

## CHAPTER 9 BUSINESS CODE

(Revised Ord. 1175/05-17)

### ARTICLE 9-1 BUSINESS LICENSE

9-1-1	License Purposes and Requirements
9-1-2	Application and Issuance
9-1-3	Application Procedure
9-1-4	Standards for Issuance
9-1-5	Term of License
9-1-6	Number of Licenses
9-1-7	License to be Exhibited
9-1-8	Officer of Business Licenses
9-1-9	Duties and Powers of Officer
9-1-10	Transfer of License
9-1-11	Prorating Prohibited
9-1-12	Expiration of License
9-1-13	Business License Fees
9-1-14	Denial of Business License or Non-Renewal of License
9-1-15	Revocation of Business Licenses
9-1-16	Mobile Sales License Regulations

#### Section 9-1-1 License Purpose and Requirements

- A. The purpose of this Chapter is to provide the Town with records of names, addresses and other data of all persons, corporations, firms and companies conducting business in, or affecting residents or businesses located in the Town; to enable the Town, in conjunction with Maricopa and Yavapai Counties, the State of Arizona and the United States of America, to enforce its various tax laws, accumulate demographic data for use by the Mayor, Common Council and Town staff for use in adopting ordinances, resolutions, motions and other legislation, including rules and regulations; to promote the health, welfare and safety of its residents and other members of the general public by providing information to the Police, Fire and other emergency agencies for use in their efforts to enforce laws, prevent crimes, fires and accidents; and further to allow for a system of cross-references and cross-filing of business entities for use in locating responsible parties in cases of emergencies in order to not only facilitate safety personnel in locating persons to assist in reducing hazardous events and evacuation plans, but also to establish responsibility for assessment of fines and other enforcement action by not only the Town but also the State and Federal officials and agencies. It is not the purpose of this Chapter to endorse or represent to the general public, any business entity, person, firm, corporation or company that such is qualified to furnish materials, retail or wholesale, the quantity or quality thereof of merchandise or services, whether occupational, technical or professional, it being hereby declared that any License issued pursuant to this Chapter in no way is to be interpreted or relied upon as affirming or even suggesting that the Licensee is qualified to perform the services for which the Licensee is authorized, or that the tangible items or material sold or supplied by the Licensee is of merchantable quality or quantity.
- B. It is unlawful for any person, whether as principal or agent, either for himself or for another person, or for any corporation, or as a member of any firm or co-partnership, to commence, practice, transact or to carry on any trade, calling, profession, occupation or business within the Town limits without first having procured a Business License from the Town to do so and without complying with all regulations of such trade, calling, profession, occupation or business as specified or required by the United States Government or the State of Arizona and its

political subdivisions. No License shall be issued without the proof by the applicant of such compliance and verification by the License Officer or designee that no violation of the Town's zoning regulations will occur by such issuance.

- C. The practicing or carrying on of any trade, calling, profession, occupation or business by any person, corporation or partnership without first having procured a Business License from the Town to do so, or without complying with any and all regulations of such trade, calling, profession, occupation or business, as required by other law or by this Chapter shall constitute a separate violation of this Chapter for each and every day that such trade, calling, profession, occupation or business is practiced, carried on or conducted within the Town.
- D. Any where in this Article where it states License Officer or Town Manager it shall be understood that also means the License Officer or his/her designee.
- E. The only exceptions to the aforementioned Licensing requirements shall be: \* Ord. 1148
  - 1. Nonprofit organizations legally organized and able to provide documentation and agencies of any federal, state or local governments.
  - 2. Fundraising projects of nonprofit and bona fide religious organizations, not conducted on a regular basis.
  - 3. Newsboys for the sale of newspaper subscriptions.
  - 4. Title Companies per Arizona State Statutes.
- F. **Street Sales Prohibited:** It is unlawful for any person to erect or maintain any booth, stand, groundcover, table, or counter on any sidewalk, street, alleyway or right-of-way in the Town for the purpose of barter, sale or trade; or keep or maintain upon the sidewalk, right-of-way, street or alleyway any movable booth, table, groundcover, counter or stand for the purpose of barter, sale or trade without first obtaining permission from the Town Manager unless authorized through the issuance of a "Special Event Permit" or contract.

#### **Section 9-1-2            Application and Issuance**

- A. It shall be the duty of the License Officer upon receipt of a properly completed application for a Business License and verification of the data contained thereon including zoning (land use) clearance, to prepare and issue a License under this Chapter for every person, corporation or partnership required to pay a Business License fee hereunder and to state in each License the amount charged for the same, the period of time covered thereby, the name of the person, corporation or partnership for whom issued and the trade, calling, profession, occupation or business permitted and the location or place of business where the trade, calling, profession, occupation or business is to be carried on, transacted or practiced.
- B. In no case, shall any mistake made by the License Officer in issuing any License or collecting the amount of fee for any License or the amount actually due from any person required to pay for a License as provided herein, prevent, prejudice or stop the Town from collecting the correct amount of fee or charge for any License or the amount actually due from any person required to pay for a License as provided herein, or revoking any License erroneously issued and refunding the fee collected.

\*Ord. 1148/04-15

- C. No greater or lesser amount of money shall be charged or received by the Licensing Officer for any License than is provided for in this Chapter, and no License shall be issued for any period of time other than as provided herein.
- D. All charges for a License required by this Chapter shall be paid in advance and in lawful money of the United States of America at the Office of the License Officer.

**Section 9-1-3                    Application Procedure**

All applicants for a Business License required by this Chapter shall file a written, sworn application with the License Officer. Such application shall be signed by the applicant if an individual, or by a partner if a partnership, or by the president if a corporation. The application shall be made on forms available in the Office of the License Officer and include, but may not be limited to, the following information: business trade name, address of business, business physical location and mailing addresses, email address, business owner, home street address, home telephone number, business telephone number, fax number, exact nature of the business, number of employees, date the business will begin in Town, signature of the applicant certifying the statements to be true and correct, title of the applicant and date signed.

**Section 9-1-4                    Standards for Issuance**

- A. The Arizona Employer Sanctions Law (Laws 2007, Chapter 279) restricts the Town's authority to issue Business Licenses to those applicants lawfully present in the United States. Unless the applicant is exempt as described in Subsection b., below, the Town may not issue a Business License to an individual unless that individual presents any one of the following documents:
  - 1. Arizona Driver's License issued after 1996 or an Arizona Non-Operating Identification License;
  - 2. Driver License issued by any State that verifies lawful presence in the United States;
  - 3. Birth certificate or delayed birth certificate issued in any state, territory, or possession of the United States;
  - 4. United States certificate of birth abroad;
  - 5. United States passport;
  - 6. Foreign passport with a United States Visa;
  - 7. Form I-95 with a photograph;
  - 8. United States Citizenship and Immigration Services Employment Authorization document or Refugee Travel document;
  - 9. United States Certificate of Naturalization;
  - 10. United States Certificate of Citizenship;
  - 11. Tribal Certificate of Indian Blood; or
  - 12. Tribal or Bureau of Indian Affairs affidavit of birth.
- B. If either of the following apply, an individual is exempt from the requirement that he/she present one of the documents listed in Subsection a., above, prior to being issued a Business License:
  - 1. Both of the following apply:
    - a. The individual is a citizen of a foreign country or, if at the time of application, the individual resides in a foreign country; and

- b. The benefits that are related to the License do not require the individual to be present in the United States in order to receive those benefits.
2. All of the following apply:
    - a. The individual is a resident of another state.
    - b. The individual holds an equivalent License in that state and the equivalent License is of the same type being sought in this state.
    - c. The individual seeks the Arizona License to comply with this State's Licensing Laws and not to establish residency in this state.
- C. If a document listed in Subsection "a" does not contain a photograph of the individual, the individual shall also present a government issued document that contains a photograph of the individual.
- D. The License Officer shall approve the application within seven (7) days, unless there is evidence that the conduct of the applicant's business would pose a substantial threat to the public health, safety, or general welfare of the town and its residents. The following will constitute valid reasons for disapproval of an application:
1. Fraud, misrepresentation or false statement contained in the application for a Business License.
  2. Any violation of this Chapter or failure to meet any licensing requirements, including timely payment of fees.
  3. Conducting a business in violation of any federal, state, county or local law.
  4. The Licensee is a corporation and is no longer qualified to transact business in the state.
  5. The applicant cannot provide satisfactory proof that he/she/it is authorized to hold a Business License pursuant to the Employer Sanctions Law (Laws 2007, Chapter 279).
- E. Transaction Privilege Tax Required. Application fees levied in this Chapter shall be in addition to transaction privilege taxes required by Chapter 9A of this Code. Failure of an applicant or Licensee to comply with Chapter 9A shall be sufficient grounds for denial of a Business License application or revocation of any Business License.

**Section 9-1-5**                    **Term of License**

The charge for annual Business Licenses provided herein shall become due and payable on the first business day in January of each year and shall expire on the last day of December each year, except: (A) that any new License charge shall become due and payable and be paid on or before the day of commencing to carry on, transact or practice the trade, calling, profession, occupation or business for which a Business License is required by this Chapter.

**Section 9-1-6**                    **Number of Licenses**

- A. A separate charge for a Business License shall be paid for each branch establishment or separate place of business in which any person, corporation or partnership shall carry on, transact or practice a trade, calling, profession, occupation or business.

- B. When more than one (1) trade, calling, profession, occupation or business is carried on, transacted or practiced by the same person, corporation or partnership at one (1) fixed place of business, only one (1) Business License shall be required and the charge for such License shall be the highest charge applicable to any of the activities, and all activities shall be listed on the Business License issued. However, there shall be no more than three (3) total trades, callings, professions, occupations and/or businesses at one (1) fixed place of business owned by one owner or corporation.
- C. When more than one (1) trade, calling, profession, occupation or business shall be carried on, transacted or practiced by the same person, corporation or partnership without any fixed place of business, a separate License shall be required and a separate appropriate charge be paid for each activity for which a License is required by this Chapter.

**Section 9-1-7                    License To Be Exhibited**

- A. Each person, corporation or partnership having a Business License and having a fixed place of business shall keep said License, while in force, at some conspicuous place or location within the place of business.
- B. Each person, corporation or partnership having a License and no fixed place of business shall carry such License with him at all times, while engaged in any activity for which the License was issued, except that a person acting for any such corporation, firm or company and not being the only person acting for such corporation, firm or company may carry with him a copy of the License which has been issued by the License Officer and plainly marked or stamped "Duplicate."
- C. Each person, corporation or partnership having a Business License shall produce and exhibit the same whenever requested to do so by any Peace Officer of the Town or by the License Officer.

**Section 9-1-8                    Officer of Business Licenses**

- A. The License Officer shall be Officer of Business Licenses for the Town.
- B. The License Officer, immediately upon the facts coming to his/her knowledge, shall investigate the name of any person, corporation or partnership thought to be carrying on, transacting or practicing any trade, calling, profession or business within the Town without first having obtained a Business License as required by this Chapter.

**Section 9-1-9                    Duties and Powers of License Officer**

- A. The License Officer, each in the discharge and performance of his/her duties, shall have and exercise the following powers:
  - 1. To request assistance and/or an investigation for a possible arrest through a Peace Officer of the Wickenburg Police Department for any violation of the provisions of this Chapter.
  - 2. To enter, free of charge and at any reasonable time, any place of business for which a Business License is required by this Chapter pursuant to Arizona Revised Statutes §9-833. This Statute includes, in part, the following requirements for inspections:

a. A municipal officer of the Town who enters any premises of a regulated person for the purpose of conducting an inspection shall present photo identification on entry of the premises; state the purpose of the inspection and the legal authority for conducting the inspection; afford the regulated person time to obtain an authorized onsite representative to a company the municipal officer on the premises; provide copies of original documents if officer takes any documents from premises; if inspection is tape recorded, all parties shall be advised of same; name and telephone number of municipal contact person available to answer questions regarding the inspection and appeal process shall be provided the regulated person; provide regulated person a copy of inspection report within thirty (30) days of inspection.

3. To designate a qualified person to carry out all or a portion of the duties and responsibilities of the License Officer set forth in this Chapter.

B. When the charge for any License required hereunder shall remain unpaid for twenty-one (21) days from and after the due date, such charge shall be delinquent, and the License Officer, on the day upon which said charge becomes delinquent, shall add thereto an amount equal to twenty-five percent (25%) of said charge as a penalty, and no receipt or License shall be issued thereafter by the License Officer until the charge and penalty shall be paid in full. If the account remains delinquent for a period exceeding thirty (30) days, the penalty shall be pursuant to Article 1-8 PENALTY of the Wickenburg Town Code.

**Section 9-1-10            Transfer of License**

No Business License issued under the provisions of this Chapter shall be assigned or transferred to any other person, corporation or partnership; Town Business Licenses are non-transferable.

**Section 9-1-11            Prorating Prohibited**

No Business License fee herein provided shall be prorated.

**Section 9-1-12            Expiration Of License**

All Business Licenses issued shall be issued for a period no longer than one (1) calendar year. All Licenses issued under this Chapter shall expire at 11:59 p.m. of the last day of the calendar day and/or year during which the Business License was issued.

**Section 9-1-13 Business License Fees** \*Ord. 1140

The town council shall establish the fees for business licenses by resolution. The length of license shall be as follows:

#	FEE	LENGTH OF LICENSE	TYPE OF BUSINESS TO BE CONDUCTED
A.		One Calendar Year	Any permanent standard business being conducted within the Town limits of Wickenburg with or without a fixed place of business including home occupations
B.		One Calendar Year	Any permanent standard business being conducted within the Town limits of Wickenburg with a fixed place of business that serves and/or sells liquor
C.		Per Day	Temporary license for not more than seven (7) consecutive days per month for door-to-door, business-to-business type activity
D.		For Up To 4 Consecutive Days	Temporary "Special Event Permit" for not more than four (4) consecutive days per month for individual vendors with approved Special Event Permit application from Town
E.		Ongoing	Non-Profit Organizations; Newspaper Sales; Title Companies (Per State Statutes)
F.		October, November, December – New Year, January, February, March And April	Seasonal license for any standard business being conducted within the town limits of Wickenburg with or without a fixed place of business including home occupations for not more than seven (7) months. **Ord. 1147

**Section 9-1-14 Denial Or Non-Renewal Of Business License Process**

A. Upon receipt of a Business License application, if the License Officer determines that grounds exist to deny or not renew a Business License, the License Officer shall notify the applicant or Licensee in writing of the intent to deny or not renew the License, including a summary of the grounds for the action. The notification shall be sent by certified mail to the address on file. The applicant or licensee shall have ten (10) business days from receipt of the written notice to petition the License Officer, in writing, including a statement of reasons why the License should not be denied or should be renewed and request a hearing. If a response is not received by the License Officer in the time stated, the denial or non-renewal shall be final and notice of such shall be sent to the applicant or Licensee. If a response is received by the License Officer, the License Officer, within five (5) business days of receipt of the response, shall either withdraw the intent to deny or not renew or shall schedule a hearing before the Town Manager and shall notify the applicant/Licensee in writing by certified mail of either the withdrawal or of the time, place, and date of the hearing. The hearing shall be conducted in an informal manner. The applicant/Licensee may be represented by counsel. The rules of evidence shall not apply. The Town Manager shall issue a written decision within five (5) business days after the completion of the hearing and shall mail a copy of the decision by certified mail to the address of the applicant/Licensee on file. In no event shall more than forty-five (45) calendar days elapse between receipt by the License Officer of a request for hearing and mailing by the Town Manager of the final decision unless the applicant/Licensee consents, in writing, to additional time. In the case of an intent to deny or

non-renew a License, the applicant/Licensee may continue to conduct business under the License pending receipt of the final decision of the Town Manager subject to all restrictions set forth in this Chapter and Town Code, State and Federal law. The decision shall be final at the end of five (5) business days after it is postmarked and shall constitute final administrative action.

B. A final administrative decision to deny or not renew a Business License may be appealed to the Maricopa County Superior Court by Special Action or other available procedure. The Town shall consent to expedited hearing and disposition.

**Section 9-1-15      Revocation Of Business License**

- A. A Business License granted under this Chapter may be revoked for any of the following reasons:
1. Any fraud or misrepresentation contained in the License application;
  2. Any fraud, misrepresentation or false statement made in connection with the business being conducted under the License;
  3. Any violations of this Chapter;
  4. Conviction of the Licensee of any felony or conviction of the Licensee of any misdemeanor involving dishonest or fraudulent intent (moral turpitude);
  5. Conducting the business in an unlawful manner or in such a manner as to constitute a menace to the health, safety, morals or general welfare of the public;
  6. Receipt of an order to revoke a License or Licenses pursuant to the Employer Sanctions Law (Laws 2007, Chapter 279).
- B. If the License Officer determines that grounds exist for revocation of a Business License, the License Officer shall notify the Licensee in writing of the intent to revoke the License, including a summary of the grounds for the action, notification shall be sent by certified mail to the address on file. in the event a License is revoked, the Licensee shall have ten (10) business days from receipt of the written notice of revocation to petition the License Officer in writing, including a statement of reasons why the License should not be revoked and request a hearing. If a response is not received by the License Officer in the time stated, the revocation shall be final and notice of such shall be sent to the Licensee. Within five (5) business days after receipt of a response, the License Officer shall either withdraw the intent to revoke and so notify the Licensee in writing by certified mail or shall schedule a hearing before the Town Manager and shall notify the Licensee in writing by certified mail of the time, place, and date of the hearing. The hearing shall be conducted in an informal manner. The Licensee may be represented by counsel. The rules of evidence shall not apply. The Town Manager shall issue a written decision within five (5) business days after the completion of the hearing and shall mail a copy of the decision by certified mail to the address of the Licensee on file. In no event shall more than forty-five (45) calendar days elapse between receipt by the License Officer of a request for hearing and mailing by the Town Manager of the final decision unless the Licensee consents to additional time. In the case of a revocation of a License, the Licensee may continue to conduct business under the Licensee pending receipt of the final decision of the Town Manager. The decision shall be final at the end of five (5) business days after it is postmarked and shall constitute final administrative action.
- C. A final administrative decision to revoke a Business License may be appealed to the Maricopa County Superior Court by Special Action or other available procedure. The Town shall consent to expedited hearing and disposition.
- D. A revoked License may not be reapplied for until one (1) year from the anniversary date of when the revocation has expired.



**Section 9-1-16            Mobile Sales License Regulations**

- A. If a mobile merchant sets up on any Town property, they shall provide the License Officer when applying for a Business License the following:
1. Valid driver's license from the State of Arizona; and,
  2. Proof of insurance for each mobile vehicle to be used on Town property.
- B. When a Business License is issued for a mobile merchant, a copy of the license shall be provided for each mobile unit. The Business License copy shall be kept, at all times when on Town property, in the mobile unit and presented upon request by a Peace Officer or Town Official.

**ARTICLE 9-2    REGULATION OF PAWNBROKERS, SECONDHAND, SCRAP AND JUNK DEALERS**

9-2-1	Definitions
9-2-2	Pawnbrokers Report
9-2-3	Secondhand, Scrap And Junk Dealers Report
9-2-4	Reports To Be Clear And Legible
9-2-5	Altering Merchandise
9-2-6	Failure to Comply

**Section 9-2-1            Definitions**

In this Chapter unless the context otherwise requires:

- A. "Junk and/or Scrap Dealers" means a person having a fixed place of business within the Town and engaged in conducting, managing or carrying on the business of buying, selling or otherwise dealing in, either at wholesale or retail, old rags, sacks, bottles, cans, papers, metal or other articles commonly known as "junk" and/or "scrap."
- B. "Pawnbroker" means a person engaged in conducting, managing or carrying on the business of pawn broking or the business of loaning money for himself or for any other person receiving as security for the repayment thereof pawns or pledges of personal property, or the business of purchasing personal property and selling or agreeing to resell such articles to vendors, their personal representatives or their assignees, at the prices agreed upon at or before the time of such purchase, whether such business be the principal or sole business so carried on, managed or conducted, or merely incidental to, in connection with or a branch or department of some other business.
- C. "Pawnshop" means any room, store or place in which a business as defined in Subsection B of this Section is engaged in, carried on or conducted.
- D. "Secondhand Dealer" means any person engaged in conducting, managing or carrying on the business of buying, selling or otherwise dealing in secondhand goods, wares, merchandise or articles, whether such business be the principal or sole business so carried on, managed or conducted, or be merely incidental to, in connection with or a branch or department of some other business.

**Section 9-2-2            Pawnbrokers Report**

- A. It is unlawful for any pawnbroker or any employee or agent of any pawnbroker within the Town to fail, neglect or refuse to make out and deliver to the Chief of Police between twenty-four (24) hours and one week/seven (7) days after the receipt thereof, a full, true and complete report of all goods, wares, merchandise or articles received on deposit in pawn or pledge or by purchase. Report forms are available at Town Hall or Police Department in both paper and electronic formats. The electronic format allows a business owner to email the report daily or weekly directly to the Chief of Police. The merchandise must be retained onsite for one week/seven (7) days by pawnbroker after the report is filed with the Chief of Police.
- B. Such report shall show the hour of the day and the date when each article was received on deposit, in pawn or pledge or by purchase, and the true name and address, as nearly as the same is known or can be ascertained, the person by whom any goods, wares, merchandise or articles were left or deposited, pawned, pledged or sold together with a description of such person. The description shall be through attaching to the required report a copy of the seller's current and valid driver's license or some type of current photo identification card. Such report shall also show the amount loaned or paid thereon, the quantity or number purchased and a complete description of each article so received including all distinguishing marks thereof.

**Section 9-2-3            Secondhand, Junk - Scrap Dealers Report**

- A. It is unlawful for any secondhand dealer and/or collector, junk dealer and/or collector, or scrap dealer and/or collector, within the Town to fail, neglect or refuse to make out and deliver to the Chief of Police, between twenty-four (24) hours and one week/seven (7) days after the receipt thereof, a full, true and complete report of all goods, wares, merchandise or articles received on deposit, in pawn or pledge or by purchase. Report forms are available at Town Hall or Police Department in both paper and electronic formats. The electronic format allows a business owner to email the report daily or weekly directly to the Chief of Police. The merchandise must be retained onsite for one week/seven (7) days by pawnbroker after the report is filed with the Chief of Police.
- B. Such report shall show the hour of the day and the date when each article was received on deposit, in pawn or pledge or by purchase, and the true name and address, as nearly as the same is known or can be ascertained by the secondhand dealer/collector, junk dealer/collector, and/or scrap dealer/collector, of such person by whom any such goods, wares, merchandise or articles were left or deposited, pawned, pledged or sold, together with a description of such person. The description shall be through attaching to the required report a copy of the seller's current and valid driver's license or some type of photo identification card. Such report shall also show the amount loaned or paid thereon, the quantity or number purchased and a complete description of each article so received including all distinguishing marks thereof.

**Section 9-2-4            Reports To Be Clear And Legible**

All reports required by the provisions of this Chapter are to be prepared in a clear and legible manner. The reports shall be provided to the Chief of Police between twenty-four (24) hours and one week/seven (7) days; and, available for review by any member of the Wickenburg Police Department upon request.

**Section 9-2-5            Altering Merchandise**

It is unlawful for any pawnbroker dealer/collector, secondhand dealer/collector, scrap dealer/collector and/or junk dealer/collector to deface, alter, change or destroy, part with, conceal, give away, sell or dispose of any goods, wares, merchandise or articles before one (1) week/seven (7) days has elapsed after preparing a report required by the provisions of this Chapter.

**Section 9-2-6            Failure to Comply**

Each failure, neglect or refusal to prepare and deliver to the Chief of Police, a clear and legible report as required by this Chapter within the time limits set forth herein, or made available for review by any member of the Wickenburg Police Department upon request and each defacement, alteration, change, destruction, parting with, concealment, gift, sale or disposition of any goods, wares, merchandise or article before one (1) week/seven (7) days has elapsed after the preparation and delivery of such report shall constitute a violation of this Chapter.

**ARTICLE 9-3    SPECIAL EVENTS PERMIT**

9-3-1	Purpose; Definitions
9-3-2	Special Event Permit Required
9-3-3	Application Process
9-3-4	Conditions
9-3-5	Grounds For Denial
9-3-6	Waivers

**Section 9-3-1            Purpose; Definitions**

- A. The purpose of this Chapter is to establish a process for permitting and regulating certain temporary activities conducted on public property or private property when public safety is potentially impacted. This Chapter is adopted pursuant to the authority of A.R.S. §9-240, as amended, and is intended to provide fair and reasonable regulations governing the time, place, and manner in which a special event may take place, and in doing so, provide for the health, safety, and welfare of the public and assist the Town and its appropriate officers in enforcing applicable provisions of A.R.S. Title 9 and Title 36.
- B. For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
- I. "Special Event" means any public or private function which:
- a. Requires temporary parking areas; or
  - b. Is held in a public park or on public right-of-way; or
  - c. Has amplified music or voices which can be heard outside of the event location; or
  - d. Requires temporary traffic control to provide for safe ingress and egress to the event venue; or
  - e. Requires a Special Event Liquor License; or
  - f. Requires temporary sanitation facilities; or
  - g. Requires the installation of temporary structures or tents of more than 120 square feet; or
  - h. Has other adverse impact on public health, safety and/or welfare.

2. Special Event shall not include:
  - a. School functions at school facilities, unless spillover (as defined below) is anticipated; or
  - b. Ordinary and customary events at a venue designed to accommodate them.
3. "Spillover" means when participants of, or spectators to, a Special Event congregate on, park, or move to any property or right-of-way not associated with the event venue.

### **Section 9-3-2**            **Permit Required**

Any person or organization wishing to operate, maintain or conduct a Special Event within the Town limits must first obtain a Special Event Permit to do so. The written application to the Town should be submitted at least 30 days before the first day of the proposed special event. If the application is not submitted at least 30 days before the event, the Town may, in its discretion, process the application if doing so will not interfere with other staff duties. The sponsoring organization can apply for a blanket permit for a six (6) month period for reoccurring events on behalf of the individual vendors. Individual vendors shall still be required to pay for a Town Special Event Permit or a regular annual Business License in the case of reoccurring events. No Permit shall be issued until all conditions required pursuant to this Chapter have been met and fulfilled. The maximum number of people permitted at any event will be based upon the nature of the event and the physical capacity of the site where the event will take place.

### **Section 9-3-3**            **Waiver of Fees** (Ord.1182)

Certain events may be eligible for fee waivers at Town facilities. The Town Manager shall have the discretion to waive fees for:

- A. Government agencies, if hosting a public meeting.
- B. Professional Government Organizations, where the Town of Wickenburg is the host.
- C. Local Emergency Relief efforts.
- D. Other events as deemed appropriate by the Town Manager that create positive economic impacts for the Town so long as the total fee waived does not exceed 50% of the total fees charged.

Any other fee waivers shall require Town Council approval.

**Section 9-3-4**            **Conditions**

- A.    Noise Standards. It shall be unlawful for any person entity or operation at any Special Event to create any amplified noise, or to allow the creation of any amplified noise, which causes the noise level measured on any residential property outside of the Special Event venue to exceed the noise regulations found in Town Code Section 10-1-11.
- B.    Sanitation.
1.        The applicant shall provide and maintain toilet and hand washing facilities that are adequate for the anticipated maximum attendance and event duration as directed by the Public Works Department and County Health Department.
  2.        The applicant shall provide and maintain an adequate number of trash receptacles based on the size of the event (square footage), number of projected attendees and nature of event as approved by the Public Works Director. If the event is large enough, arrangements shall be made through the Public Works Department for sanitation pickups at scheduled intervals during the period of the special event.
  3.        All food vendors shall comply with the requirements of the County Health Department for permits and food handling practices.
- C.    Security. The applicant may be required, at the applicant's expense, to provide security services, and/or extra duty Peace Officers for event security as determined by the Chief of Police. In making the determination of the need for security services, the Chief of Police shall consider the event nature, anticipated attendance, access to alcohol, ticket for money handling and any other factors deemed relevant. If private security services are to be used, the Chief of Police must approve the security service provider and the security plan for the event. If extra-duty Peace Officers will be used, the Chief of Police will coordinate the hiring of officers and the security plan preparation.
- D.    Medical Services. The applicant may be required to furnish medical services, on standby, during the entire event based on expected temperatures during an outdoor event, the nature of the event, expected attendance, age of the expected attendees and participants, and accessibility of the event venue to emergency vehicles. In the case medical services are deemed necessary at the event, a Medical Services Plan shall be approved by both the Chief of Police and Fire Chief at least ten (10) days prior to the event start date.

- E. Lighting. Events which take place or where attendees may still be present after dark will be required to provide adequate illumination of all use areas, sanitation facilities, parking areas and areas of pedestrian travel. If lighting is required for the event, a lighting plan shall be submitted with the special event permit application to ensure compliance with Town Code Section 14-19-9.
- F. Parking. Adequate parking shall be provided for all Special Events without spillover. In the event temporary parking areas are to be used, a parking layout and circulation plan shall be prepared and submitted with the special event permit application. In temporary parking areas, all parking spaces shall be adequately marked and dust control measures shall be performed throughout the event.
- G. Traffic Control. Adequate access to the event venue shall be required for the general public and emergency vehicles. If the access points to the event venue do not have adequate capacity for the expected ingress/egress traffic volumes, temporary traffic control measures shall be required. Where temporary traffic control measures are to be utilized, a traffic control plan shall be submitted with the special event permit application.
- H. Appropriate Zoning. The Special Event venue shall have the appropriate zoning for the proposed event.
- I. Signage. All signage to be employed in the advertisement of the Special Event shall be in compliance with the Town's Sign Code Section 14-18-14.
- J. Sales. All event vendors shall hold a current Wickenburg Business License. This includes the applicant if tickets are to be sold. All merchandise and ticket sales are taxable in accordance with the laws of the State of Arizona. Tickets to an event shall not be sold prior to approval of the Special Event Permit issued by the Town.
- K. Insurance. The amount and type of insurance required for a Special Event shall be determined on a case by case basis, based upon the recommendation of the Arizona Municipal Risk Retention Pool as insurance provider to the Town. The applicant shall provide at a minimum, \$1,000,000 liability and \$2,000,000 general aggregate naming the Town of Wickenburg as an additional insured. A Certificate of Insurance shall be provided to the License Officer at least 5 days prior to the event date.

**Section 9-3-5**                    **Grounds For Denial**

- A. After review, by all appropriate Departments, of the application material, the License Officer may deny issuance of Special Event Permit if any of the following applies:
  - 1. The applicant has failed to meet the conditions imposed pursuant to this Chapter;
  - 2. The proposed event is intended to be conducted in a manner or location not meeting the health, safety, zoning, or fire standards established by the rules and regulations of the Town, the laws of the State of Arizona or rules and regulations adopted by any of its agencies;
  - 3. The applicant has knowingly made any false, misleading or fraudulent statement of material fact in the application for the Special Event Permit or in any other document required pursuant to this Chapter;

4. That the applicant, his or her employee, agent or any person associated with the applicant as partner, director, officer, stockholder, associate or manager has been convicted in a court of competent jurisdiction, by final judgment, of an offense:
    - A. Involving the presentation, exhibition or performance of an obscene production, motion picture or play, or of selling obscene matter;
    - B. Involving lewd conduct which is conduct showing, or intended to excite, lust or sexual desire;
    - C. Involving the use of force and violence upon the person of another;
    - D. Involving misconduct with a child or children; or
    - E. An offense against the provisions of Arizona law respecting narcotics and dangerous drugs or of any equivalent offense under the law of any state which if committed in Arizona would have been a violation of the Arizona statutory provisions.
  5. The scheduled date of the Special Event conflicts with other previously scheduled events such that it will result in an undue impact on the Town's resources and staff.
- B. Where the application is denied, the License Officer shall mail to the applicant written notice of denial within 3 days of the action. The notice shall include a statement of the reasons the application was denied. The applicant may request a review of this denial by the Town Manager who will schedule a meeting during which the applicant may present evidence in support of the application.

**Section 9-3-6**            **Waivers**

At the discretion of the Town Manager, application timeline submittal requirements may be waived if found necessary.