

## MARANA ORDINANCE NO. 2023.040

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RELATING TO BUSINESS REGULATIONS; ADOPTING REVISIONS TO TITLE 9 "BUSINESS REGULATIONS" OF THE MARANA TOWN CODE; INCLUDING REVISING SECTION 9-2-7 (LICENSE RENEWAL) TO ALLOW THE TOWN TO CONDUCT INVESTIGATIONS ON BUSINESS LICENSE RENEWALS; REVISING SECTION 9-2-10 (GROUNDS FOR DENIAL, SUSPENSION, REVOCATION, OR NONRENEWAL OF LICENSE) TO ADD AN ADDITIONAL GROUND RELATED TO SOLICITORS; ADDING NEW CHAPTER 9-15 (SOLICITING IN RESIDENTIAL AREAS); AND DESIGNATING AN EFFECTIVE DATE

WHEREAS the Town Council is authorized by A.R.S. § 9-240 to authorize the issuance of licenses and to direct the manner of issuing licenses; and

WHEREAS the Town of Marana established Title 9 of the Marana Town Code to assist businesses, citizens, and the Town to collect and provide accurate information on the types and locations of businesses in the town, to help existing business growth and services, to assist in new business planning, and to protect the public from fraud and harm; and

WHEREAS the Town Council finds that revising Title 9 of the Marana Town Code regarding business regulations as set forth in this ordinance is in the best interests of the Town and its residents.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, as follows:

SECTION 1. The amendments to Title 9 "Business Regulations" of the Marana Town Code, one paper copy and one electronic copy of which are on file in the office of the Town Clerk, which were made a public record by and attached as Exhibit A to Resolution No. 2023-107 of the Town of Marana, Arizona, are hereby referred to, adopted and made a part of this ordinance as if fully set out here.


SECTION 2. The various town officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this ordinance.

SECTION 3. All ordinances, resolutions, or motions and parts of ordinances, resolutions, or motions of the Council in conflict with the provisions of this ordinance are hereby repealed, effective as of the effective date of this ordinance.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this ordinance.

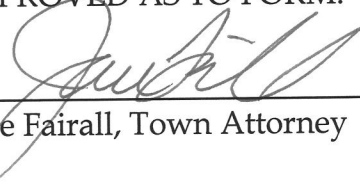
SECTION 5. This ordinance is effective on the 31<sup>st</sup> day after its adoption.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, ARIZONA, this 21st day of November, 2023.

  
\_\_\_\_\_  
Mayor Ed Honea

ATTEST:

  
\_\_\_\_\_  
David L. Udall, Town Clerk

APPROVED AS TO FORM:  
  
\_\_\_\_\_  
Jane Fairall, Town Attorney

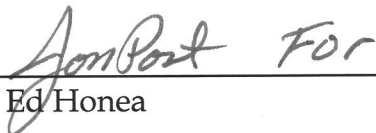



**MARANA RESOLUTION NO. 2023-107**


RELATING TO BUSINESS REGULATIONS; DECLARING AS A PUBLIC RECORD FILED WITH THE TOWN CLERK THE AMENDMENTS ADOPTED BY ORDINANCE NO. 2023.040, REVISIONS TO TITLE 9 "BUSINESS REGULATIONS" OF THE MARANA TOWN CODE; REVISING SECTION 9-2-7 (LICENSE RENEWAL) TO ALLOW THE TOWN TO CONDUCT INVESTIGATIONS ON BUSINESS LICENSE RENEWALS; REVISING SECTION 9-2-10 (GROUNDS FOR DENIAL, SUSPENSION, REVOCATION, OR NONRENEWAL OF LICENSE) TO ADD AN ADDITIONAL GROUND RELATED TO SOLICITORS; AND ADDING NEW CHAPTER 9-15 (SOLICITING IN RESIDENTIAL AREAS)

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, ARIZONA, that the revisions to Title 9 "Business Regulations" of the Marana Town Code adopted by Marana Ordinance No. 2023.040, a copy of which is attached to and incorporated in this resolution as Exhibit A and one paper copy and one electronic copy of which are on file in the office of the Town Clerk, are hereby declared to be a public record and ordered to remain on file with the Town Clerk.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, ARIZONA, this 21st day of November, 2023.

  
\_\_\_\_\_  
Mayor Ed Honea

ATTEST:  
  
\_\_\_\_\_  
David L. Udall, Town Clerk

APPROVED AS TO FORM:  
  
\_\_\_\_\_  
Jane Fairall, Town Attorney



*EXHIBIT A TO MARANA RESOLUTION NO. 2023-107*  
*Amendments to Marana Town Code, Title 9 "Business Regulations" pursuant to Marana*  
*Ordinance No. 2023.040*

SECTION 1. Title 9 "Business Regulations", Chapter 9-2 "Business Licenses", Section 9-2-7 "License renewal" of the Marana Town Code is hereby revised as follows (with additions shown with double-underlining):

**9-2-7 License renewal**

[No revisions to paragraphs A through C]

D. The licensee shall also submit proof of continuing compliance with all regulations, if any, of the business being operated, including but not limited to, continued possession of any required certification, permit, or similar documentation. The license inspector is authorized to investigate and obtain necessary information to update the original license application and to determine whether the license should be renewed. The license inspector may refer the application to the appropriate town departments for investigation. Based on the investigation, the departments shall recommend to the license inspector approval or denial of the renewal of the business license. The town shall have a reasonable time within which to investigate each business license renewal.

[No revisions to paragraph E]

SECTION 2. Title 9 "Business Regulations", Chapter 9-2 "Business Licenses", Section 9-2-10 "Grounds for denial, suspension, revocation, or nonrenewal of license" of the Marana Town Code is hereby revised as follows (with additions shown with double-underlining and deletions shown with ~~strikeouts~~):

**9-2-10 Grounds for denial, suspension, revocation, or nonrenewal of license**

A license issued under the provisions of this chapter may be denied, revoked, suspended, or denied renewal upon any one or more of the following grounds:

[No revisions to paragraphs A through H]

I. An employee of the licensee does not comply with the requirements set forth in chapter 9-15 while soliciting in a residential area.

~~I.~~ J. Any other reason or reasons deemed sufficient by the license inspector, as long as the reason or reasons are based upon statutes, ordinances, codes or substantive policy statements which provide justification for the denial, suspension, revocation or nonrenewal of the license.

SECTION 3. Title 9 "Business Regulations" of the Marana Town Code is hereby revised by adding new chapter 9-15 "Soliciting in Residential Areas" as follows:

**9-15-1 Applicability**

This chapter applies to employees of businesses that are licensed under chapter 9-2. The regulation of individual, natural persons operating as peddlers is addressed in chapter 9-3.

*EXHIBIT A TO MARANA RESOLUTION NO. 2023-107*  
*Amendments to Marana Town Code, Title 9 "Business Regulations" pursuant to*  
*Marana Ordinance No. 2023.040*

**9-15-2 Definition**

The following definitions shall apply throughout this chapter unless the context clearly indicates otherwise.

- A. "Residential area" means an area in which housing uses predominate over commercial, industrial, or other non-housing uses. Housing uses may include, but are not limited to, single-family housing, multi-family housing, or mobile homes.
- B. "Solicit"
  - 1. Means traveling door to door, from place to place, from house to house, or from street to street as an employee of a business licensed under chapter 9-2 and engaging in any of the following activities:
    - a. Carrying, conveying or transporting goods, wares, merchandise, edible foodstuffs, or provisions, offering and exposing the same for sale, or making sales and delivering articles to purchasers;
    - b. Taking, attempting to take, or soliciting orders for sale of goods, wares and merchandise, or edible foodstuffs or provisions for future delivery;
    - c. Taking, attempting to take, or soliciting orders for services to be furnished or performed in the future; or
    - d. Promoting or advertising any product or service where no sales or orders are taking place at the time of promotion or advertisement.
  - 2. "Solicit" does not mean the delivery of products previously purchased.

**9-15-3 License required**

It is unlawful to solicit in a residential area in the town without first obtaining and maintaining a valid business license issued pursuant to and subject to the provisions of chapter 9-2.

**9-15-4 Unlawful activities**

An employee of a business soliciting in a residential area shall not:

- A. Transact or carry on business without having a copy of the business license available for inspection;
- B. Make exclusive use of any location on any street, alley, sidewalk or right-of-way for the purpose of selling, delivering, or exhibiting goods or merchandise;
- C. Operate in a congested area where the operation may impede or inconvenience the public use of the street, alley, sidewalk, or right of-way. For the purpose of this chapter, the judgment of a police officer, exercised in good faith, is conclusive as to whether the area is congested and the public impeded or inconvenienced;

*EXHIBIT A TO MARANA RESOLUTION NO. 2023-107*  
*Amendments to Marana Town Code, Title 9 "Business Regulations" pursuant to*  
*Marana Ordinance No. 2023.040*

- D. Operate from door to door, from place to place, from house to house, or from street to street earlier than 9:00 a.m. or later than 7:00 p.m. on any day.
- E. Come upon any premises posted with a sign exposed to public view bearing the words "no peddlers" or "no canvassers" or "no solicitors" or any combination of those or similar terms, or remain on any premises after having been requested to leave by the owner or occupant of the premises whether they are posted as specified above or not; or
- F. Enter or remain unlawfully on any real property after reasonable notice prohibiting entry.