

**CITY OF SOUTH TUCSON ORDINANCE NO: 10-04**

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SOUTH TUCSON, ARIZONA, RELATING TO CHAPTER 11 [LICENSES, TAXATION AND MISC. BUSINESS REGULATIONS]; VESTING AUTHORITY UPON THE DIRECTOR OF FINANCE; PROVIDING FOR CODE COMPLIANCE AND PENALTIES THEREOF; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; AMENDING THE SOUTH TUCSON CITY CODE AMENDING CHAPTER 11 INDEX PAGE; ARTICLE II, SECTION 11-16 [PAWNBROKER] ; REPEALING ARTICLE II, SECTION 11-36 [FEE SCHEDULE]; ADDING ARTICLE VIII, SECTION 11-301 THROUGH 320; AND ESTABLISHING AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF SOUTH TUCSON, ARIZONA AS FOLLOWS:**

**Section 1:** Adoption by Reference.

That a certain document, three (3) copies of which are on file in the office of the City Clerk of the City of South Tucson, being marked and designated as Amended Chapter 11 [LICENSES, TAXATION AND MISCELLANEOUS BUSINESS REGULATIONS] governing all business transactions for the purposes of revenue and regulation be and are hereby adopted, by reference; providing enumeration of a Revision, Deletion, Addition, Creation, Renumbering and Repeal of Chapter 11 provisions as described in Section 2 of this Ordinance.

*State law reference* — Adoption by reference, A.R.S. §§ 9-801 and 9-802

**Section 2:** Revisions, Additions, Changes, Creation, Repeal and/or Renumbering.

**Chapter 11**

**LICENSES, TAXATION AND MISCELLANEOUS BUSINESS REGULATIONS**

Art. I. In General, §§ 11-1--11-15

Art. II. Business Privilege Licenses, §§ 11-16--11-75

Div. 1. Generally, §§ 11-16--11-50

Div. 2. Specific Businesses, Occupations, Etc., §§ 11-51--11-75

Art. III. Rental Occupancy Tax, §§ 11-76--11-100

Art. IV. Privilege Tax, §§ 11-101--11-250

Div. 1. Generally, §§ 11-101--11-115

Div. 2. Administration and Enforcement, §§ 11-116--11-145

- Div. 3. Determination of Gross Income, §§ 11-146--11-165
- Div. 4. Licensing and Recordkeeping, §§ 11-166--11-185
- Div. 5. Privilege Tax, §§ 11-186--11-250
- Art. V. Coin-operated Machines, §§ 11-251--11-285
  - Div. 1. Generally, §§ 11-251--11-265
  - Div. 2. License and Registration, §§ 11-266--11-285
  - Art. VI. Swap Meets, §§ 11-286--11-292
- Art. VII. Adult Entertainment Enterprises, §§ 11-293--11-300
- Art. VIII. Pawnbrokers, Secondhand Dealers and Scrap Metal Dealers, §§ 11-301—11-320**

**Chapter 11, Article II, Section 11-16: Definitions.**

Repeal and Replace (1) and (2) with new definition:

**“Pawnbroker”** means a person who is engaged in the business of advancing money on the security of pledged goods or is engaged in the business of purchasing tangible personal property on the condition that it may be redeemed or repurchased by the seller for a fixed or variable price within a fixed or variable period of time.

(Code 1976, §9.127(1) – (6), (8) – (17) as amended by 2010 Code, Ord. 10-04, XX-XX-2010 eff. XX-XX-2010)

*Cross Reference- Definitions and Rules of Construction generally, § 1-2*

**Chapter 11, Article II, Section 11-36: Fee Schedule.**

Repeal and delete Pawnbroker category.

(Code 1976, §9.127(1) – (6), (8) – (17) as amended by 2010 Code, Ord. 10-04, XX-XX-2010 eff. XX-XX-2010)

*Cross Reference- Definitions and Rules of Construction generally, § 1-2*

**Chapter 11, Article II, Section 11-55: Pawnbrokers.**

Create new section and insert: **Sec. 11-55. Pawnbrokers**

(a) *In general.* Except as provided in subsections (b) and (c), there is imposed on every pawnbroker operating in fixed location in the city an occupational license tax in the amount of one thousand dollars (\$1,000.00).

(b) *Out of city pawnbroker.*

(1) A pawnbroker described in subsection (b) (2) shall pay an occupational license tax as follows:

(A) If the pawnbroker conducts one (1) or two (2) shows in a calendar year, a tax of five hundred dollars (\$500.00).

(B) If the pawnbroker conducts three (3) or more shows in a calendar year, a tax of one thousand dollars (\$1,000.00).

(2) A pawnbroker liable for the tax imposed by subsection (b) (1) is one who:

(A) Has not already paid the tax imposed by subsection (a) in that year; and

(B) Conducts business at a location that is not that person's or entity's actual business address, such as a hotel, meeting hall, convention center, or other short term leased or rented location

(c) *Exclusion.* A pawnbroker who has submitted less than one thousand (1,000) reports to the County Sheriff, as required by section **11-302(b)**, in the calendar year prior to the date the tax imposed by subsection (a) is due is exempt from the tax imposed by such subsection. The chief of police shall transmit to the director of finance the names of all pawnbrokers subject to such tax no later than January 15 of each year.

**Secs. 11-56--11-75. Reserved.**

(2010 Code, Ord. 10-04, XX-XX-2010 eff. XX-XX-2010)

*Cross Reference- Definitions and Rules of Construction generally, § 1-2*

**Chapter 11, Article VI, Section 11-292: Regulation of junk, secondhand and pawn stores.**

Repeal and delete Section 11-292 in its entirety and reserve section number.

**Secs. 11-292--11-294. Reserved**

(Code 1980, Ord. No. 98-01, 2-23-98 as amended by 2010 Code, Ord. 10-04, XX-XX-2010 eff. XX-XX-2010)

*Cross Reference- Definitions and Rules of Construction generally, § 1-2*

**Chapter 11, Article VIII: PAWNBROKER AND SCRAP METAL DEALERS.**

**Create new ARTICLE VIII, sections 11-301 through 11-330 as new regulations:**

**ARTICLE VIII**

**PAWNBROKERS AND SCRAP METAL DEALERS**

**Sec. 11-301. Definitions.**

For the purpose of this article the following terms shall have the meanings given in A.R.S. § 44-1621: identification document, loan, pawn ticket, pawn transaction, pawnbroker, pawnshop, pledged goods, pledgor, reportable transaction, and transaction date.

*"Jewelry"* includes gold, platinum, silver, gold-filled or plated ware, diamonds and other precious or semiprecious stones whether mounted or unmounted, cultured pearls, and watches, clocks and goods, wares and merchandise commonly classified as jewelry and commonly offered for sale in jewelry stores.

*"Repeat pawn"* means a reportable transaction where the transaction involves the same pledgor and the identical item(s) as a previous transaction, provided that the previous transaction occurred within the preceding twelve (12) months and was properly reported.

*"Scrap metal"* includes any ferrous or nonferrous metals as defined in A.R.S. § 44-1641, any insulated or uninsulated metallic cable, and any other materials commonly known as "scrap

metal" including iron, copper, brass, lead, zinc, tin, steel, aluminum, metallic cables and wires, and other like materials, except used food and beverage containers.

*"Scrap metal dealer"* means each person or business entity including all employees of the person or business entity, engaged in the business of purchasing, trading, bartering or otherwise receiving secondhand or castoff material of any kind, except used food and beverage containers, which is defined in this section or commonly known as scrap metal. This term includes automotive recyclers as defined and licensed pursuant to title 28 of the Arizona Revised Statutes when such recycler engages in the activity defined in this subsection.

*"Transaction"* includes only those items required to be reported pursuant to section **11-302(b)** but does not include compact discs, furniture, and books.

**Sec. 11-302. Duty to report receipt of articles to Sheriff.**

(a) A pawnbroker shall make and deliver to the Pima County Sheriff a true, complete, and accurate report of each article the pawnbroker receives through a reportable transaction, as provided by A.R.S. § 44-1625.

(b) It shall be unlawful for any pawnbroker, or any employee or agent thereof, to fail, neglect, or refuse to deliver to the Sheriff, within two (2) business days after the receipt thereof, a full, true, and complete report of the following enumerated goods, wares, merchandise, or other articles received at the pawnbroker's place of business on deposit or by purchase, trade, consignment or otherwise where the total value of such goods wares, merchandise, or other articles exceeds fifty dollars (\$50.00):

(1) Coins;

(2) Gems or semiprecious stones;

(3) Jewelry;

(4) Precious metals purchased from any person other than the original manufacturer or authorized distributor selling the same for money, credit or exchange;

(5) Digital video discs, expanded memory cards, and games;

(6) Bicycles;

(7) Golf clubs;

(8) Ballistic vests, bullet-proof vests, and body armor;

(9) Any good or article that bears a serial number or owner applied number; and

(10) Collectable goods and articles that contain autographs, limited edition designations, or number sequences.

(c) Any good or article that has a fair market value in excess of one hundred dollars (\$100.00) shall be reported under section **11-302(b)** notwithstanding the fact that such good or article is not enumerated in the provisions of such section. Transactions may not be split into smaller portions for the purpose of avoiding the reporting requirements of this section.

**Sec. 11-303. Contents of report to Sheriff.**

The report required by section **11-302(b)** shall include at least all of the following:

- (1) The last, first and middle name of the pledgor or seller;
- (2) The permanent address and telephone number, if applicable, of the pledgor or seller;
- (3) The physical description of the pledgor or seller including height, weight, hair and eye color, sex, race, date of birth, prominent scars and other distinguishing features;
- (4) The number and type of the identification document presented by the pledgor or seller;
- (5) An accurate, legible description of each item pledged or sold, including the manufacturer's name, model number, serial number, caliber, size, type of item and any owner applied number, inscription or monogram, and for scrap metals, the description and weight of the scrap metal received;
- (6) The pawnbroker's name and address and the initials or identifying number of the employee who received the item;
- (7) The date and time of the initial pawn or purchase transaction;
- (8) The type of transaction and initial pawn ticket number;
- (9) The amount loaned or paid in the transaction;
- (10) A fingerprint of the pledgor or seller only as required by state law;
- (11) Whether the transaction is a repeat pawn as defined in this article, and if so, the date of the initial transaction within the preceding twelve (12) months and the name and address of the pawnbroker involved in that preceding transaction.

**Sec. 11-304. Form of reports; when due; imposition of fee.**

(a) All reports required by section **11-302(b)** shall be written or printed entirely in the English language on forms provided by the Sheriff in a clear and legible manner and shall be delivered to the Sheriff by electronic means as approved by the Sheriff. The fingerprint required by section **11-303(10)** shall be affixed in the manner described on the form. All such reports shall be delivered within two (2) business days after the receipt of an item through a reportable transaction or transaction. Such reports may be submitted to the Sheriff by electronic means as

determined by the Sheriff.

(b) Each transaction report shall include no more than three (3) items. For the purposes of this subsection, multiple nonserialized items of the same type (e.g. rings) that are delivered in a single transaction and that have no owner assigned numbers, engravings, inscriptions, monograms or other unique identifying characteristics, may be considered as one item on the report (e.g. "six (6) silver rings").

(c) Each pawnbroker shall pay to the Sheriff a fee in the amount of one dollar (\$1.00) for each report required to be prepared pursuant to A.R.S. § 44-1625(A) and section **11-302(b)**. This fee shall be due and payable on the 20th day of April, July, October, and January and shall be based on the number of reports submitted to the city during each quarter.

**Sec. 11-305. Requirements; record of transactions; police department hold on property.**

(a) Every pawnbroker within the city shall keep a permanent record at his place of business, in which a complete record of all transactions required to be reported under this article shall be entered in the English language in a clear and legible manner and at the time when the transaction takes place. Such record shall contain all the information required to be reported to the Sheriff under the provisions of sections **11-302** and **11-303** and shall be retained for no less than two (2) years from the date of the last entry.

(b) The record of transactions required by subsection (a) shall be available for inspection by the Sheriff, chief of police or his designated representative during normal business hours.

(c) Whenever there exists probable cause to believe that property in the possession of a pawnbroker or other person is stolen, a police officer or person so designated by the chief of police may place a hold on the property for a period up to ninety (90) days. When a police officer or designee places a hold on the property, the police officer or designee shall initiate such hold by contacting the pawnbroker in person or by telephone and informing the pawnbroker of the hold and describing the item or items to be held. Within three (3) days of the initial contact, the police officer or designee shall deliver or mail to the pawnbroker a written notice of the hold. The written notice shall include a description of the item or items to be held.

(d) Whenever property that is in the possession of a pawnbroker or other person is subject to a hold and the property is required by a police officer in a criminal investigation or for use as evidence in a criminal proceeding, the pawnbroker or other person upon reasonable notice, shall deliver the property to any police officer.

(e) The police department may extend a hold placed pursuant to this section for the purpose of criminal investigation or for use in any judicial proceeding, including that set forth in this article. Any extended hold shall be no longer than is reasonably necessary.

(f) Whenever property that is in the possession of a pawnbroker or other person is subject to a hold and the property is no longer required for the purpose of criminal investigation or any criminal proceeding, and more than one person can reasonably be anticipated to make a claim for

possession of the property, the police department may follow the procedures set forth in this article for disposition of the property within forty-five (45) days of the conclusion of the criminal investigation or criminal proceeding.

(g) Whenever property that is in the possession of the police department pursuant to the procedures set forth in this section is no longer required for the purpose of criminal investigation or for use as evidence in any criminal proceeding, the police department may follow the procedures set forth in this article for disposition of the property within forty-five (45) days of the conclusion of the criminal investigation or proceeding.

**Sec. 11-306. Prohibited acts.**

(a) A pawnbroker or any employee or agent thereof shall not:

(1) Receive any goods, wares, merchandise or other articles that are required to be reported by this article whether on deposit, in pawn or pledge, or by purchase or otherwise from any person under the age of eighteen (18) years, or from any person who is at the time intoxicated.

(2) Purchase or otherwise take any goods, wares, merchandise or other articles that are required to be reported by this article without first taking reasonable steps, including requiring the pledgor or seller to produce an identification document, to ascertain that such goods, wares, merchandise or other articles are the property of the person offering to deposit, pawn, pledge or sell the same.

(3) Purchase or otherwise take any goods, wares, merchandise or other articles, knowing or having reason to know that such goods, wares, merchandise or other articles are stolen.

(4) Sell, trade, transfer, or dispose of any goods, wares, merchandise, or other articles that are required to be reported under this article until twenty (20) days after filing the report required by section 11-302. For the purposes of this section, the twenty (20) day retention period begins upon receipt of the electronic transmission of the transaction report, as approved by the chief of police.

(5) Sell, trade, transfer or dispose of any goods, wares, merchandise or other articles subject to a police department hold described by section 11-305 except pursuant to a court order, order of a hearing officer issued pursuant to this article, or upon receipt of a written authorization signed by any police officer.

(6) Purchase, receive, sell or transfer any item from which a manufacturer's serial number or model designator has been removed, altered or tampered with. These items shall be reported to the police department.

(7) Refuse to permit the chief of police or a designated representative to enter such business, during normal business hours, for the purpose of inspecting such goods or records.

(8) Fail to pay the transaction fee required to be paid by section 11-304(c) at the time so

required.

(b) No pawnbroker may sell, trade, transfer, purchase, receive, or otherwise take or dispose of any goods, wares, merchandise or other articles that are required to be reported under this article without first obtaining the appropriate licenses from the finance department and paying the tax imposed by section 11-55. In addition, all pawnbrokers shall attend any training required by the chief of police regarding the requirements under this article. Each attendee shall be given a copy of this article after completing such training and acknowledging receipt thereof.

(c) In any transaction with a pawnbroker, no pledgor or seller shall provide false information concerning the pledgor's or seller's: name, address, phone number or rightful ownership.

#### **Sec. 11-307. Violations, penalties.**

Each violation of any provision of this article shall constitute a misdemeanor.

#### **Sec. 11-308. Scope.**

Property which is in the possession of pawnbrokers, the police department or other person, and which has all of the characteristics set forth in section 11-309 below, shall be disposed of pursuant to this article.

#### **Sec. 11-309. Property included.**

(a) The city has reason to believe that the property was stolen.

(b) The police department has possession of the property or has placed a hold on the property as set forth in section 11-305.

(c) No state court has before it a petition against a suspect alleged to have stolen the property.

(d) Two (2) or more persons are known or believed to have made, or can reasonably be anticipated to make, a claim for possession of the property.

(e) The city makes no claim to possession of the property.

(f) The property will not be required to be retained for use as evidence in any legal proceeding other than the hearing under this article and the city police department has no other lawful reason for holding the property.

#### **Sec. 11-310. Initiation of petition.**

The police department shall file a petition with a hearing officer designated by the city manager to determine ownership of the property within forty-five (45) days of the conclusion of the criminal investigation or criminal proceedings involving the property. Such petition shall set forth the following:



(1) The facts establishing compliance with section **11-309**.

(2) The name and address of each person described in section **11-309(d)**.

(3) An accurate description of the property, any identifying marks or serial numbers, the police identification number(s), the location where the property is currently being held, and the person from whom seized, if the property was in fact seized.

**Sec. 11-311. Service of the petition; notice of hearing.**

(a) The police department shall serve the petition by personal service or by first class mail, postage prepaid, return receipt requested, upon all persons known to have an interest in the property, each person described and named in section **11-309(d)** and section **11-310(b)** above, and, in all cases, the person from whom the property was obtained or who currently possesses the property subject to the police department hold.

(b) A copy of sections **11-308** through **11-317** of this article shall be served with each petition.

(c) There shall be served with the petition a notice of hearing setting forth the date, time and place for the conduct of the hearing to determine the right of possession to the property. The hearing date shall not be sooner than twenty-five (25), nor more than forty-five (45), calendar days after the date of service of the petition and notice.

(d) Service shall be made to the last known address of all persons included in subsection (a) of this section.

(e) Service shall be complete upon receipt. If service is made by certified mail, the return receipt shall be prima facie evidence of service.

(f) Proof of service upon each potential claimant shall be delivered to the hearing officer.

**Sec. 11-312. Claimant's rights.**

(a) Any person claiming an interest in the property shall be known as a respondent.

(b) A respondent or any other person claiming any ownership interest of any kind, or possessory right to the property shall have the right to appear at the hearing and to present any and all evidence in support of such person's claim to the property.

(c) Except as provided in section **11-314(b)** of this article, the failure of any person to appear at such Hearing shall constitute a waiver of any claim to the property by such person as against the city, and shall authorize the hearing officer to enter a ruling consistent therewith.

**Sec. 11-313. Hearing officer.**

All petitions filed pursuant to this article shall be filed with and considered by a hearing officer appointed by the city manager.

**Sec. 11-314. Conduct of hearing.**

(a) The hearing shall be conducted informally and the technical rules of evidence shall not apply, provided that the decision of the hearing officer shall in all cases be based upon substantial and reliable evidence. All parties shall have the right to be represented by counsel, to present evidence and testimony in support of their position, and to cross-examine adverse witnesses. All witnesses shall be placed under oath before testifying.

(b) The burden of proof shall be by a preponderance of the evidence, and shall at all times be upon the person or persons challenging the possession of the party from whom the property was taken by the police department, even if the party from whom the property was taken does not appear at the hearing. If the property was not seized by the police department, the burden of proof shall at all times be upon the person or persons challenging the party who currently possesses the property subject to the hold.

(c) The hearing shall be recorded electronically or by other means.

(d) The decision of the hearing officer shall be issued within ten (10) calendar days of the close of the record. The decision shall be in writing, and shall be mailed postage prepaid to each respondent or claimant appearing. A copy of the decision shall also be sent to the city police department.

(e) The decision of the hearing officer shall be final upon issuance.

**Sec. 11-315. Judicial review.**

(a) Any respondent or other party participating in the hearing who is aggrieved by the decision of the hearing officer may seek judicial review by way of special action to the superior court.

(b) A complaint seeking special action review shall be filed within thirty (30) days of a final decision by the hearing officer.

**Sec. 11-316. Release of property.**

(a) Any person prevailing in a hearing or uncontested proceeding administered pursuant to this article shall be entitled to receive the property described in the petition after producing a copy of the decision in their favor and appropriate identification to the property's custodian.

(b) A receipt shall be signed evidencing delivery of the property to the person identified in subsection (a) of this section.

(c) Any person with custody of the property described in the petition who is presented with a copy of the hearing officer's decision and appropriate identification shall release the property to the prevailing party.

**Sec. 11-317. Limited effect of hearing officer decision.**

Nothing in this article shall prevent any person from filing an action in a court of appropriate jurisdiction to establish ownership to the property.

**Sec. 11-318. Provisions severable.**

If a provision of this article or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the article that can be given effect without the invalid provision or application, and to this end the provisions of this article are severable.

**Sec. 11-319. Grounds for denial and revocation of license.**

- (a) No license for a pawnbroker shall be issued or renewed if the applicant or licensee:
  - (1) Is not eighteen (18) years of age or older;
  - (2) Made any false statement or failed to answer any question in the application;
  - (3) While licensed under this article, has had such license revoked within the previous two (2) years;
  - (4) Has been convicted or found responsible of a violation of this article within one (1) year immediately preceding the application.
- (b) No license shall be issued or renewed if the location of the business is not in conformity with applicable zoning regulations.
- (c) The director of finance shall revoke a license issued under this article when:
  - (1) The licensee is convicted of or found responsible for two (2) or more violations of this article committed within a one (1) year period;
  - (2) An employee of the licensee is convicted or found responsible for two (2) or more violations of this article committed within a one (1) year period. The licensee shall be notified in writing by the police department whenever an employee is cited for a violation of this article. Notice shall be given to the licensee within ten (10) days of the charge being filed. The provisions of this subsection regarding license suspension shall not apply in the absence of such notification;
  - (3) The applicant or licensee has made false or misleading statements of material fact in the application for the license required by this article, or has entered or given false information in any record or report required by this article to be kept or made by a licensee;
  - (4) The applicant or licensee has failed to report a transaction using forms required by this article and approved by the Sheriff or has failed to pay the transaction fee

required to be paid by section 11-304(c) at the time so required.

**Sec. 11-320. Revocation hearing.**

(a) The director of finance, upon notification by the chief of police that grounds for revocation exist, shall file a written petition for revocation with the city court, requesting that a time and place be set for a hearing and specifying the grounds for revocation. Within five (5) days, the special limited magistrate shall schedule a hearing to be conducted within fifteen (15) days of the receipt of the petition to revoke. The special limited magistrate shall notify the parties in the manner provided in this article and shall state the grounds relied upon for the proposed revocation. Should the licensee fail to appear at the hearing, a default judgment of revocation shall be entered. A record shall be kept of all proceedings, including proofs offered and a transcript of testimony. No license shall be revoked unless grounds therefore are established by a preponderance of the evidence as shown by the record of the hearing. The hearing shall be held in an informal manner as to the order of proceeding and presentation of evidence with a record made by electronic tape recording or stenographic transcription. The Arizona Rules of Evidence shall apply. However, the special limited magistrate shall admit evidence over hearsay objections where the proffered evidence has substantial probative value and reliability. Copies of records and documents prepared in the ordinary course of business shall be admitted, but subject to challenge as to weight and authenticity. The special limited magistrate shall provide the licensee and other parties written notice of the decision within five (5) days, pursuant to subsection (b) of this section. Revocation of a license shall be effected by the special limited magistrate's signing of the written notice of the decision. Appeal of the decision of the special limited magistrate shall be by way of special action to this Superior Court on the record of the hearing. A licensee's right to do business under authority of the license shall terminate immediately upon giving or mailing to the licensee a copy of a signed decision revoking the license; except that the revocation may be stayed by the superior court pending a timely appeal of the decision by special action. Such appeal must be filed within ten (10) days after the decision to revoke is signed unless the decision is mailed, in which case the appeal must be filed no later than fifteen (15) days after entry of the decision. The appellee shall bear the cost of preparing the record of appeal. If an appeal is not timely made, the revocation becomes final and the license is terminated.

(b) Notices required by this article may be served by certified mail to the licensee's attorney, to the licensee at the address as shown on the business license, or by personal service.

(c) Upon revocation of a license, all fees or taxes theretofore paid for or on account of any such license shall be deemed forfeited to the city.

(Code 1980, Ord. No. 98-01, prior code § 11-292, 2-23-98 as amended by 2010 Code, Ord. 10-04, XX-XX-2010 eff. XX-XX-2010)

**Cross Reference-** Definitions and Rules of Construction generally, § 1-2

**Cross References:** License fee for pawnbrokers, § 11-55; license fee for junk collectors, § 11-36; license fee for junk dealers, § 11-36.

**State law reference** – Pawnbrokers, Title 44, Chapter 11, Article 3, A.R.S. §§ 44-1621 through 44-1632

**Section 3:** Adoption of Amendments to Chapters 11, Articles II and VIII, are enacted for the purpose of revising, updating, creating and amending regulation provisions in those Code sections as they relate to pawnbrokers..

**Section 4:** All remaining Articles, Sections, Subsections of Chapter 11 shall remain in full force and effect. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 5:** If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City of South Tucson, Arizona hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase, irrespective of the fact that any sections, subsections, sentences, clauses and phrases be declared unconstitutional.

**Section 6:** That nothing in this Ordinance shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of actions acquired or existing, under any section or ordinance or part of an ordinance hereby repealed as cited in this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

**Section 7:** That the various City Officers and Official(s) and/or any other duly appointed deputy are authorized and directed to perform all acts necessary or desirable to give effect and to carry out all the duties authorized under this Ordinance and the City Code.

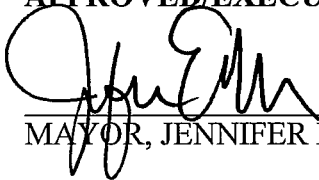
**Section 8:** That where this Ordinance conflicts or overlaps with any other statute, ordinance, code provision or regulation, whichever imposes the more stringent restrictions for the health, safety and welfare of the public shall prevail.

**Section 9:** The City Clerk is ordered and directed to cause this ordinance to be published.

**Section 10:** The City Clerk shall attest to the adoption of this Ordinance and cause same to be maintained as a public record as required by law. This Ordinance shall become effective thirty (30) days after the Mayor and Council perform a reading, conduct a public hearing, publication as required by law, passage and adoption thereof.

**PASSED AND ADOPTED** by the Mayor and Council of the City of South Tucson, Arizona, this 18th day of October, 2010.

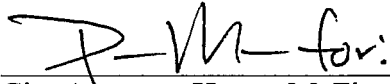
**APPROVED/EXECUTED**

  
MAYOR, JENNIFER ECKSTROM

ATTEST:

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Clerk, Veronica B. Moreno

  
\_\_\_\_\_  
City Attorney, Hector M. Figueroa

Publish:

Public Hearing: