



Founded 1876
Incorporated 1899

TOWN OF JEROME

POST OFFICE BOX 335, JEROME, ARIZONA 86331
(928) 634-7943 FAX (928) 634-0715

ORDINANCE NO. 400

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF JEROME, ARIZONA, AMENDING CHAPTER 8, "BUSINESS," OF THE JEROME TOWN CODE BY THE ADDITION OF NEW ARTICLE 8-5, "TOUR BUSINESS CODE," REGARDING THE LICENSING AND OPERATION OF BUSINESSES OFFERING TOURS OF THE TOWN OF JEROME

WHEREAS, from time to time there have been entities conducting tour businesses in Jerome by various modes of transportation without specific rules and standards; and

WHEREAS, the operation of such tours have resulted in problems such as, but not limited to, traffic congestion, litter from randomly distributed sales literature, unreasonable impacts to delicate roadways, invasions of the privacy of Town residents; and

WHEREAS, it is the desire of the Mayor and Council to establish operational regulations that will allow a business to offer tours of portions of the Town while protecting the privacy of our residents and minimizing the impact on our roadways and traffic;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Jerome, Yavapai County, Arizona, as follows:

Section 1. Chapter 8, "Business," of the Jerome Town Code is hereby amended by the addition of NEW Article 8-5, "Tour Business Code," to read as follows:

ARTICLE 8-5	Tour Business Code
8-5-1	Purpose and Intent
8-5-2	Definitions
8-5-3	Compliance with Town Regulations
8-5-4	Location
8-5-5	Routes
8-5-6	General Provisions
8-5-7	Existing Tour Businesses
8-5-8	Violations and Penalties

Section 8-5-1 Purpose and Intent. It is the purpose and intent of this Article to regulate tour businesses within the Town of Jerome, to promote the public health and safety and general welfare of citizens and visitors to the Town, and to mitigate the detrimental secondary effects of tour businesses through reasonable regulations.

Section 8-5-2. Definitions. For the purposes of this Article, a "tour business" is defined as follows: the carrying or guiding of persons, for compensation, on foot or in any mode of transportation, around any portion of the Town of Jerome for the purpose of viewing the Town or portions thereof, and not for the primary purpose of transportation from one location to another.

Section 8-5-3. Compliance with Town Regulations.

- A. All tour businesses must be licensed by the Town to conduct business, in accordance with Article 8-3 of the Jerome Town Code.
- B. All tour businesses are subject to the requirements of the Jerome Zoning Ordinance regarding parking, signage and all other matters, and all other laws of the Town of Jerome.

Section 8-5-4. Location.

- A. All tour businesses shall be operated out of premises located in the C-1 Zone of the Town of Jerome and shall have a leasehold or ownership interest in said premises, supported by delivery of documents to the Town Manager evidencing such interest. Said location shall be the bona fide place where the business is conducted and available for service of legal process.
- B. Any change in business location must be approved in writing by the Town Manager.
- C. If the ownership or leasehold interest in a tour business location ceases, then the tour business's business license expires concurrently, with no refund of unused fees and no notice by the Town required.

Section 8-5-5. Routes.

- A. Tour businesses shall not operate in, conduct tours through, or traverse residential areas of the Town of Jerome.
- B. The proposed routes of all tour businesses shall be approved in advance by the Town Council. The submittal seeking approval shall include a legible map of the Town clearly showing all routes, stopping points, pick-up and drop-off points, and the business's parking area.
- C. Deviation from the approved route at any time during a tour shall be grounds for revocation of the business license.

Section 8-5-6. General Provisions.

- A. A tour business may not create congestion on any Town right of way during its operations.
- B. Sales and related literature of the tour business may not be distributed on any public property or right of way within the Town of Jerome except at the business location of the tour business.
- C. A tour business shall not utilize external sound amplification devices within Town of Jerome limits.
- D. No tour business shall operate within the jurisdiction of the Town of Jerome unless it has first provided acceptable evidence of liability insurance naming the Town of Jerome as an additional insured. The minimum limit of liability for each applicable coverage shall be \$1,000,000.00.

- E. All drivers of tour vehicles shall maintain a current Commercial Driver’s License (CDL) issued by the State of Arizona. A copy of each driver’s CDL shall be filed by the tour business with the Town prior to that driver operating any tour business vehicle.
- F. Open alcoholic beverages shall not be carried in any tour business vehicle during operations.

Section 8-5-7 Exclusions. This section shall not apply to the Annual Home Tour conducted by the Jerome Chamber of Commerce.

Section 8-5-7 Existing Tour Businesses. Tour businesses lawfully operating within the Town of Jerome as of the effective date of this Ordinance shall comply fully with all of the provisions herein within sixty (60) days.

Section 8-5-8 Violations and Penalties. A person commits a Class 1 misdemeanor if that person operates or causes to be operated a tour business within the Town of Jerome unless in full compliance with this Article.

Section 2. Following its adoption, this ordinance shall be published by the Town Clerk in accordance with the requirements of A.R.S. § 39-203 *et seq.*

Section 3. All ordinances or parts of ordinances that are in conflict with the provisions of this Ordinance are hereby repealed to the extent of their inconsistency herewith.

Section 4. Should any section or provision of this ordinance be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of the Town Code as a whole or any part thereof other than the part so declared invalid.

Section 5. This Ordinance shall take effect 30 days after final adoption, as provided by law.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF JEROME, YAVAPAI COUNTY, ARIZONA, THIS _____ DAY OF _____ 2012.

Nikki Check, Mayor

ATTEST:

APPROVED AS TO FORM:

Candace Gallagher, Town Manager/Clerk

William J. Sims, Esq.
Town Attorney

Date of First Reading: 11/13/2012	Date of Adoption: 12/11/12			
	<i>Ayes</i>	<i>Nays</i>	<i>Absent</i>	<i>Abstain</i>
	5	0	0	0
Date Published:				
Date Posted:				