TITLE 1

GENERAL PROVISIONS

CHAPTER 1.01

CODE ADOPTION

1.01.010   ADOPTION

There is adopted the "Miami Municipal Code", as compiled, edited and published by Book Publishing Company, Seattle, Washington. (Ord. No. 263 (part), 1998).

1.01.020   TITLE-CITATION-REFERENCE

This code shall be known as the "Miami Municipal Code" and it shall be sufficient to refer to said code as the "Miami Municipal Code" in any prosecution for the violation of any provision of this code or in any proceeding at law or equity. It is sufficient to designate any ordinance adding to, amending, correcting or repealing all or any part or portion of this code as an addition to, amendment to, correction or repeal of the "Miami Municipal Code". References may be made to the titles, chapters, sections and subsections of the "Miami Municipal Code" and such references shall apply to those titles, chapters, sections or subsections as they appear in the code. (Ord. 263 (part), 1998)

1.01.030   REFERENCE APPLIES TO ALL AMENDMENTS

Whenever a reference is made to this code as the "Miami Municipal Code" or to any portion thereof, or to any ordinance of the Town of Miami, Arizona, codified herein, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made. (Ord. No. 263 (part), 1998)

1.01.040   TITLE, CHAPTER AND SECTION HEADINGS

Title, chapter and section headings contained in this code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section in this code. (Ord. No. 263 (part), 1998)

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1.01.050   REFERENCE TO SPECIFIC ORDINANCES

The provision of this code shall not in any manner affect matters of record which refer to, or are otherwise connected with ordinances which are therein specifically designated by number or otherwise and which are included within the code, but such reference shall be construed to apply to the corresponding provisions contained within this code. **(Ord. No. 263 (part), 1998)**

1.01.060   ORDINANCES PASSED PRIOR TO ADOPTION OF THE CODE

The last ordinance included in this code was Ordinance 261, passed October 13, 1997. The following ordinances, passed subsequent to Ordinance 261, but prior to adoption of this code, are adopted and made a part of this code: Ordinance 262, holding each property owner as ultimately responsible for payment of the appropriate garbage, trash and sewage collection services provided by the Town of Miami to his/her/their property. (Ord. No. 263 (part), 1998)

1.01.070   EFFECT OF CODE ON PAST ACTIONS AND OBLIGATIONS

The adoption of this code does not affect prosecutions for ordinance violations committed prior to the effective date of this code, does not waive any fee or penalty due and unpaid on the effective date of this code, and does not affect the validity of any bond or cash deposit posted, filed or deposited pursuant to the requirements of any ordinance. **(Ord. No. 263 (part), 1998)**

1.01.080   CONSTITUTIONALITY

If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code. (Ord. No. 263 (part), 1998)

1.01.090   REFERENCES TO PRIOR CODE

References in city forms, documents and regulations to the chapters and sections of the former city code shall be construed to apply to the corresponding provision contained within this code. (Ord. No. 263 (part), 1998)

CHAPTER 1.04

GENERAL PROVISIONS

SECTION:
1.04.010	**DEFINITIONS**
1.04.020	**INTERPRETATIONS OF LANGUAGE**
1.04.030	**GRAMMATICAL INTERPRETATION**
1.04.040	**ACTS BY AGENTS**
1.04.050	**PROHIBITED ACTS INCLUDING CAUSING AND PERMITTING**
1.04.060	**COMPUTATION OF TIME**
1.04.070	**CONSTRUCTION**
1.04.080	**REPEAL SHALL NOT REVIVE ANY ORDINANCES**

1.04.010   **DEFINITIONS**

The following words and phrases, whenever used in the ordinances of the Town of Miami, shall be construed as defined in this section unless from the context a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

"Council" means the Town Council of the Town of Miami. "All its members" or "all Councilmembers" means the total number of Councilmembers holding office.
"County" means the County of Gila.
"Law" denotes applicable federal law, the Constitution and statutes of the State of Arizona, the ordinances of the Town and, when appropriate, any and all rules and regulations which may be promulgated thereunder.
"May" is permissive.
"Month" means a calendar month.
"Must" and "shall" are each mandatory.
"Oath" includes an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed".
"Owner" applied to a building or land includes any part owner, joint owner, tenant in common, joint tenant, tenant by the entirety, of the whole or part of such building or land.
"Person" includes a natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or the manager, lesee, agent, servant, officer or employee of any of them.
"Personal Property" includes money, goods, chattels, things in action and evidences of debt.
"Preceding" and "following" means next before and next after, respectively.
"Property" includes real and personal property.
"Real property" includes lands, tenements and hereditaments.
"Sidewalk" means that portion of a street between the curbline and the adjacent property line intended for the use of pedestrians.
"State" means the State of Arizona.

"Street" includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, or other public ways in the town which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state.

"Tenant" and **"occupant"** applied to a building or land, include any person who occupies the whole or a part of such building or land, whether alone or with others.

"Town" means the Town of Miami, or the area within the territorial limits of the town and such territory outside the town over which the town has jurisdiction or control by virtue.

"Written" includes printed, typewritten, mimeographed, or otherwise reproduced in permanent visible form.

"Year" means a calendar year.

(Ord. No. 260 § 1, 1997)

1.04.020 INTERPRETATION OF LANGUAGE

All words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning. (Ord. No. 260 § 2, 1997)

1.04.030 GRAMMATICAL INTERPRETATION

The following grammatical rules shall apply in the ordinances of the Town unless it is apparent from the context that a different construction is intended:

  A. Gender. Each gender includes the masculine, feminine and neuter genders.
  B. Singular and Plural. The singular number includes the plural and plural includes the singular.
  C. Tenses. Words used in the present tense include the past and future tenses and vice versa, unless manifestly inapplicable.

(Ord. No. 260 § 3, 1997)

1.04.040 ACTS BY AGENTS

When an act is required by an ordinance, the same being such that is may be done as well by an agent as by the principal, such requirement shall be construed to include all such acts performed by an authorized agent. (Ord. No. 260 § 4, 1997)

1.04.050 PROHIBITED ACTS INCLUDE CAUSING AND PERMITING

Whenever in the ordinances of the Town any act or omission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering or concealing the fact of such act or omission. (Ord. No. 260 § 5, 1997)

1.04.060 COMPUTATION OF TIME

Except when otherwise provided, the time within which an act is required to be done shall be computed by excluding the first day and including the last day, unless the last day is Sunday or a holiday, in which case it shall also be excluded. (Ord. No. 260 § 6, 1997)

1.04.070   CONSTRUCTION

The provisions of the ordinances of the Town, and all proceedings under them are to be construed with a view to effect their objects and to promote justice. (Ord. No. 260 § 7, 1997)

1.04.080   REPEAL SHALL NOT REVIVE ANY ORDINANCES

The repeal of an ordinance shall not repeal the repealing clause of an ordinance or revive any ordinance which has been repealed thereby. (Ord. No. 260 § 8, 1997)

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CHAPTER 1.08

ELECTIONS

1.08.010   **PRIMARY ELECTION – CANDIDATES RECEIVING A MAJORITY OF VOTES**

Any candidate who shall receive at the primary election, a majority of all the votes cast, shall be declared to be elected to the office for which he is a candidate effective as of the date of the general election, and no further election shall be held as to such candidate, provided that if more candidates receive a majority of all the votes cast than there are offices to be filled, then those candidates, equal in number to the offices to be filled, receiving the highest number of votes shall be declared to be elected. (Ord. No. 152 § 1, 1959)

1.08.020   **NON-POLITICAL BALLOT**

Nothing on the ballot in any election shall be indicative of the source of the candidacy or of the support of the candidate. (Ord. No. 152 § 2, 1959:Ord. No. 338, 2013)

1.08.030   **GENERAL ELECTION NOMINATION**

If at any primary election there is any office for which no candidate was elected, then as to such office said election shall be considered to be a primary election for nomination of candidates for such office, and the second or general municipal election shall be held to vote for candidates to fill such office. Candidates to be placed on the ballot at such second or general municipal election shall be those not elected at such first election, shall be equal in number to twice the number to be elected to any given office, or less than that number if there is less than that number named on the primary election ballot, and persons who receive the highest number of votes for the respective offices at such first election shall be the only candidates at such second election, provided that if there is any person who, under the provisions of this section, would have been entitled to become a candidate for any office except for the fact that some other candidate received an equal number of votes therefor, then all such persons receiving an equal number of votes shall likewise become candidates for such office. (Ord. No. 152 § 3, 1959:Ord. No. 338, 2013)

1.08.040   GENERAL ELECTION – CANDIDATES ELECTED

The candidates equal in number to the persons to be elected who shall receive the highest number of votes at the general election shall be declared elected to such office. (Amended during 1997 codification; Ord. No. 152 § 4, 1959)

1.08.050   CANDIDATE FINANCIAL DISCLOSURE

Each candidate for the office of Councilmember shall file a Financial Disclosure Statement when such candidate files a nomination paper. The statement shall contain such information as required by resolution of the Council pursuant to State law. (Ord. No. 338, 2013)

1.08.060   ELECTION DATES

The primary election shall be held on the date of the primary election of the State of Arizona. The date of the general election shall be the date of the general election of the State of Arizona. (Ord. No. 338, 2013)

1.08.070   FILING DEADLINE FOR NOMINATION PETITIONS

A person desiring to become a candidate and to have his or her name printed on the official ballot for municipal office shall file a nomination paper and other nomination materials not less than ninety (90) nor more than one hundred twenty (120) days before the primary election date. All such nomination papers must be completed and filed with the Town Clerk by five p.m. on the last day for filing such papers. (Ord. No. 338, 2013)

1.08.080   REFERENDUM, INITIATIVE AND RECALL ELECTIONS

A.   When a referendum, initiative or recall election is required to be placed on the ballot, the Council shall do so at the next regularly scheduled State primary or general election.

B.   Alternatively, the Council may, at its discretion, call a special election to be held on any date authorized by A.R.S. Section 16-204 to place a referendum, initiative or recall election on the ballot.

C.   The basis upon which the number of qualified electors of the town required to file an initiative petition shall be the total number of registered voters qualified to vote at the last Town election, whether the primary, general or special, immediately preceding the date upon which any initiative petition is filed. The basis upon which the number of qualified electors of the town required to file a referendum petition shall be determined by State law. In the event that the State law is changed to mandate a different method to calculate the number of qualified electors of the town required to file an initiative petition, then the method mandated by the State Legislature shall be followed.

(Ord. No. 338, 2013)

CHAPTER 1.12

TOWN JAIL

SECTION:
1.12.010   **TOWN JAIL ESTABLISHED**
1.12.020   **TOWN JAIL KEEPER**
1.12.030   **VIOLATORS CONFINED**

1.12.010   TOWN JAIL ESTABLISHED

There is established in the Town of Miami a work house and house of correction, to be known as the Town jail. (Ord. No. 61 § 1, 1921)

1.12.020   TOWN JAIL KEEPER

The Town jail shall be under the direct management and control of the Town Marshal and Chief of Police of the Town, who is made the jailer and keeper thereof and is authorized, empowered and directed to receive and imprison therein any and all person lawfully committed thereto. (Ord. No. 61 § 2, 1921)

1.12.030   VIOLATORS CONFINED

All persons held for trial or convicted of violation of any ordinance of the Town, and sentenced to imprisonment or confinement, shall be imprisoned or confined in the Town jail. (Ord. No. 61 § 3, 1921)

CHAPTER 1.16

GENERAL PENALTY

SECTION:
1.16.010   **GENERAL PENALTY**

1.16.010   **GENERAL PENALTY**

A.   Any person violating any of the provisions or failing to comply with any of the mandatory requirements of the ordinances of the Town shall be guilty of a misdemeanor.

B.   Except in cases where a different punishment is prescribed by any ordinance of the Town, any person convicted of a misdemeanor for violation of an ordinance of the Town is punishable by a fine of not more than two thousand five hundred dollars ($2,500.00), or by imprisonment not to exceed six months, or by both fine and imprisonment.

C.   Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of the ordinances of the Town is committed, continued or permitted by any such person, and he shall be punishable accordingly.

(Ord. No. 259 § 1, 1997)