

ORDINANCE 2004-A280

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA, AMENDING CHAPTER 9 BUSINESS REGULATIONS, ARTICLES 9-1 PEDDLERS, SOLICITORS AND CANVASSERS AND 9-2 SPECIAL EVENTS PERMITS SECTIONS OF THE TOWN CODE.

WHEREAS, the Town Code, Chapter 9 Articles 9-1 and 9-2 regarding business regulations are to be updated and revised, and

WHEREAS, the Town Council adopted Ordinance 96-A116, adopting the Town Code which included Chapter 9 Business Regulations, Articles 9-1 and 9-2.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAMP VERDE AS FOLLOWS:

Section 1. Article 9-1 Peddlers, Solicitors and Canvassers, Sections 9-1-1 through 9-1-13 of the Town Code is amended to read:

CHAPTER 9

BUSINESS REGULATIONS

Article 9-1

~~PEDDLERS, SOLICITORS AND CANVASSERS~~ CASUAL BUSINESS LICENSE

9-1-1 Definitions

9-1-2 License Required

9-1-3 Applications

~~9-1-4 Investigation of Applicant~~

9-1-5 4 Fees

9-1-6 5 Fees for Charitable, Religious or Civic Organizations

9-1-7 6 License to be Posted

9-1-8 7 Location Restrictions

9-1-9 8 Undue Noise Prohibited

9-1-~~10~~ 9 Enforcement by Police Officers

~~9-1-11~~ 10 Revocation

~~9-1-12~~ Notice of Hearing and Appeal

~~9-1-13~~ 11 Signs to be Observed

Section 9-1-1 Definitions

In this article unless the context otherwise requires:

A. "Canvasser or solicitor" means any person, whether a resident of the Town or not, traveling either by foot, wagon, automobile, motor truck or any other type of conveyance from place to place, from house to house or from street to street taking or attempting to take orders for sale of goods, wares and merchandise, personal property of any nature whatsoever for future delivery or for services to be furnished or performed in the future, whether such person is collecting advance payments on such sales or not, provided that such definition shall include any person who, for himself or for another person, hires, leases, uses or occupies any building, structure, tent, railroad car, boat, hotel room, lodging house, apartment, shop or any other place within the Town for the sole purpose of exhibiting samples and taking orders for future delivery.

B. "Peddler" means any person, whether a resident of the Town or not, traveling by foot, wagon, automobile or any other type of conveyance from place to place, from house to house or from street to street carrying, conveying or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck farm products or provisions, offering and exposing the same for sale or making sales and delivering articles to purchasers, or a person who, without traveling from place to place, shall sell or offer the same for sale from a wagon, automotive vehicle, railroad car or other vehicle or conveyance. It is further provided that a person who solicits orders and, as a separate transaction, makes delivery to purchasers as a part of the scheme or design to evade the provisions of this chapter shall be deemed a peddler subject to the provisions herein contained. The word "peddler" shall include the words "hawker" and "huckster".

C. "Transient merchant", "itinerant merchant" or "itinerant vendor" means any person, whether owner or otherwise, whether a resident of the Town or not, who engages in a temporary business of selling and delivering goods, wares and merchandise within the Town, and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, tent, railroad car, boat, hotel room, lodging house, apartment, shop, or any street, alley or other place within the Town for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction, provided that such definition shall not be construed to include any person, firm or corporation who, while occupying such temporary location, does not sell from stock but exhibits samples only for the purpose of securing orders for future delivery. The person so engaged shall not be relieved from complying with the provisions of this chapter merely by reason of associating temporarily with any local dealer, trader, merchant or

auctioneer or by conducting such transient business in connection with, as a part of or in the name of any such local dealer, trader, merchant or auctioneer.

D. "SPECIAL EVENT", INCLUDES THE TEMPORARY SALES AND DISPLAYS BY STREET VENDORS, CRAFT SHOWS, FAIR BOOTHS AND SIMILAR OPERATIONS USUALLY ASSOCIATED WITH A SPECIAL EVENT OR HOLIDAY.

Section 9-1-2 License Required

It is unlawful for any peddler, solicitor, canvasser, transient merchant, itinerant merchant or itinerant vendor to engage in such business within the corporate limits of the Town without first obtaining a ~~permit~~ and CASUAL BUSINESS license in compliance with the provisions of this chapter. THIS ARTICLE SHALL ALSO GOVERN ALL SPECIAL EVENT SALES AND OPERATIONS WITHIN THE TOWN LIMITS. THIS ARTICLE DOES NOT APPLY TO PARTICIPANTS OF TOWN EVENTS WHO HAVE PAID BOOTH FEES, GARAGE SALES, AUCTIONS, SIDEWALK SALES, STUDENT FUND RAISING SALES, AND BAKE SALES THAT OCCUR LESS THAN THREE (3) TIMES PER YEAR; EVENTS OCCURRING MORE THAN THREE (3) TIMES PER YEAR MUST OBTAIN A CASUAL BUSINESS LICENSE.

Section 9-1-3 Applications

A. Applicants for ~~permit~~ and A CASUAL BUSINESS license under this chapter must file with the clerk a sworn application in writing, ~~in duplicate~~, on a form to be furnished by the clerk, which shall give the following information:

1. Name and description of the applicant.
2. Address, legal and local.
3. A brief description of the nature of the business and the goods to be sold and, in the case of products of farm or orchard, whether produced or grown by the applicant.
4. VERIFICATION OF A TRANSACTION PRIVILEGE TAX LICENSE.
5. If employed, the name and address of the employer, together with credentials establishing the exact relationship.
6. The length of time for which the right to do business is desired. NO CASUAL BUSINESS LICENSE SHALL BE ISSUED FOR A PERIOD LONGER THAN THREE CONSECUTIVE DAYS.
7. If a vehicle is to be used, a description of the same, together with license number OF ANY VEHICLES TO BE USED IN OR NEAR THE DISPLAY AREA OR OTHER AREA OF BUSINESS, and other means of identification.

8. A statement as to whether or not the applicant has EVER been convicted of any crime, misdemeanor or violation of any municipal laws and the nature of the offense and the punishment or penalty assessed therefore.

9. OBTAIN THE WRITTEN PERMISSION OF THE PROPERTY OWNER AND TENANT, IF ANY, FOR THE OPERATION.

10. OBTAIN ANY NECESSARY HEALTH OR OTHER REGULATORY PERMITS REQUIRED BY LAW.

11. PAY ANY FEES REQUIRED AS THE COUNCIL BY RESOLUTION MAY SET.

~~B. At the time of filing the application, a fee shall be paid to the clerk to cover the cost of investigation.~~

C. B. No license issued hereunder shall be transferable.

Section 9-1-4 Investigation of Applicant

~~Upon receipt of an application, the clerk shall cause an investigation of such person's business responsibility to be made, as the clerk deems necessary for the protection of the public good. If, as a result of the investigation, the applicant's business responsibility is found to be unsatisfactory, the application shall be denied. If, as a result of the investigation, the business reputation appears to be satisfactory, the clerk shall issue a license. The clerk shall keep a full record in his office of all licenses issued. The license shall contain the number of the license, the date it is issued, the nature of the business authorized to be carried on, the amount of the license fee paid, the expiration date of the license, the place where the business may be carried on under the license, and the name of the person authorized to carry on the business.~~

Section 9-1-5 4 Fees

A. The license fees for peddlers, solicitors, canvassers, and transient merchants and the application fee provided in Section 9-1-3 shall be determined by resolution of the Council.

B. No fee shall be required of anyone ANY RESIDENT OF THE TOWN OF CAMP VERDE selling products of the farm or orchard actually produced by the seller RESIDENT.

Section 9-1-6 5 Fees for Charitable, Religious or Civic Organizations

There shall be no fees for charitable, religious, or civic organizations. It shall be the duty of the clerk or the Town Marshal to determine if the organization making the application is a charitable, religious or civic organization and that the individual making the application is a member of the organization. The determination by the clerk or the Town Marshal may be appealed pursuant to Section 9-1-12 11.

Section 9-1-7 6 License to be Posted

The license issued by the clerk shall be posted in a conspicuous place if the licensee is using a vehicle or a building in his business and otherwise must be kept by the person and exhibited at any time upon request.

Section 9-1-8 7 Location Restrictions

No peddler, canvasser or transient merchant shall locate on the public street or property, and must have written permission of a property owner for private property. It is unlawful for any peddler, canvasser or transient merchant to operate in any stationary location, to operate within three hundred feet of a public school ground or to operate in any congested area where such operation might impede or inconvenience the public, or cause traffic or parking hazards. 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.

Section 9-1-9 8 Undue Noise Prohibited

No licensee, nor any person on the licensee's 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, for the purpose of attracting attention to any goods, wares or merchandise which such licensee proposes to sell 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 that is capable of being plainly heard upon the public thoroughfares.

Section 9-1-10 9 Enforcement by Police Officers

It shall be the duty of any police officer of the Town to enforce the provisions of this article. The Town Marshal shall report to the clerk all convictions for violation of the provisions of this chapter, and the clerk shall maintain a record for each license issued and record the reports of violations therein.

Section 9-1-11 10 Revocation

The clerk after notice and hearing for any of the following causes may revoke permits and licenses issued under the provisions of this chapter:

- A. Fraud, misrepresentation, or false statement contained in the application for license;
- B. Fraud, misrepresentation, or false statement made in the course of carrying on business;
- C. Any violation of this article;

D. Conviction of any crime or misdemeanor involving moral turpitude;

E. Conducting business 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.

~~Section 9-1-12~~ Notice of Hearing and Appeal

~~A. Notice of the hearing for revocation of license shall be given 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 five days prior to the date set for hearing.~~

~~B. Any person aggrieved by the denial of an application for license as provided herein or by a decision with reference to the revocation of a license shall have the right of appeal to the Council. Such appeal shall be made by filing with the Council, within fourteen days after notice of the action complained of has been mailed to such person's last known address, a written statement fully setting forth the grounds for the appeal. The Council 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 for notice of hearing on revocation. The decision and order of the Council on such appeal shall be final and conclusive.~~

~~Section 9-1-13~~ 11 Signs to be Observed

It is unlawful for any peddler, SOLICITOR, CANVASSER OR TRANSIENT MERCHANT, in the course of his business, to ring the doorbell or knock at any building whereon a sign bearing the words "No Peddlers", "NO SOLICITORS", "NO CANVASSERS", "NO TRANSIENT MERCHANTS" or a similar message is exposed to public view. ~~It is unlawful for any solicitor, canvasser or transient merchant in the course of his business to ring the doorbell or knock at any building whereon a sign bearing the words "No Solicitors or Canvassers" or a similar message is exposed to public view.~~

Section 2. Article 9-2 Special Events Permits, Sections 9-2-1 through 9-2-5 of the Town Code is amended as follows:

~~Section 9-2-1~~ Application

~~This article shall govern all special event sales and operations within the Town limits. "Special event" include temporary sales and displays by street vendors, craft shows, fair booths and similar operations usually associated with a special event or holiday. This article does not apply to garage sales, auctions, sidewalk sales, and student fund raising sales, bake sales or swap meets. No permit shall be issued for a period longer than three consecutive days.~~

Section 9-2-2 Procedure

All operators of booths or vendor displays or other special event operations shall, before setting up a display area:

- A. Obtain the written permission of the property owner and tenant, if any, for the operation.
- B. Obtain any necessary health or other regulatory permits required by law.
- C. Complete an application for a casual business permit with the Town, including describing the nature of the operations, name, address and driver's license of the owner of the business, licenses of any vehicles to be used in or near the display area, and other information required by the Town Marshal to ensure proper origin of the goods and services to be offered for sale and the responsibility of the proprietor.
- D. Pay any fees required as the Council by resolution may set.

Section 9-2-3 Operations

Casual business operations shall be conducted within the following guidelines, enforceable by the penalty provisions of this article, which shall be delivered to all applicants:

- A. The permit will be for the location and hours of operation specified and will not be transferable.
- B. The permit will be prominently displayed at the site at all times.
- C. The operator will not operate the booth or site in such a manner that unreasonable noise or the nature of the display interferes with other operators or the program for the event and shall maintain the booth or site in a clean manner.
- D. The permit may be terminated for failure of the operator to abide by the procedures and requirements of this article, and forfeiture of a permit for cause may result in denial of a permit in the future by the proprietor.
- E. The Council may impose additional requirements for operations as to a particular event.

Section 9-2-4 Restrictions

The Town Clerk shall not issue any permit under this article for operation or location of a special event permit within any Town street, right of way or on residentially zoned properties.

Section 9-2-5 Penalty

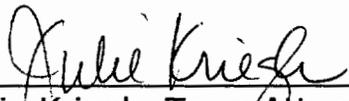
~~Violations of this article, including any regulations adopted by reference, shall be a petty offense upon a first offense, and, upon a subsequent offense, a class 3 misdemeanor. Repeat offenders may also be denied any display or sale privileges.~~

Section 3. All ordinances or parts of ordinances adopted by the Town of Camp Verde in conflict with the provisions of this ordinance or any part of the code adopted herein by reference, are hereby repealed, effective as of the day this ordinance is effective.

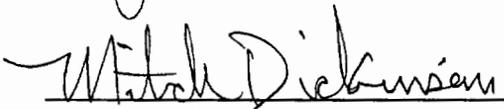
Section 4. This ordinance is effective upon completion of publication and any posting as required by law.

PASSED AND APPROVED by a majority vote of the Town Council of Camp Verde, Arizona, this 2nd day of June 2004.

Approved as to Form:


Julie Kriegh, Town Attorney

Date 6-2-04


Mitch Dickinson, Mayor

Attest:


Deborah Barber, Town Clerk