

CHAPTER 11 MISCELLANEOUS OFFENSES

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Section 11-1-1 Burning

It is unlawful for any person to burn or cause to be burned within the corporate limits of the city any grass, leaves, brush, yard or tree trimmings, vegetation, trash, refuse, motor vehicles, tires, rubber, plastics, papers, rubbish, or an accumulation thereof or any other flammable or combustible material unless the proper permit is obtained from the Pinal County air quality control and the fire chief.

Section 11-1-2 Dangerous or Dilapidated Structures

- A. It is unlawful for any person to maintain or allow any signs, billboards, awnings, and 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.
  
- B. It is unlawful for any owner of real property to allow to the maintained upon his real property any building or structure that has become so dilapidated or deteriorated as a result of age or

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<sup>1</sup> AMENDED 11-1-5

<sup>2</sup> ADDED 11-1-27

Ordinance No. 10-16

Ordinance No. 10-16

Adopted 11-22-10

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other causes as to become an attractive nuisance to children or constitute a public nuisance known to the common law or in equity jurisprudence.

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Section 11-1-3 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 streets of the city 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 city.
- 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 thrown upon 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 city limits by using the same, by heavy vehicles, malicious destruction, or by any act that will result in damages to any such road, street, or bridge.
- D. It is unlawful to break or destroy any window, door, or part of any dwelling owned or occupied by another or to break or sever from any premises owned or occupied by another any gate, fence, railing, tree, brush, or vine or any property whatsoever, or to deface, mutilate, or injure the same.
- E. It is unlawful for any person within the city to throw stones or other missiles at railroad trains; or to let off the brakes of railroad cars standing on side tracks or tamper with couplings of railroad cars, or to uncouple cars standing on railroad tracks, or to uncouple the air hose of the air brake system on railroad cars; or to remove, tamper with, or break switch lamps or other signals set to control the movements of trains, or to jump on or off moving trains, or to throw refuse upon or in any way litter the depot or station grounds of any railroad.

Section 11-1-4 Deposits of injurious Material on Thoroughfares

It is unlawful for any person, either willfully or maliciously or carelessly and negligently to drop, throw, place, or scatter upon any street, alley, sidewalk, or public place in the city 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 11-1-5 Explosives

It is unlawful for any person within the city limits of the city to blast, or use powder, or other explosives without a written permit from the Chief of Police.

Section 11-1-6 False or Misleading Reports to Police

It is unlawful for any person willfully to make the Police Department of the city any false, fraudulent, misleading, or unfounded report or statement, or willfully to misinterpret any fact for the purpose of interfering with the operation of the Police Department or with the intention of misleading any police officer.

Section 11-1-7 Electric Fences

It is unlawful for any person to erect or maintain within the city any electric fence.

Section 11-1-8 Furnishing Weapons and Other Articles to Prisoners

It is unlawful for any person to furnish or attempt to furnish or take into a jail or to deliver or attempt to deliver to any prisoner therein confined, or in the custody of any officer, any weapon, tool, intoxicating liquor, drug, or other article without the consent of the officer in charge.

Section 11-1-9 Loitering

It is unlawful for any person, other than the owner, manager, or his authorized representative, to interfere individually or collectively with free enjoyment of such property by the owners thereof; or interfere with the conduct of any lawful business by obstructing entrance to such business or by obstructing free passage of persons or merchandise or commodities within such place of business, or by obstructing service rendered by such business to its customers.

Section 11-1-10 Minors (Curfew)<sup>12</sup>

A. Definitions. In this section, unless the context otherwise requires:

- (1) "Emergency" means an unforeseen combination of circumstances or the resulting state that calls for immediate action.
- (2) "Guardian" means a person who, under court order, is the guardian of the person of a minor or a public or private

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<sup>1</sup> AMENDED 11-1-10

<sup>2</sup> AMENDED 11-1-10

Ordinance 98-04  
Ordinance 13-02

Adopted 04/13/98  
Adopted 01/28/13

agency with whom a minor has been placed by an authorized agency or court; or at least 21 years of age and authorized by a parent or guardian to have the care and custody of a minor.

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- (3) "Insufficient control" means failure to exercise reasonable care and diligence in the supervision of the juvenile.
- (4) "Minor" means any person under eighteen years of age.
- (5) "Parent" means a person who is a natural parent, adoptive parent or step-parent of another person.

B. Offenses.

- (1) It is unlawful for any minor under the age of sixteen years to be in, about or upon any place in the town away from the property where the minor resides between the hours of 10:00 p.m. and 5:00 a.m. of the following day.
- (2) It is unlawful for any minor sixteen years of age or older and under the age of eighteen years, to be in, about or upon any place in the town away from the property where the minor resides between the hours of 12:00 a.m. and 5:00 a.m.
- (3) It is unlawful for a parent or guardian of a minor to knowingly permit, or by insufficient control, allow a minor to violate paragraphs 1 or 2 of this subsection.
- (4) It is unlawful for a parent, guardian or other person having the care, custody or supervision of the minor to fail or refuse to take custody of the minor after such demand is made upon him by a law enforcement officer who arrests the minor for violation of paragraphs 1 or 2 of this subsection.

C. Defenses/Exceptions

It is a defense to prosecution under subsection B, including paragraph 3 of subsection B, of this section that the minor was:

- (1) Accompanied by the minor's parent or guardian.
- (2) With prior permission of the parent or guardian, in a motor vehicle involved in interstate travel.
- (3) With prior permission of the parent or guardian, in an employment activity or going to or returning home from an employment activity without any detour or stop by the most direct route.
- (4) Involved in an emergency.

- (5) With prior permission of the parent or guardian, was engaged in reasonable, legitimate and specific business and/or activity. Examples include, but are not limited to, a minor, with prior permission of the parent or guardian, attending an official school, religious or other recreational activity supervised by adults who take responsibility for the minor, or going to or returning home from an official school,

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religious or other recreational activity supervised by adults who take responsibility for the minor.

- (6) With prior permission of the parent or guardian, engaged in a reasonable and legitimate exercise of First Amendment rights protected by the United States Constitution.
- (7) Married and sixteen years of age or over, or in the military.
- (8) On the sidewalk abutting their residence or on the next door neighbor's property with the consent of the neighbor.

D. Enforcement

- (1) Before taking any enforcement action under this section, a law enforcement officer shall attempt to ascertain the apparent offender's age and reason for being in the place. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that, based upon the circumstances, the minor's responses and minor's conduct, no defense as provided in subsection C of this section is probably present.
- (2) In addition to any other powers he/she may have, any law enforcement officer who arrests a minor for violating any of the provisions of paragraphs 1 or 2 of subsection B of this section is also hereby empowered to demand of the parent, guardian or other person having the care, custody or supervision of the minor that such parent, guardian or other person come and take the minor into custody. The law enforcement officer is also empowered to take the minor to a designated location where arrangements can be made for a parent, guardian or other appropriate party to take the minor into custody. Should there be a failure of the parent, guardian or other person to take custody of such minor, the officer may then be empowered to take the minor home.

E. Each violation of the provisions of subsection B of this section shall constitute a separate offense.

F. A person convicted of a violation of any provision of this section shall be guilty of a class 3 misdemeanor. This offense is designated an incorrigible offense for minors under the jurisdiction of the juvenile court.

Section 11-1-11 Noise<sup>1</sup>

- 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, stores, or any place of public amusement, entertainment, or accommodation, to play or permit to be played any music or musical instrument to 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 as to disturb the sleep, peace and quiet, or otherwise interfere with or annoy the comfortable enjoyment of life or property of any considerable number of persons in the neighborhood, 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 track, 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 shall be unlawful for any person to make or continue, or cause or permit to be made or continued, any excessive, unnecessary or offensive noise which disturbs the peace or quiet of any adjoining property or neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitivity residing in the area, including, but not limited to, the keeping of any animals that disturb the peace by the emission of unreasonable loud noises at any time of the day or night
- D. It shall be unlawful for any person within any residential area of the City to repair, rebuild or test any motor vehicle between the hours of 8:00 p.m. of one day and 5:00 a.m. of the next day in such a manner as to create an excessive, unnecessary or offensive noise that a reasonable person of normal sensitivity residing in the area is caused discomfort or annoyance. Notwithstanding the foregoing, construction or repair work shall not begin prior to 7:00 a.m. and must stop by 7:00 p.m. on any Saturday, Sunday or holiday, unless such other times are allowed by written authorization as set forth in paragraph F below.
- E. It shall be unlawful for any person, between the hours of 8:00 p.m. and 5:00 a.m. the following day to operate or maintain equipment or perform any outside construction or repair work on buildings, structures or projects, or to operate any pile driver,

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<sup>1</sup> AMENDED 11-1-11

power shovel, pneumatic hammer, derrick, power hoist or any other construction type device within five hundred feet of a completed and occupied residential structure. This prohibition shall

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further extend to all construction-related activity, including set-up work and travel to and from the construction site, and under no circumstance shall construction travel which passes within five hundred feet of a completed and occupied residential structure occur outside the times set forth herein, unless such other times are allowed pursuant to paragraph F below. On Saturday, Sunday or any holiday recognized by the city, such construction or repair work shall not begin prior to 7:00 a.m. and must stop by 7:00 p.m., unless such other times are allowed by written authorization as set forth in paragraph F below.

F. Exceptions

1. Construction and repair work otherwise may be conducted at different times and at higher noise levels than otherwise permitted, if upon written application to the City's Growth Management Department or Public Works Department, as applicable, a permit is obtained beforehand from the applicable City Department. The permit shall be kept on the work site and shown to City officials or the City law enforcement agent on request. In granting such permit, the Growth Management Director or the Public Works Director, or his designee, shall consider if construction noise in the vicinity of the proposed work site would be less objectionable at night than during the daytime because of different population levels or different neighboring activities; if obstruction and interference with traffic, particularly on streets of major importance, would be less objectionable at night than during the daytime; if the kind of work to be performed emits noises at such a low level as to not cause significant disturbance in the vicinity of the work site; if the neighborhood of the proposed work site is of such a character wherein sleep could be disturbed; if great economic hardship would occur if the work was spread over a longer time; if the work will abate or prevent hazards to life or property; if proposed early morning or night work is in the general public interest; and the Growth Management Director or the Public Works Director shall prescribe in the permit such allowable conditions, working times, types of construction equipment to be used, and permissible noise emissions as he deems to be required in the public interest.
2. Other work, activities or actions that otherwise would violate this Section may be conducted at different times and at higher noise levels than otherwise permitted, if upon written application to the Growth Management Department or Public Works Department, as applicable, a permit is obtained beforehand from the applicable City Department. The permit

shall be kept on the site and shown to City officials or the City law enforcement agent on request and the Growth Management Director or the Public Works Director may prescribe in the permit such allowable conditions, times, restrictions and permissible noise emissions as he deems to be required in the public interest.

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G. The following additional uses and activities shall be exempt from the provisions of this Section:

1. Noise from the normal operation of railroad trains.
2. Noise created by any City vehicle, equipment or facility while being operated for official use.
3. Operation of agricultural equipment in connection with farming operations.
4. Any aircraft operated in conformity with, or pursuant to, federal law, federal air regulations or air traffic control instructions issued pursuant to or within duly adopted federal air regulations, together with any noise created by aircraft operated under, or pursuant to, declaration of an emergency under federal air regulations.
5. Noises resulting from emergency work, which for purposes of this Section, shall mean work performed to prevent or alleviate physical trauma or property damage threatened or caused by an emergency which has or may result in a disruption of service and which is necessary to protect the health, safety and welfare of persons or property.

H. Prohibition Against Use of Engine Brake<sup>1</sup>

1. It shall be unlawful for a person to operate or permit the operation of the engine of a commercial vehicle so as to assist in braking or slowing the vehicle through the use of any engine brake or engine retarding device on any street or roadway within the City unless the vehicle is an emergency services vehicle.
2. The City Public Works Department shall post signs as the primary entrances to the City as deemed necessary to notify operators of commercial vehicles of such prohibition.

Section 11-1-12 Obstruction of Streets

It is unlawful for any person to willfully obstruct any public street

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<sup>1</sup> ADDED 11-1-11 (H)

or alley, sidewalk, park, or other public grounds within the city or to do in or upon any such streets, alleys, sidewalks, parks, or other public grounds, any act or thing which is in an obstruction or interference to the free use of property or with any business lawfully conducted by anyone, in or upon, or facing or fronting on any such streets, alleys, sidewalks, parks, or other public grounds in the city.

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Section 11-1-13 Obstruction of View

It is unlawful for any person to maintain or allow any tree, hedge, billboard, or other obstruction which prevent persons driving vehicles on public streets, alleys, or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk.

Section 11-1-14 Offensive Premises

It is unlawful for any person to suffer, or permit any premises belonging to or occupied by him, or any cellar, privy, vault, pool, sewer, or private drain therein to become nauseous, foul, or offensive to the senses or prejudicial to the public health or comfort.

Section 11-1-15 Solicitation Re: Prostitution

A person is guilty of a misdemeanor who:

- A. Solicits or hires another person to commit an act of prostitution as defined by Arizona law, and/or
- B. Aids, abets, or solicits for a prostitute the commission of any act of prostitution as defined by Arizona law.

Section 11-1-16 Searchlights

It is unlawful for any person to operate with in the city any incandescent or arc type searchlight, beacon light, or similar lighting device designed to an capable of projecting a beam of light into the sky for a distance in excess of one-half mile unless permission is obtained from the manager. The provisions of this section shall not apply to emergency searchlights or beacons operated pursuant to public authority.

Section 11-1-17 Signs and Banners

It is unlawful for any person to place any banner or sign upon any street light pole, traffic signal or utility pole within the city without first obtaining authorization from the manager.

Section 11-1-18 Spitting

It is unlawful for any person to spit upon any of the public sidewalks or crosswalks or upon the floor or interior of any public building in the city.

Section 11-1-19                    Urinating or Defecating in Public

It is unlawful for any person to urinate or defecate upon any public sidewalks or crosswalks in the city or upon any public path, by-way or highway, or in or on any public place or park which is readily accessible from a public thoroughfare, except inside suitable restrooms provided therefore.

Section 11-1-20 Water-Flow Upon Streets Prohibited

- A. It is unlawful for any person to willfully or negligently permit or cause the escape or flow of irrigation water in such quantity as to cause flooding, to impede vehicular or pedestrian traffic, to create a hazardous condition to such traffic, or to cause damage to the public streets of the city.
- B. It is unlawful for any person to willfully or negligently permit or cause the escape or flow of irrigation water in such quantity as to cause flooding, to impede vehicular or to cause damage to the public streets of the city through failure to neglect to properly operate or maintain any irrigation structure, delivery ditch, or waste ditch in which said person has a vested right or interest in through the willful or negligent failure of said person to accept irrigation water after it has been ordered by him.

Section 11-1-21 Weapons

- A. It is unlawful for any person within the limits of the city to fire or discharge a firearm, BB gun, air gun, pellet gun, dart gun, slingshot, gas operated gun, or other similar gun instrument.
- B. The prohibitions of the preceding subsection shall not apply to the use of any such gun or instrument by:
  - 1. A law enforcement officer or other duly authorized public official or employee in the performance of any official duty.
  - 2. Any person to whom a license, permit, or authority is issued by the chief of police of the city for the use of such gun or instrument for a valid and proper purpose and for use in a manner not likely to harm any person, animal, or property.
  - 3. Any person when used only for the necessary protection of property, habitation or person in a manner authorized by the laws of the state or within rights guaranteed by The Constitution of the State or The United States of America.
- C. Any person other than a peace officer on duty carrying a weapon, upon entering any public place or attending and public event, may be required by the operator of the establishment or the sponsor of the event to remove his weapon and place it in the custody of the operator of the establishment or the sponsor of the event.

- D. A person who sells or gives to a minor under the age of eighteen years, without written consent of the minor's parent or legal guardian, a weapon, ammunition, or toy pistol by which dangerous and explosive substance may be discharged, is guilty of a misdemeanor.

Section 11-1-22 Minors prohibited From Carrying or Possessing Firearms; Exceptions; Seizure and Forfeiture; Penalties

- A. Except as provided in subsection B of this section, an unemancipated person who is under eighteen 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 possession his person, within his immediate control, or in or on a means of transportation a firearm in any place tat 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 fourteen, fifteen, sixteen, or seventeen 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.
- C. If the minor is not exempt under subsection 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 Chapter 39 of this Title.

- D. A person who violates subsection A of this sections an incorrigible child and shall be subject to the following penalties:
1. For an offense involving an unloaded firearm, a fine of not more than two hundred fifty dollars and the court may order the suspension or revocation of the person's driver's license.
  2. For an offense involving a loaded firearm, a fine of not more than five hundred dollars and the court may order the suspension of the person's driver's license.
- E. If the firearm is not returned to the parent or guardian pursuant to subsection 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 Chapter 39 of this title 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 of exhibition of the deadly weapon.

## Section 11-1-23

Interfering with and/or Harassing Police Dogs

- A. While police service dog (K-9) is being caged, kenneled, transported, exhibited, exercised, or engaged in discharging or attempting to discharge any lawful duty of function, it is unlawful to and no person shall either:
1. Intentionally, knowingly, or recklessly kill, injure, strike, interfere with, arouse, harass, or bait a police service dog (K-9); or
  2. Cause or direct any animal to attack or otherwise interfere with or harass the police service dog (K-9).

- B. A police officer may destroy any animal attacking a police service dog (K-9) if no lesser means are reasonably available to prevent injury to the police dog (K-9).
- C. A "police service dog" as used in this section shall mean any dog which is a member of any police department (K-9) unit.
- D. Penalty. Any violation of this section shall be punished as a Class 1 misdemeanor in accordance with the laws of the State of Arizona.

## Section 11-1-24

Trespassing on City Parks

- A. That all City parks shall be closed to public and private use between the hours of 10:00 p.m. and 6:00 a.m. each day except for special events sanctioned by the City or where individuals or groups have obtained a permit from the City Parks and Recreation Department for use during said period of time.
- B. That no person entering a City park at any time shall possess glass containers normally used for containing food or beverage.
- C. That any person violating provisions A or B above shall be a criminal trespasser in violation of A.R.S. Section 13-1502.

## Section 11-1-25

Possession and Consumption of Alcohol on City Property<sup>1</sup>

- A. No alcoholic beverages shall be possessed or consumed on any property owned, leased or controlled by the City, including, but not limited to: all City parks, City Hall, Council Chambers, Women's Club and all other property owned or leased by the City, or maintained by the City, unless specifically approved and authorized under the provisions of this section. The provisions of this Ordinance shall not apply to property owned by the City and leased to other persons or entities, provided, however, that the terms of any such lease may contain provisions restricting or prohibiting the possession and consumption of alcohol on such leased property.

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<sup>1</sup> REPLACED 11-1-25

- B. The office of the City Clerk may authorize the possession and consumption of alcoholic beverages at the Women's Club, the Adult Center, Regional Park or San Carlos Park, under the following conditions:
1. The person desiring permission to possess or consume alcoholic beverages at such authorized location shall complete, sign and file a written application for a permit, and becomes therefore the designated responsible person to be in charge of the event or occasion for which such permission is sought;
  2. An entity or organization desiring permission to possess or consume alcoholic beverages at such authorized location shall complete, sign and file a written application for a permit, and designate a responsible person to be in charge of the event or occasion for which such permission is sought;
  3. The responsible person identified in the application and permit shall be twenty-one (21) years of age or older; shall ensure compliance with the provisions of the permit, this Ordinance and the liquor laws of the State of Arizona; and shall ensure that no person under the age of twenty-one (21) years possesses or consumes alcohol in connection with any activity authorized by the permit;
  4. The office of the City Clerk shall provide appropriate forms for such application;
  5. Any such permit issued for Regional Park or San Carlos Park shall authorize the possession and consumption of beer and wine only, and shall prohibit the use, distribution, possession or consumption of alcohol from glass cups, containers and bottles;
  6. Any such permit issued for the Women's Club or Adult Center shall authorize the possession and consumption of any alcoholic beverage;
  7. The applicant shall state on the application form whether the applicant will sell any alcoholic beverage, or collect any money from any person or entity for the possession or consumption of alcohol in any manner which requires the issuance of a special liquor license under the laws of the State of Arizona, in which case, the following additional requirements shall apply:

- a. The office of the City Clerk shall forward the application to the City Council for final approval;
  - b. The applicant shall provide proof of liability insurance for the event or occasion in an amount approved by the City Council, naming the City of Coolidge as an additional insured party;
  - c. The City Council may require the applicant to pay for or provide security for the event or occasion and shall designate the hours during which alcoholic beverages may be possessed or consumed;
  - d. The City Council shall not approve the application or permit without proof of the issuance of a special event liquor license under the laws of the State of Arizona;
  - e. The City Council may issue the permit conditioned on such other matters as the Council deems necessary and appropriate for the public peace, health and safety;
8. In addition to complying with the use rules and regulations of the park or facility for which the permit is issued, the applicant shall also comply with the following additional rules and regulations:
- a. The responsible person must restrict the possession and consumption of alcohol to the specific area designated on the permit.
  - b. The responsible person must be physically present at the specific area during all times that alcohol is possessed and consumed by any person under the conditions of the permit; and the responsible person shall at all times maintain physical possession of the permit and make it available for inspection upon request.
  - c. The responsible person will be responsible for ensuring that all members of the

applicant's group are of legal age to drink alcohol under Arizona State law.

- d. The responsible person will be responsible for the conduct of all members of the applicant's group.

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- e. The responsible person will be responsible for depositing litter in the proper receptacles and for cleaning the area used by the applicant's group after the event is completed.
- f. Obnoxious behavior or excessive noise will not be permitted.
- g. The issuance of a permit under this section does not guarantee a ramada or any specific area or any other type of reservation.
- h. Permits will not be issued in conjunction with any type of youth event.
- i. No permit may be transferred to any other group, applicant or area; and no responsible person may delegate or transfer any of the duties or rights authorized in any permit to any other person.
- j. Failure to comply with all permit, park or facility rules and regulations may forfeit the right to receive permits in the future.
- k. Any permit may be revoked at any time by any City Police Officer or by the Office of the City Clerk for any violation of the permit conditions, park or facility rules or regulations, City Ordinances and City Code provisions, liquor law or State Law. In addition to a permit revocation, the responsible person and all members of the applicant's group may also be directed to immediately vacate the park or facility for which the permit was issued.

- C. Any person who violates any provision of this Section and this Ordinance, specifically including the permit applicant and its designated person responsible for compliance with permit conditions, shall be guilty of a Class I misdemeanor, punishable by a fine not exceeding one thousand (\$1,000.00) dollars, or imprisonment for a term not exceeding six (6) months, or both such fine and imprisonment, in the discretion of the City Magistrate. Each day any violation of any provision of this Section or Ordinance shall continue shall constitute a separate offense. In addition to the penalties herein above provided, any condition caused or permitted to exist in violation of any of the provisions of this Section or Ordinance shall be deemed a public nuisance and may be abated or punished as provided by the laws therefore, and each day that such condition continues shall be regarded as a new and separate offense.
- D. The Council, by motion, may suspend the permit provisions of the Ordinance during times of City-wide events at Regional Park and San Carlos Park, and authorize the possession and consumption of beer and wine at those times in those locations.

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Section 11-1-26

Sale of Products Containing Pseudo-Ephedrine<sup>1</sup>

**A. DEFINITIONS.**

In this article, unless the context otherwise requires:

1. **"PSUEDO-EPHEDRINE PRODUCT"** means any product containing ephedrine or pseudo-ephedrine and includes any compound, mixture or preparation that contain any detectable quantity of ephedrine, pseudo-ephedrine, norpseudoephedrine, or phenylpropanolamine or their salts, optical isomers or salts of optical isomers. Product packaging that lists ephedrine, pseudo-ephedrine, norpseudoephedrine, or phenylpropanolamine as an active ingredient shall constitute prima facie evidence that the product is a pseudo-ephedrine product.

2. **"RETAIL ESTABLISHMENT"** means any place of business that offers any pseudo-ephedrine product for sale at retail.

B. The operator of a retail establishment shall keep all products containing pseudo-ephedrine 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. It shall be prohibited for a retailer to sell more than a total of 9 grams in tablet or powdered form of ephedrine, pseudo-ephedrine, norpseudoephedrine, or phenylpropanolamine to a person within a thirty (30) day period. However, this limit shall not apply to any quantity of such tablet or powdered form of ephedrine, pseudo-ephedrine, norpseudoephedrine, or phenylpropanolamine dispensed pursuant to a valid prescription.

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

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<sup>1</sup> ADDED SECTION 11-1-26

E. The information required to be obtained by subsection D will be retained by the retail establishment for a period of ninety (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 City of Coolidge police department officers, Arizona Department of Public Safety officers, Pinal County Sheriff's Department officers, and other law enforcement officers.

F. A violation of this Section is a class 1 misdemeanor.

11-1-27

MISCELLANEOUS OFFENSES

11-1-27 (B-1)

Section 11-1-27

Fireworks

A. Definitions

1. The following words, terms and phrases, when used in this section, have the following meanings ascribed to them, except where the context clearly indicates a different meaning:
  - a. "Consumer firework" means those fireworks defined by Arizona Revised Statutes Section 36-1601, as amended from time to time.
  - b. "Display firework" means those fireworks defined by Arizona Revised Statutes Section 36-1601, as amended from time to time.
  - c. "Fire Chief" means the Chief of the Coolidge Fire Department or his/her designee.
  - d. "Fireworks" means 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 Arizona Revised Statute Section 36-1601, as amended from time to time.
  - e. "Novelty items" means 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 as defined in Arizona Revised Statute 36-1601, as amended from time to time.
  - f. "Permissible consumer fireworks" means those fireworks as defined by Arizona Revised Statutes Section 36-1601, as amended from time to time.

- g. "Person" means a corporation, company, partnership, firm, association, society, or other legal entity, as well as a natural person.
- h. "Supervised public display" means a monitored performance of display fireworks open to the public and authorized by permit by the Fire Chief.

B. Fireworks prohibited; exceptions

- 1. The use, discharge, or ignition of fireworks within the City is prohibited.

11-1-27 (B-2)

MISCELLANEOUS OFFENSES

11-1-27 (D-3)

- 2. Nothing in this section shall be construed to prohibit the use of novelty items or the occurrence of a supervised public display of fireworks authorized by City permit.
- 3. Permits may be granted by the Fire Chief for conducting a properly supervised public display of fireworks or pyrotechnics training class. Every such display shall be of such 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, as designated by the Fire Chief. The Fire Chief has authority to impose reasonable conditions on any permits granted pursuant to this section.

C. Sale of Fireworks.

- 1. No person shall sell, or permit or authorize the sale of, any fireworks to a person who is under sixteen years of age.
- 2. No person shall sell, or permit or authorize the sale of, permissible consumer fireworks in conflict with state law or Coolidge City Code.

D. Posting of signs by persons engaged in the sale of fireworks.

- 1. Prior to the sale of permissible consumer fireworks, every person engaged in such sales shall prominently display signs indicating the following:

- a. The use of fireworks, except novelty items as defined by Coolidge City Code, including permissible consumer fireworks, is prohibited.
  - b. Fireworks authorized for sale under state law shall not be sold to persons less than 16 years of age.
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 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 City's website and filed with the Clerk's Office.

11-1-27 (E)

MISCELLANEOUS OFFENSES

11-1-27 (G-2)

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

1. The Fire Chief, a City Police Officer, or a City Code Enforcement Officer 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 City police officer may issue criminal complaints to enforce this section.

F. Penalties.

1. Discharge of permissible consumer fireworks in violation of section 11-1-27(B) or the failure to comply with the requirements of section 11-1-27 (D)(1) or (2) is a civil offense punishable by a civil fine as follows:
  - a. First Offense - Not less than \$50 but not more than \$250.
  - b. Second Offense within one calendar year - Not less than \$250 but not more than \$500.
  - c. Third and subsequent offenses within one calendar year - Not less than \$500 but not more than \$1000.

2. A person who violates the provisions of this section shall be guilty of a Class 3 misdemeanor punishable by the maximum punishment allowed by law.

G. Liability for emergency response related to use of firework; 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 such use, discharge or ignition. The fact that a person is convicted or found responsible for a violation 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 subsection (1) of this Section. The charge constitutes a debt of that person and may be collected proportionately by the public agencies or other first responders that

11-1-27 (G-2)

MISCELLANEOUS OFFENSES

11-1-27 (G-3,b)

incurred the expenses. The liability imposed under this section is in addition to and not in limitation of any other liability that may be imposed.

3. For purposes of this section:

a. "Expenses of emergency response" means reasonable costs directly incurred by public agencies, for-profit or not-for-profit entities that make an appropriate emergency response to an incident.

b. "Reasonable costs" includes the costs of providing police, fire fighting, rescue and emergency medical services at the scene of an incident and the salaries of persons who respond to the incident.



Article 11-2            GRAFFITI PREVENTION, PROHIBITION AND REMOVAL

- 11-2-1            Definitions
- 11-2-2            Graffiti Prohibited
- 11-2-3            Accessibility to Graffiti Implements
- 11-2-4            Graffiti as Nuisance; Graffiti Removal
- 11-2-5            Abatement Procedures; Notice; Application for  
Hardship; Administrative Review
- 11-2-6            Rewards and Reimbursements for Information.
- 11-2-7            Anti-Graffiti Trust Fund
- 11-2-8            Enforcement of this Article

Section 11-2-1            Definitions<sup>1</sup>

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

- A.    "Aerosol Paint Container" means any aerosol container that is adapted or made for the purpose of applying spray paint or other substances capable of defacing property.
- B.    "Broad-Tipped Markers" mean any type of marker or similar instrument with a flat or angled writing surface of one-fourth-inch or greater which contains ink or other pigmented liquid that is not water soluble.
- C.    "Business Days" mean the days Monday through Friday, excluding City holidays.
- D.    "Etching Equipment" means any tool, device, or substance that can be used to make permanent marks on the surface of any property.
- E.    "Graffiti" means any unauthorized markings, such as initials, symbols, slogans, emblems, or drawings written, spray-painted, etched, or sketched on a sidewalk, wall, fence, building, sign or any other structure or surface.
- F.    "Graffiti Implement" means an Aerosol Paint Container, a Broad-Tipped Marker, gum label, paint stick or graffiti stick, Etching Equipment, brush, paintball gun or any other device capable of scarring or leaving a visible mark on any natural or man-made surface.
- G.    "Minors" mean any person under the age of eighteen (18) years of age.
- H.    "Property" means any building, wall, bridge, street sign, fence, streetlight, sidewalk, street, curbing, sewer or water drains, or any other structure whether public or privately owned.

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<sup>1</sup> ADDED Article 11-2

I. "Responsible Party" means property owner, tenant in possession, or other persons responsible for the Property.

J. "Unauthorized" means without prior written permission of the Responsible Party.

## Section 11-2-2

Graffiti Prohibited

A. No person may apply Graffiti to any natural or manmade surface on any publicly owned property or any privately owned property without the prior written consent of the Responsible Party. The application of Graffiti is deemed to be an act of malicious or willful misconduct.

B. No person may possess Aerosol Paint Containers, Broad-Tipped Markers, Etching Equipment, or any other Graffiti Implements on any public property or private property with the intent to violate or in violation of this Article.

C. No Minor may possess Aerosol Paint Containers, Broad-Tipped Markers, Etching Equipment, or any other Graffiti Implements on any public property, structure or facility, any school property, structure or facility, or any private property without prior written permission of the lawful Responsible Party for the property. The provisions of this section do not apply to Minors possessing such implements for classes or organized extracurricular activities that require the use of such implements and whose use is limited to legitimate activities.

D. A person convicted of a violation of subsection A or B of this Section 11-2-2 is guilty of a class 1 misdemeanor punishable by a term of not less than one (1) day in jail, a total fine of \$575.00, including all court surcharges and fees, and not less than forty (40) hours community service involving participation in the removal of Graffiti within the City of Coolidge. In addition to any other punishment, the Court shall order restitution to the victim for damage or loss caused directly or indirectly by the defendant's offense, or to any person or entity including a political subdivision that has incurred expense to repair or abate such damage, in an amount to be determined by the court. A violation of subsection C of this Section 11-2-2 is a class 1 misdemeanor and will be punished as provided for in Title 8, Arizona Revised Statutes. In exchange for an increased community service requirement, a judge may suspend any part or all of the imposition of any fine or jail term required by this section.

A. Furnishing to Minors prohibited.

1. No person may sell, give, loan, or otherwise make available any Aerosol Paint Containers, Broad-Tipped Markers, Etching Equipment, or any other Graffiti Implements to a Minor unless that Minor is accompanied by a parent or legal guardian at the time of purchase or transfer, and the purchase is for legitimate use in classes, organized extracurricular activities, or other legitimate activities.

2. No Minor may furnish fraudulent identification of majority age at the time of purchase or transfer of any Aerosol Paint Containers, Broad-Tipped Markers, Etching Equipment, or any other Graffiti Implements.

B. Every person who owns, operates, or manages a commercial retail establishment that sells Aerosol Paint Containers, Broad-Tipped Markers, Etching Equipment, or any other Graffiti Implements must store the implements in an area inaccessible to the public without employee or owner assistance, or that is continuously observable through direct visual observation or surveillance equipment by the establishment's owners or employees during the regular course of business.

C. Every person who operates a commercial retail establishment that sells Graffiti Implements must:

1. Place a sign at or near the display of such products stating: "Graffiti is against the law. Any person who defaces property with paint, markers, or any other liquid or marking device is guilty of a crime punishable by up to six (6) months imprisonment and/or fines up to \$2,500", or words to that effect.

2. Place a sign in view of persons accepting customer payment for Graffiti Implements stating: "Selling aerosol paint containers, broad-tipped markers, etching equipment, or any other graffiti implements to persons under the age of 18 is a civil offense and punishable by a fine up to \$1,000.00", or words to that effect.

D. A person who violates any subsection of this Section 11-2-3 is subject to a civil sanction of not less than \$250.00.

A. The existence of Graffiti on public and private property in violation of this Article is expressly declared to be a public nuisance.

Section 11-2-4 (B)

GRAFFITI PREVENTION

Section 11-2-5 (A-2)

B. It shall be unlawful for any residential Responsible Party to maintain, permit or allow Graffiti to remain on any property where Graffiti is visible from any street or other public or private property. The Responsible Party of any residential property shall remove or caused to be removed any Graffiti on the property within seven (7) calendar days of the placement of the Graffiti. Absenteeism from the property of the Responsible Party shall be considered when determining a violation of this section. The Responsible Party may allow the City to remove the Graffiti or may remove the Graffiti themselves and apply for victim restitution during prosecution.

C. It shall be unlawful for any commercial Responsible Party to maintain, permit or allow Graffiti to remain on any property where Graffiti is visible from any street or other public or private property. The Responsible Party of any commercial property shall remove or caused to be removed any Graffiti on the property within three (3) calendar days of the placement of the Graffiti. The Responsible Party may allow the City to remove the Graffiti or may remove the Graffiti themselves and apply for victim restitution during prosecution.

D. Any person convicted of applying Graffiti on public or private property may be ordered by the Court to either pay for the removal of the Graffiti, or personally remove the Graffiti by painting over the defaced area, within a specified time. Failure of any person to remove or pay for removal of Graffiti constitutes an additional violation of this Article. If Graffiti is applied by a Minor, the parents or legal guardian are also responsible for removal or payment for removal of Graffiti.

E. The City is authorized, but not required, to use public funds for Graffiti abatement on public or private property. The City is not required to paint, remove, or repair an area more extensive than that covered by Graffiti, or use a matching paint. The City at its discretion may provide more extensive painting, removal, or repair if approved by the City Manager.

F. Graffiti that is offensive to community standards, specifically defined to be an objective reasonable person standard, that consists of verbiage or symbols that demean or denigrate racial groups, ethnic groups, cultural groups or depict obscene images, shall be removed/abated within twenty four (24) hours of notice to the

Responsible Party. City personnel may assist with materials and supplies to remove or repair the defacement as part of a graffiti abatement program funded by the City.

Section 11-2-5

GRAFFITI PREVENTION

11-2-5 (C-2)

Section 11-2-5 Abatement Procedures; Notice; Application for Hardship; Administrative Review

A. Permission for entry:

1. If the Responsible Party signs a permission form, the City, or its authorized private contractor, may enter the property to abate Graffiti.

2. If the Responsible Party refuses to sign a permission form or cannot be located and the City, at its sole discretion, deems it appropriate to abate Graffiti on the property, the City will issue a notice of graffiti abatement. The notice may be served in person, by certified mail, by posting on the subject property; or publishing in a City newspaper of general circulation.

B. The notice of graffiti abatement will contain the following information:

1. Identify the property and describe the nature of the Graffiti.

2. A statement declaring that the property is a public nuisance.

3. A statement declaring that abatement may commence within three (3) business days from the date of the notice.

4. A statement declaring that the cost for the removal will be billed to the responsible party.

5. A statement declaring that neither the City nor its private contractor shall be liable for any abatement of Graffiti that does not match or resemble the original surface.

C. Designation of enforcement authority and hearing officers:

1. Building Officials, Code Enforcement Officers, and the Building Inspectors are authorized to issue notices of graffiti abatement for violations of this code within City jurisdiction. In addition all officers and investigators of the Police Department will assist in the enforcement of this code and may issue citations for that purpose.

2. The Growth Management Director will act as the hearing officer in the event of administrative review.

Section 11-2-5 (D)

GRAFFITI PREVENTION

Section 11-2-6 (A)

D. Application for Hardship:

1. In the event that a Responsible Party would be financially burdened by a Graffiti removal order, the Responsible Party may apply for a determination of hardship. The application shall include a statement as to why the hardship exists and proof of the financial hardship.

2. The review of the application and final decision will be determined by the City Manager.

E. Administrative review:

1. A Responsible Party may object to the notice of graffiti abatement by filing a written request for review with the Hearing Officer no later than three (3) business days after receiving the notice of graffiti abatement.

2. Upon timely receipt of the request for review, the Hearing Officer will notify the enforcement authority to defer enforcement action until the review is final. The Responsible Party must promptly supply the Hearing Officer with any additional information necessary to determine whether or not the property constitutes a nuisance. When the review is final, the Hearing Officer will notify the Responsible Party and the enforcement authority of his findings within five (5) business days. The Responsible Party will be notified by certified mail.

3. If the Hearing Officer determines that the property contains Graffiti and is a public nuisance, the Hearing Officer will issue a written eradication order stating that the City, or its authorized private contractor may enter upon the property within 24 hours and abate the Graffiti.

4. If the Responsible Party disagrees with the Hearing Officer's determination, they may request an appeal to the City Manager. Such request shall be submitted in writing within five (5) days of the Hearing Officer's determination. The determination of the City Manager shall be final.

Section 11-2-6                    Rewards and Reimbursements for Information

A.                    The City may offer a reward of \$200.00 for information leading to the identification and prosecution of any person who violates Section 11-2-2 of this Article. The violator must reimburse the City for any reward paid. If multiple persons contribute information, the reward will be divided in a manner the City deems appropriate.

Section 11-2-6 (B)                    GRAFFITI PREVENTION                    Section 11-2-8 (B)

B.                    Claims for rewards must be submitted to the Growth Management Director who will evaluate the claim and make recommendations to the City Manager for approval or denial.

C.                    No reward claim is allowed unless the City has investigated and verified the accuracy of the claim and determines the requirements of this Section 11-2-6 have been met.

D.                    The City Manager will approve or deny the reward claim and his decision is final.

Section 11-2-7                    Anti-Graffiti Trust Fund

The City Council hereby creates the City of Coolidge Anti-Graffiti Trust Fund. The proportion of the penalties assessed against violators of this Article that accrue to the City will be placed in the fund, along with any monetary donations received from persons wishing to contribute to the fund. The Council will direct the expenditures of monies in the fund. Expenditures are limited to payment for the cost of graffiti removal, rewards for information leading to the successful arrest and indictment of violators of this Article, the costs of administering this Article, and such other public purposes that are involved with graffiti abatement.

Section 11-2-8                    Enforcement of this Article

A.                    No person shall, by threat or use of violence or physical force, or by threatening to do or doing any other act that can reasonably be anticipated to cause physical harm to any person, intentionally

obstruct, impede, or interfere with any officer, employee, contractor, or authorized representative of the City who is lawfully and constitutionally engaged in the enforcement or execution of the provision of this Article.

B. Violation of this section is a class 1 misdemeanor punishable by a term of not less than 1 day in jail, and/or a \$575.00 dollar fine. A judge may suspend the imposition of any portion or all of the fines and jail terms required by this section.

ARTICLE 11-3      PUBLIC PEACE, MORALS AND WELFARE<sup>1</sup>

11-3-1              Social Host<sup>2</sup>

11-3-2              Unruly Gatherings

Section 11-3-1    Social Host

- (a) No person eighteen years or older who owns or occupies any premises shall knowingly permit or fail to take reasonable action to prevent illegal consumption of spirituous liquor by an underage person or the illegal use of drugs by any person on premises owned by the person or under the person's control.
- (b) A person who violates this section is guilty of a class 1 misdemeanor.

Section 11-3-2    Unruly Gatherings

- (a) *Definitions.* For the purposes of this section, unless the context otherwise requires, the following terms or phrases are defined as:

*Owner* means any owner, as well as any agent of an owner acting on behalf of the owner to control or otherwise regulate the occupancy or use of the property.

*Premises* means the property that is the site of an unruly gathering. For residential properties, premises means the dwelling unit or units where the unruly gathering occurs.

*Unruly gathering* means a gathering of five (5) or more persons on any private property, including property used to conduct business, in a manner which causes a disturbance of the quiet enjoyment of private or public property by any person or persons. Such disturbances include, but are not limited to, excessive noise or traffic, obstruction of public streets by crowds or vehicles, drinking in public, the service of alcohol to minors or consumption of alcohol by minors, fighting, disturbing the peace, and littering.

- (b) *Abatement of unruly gathering.* A peace officer may abate an unruly gathering by reasonable means including, but not limited to, citation or arrest of violators under applicable ordinances or state statutes, and dispersal of the persons attending the gathering.

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<sup>1</sup> ADDED ARTICLE 11-3

<sup>2</sup> AMENDED SECTION 11-3-1

(c) *Notice of unruly gathering; posting; removal of notice prohibited; right to contest posting.*

(1) *Contents of notice.* The premises at which the unruly gathering occurs shall be posted with a notice stating:

- a. That an unruly gathering has occurred at the premises;
- b. The date of the unruly gathering;
- c. That any subsequent unruly gathering on the same premises within a one hundred and eighty (180) day period shall result in liability for the penalties provided in this section. Parties liable include any persons in attendance causing the gathering to be unruly, or any owner, occupant or tenant of the premises at which the unruly gathering occurred, or any sponsor of the event constituting the unruly gathering; and
- d. The right to contest the posting as provided in subsection (c)(4) of this section.

(2) *Posting requirements.* Premises shall be posted with a notice as provided in this section each time an unruly gathering occurs. The owner, occupant or tenant of the premises or sponsor of the event constituting the unruly gathering, if present, shall be consulted as to the location in which such notice is posted in order to achieve both the security of the notice and its prominent display.

In the event that a premises is already posted at the time of a subsequent posting, the one hundred and eighty (180) day period from the date of the existing posting shall be extended to one hundred and eighty (180) days from the date of the subsequent posting. Once a premises is initially posted as a result of an unruly gathering and the conduct causing the gathering to be unruly has ceased, a resumption of unruly behavior on the premises resulting in another police response shall constitute a new and separate unruly gathering for purposes of this section.

(3) *Removal of notice prohibited.* The owner, occupant, or tenant of the posted premises shall be responsible for ensuring that the notice is not removed, defaced, or concealed. The removal, defacement, or concealment of a posted notice is a civil infraction carrying a penalty of a minimum, mandatory one hundred dollar (\$100.00) fine, in addition to any other penalties which may be imposed under this section.

(4) *Right to contest posting.*

- a. An owner, occupant, or tenant of the posted premises may contest the posting of the notice by filing a written petition for review with the civil infractions division of the city court requesting that the court determine whether justification existed for posting of the notice under provisions of this section. The petition must be filed within ten (10) days after the posting of the notice or, if the notice is given by mail, within fifteen (15) days after the date of the mailing of the notice, and not thereafter. The court shall set a time and date for a hearing to be held no later than fifteen (15) days after receipt of the written petition and shall notify both the petitioner and the criminal division of the city attorney's office of the hearing date. In order to avoid the possibility of conflicting rulings, if more than one (1) petition is filed under this subsection relating to a single posting, for example by multiple lawful occupants of the posted premises, the court shall set only one (1) hearing and shall consolidate the petitions and notify all petitioners of the hearing date and time. At the hearing, the city has the burden of proving by a preponderance of evidence that the posting of the notice was justified pursuant to the provisions of this section.
  
- b. An owner of a posted premises, at any time after the posting or the mailing of the notice, may petition the court for an order directing the removal of the notice on the grounds that the owner has taken reasonable and necessary actions, such as evicting a tenant responsible for the violation, to prevent the occurrence of a subsequent unruly gathering at the posted location. The court shall set a time and date for a hearing to be held no later than fifteen (15) days after receipt of the petition and shall notify both the petitioner and the criminal division of the city attorney's office of the hearing date. At the hearing, the petitioner has the burden of proving by a preponderance of evidence that the petitioner has taken reasonable and necessary actions to prevent the occurrence of a subsequent unruly gathering. This

petition process is not available to an owner who was present at the unruly gathering and engaged in conduct causing the gathering to be unruly.

(d) *Notification of property owner.*

- (1) Notification of the posting of the notice of unruly gathering shall be mailed to any property owner at the address shown on the Pinal County Property Tax Assessment Records. The notification shall advise the property owner that any subsequent unruly gathering within one hundred and eighty (180) days on the same premises shall result in liability of the property owner for all applicable penalties as provided in this article. Notifications shall be made by certified mail. The return receipt shall be prima facie evidence of service.
- (2) Additionally, notice shall be provided to an agent of the owner who controls or regulates the use of the premises, if known. Notice to the owner's agent may be provided by hand delivery or by certified or regular mail sent to the agent's last known address.
- (3) The failure to serve notice to any person described in this subsection shall not invalidate any citation or other proceedings as to any other person duly served, or relieve any such person from any duty imposed by this section.

(e) *Unruly gathering a civil infraction; parties responsible.* An unruly gathering is unlawful and constitutes a civil infraction. The following parties, if found responsible for such an infraction, are liable for the penalties provided in subsection (g) (1):

- (1) The person or persons who organized or sponsored the event constituting the unruly gathering, including any owner or occupant in attendance at the unruly gathering.
- (2) Any person in attendance at the unruly gathering who engaged in any conduct causing the gathering to be unruly.

(f) *Subsequent unruly gathering a civil infraction; parties responsible.* The occurrence of an unruly gathering on the same premises more than once in any one hundred and eighty (180) day period is a civil infraction. The following parties, if found responsible for such an infraction, are liable for the penalties provided in subsection (g) (2):

- (1) The owner of the property where the subsequent unruly gathering occurred, if either:
  - a. The owner was present when the property was posted, or
  - b. Notification of posting was mailed or delivered to the owner of the property per subsection (d), and the subsequent unruly gathering occurred not less than two (2) weeks after the mailing of such notification.
- (2) The occupant or tenant of the property where the subsequent unruly gathering occurred.
- (3) The person or persons who organized or sponsored the event constituting the subsequent unruly gathering.
- (4) Any person in attendance at the subsequent unruly gathering who engaged in any conduct causing the gathering to be unruly.

Nothing in this section shall be construed to impose liability on the owner, occupant, or tenant of the premises or sponsor of the event constituting the unruly gathering, for the conduct of persons who are in attendance without the express or implied consent of the owner, occupant, tenant, or sponsor, as long as the owner, occupant, tenant or sponsor has taken steps reasonably necessary to prevent a subsequent unruly gathering or to exclude the uninvited persons from the premises, including owners who are actively attempting to evict a tenant from the premises. Where an invited person engages in unlawful conduct which the owner, occupant, tenant or sponsor could not reasonably foresee and could not reasonably control without the intervention of the police, the unlawful conduct of the person shall not be attributable to the owner, occupant, tenant or sponsor for the purposes of determining liability under this section.

(g) *Penalties.*

- (1) *Unruly gathering.* The penalty for a party found responsible for an unruly gathering, as provided in subsection (e), shall be a minimum mandatory fine of one hundred dollars (\$100.00).
- (2) *Subsequent unruly gathering.* The penalty for a party found responsible for the occurrence of a subsequent unruly gathering, as provided in subsection (f), shall be a minimum mandatory fine of five hundred dollars (\$500.00) for a first violation, a minimum mandatory fine of one thousand dollars (\$1,000.00) for a second violation, and minimum mandatory fines of one thousand five hundred dollars (\$1,500.00) for each third or subsequent violation.

(3) *Abatement.* The civil fines provided herein shall be in addition to any other penalties imposed by law for particular violations of law committed during the course of an unruly gathering. The court shall also enter an order of abatement against a party found responsible for a violation of this section pursuant to Article 10 of the City of Coolidge City Code.

(h) *Enforcement.* The police department is authorized to enforce the provisions of this section provided that enforcement is initiated by a complaint from a member of the public. The complaining member of the public shall not necessarily be required to appear in court before a violator may be found responsible.