

CHAPTER 8 BUSINESS REGULATIONS

Article 8-1 PEDDLERS (1)

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Section 8-1-1 Registration Required

Any person operating as a solicitor, peddler, hawker, salesman or vendor of goods, wares merchandise, newspapers, magazines or services, who goes from house to house, or to only one house, in the Town, shall register with the Town Clerk and obtain an identification card showing such registration.

Section 8-1-2 Application to Police Chief

- A. Applications for registration under the terms of Section 8-1-1 shall be required to furnish two satisfactory photographs of the applicant, one to be attached to the applicant's registration card and the other to be retained by the Police Department. The Chief of Police shall require the applicant to file his fingerprint identification with the Police Department.
- B. Such applicants for police registration shall be required to furnish to the Police Department a complete description of the product to be sold in the Town, together with information regarding sales methods to be used and references that will enable the Chief of Police to determine whether or not such applicant is qualified to receive a registration card as provided in Section 8-1-3. Investigation by the Chief of Police under the provisions of this chapter shall be completed within fifteen days after the applicant has given the required information.

Section 8-1-3 Issuance of Registration Cards

Registration cards under this article shall be given without charge to all applicants who have complied with Section 8-1-2, unless the Chief of Police discovers that any such applicant is deemed not to be a proper person to be permitted to go from house to house because of any of

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the following reasons: (1) he has a criminal record, (2) he is associated with a company that has engaged in fraudulent dealings, or (3) the proposed sales proposition includes some element of trickery, fraud or deceit, in which case, in the interest of public safety and protection, the applicant shall not be registered.

(1) Section 9-240 B (18), A.R.S.

Section 8-1-4 Revocation of Registration Cards

Registration cards under this chapter may be revoked by the Town at any time if deemed necessary in the interest of public safety and protection.

Section 8-1-5 Peddling Without Registration Cards Prohibited

It is unlawful for any person to take part in the act of soliciting, peddling, hawking, selling or vending of goods, wares, merchandise, newspapers, magazines, or services from house to house, or to only one house, in the Town without having registered with the Clerk and without having obtained a registration card; without having such card in possession; or failing to exhibit such card when request is made for the registration card by any resident of the Town.

Section 8-1-6 Permission Required for Selling on Streets or Sidewalks

It is unlawful for any person to erect or maintain any booth, stand or counter on any sidewalk in the Town for the purpose of barter, sale or trade, or keep or maintain upon the streets or alleys any wagon, cart, wheel, vehicle, movable booth or stand for the purpose of barter or trade without obtaining permission of the Council.

Section 8-1-7 Signs to be Observed

It is unlawful for any peddler, solicitor or canvasser in the course of his business to ring the doorbell or knock at any building whereon a sign bearing the words "no peddlers, solicitors or canvassers" is exposed to public view.

Section 8-1-8 Exemptions

- A. Newsboys are exempt from the provisions of this article for the sale of newspaper subscriptions.
- B. Such other persons and groups as specified by resolution of the Council shall be exempt from the provisions of this article.

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**Article 8-2 Tax Code
Insert Here**

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Article 8-3 BUSINESS LICENSE TAX

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- 8-3-4 Separate Licenses Required
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- 8-3-10 Inspection
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- 8-3-12 Revocation
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- 8-3-14 Violations

Section 8-3-1 License Required

It is unlawful for any person whether as principal or agent, Clerk or employee, either for himself or any other person or for any body corporate, or an officer of any corporation, or as a member of any firm or partnership, or otherwise, to commence, practice, transact or carry on any trade, calling, profession, occupation or business, without first having procured a license from the Town to do so.

Section 8-3-2 Issuance

It shall be the duty of the Town Clerk, or such other person to whom may be assigned the duty, to prepare and issue a license under this article for every person required to pay a license hereunder and to state in each license the amount thereof, the period of time covered thereby and the name of the person for whom issued, the trade, calling, profession, occupation or business and the location of same.

Section 8-3-3 Exemptions

No license shall be required for federal, state or local governments or agencies, or infrequent yard sales not occurring more often than once a month at a given location.

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Section 8-3-4 Separate Licenses Required

A separate license must be obtained for each branch establishment or separate place of business and for each trade, calling, profession, occupation or business carried on at the same place, and each license issued shall authorize the person obtaining it to carry on only that trade, calling, profession, occupation or business described in such license, and only at the location or place of business therein described.

Section 8-3-5 Licenses to be Displayed

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

Section 8-3-6 Non Transferability of License

All licenses issued hereunder are nontransferable.

Section 8-3-7 Applicability to Business Located Outside Town

Every person who shall conduct an established business, profession, trade or calling outside the Town and who solicits, canvasses, delivers his products or performs a service within the Town shall pay a license tax.

Section 8-3-8 Time and Place of Payment

All taxes required by this article shall be paid in advance to the Town Clerk at the Town Hall. The license tax herein provided for shall be due and payable on the first day of July of each year.

Section 8-3-9 Amount to Tax

The business license tax shall be \$30.00 per year, except the business license tax for bona fide home businesses or activities shall be \$15.00 per year.

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Section 8-3-10 Inspection

The Town Clerk, license inspectors and police officers shall have and exercise the power to enter free of charge, at any time, any place of business for which a license is required by this article, and to request the exhibition of the license for the current term from any person engaged or employed in the transaction of such business.

Section 8-3-11 Records

The Town Clerk shall keep such records and account as shall be necessary to adequately show separately the taxes collected hereunder.

Section 8-3-12 Revocation

Any license issued under the provisions of this article may, for a good cause, be revoked. Good cause includes, but is not limited to, violation of the Town's Ordinances, regarding business licenses, compliance with applicable fire, building and zoning codes, and circumstances which endanger the public health, safety and welfare.

Section 8-3-13 When Taxes Delinquent

When any license tax provided for herein shall become due and unpaid for thirty days, the same shall become delinquent, and the Town Clerk shall add thereto ten percent as a penalty.

Section 8-3-14 Violations

It is unlawful to fail to secure a business license tax as required or fail to exhibit or allow inspection of a business license once issued. Each day that a violation continues shall be a separate offense.

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Article 8-4 PARK AND SWAP OPERATIONS

- 8-4-1 Definitions
- 8-4-2 License Required
- 8-4-3 License Display, Duration, Renewal and Transfer
- 8-4-4 Fee Schedule
- 8-4-5 Application; Refusal to Issue
- 8-4-6 Revocation or Suspension of License
- 8-4-7 Police Reports Required
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- 8-4-11 Hours of Operation
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Section 8-4-1 Definitions

In this article, unless the context otherwise requires:

- A. **“Owner” or “operator”** means any person who rents, sells, donates or otherwise makes available to park and swap meet participants any space within premises owned or controlled by the proprietor for the purpose of a swap meet sale or who controls admission, directly or through agents, of persons and merchandise into the park and swap lot.
- B. **“Park and Swap Lot”** means a building, structure, enclosure, lot or other area into which persons are admitted to display, exchange, barter, buy, sell or bargain for new and used merchandise, excluding those places normally engaged in the business of making sales at retail.
- C. **“Park and Swap Meet”** means the activity carried on at the park and swap lot and consists of the admitting of persons into a park and swap lot for the purpose of displaying, exchanging, bartering, buying, selling or bargaining for new and used merchandise.
- D. **“Park and Swap Meet Participant”** means any person other than an owner or operator who brings goods, wares and merchandise, both new and secondhand, to a park and swap meet for the purpose of displaying, exchanging, bartering, buying, selling or bargaining these goods, wares and merchandise.
- E. **“Police Chief”** means the Chief of the Clarkdale Police Department.

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Section 8-4-2 License Required

It is unlawful for any owner or operator to operate within the limits of the Town a park and swap lot without first having obtained a license as provided in this article, together with a privilege license, pursuant to Article 8-2, for reporting and paying monthly to the Town all privilege license taxes due by reason of the operator's operations, together with a separate privilege license which shall be used for reporting and paying to the Town the privilege license taxes collected by the operator from the participants, pursuant to the provisions of Section 8-4-8.

Section 8-4-3 License Display, Duration, Renewal and Transfer

- A. All licenses issued under the provisions of this article shall be displayed in a conspicuous place.
- B. All licenses, unless specifically excepted, shall be issued for a period of one year and shall run from January 1 in each calendar year to December 31 next following when they may be renewed, provided that no license shall be renewed unless the licensee conforms with the provisions of this article.
- C. Licences issued under this article shall not be transferable.

Section 8-4-4 Fee Schedule

Fees shall be charged to the operator in accordance with the provision for a business license tax in addition to section 8-4-8.

Section 8-4-5 Application; Refusal to Issue

- A. An application for a license under this article shall be made on forms furnished by the Clerk. Every application shall be accompanied by an application fee in the amount provided in Section 8-4-4. In the event a license is not issued, the application fee shall not be returned to the applicant but shall be applied to cover the cost of processing the application.
- B. The Clerk shall have the power to refuse to issue a license for any of the following causes:
 - 1. Fraud, misrepresentation or a false statement made in the course of applying for the license.

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2. Conviction of any crime or misdemeanor involving moral turpitude within the last ten years.
3. Three violations of this article within any three year period.

Section 8-4-6 Revocation or Suspension of License

A. Whenever the Town has knowledge or it is brought to the attention of the Town that any person licensed under this article has violated, or is violating, any of the provisions of this article, such person shall be cited to appear before a hearing officer designated by the Town Manager, on a day certain to show cause why his license should not be suspended or revoked. Such citation shall state the duty of the person cited to appear personally at the time and place and shall be served by an officer of the Police Department in the manner provided for personal service of civil summons. It shall be the duty of the person cited to appear personally at the time and place named in the citation.

B. If, after such hearing, the hearing officer determines that there is good and sufficient reason for the suspension or revocation of the cited person's license, the hearing officer shall enter an order effectively immediately to such effect and so notify the cited person by registered mail. The decision of the hearing officer revoking or suspending any license shall be final.

Section 8-4-7 Police Reports Required

- A. On each day of operation of a park and swap lot, the owner or operator shall, on forms provided by the Town; obtain the following information on each park and swap meet participant:
1. Name and address.
 2. Vehicle description and license plate number, if any.
 3. Driver's license number and the state where issued, if any.
- B. These forms and admission records shall be available for police inspection during normal business hours and may be filled out by the park and swap meet participant and turned over to the owner, operator or his designated employee. The owner or operator shall be responsible for forwarding these reports to the Police Chief at the close of each day's business.

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Section 8-4-8 Reports and Collection of Taxes

- A. The operator of any park and swap meet shall be required to provide a weekly report to the Town Clerk which provides a complete list of all participants.
- B. The operator shall also remit \$1.00 per participant per day of operation to the Town Clerk. Such payment is accepted as the total fee to the participants who are engaged in activity defined as casual activity or sales according to the Clarkdale Tax Code.

Section 8-4-9 Trading Area, Visibility of Merchandise

The swap meet activities shall be conducted only in a building, structure or other area which is sufficiently defined to enable the owner or operator or his employees to control effectively all persons and merchandise, and only in an area zoned for this type of activity. All merchandise, both new and secondhand, for which the park and swap participant asks, or intends to ask, an initial price of twenty five dollars or more shall at all times be visible to the general public and officials of the Town.

Section 8-4-10 Sanitary Facilities

The owner or operator of any swap meet shall provide indoor or portable restroom facilities during the hours of operation of said swap meet for use by the public.

Section 8-4-11 Hours of Operation

A swap meet operated within the Town shall not operate before 7 a.m. or after 5 p.m.

Section 8-4-12 Exemption

The provisions of this article shall not be applied to any charitable organization having a valid solicitation permit for this activity from the Town. This article shall not apply to activities carried on by charitable organizations established and operated exclusively for a religious or charitable purpose if conducted solely among its members and guests by other members serving without remuneration or if such activities are conducted at the assemblies or services of the organization.

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Section 8-4-13 Violations

It is unlawful for any person, firm, company or corporation to violate or fail to comply with any of the provisions of this article.