ORDINANCE NUMBER 591

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, AMENDING TITLE 5, BUSINESS TAXES, LICENSES AND REGULATIONS, OF THE MUNICIPAL CODE BY DELETING CHAPTER 5.04, BUSINESS LICENSES, AND ADDING A NEW CHAPTER 5.04, BUSINESS REGISTRATION; REGULATIONS.

WHEREAS, staff has recommended to the City Council that Chapter 5.04, Business Licenses, of Title 5, Business Taxes, Licenses and Regulations be revised and updated; and

WHEREAS, the City Council has determined that the following changes to the City's Municipal Code are appropriate and desirable.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, AS FOLLOWS:

Section 1. That Chapter 5.04, Business Licenses, of Title 5, Business Taxes, Licenses and Regulations, of the Cottonwood Municipal Code is deleted in its entirety and a new Chapter 5.04 Business Registration; Regulations, be added as follows:

Chapter 5.04

BUSINESS REGISTRATION; REGULATIONS

Sections:

5.04.010	Registration—Required; Exemptions.
5.04.020	Registration—Issuance.
5.04.030	Registration—Fees; Payment; Duration.
5.04.040	Registration—Transfer.
5.04.050	Registration—When separate required/not required.
5.04.060	Registration—Exhibition required.
5.04.070	Registration—Inspection; Duties of inspectors.
5.04.080	Conducting business in the City.
5.04.090	Registration—Special classifications; Fees.
5.04.100	Regulations.

5.04.010 Registration – Required.

A. It shall be unlawful for any person to commence, conduct or carry on any business within the corporate limits of the City without first having registered with the City, using the form prescribed by Regulation, unless such registration is preempted by the State.

B. Wholesale distributors who do not maintain a permanent business location within the corporate limits of the City shall be exempt from the registration requirements of this chapter.

5.04.020 Registration – Issuance.

A. It shall be the responsibility of the applicant to make himself available for inspection of the physical location of the business, if within the City limits, for any required or allowed inspections under City Codes, during normal agency business hours.

B. It shall be the duty of the Administrative Services General Manager or designee, at the time of application, to verify that the registered applicant has a valid City Transaction Privilege (Sales) Tax License, or has applied for same (pursuant to Chapter 5.08 of the City Code).

C. It shall be the duty of the Administrative Services General Manager or designee to issue registrations applied for pursuant to this chapter, after verification that all provisions of this chapter have been met. The registration shall state, at a minimum, the legal name of the registrant; any dba's (doing business as) used; the physical address of the registrant; the type of registration (Business, Occupational); the effective and expiration dates of the registration; and the date of issuance. All registrations so issued shall be serially numbered as a means of registration identification.

D. All applications for a new registration pursuant to this chapter shall be approved by an official of the Community Development Department, prior to acceptance by the Administrative Services General Manager or designee for issuance of said registration.

5.04.030 Registration – Fees; Exemption; Payment; Duration.

A. Business/Occupational Registration fees shall be as follows:

1. Business/Occupational Registration fees shall be fifty dollars ($50.00) per calendar year, except as elsewhere enumerated in this chapter.

2. Religious organizations and nonprofit organizations registered with the Internal Revenue Service pursuant to 26 U.S.C., Sec - 501(c), shall pay a registration fee of twenty-five dollars ($25.00) per annum. Nonprofit organizations shall attach a copy of their 501 (c) certification to their registration application in order to qualify for the lower fee.

B. All Registrations are renewable on a calendar year basis.

C. All Registration fees shall be prorated at June 1st based on a half year registration.

D. Business/Occupational Registration fees paid shall not be refundable in whole or in part.

E. Fees to process new registrations provided for in the chapter shall be payable at the time of application.

F. Registration renewal fees provided for in this chapter shall be due and payable on the date of expiration of the current registration and shall become delinquent on the fifteenth (15th) day following such expiration. A penalty of twenty-five percent (25%) of the registration fee due shall be assessed on all such delinquencies. The penalty may be abated by the Administrative Services General Manager for due cause, upon written request for abatement detailing the reason for said delinquency. Said request must be filed within twenty (20) days of assessment of such a penalty.

G. Businesses that do not register and operate without a registration any length of time during the year will not be prorated and must pay the full registration fee as well as the twenty-five percent (25%) penalty.

5.04.040 Registration—Transfer.

No registration issued pursuant to this chapter shall be in any way or manner transferable or assignable to other than the original applicant, at the location stated on the registration, for the occupancy class so stated. Any change in ownership, occupancy classification or address shall require a new registration to be applied for pursuant to the provisions of this chapter. The fee for such a new registration shall be waived in the case of a change of address if no other change occurs at the time of application.

5.04.050 Registration—When separate required/not required.

A. If more than one (1) division of a corporation, or more than one (1) dba of a person is engaged in business at the same physical location, only one (1) registration shall be required, listing all divisions or dba's so operating. The registration fee shall be determined as follows:

1. Every person whose registration fee is solely determined by either Section 5.04.030 or Section 5.04.090 shall pay the highest registration fee which is established for any of the businesses in which he is engaged at such location.

2. Every person whose registration fee is determined by both Section 5.04.030 and Section 5.04.090 shall pay the highest registration fee established in each section for the businesses so registered.

B. A separate registration shall be required under the following circumstances:

1. If more than one (1) business person is engaged in business at the same physical location.

2. If a person registered pursuant to this chapter operates in more than one (1) physical location within the City.

C. Transient merchants shall not be subject to the provisions of Section 5.04.050, (B).

5.04.060 Registration – Exhibition required.

Registrations issued pursuant to this chapter shall be displayed in a conspicuous location, visible to the public. Transient merchants shall maintain the registration or a copy thereof at each location at which they are engaged in business.

5.04.070 Registration – Inspection; Duties of inspectors.

A. All inspectors or officers of the City Fire, Building, Planning and Zoning, Police and Finance departments shall be empowered to inspect any registration issued pursuant to this chapter.

B. Any inspector designated in this chapter may enter any business premises, without fee or charge, at any time during normal hours of the business, for the purpose of inspecting the Business/Occupational Registration or premises as required or allowed by City Codes.

5.04.080 Conducting business in the City.

In no case shall the site of the permanent business location of a person be solely determinative of the applicability of this chapter.

5.04.090 Registration—Special classifications; Fees.

A. The following Special Registration Classifications shall be established, and the fee provisions of Section 5.04.030 shall not apply, except as elsewhere noted, but all other provisions contained within this chapter shall be applicable and enforceable:

1.	Auctioneers:	$ 20.00 per day
2.	Carnival and Circuses:	$150.00 per day
3.	Dances, Concerts and other Transient Amusements not elsewhere specified:	$ 20.00 per day
4.	Rodeos:	$ 50.00 per day
5.	Massage Parlors:	$500.00 per year
6.	Palmists and Fortune Tellers:	$500.00 per year
7.	Video Games, Pinball Machines, Jukeboxes, DVD Movie Kiosks	$ 20.00 for the first machine per year $ 10.00 each additional machine per year
8.	Licensed Liquor Sales:	
	No. 4 Wholesaler - New	$400.00 per year
	No. 6 Full Bar	$325.00 per year
	No. 7 Beer and Wine	$275.00 per year
	No. 9 Liquor Store	$275.00 per year
	No. 10 Convenience Store	$275.00 per year
	No. 11 Hotel/Motel	$300.00 per year
	No. 12 Restaurant	$325.00 per year
	No. 13 Wine Bars	$275.00 per year
	No. 14 Club - New	$275.00 per year
	No. 15 Special Events	$250.00 per year

5.04.100 Regulations.

A. All registrations applied for pursuant to Section 5.04.010, (A) shall utilize a form prescribed by the Administrative Services Department of the City.

B. Notification of registration renewal shall be made no later than thirty (30) days prior to expiration of said registration. All renewal notifications shall be made by the Administrative Services General Manager or designee.

C. All registrations applied for pursuant to Section 5.04.090 shall utilize a Form prescribed by the Administrative Services Department of the City.

Section 2. That if any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be unlawful, invalid or unenforceable by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED AND ADOPTED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF COTTONWOOD, ARIZONA, THIS 18TH DAY OF DECEMBER 2012.

Diane Joens, Mayor

APPROVED AS TO FORM:

Steven B. Horton, Esq.
City Attorney

ATTEST:

Marianne Jiménez, City Clerk