

## ORDINANCE #2010-05

**AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF CAREFREE, ARIZONA AMENDING THE CODE OF THE TOWN OF CAREFREE, ARIZONA, CHAPTER 8, BUSINESS REGULATIONS, FOR THE PURPOSE OF ADOPTING AND ADMINISTERING AN ANNUAL BUSINESS LICENSE; PROVIDING FOR REPEAL OF CERTAIN PROVISIONS OF THE CODE OF THE TOWN OF CAREFREE, ARIZONA; PROVIDING FOR SEPARABILITY; PROVIDING FOR AN EFFECTIVE DATE; AND DIRECTING THE TOWN CLERK OF THE TOWN OF CAREFREE TO INCORPORATE THIS AMENDMENT INTO THE CODE OF THE TOWN OF CAREFREE, ARIZONA.**

**WHEREAS**, it is common for municipalities to require Annual Business Licenses to track the businesses operating within a given municipality; confirm sales tax registration; assist in economic development and Town marketing; and help identify any zoning, health, or safety issues.

**WHEREAS**, the current Code of the Town of Carefree, Arizona does not contain any regulations related to the administering of Annual Business Licenses.

**WHEREAS**, Town staff has researched and compared Annual Business License requirements of surrounding communities in order to create regulations for businesses.

**WHEREAS**, the proposed Annual Business License regulations were designed to ensure they could be effectively administered while not placing the Town at a competitive disadvantage.

**WHEREAS**, in recognition of the current economic climate, the fees for the Annual Business License will be waived for one calendar year from the effective date of this Ordinance.

**BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAREFREE, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:**

Section 1. The Mayor and Common Council deem it necessary, in order to conserve, promote, and protect the public health, safety and welfare, to amend that certain document known as the Code of the Town of Carefree, Arizona.

Section 2. All ordinances or portions of ordinances in conflict with the provisions of this Ordinance, or inconsistent with the regulations of this Ordinance, are hereby repealed to the extent necessary to give this Ordinance full force and effect.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of these amendments to the Code of the Town of Carefree, Arizona 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 remaining portions thereof.

Section 4. The amendments are made to Chapter 8, Articles 8-3 of the Code of the Town of Carefree, Arizona, as follows (added language is shown in **bold**, deleted language is shown ~~crossed-out~~):

Chapter 8 Business Regulation  
**Article 8-3 ANNUAL BUSINESS LICENSE**

- 8-3-1 License Requirements**
- 8-3-2 License Procedures**
- 8-3-3 Exemptions**
- 8-3-4 Signage**
- 8-3-5 Compliance and Violations**
- 8-3-6 Revocation or Suspension of License**
- 8-3-7 Appeals**

**Section 8-3-1 License Requirements**

- A. No person shall engage in any business in the Town without first having: 1) procured an Annual Business License from the Town; 2) paid the prescribed fees; and 3) complied with the provisions of this Article. The Annual Business License shall be valid for a period not to exceed one calendar year and will expire on June 30th of the year in which it is obtained.**

**Section 8-3-2 License Procedures**

- A. Application verification. It shall be the duty of the Zoning Administrator or designee upon receipt and verification of a properly completed application for an Annual Business License, to prepare and issue an Annual Business License under this Article. Prior to the issuance of an Annual Business License, each applicant shall provide evidence to the Town Clerk or designee that at a minimum, it has made application to the Arizona Department of Revenue to include Carefree under their State sales tax identification number (privilege tax).**
- B. License form. The Annual Business License shall include but shall not necessarily be limited to the name of the person, corporation, partnership or business organization for whom the Annual Business License is procured; the amount charged; the State Sales Tax License**

Number; the expiration date of the Annual Business License; the location of the business; and the type of business.

- C. **Fee schedule.** The fee for the Annual Business License shall be \$40, and shall be paid by the applicant at the time the application is filed with the Town. The annual renewal fee in the amount of \$40 for each Annual Business License shall become due and payable by July 1<sup>st</sup> of each calendar year.
- D. **Number of licenses.** If one business entity is operating multiple businesses in one fixed location, only one Annual Business License shall be required. A "fixed location" shall mean a building which has a physical address assigned by the Town of Carefree. If multiple businesses are operated by separate entities in one fixed location which sublease or have a contractual agreement to operate at such fixed location, a separate Annual Business License shall be required for each business. An Annual Business License shall be obtained for each branch establishment or location of a business within the Town.
- E. **Placement of license.** The Annual Business License shall be placed within the business in a fixed, conspicuous location.
- F. **Transfer of License.** No Annual Business License issued pursuant to this Article shall be transferable, provided that where an Annual Business License is issued authorizing a person to transact and carry on a business at a fixed location, the Zoning Administrator or designee may upon application authorize the person to engage in business under the same Annual Business License at another location to which the business is to be moved.

### **Section 8-3-3 Exemptions**

The following shall be exempt from all Annual Business License requirements:

- A. Any federally exempt organization which has received determination of exemption under 26 U.S.C. Section 501 (c) and rules and regulations of the Commissioner of the Internal Revenue Service.
- B. The federal government, the State of Arizona, and any political subdivision, department, or agency of any of the foregoing.
- C. Any public education entity operated pursuant to any provisions of Title 15, Arizona Revised Statutes.

- D. Any service oriented home occupation.
- E. Any temporary or transient business operating with a vendor's certificate administered through a Special Event Permit.

#### **Section 8-3-4 Signage**

No person shall install and/or modify any exterior sign which is associated with their business and otherwise permitted by the Carefree Zoning Ordinance without first obtaining an Annual Business License pursuant to the provisions of this Article.

#### **Section 8-3-5 Compliance and Violations**

- A. The Code Enforcement Officer or designee shall have the authority to enter (without charge) and inspect any business for compliance with the provisions of this Article.
- B. Any business operating without an Annual Business License under the provisions of this Article shall be given a thirty (30) calendar day notice for corrective action. The thirty (30) calendar day period for corrective action shall begin to run from the date the written notice is served by the Code Enforcement Officer or designee upon the business.
- C. If upon the expiration of the thirty (30) calendar day period for corrective action an Annual Business License is not obtained by the business owner, the business shall immediately cease operations at such location until an Annual Business License is obtained, the business owner is subject to the doubling of all fees owed in the discretion of the Zoning Administrator, and a complaint shall be filed with the Town Magistrate.
- D. Any person who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of, any of the provisions of this Article shall upon admission or judicial determination thereof be liable for a civil offense and shall be subject to imposition of a civil sanction of up to seven hundred and fifty dollars (\$750.00).

#### **Section 8-3-6 Revocation or Suspension of License**

Any Annual Business License issued pursuant to this Article may be revoked or suspended by the Zoning Administrator or designee at any time if any material fact set forth in the application is or becomes untrue or

ceases to exist or if the business is conducted in violation of any Town Code provision or any Town Ordinance. Notice of such revocation or suspension shall be served upon the business by the Town Code Enforcement Officer or designee as soon as practicable.

**Section 8-3-7 Appeals**

Any person aggrieved by the denial of an application, suspension or revocation for an Annual Business License shall have the right to appeal to the Town Council. The appeal shall be filed with the Town Clerk within ten (10) calendar days after a written statement of denial, revocation or suspension has been served by the Town Code Enforcement Officer or designee. The Town Council shall set a time and a place for the hearing of the appeal and the notice of the hearing shall be given to the appellant. The decision and order of the Town Council on the appeal shall be final.

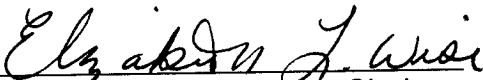
Section 5. This Ordinance and stated amendments shall become effective and in full force and effect thirty (30) days from and after the date of its adoption.

Section 6. The Town Clerk of the Town of Carefree shall incorporate the Amendment set forth herein into the Code of the Town of Carefree, Arizona.

PASSED AND ADOPTED by the Common Council of the Town of Carefree, Arizona this 13<sup>th</sup> day of July, 2010.


ATTEST:

Town of Carefree, an  
Arizona Municipal Corporation

  
Elizabeth L. Wise, Town Clerk

  
David Schwan, Mayor

APPROVED AS TO FORM:

  
Thomas K. Chenal, Town Attorney