

ORDINANCE NO. 2016-31

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, ARIZONA RELATING TO THE BUSINESS LICENSE, ADOPTING AN AMENDMENT TO THE TAX CODE OF THE CITY OF PEORIA AMENDING CHAPTER 11 OF THE PEORIA CITY CODE (1992) BY AMENDING SECTION 11-151 PERTAINING TO BUSINESS LICENSES REQUIRED, AMENDING SECTION 11-152 PERTAINING TO BUSINESS LICENSES EXEMPTIONS, AMENDING SECTION 11-154 PERTAINING TO BUSINESS LICENSE ISSUANCE, AMENDING SECTION 11-155 BUSINESS LICENSE FEES, AMENDING SECTION 11-156 PERTAINING TO BUSINESS LICENSE TRANSFER AND PRORATION OF FEE, AMENDING SECTION 11-157 PERTAINING TO BUSINESS LICENSE TAX DUE DATE AND PENALTY FOR LATE PAYMENT, AMENDING SECTION 11-158 PERTAINING TO BUSINESS LICENSE DISPLAY, AMENDING SECTION 11-159 PERTAINING TO BUSINESS LICENSE REVOCATION, AMENDING SECTION 11-160 PERTAINING TO SPECIAL EVENTS BUSINESS LICENSE REQUIRED AND REVOCATION, AMENDING SECTION 11-161 PERTAINING TO BUSINESS LICENSE SPECIAL EVENT BUSINESS LICENSE, OTHER LICENSES AND FAILURE TO OBTAIN, AMENDING SECTION 2-219 PERTAINING TO BUSINESS LICENSE FEES

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

SECTION 1. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-219 pertaining to business license fees, required and which shall read as follows:

Sec. 2-219. Finance department, ~~revenue management division.~~

(a) All fees collected by the ~~revenue management division of the finance department~~ under this code shall be deposited with the Finance Director. The ~~revenue management division department~~ shall collect from each person filing an application for a license or a transfer of a license the following fees:

Item	Date Effective May 4, 2004 January 1, 2017
Fingerprinting, Processing with Criminal History	<del>35.00</del> <u>22.00</u>
Privilege Sales Tax License Fee, effective January 1, 2002	30.00
Business License Class A Application Fee	<del>55.00</del> <u>25.00</u>
Business License Class B Application Fee	<del>55.00</del> <u>25.00</u>
Business License Class C Application Fee	75.00
Business License Class D Application Fee	180.00
Business License Class E Application Fee	<del>55.00</del> <u>25.00</u>
Business License Transfer Application Fee	20.00

(b) The ~~revenue management division~~ Finance Department may issue a business license for a one-year period commencing on the date of the application, the license shall be in effect for a full year period.

(c) The ~~revenue management division~~ Finance Department shall charge each person the fees contained in this code, which shall be revised annually as needed.

SECTION 2. Chapter 11 of the Peoria City Code (1992) is amended by amending Section 11-151 pertaining to business licenses, required and which shall read as follows:

**CHAPTER 11 – LICENSES, TAXATION AND MISCELLANEOUS BUSINESS REGULATIONS**

Sec. 11-151. Business Licenses; required.

A person before engaging in any businesses, callings, or professions within the corporate limits of the city or who conducts a business outside the corporate limits of the city and who solicits, canvasses, advertises, or delivers products or performs services within the city limits, shall procure from the ~~clerk~~ city a license for the carrying on of same upon payment of the required license ~~tax~~ fee.

**SECTION 3.** Chapter 11 of the Peoria City Code (1992) is amended by amending Section 11-152 pertaining to business licenses, exemptions and which shall read as follows:

Sec. 11-152. Business Licenses; exemptions.

The provisions pertaining to business licenses do not apply to the following:

(a) Businesses conducted as an agency or department of the United States of America, the state, the county, or the city, in their governmental capacities.

(b) Churches, veterans, and civic service organizations occasionally engaging in a business and which such business is for a bona fide nonprofit purpose as evidenced by a valid IRS determination of 501(c) status.

(c) Any person whose property is not located in a residential zoning district as provided by section 11-173 and disposing of for a consideration any farm or agricultural produce, produced on property owned by the person. This subsection does not apply to section 11-173. However, this exemption shall not exempt such persons from compliance with the provisions of the Peoria sales tax code.

(1) Farm and agricultural produce are defined as those crops, vegetables fruits and citrus that are grown and or sold for human or animal consumption.

(d) Newspaper carriers are exempt from the provisions pertaining to the sale of newspaper subscriptions.

~~(e) Any person who is engaging in the sale of goods or services subject to taxation under this code or the Model City Sales Tax Code as adopted by the City of Peoria for a consecutive period of not more than seven (7) days at any one time during a calendar year. However, such person shall obtain a Special Event Business License in accordance with the provisions of this chapter.~~

**SECTION 4.** Chapter 11 of the Peoria City Code (1992) is amended by amending Section 11-154 pertaining to business licenses, issuance and which shall read as follows:

Sec. 11-154. Business license; issuance.

The clerk city's designated department shall issue a-an annual license certificate for the current calendar year for each prospective licensee required to pay a license tax-fee under the provisions of this chapter upon payment of all license fees and any penalties. The license shall state the amount of the license tax-fee, the period of time covered, the name of the licensee, and location or place of business, if any.

**SECTION 5.** Chapter 11 of the Peoria City Code (1992) is amended by amending Section 11-155 pertaining to business licenses fees and which shall read as follows:

**Sec. 11-155. Business License fees and penalties.**

(1) The following license classifications and fees are hereby established:

Class A. Professions such as, but not limited to, attorneys, doctors, dentists, veterinarians and accountants shall pay an annual fee as contained in this code.

Class B. Service Businesses such as, but not limited to, laundries and dry cleaning establishments shall pay an annual fee as contained in this code.

Class C. Businesses whose method of doing business is from or with a parked vehicle or from house to house shall pay an annual fee as contained in this code.

Class D. Business such as, but not limited to, carnivals and circuses shall pay an annual fee as contained in this code.

Class E. All other businesses not specifically set forth in classes A; B; C or D shall pay an annual fee as contained in this code.

(2) the license application and license fees are due within 30 days of the start of business within the city.

(3) the annual license fee renewal is due on or before January 1<sup>st</sup> of each year and delinquent if not paid by January 31<sup>st</sup>.

(4) the annual license fee is subject to a 50% penalty if the annual license fee is not paid within 30 days of beginning business within the city. The annual license fee is delinquent and subject to the 50% penalty if not paid by January 31<sup>st</sup>.

(5) the license is considered revoked if not renewed by March 31st. A new application and application fees and license fees are due April 1st.

(6) penalties can be waived in accordance with city departmental policy.

**SECTION 6.** Chapter 11 of the Peoria City Code (1992) is amended by amending Section 11-156 pertaining to business licenses transfers and fees and which shall read as follows:

Sec. 11-156. Business license; transfer of license; proration of fee.

~~There shall be no proration of any business license tax fee. There shall be no transfer of the business license between owners or locations, except in the event that a bona fide sale or transfer of a business duly licensed occurs. In such event the owner of the business shall surrender the license and tender a transfer fee in the amount established by ordinance or resolution to the City clerk. The City clerk shall then issue a license to the transferee for the remainder of the period without payment of any further tax.~~

SECTION 7. Chapter 11 of the Peoria City Code (1992) is amended by amending Section 11-157 pertaining to business license taxes, due date, penalty for late payment and which shall read as follows:

~~Sec. 11-157. RESERVED Business license taxes; due date; penalty for late payment. When any license tax provided for in this article becomes due and unpaid for ten (10) days, the same shall become delinquent. The city clerk shall on the day the same becomes delinquent add thereto an amount equal to ten (10) percent of the total amount of any tax unpaid and delinquent as a penalty. No further license shall be issued by the clerk until the license taxes that are delinquent and the penalties added thereto have been paid in full.~~

SECTION 8. Chapter 11 of the Peoria City Code (1992) is amended by amending Section 11-158 pertaining to business license display and which shall read as follows:

Sec. 11-158. Business license; display.

Every licensee under this article shall display the license conspicuously at the applicable place of business and shall upon demand display the same to the city police or other designee of the city. ~~the City clerk.~~ If the licensee does not have a place of business within the city limits, the license shall be kept on the person conducting the licensee's business.

SECTION 9. Chapter 11 of the Peoria City Code (1992) is amended by amending Section 11-159 pertaining to business licenses, revocation and which shall read as follows:

Sec. 11-159. Business licenses; revocation.

(a) Any business license issued under the provisions of this code may be revoked as provided in this section and the licensee shall immediately cease business conducted in this city for which the license was obtained subject to subsection (d) of this section.

(b) Any of the following shall constitute grounds for revocation of a business license:

(1) Revocation of any state, county or city license or permit that is required for the operation of the business.

(2) Conviction by a court of competent jurisdiction of the licensee or any of its owners, managers or employees and in the case of a corporation, any of its principal officers, directors and principal shareholders, of any felony or any violation of law or regulation related to the operation of the business for which the license is obtained under this chapter.

(3) Adjudication in any civil action or administrative proceeding in any jurisdiction, that the licensee or any of its owners, managers or employees, and in the case of a corporation, its principal officers, directors and principal shareholders, are responsible for any violation of any law or regulation related to the operation of the business for which the license is obtained under this chapter.

(4) The licensee is delinquent in payment of any privilege license taxes or use taxes owed to the city and has not, upon reasonable notice, made such payment together with any applicable interest and penalties.

(5) The city manager or theirhis designee based upon reasonable information and belief finds that unlawful conduct by a minor or minors or adults has occurred at the business and that the licensee has failed to undertake adequate measures to prevent such unlawful conduct.

(6) The city manager or theirhis designee finds that the licensee has made a false statement on or in connection with its license application.

(c) The city manager or theirhis designee shall notify the applicant of the city's revocation of the license and the reasons therefor. The applicant may request a hearing in accordance with the provisions of this Chapter on the revocation of the license.

SECTION 10. Chapter 11 of the Peoria City Code (1992) is amended by amending Section 11-160 pertaining to special events business license, required, revocation and which shall read as follows:

Sec. 11-160. Special Events Business License; required; revocation.

(a) The provisions of this section shall apply to any person meeting all of the following requirements.

(1) Engages in any businesses, callings, or professions within the corporate limits of the city or who conducts a business outside the corporate limits of the city and who solicits, canvasses, advertises, or delivers products or performs services within the city limits; and

(2) Conducts such businesses callings or professions for a period of not more than seven (7) consecutive days at any one time.

The applicant shall ~~procure from the Management Services Director or his designee a~~ obtain a city business license for the carrying on of same upon payment of the required application and license fees. Upon completion of the license period, a sales transaction privilege tax return for the entire licensing period shall be timely filed, if applicable, with the transaction privilege taxing authority administering transaction privilege tax when due, ~~within twenty (20) business days. Once the sales tax return is filed and all taxes paid, the license is terminated.~~

Special Event Business Licenses issued pursuant to the provisions of this section may be revoked by the city ~~by the Management Service Director,~~ upon written notice to the licensee for any violation of this chapter or any other code, rule or regulation of the city. An appeal of such revocation shall be made in the manner provided by this Chapter.

SECTION 11. Chapter 11 of the Peoria City Code (1992) is amended by amending Section 11-161 pertaining to business licenses, special event business license, other licenses, failure to obtain violation, classification, civil penalties and which shall read as follows:

Sec. 11-161. Business Licenses, Special Event Business License, Other Licenses; failure to obtain, violation; classification; civil penalties.

(a) It is unlawful for any person, entity or corporation to fail to obtain a business license, special event business license, any other license required by this chapter or a transaction privilege tax license issued by or on behalf of ~~from~~ the City.

(b) Violation of this section shall be a class (1) misdemeanor.

(c) The City shall impose a civil penalty of an amount equal to ~~three (3)~~ four (4) times the applicable license fee and accrued license fee penalties that shall be charged to any ~~individual applicant~~ at the time of application for a license pursuant to this code. Such civil penalty shall not be part of any penalty imposed upon conviction of a criminal violation of this chapter. Such civil penalty may be appealed in the same manner as a license revocation under this chapter.

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Arizona this 18th day of October 2016.

  
Cathy Carlat, Mayor

10-19-2016  
Date Signed

ATTEST:

  
Rhonda Germinisky, City Clerk



APPROVED AS TO FORM:

  
Stephen J. Burg, Acting City Attorney

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