

CHAPTER 5

BUSINESS REGULATIONS

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CHAPTER 5
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Section 5-1-1 License Required

It is unlawful for any person to carry on any trade, calling, professional occupation or business, specified in this article, without having procured a license from the town and complying with any and all regulations of such trade, calling, profession, business or occupation specified in this article.

Section 5-1-2 Issuance of License

A. It shall be the duty of the clerk to prepare and to issue a license under this article for every person, firm, company or corporation liable to pay a license hereunder, and to state in each license the amount thereof, the period of time covered, the name of the person, firm or corporation for whom issued, the trade, calling, profession, occupation or business licensed, and the location or place of business where said trade, calling, profession, occupation or business is carried on.

B. In no case shall any mistake of the clerk in stating the amount of the license prevent or prejudice the collection for the town of what shall be actually due from anyone carrying on a trade, calling, profession, occupation or business, subject to license under this article.

Section 5-1-3 Payment

A. No greater or less amount of money shall be charged or received for any license than is provided for in this chapter, and no license shall be issued for any period of time

other than is provided in this article. All license fees required by this article shall be paid, in legal currency of the United States, at the office of the town treasurer.

B. Licensees shall pay their license fees annually.

1. Annual Payment. Annual licenses shall be due and payable on or before the first business day of January each year and shall expire on the last day of December the same year.

C. Any person, firm, company or corporation who discontinues the business, trade, calling, profession or occupations during the period covered by the current license shall not be entitled to any refund of license fee for that portion of the period remaining after discontinuing the business, trade, calling profession or occupation.

D. License fees provided for in this chapter shall become delinquent fifteen days after they become due. Refer to 5-1-10C for punishment for delinquency.

Section 5-1-4 License Not Transferable

No license granted or issued under the provisions of this article shall be in any manner assignable or transferable to any other person, firm, company or corporation other than is herein mentioned or named, without permission from the council.

Section 5-1-5 Exemption

Any person wishing to sell any form of agricultural product produced by himself within the town shall be exempted from paying any license tax hereunder for the privilege of selling such products only. Before receiving the exemption, an affidavit of the facts entitling the seller to make exemption must be filed with the clerk. Wholesalers who only make sales to retail dealers, for re-sale by them are exempt. Newspaper carriers are exempt from the provisions of this article for the sale of newspaper subscriptions.

Section 5-1-6 Business License Fees

All businesses, occupations, professions, trades or callings shall pay a license tax of twenty-five dollars per year, except that:

A. Circuses, carnivals, theatrical or other similar exhibitions and amusements shall pay a business license of one hundred dollars per day.

B. Each stand, concession or game located in a circus, carnival, theatrical or other exhibition or amusement shall pay a business license fee of one hundred dollars per quarter.

C. Fortune tellers, clairvoyants, astrologers, palmists and similar undertaking shall pay a business license fee of three hundred dollars per month.

D. Hawkers and peddlers shall pay a business license fee of twenty-five dollars per quarter.

E. Itinerant photographers shall pay a license tax of one hundred dollars per quarter.

Section 5-1-7 Liquor License Fees

The following liquor license fees shall be paid to the clerk annually in the amount of \$75.00.

A. To sell beer and wine in containers only and for consumption off premises where sold.

B. To sell beer and wine only for consumption on premises where sold, which shall include occasional sales in containers for off premises consumption.

C. To sell liquors other than beer and wine in original containers for consumption off premises where sold.

D. To sell liquors other than beer and wine for consumption upon the premises where sold.

E. For on-sale and off-sale of liquors of all kinds.

Section 5-1-8 Licenses To Be Exhibited

Every person, firm, company or corporation having a license under the provisions of 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, while in force, in some conspicuous part of said place of business. One not having a fixed place of business, shall carry such a license with him at all times, while carrying on the trade, calling, profession, occupation or business for which the same was granted. Every person, firm, company or corporation having a license under the provisions of this article shall produce and exhibit the same whenever requested to do so by any officer authorized to issue, inspect or collect licenses.

Section 5-1-9 Inspection of Licenses

The town clerk shall be inspector of licenses for the town and is hereby required to see that such licenses are obtained.

Section 5-1-10 Duties of Inspector

The town clerk in the discharge and performance of his official duties shall have and may exercise the power:

- A. To enter, free of charge, at any time, any place of business 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 such business and if such person shall then fail to exhibit such license, such person shall be liable for the penalty provided for a violation of this article.
- B. It is hereby made the duty of the town clerk, to cause complaints to be filed against all persons violating any of the provisions of this article.
- C. When any license fee provided for herein shall become delinquent, the town clerk shall, on the day the same becomes delinquent, add an amount equal to twenty-five percent to the total amount of the delinquent fee as a penalty, and no license shall be issued by the town clerk until the delinquent fee and the penalty added thereto have been paid in full.

Section 5-1-11 Deliveries Within Town

For the purpose of this article, making deliveries within the town from a plant or establishment located outside the town limits shall constitute doing business within the town.

ARTICLE 5-2 PAWNBROKERS

- 5-2-1 Duty to Report
- 5-2-2 Inspection of Premises, Records and Stock
- 5-2-3 Fruits of Crime
- 5-2-4 Display of Regulations

Section 5-2-1 Duty to Report

Every person engaged in the business of pawnbroker within the corporate limits of the town shall make out and deliver to the town marshal a true, correct, complete and legible report of all goods and articles received on deposit or consignment, in pawn, pledge, trade or exchange or by purchase. Said report shall be made on forms furnished by the police department on Monday of each week. The report shall be a list of all goods and articles received in pawn, pledge, trade or exchange or by purchase during the previous week, Monday through Sunday. Each sheet shall contain for each item:

- A. A description of the property including brand name and serial number, if any.

- B. The amount loaned or paid for the property or amount allowed in trade.
- C. The number of the pawn ticket.
- D. The date and time when the property was received.
- E. The signature of the person from whom the property was received along with his name (printed), address and date of birth. The reporting party shall require each such person to show proof of his identification by exhibiting state or federal identification, unless such person is personally known by the reporting party.
- F. A description of such person, consisting of height, weight, complexion and hair color.

Section 5-2-2 Inspection of Premises, Records and Stock

The business premises of any pawnbroker along with the transaction records and stock of goods and articles shall be open at reasonable hours to reasonable inspection by representatives of the marshal's office.

Section 5-2-3 Fruits of Crime

Upon notification by representatives of the marshal's office that goods and articles received on deposit or consignment, in pawn, pledge, trade or exchange or by purchase are the fruits of a crime, no pawnbroker shall dispose of such property. Interest upon such goods and articles pawned or pledged shall cease to accrue on the date of such notification.

Section 5-2-4 Display of Regulations

Every person engaged in the business of a pawnbroker shall prominently display a copy of this article in a conspicuous place on the premises of the business.

ARTICLE 5-3 REGULATION OF FOREIGN MONEY EXCHANGE

- 5-3-1 Definitions
- 5-3-2 Business License Fee and Permit
- 5-3-3 Operation; Zoning Regulations
- 5-3-4 Periodic Reporting Penalties

Section 5-3-1 Definitions

In this article unless the context otherwise requires:

- A. "Currency" means coined money and such banknotes or other money as are authorized by law and that circulate from hand to hand as the medium of exchange.
- B. "Dealer" means an individual in the act of buying and selling currency for a profit as the sole or primary basis of his business.
- C. "Exchange" means verbal or written agreement between two or more parties to deliver one currency in exchange for another.
- D. "Foreign exchange" means conversion of one country's currency into the currency of another country.
- E. "Money exchange business" means a commercial business exchanging currency of one country for that of another.

Section 5-3-2 Business License Fee and Permit

- A. Annual Fee. The operation of a money exchange business shall require a two thousand dollar business license fee and permit annually, and the amount of said fee may be changed by resolution of the council. Application for a money exchange business license and payment of the fee shall be made at the town hall.
- B. Application. An application for operation of a money exchange business shall contain the exact address of the proposed business and the following information for all owners, partners or corporations officers:
 - 1. The full true name and any other names used by the applicant;
 - 2. The present address and telephone number of the applicant;
 - 3. Each resident and business address of the applicant for the three years immediately preceding the date of the application, and the inclusive dates of each such address;
 - 4. Applicant's age, date of birth, weight, height, color of eyes and hair;
 - 5. Driver's license and social security number;
 - 6. Applicant's business occupation and employment history for the three years immediately preceding the date of application, and the inclusive dates of each such occupation;
 - 7. All criminal convictions, except traffic violations, and a statement of the dates and places of such convictions.
- C. Fingerprints. The applicant shall furnish fingerprints for the purpose of establishing identification.

D. Issuance of Revocation of Permit. Except as otherwise provided in this code, upon completion of the background investigation of the applicant, the town manager or his designated representative may issue the permit which may be revoked following thirty days written notice setting forth violations of one or more of the following:

1. The applicant has knowingly made false or misleading statements of a material fact or omission of a material fact in the application.
2. The operation of the business as proposed pursuant to the issuance or renewal of a permit will not be in compliance with the building, fire, health, zoning, sign or other requirements of the town.
3. The applicant has had a similar permit or license previously revoked or denied for good cause within one year immediately preceding the date of the filing of the application or at any time after the receipt of the permit and license.
4. The applicant has, within five years immediately preceding the date of the filing of the application, been convicted in a court of competent jurisdiction of any of the following offenses:
 - a. Any offense involving the use of force or violence upon the person of another.
 - b. Any offense of theft, embezzlement or receiving stolen property.
5. The applicant has paid a criminal or civil penalty for violation of federal currency reporting laws and regulations.

E. Appeal of Revocation. The notice of revocation may be repealed by filing written notice, within ten days of the notice of revocation, that appropriate judicial review of the same has been requested. The notice of revocation shall be suspended until judicial review has been completed.

F. Permit Not Transferable. Each permit issued hereunder shall be issued to a specific person, partnership or corporation to conduct business as a money exchange business at a specific location. In no event shall the permit be transferred from one owner to another or from one location to another without prior approval of the town manager or his designated representative.

G. All ordinances, regulations and requirements affecting the public peace, health and safety of the town, as well as any applicable state or federal laws must be completely complied with before issuance of a business license to a money exchange business or dealer.

H. Violation of any provisions of this code, including ordinances, regulations and requirements affecting the public peace, health and safety shall constitute grounds for revocation of a money exchange business license.

Section 5-3-3 Operation; Zoning Regulations

A. It is unlawful for any person engaged in the business of currency exchange to conduct such business on the streets, sidewalks or right-of-way of the town.

B. A money exchange business must comply with the provisions of the Uniform Building Code adopted in Chapter 6 of this code, and with all provisions of zoning regulations in effect or that may be adopted by the town.

Section 5-3-4 Periodic Reporting Penalties

A. A monthly report shall be required from all business license holders under this article which shall be on a form approved by the town manager. The report shall be due on or before the tenth day of each succeeding month for which said report is to cover. The report shall include all transaction involving exchange of currency, including foreign currency, involving ten thousand dollars or more. Multiple transactions by or for any person, which in one day total ten thousand dollars or more, should be treated as a single transaction. The form shall include daily transactions in excess of said amount and shall positively identify all individuals to the transaction, together with their current addresses and the basis for verification of their identity together with the amount of said transaction. The social security number of the individual or the taxpayer identification number, if an entity, shall also be provided. If the individual is a non-resident alien who does not have a social security number, the report shall so indicate. The report shall also fully identify the occupation, profession or business of the individual conducting the transaction. In the event that there are multiple individuals or organizations involved in the transaction, each shall be required to supply the foregoing information. The individual completing the report shall be identified on each report so filed.

B. It is unlawful to violate any provision of this article. Failure to file the monthly report for each transaction required shall be considered a separate offense, as shall be the failure to supply information required in the report or the filing of a false or fraudulent report.

ARTICLE 5-4 TELECOMMUNICATIONS SERVICE

5-4-1 Definitions

5-4-2 License Required

5-4-3 License Proposal

Section 5-4-1 Definitions

In this article, unless the context otherwise requires:

A. "Cable services" and "cable system" means a system of antennas, cables, amplifiers, towers, microwave links, cablecasting studios, and other conductors, converters, equipment or facilities, designed and constructed for the primary purpose of distributing video programming to home subscribers, and the secondary purpose of producing, receiving, amplifying, storing, processing, or distributing audio, video, digital, or other forms of electronic or electrical signals.

B. "Commercial mobile radio service" means two-way voice commercial mobile radio service as defined by the Federal Communications Commission in 47 United States Code Section 157.

C. "Facilities" means the plant, equipment, and property, including but not limited to poles, wires, pipe, conduits, pedestals, antenna, and other appurtenances placed in, on, or under highways and not owned by the town and used in the provision of telecommunications services.

D. "Public highway" or "highway" means all roads, streets and alleys and all other dedicated public rights-of-way and public utility easements of the town.

E. "Telecommunications" means the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received. The term does not include commercial mobile radio services, pay phone services, interstate services or cable services.

F. "Telecommunications corporation" means any public service corporation to the extent that it provides telecommunications services in this state.

G. "Telecommunications services" means the offering of telecommunications for a fee directly to the public, or to such users as to be effectively available directly to the public, regardless of the facilities used.

Section 5-4-2 License Required

A. No telecommunications corporation shall install, maintain, construct or operate telecommunications facilities in any public highway in the town, or provide telecommunications service by means of such facilities unless a license to provide telecommunications services has first been granted by the town council under this chapter.

B. Notwithstanding Subsection A, any telecommunications corporation that was providing telecommunications service within the State of Arizona as of October 21, 1997 pursuant to a grant made to it or its lawful predecessors prior to the effective date of the Arizona constitution, may continue to provide telecommunications services pursuant the

that state grant, until the state grant is lawfully repealed, revoked or amended, and need not obtain any further authorization from the town to provide telecommunications services; provided, however, that such entity must in all other respects comply with the requirements in Title 9, Chapter 5, Article 7, Arizona Revised Statutes.

C. Nothing in this ordinance shall be deemed to affect the terms or conditions of any franchise, license or permit issued by the town prior to October 31, 1997, or to release any party from its obligations thereunder. Those franchises, licenses or permits shall remain fully enforceable in accordance with their terms. The town manager, with the consent of the town council, may enter into agreements with franchise holders, licensees or permittees to modify or terminate an existing franchise, license or agreement.

D. A license to any telecommunications corporation to use the highways to install, maintain, construct or operate telecommunications facilities or to provide telecommunications services under this chapter shall not authorize the use of the highways to provide any other service; nor shall the issuance of the same invalidate any franchise, license or permit that authorized the use of the highways for such other service; nor shall the fact that an entity holds a franchise, license, or permit to make any other use of the highway or to provide any other service authorize installation, maintenance, construction or operation of telecommunications facilities in any highway in the town, or permit such entity to provide telecommunications services by means of such facilities without obtaining a license hereunder.

E. Any license granted shall not be exclusive.

Section 5-4-3 License Proposal

A. A telecommunications corporations desiring a license to occupy the streets and other highways of the town to provide telecommunications service shall file a proposal with the town clerk, in the form prescribed by the town, and shall pay a fee determined by the town council.

B. Each application shall, at a minimum, (1) show where the facilities the applicant will use will be located, or contain such other information as the town may deem necessary in order to ensure that the applicant will comply with requirements for use of the highways; (2) identify the applicant, its name, address and telephone number; (3) contain a description of the services to be provided; and (4) set out a description of any agreement with any other entity that would permit such entity to use the facilities.

C. Upon receiving an application for a license that satisfies the conditions of Section B, the town shall promptly proffer a telecommunications license to the applicant for its review, and may inquire into matters relevant to the issuance of the license. If the applicant agrees to the terms and conditions of the license, the request shall be approved.

Notwithstanding the foregoing, the city need not issue or renew a license if the applicant has previously had a license or permit revoked, or for any other reason permitted under Arizona law.

D. As a condition of issuing or renewing a license to use the public highways to provide telecommunications services, the city may require that:

1. The applicant shows that it has received a Certificate of Public Convenience and Necessity from the Arizona Corporation Commission;
2. The applicant agrees to comply with the highway use requirements that the town may establish from time to time;
3. The applicant agrees to provide and maintain accurate maps showing the location of all the facilities it will use in the highways within the town, and to comply with such other mapping requirements as the town may establish from time to time;
4. The applicant obtains the insurance, and provide proof of insurance as required by the town; posts the performance bonds and security fund required by the town; agrees to fully indemnify the town, its officers, agents, boards and commissions, in a form satisfactory to the town; and agrees that it shall have no recourse against the town for monetary damages as a result of any damage that may result from the town's exercise of its rights under the license, or applicable provisions of law.
5. The applicant agrees to comply with and be bound by the administrative and enforcement provisions as may be prescribed from time to time by the town with may include:
 - a. provisions covering assignment
 - b. the right to inspect records to determine compliance by the licensee
 - c. provisions for renewal
 - d. fees and charges contemplated by A.R.S 9-582 (C) may be charged by the town pursuant to Section 5-3-2 of the town code.

E. Any license granted by the town pursuant to this chapter shall commence upon adoption of the license and acceptance of the license by the provider. The license shall be for a term of five years, and subject to the conditions and restrictions provided in the instrument and this chapter.

F. Every licensee shall be subject to the town's exercise of such police, regulatory and other powers as the town now has or may later obtain, and a license may not waive the application of the same, and must be exercised in strict conformity therewith. Every license shall be subject to revocation if the licensee fails to comply with the terms and conditions of the license or applicable law. Provided, however, that a license shall not be revoked unless the licensee is given written notice of the defect in performance and fails to cure the defect within 60 days of the notice, except where the town finds that the

defect in performance is due to intentional misconduct, is a violation of criminal law, or is part of a pattern of violations where the licensee has already had notice and opportunity to cure. A hearing shall be held before a license is revoked or not renewed if the licensee requests a hearing.

G. The issuance of a license by the town is not a representation or warranty that such license is a legally sufficient substitute for a franchise and is not a representation or warranty that a franchise is not required.