

ORDINANCE NO. 1450

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, AMENDING APACHE JUNCTION CITY CODE, VOLUME I, CHAPTER 8: BUSINESS, BY REPEALING ARTICLE 8-1: GENERAL BUSINESS AND LICENSING PROVISIONS, ARTICLE 8-2: SPECIFIC LICENSING AND REGISTRATION PROVISIONS, ARTICLE 8-8: REQUIREMENTS FOR COMMUNITY AND CIVIC EVENTS AND ARTICLE 8-10: MOBILE AND TEMPORARY FOOD AND BEVERAGE VENDORS, ALL IN THEIR ENTIRETY; ADOPTING BY REFERENCE NEW PROVISIONS FOR THE REGULATIONS NOTED ABOVE AS MORE FULLY DETAILED IN THAT CERTAIN DOCUMENT ENTITLED "2017 AMENDMENTS TO THE APACHE JUNCTION CITY CODE, VOLUME I, CHAPTER 8: BUSINESS; DESIGNATING AN EFFECTIVE DATE; REPEALING ANY CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PENALTIES.

WHEREAS, the then mayor and council first established a city business license program and related requirements and fees in 1980; and

WHEREAS, at the request of the Apache Junction Chamber of Commerce and local businesses, this business license program was placed on a ballot and upheld by city voters in 1981; and

WHEREAS, in July 2007 the city put in place an additional program for issuing transaction privilege (sales tax) licenses where applicable and collecting its own sales taxes; and

WHEREAS, in January 2017, based on revised state law, the Arizona Department of Revenue took over the issuance of these city tax licenses and collection of city sales tax; and

WHEREAS, the city no longer receives license applications from taxable businesses creating a gap in information needed for property owner and neighborhood safety and protection, and for law enforcement, zoning and building code purposes; and

WHEREAS, establishing a broad business license program as existed prior to July 2007 will reinstate these property owner and neighborhood safety and protection as well as establish parity for others already required to have a city business license; and

WHEREAS, pursuant to A.R.S. §§ 9-801(1) and 9-802, codes which may be adopted by reference include those relating to business licenses, license fees, events and food truck and mobile food vendors; and

WHEREAS, A.R.S. § 9-802 permits municipalities to enact the provisions of a code of public record theretofore in existence without setting forth such provisions in full text as long as the adopting ordinance is published in full text and at least one paper copy of the code changes or public record are filed in the office of the clerk of the municipality and the electronic copy is accessible on the city's website and made available for public inspection.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF APACHE JUNCTION, ARIZONA, AS FOLLOWS:

#### SECTION I IN GENERAL

1. That existing Apache Junction City Code, Volume I, Chapter 8: Business, Article 8-1: General Business and Licensing Provisions, Article 8-2: Specific Licensing and Registration Provisions, Article 8-8: Requirements for Community and Civic Events and Article 8-10: Mobile and Temporary Food and Beverage Vendors, are hereby repealed in their entirety.
2. That certain document containing the amended and new Chapter 8 code provisions relating to business, business licensing and registration, community and civic events and mobile and temporary food and beverage vendors, known as the "2017 Amendments to the Apache Junction City Code, Volume I, Chapter 8: Business", one paper copy and one electronic copy which are accessible on the city's website and filed in the office of the city clerk, which document was made a public record by Resolution No. 17-21 of the City of Apache Junction, is hereby referred to, adopted and made a part hereof as if fully set out in this ordinance, pursuant to A.R.S. § 9-802.

#### SECTION II DESIGNATING AN EFFECTIVE DATE

The provisions of this ordinance shall become effective December 1, 2017.

SECTION III REPEALING ANY CONFLICTING PROVISIONS:

All ordinances and parts of ordinances in conflict with the provisions of this ordinance or any part of the codes adopted herein by reference are hereby repealed.

SECTION IV PROVIDING FOR SEVERABILITY:

If any section, subsection, sentence, phrase, clause or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

SECTION V PROVIDING FOR PENALTIES

Any violation of the provisions adopted herein shall be punishable as a Class 1 Misdemeanor consistent with Apache Junction City Code, Chapter 1: GENERAL, Article 1-1 GENERAL, Section 1-1-11: PENALTY.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

SIGNED AND ATTESTED TO THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

\_\_\_\_\_  
JEFF SERDY  
Mayor

ATTEST:

\_\_\_\_\_  
KATHLEEN CONNELLY  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
RICHARD JOEL STERN  
City Attorney