

## TITLE 5

### BUSINESS LICENSES AND REGULATIONS

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**CHAPTER 5.04**  
**BUSINESS LICENSES**

**SECTION:**

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**5.04.010**                    **DEFINITIONS**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**Business** means those activities or acts engaged in or caused to be engaged in, with the object of gain, benefit or advantage, or consideration either directly or indirectly; and shall include but not be limited to any trade, calling, profession, occupation or performance of services whether engaged in for profit or not for profit. "Business" shall also include storage lots, mobile retail sales, rentals of one or more real properties, on-line sales from a location in the town, game or amusement, and other similar activities.

**Casual activity** means a transaction of an isolated nature made by a person who neither represents himself to be nor is engaged in a business for which a license is required. The sale, rental, license for use, or lease transaction concerning real property is not a casual activity.

**Conduct** means to commence, manage, own, solicit, canvass, practice, transact, engage in or carry on.

**Consideration** means payment, reward or anything regarded as a return given or suffered by one for the act or promise of another.

**License** means a business license required by this chapter.

**Mobile retail sales** means conducting the business of collection, sale, solicitation or taking of orders for future deliveries of goods, wares, or merchandise, including but not limited to, intangibles, prepackaged or edible foods, recyclables, junk, or personal property of any nature whatsoever by foot, cart, wagon, automobile or any other type of conveyance from place-to-place, house-to-house, street-to-street, business-to-business or on property adjacent to a street but not at a fixed location.

**Person** means a corporation, firm, partnership, association, organization and any other group acting as a unit, as well as an individual. "Person" does not include an employee of a person who has a business license to conduct a business when that employee is acting within the scope of his employment.

**Separate business location** means a different physical address or branch location of the same business or franchise. A single business occupying more than one suite in the same building, does not constitute a separate business location.

(Ord. No. 158 § 1, 1964: Ord. No. 308, 2009:Ord. No. 339, 2013)

#### **5.04.020 BUSINESS LICENSE REQUIRED**

- A. It is unlawful for any person to conduct a business in the town without first having procured a license from the Town to do so and without complying with the regulations of such business contained in this chapter.
- B. The provisions of this chapter and requirement to obtain and maintain a valid business license shall apply to all businesses conducting business within the town, regardless of whether they are conducted within a commercial district and shall apply to businesses legally conducted from a home or residence. Business conducted within the town includes the rental of real property, billboards or other outdoor advertising located within town boundaries, and contractors, delivery services and other businesses conducting business or working on projects within, but not having a permanent location within the town.
- C. A license shall not be required when:
  - 1. The general law of the State precludes requiring a license for the business;
  - 2. The business is conducted as an agency or department of the United States government for which such government has failed to make provisions allowing States and municipalities to license it;
  - 3. The business is the sale of food products by an owner, proprietor or tenant of agricultural lands, orchards, farms and gardens on which such food products are grown, raised or prepared for market;
  - 4. Except for mobile retail sales, the person conducting the business is an employee of any business either possessing a license or exempt from having to possess a license;
  - 5. Newspaper carriers delivering and selling newspapers from house to house or business to business, students on school class projects, members of youth clubs selling items to raise funds on an annual or semi-annual basis, such as girl scouts selling cookies, nor to acts of merchants or their employees in delivering goods in the regular course of business; or
  - 6. The activity is a casual activity.

(Ord. No. 158 § 2, 1964: Ord. No. 308, 2009:Ord. No. 339, 2013)

#### **5.04.030 SEPARATE LICENSES REQUIRED; SPECIAL EVENT VENDOR LICENSES**

- A. A separate license shall be obtained for each branch of a business and for each person conducting a business in the same building. Each license issued shall authorize the

business to conduct only the business described in such license and only at the location or place of the business therein described.

- B. A special event vendor license may be issued to individual vendors at special events under the provisions of this chapter and shall be displayed in a conspicuous place at the vendor's location at the special event. The license shall be effective for three (3) consecutive days or for the duration of the event, if shorter than three (3) days, and shall be for a specific location. There shall be no extension or relocation permitted.

(Ord. No. 158 § 3, 1964: Ord. No. 308, 2009:Ord. No. 339, 2013)

#### **5.04.040                      ISSUANCE OF LICENSE**

- A. It shall be the duty of the Town Clerk to prepare and issue a license under this chapter for every person conducting a business in the town. Each license shall include the amount of the license fee, the period of time covered by the license, the name of the business, the type of business licensed and the location of the business.
- B. In no case shall any mistake made by the Town Clerk in stating or collecting the amount of a license prevent or prejudice the Town from collecting the correct amount due as provided in this chapter.
- C. The business license application may be submitted by the Town to the Police Department, Fire Department, Building Department and Code Enforcement for review prior to issuance of any business license.
- D. As a condition of the license, the business shall comply with all Federal, State and local laws and regulations.

(Ord. No. 288 § 1 (part), 2003: Ord. No. 158 § 4, 1964: Ord. No. 308, 2009:Ord. No. 339, 2013)

#### **5.04.050                      PAYMENT**

All business license fees shall be paid at the office of the Town Clerk in such manner that may be specified by the Town Clerk. License fees shall be paid in the amounts and be due on the dates set forth in section 5.04.090 of this code. (Ord. No. 158 § 5, 1964: Ord. No. 308, 2009:Ord. No. 339, 2013)

#### **5.04.060                      POSTING OF LICENSE**

- A. Every business having a license required by this chapter whose place of business is a fixed location shall conspicuously and openly post and display its license at its place of business.
- B. Every person having a license under this chapter and not having a fixed business location, shall carry the license with him at all times while conducting the business for which the license was granted and shall produce it and display it upon request by a police officer, code compliance officer or other inspector of licenses.
- C. Every business licensed pursuant to this chapter shall attach a copy of the license to the renewal application.

(Ord. No. 158 § 6, 1964: Ord. No. 308, 2009:Ord. No. 339, 2013)

**5.04.070**

**INSPECTOR OF LICENSES; ENFORCEMENT**

- A. The Town Clerk shall be the inspector of licenses for the Town.
- B. The Town Clerk, Code Compliance Officers and Police Officers shall have and may exercise the authority to enter any place of business for which a license is required by this chapter to ensure compliance with the provisions of this chapter. Entry shall be free of charge and during opening hours, unless otherwise agreed to in writing by the business and town.
- C. Complaints of persons conducting a business in the town without a license shall be reported to the Town Clerk.

(Ord. 158 § 7, 1964; Ord. No. 308, 2009; Ord. No. 339, 2013)

**5.04.080**

**LICENSE NOT TRANSFERABLE**

Business licenses are not assignable or transferable, except as may be approved by the Town Council. (Ord. No. 158 § 8, 1964; Ord. No. 308, 2009; Ord. No. 339, 2013)

**5.04.090**

**FEEES; EFFECTIVE DATES; LATE FEES**

- A. Business license fee. All businesses shall pay a license fee in the amount of \$50.00 per year.
- B. Effective dates. All licenses, unless otherwise provided in this chapter, shall be issued for a period of one year and shall be in effect for one calendar year, January 1 through December 31. All license renewal fees are due on or before January 1<sup>st</sup> of each year. No license shall be renewed unless the licensee is in compliance with the provisions of this code.
- C. Special event vendor license fee. The fee for a special event vendor license, as set forth in Section 5.04.030 shall be \$10.00 per license.
- D. Late fee. If a license fee required by this chapter remains unpaid after payment is due, it shall be deemed delinquent and is subject to a late penalty fee in the amount of \$15.00.
- E. The Town Clerk shall not issue a license to the business or renew a license until the business license fee and penalty fee, if applicable, have been paid in full.
- F. The Town Council may at its discretion exempt any non-profit organization or society from payment of fees, but not from the requirement to obtain a business license.

(Ord. No. 158 § 9, 1964; Ord. No. 308, 2009; Ord. No. 339, 2013; Ord. No. 361, 2018)

**5.04.100**

**APPLICATION; INFORMATION REQUIRED**

- A. Applications shall be submitted to the Town Clerk or its designee.
- B. In order to be deemed complete, every application shall include the following information:
  - 1. Applicant name and title
  - 2. Applicant's driver's license or other identification card type and number
  - 3. Applicant's telephone number
  - 4. Business telephone number, fax number, email address and website, if applicable

5. Business name or dba
  6. Applicant mailing address
  7. Business mailing and physical address
  8. Business description
  9. Type of business
  10. AZ tax ID number
  11. Contractor license number, if applicable
  12. Date the business will begin in the town
  13. Signature of the applicant certifying all of the statements and representations in the application are true and correct
- C. Failure to provide complete and accurate information may result in a license not being issued or a license issued based on inaccurate information being revoked.  
(Ord. No. 158 § 10, 1964; Ord. No. 308, 2009; Ord. No. 339, 2013)

**5.04.110                      EMPLOYER SANCTIONS ACT COMPLIANCE**

- A. The Arizona Employer Sanctions Act (A.R.S. §§ 23-211 *et seq.*) Requires specific documentation to issue a license if the business ownership type is identified as an individual, sole proprietorship or husband and wife business. Unless the applicant is exempt as described in subsection (b) below, the Town shall not issue a business license to an individual, sole proprietorship or husband and wife business unless one of the following documents is presented:
1. Arizona driver license issued after 1996 or an Arizona non-operating identification license;
  2. Driver license issued by any state that verifies lawful presence in the United States;
  3. Birth certificate or delayed birth certificate issued in any state, territory, or possession of the United States;
  4. United States certificate of birth abroad;
  5. United States passport;
  6. Foreign passport with a United States visa;
  7. Form I-95 with a photograph;
  8. United states citizenship and immigration services employment authorization document or refugee travel document;
  9. United States Certificate of Naturalization;
  10. United States Certificate of Citizenship;
  11. Tribal Certificate of Indian blood;
  12. Tribal or bureau of Indian Affairs affidavit of birth.
- B. If all of the following apply, an individual is exempt from the requirement that he present one of the documents listed in subsection (a) above, prior to being issued a business license:
1. The individual is a citizen of a foreign country or, if at the time of application, the individual resides in a foreign country; and
  2. The benefits that are related to the license do not require the individual to be present in the United States in order to receive those benefits.

- C. The application shall be denied if the applicant cannot provide satisfactory proof that he is authorized to hold a business license pursuant to the employer sanctions act.  
(Ord. 158 § 11, 1964: Ord. No. 308, 2009:Ord. No. 339, 2013)

**5.04.120**                      **DENIAL AND REVOCATION OF LICENSES; HEARING**

- A. Licenses required under this chapter may be denied, modified, suspended or revoked by the Town Clerk after notice and hearing before the Town Manager for any of the following causes:
1. Fraud, misrepresentation of false statement contained in the application for license;
  2. Any violation of this chapter or failure to meet any licensing requirements, including timely payment of fees;
  3. Conducting a business in violation of any federal, state, county or local law;
  4. The licensee is convicted of untrue, fraudulent, misleading or deceptive advertising;
  5. The licensee is a corporation and is no longer qualified to transact business in the state;
  6. Failure to pay any fee required to be paid at the time of issuance or renewal of a license;
  7. Failure to provide the information required by Section 5.04.110;
  8. Failure to timely pay any sales taxes or fees as required by law to the Town, County or State;
- B. Notice of a hearing shall be mailed to the licensee by the Town Manager, setting forth specifically the grounds of the complaint and the time and place of hearing. The Town Manager shall issue a written decision and mail notice thereof within ten days after the hearing, setting forth the findings and grounds for the decision, to the applicant/licensee.  
(Ord. No. 158 § 12, 1964: Ord. No. 308, 2009:Ord. No. 339, 2013)

**5.04.130**                      **APPEAL**

- A. Any person aggrieved by the denial, modification, suspension, or revocation of a license under this chapter shall have the right to appeal to the Council. The appeal shall be filed with the Town Clerk no later than 14 days after the Town Manager's decision has been mailed to the person, and shall consist of a written statement fully describing the grounds for appeal.
- B. The Town Clerk shall set a time and place for a hearing before the Council on such appeal, to be held within 30 days from the filing date of the appeal. Notice of such hearing shall be mailed by the Town Clerk, to the appellant setting forth specifically the time and place of the hearing.
- C. The decision of the Council on appeal shall be final, except any person aggrieved may appeal the decision to Superior Court.
- D. Any non-renewed or revoked license shall be surrendered to the Town Clerk on demand at the expiration of the appeals process.  
(Ord. No. 288 § 1 (part), 2003: Ord. No. 158 § 13, 1964: Ord. No. 308, 2009:Ord. No. 339, 2013)

**5.04.140**                    **ADDITIONAL PENALTY**

In addition to the penalties provided in section 5.04.120, any person continuing to conduct a business after being notified of a violation of this chapter shall be guilty of a class one misdemeanor, punishable as set forth in Section 1.16.010 of this code. Each day a violation continues shall constitute a separate offense. (Ord. No. 288 § 1 (part), 2003: Ord. No. 249, 1995: Ord. No. 158 § 14, 1964: Ord. No. 308, 2009:Ord. No. 339, 2013)

**5.04.150**                    **GARAGE SALES, ESTATE SALES AND YARD SALES**

Garage sales, estate sales and yard sales are considered to be casual activities, exempt from the business licensing requirements provided that the operator of the sale holds no more than three (3) sales within a twelve month period and that each sale shall not be conducted for more than three (3) consecutive days. (Ord. No. 288 § 1 (part), 2003: Ord. No. 158 § 15, 1964: Ord. No. 308, 2009:Ord. No. 339, 2013)



## CHAPTER 5.08

### DRILLING PERMITS AND REGULATIONS

#### SECTION:

5.08.010	DEFINITIONS
5.08.020	EXPLORATORY DRILLING; PERMIT REQUIREMENTS
5.08.030	PERMIT APPLICATION PROCESS
5.08.040	PRE-DRILLING REQUIREMENTS; PLANS REQUIRED
5.08.050	CONDITIONS OF PERMIT AND EXPLORATORY DRILLING OPERATIONS
5.08.060	POST-DRILLING REQUIREMENTS

#### 5.08.010            DEFINITIONS

For purposes of this chapter, the following definitions shall apply, unless the context clearly indicates or requires a different meaning.

- A.    **“Exploratory drilling operation”** means the search for minerals by geological, geophysical, geochemical or other techniques, including, but not limited to, sampling, assaying, drilling, or performance of any surface or underground works needed to determine the type, extent, or quantity of minerals present.
- B.    **“Mined land”** means the surface, subsurface and groundwater of an area in which surface mining or exploratory drilling operations will be, are being, or have been conducted, including private ways and roads appurtenant to any such area, land excavations, workings, mining waste, and areas in which structures, facilities, equipment, machines, tools, or other materials or property which result from, or are used in, exploratory drilling operations are located.
- C.    **“Mineral”** means any naturally occurring chemical element or compound, or groups of elements and compounds, formed from inorganic processes and organic substances excluding geothermal resources, natural gas and petroleum.
- D.    **“Mining waste”** means residual soil, rock, mineral, liquid, vegetation, equipment, machines, tools, or other materials or property directly resulting from, or displaced by a mining or exploration operation.
- E.    **“Operator”** means any person engaged in mining operations or who contracts with others to conduct operations on his behalf.
- F.    **“Overburden”** means soil, rock, or other materials that lie above a natural mineral deposit or in between deposits, before or after their removal.
- G.    **“Permit”** means a formal written authorization issued by the town of Miami.
- H.    **“Reclamation”** means the process of land treatment to minimize water degradation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion, and other adverse surface effects incidental to underground exploratory drilling operations or mines and whereby it is returned to a condition suitable for alternate land uses.
- I.    **“Reclamation process”** means the process to successfully reclaim mined lands, which may include backfilling, grading, re-soiling, re-vegetation, soil compaction, stabilization, or other suitable measures.

(Ord. No. 223 § 2, 1984:Ord. No. 345, 2015)

**5.08.020**

**EXPLORATORY DRILLING; PERMIT REQUIREMENTS**

- A. All persons engaging in exploratory drilling operations shall, prior to the commencement of such operations:
  - 1. Obtain a Town permit for exploratory drilling and approval by the Town of a reclamation plan, in accordance with the provision of this chapter; and
  - 2. Pay the permit fee adopted by the council by resolution for the permitted uses.
- B. Permits shall be issued for a period of twelve (12) months and shall be valid from the date of issuance until the one-year anniversary of issuance. A new application and permit shall be required to extend operations beyond the initial 12 month period.
- C. Each exploratory drilling location shall require a separate permit.
- D. All persons required to obtain a permit shall, as a condition of the permit, comply with the Town Code and ordinances of the Town, Federal and State laws.
- E. Issuance of a permit is not deemed evidence or proof that permittee has complied with the provisions of this chapter, nor shall it prevent prosecution by the Town for any violation of this chapter.

(Ord. No. 223 § 3, 1984:Ord. No. 345, 2015)

**5.08.030**

**PERMIT APPLICATION PROCESS**

- A. Permit applications shall be filed at Town Hall and shall not be accepted unless accompanied by the appropriate fee. Fees shall be based on the estimated length of the hole to be dug and as adopted by the Town Council by separate resolution.
- B. Applicant shall, at a minimum, furnish the following information:
  - 1. Company name and contact person;
  - 2. Location of exploratory drilling operations;
  - 3. Estimated start and completion dates;
  - 4. The number of bore holes expected to be drilled per lot or parcel and the total number of bore holes expected to be drilled in the town during the term of the exploration permit;
  - 5. Safety precautions to be taken to prevent subsidence and other hazards that may be expected at a certain location;
  - 6. Reclamation plan acceptable to the land owner and approved by the Town;
  - 7. Dust and pollution control plan approved by the Town prior to commencement of exploratory drilling;
  - 8. Soil stability and building structure stability plan approved by the Town;
  - 9. Location and number of portable toilets to be located at or near the site;
  - 10. An indemnification agreement in a form acceptable to the Town to be executed prior to issuance of the permit;
  - 11. Any additional information reasonably required by the Town due to the circumstances or location of the exploratory drilling site; and
  - 12. Copy of the applicant's valid Town of Miami business license.
- C. Timeframes. Complete applications shall be approved or denied within 45 days of submission.
  - 1. Applications shall be reviewed for administrative completeness within five (5) business days of submission. Town shall notify applicant in writing or

- electronically (at the applicant's request) of any missing information or incomplete application.
2. Completed applications shall be submitted for substantive review which shall be completed within 30 days of submittal unless applicant fails to provide additional information or make reasonable revisions as requested by the Town. This substantive review timeframe may be suspended or expanded to include delays caused by the need for public hearings, state or federal licenses or approvals from public utilities.
  3. If applicant does not supply documentation or information requested or an explanation of why such information cannot be provided within fifteen (15) days of receipt of a notice of deficiency, the Town may consider the application withdrawn, in which case the applicant will be notified in writing.
- D. No permit shall be issued by the Town Manager if any of the following are reasonably expected to occur during or subsequent to exploratory drilling operations:
1. Landslides or deposits from the proposed operation in streams, lake beds, impoundments or wetlands.
  2. Surface subsidence which cannot be reclaimed.
  3. Hazards resulting in damage to any of the following, which cannot be avoided by removal from the hazard area or mitigated by purchase or by obtaining the consent of the owner:
    - a. Dwellings
    - b. Public buildings
    - c. Schools
    - d. Churches
    - e. Cemeteries and Native American burial grounds
    - f. Commercial or industrial buildings

(Ord. No. 223 § 4, 1984;Ord. No. 345, 2015)

#### **5.08.040                      PRE-DRILLING REQUIREMENTS; PLANS REQUIRED**

- A. The reclamation plan submitted with the application shall ensure that the land restoration method is harmonious and compatible with adjacent lands and uses.
1. Permittee shall provide the town with a bond in the amount of \$1.00 per sq. foot per planned drill site to insure implementation of the reclamation plan.
  2. Permittee shall provide the Town with financial assurances which will be released upon satisfactory performance of the reclamation plan. Financial assurances shall be in the form of a surety bond, trust fund, irrevocable letter of credit from an accredited financial institution, cash or other method acceptable to the Town of Miami.
- B. The soil stability plan and building structure/stability plan shall be submitted with the application to avoid land movement, slippage or damage caused by drilling. A bond shall be given to the Town in the amount of \$250,000.00 to last until 12 months after the drilling program has been completed or the plan has been completed to the satisfaction of the Town of Miami. Permittee may be held responsible for structural damage for buildings located on land adjacent to the specific individual drill sites.

(Ord. No. 223 § 5, 1984;Ord. No. 345, 2015)

**5.08.050**

**CONDITIONS OF PERMIT AND EXPLORATORY DRILLING OPERATIONS**

- A. Prior to the effective date of the permit, the permittee shall pay an on-site monitoring fee with the Town Finance Department as set forth in the fee schedule as adopted by the Town Council by resolution. The fee will be designated by the Town to be used to pay for on-site monitoring, preparation of staff reports and obtaining services of independent consultants and engineers when deemed necessary by the Town Manager.
- B. Hours of drilling operation shall be from 7:00 a.m. to 7:00 p.m. Monday through Friday. Maintenance of equipment shall be permitted on Sundays between the hours of 12:00 p.m. and 5:00 p.m. Testing of equipment shall be limited to 30 minutes during the hours of operation. Hours may be extended by Town Manager.
- C. Noise restrictions; monitoring; complaints.
  - 1. During the hours of operations, noise levels of drilling and excavation shall not exceed 50 dba from a point of 50 feet distant from the nearest residence.
  - 2. Permittee shall conduct noise monitoring and submit report to the Town Manager weekly beginning with commencement of operations, except that if a complaint of excessive noise is received by the Town, more frequent monitoring may be required at the discretion of the Town Manager.
  - 3. Initial readings shall be taken between 7:00 a.m. and 10:00 a.m. and between 1:30 p.m. and 3:00 p.m. and shall be conducted in a manner to ensure that data represents and is reported for noise levels generated within 360 degrees of the drill site or excavation site to a distance of 50 feet.
  - 4. Complaints shall be addressed in writing to the Town Manager and shall contain the name and contact information of the complainant. Within two (2) business days of receipt of a complaint, the Town Manager shall contact the permittee who shall, immediately, take a noise reading and provide the Town Manager with a report. If the noise level exceeds permitted levels, the drilling operation shall be suspended until such time as it is brought into compliance with these noise regulations. In addition, the Town may take such other legal remedies available to it, including but not limited to prosecution of offenders.
  - 5. The number of operating drilling rigs at any one time is dependent upon complying with established noise levels.
- D. Permittee shall not assign, sell, lease or transfer in any manner any rights and/or obligations as specified in the permit, unless authorized in writing by the Town of Miami.
- E. Initial exploration efforts shall be limited as follows:
  - 1. One (1) bore hole may be drilled for each exploratory drilling site subject to a given permit.
  - 2. If an additional bore hole is requested at any particular exploration site, the permittee shall notify the Town Manager who, taking into consideration conditions encountered during the course of drilling the initial bore hole and potential environmental impacts such as mixing waters from aquifers and ground water contamination from surface water runoff from the drilling, may

- impose additional conditions applicable to subsequent exploratory drilling within the site in order to protect the public health, safety and welfare.
3. Should the permittee desire to drill additional holes at the exploratory drilling site, it shall provide to the Town Manager, in writing, the number and approximate location of the additional holes.
  4. Subject to conditions imposed as a result of the initial drilling, the permittee may proceed to drill additional bore holes at the locations provided to the Town Manager as long as said additional holes are no closer than fifty (50) feet from any existing structures.
- F. Permittee is responsible for payment of all reasonable and prudent expenses associated with the review of site conditions by the Town Manager.
  - G. The angle and length of bore holes shall not cross property lines between a lot or parcel with respect to which permission has been granted by the land owner for exploration activity and adjoining lots or parcels unless the owner(s) of said adjoining lot(s) or parcel(s) have similarly granted their permission to the permittee. For purposes of this provision, a property line shall be assumed to extend into the ground at a ninety (90) degree angle to the horizon.
  - H. No drilling fluids shall be stored or discharged beyond the permit areas.
  - I. Pesticides or herbicides shall only be used on the site in strict compliance with the manufacturer's recommendations and federal, state and local laws and regulations.
  - J. Drilling and earth moving activities shall not be permitted within 25 feet of the middle of a stream bed without prior approval as required by state or federal law.
  - K. Permittee shall provide sufficient number of portable toilets for employees to use.
  - L. All fuels and lubricants shall be contained in truck mounted carriers.
  - M. All solid waste by products shall be removed from the site on a monthly basis and deposited in an approved sanitary land fill.
  - N. Permittee shall provide the Town Manager with a written monthly status report which will separately identify all exploration and drilling sites.
  - O. Permittee shall agree in writing to appear, defend, indemnify, and hold the Town harmless from and against any liability, damage, injury or other loss arising out of its exploratory drilling operations, including but not limited to liability for environmental contamination.

(Ord. No. 223 § 6, 1984:Ord. No. 339:Ord. No. 345, 2015)

#### **5.08.060                      POST DRILLING REQUIREMENTS**

- A. Upon completion of exploration, all drill holes shall be plugged immediately. The method of capping shall meet or exceed Arizona State Standards for drill holes.
- B. The property owner may exercise the right not to cap the drill holes in those instances where water has been found which can be used for agricultural purposes subject to water quality analysis by county health officials and local and state regulations.
- C. In compliance with the approved reclamation plan, all trenches and grading shall be backfilled and restored to the original grades and slopes. The Town shall approve the grade plans and inspect the final restorations. Top soil shall be removed and stockpiled prior to road or pad development. Top soil shall be spread over the reclaimed land to its original depth to encourage natural revegetation. There shall be reseeding.

(Ord. No. 223 § 7, 1984:Ord. No. 345, 2015)

## CHAPTER 5.16

### MISCELLANEOUS BUSINESS REGULATIONS

**SECTION:**

**5.16.010**

**HOTELS, ROOMING HOUSES AND LODGING HOUSES –  
REGISTERS REQUIRED**

**5.16.020**

**RESPONSIBILITY TO MAINTAIN REGISTER**

**5.16.010**

**HOTELS, ROOMING HOUSES AND LODGING HOUSES –  
REGISTERS REQUIRED**

Each hotel, rooming house or lodging house with four rooms or more to rent to guests shall keep a register in which all guests shall be registered, each guest being required to register before occupying a room. The register shall show the name and address of guests, the date of registering, the date of leaving and the number of rooms occupied. (Ord. No. 58 § 1, 1921)

**5.16.020**

**RESPONSIBILITY TO MAINTAIN REGISTER**

Each owner, manager or agent of any hotel, lodging house or rooming house shall be responsible for the compliance of each of the provision of Section 5.16.010. (Ord. No. 58 § 2, 1921)

## CHAPTER 5.17

### COMMERCIAL MOTION PICTURE AND TELEVISION PRODUCTION PERMITS

#### SECTION:

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#### **5.17.010**                      **PURPOSE AND INTENT**

This article is intended to provide for the issuance of permits to motion picture and television producers for the temporary use of public streets, roads, rights-of-way, facilities and places, in the course of production, when such use does not conflict with public safety, health, or public welfare. (Ord. No. 391)

#### **5.17.020**                      **DEFINITIONS**

In this chapter, unless the context otherwise requires:

“Issuing Authority” shall mean the Town Manager of the Town of Miami, or the Town Manager’s designee.

“Motion picture or television productions” shall mean any and all activity, including, but not limited to, set-up, staging, filming, videotaping or tearing down materials or equipment, relating to the production of visual materials to be used in connection with a commercial undertaking, including, but not limited to, motion pictures, film shorts, music or entertainment videos, television presentations, advertising, or commercial materials of any kind.

(Ord. No. 391)

#### **5.17.030**                      **PERMIT; EXCEPTIONS**

- A. No person shall use any public street, road, alley, right-of-way, public facility or public place owned by the Town of Miami, or over which the Town has the right of control, without having first obtained a permit for such use from the Issuing Authority.
- B. The provisions of this section shall not apply to the filming or videotaping of persons, scenes, occurrences or events, which is done for news gathering purposed in the general public interest, for use in criminal investigations by law enforcement agencies or for use in any judicial proceedings.
- C. The provisions of this article do not apply to, nor are they intended to affect, any motion picture or television studio operating at an established or fixed place of business within the Town of Miami.

- D. No fee shall be required for the issuances of a permit pursuant to this chapter.  
(Ord. No. 391)

**5.17.040 APPLICATION**

- A. Applications for a permit under this chapter shall be made to the Issuing Authority and shall contain the following information:
1. A complete description of the location or place sought to be used for the motion picture or television production activity, including the street address, if applicable.
  2. The dates on which the proposed activities will take place and the times at which they will take place, including any time needed for set-ups, staging and tear down.
  3. A statement of the specific character or nature of the proposed activity.
  4. A statement of all the known or potential hazards to property or persons, whether employees, actors or members of the public, related to the proposed activity.
  5. The number of persons to be involved in the activity and a general statement of what they will do.
  6. The amount and type of equipment to be used in the activity.
  7. The number and type of vehicles to be used in the proposed activity and a description of any vehicle movement or other use.
  8. The names, addresses and current telephone numbers of the person who will have the on the scene responsibility for the proposed activity and the same information concerning any assistant or assistants to that person.
- B. The Issuing Authority shall review the application with the assistance of police, fire and public works officials, and such other members of the Town staff as may be required by the nature of the activity proposed for the permit.
- C. When the applicant has complied with the requirements of this chapter, including Section 5.17.050, a permit shall be issued by the Issuing Authority, unless it is determined that the activity would result in undue traffic congestion, be unduly disruptive to the normal activities of citizens, create an unreasonable risk to persons or property, or otherwise be detrimental to the public health, safety, morals or welfare. When the application for permit is denied, the reason or reasons therefore shall be given.
- D. The Issuing Authority may impose reasonable general conditions to govern the relationship of the Town and the permittee in respect to the health, safety, and general public welfare as it relates to the activity for which the permit has been issued. The Issuing Authority may require that the actual conduct of a particular activity or any portion thereof only be accomplished with the direct approval and/or supervision of the Police Department and/or fire officials, or any other technical advisors deemed necessary to protect persons or property.
- E. The public property to which the permit relates shall at all times be made accessible to police, fire and other emergency personnel. The permit in no way shall limit the authority of police, fire or emergency personnel to protect the public health, safety or welfare.
- F. The permittee shall be responsible for restoring any area used pursuant to a permit issued under this chapter to the same condition it was in prior to use by permittee.
- G. Any permit issued pursuant to this chapter is non-assignable.
- H. The information required by Section 5.17.040 (a) may be amended by the authorized agent of the permit holder, provided that such amendments be submitted in writing and receive the written approval of the Issuing Authority.

(Ord. No. 391)



**5.17.050**

**SECURITY FOR COSTS; INSURANCE; INDEMNIFICATION**

- A. Any permit issued under this article shall require the permittee to reimburse the Town for any costs incurred in the use of Town equipment or any assignment of municipal employees, including police and fire personnel, to duty in connection with the activities which are the subject of the permit. The Issuing Authority shall provide the permit applicant with a list of anticipated costs after conducting the review provided for in Section 5.17.040 (b). Permittees shall post a cash bond as a security for the payment of anticipated Town costs. The amount of the bond shall be determined by the Issuing Authority and shall be refunded to the permittee after the payment of Town costs.
- B. No permit shall be issued under this chapter until the applicant for the permit provides a certificate of insurance to the Town, showing a combined single limit coverage for bodily injury and property damage of not less than one million dollars, and basic worker's compensation insurance, as provided in the laws of the State of Arizona. The certificate of insurance shall name the Town of Miami as additionally insured. If, the Issuing Authority determines that the risks inherent in the proposed activity would not adequately be covered by the basic coverage stated herein, or determines that the proposed activity is of such limited nature that the basic coverage is excessive, the Issuing Authority shall specify the amount of coverage required before a permit may be granted.
- C. All permittees shall agree by obtaining a permit to defend, indemnify and hold harmless the Town of Miami from any and all losses, costs, damages and expenses on account of activity of the permittee on the public property which is the subject of the permit.

(Ord. No. 391)

**5.17.060**

**DENIAL OF PERMIT; APPEAL**

Any applicant who has been denied a permit may appeal the denial to the Town Council. A Notice of Appeal shall be filed with the Town Clerk no later than 10 days from the date of the denial of the permit and a copy of the Notice shall be delivered to the Town Manager or his designee. Failure file a Notice of Appeal within the required period constitutes a waiver of appeal. The Town Council shall consider the appeal as soon as practicable after the notice is filed.

(Ord. No. 391)

**5.17.070**

**REVOCAION; APPEAL**

- A. The Issuing Authority may, without notice, revoke a permit issued under this chapter when there is cause to believe that the activity being conducted violates the terms of the permit, the application was based on false information, the permittee is not in compliance with the insurance provisions of this chapter, or the activities or proposed activities of the permittee constitute a danger to persons or property, or public health, safety, or welfare.
- B. The revocation of a permit may be appealed in accordance with the provisions of Section 5.17.060.

(Ord. No. 391)