

# Exhibit “A”

El Mirage, AZ Code of Ordinances

## CHAPTER 110: LICENSES

Section

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## **BUSINESS LICENSES GENERALLY**

### **§ 110.01 LICENSE REQUIRED.**

Any person, partnership, syndicate, firm, association, or corporation, before engaging in any of the businesses, callings, or professions, hereinafter collectively called “business” or “businesses”, within the corporate limits of the city and whose place of business is located within the city limits, for a fee shall procure from the Finance Department a license for the carrying on of the business, upon payment of the license tax, as hereinafter provided.

(Prior Code, § 8-3-1) (Ord. O12-05-03, passed 5-22-2012)

### **§ 110.02 ISSUANCE OF LICENSE.**

(A) The Finance Department or an authorized agent for the city shall issue a license for each prospective licensee required to pay a license fee hereunder.

(B) The license shall state the amount of the license fee, the period of time covered, the name of the licensee, and location or place of business, if any.

(C) The issuance of a business license shall, in no way, be construed as permission to operate a business activity in violation of any other law or regulation to which the activity may be subject.

(D) All applications for a business license shall be reviewed by city staff to ensure that it complies with all applicable city, county, state, or federal regulations.

(E) If the proposed business is found to violate any regulations, the city or its agent may deny the business license unless and until the use of the property comes into compliance with all applicable regulations.

(Prior Code, § 8-3-2) (Ord. O12-05-03, passed 5-22-2012)

### **§ 110.03 PRORATION OF LICENSES.**

There shall be proration only the first year of business with the city. After the first year, there shall be no proration of any business license fee. A business license cannot be transferred from one owner to another. Proration is based on calendar year.

(Prior Code, § 8-3-3) (Ord. O12-05-03, passed 5-22-2012)

### **§ 110.04 SEPARATE LICENSES.**

A person engaged in more than one activity subject to city privilege and use taxes at any one business location is not required to obtain a separate license for each activity; provided that, at the time the person makes application for a license, he or she lists on the application each category of activity in which the business is engaged. The licensee shall inform the Finance Department of any changes in the business activities, location, or mailing address within 30 days. A person who is conducting one or more businesses at two or more locations or under two or more business names shall procure a license for each location, or business name. A "location" is a place of a separate business establishment. Each license issued shall authorize the licensee to practice, transact, and carry on only that business set forth on the license and only at the location or place of business described thereon.

(Prior Code, § 8-3-4) (Ord. O12-05-03, passed 5-22-2012)

**§ 110.05 EXHIBITION OF LICENSE REQUIRED.**

Every licensee shall display the license or licenses conspicuously at the applicable place of business and shall, upon demand, display the same to the City Police, City Manager, or designee.

(Prior Code, § 8-3-5) (Ord. O12-05-03, passed 5-22-2012)

**§ 110.06 BUSINESS LICENSE FEES.**

License fees shall be established from time to time by resolution.

Regular business	As established by resolution of the Council.
Mining	As established by resolution of the Council.
Special event license (seven or less consecutive days)	As established by resolution of the Council.
Sexually oriented businesses	As established by resolution of the Council.
Massage therapist	As established by resolution of the Council.
Peddlers and solicitors	As established by resolution of the Council.
Liquor licenses	As per Arizona Department of Liquor License
Marijuana related businesses	As established by resolution of the Council.

(Prior Code, § 8-3-6) (Ord. O11-04-08, passed 4-14-2011; Ord. O12-05-03, passed 5-22-2012)

**§ 110.07 EXEMPTIONS.**

There shall be exempt from the provisions of this chapter the following businesses:

(A) Businesses conducted as an agency or department of the United States of America, the State of Arizona, County of Maricopa, or City of El Mirage.

(B) Churches, veterans, and civic service organizations occasionally engaging in a business and which such business is for a bona fide non-profit purpose.

(C) Residential rental properties or property owners. Per A.R.S. § 9-1304 this does not prohibit the City of El Mirage, which imposes a sales tax on rent, from requiring a transaction privilege tax license for residential rental property owners.

(D) Businesses providing occasional participation in city sponsored special events upon prior

approval by City Manager.

(E) *De minimis business activity*. Individuals who annually transact less than \$2,000 in business activity as defined in § 110.01 above are exempt from these license requirements. No incorporated business, partnership, syndicate, firm, association, or corporation is considered to be de minimis. (Prior Code, § 8-3-7) (Ord. O11-04-08, passed 4-14-2011; Ord. O12-02-04, passed 2-21-2012; Ord. O12-05-03, passed 5-22-2012)

(F) Mobile businesses that are operated via non-motorized carts

#### **§ 110.08 DELINQUENT FEES.**

(A) When any license fee provided for herein shall be due and unpaid for 15 days, the same shall become delinquent.

(B) The Finance Department shall, on the day the same becomes delinquent, add thereto an amount equal to 10% of the total amount of any fee unpaid and delinquent as a penalty.

(C) No further license shall be issued by the Finance Department until the license fees that are delinquent and the penalties added thereto have been paid in full.

(Prior Code, § 8-3-8) (Ord. O12-05-03, passed 5-22-2012)

#### **§ 110.09 BUSINESS LICENSES; BACKGROUND INVESTIGATION.**

The City of El Mirage may request, receive, and review the criminal history record information, including conviction and non-conviction data, for the purpose of evaluating the fitness of licensees, controlling persons, and designated agents in connection with the issuance, renewal, suspension, or revocation of a license or the addition or change of a controlling person or designated agent. Each applicant for a license identified in this section that is issued by the city may be requested by the city to submit a full set of fingerprints to the city for the purpose of obtaining a state and federal criminal records background check, which shall be done in accordance with law. The city shall collect pertinent fees for the processing of fingerprints, obtaining criminal history information, and license registration. All background checks will be conducted in accordance with A.R.S. § 41-1750, and Pub. Law No. 92-544. Background investigations may be conducted for applicants applying for the following types of licenses from the city:

- (A) After-hours establishments;
- (B) Auctioneers;
- (C) Auction houses;
- (D) Businesses that are regulated by state and/or federal entities;
- (E) Carnivals/circuses;
- (F) Escorts and escort services;
- (G) Exhibitors;
- (H) Liquor;
- (I) Massage facilities;
- (J) Massage therapist;
- (K) Medical marijuana distribution;
- (L) Pawnbrokers;
- (M) Peddlers;
- (N) Second hand/junk dealers;
- (O) Sexually oriented businesses;
- (P) Street sales and vendors;
- (Q) Solicitors; and
- (R) Teletracking.

(Ord. O12-05-03, passed 5-22-2012)

#### **§ 110.99 PENALTY.**

- (A) Any person violating any provision of this chapter for which no specific penalty is prescribed

shall be subject to § 10.99.

(B) It shall be unlawful for any person, firm, or corporation to operate a business without first having obtained a business license as provided herein. Each person, firm, or corporation found to be in violation of §§ 110.01 through 110.09 shall be guilty of a Class 2 misdemeanor shall be subject to a fine and/or imprisonment in accordance with A.R.S. Title 13.

(Prior Code, § 8-3-9) (Ord. O12-05-03, passed 5-22-2012)

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