



TOWN OF HUACHUCA CITY

The Sunset City

**HUACHUCA CITY TOWN COUNCIL
WORK SESSION MEETING NOTICE
Thursday, September 29, 2022, at 6:00 PM
COUNCIL CHAMBERS
500 N. GONZALES BLVD.
HUACHUCA CITY, AZ 85616**

AGENDA

A. Call to Order – Mayor

- a. Pledge of Allegiance
- b. Roll Call and Ascertain Quorum

Any prayer/invocation that may be offered before the start of regular Council business shall be the voluntary offering of a private citizen, for the benefit of the Council and the citizens present. The views or beliefs expressed by the prayer/invocation speaker have not been previously reviewed or approved by the Council, and the Council does not endorse the religious beliefs or views of this, or any other speaker. A list of volunteers is maintained by the Town Clerk's Office and interested persons should contact the Town Clerk's Office for further information.

B. Call to the Public – Mayor

A.R.S. 38-431.01 states the Public Body may make an open call to the public during a public meeting, subject to reasonable time, place and manner restrictions, to allow individuals to address the public body on any issue within the jurisdiction of the Public Body. At the conclusion of an open call to the public, individual members of the Public Body may respond to criticism made by those who have addressed the Public Body, may ask staff to review a matter or may ask that a matter be put on a future agenda. However, members of the Public Body shall not discuss or take legal action on matters raised during an open call to the public unless the matters are properly noticed for discussion and legal action.

C. New Business Before Council - Mayor

All items listed in the Consent Agenda are considered routine matters and will be enacted by one motion of the Council. There will be no separate discussion of these items unless a Member of the Town Council requests that an item or items be removed for discussion. Council Members may ask questions without removal of the item from the Consent Agenda. Items removed from the Consent Agenda are considered in their normal sequence as listed on the agenda, unless called out of sequence.

C.1 Discussion regarding possible changes to the Town's Sign Regulations located in Chapter 18.110 of the Town Code.

C.2 Discussion regarding possible changes to the Town's Business Licensing Regulations found in Chapter 5.05 of the Town Code.

D. Adjournment

Posted at 5:00 PM on September , 2022, at the following locations:

Town Hall Bulletin Board 500 N. Gonzales Blvd. Huachuca City, AZ 85616	Town Hall Lobby 500 N. Gonzales Blvd. Huachuca City, AZ 85616	Town Website https://huachucacityaz.gov
Huachuca City U.S. Post Office 690 N. Gonzales Blvd. Huachuca City, AZ 85616	Huachuca City Library 506 N. Gonzales Blvd. Huachuca City, AZ 85616	Huachuca City Police Department 500 N. Gonzales Blvd. Huachuca City, AZ 85616

Ms. Brandy Thorpe

Town Clerk

Note: This meeting is open to the public. All interested people are welcome to attend. A copy of agenda background material provided to the Councilmembers, with the exception of confidential material relating to possible executive sessions, is available for public inspection at the Town Clerk's Office, 500 N. Gonzales Blvd., Huachuca City, AZ 85616, Monday through Friday from 8:00 a.m. to 5:00 p.m. or online at www.huachucacityaz.gov

Individuals with disabilities who need a reasonable accommodation to attend or communicate at a town meeting, or who require this information in alternate format, may contact the Town at 456-1354 (TTY 456-1353) to make their needs known. Requests should be made as early as possible so there is sufficient time to respond.

Council Work Session

September 29, 2022

Discussion of Sign Code

Section 18.110.210 Wall Signs B/C General Business Zoning District

CURRENT SIGN CODE	PRIOR SIGN CODE ADOPTED 2006	SIERRA VISTA SIGN CODE
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NUMBER: One for single-user building
Multiple for multi-user buildings,
equal to the number of units.

NUMBER: Multiple

NUMBER: Not stated

MAX SIZE: 2 sqft of sign area for each linear foot of building frontage or 2 sqft of sign area for each 5 linear feet of property lot frontage

MAX SIZE: All businesses having building frontage are authorized 75 total sqft of signage; plus 2 sqft of signage for each linear foot of building frontage or 2 sq ft of sign area for each five linear feet of property lot frontage not to exceed an aggregate of 150 sqft

MAX SIZE: 2 sqft of sign area for each linear foot of building frontage or 2 sqft of sign area for each 5 linear feet of property lot frontage

Considerations for Council:

How many wall signs should be allowed?

What should be the maximum size of all wall signs on a general business property?

Section 18.110.210 Free-Standing Signs B/C General Business Zoning District

CURRENT SIGN CODE	PRIOR SIGN CODE ADOPTED 2006	SIERRA VISTA SIGN CODE
<p>NUMBER: One, plus one additional for each additional 300 feet of street frontage</p> <p>MAX SIZE: 32 sqft for single-user building. Not to exceed 1 sqft of each linear foot of business frontage for multi-user building</p> <p>MAX HEIGHT: 10 Feet</p>	<p>NUMBER: ?</p> <p>MAX SIZE: 50 sq.ft.</p> <p>MAX HEIGHT: 20 Feet for ground signs 30 Feet for pole signs</p>	<p>NUMBER: 1, plus additional signs for additional street frontage exceeding 450, 600 and 750 linear feet of street frontage.</p> <p>MAX SIZE: 32 sqft for a single-user building. 75 sqft for a multi-user building (15% shall be dedicated to building identification)</p> <p>MAX HEIGHT: 15 Feet in high traffic areas 10 Feet in all other areas</p> <p>Height can be increased by 2 feet for the omission of each allowable sign.</p>
<p>Considerations for Council:</p> <p>How many free-standing signs should be allowed on a property?</p> <p>What should be the maximum size and height of all free-standing signs on a general business property?</p>		

Section 18.110.220 Wall Signs C-2/C-3 Industrial Zoning District

CURRENT SIGN CODE	PRIOR SIGN CODE ADOPTED 2006	SIERRA VISTA SIGN CODE
<p>NUMBER: Not stated</p> <p>MAX SIZE: 2 sqft of sign area for each linear foot of building frontage not to exceed 250 sqft in sign area.</p>	<p>NUMBER: Multiple</p> <p>MAX SIZE: All businesses having building frontage are authorized 75 total sqft of signage; plus 2 sqft of signage for each linear foot of building frontage or 2 sq ft of sign area for each five linear feet of property lot frontage not to exceed an aggregate of 150 sqft</p>	<p>NUMBER: Not stated</p> <p>MAX SIZE: 2 sqft of sign area for each linear foot of building frontage or 2 sqft of sign area for each 5 linear feet of property lot frontage</p>

Considerations for Council:

How many wall signs should be allowed?

What should be the maximum size of all wall signs on an industrial property?

Section 18.110.220 Free-Standing Signs

C-2/C-3 Industrial Zoning District

CURRENT SIGN CODE	PRIOR SIGN CODE ADOPTED 2006	SIERRA VISTA SIGN CODE
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<p>NUMBER: One, plus one additional for each additional 300 feet of street frontage for a max of two per block.</p>	<p>NUMBER: ?</p>	<p>NUMBER: 1, plus additional signs for additional street frontage exceeding 450, 600 and 750 linear feet of street frontage.</p>
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<p>MAX SIZE: 1-1/2 sqft of sign area for each linear foot of business frontage, for a maximum of 450 sq.ft among all signs.</p>	<p>MAX SIZE: 100 sqft, plus 3 sqft of signage per 1 linear feet of building frontage or 3 sqft of signage per 5 linear feet of property frontage, not to exceed 300 sqft of signage.</p>	<p>MAX SIZE: 32 sqft for a single-user building. 75 sqft for a multi-user building (15% shall be dedicated to building identification)</p>
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<p>MAX HEIGHT: 10 Foot</p>	<p>MAX HEIGHT: 30 Feet for ground signs 60 Feet for Pole signs</p>	<p>MAX HEIGHT: 15 Feet in high traffic areas 10 Feet in all other areas</p>
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Height can be increased by 2 feet for the omission of each allowable sign.

Considerations for Council:

<p>How many free-standing signs should be allowed on a property?</p>	<p>What should be the maximum size and height of all free-standing signs on an industrial property?</p>
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Permanent Roof Signs All Business Zoning Districts

CURRENT SIGN CODE	PRIOR SIGN CODE ADOPTED 2006	SIERRA VISTA SIGN CODE
<p>SECTIONS 18.110.210&220 of Town Code:</p> <p>Allow for Wall Signs and Freestanding Monument Signs only. Roof signs are not mentioned as permitted; therefore, they are NOT permitted.</p>	<p>SECTION 17-23-6 General Sign Regulations for all Business</p> <p><i>"No portion of a wall sign may extend above the top of the wall"</i></p>	<p>Roof signs are prohibited</p> <p>Wall signs shall not extend above the roofline or the top of a parapet wall</p>
<p>Wall signs <i>"shall be wall – or window-mounted, on or under an architectural projection"</i></p> <p>Architectural projection is defined as: <i>"any projection that is not intended for occupancy and that extends beyond the face of an exterior wall of a building, including a roof overhang, mansard, marquee, canopy, awning or fascia."</i></p>	<p><i>Roof signs are permitted provided they do not extend above the highest peak of the roof. Buildings with flat roofs are therefore not permitted roof signs. "</i></p> <p>However, a contradictory provisions was found in Section 17-23-9 Industrial</p> <p><i>"Roof top signs may extend above the roofline"</i> Keep in mind this was only in an Industrial Zone</p>	
<p>Considerations for Council:</p> <p>Should roof top signs be allowed?</p>	<p>If so, under what circumstances?</p>	

Section 18.110.050 Nonconforming Signs

CURRENT SIGN CODE	PRIOR SIGN CODE ADOPTED 2006	SIERRA VISTA SIGN CODE
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Nonconforming Sign means “*Any permanent sign which is not permitted by this chapter, but which, when first constructed, was legally permitted by the City*”

Any nonconforming sign may be continued in use and reasonable repair and maintenance to same.

Any nonconforming sign shall not be altered, repaired, or restored to such an extent that the cost of such alteration, repair or restoration exceeds 50% of the sign's value, as determined by a licensed sign contractor, unless said sign is brought into conformance with the current provisions of this chapter.

Considerations for Council:

Should there be any changes to non-conforming regulations? Keep in mind the intent of non-conforming is that eventually it will come to an end and replaced with a conforming type sign. It is not intended to continue as non-conforming forever.

Permanent signs, affixed to the ground or a structure, erected prior to the effective date of this ordinance, that would be in violation of this ordinance, are non-conforming signs that have grandfathered rights. These grandfathered rights become null and void if the sign or the sign structure is destroyed.

As an incentive to reduce the height of legal nonconforming freestanding signs to 10 feet, City allows for an increase in the overall wall signage. The overall sign area of a legal nonconforming freestanding sign can remain at its current size.

Section 18.110.160 Other Prohibited Signs

CURRENT SIGN CODE	PRIOR SIGN CODE ADOPTED 2006	SIERRA VISTA SIGN CODE
<ul style="list-style-type: none"> • Signs that pose a traffic hazard • Fixed balloons • Signs that contain or consist of exposed incandescent bulbs exceeding 40 watts each, or neon or similar tube type of illumination exceeding 30 milliwatts. • Any sign which advertises a business no longer conducted, or products no longer sold, at the location of the sign • Signs with flashing, blinking, fluttering or rotating lights, lasers, or other illuminating devices which exhibit movements (except digital signs or when approved for town-sponsored public events). • Signs that produce odor or audible sound • Signs that contain mechanical movement or movement controlled by any other means, except for air-activated signs. • Signs that are painted, attached or mounted on fuel tanks, storage containers and/or solid waste receptacles/enclosures, except as allowed by law. • Signs that are installed or displayed without the property owner's approval • Billboards 	<ul style="list-style-type: none"> • Signs which are obscene, hazardous to traffic, imitative of official government signs that create a public nuisance, obstruct visibility or create a hazard to the public. • Signs with moving parts, including banners, pennants, or other devices set in motion by the wind, except as authorized by Planning and Zoning Commission • Billboards • Signs, where by reason of its position, shape, color or illumination may interfere with, obstruct the view of, or be confused with an authorized traffic sign, signal or device. • An outdoor advertising permit is required for off premise signs 	<ul style="list-style-type: none"> • Signs that are moving or flashing • Signs that are hazardous to traffic, imitate official government signs or obstruct visibility creating a hazard • Windblown signs, except as provided within the Code • Portable signs, except as permitted within the Code • Signs with 25-watt lamps or bulbs exposed to direct view • Electronic Message Centers unless they meet the criteria outline in the Code • Reader Boards • Off-premise signs

Considerations for Council: Should there be any changes to these prohibited signs?

Section 18.110.140 Location Restrictions

CURRENT SIGN CODE	PRIOR SIGN CODE ADOPTED 2006	SIERRA VISTA SIGN CODE
<ul style="list-style-type: none"> • Sign cannot interfere with the free use of any standpipe, or any ingress or egress from any door, window, fire escape or any other required exit. • Sign cannot obstruct traffic or be located adjacent to a driveway which would result in a traffic hazard or obstruct minimum pedestrian clearance. • Sign cannot project over any public sidewalk, street, alley or public place, except as provided for in Town Code. • Signs cannot be erected or painted upon or attached to any tree, rock or other natural feature. • Signs cannot be attached to any fence post or utility pole, except for hazardous warnings or identification signs. • Vehicle signs – Intent is to prohibit the use of vehicle signs as permanent freestanding signs. The primary use of vehicles with signs shall be in the operation of the business, not in displaying a sign. When not in use, the vehicle shall be parked in a lawful manner on the business property as far from public right-of-way as possible. 	<ul style="list-style-type: none"> • Sign cannot prevent free ingress to or egress from any door, window or fire escape • Sign cannot obstruct free and clear vision • Sign cannot interfere with, obstruct the view of or be confused with an authorized traffic sign, signal or device or with any device mounted on a police or fire protection vehicle • Sign cannot use the words "STOP", "DANGER" or any other word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic • Sign cannot be erected or painted upon or attached to any tree, rock or other natural feature, or to any fence post or utility pole, except for hazardous warnings or identification signs. • Sign must be so placed as to prevent any glare or reflection from being cast on any adjoining residential district or upon any public street in such a manner as to create a distraction or visual hazard 	<ul style="list-style-type: none"> • Signs that obstruct a fire exit, stairway or standpipe • Signs that interfere with an exit to any window • Signs that obstruct any door or required exit from a building • Signs that obstruct or redirect any required light or ventilation • Roof signs • Signs on parked vehicles unless they advertise or identify the business and the products or services offered on the premises

Considerations for Council: Should there be any changes to these location restrictions?

Any other Sign Issue to Discuss?

The current sign code contains a lot of information. What other portions of the code would the Council like to discuss?

Once all information is gathered, revisions will be made to reflect the requested changes. Then the revised Sign Code will be presented to the public in a Neighborhood Meeting for the required Citizen Review Process, then at a public hearing, then finally to Council for final approval. I am looking at early 2023 for completion of the overall process.

Title 5
BUSINESS LICENSES AND REGULATIONS

Chapters:

- 5.05 Business Licenses
- 5.10 Peddlers
- 5.15 Cable Television
- 5.20 Telecommunications Service
- 5.25 Park and Swap Operations
- 5.30 License for Manufactured Home Parks and Recreational Vehicle Parks

Chapter 5.05
BUSINESS LICENSES

Sections:

- 5.05.010 Definitions.
- 5.05.020 License required.
- 5.05.030 Application for license.
- 5.05.040 Clerk to issue and renew licenses.
- 5.05.050 Clerk's mistakes not to excuse payment.
- 5.05.060 Amount of license fees deemed debt to town.
- 5.05.070 License fees not to exceed limits established by state law.
- 5.05.080 Exemptions for charitable and civic organizations.
- 5.05.090 Payment of taxes.
- 5.05.100 Licenses due and payable.
- 5.05.110 More than one business in a single location.
- 5.05.120 More than one location.
- 5.05.130 Posting or display of license.
- 5.05.140 Penalty for delinquencies.
- 5.05.150 Transferability of licenses.
- 5.05.160 Amount of fees.
- 5.05.170 License inspections.
- 5.05.180 License fees must conform to this chapter.
- 5.05.190 *Repealed.*
- 5.05.200 License revocation.
- 5.05.210 Right to hearing for license denial or revocation.

5.05.010 Definitions.

In this chapter unless the context otherwise requires:

"Additional employees" means regular employees as carried on the payroll of the previous quarter.

"Agents, salesmen, solicitors, representatives, peddlers or drummers" means those who, in any manner and in any type of commercial activity, do contact homes or individuals other than purchasers engaged in buying merchandise, materials, supplies or services for a licensed business or occupation.

"Business" means all activities or acts, personal or corporate, engaged in or caused to be engaged in with the object of gain, benefit or advantage either directly or indirectly, but not casual activities or sales. Making deliveries within the town from a plant or establishment located outside the town shall be included in the definition of business.

"Contracting" means activities engaged in by a person who, for either a fixed sum, price, fee, percentage, bonus or other compensation other than actual wages, undertakes to or offers to undertake to or purports to have the capacity to undertake or submits a bid to or does himself or by or through others construct, alter, repair, add to, subtract from, improve, move, wreck or demolish any building, highway, road, railroad, excavation or other structure, project, development or improvement or to do any part thereof, including the erection of scaffolding or other structures of works in connection therewith. The term "contractor" means one who is engaged in contracting and includes subcontractors, specialty contractors, developers and speculative builders.

"Engaging" means when used with reference to engaging or continuing in business the exercise of corporate or franchise powers.

"Home type business" means any business conducted and operated wholly within the home of the person and not providing the primary or principal source of income for such person.

"Person or company" means the individual, firm, partnership, joint venture, association, corporation, municipal corporation, estate, trust or any other group or combination acting as a unit and the plural as well as the singular number.

"Resident" means any person having a permanent place of business residing or owning real property within the corporate limits of the town. (Prior code § 9-2-1)

5.05.020 License required.

It is unlawful for any person to engage in any business specified in this chapter without first having obtained a license from the town to engage in such business. (Prior code § 9-2-2)

5.05.030 Application for license.

Every person who engages in a business or other activity for which a license is required by this chapter, desiring to engage or to continue in such business or other activity, shall make application to the clerk for a business license. (Prior code § 9-2-3)

5.05.040 Clerk to issue and renew licenses.

The clerk shall issue and renew licenses in accordance with the provisions of this chapter. If the business is to be located within the town limits, the business location must be inspected and approved by the building official, or his designated representative, prior to the issuance of the business license to ensure the building and site meet the provisions of the building code, as well as the minimum requirements for zoning, safety, fire, Americans with Disabilities Act, and town regulations and ordinances. The building official will issue a certificate of occupancy once he is satisfied the location meets all the requirements, at which time the business license will be issued. (Ord. 98-004, 1998; prior code § 9-2-4)

5.05.050 Clerk's mistakes not to excuse payment.

In no case shall any mistake made by the clerk in stating, fixing or collecting the amount of any license or the acceptance by the clerk of anything other than legal currency in payment thereof or the issuance of any license certificate prevent, prejudice or stop the town from collecting the correct amount of the license as provided by this chapter in legal currency. (Prior code § 9-2-5)

5.05.060 Amount of license fees deemed debt to town.

Every license fee imposed by this chapter, and all increases and penalties thereon shall become, from the time they are due and payable, a personal debt of the taxpayer to the town and may be collected by action in court as any other debt may be collected. Such remedy shall be in addition to any other remedies afforded under the laws of the state and of the town. (Prior code § 9-2-6)

5.05.070 License fees not to exceed limits established by state law.

Notwithstanding any other provision of this chapter, no license fee charged hereunder shall exceed the limit specified during such time as such section shall be applicable to the town or any other limit prescribed by the laws of the state. (Prior code § 9-2-7)

5.05.080 Exemptions for charitable and civic organizations.

All charitable and civic organizations are exempted from the provisions of this chapter. (Prior code § 9-2-8)

5.05.090 Payment of taxes.

All taxes and licenses required by this chapter shall be paid in advance in legal currency of the United States to the clerk at the Town Hall. (Prior code § 9-2-9)

5.05.100 Licenses due and payable.

- A. The daily licenses provided for in this chapter shall be due and payable to the town in advance of the day for which issued.
- B. The monthly licenses provided for in this chapter shall be due and payable to the town on the first day of each month.
- C. The annual licenses provided for in this chapter shall be due and payable to the town on the first day of January and shall expire on the last day of each year. (Prior code § 9-2-10)

5.05.110 More than one business in a single location.

Every person engaged in more than one business in the same location for which license fees are hereinafter provided shall pay all fees which are set up for all of the businesses in which he is engaged at such location. (Prior code § 9-2-11)

5.05.120 More than one location.

Every person, firm or corporation engaged at more than one location within the city in any business for which license fees are hereinafter provided shall pay a separate license fee for each location at which such business is conducted. (Prior code § 9-2-12)

5.05.130 Posting or display of license.

Every person having a license under the provisions of this chapter and carrying on a trade, calling, profession, occupation or business at a fixed place of business shall keep his license certificate posted and exhibited while in force in some conspicuous part of such place of business. Every person having such a license and not having a fixed place of business shall carry such license certificate with him at all times while carrying on the business or other activity for which the license or any renewal thereof was granted. Every person having a license under the provisions of this chapter shall produce and exhibit a license certificate whenever requested to do so by any police officer or by any officer or person authorized to issue license certificates, inspect or audit records or collect license taxes. (Prior code § 9-2-13)

5.05.140 Penalty for delinquencies.

No license or renewal thereof pursuant to this chapter shall be issued to any applicant who has engaged in a business or other activity without a license in violation of the provisions of this chapter, unless the applicant first pays the amount of license tax for which he would have been liable under the terms of this chapter had he been licensed, plus an additional sum equal to 25 percent of the amount. (Ord. 01-015 § 6, 2001; prior code § 9-2-14)

5.05.150 Transferability of licenses.

No license granted or issued under the provisions of this chapter shall be in any manner assignable or transferable to any other person, firm, company or corporation other than is therein mentioned or named to do business, or authorize any other business than is therein mentioned or named to be done or transacted, or at any place other than is therein mentioned or named, without permission from the council. (Prior code § 9-2-15)

5.05.160 Amount of fees.

Town business license fees shall be in the amounts established by resolution of the council and amended from time to time. (Ord. 18-12 § 1, 2018; Ord. 01-015 § 6, 2001; prior code § 9-2-16)

5.05.170 License inspections.

- A. The chief of police shall be inspector of licenses for the town and all police officers of the town shall be assistant inspectors of licenses.
- B. Each police officer, as such assistant inspector of licenses, shall report to the police chief the names of all such persons, firms, companies or corporations doing business without a license, immediately upon the facts coming to his knowledge.
- C. A police officer shall have the power to enter, free of charge, at any time any place of business for which a license is required by this chapter, and to demand the exhibition of such license for the current term, from any person engaged or employed in the transaction of such business, and if such person shall then and there fail to exhibit such license, such person shall be guilty of a misdemeanor.
- D. It shall be the duty of the police department to cause complaints to be filed against all persons violating any of the provisions of this chapter. (Prior code § 9-2-17)

5.05.180 License fees must conform to this chapter.

No greater or less amount of money shall be charged or received for any license than is established by the council, and no license shall be issued for any period of time other than as provided in this chapter. (Ord. 18-12 § 2, 2018; prior code § 9-2-18)

5.05.190 Fee schedule.

Repealed by Ord. 18-12. (Ord. 01-015 § 6, 2001; prior code § 9-2-19)

5.05.200 License revocation.

Licenses issued under the provisions of this chapter may be revoked by the clerk after notice and hearing, for any of the following causes:

- A. Fraud, misrepresentation or false statement contained in the application for license.
- B. Any violation of this chapter.
- C. Conducting a trade, business, game or amusement, calling, profession or occupation in violation of any town ordinance or state statute. (Ord. 01-015 § 6, 2001; Ord. 98-004, 1998; prior code § 9-2-20)

5.05.210 Right to hearing for license denial or revocation.

- A. Notice of the hearing for revocation of license shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing. The notice shall be mailed, postage prepaid, to the licensee at the address shown on application for license at least 10 days prior to the date set for hearing.
- B. Any person aggrieved by the denial of an application for license as provided in this chapter or the decision with reference to the revocation of a license shall have the right to appeal to the council. The appeal shall be taken by filing with the council, within 14 days after notice of the clerk's decision to revoke said license has been mailed to the person's address shown on application for license, a written statement setting forth fully the grounds for the appeal. The council shall set a time and

place for a hearing on the appeal, and notice of the hearing shall be given to the applicant in the same manner as provided for notice of hearing on revocation. The decision and order of the council in the appeal shall be final and conclusive, except any person aggrieved may pursue any proper judicial proceedings. (Ord. 98-004, 1998; prior code § 9-2-21)

Chapter 5.10 PEDDLERS

Sections:

- 5.10.010 Registration required.**
- 5.10.020 Application to police chief.**
- 5.10.030 Issuance of registration cards.**
- 5.10.040 Revocation of registration cards.**
- 5.10.050 Peddling without registration cards prohibited.**
- 5.10.060 Permission required for selling on streets or sidewalks.**
- 5.10.070 Signs to be observed.**
- 5.10.080 Newsboys exempt.**
- 5.10.090 Farm products exemption.**

5.10.010 Registration required.

Any person operating as a solicitor, peddler, hawker, salesman or vendor of goods, wares, merchandise, newspapers, magazines or services, who goes from house to house, or to only one house, in the town shall register with the police department and obtain an identification card showing such registration. (Prior code § 9-1-1)

5.10.020 Application to police chief.

A. Applicants for police registration under the terms of Section 5.10.010 shall be required to furnish two satisfactory photographs of the applicant, one to be attached to the applicant's registration card and the other to be retained by the police department. The chief of police shall require the applicant to file his fingerprint identification with the police department.

B. Such applicants for police registration shall be required to furnish to the police department a complete description of the product to be sold in the town, together with information regarding sales methods to be used and references that will enable the chief of police to determine whether or not such applicant is qualified to receive a registration card as provided in Section 5.10.030. Investigation by the chief of police under the provisions of this chapter shall be completed within 15 days after the applicant has given the required information. (Prior code § 9-1-2)

5.10.030 Issuance of registration cards.

Registration cards under this chapter shall be given without charge to all applicants who have complied with Section 5.10.020, unless the chief of police discovers that any such applicant is deemed not to be a proper person to be permitted to go from house to house because of any of the following reasons:

- A. He has a criminal record;
- B. He is associated with a company that has engaged in fraudulent dealings; or
- C. The proposed sales proposition includes some element of trickery, fraud or deceit, in which case, in the interest of public safety and protection, the applicant shall not be registered. (Prior code § 9-1-3)

5.10.040 Revocation of registration cards.

Registration cards under this chapter may be revoked by the chief of police if at any time he deems such action necessary in the interest of public safety and protection. (Prior code § 9-1-4)

5.10.050 Peddling without registration cards prohibited.

It is unlawful for any person to take part in the act of soliciting, peddling, hawking, selling or vending of goods, wares, merchandise, newspapers, magazines or services from house to house, or to only one house, in the town, without having registered with the police department and without having obtained a registration card; without having such card in possession; or failing to exhibit such card when request is made for the registration card by any resident of the town. (Prior code § 9-1-5)

5.10.060 Permission required for selling on streets or sidewalks.

It is unlawful for any person to erect or maintain any booth, stand or counter on any sidewalk in the town for the purpose of barter, sale or trade, or keep or maintain upon the streets or alleys any wagon, cart, wheel, vehicle, movable booth or stand for the purpose of barter or trade without obtaining permission of the council. (Prior code § 9-1-6)

5.10.070 Signs to be observed.

It is unlawful for any peddler, solicitor or canvasser in the course of his business to ring the doorbell or knock at any building whereon a sign bearing the words "no peddlers, solicitors or canvassers" is exposed to public view. (Prior code § 9-1-7)

5.10.080 Newsboys exempt.

Newsboys are exempt from the provisions of this chapter for the sale of newspaper subscriptions. (Prior code § 9-1-8)

5.10.090 Farm products exemption.

Any person selling produce from a farm or orchard which is produced by the seller is exempt from the provisions of this chapter as provided by state statute. (Prior code § 9-1-9)

Chapter 5.15 CABLE TELEVISION

Sections:

- 5.15.010 Definitions.**
- 5.15.020 License granted.**
- 5.15.030 Construction.**
- 5.15.040 Transmission and distribution system.**
- 5.15.050 Use of grantee's poles by the town.**
- 5.15.060 Rates and charges.**
- 5.15.070 Color signals.**
- 5.15.080 Fees and taxes.**
- 5.15.090 Effect of franchise.**
- 5.15.100 Indemnification.**
- 5.15.110 Expiration of franchise.**
- 5.15.120 Purchase by town.**
- 5.15.130 Service standards.**
- 5.15.140 Timetable for installation.**

5.15.010 Definitions.

In this chapter unless the context otherwise requires:

"Community antenna television system or CATV" means coaxial cables, waveguides or other conductors and equipment for providing television and audio communication services by cable or through its facilities as herein contemplated.

"Council" means the present governing body or future governing body of the town.

"Grantee" means the person to whom a franchise under this chapter is granted.

"Gross receipts" means any and all compensation and other consideration in any form whatever and any contributing grant or other subsidy received directly or indirectly from subscribers, users, television stations or others in payment for the grantee's services in providing television signals or electrical impulses to subscribers within the town. In the event that the grantee should engage in business or businesses connected with, or incidental to the business of providing television signals or electrical impulses to subscribers within the town, the receipts from said business or businesses connected with, or incidental to the business of providing television signals or electrical impulses to subscribers within the town, shall be included within the term "gross receipts." The term also shall include any and all compensation received from transmission of any special programs or events for which a separate and distinct charge is made to the subscriber in the manner commonly known and referred to as "pay television" or "HBO."

"Public way" means any street, highway, road, walk, freeway, parkway, lane, alley, court or drive, in which the public has a right-of-way, or any easement which the town controls, now or hereafter existing as such.

"Subscribers" means any person or entity receiving for any purpose, the CATV service of the grantee herein.

"Television" means a system for transmission or reception of data, audio signals or visual images by means of electrical impulses.

"Town" means the town of Huachuca City, Cochise County, Arizona, in its present incorporated form, or in any later recognized, consolidated, enlarged or re-incorporated form. (Prior code § 9-3-1)

5.15.020 License granted.

A. There is hereby granted and sold to Jim R. Smith and Company, dba Dragoon CATV, Inc., an Arizona Corporation, its successors and assigns (herein called "grantee") the rights, privilege and franchise to engage in the business of providing and operating a CATV system in Huachuca City, Arizona, and for that purpose to construct, erect, lease, install, replace, reconstruct, maintain and retain in, on, under, across and along any public way such as poles, wires, cables, conductors, ducts, conduits,

vaults, manholes, amplifiers, appliances, attachments and other property as may be necessary and appurtenant to the CATV system; and in addition, so to use, operate and provide similar facilities on properties rented or leased from a public utility franchised or permitted to do business in the town.

B. No provision of this chapter shall be construed to preclude the grantee from introducing program materials into the franchised CATV system or portion thereof. (Prior code § 9-3-2)

5.15.030 Construction.

All construction under this grant shall be constructed and maintained with respect to such public ways, in accordance with the National Electrical Safety Code, insofar as it applies to a CATV system, and before any installations are made in said public ways, a map showing the location of such installations shall be submitted to the council for its approval. (Prior code § 9-3-3)

5.15.040 Transmission and distribution system.

A. The poles used for the grantee's distribution system shall be those erected and maintained by the Mountain Bell Telephone Company or the Sulphur Springs Valley Electric Cooperative, Inc., when and where practicable or mutually satisfactory. If rental agreements cannot be made with said corporations, the grantee shall have the right to erect and maintain its own poles, as may be necessary for the proper construction and maintenance of the television distribution system. Justification and location of said poles must meet with the majority approval of the council.

B. The grantee's transmission and distribution system poles, wires and appurtenances shall be located, erected and maintained so as not to endanger or interfere with the lives of persons, or to interfere with new improvements this town may deem proper to make, or to unnecessarily hinder or obstruct the free use of the streets, alleys, bridges or other public property. Removal of poles to avoid such interference will be at the company's expense.

C. Construction and maintenance of the transmission distribution system, including house connections, shall be in accordance with the provisions of the National Electrical Safety Code and such applicable ordinances and regulations of the town affecting electrical installations, which may be presently in effect or changed by future ordinances.

D. Installation shall be uniform throughout the town, except that the grantee shall be free to change its hardware and installation procedure as the art progresses.

E. In the maintenance and operation of its television transmission and distribution system in the streets, alleys and other public places, and in the course of any new construction or addition to its facilities, the grantee shall proceed so as to cause the least possible inconvenience to the general public. Openings or obstructions in the streets or other public places made by the company in the course of its operations shall be guarded and protected at all times by the placement of adequate barriers, fences or boardings, the bounds of which, during period of dusk and darkness, shall be clearly designated by red warning lights. What are "adequate" barriers and the like shall rest in the discretion of the council. (Prior code § 9-3-4)

5.15.050 Use of grantee's poles by the town.

The town shall have the right, without cost, to make attachments to poles owned and used by the grantee within the town for the town's wires used by it in connection with its fire alarm or police signal system or for seasonal decorations, such attachments to be installed and maintained in accordance with the requirements of the National Electrical Safety Code, pertaining to such construction, and only after written notice to the grantee; provided, however, that the grantee shall assume no liability nor be put to any additional expense in connection therewith; and, provided further, that the town's use thereof shall be in such manner as not to interfere with the grantee's use of the same. (Prior code § 9-3-5)

5.15.060 Rates and charges.

All rates and charges exacted by the company shall be fair, reasonable, just and uniform. Further, said rates may be implemented only after a public hearing. All rates shall be governed by the existing rate structures for cable television provided by Jim R. Smith and Company, dba Dragoon CATV, Inc., an Arizona corporation, in adjoining communities. "Adjoining communities" shall be defined as any and all communities receiving cable television service from Jim R. Smith and Company, dba Dragoon CATV, Inc. (Prior code § 9-3-6)

5.15.070 Color signals.

Installation and maintenance of equipment shall be such that standard color signals shall be transmitted to any subscriber receiver. (Prior code § 9-3-7)

5.15.080 Fees and taxes.

A. As further consideration for the franchise hereby granted, grantee will pay to the town a sum equal to two percent of the gross receipts of the grantee from the sale of CATV service to subscribers within the corporate limits of the town, as shown by grantee's collection records, such payments to be due and payable quarterly. For the purpose of verifying the amounts payable hereunder, the books and records of the grantee shall be subject to inspection by duly authorized officials or representatives of the town, at reasonable times.

B. In the event that the town, in addition to the payments hereinabove provided for, shall assess, charge or levy upon grantee or its business within the town, any license, privilege, occupation, excise or revenue taxes or other exactions (except general ad valorem property taxes and special assessments for local improvements), then the payments hereinabove provided for shall be reduced by the amount of the license, privilege, occupation, excise or revenue taxes or other exactions paid by

the grantee. If, in any year, said taxes or exactions equal or exceed the payments hereinabove provided for, then no such payments shall be due or payable hereunder for such year. (Ord. 01-015 § 6, 2001; prior code § 9-3-8)

5.15.090 Effect of franchise.

The right, privilege and franchise hereby granted shall continue and exist for a period of 15 years from the effective date hereof. Said right, privilege and franchise shall be subject to review of each newly elected council because of laws of the state of Arizona which indicate that one council cannot bind or commit a newly elected council. If at any time during the term of said franchise the grantee shall fail to comply with a material provision of this chapter and if such noncompliance shall continue for a period of 60 days after written notice of the same has been given by the town to the grantee, then, and in such event, but not before the expiration of said 60-day period, the council shall serve notice upon the grantee of a public hearing, and after having held said hearing, upon a finding by the majority of the members of the council that the grantee has failed to comply with any material provision of this chapter, the council may declare said franchise terminated. It is further provided that the grantee shall be given at least 60 days' notice of any public hearing to be held on the question of the grantee's failure to comply with any of the material provisions of this chapter. (Prior code § 9-3-9)

5.15.100 Indemnification.

The grantee shall indemnify, protect and save harmless the town from and against losses and physical damages to property and bodily injury or death to persons, including payments made under any Workmen's Compensation law, which may arise out of or be caused by the erection, maintenance, presence, use or removal of said attachments on poles within the town, or by any act of the grantee, its agent or employees. The grantee shall carry insurance to protect the parties hereto from and against all claims, demands, actions, judgments, costs, expenses and liabilities which may arise or result, directly or indirectly, from or by reason of such loss, injury or damage. The amounts of such insurance against liability due to physical damage to property shall not be less than \$50,000 as to any one accident and not less than \$500,000 aggregate in any single policy year; and against liability due to bodily injury or to death of persons not less than \$500,000 as to any one person and not less than \$1,000,000 as to any one accident. The grantee shall also carry such insurance as it deems necessary to protect it from all claims under any Workmen's Compensation laws in effect that may be applicable to the grantee. All insurance required by this agreement shall be and remain in full force and effect for the entire life of this agreement. Said policy or policies of insurance or a certified copy or copies thereof shall be approved by the town attorney and then deposited with and kept on file by the town clerk. (Prior code § 9-3-10)

5.15.110 Expiration of franchise.

Upon the expiration of this franchise, if the grantee shall not have acquired an extension or renewal thereof and accepted the same, it may have and it is hereby granted the right to enter upon the public ways in said town for the purpose of removing therefrom any of its structures, appurtenances and equipment, amplifiers, transmission and distribution system and appliances, pipes, poles and wires appurtenant thereto, at any time within six months after the termination of this franchise. In so removing said transmission and distribution system and appliances pertaining thereto, the grantee shall, at its own expense, refill any excavations that may be made by it, and then leave such streets, alleys and other public ways in as good condition as that prevailing prior to the grantee's removing its equipment and appliances. (Prior code § 9-3-11)

5.15.120 Purchase by town.

In the event the town shall at any time hereafter acquire by purchase or otherwise the properties of the grantee, it is agreed that in any negotiations or proceeding looking toward the acquisition of said property by said town, the value of this franchise shall be fixed at the agreed sum of \$1.00. (Prior code § 9-3-12)

5.15.130 Service standards.

The CATV system shall be installed and maintained in accordance with the highest and best accepted standards of the CATV industry, to the effect that subscribers shall receive the highest possible quality service. (Prior code § 9-3-13)

5.15.140 Timetable for installation.

Grantee shall proceed within 30 days after this franchise is granted hereunder to secure all pole line attachment agreements, licenses required by the Federal Communications Commission for the operation of microwave and other equipment which may be necessary for the receiving of television signals desired by grantee, and other pertinent permits as required and necessary for the installation; shall commence installation within 150 days of the date that all necessary pole line attachment agreements, licenses and permits are obtained; shall complete installation and operation within at least 30 percent of the town within 210 days of the date that all necessary pole line attachment agreements, licenses and permits are obtained; and shall complete installation and operation within all of the developed streets and areas within the incorporated town limits at the time of the awarding of this franchise, within two years of the date that all necessary pole line attachment agreements, licenses and permits are obtained. The council may extend the time for the beginning of the installation for an additional period or periods in the event that the grantee can demonstrate that delays are caused by reasons or circumstances beyond its control and cannot be overcome by the exercise of reasonable diligence on its part; provided, further, time limits not thus excused shall be deemed a material failure to perform under the terms of this contract, and said franchise may be forfeited on declaration thereof by the council. (Prior code § 9-3-14)

Chapter 5.20 TELECOMMUNICATIONS SERVICE

Sections:

5.20.010 Definitions.

5.20.020 License required.

5.20.030 License proposal.

5.20.010 Definitions.

In this chapter, unless the context otherwise requires:

"Commercial mobile radio service" means two-way voice commercial mobile radio service as defined by the Federal Communications Commission in 47 United States Code Section 153.

"Facilities" means the plant, equipment, and property, including but not limited to poles, wires, pipe, conduits, pedestals, antenna, and other appurtenances placed in, on, or under highways and not owned by the town and used in the provision of telecommunication services.

"Public highway" or "highway" means all roads, streets and alleys and all other dedicated public rights-of-way and public utility easements of the town.

"Telecommunications" means the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received. The term does not include commercial mobile radio services, pay phone services, interstate services or cable services.

"Telecommunications corporation" means any public service corporation to the extent that it provides telecommunications services in this state.

"Telecommunications services" means the offering of telecommunications for a fee directly to the public, or to such users as to be effectively available directly to the public, regardless of the facilities used. (Ord. 99-001, 1999; prior code § 9-4-1)

5.20.020 License required.

A. No telecommunications corporation shall install, maintain, construct, or operate telecommunications facilities in any public highway in the town, or provide telecommunications service by means of such facilities unless a license to provide telecommunications services has first been granted by the town council under this chapter.

B. Notwithstanding subsection A of this section, any telecommunications corporation that was providing telecommunications service within the state of Arizona as of October 31, 1997, pursuant to a grant made to it or its lawful predecessors prior to the effective date of the Arizona Constitution, may continue to provide telecommunications services pursuant to that state grant, until the state grant is lawfully repealed, revoked, or amended, and need not obtain any further authorization from the town to provide telecommunications services; provided, however, that such entity must in all other respects comply with the requirements applicable to telecommunications corporations, as provided in Title 9, Chapter 5, Article 7, Arizona Revised Statutes.

C. Nothing in this chapter shall be deemed to affect the terms or conditions of any franchise, license, or permit issued by the town prior to October 31, 1997, or to release any party from its obligations thereunder. Those franchises, licenses, or permits shall remain fully enforceable in accordance with their terms. The town clerk, with the consent of the town council, may enter into agreements with franchise holders, licensees, or permittees to modify or terminate an existing franchise, license, or agreement.

D. A license to any telecommunications corporation to use the highways to install, maintain, construct, or operate telecommunications facilities or to provide telecommunications services under this chapter shall not authorize the use of the highways to provide any other service; nor shall the issuance of the same invalidate any franchise, license, or permit that authorizes the use of the highways for such other service; nor to make any other use of the highway or to provide any other service authorize installation, maintenance, construction, or operation of telecommunications facilities in any highway in the town, or permit such entity to provide telecommunications services by means of such facilities without obtaining a license hereunder.

E. Any license granted shall not be exclusive. (Ord. 99-001, 1999; prior code § 9-4-2)

5.20.030 License proposal.

A. A telecommunications corporation desiring a license to occupy the streets and other highways of the town to provide telecommunications service shall file a proposal with the town clerk, in the form prescribed by the town, and shall pay a fee determined by the town council. The amount of the fee shall be reasonably related to the cost directly incurred by the town relating to the granting or administration of the license.

B. Each application shall, at a minimum, (1) show where the facilities the applicant will use will be located, or contain such other information as the town may deem necessary in order to ensure that the applicant will comply with requirements for use of the highways; (2) identify the applicant, its name, address, and telephone number; (3) contain a description of the services to be provided; and (4) set out a description of any agreement with any other entity that would permit such entity to use the facilities.

C. Upon receiving an application for a license that satisfies the conditions of subsection B of this section, the town shall promptly proffer a telecommunications license to the applicant for its review, and may inquire into matters relevant to the issuance of the license. If the applicant agrees to the terms and conditions of the license, the request shall be approved. Notwithstanding the foregoing, the town need not issue or renew a license if the applicant has previously had a license or permit revoked, or for any other reason permitted under Arizona law.

D. As a condition of issuing or renewing a license to use the public highways to provide telecommunications services, the town may require that:

1. The applicant shows that it has received a certificate of public convenience and necessity from the Arizona Corporation Commission;

2. The applicant agrees to comply with the highway use requirements that the town may establish from time to time;
3. The applicant agrees to provide and maintain accurate maps showing the location of all the facilities it will use in the highways within the town, and to comply with such other mapping requirements as the town may establish from time to time;
4. The applicant obtains the insurance, and provides proof of insurance as required by the town; posts the performance bonds and security fund required by the town; agrees to fully indemnify the town, its officers, agents, boards and commissions, in a form satisfactory to the town; and agrees that it shall have no recourse against the town for monetary damages as a result of any damage that may result from the town's exercise of its rights under the license, or applicable provisions of law;
5. The applicant agrees to comply with and be bound by the administrative and enforcement provisions as may be prescribed from time to time by the town, which may include:
 - a. Provisions covering assignment.
 - b. The right to inspect records to determine compliance by the licensee.
 - c. Provisions for renewal.
 - d. Fees and charges contemplated by ARS Section 9-582(C) may be charged by the town pursuant to Chapter 5.05.

E. Any license granted by the town pursuant to this chapter shall commence upon adoption of the license and acceptance of the license by the provider. The license shall be for a term of five years, and subject to the conditions and restrictions provided in the instrument and this chapter.

F. Every licensee shall be subject to the town's exercise of such police, regulatory and other powers as the town now has or may later obtain, and a license may not waive the application of the same, and must be exercised in strict conformity therewith. Every license shall be subject to revocation if the licensee fails to comply with the terms and conditions of the license or applicable law; provided, however, that a license shall not be revoked unless the licensee is given written notice of the defect in performance and fails to cure the defect within 60 days of the notice, except where the town finds that the defect in performance is due to intentional misconduct, is a violation of criminal law, or is part of a pattern of violations where the licensee has already had notice and opportunity to cure. A hearing shall be held before a license is revoked or not renewed if the licensee requests a hearing.

G. The issuance of a license by the town is not a representation or warranty that such license is a legally sufficient substitute for a franchise and is not a representation or warranty that a franchise is not required. (Ord. 99-001, 1999; prior code § 9-4-3)

Chapter 5.25 PARK AND SWAP OPERATIONS

Sections:

- 5.25.010 Definitions.**
- 5.25.020 License.**
- 5.25.030 Fee.**
- 5.25.040 Application for license.**
- 5.25.050 Revocation or suspension of license - Appeals.**
- 5.25.060 Reports required.**
- 5.25.070 Trading area.**

5.25.010 Definitions.

In this chapter, unless the context otherwise requires:

"Owner" or "operator" means the person or persons who control the admission directly, or through agents, of persons and merchandise into the trading area.

"Park and swap lot" means a building, structure, enclosure, lot or other area into which persons are admitted to display, exchange, barter, buy, sell or bargain for new and used merchandise, excluding those places normally engaged in the business of making sales at retail.

"Park and swap meet" means the activity carried on at the park and swap lot and consists of the admitting of persons into a park and swap lot for the purpose of displaying, exchanging, bartering, buying, selling or bargaining for new and used merchandise.

"Park and swap meet participant" means any person other than an owner or operator who brings goods, wares and merchandise, both new and second hand, to a park and swap meet for the purpose of displaying, exchanging, bartering, buying, selling or bargaining these goods, wares and merchandise. (Prior code § 9-5-1)

5.25.020 License.

A. A license issued under the provisions of this chapter shall be displayed in a conspicuous place.

B. All licenses, unless specifically excepted, shall be issued for a period of one year and shall run from January 1st in each calendar year to the December 31st next following when they may be renewed; provided, that no license shall be renewed unless the licensee conforms with the provisions of this chapter. Licenses issued under this chapter shall not be transferable.

C. All licenses issued pursuant to this chapter during a license year may have the license fee prorated to the next month except that the license fee shall not be less than the application fee for said license. (Prior code § 9-5-2)

5.25.030 Fee.

The following fee shall be charged for applications and licenses for the operation of a park and swap lot: application fee, \$75.00; license fee, \$150.00, annually. Such application fee shall, upon the granting of the license, be applied to the total of the required license fee. In the event a license is not issued, the application fee shall not be returned to the applicant but shall be applied to cover the cost of processing the application. (Ord. 01-015 § 6, 2001; prior code § 9-5-3)

5.25.040 Application for license.

An application for a license under this chapter shall be made on forms furnished by the town. Every application shall be accompanied by an application fee in the amount provided in Section 5.25.030. (Prior code § 9-5-4)

5.25.050 Revocation or suspension of license – Appeals.

The chief of police or his delegate, whenever he has knowledge or it is brought to his attention that any person has violated, or is violating, any of the provisions of this chapter, shall cite such person to appear before the town magistrate on a day certain to answer the charge. Such citation shall state the duty of the person cited to appear personally at the time and place and shall be served in the manner prescribed by law. It shall be the duty of the person cited to appear personally at the time and place named in the citation. He shall have the right at such hearing to be represented by counsel and to introduce witnesses on his behalf. If, after such hearing, the town magistrate determines that the charge is substantiated beyond a reasonable doubt, he shall enter a judgment and appropriate sentence and so notify the cited person. If the person cited is dissatisfied with the order of the magistrate, he may appeal to the superior court in the manner provided by law within 10 days after entry of the judgment and sentence. (Prior code § 9-5-5)

5.25.060 Reports required.

A. On each day of operation of a park and swap lot, the owner or operator shall submit to the chief of police on forms provided by the town the following information on each park and swap meet participant:

1. Name and address.
2. Date and time of entry.
3. Vehicle description and license plate number.
4. Signature of park and swap meet participant.
5. Driver's license number and the state where issued, if any.
6. Social Security number.
7. Date of birth.

B. These forms and admission records shall be available for police inspection during normal business hours. These forms may be filled out by the park and swap meet participant and turned over to the owner, operator or his designated employee.

C. Each park and swap meet participant shall submit daily to the owner, operator or his designated employee a list giving the complete description of each item of property traded, bartered or sold by him which had a sale price of \$25.00 or more or had or did have a serial number and the name and address of the person receiving said property. The owner or operator shall be responsible for forwarding these reports to the police chief at the close of each day's business. Forms for these reports will be provided to the owner or operator by the town of Huachuca City. (Prior code § 9-5-6)

5.25.070 Trading area.

The swap meet activities shall be conducted only in a building, structure or other area which is sufficiently enclosed to enable the owner or operator or his employees to control effectively all persons and merchandise. (Prior code § 9-5-7)

Chapter 5.30 LICENSE FOR MANUFACTURED HOME PARKS AND RECREATIONAL VEHICLE PARKS

Sections:

- 5.30.010 License.**
- 5.30.020 Application.**
- 5.30.030 Revocation or suspension of license.**
- 5.30.040 Notice.**
- 5.30.050 Enforcement.**

5.30.010 License.

It is unlawful for any person to establish, operate or maintain; permit to be established, operated or maintained upon any property owned or controlled by him or her, a manufactured home park or a recreational vehicle park within the limits of the town without first having secured a license therefor from the town clerk. Said license shall be granted and remain in compliance with the terms outlined within Title 18. Such license shall expire on December 31st of each year, but may be renewed under the provisions of this title for additional periods of one year. (Ord. 16-19 § 2, 2016)

5.30.020 Application.

A. The application for such license, or the renewal thereof, shall be filed with the town clerk. The application for a license, or a renewal thereof, shall be made on a form furnished by the town clerk and shall include the name and address of the owner of the tract and a legal description of the premises upon which the park is or will be located which will readily identify and definitely locate the premises. An original application shall be accompanied by two copies of the park plan showing the following either existing or as proposed:

1. The extent and area used for park purposes.
2. Roadways or driveways.
3. Location of manufactured home or recreational vehicle sites.
4. Location and number of accessory uses (community recreational buildings and areas, parking areas, laundry buildings, office buildings, child care facilities and other similar accessory uses for the exclusive benefit of the park residents).
5. Method and plan of sewage disposal.
6. Method and plan of garbage removal.
7. Plan for water supply.
8. Plan for electrical lighting of the park and streets.
9. Any and all additional provisions as outlined in Title 18.

B. The premises and plans described in all original applications must be inspected and approved by the public works director, the chief of police, the fire marshal and the building official, or their duly authorized representatives, so far as sufficiency of the plans and proposed improvements satisfy the various codes and standards of the town. The application then shall be referred to the planning and zoning commission, along with the inspection reports and recommendations of the noted town personnel. If the planning and zoning commission by majority vote gives approval of the plans, they shall submit unto the mayor and council their recommendation for license issuance by the town clerk in accordance with this and all other sections of the code. If the planning and zoning commission does not by majority vote approve of the plans, the town clerk shall not issue a license. The applicant(s) then have the opportunity to appeal the decision of the planning and zoning commission with the board of adjustments. A park or site which has previously been issued a license but which has failed to renew it within two weeks after expiration of such a license shall be required to follow the application requirements of this subsection.

C. Licenses issued under the terms of this chapter convey no right to erect any building, to do any plumbing work or to do any electrical work without first obtaining a building permit from the building official. (Ord. 16-19 § 2, 2016)

5.30.030 Revocation or suspension of license.

The town clerk is hereby authorized to revoke or suspend any license issued pursuant to the terms of this chapter, if, after due investigation, it is deemed that the holder thereof has violated any of the provisions of this chapter or that any manufactured home park or recreational vehicle park is being maintained in an unsanitary or unsafe condition. (Ord. 16-19 § 2, 2016)

5.30.040 Notice.

Prior to the entry of any order of revocation or suspension by the town clerk, notice in writing shall be issued by the clerk directed to the person charged with the violation of the provisions of this chapter and requiring said person to appear not later than 10 days from the date of said notice and show cause why the order of revocation should not be made. (Ord. 16-19 § 2, 2016)

5.30.050 Enforcement.

It is hereby made the duty of the town clerk, chief of the fire department, chief of police and building official to enforce the provisions of this chapter as set out herein or as may hereinafter be enacted, and, for the purpose of securing such enforcement, any of the above named officials or their authorized representatives shall have the right and are hereby empowered to enter upon any premises upon which manufactured homes and/or recreational vehicles are parked or stored and to inspect the same. (Ord. 16-19 § 2, 2016)

Proposed Changes:

- **5.05.040 Clerk to issue and renew licenses.**

The clerk shall issue and renew licenses in accordance with the provisions of this chapter. ~~If the business is to be located within the town limits, the business location must be inspected and approved by the building official, or his designated representative, prior to the issuance of the business license to ensure the building and site meet the provisions of the building code, as well as the minimum requirements for zoning, safety, fire, Americans with Disabilities Act, and town regulations and ordinances. The building official will issue a certificate of occupancy once he is satisfied the location meets all the requirements, at which time the business license will be issued.~~ If the business is to be located within the Town limits, a zoning compliance certificate must be obtained from the Building Official before a business license can be issued. Upon verification by the Building Official that the business is in the approved zoning, the Clerk may issue a license to the applicant before the formal zoning compliance certificate is approved by the Building Official, and that the determination from the Building Official concerning the zoning compliance certificate be forthcoming in a period not to exceed five business days.

Exceptions. A zoning compliance certificate shall not be required for the following:

- (a) The renewal of a business license by the original holder of the license for the same use at the same location.
- (b) The issuance of a new business license for a use permitted within a commercial building or shopping center developed and constructed in conformance with a site plan approved by the Building Official
- (c) Business is located outside the limits of the Town

- **5.10.010 Registration required.**

Any person operating as a solicitor, peddler, hawker, salesman or vendor of goods, wares, merchandise, newspapers, magazines or services, who goes from house to house, or to only one house, in the town shall register with the Town Clerk. ~~police department and obtain an identification card showing such registration.~~

- **5.10.020 Application to Town Clerk ~~police chief.~~**

A. Applicants for ~~police~~ registration under the terms of Section 5.10.010 shall be required to furnish valid state issued identification. ~~two satisfactory photographs of the applicant, one to be attached to the applicant's registration card and the other to be retained by the police department. The chief of police shall require the applicant to file his fingerprint identification with the police department.~~

B. Such applicants for ~~police~~ registration shall be required to furnish to the Town Clerk ~~police department~~ a complete description of the product to be sold in the town, together with information regarding sales methods to be used and references that will enable the chief of police to determine whether or not such applicant is qualified to receive a registration card as provided in Section 5.10.030.

~~Investigation by the chief of police under the provisions of this chapter shall be completed within 15 days after the applicant has given the required information. (Prior code § 9-1-2)~~

~~• **5.10.030 Issuance of registration cards.**~~

~~Registration cards under this chapter shall be given without charge to all applicants who have complied with Section 5.10.020, unless the chief of police discovers that any such applicant is deemed not to be a proper person to be permitted to go from house to house because of any of the following reasons:~~

~~A. He has a criminal record;~~

~~B. He is associated with a company that has engaged in fraudulent dealings; or~~

~~C. The proposed sales proposition includes some element of trickery, fraud or deceit, in which case, in the interest of public safety and protection, the applicant shall not be registered. (Prior code § 9-1-3)~~

~~• **5.10.040 Revocation of registration cards.**~~

~~Registration cards under this chapter may be revoked by the chief of police if at any time he deems such action necessary in the interest of public safety and protection. (Prior code § 9-1-4)~~

~~• **5.10.050 Peddling without registration cards prohibited.**~~

~~It is unlawful for any person to take part in the act of soliciting, peddling, hawking, selling or vending of goods, wares, merchandise, newspapers, magazines or services from house to house, or to only one house, in the town, without having registered with the police department and without having obtained a registration card; without having such card in possession; or failing to exhibit such card when request is made for the registration card by any resident of the town. (Prior code § 9-1-5)~~

• **5.10.050 Peddling without registration cards prohibited.**

It is unlawful for any person to take part in the act of soliciting, peddling, hawking, selling or vending of goods, wares, merchandise, newspapers, magazines or services from house to house, or to only one house, in the town, without having registered with the Town Clerk. ~~police department and without having obtained a registration card; without having such card in possession; or failing to exhibit such card when request is made for the registration card by any resident of the town. (Prior code § 9-1-5)~~

• **5.10.060 Permission required for selling on streets or sidewalks.**

It is unlawful for any person to erect or maintain any booth, stand or counter on any sidewalk in the town for the purpose of barter, sale or trade, or keep or maintain upon the streets or alleys any wagon,

cart, wheel, vehicle, movable booth or stand for the purpose of barter or trade without obtaining permission of the Town Clerk ~~council~~. (Prior code § 9-1-6)