVIDING THAT ALL OTHER CHAPTERS, ARTICLES, AND SECTIONS OF THE TOWN CODE, NOT HEREIN REPEALED OR AMENDED, SHALL REMAIN IN FULL FORCE AND EFFECT; PROVIDING THAT, IF ANY PROVISION IN THIS ORDINANCE IS HELD INVALID BY A COURT OF COMPETENT JURISDICTION, THE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 businesses since the adoption of Ordinance No. 8 (June 28, 1979) and currently regulates these activities in 8-02 “BUSINESS LICENSE” in Chapter 8 “BUSINESS” of the Town Code; and

WHEREAS, on April 2, 2015, the Governor of Arizona signed into law S.B. 1368, prohibiting cities and towns from requiring real estate brokers and salespersons to obtain a business license where brokers and salespersons have obtained a license from the state and from another municipality in which their principal place of business is located. Nothing in S.B. 1368 exempts real estate brokers and salespersons from the Town’s business license requirement where their principal place of business is located within Town boundaries or where they have not previously been issued a business license from a municipality in which their principal place of business is located; and

WHEREAS, the Council desires to amend the Town Code to conform with these changes in state law; and

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

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

SECTION ONE. That section 8-02-030 “License Required” in Article 8-02 “BUSINESS LICENSES” in Chapter 8 “BUSINESS” of the Town Code of the Town of Prescott Valley, Arizona, be renamed “License Required, Exemptions” and amended as follows:

**8-02-030 License Required, Exemptions.**

- A. It is unlawful for any person to carry on any trade, calling, profession, occupation or business without having procured a license from the Town and otherwise complying with

any and all regulations of such trades, callings, professions, businesses or occupations set forth in this Article. Business license applications should be obtained from the Town fifteen (15) business days prior to commencement of business within the Town limits. The following exemptions from Town licensing apply:

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5. Any exemptions to local licenses and fees provided by federal statutes and regulations, Arizona Revised Statutes, and the Arizona Administrative Code. This includes (but is not limited to) insurance companies and agents per ARS §20-167(C) (as amended), spirituous liquor wholesalers per ARS §4-223(A), and real property rentals (residential) per ARS §9-1304(B), and real estate brokers/salespersons licensed pursuant to title 32, chapter 20, article 21 AND licensed to do business in the city or town in which the broker/salesperson's primary place of business is located per ARS §9-491.01.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Ren&Amd, 05/26/88, 8-03-010; Ord. No. 234, Ren&Amd, 07/26/90, 8-02-010; Ord. No. 553, Amended, 05/22/03; Ord. No. 709, Amended, 02/14/08; Ord. No. 784, Amended, 01/23/14; Ord. No. 808, Amended, 9-24-15)

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 8 day of October, 2015.

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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