# ORDINANCE NO. 709

## AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING CHAPTER 110 (BUSINESS LICENSING) OF THE CODE OF THE TOWN OF PAYSON AND ADOPTING SUCH AMENDMENTS BY REFERENCE.

**WHEREAS**, the Town of Payson is authorized by A.R.S. §9-240(18) and (19) to regulate, tax, and license persons, firms, corporations, or associations doing business within the Town; and

**WHEREAS**, Chapter 110 of the Code of the Town of Payson provides for the licensing and regulation of business operations within the Town of Payson; and

**WHEREAS**, the Town of Payson desires to protect its citizens and workforce by requiring all persons, firms, corporations, or associations doing business within the Town to follow all Federal, State and Local laws and ordinances; and

**WHEREAS**, the Town of Payson has found that the adoption of this Ordinance Number 709 is necessary and appropriate to provide for and promote the health, safety, and welfare of the citizens of the Town of Payson and is a lawful exercise of police power vested in the Town; and

**WHEREAS**, an amendment to Chapter 110 of the Code of the Town of Payson was declared to be a public record by Resolution 2248; and

**WHEREAS**, it is the desire of the Mayor and Common Council to amend the Code of the Town of Payson by amending Chapter 110 by reference pursuant to A.R.S. § 9-802,

**NOW, THEREFORE, THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, DO HEREBY ORDAIN AS FOLLOWS:**

Section 1. That the amendment to Chapter 110 (Business Licensing) of the Code of the Town of Payson set forth in Resolution 2248 was heretofore declared to be a public record by such Resolution, and all the provisions thereof are hereby referred to and added to the Code of the Town of Payson and adopted by this reference as though all the provisions thereof were set forth in full in this Ordinance Number 709.

Section 2. That at least three copies of the amendment to Chapter 110 of the Code of the Town of Payson, as adopted by this Ordinance Number 709 shall be filed in the Office of the Town Clerk of the Town of Payson and the same shall be maintained and kept available for public use and inspection.

Section 3. All violations of Chapter 110 of the Code of the Town of Payson shall be punishable as set forth in Section 110.99 as set forth below:



2nd Reading & Public Hrg MAR 1 5 2007 G.5

**§ 110.99 PENALTY.**

(A) Any person, firm, company or corporation convicted of violating any of the provisions of this chapter shall be guilty of a Class 1 misdemeanor, and shall be subject to revocation of the entity's business license and to punishment as provided in § 10.99 of this code.

(B) Each separate day or part thereof during which any violation of this chapter occurs or continues shall constitute a separate offense, and upon conviction thereof shall be punishable as herein provided.

( C) In addition to any other penalties, a person, firm, company, or corporation convicted of violating any of the provisions of this chapter shall be assessed all costs and expenses related to the investigation and prosecution of such violation.

Section 4. Section 10.99 (General Penalty) of the Code of the Town of Payson is hereby amended, and as amended shall read as follows:

**§ 10.99 GENERAL PENALTY.**

(A) Any person found guilty of violating any provision of this Code shall be guilty of a class one misdemeanor, and upon conviction thereof shall be punished in the same manner as is provided for the punishment for class one misdemeanors in A.R.S. Title 13, Chapters 7, 8 and 9, as amended from time to time, and as currently providing for a fine of not more than $2,500 for individuals and not more than $20,000 for firms, entities, companies, corporations, or businesses and by imprisonment for not more than six months or by probation for not more than three years, or by any combination or all of such fine, imprisonment and probation. Each day that a violation continues shall be a separate offense punishable as hereinabove described.

(B) Any violation of or failure or refusal to do or perform any act required by Title VII of this code constitutes a civil traffic violation which shall result in a civil penalty not to exceed $250. In addition, the court shall levy penalty assessments pursuant to A.R.S. §§ 12-116.01 and 12-116.02. Civil traffic violations are subject to the provisions of A.R.S. §§ 28-1591 *et seq.*, as amended.

Section 5. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance Number 709 are hereby repealed to the extent of such conflict.

Section 6. If any section, subsection, sentence, clause, phrase or portion of this Ordinance Number 709 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 of this Ordinance Number 709. The Mayor and Common Council of the Town of Payson declares that it would have adopted this Ordinance Number 709 and each section, subsection, sentence, clause, phrase or portion thereof despite the fact that any one or more sections, subsections, sentences, clauses, phrases or portions would be declared invalid or unconstitutional.

Section 7. The provisions of this Ordinance Number 709 shall become effective July 1, 2007.

**PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON** this _____ day of _____, 2007, by the following vote:

AYES _____ NOES _____ ABSTENTIONS _____ ABSENT _____

_____
F. Robert Edwards, Mayor

ATTEST:

_____
Silvia Smith, Town Clerk

APPROVED AS TO FORM:

_____
Samuel I. Streichman, Town Attorney