

ORDINANCE NO. 68

AN ORDINANCE OF THE TOWN OF SAN LUIS, ARIZONA, AMENDING CHAPTER 7 OF THE SAN LUIS TOWN CODE BY REPEALING SPECIFIC PORTIONS THEREOF INCLUDING SECTION 7-4-4 CREATION; POWERS; DUTIES; FOREIGN MONEY EXCHANGE COMMISSION AND ADDING PERIODIC REPORTING REQUIREMENTS, AND BUSINESS LICENSE FEE AND PERMIT AND PROVIDING FOR PENALTIES.

BE IT ORDAINED BY THE MAYOR AND THE COMMON COUNCIL OF THE TOWN OF SAN LUIS, ARIZONA, YUMA COUNTY AS FOLLOWS:

Section 1: That Section 7-4-1(E) of the San Luis Town Code is repealed and replaced with the following:

(E) "Money Exchange Business" means a commercial business exchanging currency of one country for that of another.

Section 2: That Section 7-4-2(A) is repealed and replaced with the following:

Section 7-4-2 Business License Fee and Permit

A. ANNUAL FEE.

The operation of a Money Exchange Business shall require a two thousand dollar (\$2,000.00) business license fee and permit annually, and that said amount may be changed by resolution. Application for a money exchange business license and fee and payment of the fee shall be made at the Town Hall.

B. APPLICATION.

An application for operation of a money exchange business shall contain the exact address of the proposed business and the following information for all owners, partners or corporation officers:

1. The full true name and any other names used by the applicant;

2. The present address and telephone number of the applicant;

3. Each residence and business address of the applicant for the three (3) years immediately preceding the date of the application, and the inclusive dates of each such address;

4. Applicant's age, date of birth, weight, height, color of eyes and hair;

5. Driver's license and social security number;

6. Applicant's business occupation and employment history for the three (3) years immediately preceding the date of

application, and the inclusive dates of each such address;

7. All criminal convictions, except traffic violations, and a statement of the dates and places of such address; and

8. The applicant shall furnish fingerprints for the purpose of establishing identification.

C. ISSUANCE OR REVOCATION OF PERMIT.

Except as otherwise provided in this Code, upon completion of the background investigation of the applicant, the town manager or designated representative shall issue the permit which may be revoked following thirty days' written notice setting forth violations of one or more of the following:

1. The applicant has knowingly made false or misleading statements of a material fact or omission of a material fact in the application; or

2. The operation of the business as proposed pursuant to the issuance or renewal of a permit will not be in compliance with the building, fire, health and zoning or sign requirements as set forth in this Code; or

3. The applicant has had a similar permit or license previously revoked or denied for good cause within one (1) year immediately preceding the date of the filing of the application or at any time after the receipt of the permit and license; or

4. The applicant has, within five (5) years immediately preceding the date of the filing of the application, been convicted in a court of competent jurisdiction of any of the following offenses:

(a) Any offense involving the use of force or violence upon the person of another; or

(b) Any offense of theft, embezzlement, or receiving stolen property; or

5. The applicant has paid a criminal or civil penalty for violation of Federal Currency Reporting laws and regulations.

D. APPEAL OF REVOCATION.

The notice of revocation may be appealed by filing written notice, within ten (10) days of the notice of revocation, that appropriate judicial review of the same has been requested. The notice of revocation shall be suspended until judicial review has been completed.

E. PERMIT NOT TRANSFERABLE.

Each permit issued hereunder shall be issued to a specific

person, partnership or corporation to conduct business as a Money Exchange Business at a specific location. In no event shall the permit be transferred from one owner to another or from one location to another without prior approval of the town manager or his designated representative.

Section 4: That Section 7-4-4 is repealed in its entirety and replaced with the following:

Section 7-4-4 Periodic Reporting Penalties

A. There shall be monthly reports required by all business license holders under this Article which shall be on a form approved by the Town Manager of San Luis, Arizona, which shall be due on or before the tenth day of each succeeding month for which said report is to cover. Said reports shall be monthly and shall include all transactions involving exchange of currency, including foreign currency, involving ten thousand dollars (\$10,000.00) or more. Multiple transactions by or for any person which in one day total ten thousand dollars (\$10,000.00) or more, should be treated as a single transaction. The form shall include daily transactions in excess of said amount and shall positively identify all individuals to the transaction, together with their current addresses and the basis for verification of their identity together with the amount of said transaction. The social security number of the individual or the taxpayer identifying number, if an entity, shall also be provided. If the individual is a non-resident alien who does not have a social security number, the report shall so indicate. The report shall also fully identify the occupation, profession or business of the individual conducting the transaction. In the event that there are multiple individuals or organizations involved in the transaction, each shall be required to supply the foregoing information. The individual completing the report shall be identified on each report so filed.

B. Any person found guilty of violating any provision of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by fine of not to exceed \$1,000.00 or by imprisonment for a period of not to exceed six months, or both such fine and imprisonment. Failure to file the monthly report for each transaction required shall be considered a separate offense, as shall be the failure to supply information by the report and the filing of a false or fraudulent report.

Section 5: Severability Clause.

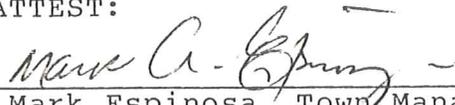
If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of the code adopted herein by reference, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the

remaining portions thereof.

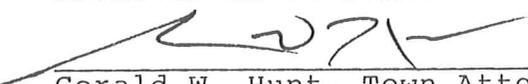
PASSED AND ADOPTED by the Mayor and the Common Council of the Town of San Luis this 9th day of Nov., 1988.

  
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Marco Antonio Reyes, Mayor

ATTEST:

  
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Mark Espinosa, Town Manager

APPROVED AS TO FORM:

  
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Gerald W. Hunt, Town Attorney