

**THE PLANNING & ZONING ADVISORY COMMISSION
FOR THE TOWN OF DEWEY-HUMBOLDT
REGULAR MEETING NOTICE
Thursday, January 9, 2014 6:00 P.M.**

**P&Z MEETING
2735 S. HWY 69**

**COUNCIL CHAMBERS, TOWN HALL
DEWEY-HUMBOLDT, ARIZONA**

AGENDA

The issues that come before the Planning & Zoning Advisory Commission are often challenging and potentially divisive. In order to make sure we benefit from the diverse views to be presented, the Commission believes that the meeting be a safe place for people to speak. With this in mind, the Commission asks that everyone refrain from clapping, heckling and any other expressions of approval or disapproval. Agenda items may be taken out of order. Please turn off all cell phones. The Commission meeting may be broadcast via live streaming video on the internet in both audio and visual formats. A quorum of Council may be present. One or more members of the Commission may attend either in person or by telephone, video or internet conferencing. **NOTICE TO PARENTS:** Parents and legal guardians have the right to consent before the Town of Dewey-Humboldt makes a video or voice recording of a minor child. A.R.S. § 1-602.A.9. Dewey-Humboldt Council Meetings are recorded and may be viewed on the Dewey-Humboldt website. If you permit your child to participate in the Council Meeting, a recording will be made. You may exercise your right not to consent by not permitting your child to participate or by submitting your request to the Town Clerk that your child not be recorded.

1. Call To Order.

2. Opening Ceremonies.

2.1. Pledge of Allegiance.

3. Roll Call. Commissioners Tammy DeWitt, Dee Parker, Jeff Siereveld, Barry Smylie and Chair Claire Clark.

4. Disclosure of Ex Parte Contacts.

5. Informational Reports. Individual members of the Commission and public may provide brief summaries of current events and activities. These summaries are strictly for the purpose of informing the Commission and public of such events, actions or activities. The Commission will take no discussion, consideration, or action on any such item except that an individual member of the Commission may request an item be placed on a future agenda.

5.1. Open Meeting Law Refresher.

6. Consent Agenda. All matters listed under the Consent Agenda are considered to be routine by the Commission and will be enacted by one motion. Any item may be removed from the Consent Agenda for separate consideration at a Commissioner's request. If a citizen desires separate consideration of an item, he or she should approach a Commissioner prior to the meeting and ask that the Commissioner request that the item be removed.

Page 3 **6.1. Minutes.** Minutes from the November 7, 2013 Planning & Zoning Regular Meeting.

7. Discussion Agenda – Unfinished Business. Discussion and Possible Action on any issue which was not concluded, was postponed, or was tabled during a prior meeting.

Page 7 **7.1 Transient Merchant/Peddler Information.** Discussion and Possible Action.

8. Discussion Agenda – New Business. Discussion and Possible Action on matters not previously presented to the Commission.

8.1 Appoint Chairperson and Vice Chairperson of Commission for 1-year term. Discussion

and Possible Action.

9. Public Hearing Agenda.

THIS CONCLUDES THE LEGAL ACTION PORTION OF THE AGENDA.

10. Comments from the Public. The Commission wishes to hear from Citizens at each meeting. Those wishing to address the Commission need not request permission or give notice in advance. For the official record, individuals are asked to state their name. Public comments may appear on any video or audio record of this meeting. Please direct your comments to the Commission. Individuals may address the Commission on any issue within its jurisdiction. At the conclusion of Comments from the Public, Commissioners may respond to criticism made by those who have addressed the public body, may ask Town staff to review a matter, or may ask that a matter be put on a future agenda; however, Commissioners are forbidden by law from discussing or taking legal action on matters raised during the Comments from the Public unless the matters are properly noticed for discussion and legal action. The total time for Comments from the Public is **20** minutes. A 3-minute time limit may be imposed on individuals within this total. The audience is asked to please be courteous and silent while others are speaking.

11. Adjourn.

For Your Information:

Next Town Council Work Session: Tuesday, January 14, 2014 at 2:00 p.m.

Next Town Council Meeting: Tuesday, January 21, 2014 at 6:30 p.m.

Next Planning & Zoning Commission Meeting: Thursday, February 6, 2014 at 6:00 p.m.

If you would like to receive Town Council agendas via email, please sign up at AgendaList@dhaz.gov and type Subscribe in the subject line, or call 928-632-7362 and speak with Judy Morgan, Town Clerk.

Certification of Posting

The undersigned hereby certifies that a copy of the attached notice was duly posted at the following locations: Dewey-Humboldt Town Hall, 2735 South Highway 69, Humboldt, Arizona, Chevron Station, 2735 South Highway 69, Humboldt, Arizona, Blue Ridge Market, Highway 69 and Kachina Drive, Dewey, Arizona, on the ____ day of _____, 2013, at ____ p.m. in accordance with the statement filed by the Town of Dewey-Humboldt with the Town Clerk, Town of Dewey-Humboldt.
By: _____, Town Clerk's Office.

Persons with a disability may request reasonable accommodations by contacting the Town Hall at 632-7362 at least 24 hours in advance of the meeting.

**TOWN OF DEWEY-HUMBOLDT
PLANNING & ZONING ADVISORY COMMISSION
REGULAR MEETING MINUTES
NOVEMBER 7, 2013, 6:00PM**

A REGULAR MEETING OF THE DEWEY-HUMBOLDT PLANNING AND ZONING COMMISSION WAS HELD ON THURSDAY, NOVEMBER 7, 2013, AT TOWN HALL AT 2735 S. HIGHWAY 69, DEWEY-HUMBOLDT, ARIZONA.

1. **Call To Order.** The meeting was called to order at 6:00PM by Warren Colvin, Community Development Coordinator, as Chair Clark was unable to attend the meeting. Mr. Colvin stated the first thing to accomplish is to appoint a temporary Vice Chair to run the meeting. Commissioner Smylie made a motion to take a vote to establish a temporary Vice Chair for this meeting, seconded by Commissioner Parker. The motion passed unanimously. Commissioner Parker nominated Commissioner DeWitt. No other nominations. The Commissioners voted unanimously to appoint Commissioner DeWitt to temporary Vice Chair.
2. **Opening Ceremonies.**
 - 2.1. **Pledge of Allegiance.** Made.
3. **Roll Call.** Commissioners Tammy DeWitt, Dee Parker, Jeff Siereveld and Barry Smylie were present; Chair Claire Clark was absent.
4. **Disclosure of Ex Parte Contacts.** None.
5. **Informational Reports.** Warren Colvin, Community Development Coordinator, stated that in January the Commission will be appointing a Chairperson and a Vice Chairperson for one year terms.
6. **Consent Agenda.**
 - 6.1. **Minutes.** Minutes from the October 3, 2013 Planning & Zoning Regular Meeting.
Commissioner Siereveld made a motion to approve the minutes from the October 3, 2013 Planning & Zoning Regular Meeting as presented, seconded by Commissioner Smylie. The motion passed unanimously.
7. **Discussion Agenda – Unfinished Business.** Discussion and Possible Action on any issue which was not concluded, was postponed, or was tabled during a prior meeting.
 - 7.1 **Accessory Dwelling Units.** Discussion and Possible Action on accessory dwelling units, secondary medical dwelling units and guest homes.

Mr. Colvin spoke on the revisions to the code in the meeting packet. Staff went through and cross- referenced all parts that were tied to Accessory Dwelling Units and cleaned it up and made it more user-friendly. In the RMM district, included it. In the R1 district, staff felt that the “roomers and boarders” language was inconsistent and struck that language which was the only place it appeared. In the RCU district, ADU’s were never allowed in this district, cleaned up B1 and inserted “except Accessory Dwelling Units”, to keep it rural and compatible with the Code and General Plan. In the RS district, residential services, ADU’s do not belong in residential services. In C district, the code would allow for a residence but not ADU’s. PAD zoning could approach Council for a variance or waiver which is why it is included in PAD’s.

Commissioner DeWitt asked about the “roomers and boarders” language, and if there is a definition in the zoning ordinance of family to dictate how many people can live together that are non-related. Mr. Colvin read the definition Family/Non-Family Groups: “An individual or

two or more persons related by blood, marriage, adoption or other legal relationship including any live-in domestic help, living together in a single housekeeping unit in a dwelling unit; a group of not more than 8 persons that need not be related but function as a family.”

Commissioner DeWitt asked about the RCU district, the Code allows for ADU’s in the more restrictive districts, why not allow them in less restrictive zoning districts? Mr. Colvin stated he and the Town Manager reviewed this and because it was designated residential rural, the intent was to keep in line with the General Plan, with the one ADU per 70,000 square foot lots.

Commissioner Smylie asked where the 70,000 square foot designation originated from. Mr. Colvin stated it was the County’s designated zoning and the Town incorporated it. Commissioner Smylie also questioned the contradictions in the code between the RCU district and the other districts.

Mr. Colvin asked if the Commission would rather see ADU’s allowed in the RCU district?

Mr. Siereveld asked about the size of RCU lots. Mr. Colvin stated they are 2 acre lots.

Public comment was taken on this item.

Jerry Brady suggested this issue may be considerably more complex than has been addressed previously. There are pre-existing legal non-conforming uses in Town, most ADU’s existed before the Town incorporated; the County previously enforced based on complaints received or public nuisance; he spoke on enacting an ordinance that would affect future uses, not existing; he spoke on “tent-cities” such as Apache Junction to see how they did it; he spoke on Federal Domestic Assistance with funding available to help with these issues, he has a copy for inspection.

Mr. Colvin stated this ordinance would not affect existing ADU’s, only if the use was discontinued for a period of 12 months, existing would be allowed; the intent is for new projects.

Commissioner Smylie made a motion to forward this to Council as discussed for this agenda item, accepting the change in the language discussed tonight regarding allowing for ADU’s in the RCU district, seconded by Commissioner Parker. The motion passed unanimously.

8. Discussion Agenda – New Business. Discussion and Possible Action on matters not previously presented to the Commission.

8.1 Transient Merchants. Discussion and Possible Action on Transient Merchants/Peddlers information.

Mr. Colvin stated he is providing this information to the Commission for informational purposes only at this time so they can become familiar with it. The Town Attorney is familiar with the Transient Merchant subject and is drafting a sample ordinance for Planning & Zoning review. He contacted surrounding jurisdictions that already had a Transient Merchant requirement in their code to get their information, which is attached in the packet along with a news article about the City of Flagstaff banning panhandling and it ended up being ruled unconstitutional. He explained that transient merchants are people that sell wares, goods or advertising and taking orders on the street for future delivery; panhandlers would not fall under transient merchants regulations.

Commissioner Smylie asked if the Town was faced with a lot of transient merchants. Mr. Colvin responded he knows of two that have contacted Town Hall inquiring about transient merchant permits and there have been a few that pop up on various corners in Town. He stated a transient merchant permit would not apply to people who provide a service, which opens the issue broader of getting in to possible panhandling.

Commissioner Siereveld asked how this topic would affect events that Mortimer's would hold. Mr. Colvin stated that their events are covered under the special events permit and if a transient merchant permit was enacted in the Town, then each of the vendors would likely have to come in and apply for a permit with the Town as well.

Commissioner Smylie asked if special events at the Courthouse Square in Prescott are handled with a "blanket permit". Mr. Colvin will check into their process. Mr. Colvin stated the purpose of a transient merchant permit is to track the Transaction Privilege Tax, it is the easiest way to track them.

Public comment was taken on this item.

Jerry Brady spoke on political, commercial and individual speech are separate issues but they have a lot in common and enforced under different sections of law; he spoke on peddler's pass in Prescott Valley where there are vendors that they cannot track revenue and suggested talking to Prescott Valley about their experience; he spoke on other transient merchants in Town: the newspaper, LP gas company, yard/garage sales, mobile RV servicing; he spoke on the Town imposing a business license or general business permit in order for it not to become a burden on the public.

Commissioner Smylie felt this is a valid topic. Commissioner Siereveld stated the Town should learn from the people who have been through this process already and take their advice; he also spoke in favor of a "blanket permit" for special events. Mr. Colvin will check with surrounding jurisdictions on how they handle their special events.

9. Public Hearing Agenda. None.

10. Comments from the Public.

Jerry Brady spoke on the Town of Wickenburg's revitalization; he spoke on their use of the Compendium of Federal Domestic Assistance to get grants for a Main Street District, Historic District and Economic District; he spoke on their Planning & Zoning Commission being responsible, doing their research, communicating with federal and state agencies; he suggested that Wickenburg is a better model for Dewey-Humboldt as a matter of economic development.

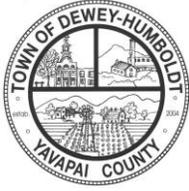
11. Adjourn. The meeting was adjourned at 6:58PM.

Tammy DeWitt, Acting Vice Chairperson

ATTEST:

Mandi Garfield, Administrative Assistant

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TOWN OF DEWEY-HUMBOLDT
P.O. BOX 69
HUMBOLDT, AZ 86329
Phone 928-632-8562 ▪ Fax 928-632-7365

MEETING OF THE TOWN PLANNING & ZONING ADVISORY COMMISSION

January 9, 2014 6:00 p.m. Town Council Meeting Chambers

Agenda Item: Transient Merchants

To: Planning & Zoning Advisory Commission

From: Warren Colvin, Community Development Coordinator

Date Submitted: January 6, 2014

Recommendation: Discussion and review of Transient Merchant/Peddler information.

Summary: Staff has researched the following topic that was part of the Council's priority list in regards to the Transient Merchant/Peddler topic. Staff has also been in contact with the Town Attorney and has attached a sample ordinance for P&Z to review and possible further discussion and action.

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ORDINANCE N^o __-__

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, COUNTY OF YAVAPAI, ARIZONA, AMENDING THE TOWN CODE, TITLE XI BUSINESS REGULATIONS, BY ADDING NEW CHAPTER 111 TRANSIENT MERCHANTS, RELATED TO LICENSING REQUIREMENTS AND REGULATIONS FOR TRANSIENT MERCHANTS IN THE TOWN; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING PENALTIES.

Whereas, the Town of Dewey-Humboldt is becoming a popular venue for transient merchants to sell goods, wares, merchandise, and edible foods to the public; and

Whereas, the Mayor and Council desire to establish certain licensing requirements and regulations for transient merchant to protect, enhance and promote the health, safety, and welfare of Town residents and businesses.

Now, therefore, be it ordained by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona, as follows:

Section I. In General

The Code of Dewey-Humboldt, Arizona, Title XI Business Regulations, is hereby amended by adding new Chapter 111 Transient Merchants to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~): [WE WILL PLACE TEXT IN ALL CAPS LATER]

CHAPTER 111 TRANSIENT MERCHANTS

§ 111.01 DEFINITIONS.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

LICENSE means a transient merchant license required by section 111.03 of this chapter, including a renewed license.

MORAL TURPITUDE means an act of baseness, vileness, or depravity in the duties that a person owes to society, contrary to the accepted and customary rules of right and duty. Moral turpitude includes, but is not limited to, gross indecency, indecent exposure, lewdness, solicitation of prostitution, perjury, forgery, tax evasion, theft, misappropriation of funds, and any other specific offenses that have been determined by federal or state courts in Arizona as being crimes of moral turpitude.

SEASONAL SALES means the sale of merchandise related to a recognized state holiday or seasonal event, including but not limited to, Christmas tree sales, pumpkin sales, and sales of permissible consumer fireworks when offered for sale in conjunction with a state holiday or seasonal event.

SPECIAL EVENTS VENDOR means a vendor selling or offering for sale merchandise as part of an event, such as a festival, seasonal agricultural event, farmers market, parade, carnival, and similar activities.

TRANSIENT MERCHANT means any person, corporation, or firm, who travels, or whose agents travel, either by foot, cart, wagon, automobile, food truck, van, or any other type of conveyance, from place-to-place, house-to-house, street-to-street, or business-to-business, for the purpose of (1) taking or attempting to take orders for the sale of goods, wares, merchandise, edible foods, personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether collecting advance payments on such sales or not; or (2) carrying, conveying, or transporting goods, wares, merchandise, edible foods or provisions and offering the same for sale or making sales and delivering articles to purchasers or who, without traveling from place-to-place, shall sell or offer the same for sale from a cart, wagon, automobile, food truck, van or any other type of conveyance and who do not remain or intend to remain in any one fixed location. Special event vendors and persons who conduct seasonal sales are transient merchants.

§ 111.02 EXEMPTIONS.

The following activities shall be exempt from the provisions of this chapter:

- (A) Sales pursuant to A.R.S. § 3-563.
- (B) Sales by persons invited by the owner or occupant to a private residence for the purpose of making sales, soliciting orders, or delivering goods.
- (C) Members of a charitable or religious non-profit organization soliciting donations or selling goods to benefit the charitable non-profit organization.

§ 111.03 TRANSIENT MERCHANT LICENSE.

(A) *Required.* It is unlawful for any transient merchant to conduct business in the town without first obtaining and maintaining in effect a license pursuant to this chapter.

(B) *Application.* Applicants for a license shall file with the town clerk the following information:

- (1) A description of the goods to be sold or collected.
- (2) If the applicant is an employee or agent of the business for which the license will be issued, the name and address of the employee or agent, if different from the business address, together with credentials establishing the exact relationships.
- (3) The length of time for which the right to do business is desired.
- (4) If a vehicle is to be used, a description and a picture of the vehicle, together with the license number or other means of identification.

(5) A statement as to whether or not the applicant has been convicted of any felony, misdemeanor, or violation of any town ordinance, the nature of the offense and the punishment or penalty addressed therefor.

(6) The location from which the applicant intends to conduct business and a permanent address to which notifications may be sent.

(7) The full name of the person and any other names used during the previous five years.

(8) The applicant's state sales tax number.

(9) Proof of the person's age, such as a driver's license, passport or birth certificate coupled with a governmental photo identification document.

(10) If the transient merchant proposes to sell edible foods, evidence of compliance with applicable laws and regulations of the Arizona Department of Health Services or the county health department.

(C) *Fee.* At the time of filing the application, a fee of _____ dollars shall be paid to the town clerk to cover the costs of processing the application.

(D) *Vehicle Insurance.* In addition to the other requirements of this section, a transient merchant who conducts business from a vehicle shall provide proof of vehicle liability insurance which shall be maintained during the term of the license and shall be in at least the minimum amount required by law.

(E) *Procedure.* Upon receipt of the application and payment of the application fee, the town clerk shall, within fifteen days, issue the license unless grounds exist for denying the license under subsection (F) of this section. If the town clerk denies the license application, the applicant must be notified in writing of the decision, the reason for denial, and the applicant's right to appeal the denial pursuant to section 111.10. The notice shall be mailed by first class mail postage prepaid to such person's last known address.

(F) *Grounds for Denial.* An application may be denied for any of the following reasons:

(1) The applicant has been convicted of any crime or misdemeanor involving moral turpitude.

(2) The applicant has engaged in fraudulent dealing or is associated with a company that has engaged in fraudulent dealings.

(3) The proposed sales proposition includes some element of trickery, fraud, or deceit.

(4) The applicant is conducting a business in violation of any federal, state, county, or local law.

(5) The applicant has failed to provide all the information required by this section.

(6) The applicant has violated any provision of this chapter or failed to meet any licensing requirements, including timely payment of fees.

(G) *Duration.* All licenses shall be valid from the date of issuance until the one year anniversary of such issuance, when they may be renewed; provided, that no license shall be renewed unless the licensee conforms with the provisions of this chapter.

(H) *Posting.* The license shall be posted in a conspicuous place if such licensees are using a cart, wagon, automobile, food truck, van, or any other type of conveyance. Licenses shall be shown upon request.

(I) *Non-Transferability.* No license issued under this section shall be transferable, but corporate or firm licensees may change, substitute, or alter the list of their agents or representatives furnished to the town clerk at any time; provided, however, that for each newly named agent or representative on such list, the information and material required in subsection B of this section shall be furnished to the town clerk.

§ 111.04 EMPLOYER SANCTIONS ACT COMPLIANCE.

(A) A.R.S. § 41-1080 requires specific documentation to issue a license if the business ownership type is identified as an individual, sole proprietorship or husband and wife business. Unless the applicant is exempt as described in subsection B below, the town may not issue a business license to an individual, sole proprietorship or husband and wife business, unless one of the following documents is presented:

(1) Arizona driver license issued after 1996 or an Arizona non-operating identification license.

(2) Driver license issued by any state that verifies lawful presence in the United States.

(3) Birth certificate or delayed birth certificate issued in any state, territory, or possession of the United States.

(4) United States certificate of birth abroad.

(5) United States passport.

(6) Foreign passport with a United States visa.

(7) Form I-95 with a photograph.

(8) United States citizenship and immigration services employment authorization document or refugee travel document.

(9) United States certificate of naturalization.

(10) United States certificate of citizenship.

(11) Tribal certificate of Indian blood.

(12) Tribal or Bureau of Indian Affairs affidavit of birth.

(B) If both of the following apply, an individual is exempt from the requirement that he or she present one of the documents listed in subsection A above prior to being issued a business license:

(1) The individual is a citizen of a foreign country or, if at the time of application, the individual resides in a foreign country.

(2) The benefits that are related to the license do not require the individual to be present in the United States in order to receive those benefits.

(C) The application shall be denied if the applicant cannot provide satisfactory proof that he or she is authorized to hold a business license pursuant to A.R.S. § 41-1080.

§ 111.05 PROHIBITED LOCATIONS.

It is unlawful for any licensee under this chapter to conduct business:

(A) In the traveled portions of a public right-of-way or have any exclusive right to any location in a public right-of-way.

(B) Adjacent to a public street in one location for more than two consecutive days.

(C) Within 300 feet of a public school ground.

(D) Within a public park or other public property

(E) In any congested area where the business might impede or inconvenience the public and, for the purposes of this section, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced.

(F) Without written permission of the property owner for use of the property, which written permission shall be carried when conducting such business.

§ 111.06 UNLAWFUL NOISE.

No licensee nor any person in their behalf shall shout, make any outcry, blow a horn, ring a bell, or use any sound device, including any loud-speaking radio or

sound-amplifying system, upon any of the streets, alleys, parks, or other public places of the town or upon any private premises in the town, where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the public thoroughfares for the purpose of attracting attention to any goods, wares, or merchandise which such licensee proposes to sell.

§ 111.07 SIGNS PROHIBITING PEDDLING.

It is unlawful for a transient merchant, in the course of his or her business, to ring the doorbell or knock at any building whereon any of the following signs is exposed to public view: No peddlers, no solicitors or canvassers, no transient merchants, or no trespassing.

§ 111.08 ENFORCEMENT OF CHAPTER; RECORD OF LICENSES ISSUED AND VIOLATIONS REPORTED.

It shall be the duty of the law enforcement agency of the town to enforce this chapter. The law enforcement agent shall report to the town clerk all convictions for violation of this chapter, and the town clerk shall maintain a record for each license issued and record the reports of violations therein.

§ 111.09 REVOCATION OF LICENSE.

(A) *Revocation Procedures.* Licenses issued under the provisions of this chapter may be revoked by the town clerk after notice and a hearing before the town manager. The town clerk shall provide the licensee with notice of the time and place for the revocation hearing and the reasons for revocation. The notice shall be mailed by first class mail postage prepaid to such person's last known address at least five days prior to the date set for the hearing.

(B) *Reasons for Revocation.* Licenses may be revoked for any of the following causes:

- (1) Fraud, misrepresentation or false statement contained in the application for license.
- (2) Fraud, misrepresentation or false statement made in the course of carrying on their business.
- (3) Any violation of this chapter.
- (4) Conviction of any crime or misdemeanor involving moral turpitude.
- (5) Conducting business in an unlawful manner or in such a manner as to constitute a breach of the peace or constitute a menace to the health, safety, or general welfare of the public.

(C) The town manager shall notify the licensee within ten days of the revocation hearing of the town manager's decision in writing. If the license is

revoked, the town manager shall also notify the licensee of his or her right to appeal the revocation pursuant to section 111.10. The notice shall be mailed by first class mail postage prepaid to such person's last known address.

§ 111.10 APPEAL FROM DENIAL OR REVOCATION OF LICENSE.

(A) *Appeal to Council.* An appeal from denial or revocation shall be taken by filing with the town council, within fourteen days after notice of the denial or revocation has been mailed to such person's last known address, a written statement setting forth the grounds for the appeal.

(B) *Hearing.* The town clerk shall provide the applicant or licensee with the time and place of the hearing before the town council. Such notice shall be mailed by first class mail postage prepaid to the applicant or licensee at his or her last known address at least five days prior to the date set for the hearing.

(C) *Final Decision.* The decision and order of the town council on such appeal shall be final.

§ 111.11 RE-APPLICATION FOR LICENSE.

No person may apply for a license under this chapter within one year from the denial or revocation of any such license.

§ 111.99 PENALTY.

Any person who violates any provision of this chapter for which no penalty is provided shall be subject to the terms of § 10.99.

Section II. Savings Clause

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance as amended is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance.

Section III. Repeal of Conflicting Ordinance

All other code provisions, ordinances, or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed as of the effective date hereof.

Section IV. Providing for Civil Sanctions

Any person found responsible for violating this section shall be subject to the civil sanctions and habitual offender provisions set forth in section 10.99 of the Dewey-Humboldt Code.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of

Dewey-Humboldt, Arizona, this ____ day of _____, 20__, by the following vote:

AYES: _____

NAYES: _____ ABSENT: _____

EXCUSED: _____ ABSTAINED: _____

APPROVED this ____ day of _____, 20__.

Terry Nolan, Mayor

ATTEST:

APPROVED AS TO FORM:

Judy Morgan, Town Clerk

Susan Goodwin, Town Attorney

I, JUDY MORGAN, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. _____ ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT ON THE ____ DAY OF _____, 20__, WAS POSTED IN THREE PLACES ON THE ____ DAY OF _____, 20__.

Judy Morgan, Town Clerk

PEDDLERS, SOLICITORS & TRANSIENT MERCHANTS

WHAT IS A PEDDLER?

You are a peddler if you go uninvited from house to house, place to place, or street to street to sell goods, wares or merchandise you are carrying with you.

WHAT IS A TRANSIENT MERCHANT?

You are a transient merchant if you are temporarily in Prescott to sell goods, wares or merchandise from a fixed location. That fixed location must be a structure that is approved for your specific use by the Planning & Zoning Department.

HOW IS A SOLICITOR DIFFERENT FROM A PEDDLER OR TRANSIENT MERCHANT?

As a solicitor, you might go uninvited from house to house, place to place, or street to street just as a peddler does. The difference is that you will be taking orders of merchandise for future delivery or orders for services to be performed in the future.

DO I NEED ANY SPECIAL LICENSES TO ACT AS A PEDDLER, SOLICITOR OR TRANSIENT MERCHANT IN PRESCOTT?

Yes, you must obtain a Peddler/Solicitor/Transient Merchant license and in most cases, a Transaction Privilege Tax license also. You can apply for both

licenses at the City Tax & Licensing Department.

WHAT DOES IT COST TO APPLY FOR A LICENSE?

Transaction Privilege Tax License ~ \$25.00
Peddlers, solicitors and transient merchants must obtain a privilege tax license. If however, you are a solicitor and your primary business location is in another incorporated Arizona city, you will pay the privilege tax associated with your sales to that city and are, consequently, not required to obtain a privilege tax license from us.

Peddler/Solicitor/Transient Merchant License ~ \$50.00
Peddlers, solicitors, and transient merchants are required to obtain this annual license.

Identification Card Fee ~ \$10.00 each
All individuals receiving a Peddler/Solicitor/Transient Merchant license must obtain an identification card.

If you authorize other individuals to operate under your Peddler/Solicitor/Transient Merchant license, each of these individuals will have to complete an application and obtain a \$10.00 identification card also. (Note: you must obtain approval from the Chief of Police to have more than twenty employees, agents or independent dealers working in Prescott at one time). In addition, each individual must submit two (2) 2"x2" pictures of themselves and a copy of their drivers license or other acceptable proof of identity.

Cash Bond ~ \$200.00 for the first individual, \$100.00 each additional individual
The Peddler/Solicitor/Transient Merchant ordinance also requires you to post a \$200.00 cash bond, plus \$100.00 bond for each additional

employee, agent or independent dealer you authorize. The maximum bond that will be required is \$1,000. This bond will be returned to you when the following conditions have been met:

- 1) All licenses and identification cards have been returned to the Finance Department within sixty (60) days of their expiration date.
- 2) You have paid all of the applicable privilege tax for your business.
- 3) You have not violated any provisions of the City code.

HOW LONG DOES IT TAKE TO GET A LICENSE?

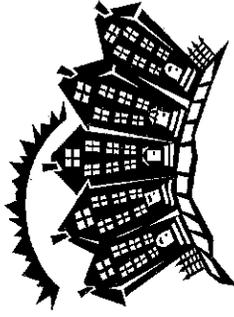
If the Chief of Police determines that no fingerprint check is necessary, the license will be issued within seventy-two hours. If a fingerprint check is deemed necessary, the license will be approved or disapproved within fourteen days.

ARE THERE ANY EXEMPTIONS FROM THESE LICENSING REQUIREMENTS?

You will not be required to obtain a Peddler/Solicitor/Transient Merchant license if:

- 1) You sell only at wholesale to dealers in the articles you are selling.
- 2) You are a newspaper carrier.
- 3) You are a permanent business delivering goods in the regular course of your business.
- 4) You are conducting a bona-fide auction sale pursuant to a Court Order.

**PEDDLERS,
SOLICITORS
AND
TRANSIENT
MERCHANTS**



This publication is for general information regarding the Peddler/Solicitor/Transient Merchant ordinance and the associated licenses required. For complete details, refer to the City of Prescott Privilege & Use Tax Code and related regulations. In the case of an inconsistency or omission in this publication, the language of the Tax Code will prevail. The transaction privilege tax is commonly referred to as a sales tax, however, under the State of Arizona law, the tax is on the privilege of doing business in Prescott and is not a true sales tax.

April 2002

PRESCOTT PRIVILEGE TAX

Yes. Your identification card must be visible at all times.

- 5) You have had prior contact with the owners or occupants of a private residence and have been invited to that residence for the purpose of making sales, soliciting orders or delivering goods.

WHAT RULES MUST I FOLLOW AS A PEDDLER, SOLICITOR OR TRANSIENT MERCHANT?

- 1) You cannot make exclusive use of any location on any street, alley, sidewalk or right-of-way; that is, if you are making sales on any street, alley, etc., you must be constantly moving.
- 2) You cannot operate in a congested area where your operation may impede or inconvenience the public use of any street, sidewalk or right-of-way. This restriction includes operating on private property, (in an alcove, for example) where your customers will "spill out" into the public right-of-way and cause congestion.
- 3) You cannot display any signs on the exterior of any structure.
- 4) You cannot occupy any structure for the purpose of selling or delivering goods, wares or merchandise unless the structure conforms with the City Zoning Code. Your approved location must be listed on your license. You may be cited for operating anywhere other than your approved location.
- 5) You cannot make loud noises or use speaking devices to attract attention to your merchandise.

DOES MY LICENSE HAVE TO BE DISPLAYED?

**City of Prescott
Finance Department
Tax & Licensing Division
P O Box 2077
Prescott, AZ 86302**



For more information contact:

928 777-1268 Taxpayer Assistance Rep
928 777-1210 Privilege Tax Auditor
928 777-1231 Tax & Licensing Supervisor

Article 8-01 PEDDLERS

- 8-01-010 Definitions.
- 8-01-020 License Required.
- 8-01-030 Exemptions.
- 8-01-040 Application.
- 8-01-050 Investigation and Issuance.
- 8-01-060 Fees.
- 8-01-070 Exhibition of License.
- 8-01-080 Duty of Police to Enforce.
- 8-01-090 Records.
- 8-01-100 Revocation of License.
- 8-01-110 Appeal.
- 8-01-120 Reapplication.
- 8-01-130 Penalty.
- 8-01-140 Severance Clause.
- 8-01-150 Religious and Charitable Organizations, Exemption.

8-01-010 Definitions.

In this Chapter, unless the context otherwise requires:

- A. "Peddler" means any person, whether a resident of the Town or not, who goes from house to house, from place to place, or from street to street, conveying or transporting goods, wares or merchandise or offering or exposing the same for sale, or making sales and delivering articles to purchasers.
- B. "Portable sign" means any sign not permanently affixed to the ground or the structure on the site it occupies.
- C. "Sign" means any device for visual communication which is used to or intended to attract the attention of the public for business or professional purposes, when the display of this device is visible beyond the boundaries of the property upon which the display is located. The term "sign" shall not include any flag or badge or insignia of any government or governmental agency. The term "sign" shall not include the displays or advertising devices in a merchant's window or within the interior of a building.
- D. "Solicitor" means any person, whether a resident of the Town or not, who goes from house to house, from place to place, or from street to street, soliciting or taking or attempting to take orders for sale of goods, wares or merchandise, including magazines, books, periodicals or personal property of any nature whatsoever for future delivery, or for service to be performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such order or whether or not he is collecting advance payments on such orders. Such definition includes any person who, for himself, or for another person, hires, leases, uses or occupies any building, motor vehicle, trailer, structure, tent, railroad box car, boat,

hotel or motel room, lodging house, apartment, shop or other place within the Town for the primary purpose of exhibiting samples and taking orders for future delivery.

- E. "Structure" means any object constructed or installed by a person, having a permanent location on the ground.
- F. "Temporary sign" means any sign not intended for permanent display.
- G. "Transient merchant" means any person, whether as owner, agent, consignee or employee, whether a resident of the Town or not, who engages in business of selling and delivery of goods, wares and merchandise within said Town; and who, in furtherance of such business, hires, leases, uses or occupies any approved structures within the Town for the exhibition and sale of such goods, wares and merchandise.

(Ord. No. 178, Enacted, 05/26/88)

8-01-020 License Required.

- A. Requirement: It is unlawful for any peddler, solicitor or transient merchant to engage in any such business within the Town without first obtaining a license therefor in compliance with the provisions of this Article.
- B. Prohibited practices:
 - 1. It is unlawful for any peddler, solicitor or transient merchant to make exclusive use of any location on any street, alley, sidewalk or right-of-way for the purpose of selling, delivering or exhibiting goods or merchandise.
 - 2. It is unlawful for any peddler, solicitor or transient merchant to operate in a congested area where such operation may impede or inconvenience the public use of such street, alley, sidewalk or right-of-way. For the purpose of this Article, the judgment of a police officer, exercised in good faith, is conclusive as to whether the area is congested and the public impeded or inconvenienced.
 - 3. It is unlawful for any person to exhibit any copy or facsimile of the original license issued under this Article.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Ren&Amd, 05/26/88, 8-01-010, 050, &060; Ord. No. 375, Amended, 12/28/95)

8-01-030 Exemptions.

The terms of this Article do not include the acts of persons selling personal property at wholesale to dealers in such articles, nor to newsboys, nor to the acts of merchants or their employees in delivering goods in the regular course of business. Nothing contained in this Article prohibits any sale required by statute or by order of any court, or to prevent any person conducting a bona fide auction sale pursuant to law.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Ren&Amd, 05/26/88, 8-01-080; Ord. No. 375, Amended, 12/28/95)

8-01-040 Application.

Applicants for a license under this Article shall file with the Town Clerk a sworn application in writing on a form to be furnished by the Town Clerk which shall give the following information:

- A. Name and physical description of applicant;
- B. Complete permanent home and local address of the applicant and, in the case of a transient merchant, the local address from which proposed sales will be made;
- C. A brief description of the nature of the business and the goods to be sold.
- D. If employed, the name and address of the employer, together with credentials therefrom establishing the exact relationship (no post office box will be accepted);
- E. The length of time for which the right to do business is desired;
- F. The source of supply of the goods or property proposed to be sold, or orders taken for the sale thereof, where such goods or products are located at the time said application is filed, and the proposed method of delivery;
- G. A recent photograph of the applicant which picture shall be approximately two inches by two inches (2" x 2") showing the head and shoulders of the applicant in a clear and distinguishing manner (including any and all helpers);
- H. A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of any municipal ordinance, other than traffic violations, the nature of the offense and the punishment or penalty assessed therefor;
- I. The most recent cities or towns, not to exceed three (3), where applicant carried on business immediately preceding the date of application and the address from which such business was conducted in those municipalities; and
- J. At the time of filing the application, a fee of twenty dollars (\$20.00) shall be paid by the applicant and five dollars (\$5.00) for each additional helper to the Town Clerk to cover the cost of processing; and
- K. Description of vehicles, including license numbers to be used in business.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Ren&Amd, 05/26/88, 8-01-020)

8-01-050 Investigation and Issuance.

- A. Upon receipt of each application, it shall be referred to the Chief of Police who shall immediately institute such investigation of the applicant's business and moral

character as he deems necessary for the protection of the public good. If a fingerprint check is not considered necessary by the Chief of Police, the applicant shall be endorsed or rejected within seventy-two (72) hours. If the Chief of Police deems a fingerprint check necessary, the applicant shall be endorsed or rejected within fourteen (14) days.

- B. If, as a result of such investigation, the applicant's character or business responsibility is found to be unsatisfactory, the Chief of Police shall endorse on such application his disapproval and his reasons for the same, and return the said application to the Town Clerk, who shall notify the applicant that his application is disapproved and that no license will be issued.
- C. If, as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the Chief of Police shall endorse on the application his approval and return the application to the Town Clerk who shall, upon payment of the prescribed license fee, deliver to the applicant his license. Such license shall contain the signature of the issuing officer and shall show the name, address and photograph of said licensee, the class of license issued and the kind of goods to be sold thereunder, the amount of fee paid, the date of issuance and the length of time the same shall be operative, as well as the license number and other identifying description of any vehicle used in such licensed business. Each peddler, solicitor or transient merchant must secure a personal license. No license shall be used at any time by any person other than the one to whom it is issued. The Town Clerk shall keep a permanent record of all licenses issued.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Ren&Amd, 05/26/88, 8-01-030)

8-01-060 Fees.

Every applicant for a license under this Article shall pay the following annual fees:

\$20.00 - for peddlers; solicitors
\$ 5.00 - for each helper.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Ren&Amd, 05/26/88, 8-01-030)

8-01-070 Exhibition of License.

Licenses are required to exhibit their original certificate of license at the request of any citizen. Exhibition of any copy or facsimile of the original shall not be considered compliance with this Section.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Rep&ReEn, 05/26/88)

8-01-080 Duty of Police to Enforce.

It shall be the duty of the police of the Town to require any person peddling, soliciting or canvassing, and who is not known by such officer to be duly licensed, to produce his license and to enforce the provisions of this Article against any person found to be violating the same.

(Ord. No. 178, Enacted, 05/26/88; Ord. No. 375, Amended, 12/28/95)

8-01-090 Records.

The Chief of Police shall report to the Town Clerk all convictions for violations of this Article, and the Town Clerk shall maintain a record for each license issued and record the reports of violations therein.

(Ord. No. 178, Enacted, 05/26/88; Ord. No. 375, Amended, 12/28/95)

8-01-100 Revocation of License.

- A. Licenses issued under the provisions of this Article may be revoked by the Town Manager by issuing a summary order which shall be mailed by certified mail or personally delivered forthwith, for any of the following causes:
1. Fraud, misrepresentation or incorrect statement contained in the application for license;
 2. Fraud, misrepresentation or incorrect statement made in the course of carrying on his business as solicitor, canvasser, peddler, transient merchant, itinerant merchant or itinerant vendor;
 3. Any violation of this Article;
 4. Conviction of any crime or misdemeanor;
 5. Conducting the business of peddler, canvasser, solicitor, transient merchant, itinerant merchant or itinerant vendor, as the case may be, in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.
- B. Notice of the hearing for permanent revocation of a license shall be given by the Town Clerk in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the licensee at his last known address at least forty-eight (48) hours prior to the date set for hearing, which shall be set no later than seven (7) days following summary revocation. It shall be delivered by a police officer in the same manner as a summons at least forty-eight (48) hours prior to the date set for hearing.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Ren&Amd, 05/26/88, 8-01-040)

8-01-110 Appeal.

Any person aggrieved, by the action of the Chief of Police or the Town Clerk, may appeal to the Town Manager. Such notice of the said complaint shall contain a written statement setting forth fully the grounds for the appeal. The Town Manager shall set a time and place for a hearing on such appeal, and notice of such hearing shall be given to the appellant in the same manner as provided in Section 8-01-100 herein for notice of hearing on revocation.

(Ord. No. 178, Enacted, 05/26/88)

8-01-120 Reapplication.

No licensee or company whose license has been revoked or refused shall make further application until at least one (1) year has elapsed since the last previous revocation.

(Ord. No. 178, Enacted, 05/26/88)

8-01-130 Penalty.

Any person who violates any provision of this Article shall be guilty of a class 3 misdemeanor and upon conviction thereof shall be punished as provided in Section 8-02-110.

(Ord. No. 178, Enacted, 05/26/88; Ord. No. 496, Amended, 02/22/01; Ord. No. 600, Amended, 07/22/04)

8-01-140 Severance Clause.

The provisions of this Article are declared to be severable and if any Section, sentence, clause or phrase of this Article shall for any reason be held to be invalid or unconstitutional, such decisions shall not affect the validity of the remaining Sections, sentences, clauses and phrases of this Article, but they shall remain in effect, it being the legislative intent that this Article shall stand notwithstanding the validity of any part.

(Ord. No. 178, Enacted, 05/26/88; Ord. No. 375, Amended, 12/28/95)

8-01-150 Religious and Charitable Organizations, Exemption.

- A. Any organization, society, association or corporation desiring to solicit or have solicited in its name money, donations of money or property, or financial assistance of any kind, or desiring to sell or distribute any item of literature or merchandise for which a fee is charged or solicited from persons other than members of such organization upon the streets, in office or business buildings, by house to house canvass, or in public places for a charitable, religious, patriotic or philanthropic purpose shall be exempt from the provisions of Sections 8-01-040, 8-01-070 and 8-01-

080 herein and shall not be subject to the provisions of Subsection 8-01-010(C) provided there is filed with the Town Clerk a sworn affidavit, on a form to be furnished by the Town Clerk, which shall give the following information:

1. Tax exempt number for the organization;
2. Name and purpose of the cause for which permit is sought;
3. Names and addresses of the officers and directors of the organization;
4. Information regarding the location, date and hours of operation of the activity; and
5. Whether or not any commission, fees, wages or emoluments are to be expended in connection with such solicitation and the amount thereof.

Any affiant providing false or misleading information in the affidavit shall be subject to the penalties set forth in Section 8-01-130 and any other penalty provided by law.

- B. In the event it is discovered that the organization, society, association or corporation is soliciting or causing the solicitation of funds for any purpose other than a charitable, religious, patriotic or philanthropic purpose, said organization, society, association or corporation shall immediately desist from soliciting or causing the solicitation of funds until such time as it has obtained a license to do so pursuant to Section 8-01-040.

(Ord. No. 178, Enacted, 05/26/88; Ord. No. 553, Amended, 05/22/03)

PEDDLER LICENSE INFORMATION Contact 928.759.3135
clerk@pvaz.net

Town Code Article 8-01 Peddler states that it is unlawful for any peddler, solicitor or transient merchant to engage in business within the Town of Prescott Valley without first obtaining a license. A Town of Prescott Valley Peddler License is required by Town Code Article 8-01-010 for any person who goes from house to house, from place to place or from street to street, conveying or transporting goods, wares or merchandise or offering the same for sale, or making sales and delivering articles to purchasers.

Peddler license application forms are available at the Town Clerk's office and at www.pvaz.net. The Town Clerk's office is located at 7501 East Civic Circle, Room 216, Prescott Valley AZ 86314. The license fee is \$20.00 and \$5.00 more for each additional person in the same company group. Peddler licenses expire one year after issue date and are not renewable. A new application and fee shall be submitted for consideration each year.

Each person in a group needs to complete the Application for Peddler License with a Business License Eligibility Form attached. Every applicant needs to present a valid form of government issued picture identification. We will take a digital picture of each applicant to place on the license.

Completed peddler applications are forwarded to the Prescott Valley Police Department to conduct a background investigation. Per Section 8-01-050B if a fingerprint check is not considered necessary by the Chief of Police, the applicant shall be endorsed or rejected within 72 hours. If the Chief of Police deems a fingerprint check necessary, the applicant shall be endorsed or rejected within 14 days.

Peddler licenses are to be carried with the person to whom it is issued and have it available to be shown upon request to police officers and to potential customers. A copy of Article 8-01 Peddler Code will be given to each applicant for a Peddler License.

Exemption for Religious and Charitable Organizations

Section 8-01-150A 1 through 5 states the information to be provided to the Town Clerk's office to be exempt from the provisions of Sections 8-01-040, 8-01-070 and 8-01-080. A sworn affidavit shall be filed with the Town Clerk on the form to be furnished by the Town Clerk with the following information. Tax exempt number for the organization, name and purpose of the cause for which permit is sought, names and address of the officers of the organization, information regarding the location, date and hours of operation of the activity, and whether or not any commission, fees, etc. are to be extended in connection with such solicitation and the amount thereof.

The form is available from the Town Clerk and at www.pvaz.net

**TOWN OF PRESCOTT VALLEY
APPLICATION FOR PEDDLER'S LICENSE
7501 E Civic Circle**

PRESCOTT VALLEY AZ 86314
928 759 3135 928 759 5536 FAX



**INCOMPLETE APPLICATIONS
WILL NOT BE PROCESSED**

FOR OFFICE USE ONLY		Application Fee:	<input type="checkbox"/> Photo Taken	Peddler's License #
Date/Initials:	Check #			
	Cash	Helper Fee:	<input type="checkbox"/> Copy of Driver's License	
Date Approved:	By Police Department:	Eligibility Form		
Date(s) of doing business in Prescott Valley _____		LICENSE FEES: Peddler's License = \$20		
Nature of Business _____		Helper Fee = \$5 per applicant		
Name and Address of Supplier of Source of Goods _____		Please allow a minimum of 72 hours approval time for background check.		

SECTION I. Business Name & Location

Business Name		Applicant's Name		
Street # (N,S,E,W)	Street Name (address cannot be a PO Box)	Suite #	Business phone # ()	
City/Town	State	Zip Code	Emergency phone # ()	

MAILING ADDRESS Street Number & Name or PO Box _____ City _____ State _____ Zip _____
(If different from physical address)

Local Address of Applicant	Permanent Address of Applicant
-----------------------------------	---------------------------------------

Description of Vehicle Make _____ Model _____ Year _____ Color _____ License Plate # _____ State _____	ADOR Transaction Privilege Tax Number
--	---------------------------------------

SECTION II. Physical Characteristics of Applicant

Date of Birth	Sex	Hair Color	Drivers License #	State Issued	Expiration
Weight	Height	Eye Color	Social Security #		

Have you ever been convicted of any charges or offense, other than a traffic violation for which you were fined \$50 or more? Yes / No
 Misdemeanor _____ Felony _____ If Yes, explain _____

Disclosure of Social Security Account Numbers is **mandatory**. The authority for soliciting these numbers is found in 42 USC 405(c) (2)(c)(1). Social Security Account Numbers are used to conduct background check to approve a Peddler's License and will be communicated to Prescott Valley Law Enforcement personnel.

Employment History:			
Business Name	Address	Phone Number	Length of Employment
1			
2			
3			

I hereby certify that the statements made herein have been examined by me are to the best of my knowledge, true and complete.

Print Name	Signature	Date

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CHAPTER 112: TRANSIENT MERCHANTS; PEDDLERS AND SOLICITORS [Main Menu](#) [Section](#)

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- [112.04 Loud noises and speaking devices](#)
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TRANSIENT MERCHANTS § 112.01 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. *SPECIAL EVENTS LICENSE*. A license issued to a transient merchant to allow for the business to set up a booth or display to sell a product or service during a special event or festival, as regulated under Chapter 113 of this code.

TRANSIENT MERCHANT. Any person, either for personal gain or the gain of another, who is engaged in any business activity not conducted from a permanent place of business but is capable of moving the articles for sale from 1 location to another and who does not intend to do business at the same location for more than a few days. A *TRANSIENT MERCHANT* is distinguished from a peddler who solicits door to door. (2001 Code, § 8-3-1)

§ 112.02 LICENSE REQUIREMENTS.

(A) It is unlawful for any transient merchant to engage in any business activity within the town without first obtaining a transient merchant license as provided hereafter. (B) All provisions of Chapter 110 of this code shall apply unless otherwise stated hereafter.

(1) Any transient merchant intending to conduct a business activity for no more than 3 days in any consecutive 30 day period shall be issued a transient merchant license by the Town Clerk upon compliance with all applicable provisions of Chapter 110 of this code, upon a showing of permission from the landowner, if applicable, and upon proper payment of daily fees for transient merchants as provided in § 110.07 of this code. (2) Any transient merchant intending to conduct a business activity for more than 3 days during any consecutive 30 day period shall be issued a transient merchant license by the Town Clerk upon approval by Council, upon compliance with all applicable provisions of Chapter 110 of this code, upon a showing of permission from the landowner, if applicable, and upon proper payment of the fee for transient merchant as provided in § 110.07 of this code. Prior to renewal of a transient merchant license for an additional period, the merchant shall obtain council approval and shall otherwise comply with all other requirements. (3) No transient merchant license shall be transferable or assignable. (4) A vendor wishing to set up a booth or display to sell a product or service during a special event or festival shall first obtain a license as per Chapter 113 of this code.

(2001 Code, § 8-3-2) Penalty, see § 10.99

§ 112.03 PROHIBITED PRACTICES.

(A) It is unlawful for any transient merchant to make exclusive use of any location on any street, alley, sidewalk or right-of-way for the purpose of selling, delivering or exhibiting goods or merchandise. (B) It is unlawful for any transient merchant to operate in a congested area where the operation may impede or inconvenience the public use of the street, alley, sidewalk or right-of-way. (2001 Code, § 8-3-3) Penalty, see § 10.99

§ 112.04 LOUD NOISES AND SPEAKING DEVICES.

No licensee, nor any person in his or her behalf, shall shout, cry out, blow a horn, ring a bell or use any sound amplifying device upon any of the streets, alleys, parks or other public places of the town or upon private premises where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the streets, avenues, alleys, parks or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such licensee proposes to sell.

(2001 Code, § 8-3-4) Penalty, see § 10.99

§ 112.05 SUSPENSION OR REVOCATION OF LICENSE.

(A) The Town Clerk shall refuse to issue a license to an applicant or shall promptly revoke an existing license upon notice that the applicant or licensee is in violation of the provisions of this subchapter. (B) The Town Clerk or designee shall deliver to the applicant or licensee, by certified mail, written notice of the denial of an application or the revocation of an existing license. The notice shall state the reason for denial or revocation. Notice shall be delivered to the address listed on the application or license. Notice shall be deemed served as of the date of mailing. (2001 Code, § 8-3-5)

§ 112.06 APPEAL.

Any person aggrieved by an action of the Town Clerk pursuant to this subchapter may appeal the decision of the Town Clerk by filing a written complaint with the Town Manager within 15 days of the decision of the Town Clerk. The complaint shall contain a written statement setting forth fully the grounds for the appeal of the Town Clerk's decision. The Town Manager shall set a time and place for a hearing on the appeal. Notice of the hearing shall be given to the appellant within 5 working days of the filing of the complaint by certified mail sent to the last known address or by personal service. The town manager shall hold the hearing within 15 working days of receiving the complaint. The Town Manager shall make a final determination within 10 working days of the hearing. The determination by the Town Manager shall be final. (2001 Code, § 8-3-6)

§ 112.07 REAPPLICATION.

No licensee whose license has been revoked or refused shall make further application until at least 1 year has elapsed since the last previous revocation. (2001 Code, § 8-3-7)

PEDDLERS AND SOLICITORS § 112.20 SCOPE; DEFINITIONS.

(A) This subchapter is intended to apply to any person whether a resident of the town or not, who goes from house to house, place to place or street to street, soliciting or taking or attempting to take orders for sale of goods, wares or merchandise, including magazines, books, periodicals for future delivery or for services to be performed in the future. All provisions of Chapter 110 of this code shall apply unless otherwise stated. (B) For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. *PEDDLER*. Any person, whether a resident of the town or not, who goes from house to house, from place to place or from street to street, conveying or transporting goods, wares or merchandise or offering or exposing the same for sale or making sales and delivering articles to purchasers.

SOLICITOR. Any person, whether a resident of the town or not, who goes from house to house, from place to place or from street to street, soliciting or taking or attempting to take orders for sale of goods, wares or merchandise, including magazines, books, periodicals or personal property of any nature whatsoever for future delivery or for services to be performed in the future, whether or not the individual has, carries or exposes for sale a sample of the subject of such order or whether or not he or she is collecting advance payments on the orders. The definition includes any person who, for himself or herself or for another person, hires, leases, uses or occupies any building, motor vehicle, trailer, structure, tent, railroad box car, boat, hotel or motel room, lodging house, apartment, shop or other place within the town for the primary purpose of exhibiting samples and taking orders for future delivery. (2001 Code, § 8-4-1)

§ 112.21 LICENSE REQUIRED.

(A) It is unlawful for any peddler or solicitor to engage in any business activity within the town without first obtaining a license therefor in compliance with the provisions of this subchapter. (B)

(1) It is unlawful for any peddler or solicitor to make exclusive use of any location on any street, alley, sidewalk or right-of-way for the purpose of selling, delivering or exhibiting goods or merchandise. (2) It is unlawful for any peddler or solicitor to operate in a congested area where such operation may impede or inconvenience the public use of the street, alley, sidewalk or right-of-way. (3) No licensee nor any person in the licensee's behalf shall shout, cry out, blow a horn, ring a bell or use any sound amplifying device upon any of the streets, alleys, parks or other public places of the town or upon private premises where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the streets, avenues, alleys, parks or other public places, for the purpose of attracting attention to any goods, wares or merchandise which the licensee proposes to sell. (4) It is unlawful for any person to exhibit any copy or facsimile of the original license issued under this subchapter. (5) It is unlawful for any licensee or agent of licensee to conduct any business activity except during the daylight hours.

(2001 Code, § 8-4-2) Penalty, see § 10.99

§ 112.22 EXEMPTIONS.

(A) The terms of this subchapter do not include the acts of merchants or their employees in delivering goods in the regular course of business, nor to any salesperson who has obtained prior permission to enter upon an individual's property for the purpose of making a sale. Nothing contained in this chapter prohibits any sale required by statute or by order of any court or to prevent any person conducting a bona fide auction sale pursuant to the law. (B) The exemptions to the license requirements of this subchapter also include:

(1) Nonprofit educational institutions, fraternal and service clubs and religious organizations; (2) Nonprofit private clubs whose basic membership fees cover the cost of the use of facilities; (3) A permanent resident wishing to sell any form of agricultural products including livestock produced or raised by himself or herself; (4) Fund raising projects of nonprofit and religious organizations, not conducted on a regular basis; (5) Persons under the age of 18 years engaged in part time or seasonal employment while still attending school full

time; and (6) All exemptions granted pursuant to the Arizona Revised Statutes and all future amendments, if any. (2001 Code, § 8-4-3)

§ 112.23 APPLICATION.

Applicants for a license under this subchapter shall file with the Town Clerk a sworn application in writing on a form to be furnished by the Town Clerk which shall give the following information:

(A) Name, physical description and social security number of applicant and each helper; (B) Complete permanent home and local address of the applicant and the local address from which proposed sales will be made; (C) A brief description of the nature of the business and the goods to be sold or services to be preformed; (D) If employed, the name and address of the employer, together with credentials therefrom establishing the exact relationship (no post office box will be accepted), the amount of time business has been in operation and the town and phone number the business is located in for verification; (E) The length of time for which the right to do business is desired; (F) The source of supply of the goods or products proposed to be sold or orders taken for the sale thereof, where the goods or products are located at the time the application is filed and the proposed method of delivery; (G) Two copies of a recent photograph of each applicant and each agent of the applicant, which picture shall be approximately 1-1/2" x 1-1/2" and shall clearly show the head of the individual; (One photograph shall be attached to the applicant's application form and the other shall be attached to the person's identification badge.) (H) A statement as to whether or not the applicant or any of applicant's agents has been convicted of any violation of any federal, state, county, municipal law or regulation, other than traffic violations, the nature of the offense and the punishment or penalty assessed; (I) The most recent cities or towns, not to exceed 3, where applicant carried on business immediately preceding the date of application and the address from which the business was conducted in those municipalities; (J) At the time of filing the application, a fee as adopted by resolution per day shall be paid to the Town Clerk by the applicant and an additional fee as adopted by resolution per day for each agent to cover the cost of processing the application; (The applicant shall also pay a deposit fee as adopted by resolution which deposit shall be refunded to the applicant once all identification badges are returned to the Town Clerk.) (K) Description of vehicles, including license plate numbers to be used in business; and (L) The Town Clerk shall take a thumb print of each applicant and agent of the applicant. (2001 Code, § 8-4-4)

§ 112.24 INVESTIGATION AND ISSUANCE.

(A) Upon receipt of each application, the Town Clerk shall immediately forward the application to the Police Department for investigation of the applicant as is deemed necessary for the protection of the public and as set forth in § 110.05 of this code. (B) If, as a result of the investigation, the applicant's character or business responsibility is found to be unsatisfactory

to go from house to house, the Town Clerk shall reject the application and shall state the reasons for the rejection. The Town Clerk shall notify the applicant that the application has been rejected. (C) If, as a result of the investigation, the character and business responsibility of the applicant is found to be satisfactory, the Town Clerk shall approve the application and issue the license. The license shall contain the signature of the issuing authority and shall show the name, address and photograph of the licensee, the class of the license issued and the kind of goods to be sold or services to be rendered thereunder, the amount of fee paid, the date of issuance and the length of time the same shall be operative, as well as the license number and other identifying description of any vehicle used in the licensed business. A separate license shall be issued for each agent of the applicant authorized by the Town Clerk and shall contain the information described for the licensee. (D) Each peddler or solicitor and each agent of the peddler or solicitor shall be issued an individual identification badge once the applicant is approved for a license. No identification badge shall be used at any time by any person other than the one to whom it is issued. Each identification badge shall state the name of the peddler or solicitor or the agent of the licensee, the person's physical characteristics and address, the goods to be sold, a description of the vehicle used by the person, the issue and expiration date of the permitted activity and a photograph of the person as submitted pursuant to § 112.23(G) of this chapter. The Town Clerk shall keep a record of all identification badges issued. (2001 Code, § 8-4-5)

§ 112.25 FEES.

(A) Every applicant for a license under this chapter shall pay fees as adopted by resolution. (B) In addition, each applicant shall pay a deposit fee as adopted by resolution to ensure return by licensee and licensee's agents of all identification cards at the conclusion of the permitted sales period. Upon submittal of all identification cards issued to licensee and licensee's agents, the Town Clerk shall refund the deposit. (2001 Code, § 8-4-6)

§ 112.26 BOND.

Every applicant for a license under this chapter shall obtain a 1 year peddler's permit bond. The Town Clerk shall request a copy of the bond before a business license is issued. (2001 Code, § 8-4-7)

§ 112.27 EXHIBITION OF LICENSE.

(A) Each licensee shall be required to exhibit the original certificate of license at the request of a police officer or town official. (B) Exhibition of a copy or facsimile of the original shall not be considered compliance with this section. (C) Each licensee and each licensee's agent shall wear at all times during any sales activity the identification badge issued by the Town Clerk in the individual's name. (2001 Code, § 8-4-8)

§ 112.28 SIGNS TO BE OBSERVED

It is unlawful for any person to go on the premises of another for the purpose of soliciting, peddling, hawking or canvassing, selling or vending of goods, wares, merchandise, newspapers, magazines or services where such premises are posted with a sign or other notice stating "No Peddlers", "No Solicitors" or otherwise giving notice to the public that peddlers, solicitors or salespersons are not desired. (2001 Code, § 8-4-9) Penalty, see § 10.99

§ 112.29 ENFORCEMENT

(A) The Chief of Police and the Code Enforcement Officer shall have and shall exercise the power to file complaints against any person violating the provisions of this subchapter. (B) The Chief of Police shall have and shall exercise the power to cite and release or arrest all persons violating the provisions of this subchapter. (2001 Code, § 8-4-10)

§ 112.30 RECORDS.

The Chief of Police shall report to the Town Clerk all complaints, citations and convictions for violations of this subchapter, and the Town Clerk shall maintain a record for each license issued and shall keep a record of all complaints, citations and convictions of violations. (2001 Code, § 8-4-11)

§ 112.31 SUSPENSION OR REVOCATION OF LICENSE.

(A) The Town Clerk shall refuse to issue a license to an applicant or shall promptly revoke an existing license upon notice that the applicant or licensee is in violation of the provisions of this subchapter. (B) The Town Clerk or designee shall deliver to the applicant or licensee, by certified mail, written notice of the denial of an application or the revocation of an existing license. The notice shall state the reason for denial or revocation. Notice shall be delivered to the address listed on the application or license. Notice shall be deemed served as of the date of mailing. (C) Within 24 hours of receipt of notice of revocation, the licensee shall turn in to the Town Clerk all identification badges issued to the licensee and to any agent of the licensee. Upon compliance by the licensee with the above requirement, the Town Clerk shall refund the deposit fee to the licensee. (D) The provisions of division (B) above shall not apply to transactions solely between merchants licensed under this subchapter or between merchants who would be required by this subchapter to secure licenses if their establishments were located within the town. (2001 Code, § 8-4-12)

§ 112.32 APPEAL.

Any person aggrieved by an action of the Town Clerk pursuant to this subchapter may appeal the decision of the Town Clerk by filing a written complaint with the Town Manager within 15 days of the decision of the Town Clerk. The complaint shall contain a written statement setting forth fully the grounds for the appeal of the Town Clerk's decision. The Town Manager shall set a time and place for a hearing on the appeal. Notice of the hearing shall be given to the appellant within 5 working days of the filing of the complaint by certified mail sent to the last known address or by personal service. The Town Manager shall hold the hearing within 15 working days of receiving the complaint. The Town Manager shall make a final determination within 10 working days of the hearing. The determination by the Town Manager shall be final. (2001 Code, § 8-4-13)

§ 112.33 REAPPLICATION.

No licensee whose license has been revoked or refused shall make further application until at least 1 year has elapsed since the last previous revocation. (2001 Code, § 8-4-14)