

TITLE XIII: GENERAL OFFENSES

Chapter

130. GENERAL OFFENSES

**131. PROVIDING A LOCATION FOR AN UNLAWFUL
MINOR PARTY OR GATHERING**

CHAPTER 130: GENERAL OFFENSES

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Cross-reference:

Social host ordinance, see Ch. 131

' 130.01 DANGEROUS CONSTRUCTIONS.

It is unlawful for any person to situate, construct or maintain any signs, billboards, awnings and other similar structures over or near streets, sidewalks, public grounds or places frequented by the public, in a manner as to endanger the public safety.

(1991 Code, ' 11-1-1) Penalty, see ' 130.99

' 130.02 EXCAVATIONS .

(A) It is unlawful for any person to excavate, dig or produce in any manner or cause to be made any opening, displacement, depression or impairment of the surface of any public place or public thoroughfare without first making application for a permit from the town.

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(B) The work of excavating shall be under the supervision and direction of an employee designated by the Town Manager.

(C) The applicant shall be liable for all damages to persons or property caused by the excavating and shall hold the town harmless for any damages incurred in performance of the work specified.

(D) It is unlawful for any person to make any excavation or dig any hole, drain or ditch in any highway or thoroughfare in the town without providing a sufficient light at night and a temporary fence or suitable obstruction around the excavation to protect the public during the day.

(E) It is unlawful for any person to maintain a well, cellar, pit or other excavation of more than two feet in depth on any unenclosed lot, without substantial curbing, covering or protection.

(F) Any person authorized to excavate in any public place, public road, street, alley, right-of-way or public thoroughfare shall, as soon as is practicable, but in no event later than 30 days after completion of the excavation, restore the public place, public road, street, alley, right-of-way or public thoroughfare to at least the same condition as existed prior to the excavation; provided, however, in the event necessary for the public safety, the town may, by written notice, require that the public place, public road, street, alley, right-of-way or public thoroughfare be restored in less than 30 days.

(G) In the event the person making the excavation has made a good faith attempt to restore the public place, public road, street, alley, right-of-way or public thoroughfare to at least the condition as existed prior to the excavation, but has done so in a manner unsatisfactory to the town, the town shall, by certified mail, notify the grantee, licensee or other responsible party of its failure to properly restore the public place, public road, street, alley, right-of-way or public thoroughfare, setting forth what actions must be taken to properly restore the public place, public road, street, alley, right-of-way or public thoroughfare to its previous condition and the time in which the actions must be taken.

(H) If the restoration required by divisions (F) or (G) of this section is not timely performed, the town may perform the work necessary to restore the public place, public road, street, alley, right-of-way or public thoroughfare to its previous condition and charge the expense of the restoration to the responsible grantee, licensee or other responsible party.

(I) For the purposes of this section, unless the context otherwise requires, **EXCAVATION** means any operation in which earth, rock or other material in the ground is moved, removed or otherwise displaced by means or use of any tools, equipment or explosives, and includes without limitation grading, trenching, digging, ditching, drilling, auguring, tunneling, scraping, cable or pipe plowing and driving.

(1991 Code, ' 11-1-2) Penalty, see ' 130.99

' 130.03 EXPLOSIVES .

(A) It is unlawful for any person within the limits of the town to keep or use a highly explosive substance without a written permit from the Police Chief.

(B) Persons who keep, use or transport their own ammunition or reloading supplies, solely for sporting purposes, shall be exempt from these provisions.
(1991 Code, ' 11-1-3) Penalty, see ' 130.99

' 130.04 FIREWORKS .

(A) Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CONSUMER FIREWORK. Those fireworks defined by A.R.S. ' 36-1601.

DISPLAY FIREWORK. Those fireworks defined by A.R.S. ' 36-1601.

FIREWORKS. Any combustible or explosive composition, substance or combination of substances, or any article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, that is a consumer firework, display firework or permissible consumer firework as defined by A.R.S. ' 36-1601.

NOVELTY ITEMS. Federally deregulated novelty items that are known as snappers, snap caps, party poppers, glow worms, snakes, toy smoke devices, sparklers and certain toys as defined in A.R.S. ' 36-1601.

PERMISSIBLE CONSUMER FIREWORKS. Those fireworks as defined by A.R.S. ' 36-1601 that may be sold within the town even where the use of those items has been prohibited.

SUPERVISED PUBLIC DISPLAY. A monitored performance of display fireworks open to the public and authorized by permit by the Fire Chief or his or her designee.

(B) Fireworks prohibited; exceptions.

(1) The use, discharge or ignition of fireworks within the town is prohibited.

(2) Nothing in this section or chapter shall be construed to prohibit the use, discharge or ignition of novelty items or the occurrence of a supervised public display of fireworks.

(3) Permits may be granted by the Fire Chief or designee for conducting a properly supervised public display of fireworks. Every public display of fireworks shall be of a character and so located, discharged or fired, only after proper inspection and in a manner that does not endanger persons, animals or property. A permit shall not be issued, and may be revoked, during time periods of high fire danger warnings. The Fire Chief has authority to impose conditions on any permits granted.

(4) Failure to comply with any permit requirements issued by the Fire Chief is a civil offense punishable by fines as set forth in ' 130.99.

(C) Sale of fireworks.

(1) No person shall sell or permit or authorize the sale of permissible consumer fireworks to a person who is under 16 years of age.

(2) No person shall sell or permit or authorize the sale of permissible consumer fireworks in conflict with state law.

(D) Posting of signs by persons engaged in the sale of fireworks; civil penalty.

(1) Prior to the sale of permissible consumer fireworks, every person engaged in those sales shall prominently display signs indicating the following:

(a) The use of fireworks, except novelty items as defined by this town code, including permissible consumer fireworks is prohibited; and

(b) Consumer fireworks authorized for sale under state law may not be sold to persons under the age of 16.

(2) Signs required under this section shall be placed at each cash register and in each area where fireworks are displayed for sale.

(3) The Fire Chief along with the Building Inspector or designee shall develop regulations concerning the size and color of the required signs and shall develop a model sign. The required sign regulations and model sign shall be posted on the town=s website and filed with the Clerk=s office.

(4) Failure to comply with divisions (D)(1)(a) and (b) of this section is a civil offense punishable as set forth in ' **130.99**.

(E) Authority to enforce violations of this section; means of enforcement.

(1) The Fire Chief or designee, a town police officer or the Town Attorney may issue civil complaints to enforce violations of this section designated as civil offenses.

(2) Any person authorized pursuant to this section to issue a civil complaint may also issue a notice of violation specifying actions to be taken and the time in which they are to be taken to avoid issuance of a civil or criminal complaint.

(3) A town police officer or the Town Attorney may issue criminal complaints to enforce this article.

(F) Liability for emergency responses related to use of fireworks; definitions.

(1) A person who uses, discharges or ignites permissible consumer fireworks, fireworks or anything that is designed or intended to rise into the air and explode or to detonate in the air or to fly

above the ground, is liable for the expenses of any emergency response that is required by that use, discharge or ignition. The fact that a person is convicted or found responsible for a violation(s) of this section is prima facie evidence of liability under this section.

(2) The expenses of an emergency response are a charge against the person liable for those expenses pursuant to division (A) of this section. The charge constitutes a debt of that person and may be collected proportionately by the public agencies, for-profit entities or not-for-profit entities that incurred the expenses. The person=s liability for the expense of an emergency response shall not exceed the actual cost of the call for a single incident. The liability imposed under this section is in addition to and not in limitation of any other liability that may be imposed.

(3) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

EXPENSES OF AN EMERGENCY RESPONSE. Reasonable costs directly incurred by public agencies, for-profit entities or not-for-profit entities that make an appropriate emergency response to an incident.

REASONABLE COSTS. Includes the costs of providing police, firefighting, rescue and emergency medical services at the scene of an incident and the salaries of the persons who respond to the incident.
(1991 Code, ' 11-1-4) (Ord. 162-2011, passed 1-10-2011) Penalty, see ' 130.99

' 130.05 MINORS ; CURFEW.

(A) Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADULT. A person 18 years of age or older.

CURFEW. The hours between 10:00 p.m. and 6:00 a.m.

GUARDIAN. An adult having legal custody of a minor.

MINOR. A person 17 years of age or younger.

(B) Unlawful conduct.

(1) A minor shall not be upon any of the streets, alleys or public places in the town during curfew.

(2) A parent or guardian of a minor shall not permit the minor to be upon any of the streets, alleys or public places in the town during curfew. It shall not constitute a defense that a parent or guardian had no knowledge of a minor=s violation of division (B)(1) of this section.

(C) This section does not apply to a minor who is:

- (1) Accompanied by the minor=s parent or guardian;
- (2) On an errand at the direction of the minor=s parent or guardian, without any detour or stop;
- (3) In a motor vehicle involved in interstate travel;
- (4) Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
- (5) Involved in an emergency;
- (6) On the sidewalk abutting the minor=s residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor =s presence;
- (7) Attending an official school, religious or other recreational activity supervised by adults and sponsored by the city, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the city, a civic organization, or another similar entity that takes responsibility for the minor;
- (8) Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or
- (9) Married or had been married or had disabilities of minority removed in accordance with state law.

(D) Penalty.

- (1) A minor who violates this section shall be referred to Juvenile Court pursuant to A.R.S. Title 8, Chapter 2.
- (2) An adult who violates this section shall be guilty of a misdemeanor. (1991 Code, ' 11-1-5) (Ord. 63, passed 11-21-1988) Penalty, see ' 130.99

' 130.06 NOISE .

(A) In general. It is unlawful for a person to create, assist in creating, permit, continue or permit the continuance of any unreasonably loud, disturbing or unnecessary noise in the town that produces annoyance, inconvenience, discomfort or hurt to any person, or to the enjoyment of property or comfort of any person, or affects the health, safety or morale of the public.

(1) The following, among others, are declared to be loud, disturbing and unnecessary noises in violation of this section, but any enumeration herein shall not be deemed to be exclusive:

(a) The playing or permitting to be played of any music or musical instrument whether played by individuals, orchestra, radio, phonograph, music box or other mechanical device or means in such a loud or unusual manner as to be offensive to the senses, or so as to disturb the quiet, comfort or repose of persons in any dwelling, hotel or other type of residence;

(b) The use of any vehicle, engine or motor of whatever size, stationary or moving, instrument, construction equipment, device or thing, in a manner as to create loud and unnecessary grating, grinding, rattling, pounding or other noise;

(c) The keeping of any animal or bird which, by causing frequent or long, continued noise, shall disturb the comfort and repose of any person in the vicinity; or

(d) A person who, acting individually or as a group, creates verbal or other noises in a manner which disturbs the peace, quiet or tranquility of a residential neighborhood, apartment complex or other residential area; or operation of any sound amplification device mounted on or inside a motor vehicle in a manner which disturbs the peace, quiet and tranquility of a residential neighborhood, apartment complex or other residential area.

(2) For the purposes of this section, it shall be prima facie evidence of a violation of this section if any of the above noises are made, created or produced in any residential area between the hours of 10:00 p.m. and 6:00 a.m.

(B) Vehicle noise.

(1) It is unlawful for any person to operate a motor vehicle which shall not at all times be equipped with a muffler upon the exhaust thereof in good working order and in constant operation to prevent excessive or unusual noise; and it is unlawful for any person operating any motor vehicle to use a cut-out, by-pass or similar muffler elimination appliance.

(2) Any time a police officer has reasonable cause to believe that a vehicle is not equipped as required by law, or that its equipment is not in proper adjustment or repair, the officer will take appropriate action within the guidelines of A.R.S. " 28-981, 28-982 and 28-983, and any later amendments or revisions thereto.

(C) Punishment. Any act in violation of division (A) or (B) of this section is hereby declared to be a loud and unnecessary noise. Violations shall be subject to the provisions of ' 130.99.

(1991 Code, ' 11-1-6) (Ord. 68, passed 8-20-1990) Penalty, see ' 130.99

' 130.07 NUISANCE .

(A) Anything which is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property by an entire community or neighborhood, or which unlawfully obstructs the free passage or use, in the customary manner, of any public park, square, alley, sidewalk, street or highway is a public nuisance, and is no less a nuisance because the extent of the annoyance or damage inflicted is unequal.

(B) It is unlawful for any person to maintain or commit a public nuisance, or to willfully omit to perform any legal duty relating to the removal of a public nuisance.

(C) A public nuisance may be abated by order of the Town Court.
(1991 Code, ' 11-1-7) Penalty, see ' 130.99

' 130.08 OBSTRUCTION OF VIEW.

It is unlawful for any person to maintain or allow any tree, hedge, billboard or other obstruction which prevents persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk.
(1991 Code, ' 11-1-8) Penalty, see ' 130.99

' 130.09 OFFENSIVE PREMISES.

It is unlawful for any person to suffer, or permit any premises belonging to or occupied by him or her, or any cellar, privy, vault, pool, sewer, septic tank or private drain therein to become nauseous, foul or offensive to the senses or prejudicial to the public health or comfort.
(1991 Code, ' 11-1-9) Penalty, see ' 130.99

' 130.10 SPIRITUOUS LIQUOR IN TOWN PARKS.

(A) Spirituous beverages prohibited. It is unlawful for any person to possess or consume spirituous beverages on the premises of the Town Little League Ball Park, the Town Park located at Reay Lane and Highway 70 or the Daley Estates Park.

(B) Duty of police officers to enforce. It shall be the duty of any police officer of the town to enforce this section. The Chief of Police shall report to the Town Clerk all violations of this section.

(C) Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DALEY ESTATES PARK. Those premises:

Beginning at the northwest corner of Section 26, Township 7 South, Range 25 East of the Gila and Salt River Base and Meridian, Graham County, Arizona; running thence south 0 degrees 13' 13" west, along the west line of said Section 26, a distance of 120.00 feet to the true point of beginning;

Thence south 89 degrees 43' 57" east, 25.00 feet to the southwest corner of Lot 14, Daley=s Country Club Estates, Unit II, according to File No. 4, D-2, Records of Graham County, Arizona;

Thence south 0 degrees 13' 13" west, 80.00 feet;

Thence south 89 degrees 43' 57" east, 292.00 feet;

Thence south 0 degrees 13' 13" west, 195.00 feet;

Thence north 89 degrees 43' 57" west, 317.00 feet to the west line of said Section 26;

Thence north 0 degrees 13' 13" east, along said west line of Section 26, a distance of 275.00 feet to the true point of beginning.

SPIRITUOUS LIQUOR. Alcohol, brandy, whiskey, rum, tequila, mescal, gin, wine, porter, ale, beer, any malt liquor, malt beverage, absinthe or compound or a mixture of any of them, or any of them with any vegetable or other substance, alcohol bitters, bitters containing alcohol, and any liquid mixture or preparation, whether patented or otherwise, which produces intoxication, fruits preserved in ardent spirits and beverages containing more than 0.5% of alcohol by volume.

TOWN LITTLE LEAGUE PARK. Those premises located within the southwest quarter of Section 11 or the southeast quarter of Section 10, all in Township 7 South, Range 25 East, and adjoining the Town Cemetery, used for the purpose of baseball, softball, tennis or similar activities. Includes a regular park, playground equipment, armadas, splash park and the like.

TOWN PARK. Those premises located within that part of the southeast quarter of Section 3, Township 7 South, Range 25 East of the Gila and Salt River Base and Meridian, Town of Thatcher, Graham County, Arizona, more particularly described as follows:

Commencing at the east quarter corner of said Section 3;

Thence south 00 degrees 14' 10" west a distance of 1054.42 feet to the point of beginning;

Thence south 00 degrees 14' 10" west a distance of 326.57 feet to the northerly right-of-way of U.S. Highway 70;

Thence south 89 degrees 45' 05" west, along said right-of-way, a distance of 231.28 feet to the TS of a spiral curve;

Thence north 88 degrees 51' 53" west, along the chord of said spiral curve whose $a=1/3$ and $Ls=500$ feet, a distance of 496.25 feet to a point of curve;

Thence along a curve to the right having a radius of 3,387.75 feet, a central angle of 001 degrees 33' 44", an arc length of 92.37 feet, and a chord which bears north 85 degrees 18' 03" west to a point on a line;

Then north 00 degrees 20' 10" east, leaving said right-of-way, a distance of 304.56 feet;

Thence south 89 degrees 45' 50" east a distance of 447.10 feet;

Thence north 00 degrees 14' 10" east a distance of 9.00 feet;

Thence south 89 degrees 45' 50" east a distance of 371.92 feet to the point of beginning.

(1991 Code, ' 11-1-10) (Ord. 60, passed 9-19-1988; Ord. 66, passed 11-20-1989) Penalty, see ' 130.99

' 130.11 MINORS CARRYING OR POSSESSING FIREARMS.

(A) Except as provided in division (B) of this section, an unemancipated person who is under 18 years of age and who is unaccompanied by a parent, grandparent or guardian, or a certified hunter safety instructor or certified firearms safety instructor acting with the consent of the unemancipated person=s parent or guardian, shall not knowingly carry or possess on his or her person, within his or her immediate control, or in or on a means of transportation a firearm in any place that is open to the public or on any street or highway or on any private property except private property owned or leased by the minor or the minor=s parent, grandparent or guardian.

(B) This section does not apply to a person who is 14, 15, 16 or 17 years of age and is any of the following:

(1) Engaged in lawful hunting or shooting events or marksmanship practice at established ranges or other areas where the discharge of a firearm is not prohibited;

(2) Engaged in lawful transportation of an unloaded firearm for the purpose of lawful hunting;

(3) Engaged in lawful transportation of an unloaded firearm between the hours of 5:00 a.m. and 10:00 p.m. for the purpose of shooting events or marksmanship practice at established ranges or other areas where the discharge of a firearm is not prohibited; or

(4) Engaged in activities requiring the use of a firearm that are related to the production of crops, livestock, poultry, livestock products, poultry products, or ratites or in the production or storage of agricultural commodities.

(C) If the minor is not exempt under division (B) of this section and is in possession of a firearm, a peace officer may seize the firearm and hold it until the agency returns the firearm to the parent or guardian or initiates forfeiture proceedings pursuant to A.R.S. Title 13, Chapter 39.

(D) A person who violates division (A) of this section is an incorrigible child and shall be subject to the penalties set forth in ' 130.99.

(E) If the firearm is not returned to the parent or guardian pursuant to division (C) of this section, it shall be held by the law enforcement agency responsible for the seizure until the charges have been

adjudicated or otherwise disposed of and until the conclusion of any forfeiture proceedings. Upon adjudication of a person for a violation of this section, the Court in accordance with A.R.S. Title 13, Chapter 39 shall order the firearm forfeited and sold, destroyed or disposed of otherwise.

(F) If the Court finds that the parent or guardian of a minor found responsible for violating this section knew of the minor's unlawful conduct and made no effort to prohibit it, the parent or guardian is jointly and severally responsible for any fine imposed pursuant to this section.

(G) This section is supplemental to any other law imposing a criminal penalty for the use or exhibition of a deadly weapon. A minor who violates this section may be prosecuted and convicted for any other criminal conduct involving the use or exhibition of the deadly weapon. (1991 Code, ' 11-1-11) (Ord. 85-1993, passed 10-18-1993) Penalty, see ' 130.99

Statutory reference:

Similar provisions, see A.R.S. ' 13-3111

' 130.12 OBSCENE CONDUCT.

It is unlawful for any person to urinate or defecate in any place open to the public view or to be guilty of any lewd, lascivious or obscene conduct in any public place where other persons are present or indecently to exhibit any animal. (1991 Code, ' 11-1-12) (Ord. 86-1994, passed 10-17-1994) Penalty, see ' 130.99

' 130.13 FALSE AND FRAUDULENT ACTS PROHIBITED.

(A) It is unlawful for anyone to intentionally turn on, activate any mechanical, fire or emergency alarm or otherwise falsely report an emergency, which causes any firefighter, police officer or other persons to initiate an emergency response when there is no cause.

(B) It is unlawful for any person to represent falsely himself or herself to be an officer of the town or to attempt to impersonate any officer or to perform without authority any official act therein on behalf of an officer. (1991 Code, ' 11-1-13) (Ord. 86-1994, passed 10-17-1994) Penalty, see ' 130.99

' 130.14 ACTS RELATIVE TO POLICE OFFICERS.

(A) It is unlawful for any citizen over the age of 18 years to refuse or neglect to render assistance to any police officer when called upon for that assistance or aid in the suppression of riot or other unlawful assemblage or in the arrest of any person who has committed an offense.

(B) It is unlawful for any person to willfully interfere with, resist, delay, obstruct, molest or threaten to molest any officer or any member of the Police or Fire Departments, Building Inspector or

Animal Control Officer of the town in the exercise of his or her official duties or knowingly and maliciously give any false information to any officer of the town.

(1991 Code, ' 11-1-14) (Ord. 86-1994, passed 10-17-1994) Penalty, see ' 130.99

' 130.15 POSSESSION /USE OF A LASER POINTING DEVICE.

(A) It shall be unlawful for any person to focus, point or shine a laser beam directly or indirectly on another person or animal in such a manner as to harass, annoy or injure the person or animal.

(B) It shall be unlawful for any person under the age of 18 years to possess a laser-pointing device. A person shall not be in violation of this section if his or her possession of a laser pointing device is necessary for his or her employment, trade or occupation and it is necessary for the pointer to be carried on his or her person.

(1991 Code, ' 11-1-16) (Ord. 113-1999, passed 6-15-1999) Penalty, see ' 130.99

' 130.16 SALE OF PRODUCTS CONTAINING PSEUDOEPHEDRINE.

(A) Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PSEUDOEPHEDRINE PRODUCT. Any product containing ephedrine or pseudoephedrine and includes any compound, mixture or preparation that contains any detectable quantity of ephedrine, pseudoephedrine, norpseudoephedrine or phenylpropanolamine or their salts, optical isomers or salts of optical isomers. Product packaging that lists ephedrine, pseudoephedrine, norpseudoephedrine or phenylpropanolamine as an active ingredient shall constitute prima facie evidence that the product is a **PSEUDOEPHEDRINE PRODUCT**.

RETAIL ESTABLISHMENT. Any place of business that offers any pseudoephedrine product for sale at retail.

(B) The operator of a retail establishment shall keep all products containing pseudoephedrine behind a store counter or otherwise in a manner that is inaccessible to customers without the assistance of the operator or an employee of the establishment.

(C) A person making a retail sale of a product containing pseudoephedrine shall require a government-issued photo identification from the purchaser and shall record the purchaser's name, date of birth, quantity of pseudoephedrine product purchased, transaction date and the initials of the seller.

(D) The information required to be obtained by division (C) above will be retained by the retail establishment for a period of 90 days, and will be considered a confidential document that will only be available to the operator of the retail establishment, and shall be available to the Town Police Department officers, State Department of Public Safety officers, County Sheriff's Department officers, and other law enforcement officers.

(E) A violation of this section is a Class 1 misdemeanor.

(F) This section is effective April 1, 2006.
(1991 Code, ' 11-1-17) (Ord. 142-2006, passed 1-10-2006) Penalty, see ' 130.99

' 130.17 SMOKING IN TOWN PARKS.

(A) Smoking prohibited. It is unlawful for any person to smoke in any town park or recreation facility.

(B) Duty of police officers to enforce. It shall be the duty of any police officer of the town to enforce this section. The Chief of Police shall report to the Town Manager all violations of this section.

(C) Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

SMOKING. Includes inhaling, exhaling, burning or carrying any lighted cigar, cigarette, pipe, or other lighted or vaporized substance in any manner or form.
(Ord. 182-2018, passed 3-19-2018) Penalty, see ' 130.99

' 130.99 PENALTY .

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to ' 10.99.

(B) The penalty for violating any prohibition or requirement imposed by ' 130.04 is a Class 3 misdemeanor unless another penalty is specifically provided for.

(1) Failure to comply with the provisions of ' 130.04(B)(3) and (4) is a civil offense punishable by fines for each violation not to exceed \$2,500.

(2) Failure to comply with ' 130.04(D)(1)(a) and (b) is a civil offense punishable by civil fine of \$2,500.
(1991 Code, ' 11-1-4)

(C) Any person who violates the provisions of ' 130.11(A) shall be subject to the following fines:

(1) For an offense involving an unloaded firearm, a fine of not more than \$250 and the court may order the suspension or revocation of the person=s driver=s license; and

(2) For an offense involving a loaded firearm, a fine of not more than \$500 and the court may order the suspension or revocation of the person=s driver=s license.

(1991 Code, ' 11-1-11)

(Ord. 85-1993, passed 10-18-1993; Ord. 162-2011, passed 1-10-2011)

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CHAPTER 131: PROVIDING A LOCATION FOR AN UNLAWFUL MINOR PARTY OR GATHERING

Section

- 131.01 Definitions
- 131.02 Providing a location for a minor party/gathering
- 131.03 Collection of civil penalties
- 131.04 Hearings

- 131.99 Penalty

' 131.01 DEFINITIONS .

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

ABSENTEE OWNER. An owner that does not reside at the property.

JUVENILE. A minor under the age of 18 years.

MINOR. Any person under the age of 21 years.

MINOR PARTY/GATHERING. A party or gathering of two or more people where spirituous liquor is served to, in the possession of, or consumed by any minor.

OWNER. A person, persons or legal entity listed as the current titleholder of real property, as recorded in the official records of the County Recorder=s Office.

RESPONSIBLE PERSON. An owner, tenant, renter, lessor, lessee or other person residing in or having charge, possession or control of the premises, or a person who sponsored, allowed or authorized the party/gathering and who knew or should have known that an unlawful minor party/gathering was occurring on the premises. If such person is a juvenile, the term **RESPONSIBLE PERSON** includes, in addition to the juvenile, the juvenile=s parents, legal guardian(s), or other person exercising care, custody or supervision of the juvenile.

SPIRITUOUS LIQUOR. Shall have the same meaning as defined in A.R.S. 4-101(31). (Ord. 178-2015, passed 12-21-2015)

' 131.02 PROVIDING A LOCATION FOR A MINOR PARTY/GATHERING.

It is unlawful for the responsible person to provide a location for, or to permit, authorize, sponsor or allow, a minor party/gathering on private property under the responsible person=s ownership, possession or control.

(Ord. 178-2015, passed 12-21-2015) Penalty, see ' 131.99

' 131.03 COLLECTION OF CIVIL PENALTIES.

Civil penalties may be collected in any manner provided by law.

(Ord. 178-2015, passed 12-21-2015) Penalty, see ' 131.99

' 131.04 HEARINGS .

The town=s Municipal Court shall have jurisdiction to hear and dispose of violations of this chapter. Hearings shall be conducted pursuant to the Arizona Rules of Procedure in Civil Traffic Violation Cases except where otherwise inconsistent with or inapplicable to such hearings.

(Ord. 178-2015, passed 12-21-2015)

' 131.99 PENALTY .

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to ' 10.99.

(B) Providing a location for minor party/gathering is a civil infraction. A person found responsible of violation of this chapter is subject to a civil penalty as follows:

(1) For a first violation, the court may impose a civil penalty of not more than \$250. The court may allow the person to complete a substance abuse education program as determined by the court in lieu of the penalty. An absentee owner will receive a notice of violation for the first offense and will not be subject to a civil penalty. Thereafter, in addition to other responsible parties, an absentee owner will be treated as an occupant of the premises for subsequent offenses.

(2) For a second violation within a period of 18 months, the court may impose a civil penalty of not more than \$1,000.

(3) For the third or subsequent violation within a period of 18 months, the court may impose a civil penalty of not more than \$1,500 for each violation.

(4) In applying the 18-month provision of divisions (B)(2) and (B)(3), the dates of commission of the offense shall be the determining factor.
(Ord. 178-2015, passed 12-21-2015)

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