

CHAPTER 10 OFFENSES adopted 9/11/13

Article 10 – 1 OFFENSES

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Section 10 – 1 – 1 Dangerous Constructions

It is unlawful for any person to maintain or allow any signs, billboards, awnings, walls or other similar structures over or near streets, sidewalks, public grounds or places frequented by the public, so situated or constructed as to endanger the public safety.

Section 10 – 1 – 2 Damage to Property

- A. It is unlawful for any person to damage in any manner or attempt to damage or tamper with any pipe lines, water hydrants, street lamps or lights, or the fixtures and appliances thereunto belonging upon any of the poles or other objects for use in connection with the lighting of the streets of the town or any water pipes, hydrants, or any appliances pertaining to the water or sewer works, or any other property of any and every character belonging to the town.
- B. It is unlawful for any person to deface, walk, ride or drive upon or over any sidewalk or street crossing composed of or containing cement, during the construction thereof, or before the same is opened to public use.
- C. It is unlawful for any person, firm or corporation to damage in any manner any road, street or bridge in the town limits by using the same, by heavy vehicles, malicious destruction or by any act that will result in damage to any such road, street or bridge.

Section 10 – 1 – 3 Deposits of Injurious Material on Thoroughfares

It is unlawful for any person, either willfully and maliciously or carelessly and negligently to drop, throw, place or scatter upon any street, alley, sidewalk or public place in the town any nails, tacks, broken glass, glass bottles or any instrument or thing whatsoever of such nature as to be capable of injuring persons or property.

Section 10 – 1 – 4 Excavations to be Covered

- A. It is unlawful for any person to make any excavation or dig any hole, drain or ditch in any public right-of-way in the town without providing a sufficient light at night and a temporary fence or suitable obstruction around or in front of such excavation during the day.

- B. 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.

Section 10 – 1 – 5 Explosives and Fireworks

- A. It is unlawful for any person within the limits of the town to store, blast or use any class A explosives, with the exception that small arms ammunition, powder and primers used for reloading small arms ammunition, and blackpowder and percussion caps used for blackpowder specific arms, may be stored.
- B. Fireworks shall not be discharged or exploded within the limits of the town without first obtaining a permit from the town marshal, who shall impose reasonable conditions on such discharge or explosion, including assuring adequate fire suppression resources will be available.
- C. For the purpose of this section, “class A explosives” and “small arms ammunition” shall have the same definitions as 29 C.F.R. § 1910.109(a) and “fireworks” shall have the same definition as A.R.S. § 36-1601.

Section 10 – 1 – 6 False or Misleading Reports to Police or Fire Department

It is unlawful for any person willfully to make to any member of the police department or fire department of the town any false, fraudulent, misleading or unfounded report or statement, or willfully to misrepresent any fact for the purpose of interfering with the operation of the police department or fire department or with the intention of misleading any police officer or fireman.

Section 10 – 1 – 7 Littering

It is unlawful for any person to throw or deposit any litter in or upon any street, alley, public grounds, school grounds or church grounds.

Sections 10 – 1 – 8 Minors - Curfew

- A. In this section unless the context otherwise requires:
1. “Juvenile” means any person who has not yet reached eighteen years of age.
 2. “Parent” means any natural or adoptive parent of a juvenile.
 3. “Guardian” means any person other than a parent, who has legal guardianship of the person of a juvenile.
 4. “Custodian” means any person, not a juvenile, who is loco parentis to a juvenile.
- B. It is unlawful for any juvenile to remain, loiter or cruise in any vehicle, upon any street, alley or other public place in the town between the hours of 10:00 p.m. and 5:00 a.m.
- C. The provisions of this section shall not apply to any juvenile when s/he is accompanied by his/her parent, guardian or custodian, or when said juvenile is on reasonable, legitimate and specific business or activity authorized by his/her parent, guardian or custodian and who has in his/her possession a written permit signed by such person.

- D. It is unlawful for the parent, guardian or custodian of any juvenile to allow said juvenile to remain, loiter or cruise in any vehicle upon any street, alley or other public place in the town in violation of this section.
- E. The permit referred to in subsection 10 – 1 – 8 – C of this section shall:
1. Be in writing.
 2. State the name and age of such minor.
 3. Describe the height, weight, sex, color of eyes and hair, and other physical characteristics of such person.
 4. Explain the necessity which requires such juvenile to remain or loiter upon the street or alley or other public place after the hours set forth in this section.

Section 10 – 1 – 9 Noise

- A. It is hereby declared to be a public nuisance, and it is unlawful for any person, firm or corporation owning or operating or in control of any restaurant, hotel, dance hall, show, store, home or any place of public amusement, entertainment or accommodation, to play or permit to be played any music or musical instrument or instruments 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 slumber, peace and quiet, or otherwise interfere with or annoy the comfortable enjoyment of life or property of any person and is no less a nuisance because the extent of the annoyance inflicted is unequal.
- B. It is unlawful to play, operate, or use any device known as a sound truck, loud speaker or sound amplifier, radio or phonograph with loud speaker or sound amplifier or any instrument of any kind or character which emits loud and raucous noises and is attached to and upon any vehicle unless such person in charge of such vehicle shall have first applied to and received permission from the chief of police to operate any such vehicle so equipped.
- C. It is hereby declared to be a public nuisance, and it is unlawful for any person owning or harboring any animal to allow or permit it to unreasonably disturb the slumber, peace and quiet, or otherwise interfere with or annoy the comfortable and peaceful enjoyment of the residential property of any person due to the animal's repeated and persistent barking, howling, squawking, crowing or other vocalizing.
- D. 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. It is unlawful to operate a motor vehicle which creates excessive or unusual noise regardless of a similar muffler appliance.
- E. It is unlawful to operate a braking mechanism which uses engine compression to slow or stop a motor vehicle (engine braking) at any location within the town limits. It is an affirmative defense to liability under this subsection that 1) it was necessary to apply a compression braking device in order to avoid an imminent risk of injury to life or property; or 2) the compression braking device was applied in order to yield to a fire or other

emergency vehicle when such vehicle was responding to an emergency. The provisions of this subsection shall not apply to public safety vehicles.

- F. Any person who violates any of the provisions of this section severally for each and every such violation be guilty of a civil infraction punishable by impositions of civil sanction: first offense minimum of Two Hundred Fifty Dollars (\$250.00), second offense minimum of Five Hundred Dollars (\$500.00) not to exceed One Thousand Dollars (\$1,000.00).

Section 10 – 1 – 10 Prostitution

It is unlawful for any person to practice prostitution, or to solicit any person to visit or patronize a prostitute or place of prostitution, or to visit or patronize a prostitute or place of prostitution.

Section 10 – 1 – 11 Water – Flow Upon Streets Prohibited

It is unlawful for any person to willfully or negligently permit or cause the escape or flow of water in such quantity as to cause flooding, or to impede vehicular or pedestrian traffic, to create a hazardous condition to such traffic, or to cause damage to the public streets of the town.

Section 10 – 1 – 12 Penalty

Unless as otherwise specifically set forth herein, any person found guilty of violation any provision of this chapter shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine set by a municipal judge of not to exceed two thousand five hundred dollars or by imprisonment for a period not to exceed six months, or by both such fine and imprisonment. Each day that a violation continues shall be a separate offense punishable as herein above described.