

**WHEN RECORDED MAIL TO:
CITY OF SAN LUIS
P.O. BOX 1170
SAN LUIS, AZ 85349
ATTN: CITY CLERK**

**OFFICIAL RECORDS OF
YUMA COUNTY RECORDER
SUSAN MARLER**



FEE #: 2005 – 32773

**07/29/2005 10:19 PAGES: 0012
FEES: 6.50 8.00 1.00 .00 .00
REQ BY: CITY OF SAN LUIS
REC BY: PATTY MAGANA**

The above area is to be reserved for recording information

C A P T I O N H E A D I N G :

Ordinance No. 229



Ordinance

OFFICE OF THE
MAYOR
CITY OF SAN LUIS

ORDINANCE NO. 229

AN ORDINANCE OF THE CITY OF SAN LUIS AMENDING THE OCCUPATIONAL LICENSE AND MISCELLANEOUS BUSINESS REGULATIONS OF THE CITY; PROVIDING FOR PENALTY FOR VIOLATIONS THEREOF; REPEALING ANY CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY

Whereas the City of San Luis pursuant to No. 5, as amended by motion on July 22, 1987, and Ordinance Nos. 57 and 68 adopted provisions establishing a business license tax and certain provisions regulating money exchange businesses; and

Wherefore there is a desire by the City Council to update the regulations and fees adopted with respect to the above referenced ordinances;

NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the City of San Luis, Arizona as follows:

Section 1: That certain document entitled "Chapter 7-3 Occupational Licenses and Miscellaneous Business Regulations", three copies of which are on file in the office of the City Clerk of the City of San Luis, Arizona, which document was made a public record by a resolution of the City of San Luis, Arizona is referred to, adopted, and made a part hereof as though fully set out in this ordinance.

Section 2: In the event of a conflict between the provisions of this Ordinance and any other ordinance, resolution, regulation, or policy of the City of San Luis, the conflicting provisions are hereby repealed, superseded, and replaced, and the provisions of this ordinance shall govern.

Section 3: If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

WHEN RECORDED MAIL TO:
CITY OF SAN LUIS
P.O. BOX 1170
SAN LUIS, AZ 85349
ATTN: CITY CLERK

1 32713

PASSED AND ADOPTED by the Mayor and Council of the City of San Luis, Arizona,
this 11th day of May, 2005.



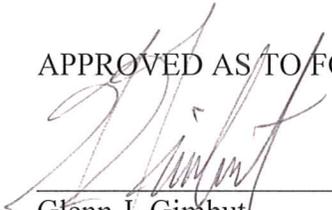
Guillermina Fuentes, Mayor

ATTEST:



Rosalicia Cordova, City Clerk

APPROVED AS TO FORM:



Glenn J. Gimbut
City Attorney

**WHEN RECORDED MAIL TO:
CITY OF SAN LUIS
P.O. BOX 1170
SAN LUIS, AZ 85349
ATTN: CITY CLERK**

CHAPTER 7-3 OCCUPATIONAL LICENSES AND MISCELLANEOUS BUSINESS REGULATIONS

Section 7-3-1. Definitions.

The term "BOP license" shall mean any business, occupational or professional license required under section 7-3-2.

Section 7-3-2. License required; exemptions.

- (a) All persons engaging in any business, occupation or profession within the city and operating from a regular place of business within the city, except for those persons specified in subsection (b), shall be required to obtain a BOP license pursuant to this article and to pay an annual license fee. A separate license shall be required for each location of a business, occupation or profession licensed under this article and for each type of business, occupation or profession carried on at a particular location by a licensee.
- (b) The following persons, when engaging in activities subject to the following licensing provisions, shall not be required to obtain a BOP license:
- (1) Any person licensed pursuant to any other article of this chapter or any other provision of this Code;
 - (2) Any person licensed by the state pursuant to title 20, Arizona Revised Statutes, as amended;
 - (3) Any participant at an open-air market or park-and-swap operation, if the operator of such market or operation is licensed pursuant to Section 7-3-10 of this Code;
 - (4) Any person who engages in a business, occupation or profession for which a city license is required only as an employee of or as an independent contractor for another person or entity which holds a city license for such business, occupation or profession.
- (c) It shall be unlawful for any person to engage in any business, occupation or profession for which a BOP license is required without having first obtained such license.

Section 7-3-3. Application; nonprofit entities.

- (a) An application for a BOP license shall be made on forms furnished by the city.
- (b) Any nonprofit entity which has tax-exempt status under the Internal Revenue Code section 501(c)(3), as certified by the Internal Revenue Service, and which is not exempt from obtaining a BOP license under subsection 21-132(b) is required to obtain a BOP license. Such nonprofit entity shall furnish a copy of its tax-exempt certification with its application, and such entity shall not be charged a license fee.

Section 7-3-4. Fees.

The license fee for BOP licenses shall be set by resolution. The city may set different license fees for an applicant who has not previously been issued a BOP license for the calendar year in which he or she submits an application and for an applicant who has been issued a BOP license for the calendar year in which he or she submits an application and who is required to obtain a new BOP license due to a change in the location of his or her business or make other amendments thereto.

Section 7-3-5. Issuance; expiration; renewal.

**WHEN RECORDED MAIL TO:
CITY OF SAN LUIS
P.O. BOX 1170
SAN LUIS, AZ 85349
ATTN: CITY CLERK**

(a) Any BOP license shall be valid only for the calendar year in which it is issued. Each such BOP license expires on December 31 of each year and must be renewed on or before January 31 of the following year by paying the applicable renewal fee. The renewal fee must be received by the tax and license manager by January 31 to be deemed timely paid.

(b) Persons whose initial applications for BOP licenses are received by the city after March 31 of any year shall be subject to an initial license fee on a prorated basis as follows:

TABLE INSET:

Business Start Date	Proration of License Fee
April 1--June 30	75%
July 1--September 30	50%
October 1--December 31	25%

The applicable proration percentage shall be applied to the annual license fee set by resolution to determine the initial license fee.

(c) Any person who fails to renew a BOP license by January 31 of any year and who conducts any activity covered by such license after such date shall be deemed to be operating without a BOP license, shall be subject to all penalties imposed under this article against persons unlawfully operating without a BOP license, and shall be subject to a penalty of fifty percent (50%) of the annual license fee which would have been imposed on the date on which the BOP license expired in addition to payment of the applicable license fee. All license fees and penalties owed by a person pursuant to this subsection must be paid before a new BOP license is issued to such person.

(d) Any person who is required to obtain a BOP license and fails to do so prior to conducting any activity covered by such license shall be subject to a penalty of fifty percent (50%) of the annual license fee which would have been imposed on the date on which such activities commenced in addition to payment of the applicable license fee. All license fees and penalties owed by a person pursuant to this subsection must be paid before a new BOP license is issued to such person.

Section 7-3-6. Nontransferability.

No BOP license shall be transferable between persons or locations.

Section 7-3-7. Display.

The holder of a BOP license shall at all times display his or her license in a conspicuous place at his or her regular place of business within the city.

**WHEN RECORDED MAIL TO:
CITY OF SAN LUIS
P.O. BOX 1170
SAN LUIS, AZ 85349
ATTN: CITY CLERK**

Section 7-3-8. Compliance with other laws.

The issuance of a BOP license by the city shall not be construed as authority to engage in any activity which is in violation of any other law or regulation to which such activity is subject, or to conduct activities on any property in violation of the zoning ordinance.

Section 7-3-9. Itinerants and Garage Sales

(A) *Itinerants.* Itinerant businesses shall be conducted only in those zoning districts within which that type of business activity is permitted according to the Zoning Code, and only in conjunction with an established resident business.

(B) *Garage sales.* Garage sales are limited to three consecutive days conducted no more frequently than three times per year per residential location. Sales of this nature occurring beyond these limits will be prohibited.

Section 7-3-10. Swap Meets and Fairgrounds.

(A) As used in this subchapter, **SWAP MEET** means a place of commercial activity, popularly known as a swap meet or flea market, which is:

(1) Open to the public for the purchase of merchandise on the premises;

(2) Available to the public who contract with the swap meet proprietor to sell merchandise on the premises, whether such sellers or vendors are in the business of vending or are making casual sales or some combination thereof;

(3) Composed of 100 or more stalls, stands or spaces allotted to vendors, at least one of whom does not occupy the same allotted space or spaces on an uninterrupted continuous daily basis.

(B) It shall be the responsibility of the swap meet proprietor, and not individual vendors, to obtain the license required by this chapter. Swap meet vendors are not required by this subchapter to obtain a city business license. A **SWAP MEET PROPRIETOR** is any person who rents, sells, donates, or otherwise makes available to swap meet vendors any space within premises owned or controlled by the proprietor for the purpose of a swap meet sale. The swap meet proprietor shall make available to the city, upon reasonable notice, records containing names, addresses, and Arizona transaction privilege numbers of all vendors.

(C) **FAIRGROUNDS.** As used in this subchapter, shall refer to a county fair pursuant to A.R.S. § 11-258 or successors. The fairground proprietor shall send to the city, on a quarterly basis, a list containing the names, addresses, and Arizona Transaction Privilege numbers of all vendors.

Section 7-3-11. Definitions

WHEN RECORDED MAIL TO:
CITY OF SAN LUIS
P.O. BOX 1170
SAN LUIS, AZ 85349
ATTN: CITY CLERK

(A) For the purposes of this subchapter, the words *RETAIL MERCHANT* or *WHOLESALE MERCHANT* shall mean and include all persons who, at a fixed place of business, sell goods, wares or merchandise at retail or wholesale or on commission, consignment or otherwise.

(B) *MERCHANTS* shall include, but not be limited to:

- (1) Automobile dealers (new or secondhand).
- (2) Automobile accessories.
- (3) Art goods and curios.
- (4) Athletic goods.
- (5) Bakeries (retail or wholesale).
- (6) Books, magazines and stationery.
- (7) Butcher shop.
- (8) Billiards, pool or bowling alleys.
- (9) Boarding houses.
- (10) Cafes.
- (11) Clothing and furnishings.
- (12) Confectioneries.
- (13) Creameries.
- (14) Cleaning and pressing.
- (15) Drug stores.
- (16) Department stores and dry goods.
- (17) Florists.
- (18) Fuel dealers.
- (19) Furniture dealers.
- (20) Grocery stores.

**WHEN RECORDED MAIL TO:
CITY OF SAN LUIS
P.O. BOX 1170
SAN LUIS, AZ 85349
ATTN: CITY CLERK**

- (21) Glass and awning.
- (22) Garage (repair or storage).
- (23) Hardware stores.
- (24) Haberdashers.
- (25) Implement stores.
- (26) Job printing.
- (27) Junk dealers.
- (28) Jewelry stores.
- (29) Lumber yards.
- (30) Ladies ready to wear.
- (31) Laundries (power or steam).
- (32) Lunch counters.
- (33) Milk distributors.
- (34) Machine or repair shop.
- (35) Motion pictures.
- (36) Notions.
- (37) Newspaper publishers.
- (38) Office supplies and equipment.
- (39) Plumbing supplies.
- (40) Restaurants.
- (41) Sign or car painting.
- (42) Shoe stores.
- (43) Shoe repair shops.

**WHEN RECORDED MAIL TO:
CITY OF SAN LUIS
P.O. BOX 1170
SAN LUIS, AZ 85349
ATTN: CITY CLERK**

- (44) Seed, hay and grain dealers.
- (45) Service stations.
- (46) Secondhand stores.
- (47) Tire dealers.
- (48) Wholesale merchants.
- (49) Water distributors.

(C) **RESIDENT BUSINESS.** A resident business or resident merchant is defined as any person, whether owner or otherwise, who engages in a regular business of selling and delivering goods or providing services from a fixed place of business within the city.

(D) **NONRESIDENT BUSINESS.** A nonresident business is defined as any person whether owner or otherwise who, from a fixed place of business outside the city, consummates a business transaction initiated at that outside fixed location by delivery of goods or provision of services to a customer's location within the city.

(E) **ITINERANT BUSINESS.** An itinerant business is defined as any person whether owner or otherwise, whether a resident of the city or not, who engages in a temporary business of selling and delivering goods or providing services within the city, and who, lacking a fixed location within the city and in furtherance of such purpose, uses any street or other place within the city, for the temporary exhibition and sale of such goods or provision of services, either privately or at public auction. 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.

(F) **SECONDARY LOCATION LICENSE.** A secondary location license is defined as a temporary license of a sales location for a resident business.

(G) **CITY LICENSE TAX COLLECTOR.** As used in this subchapter, **CITY LICENSE TAX COLLECTOR** shall mean the Finance Director, his or her successor, or other city designee, charged with the administration of this subchapter.

(H) **GARAGE SALES.** A garage sale is the sale on residential property of goods typically associated with residential use, conducted by a resident of the property.

(I) **CURRENCY.** Coined money and such banknotes or other money as are authorized by law and that circulate from hand to hand as the medium of exchange.

WHEN RECORDED MAIL TO:
CITY OF SAN LUIS
P.O. BOX 1170
SAN LUIS, AZ 85349
ATTN: CITY CLERK

(J) **DEALER.** An individual in the act of buying and selling currency or cashing checks or other negotiable instruments for a profit as an ongoing business activity.

(K) **EXCHANGE.** A verbal or written agreement between two or more persons to deliver one currency in exchange for another or exchange a check or other negotiable instrument for cash, money order, cashier's check, or other form of negotiable instrument.

(L) **MONEY EXCHANGE BUSINESS.** A commercial business exchanging currency of one country for that of another or cashing or exchanging a check or other negotiable instrument for cash, money order, cashier's check, or other form of negotiable instrument as an ongoing business activity.

(M) As used in this chapter, **PROFESSIONALS and PROFESSIONAL SERVICES** shall include, but not be limited to, any person engaged in the practice of any of the following, or similar occupations:

- (1) Architect.
- (2) Attorney at law.
- (3) Certified public accountant.
- (4) Chiropractor.
- (5) Dentist.
- (6) Engineer.
- (7) Geologist.
- (8) Medicine.
- (9) Naturopath.
- (10) Optician.
- (11) Optometrist.
- (12) Osteopath.
- (13) Physician.
- (14) Podiatrist.
- (15) Psychiatrist.

**WHEN RECORDED MAIL TO:
CITY OF SAN LUIS
P.O. BOX 1170
SAN LUIS, AZ 85349
ATTN: CITY CLERK**

- (16) Psychoanalyst.
- (17) Psychologist.
- (18) Psychotherapist.
- (19) Veterinarian.
- (20) Assayer.
- (21) Private investigator.
- (22) Property manager.
- (23) Real estate appraiser.
- (24) Surveyor.
- (25) Consultant (by whatever definition).
- (26) Stock broker.
- (27) Dance, charm or modeling school consultant.
- (28) Dental and/or medical technician.
- (29) Insurance and travel agent.
- (30) Bailsman.
- (31) Day care center operator.
- (32) Answering service.
- (33) Title company.

The omission herein of a specific professional is not to be construed as evidencing an intent to specifically exclude such profession, business or service from the provisions of this chapter.

Section 7-3-12. Operation of Money Exchange Business

It shall be unlawful for any person engaged in a money exchange business to conduct such business on the streets, sidewalks, or rights-of-way of the city.

**WHEN RECORDED MAIL TO:
CITY OF SAN LUIS
P.O. BOX 1170
SAN LUIS, AZ 85349
ATTN: CITY CLERK**

Section 7-3-13. Violation

A violation of any provision of this chapter is a civil offense punishable pursuant to the provisions of 10-3-22 of the City Code. Each and every day that a violation continues shall be considered a separate offense.

**WHEN RECORDED MAIL TO:
CITY OF SAN LUIS
P.O. BOX 1170
SAN LUIS, AZ 85349
ATTN: CITY CLERK**