

**ORDINANCE NO. 2020-1709**

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, AMENDING TITLE IV, CHAPTER 4-4 (PEDDLERS AND SOLICITORS), SECTIONS 4-4-4, 4-4-6, 4-4-7, 4-4-11, AND 4-4-13; AND ADDING SEVERANCE AND PENALTY PROVISIONS.**

WHEREAS, the City of Prescott wishes to amend Title IV, Chapter 4-4, Sections 4-4-4, 4-4-6, 4-4-7, 4-4-11 and 4-4-13 to be consistent with recent changes to State law; and,

WHEREAS, amending Title IV, Chapter 4-4, Sections 4-4-4, 4-4-6, 4-4-7, 4-4-11 and 4-4-13 of the Prescott City Code is in the best interests of the health, safety and welfare of the City of Prescott.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PRESCOTT AS FOLLOWS:

**ENACTMENTS:**

**SECTION 1.** THAT Title IV, Chapter 4-4, Section 4-4-4, is amended as follows:

“Applicants for a license under this chapter shall file with the City ~~Finance Director~~ CLERK a sworn application in writing on a form to be furnished by the City ~~Finance Director~~ CLERK. The City reserves the right to request any information deemed necessary to insure public safety and the collectability of license fees. Refusal to provide any requested information is grounds for denial of license.

At the time of filing the application, a nonrefundable fee of fifty dollars (\$50.00) shall be paid by the applicant to cover the cost of processing. Upon approval of the application by the City, the applicant shall pay a fee of ten dollars (\$10.00) for an identification card. The applicant may authorize up to twenty (20) identification cards to be issued under his license for employees, agents or independent dealers handling his products. If the applicant wishes to authorize more than twenty (20) identification cards, he must make a special request, in writing, to the Chief of Police. The Chief of Police will indicate his approval or disapproval on the written request and return it to the ~~Finance Department~~ CITY CLERK. Employees, agents or independent dealers must complete applications for such cards, and there will be a fee of ten dollars (\$10.00) for each identification card issued.”

**SECTION 2.** THAT Title IV, Chapter 4-4, Section 4-4-6, is amended as follows:

“Upon payment of the prescribed fee, the ~~City Finance Department~~ CITY CLERK’S OFFICE shall deliver to the applicant his identification card.

Such identification card 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, date of issuance, the license number, and other identifying description of any vehicle used in such licensed business. Each peddler or solicitor must secure a personal identification card from the City ~~Finance Department~~ CLERK'S OFFICE. No identification card shall be used at any time by any person other than the one to whom it is issued. The CITY CLERK'S OFFICE~~Finance Department~~ shall keep a permanent record of all licenses and identification cards issued."

**SECTION 3.** THAT Title IV, Chapter 4-4, Section 4-4-7, is amended as follows:

"(A) Every applicant for a license issued under this chapter shall post a cash bond with the City ~~Finance Director~~ CLERK in the amount of two hundred dollars (\$200.00) for the applicant, plus one hundred dollars (\$100.00) for each employee, agent or independent dealer acting in the capacity of peddler or solicitor. The total bond required shall not exceed one thousand dollars (\$1,000.00). This bond is to assure compliance with the provisions of this chapter and shall be forfeited if the licensee or any of his employees, agents or independent dealers are found to be in violation of any of the provisions of this chapter.

(B) Upon surrender by the licensee of his peddler or solicitor license and of all identification cards of his employees, agents or independent dealers to the City ~~Finance Department~~ CLERK'S OFFICE, the bond shall be returned in full; provided, all fees, taxes or other encumbrances are paid; and further provided, that the licenses and identification cards are surrendered within sixty (60) days of their expiration date."

**SECTION 4.** THAT Title IV, Chapter 4-4, Section 4-4-11, is amended as follows:

"The Chief of Police shall report to the City ~~Finance Director~~ CLERK all convictions for violation of this chapter and the City ~~Finance Director~~ CLERK shall maintain a record for each license and identification card issued and record the reports of violation therein."

**SECTION 5.** THAT Title IV, Chapter 4-4, Section 4-4-13, is amended as follows:

"Any person aggrieved by the action of the Chief of Police or the City ~~Finance Director~~ CLERK in the denial of a permit, license or identification card as provided in Sections 4-4-5 and 4-4-6 may appeal to the City Manager. Such appeal shall be made by filing a written statement setting

forth fully the grounds for the appeal. Such statement must be filed within forty five (45) days of receipt by the applicant of notice of denial of the permit, license or identification card. The City 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 4-4-12 for notice of hearing on revocation.”

**SECTION 6. SEVERANCE CLAUSE:** THAT the provisions of this Ordinance and the Code and Code Amendments it incorporates are hereby declared to be severable; and, if any section, sentence, clause or phrase of this Ordinance, or any Code and Code Amendments that it incorporates 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 Ordinance and the Code and Code Amendments it incorporates, but they shall remain in effect, it being the legislative intent that this Ordinance and the Code and Code Amendments it incorporates shall stand, notwithstanding the invalidity of any part thereof.

**SECTION 7. PENALTIES.** THAT any person who violates any provision of Title IV, Chapter 4-4, shall be guilty of a misdemeanor and upon conviction thereof shall be punished as provided in Section 1-3-1 of the Prescott City Code.

PASSED AND ADOPTED by the Council of the City of Prescott, Arizona, on this \_\_\_\_ day of February, 2020.

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GREGORY L. MENGARELLI, Mayor

ATTEST:

APPROVED AS TO FORM:

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SARAH M. SIEP, City Clerk

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MATTHEW PODRACKY,  
Interim City Attorney

