

**TITLE 6
POLICE REGULATIONS**

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**CHAPTER 6-01
GENERAL OFFENSES**

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SECTION 6-01-001-0001 REPEALED

SECTION 6-01-001-0002 ASSEMBLIES RESTRICTED, UNLAWFUL:

- A. Assembly in Public Ways: It shall be unlawful for any person or group of persons designated by proclamation by the Mayor to loiter, idle, wander, appear on, or congregate in or upon the public streets, highways, roads, alleys, parks playgrounds or other public grounds, public places, public buildings, places of amusement or entertainment, vacant lots or unsupervised places of the City between such hours and in such areas as the Mayor shall designate. (Ord. 71 5-A, 8-67)
- B. Unlawful Assembly: It shall be unlawful for two (2) or more persons to assemble together for the purpose of disturbing the peace or for the purpose of committing any unlawful act and not to disperse upon the command of an officer so to do. (1960 Code)

SECTION 6-01-001-0003 DAMAGE TO PUBLIC WAYS AND PROPERTY:

- A. Damage to Road, Street or Bridge: No person shall, in any manner, damage any road, street or bridge in the City limits by running heavy vehicles over the same, by malicious destruction or by any act that will result in damage to said road, street or bridge. (Ord. 638, 6-9-64)

- B. Damaging Public Fixtures: It shall be unlawful for any person to, in any manner, damage or attempt to damage or tamper with any pipe lines, water hydrants, street lamps or lights or the fixtures and appliances belonging upon any of the poles or other objects for use in connection with the lighting of the streets of the City; or in any manner to damage any water pipes, hydrants or any appliances pertaining to the water or sewer works; or in any manner to damage or attempt to damage or tamper with any other property of any and every character belonging to the City. (Ord. 214, 4-15-18)
- C. Deposits of Injurious Material on Thoroughfares: It shall be unlawful for any person to deposit, place or allow to remain in or upon any public thoroughfare any material or substance injurious to person or property. (Ord. 3, 6-14-1894)
- D. Injuring Fire Hydrants: The use of fire hydrants for any purpose except the extinguishment of fire is hereby prohibited; provided, that this subsection shall not operate to prevent the reasonable and moderate use of any hydrant for the practice of the Fire Department under the supervision of some duly authorized official thereof, or such use as the Superintendent of Waterworks may find expedient in the interest of the City. (Ord. 49, 2-16-1899)
- E. Injuring Sidewalks: Any person defacing, walking, riding or driving upon or over any sidewalk or street crossing composed of or containing cement, during the construction thereof, or before the same is thrown open to public use, shall be deemed guilty of a misdemeanor. (Ord. 143, 7-11-12)
- F. Lug Wheels Prohibited: It shall be unlawful for tractors and any other vehicles with wheels injurious to pavement to be permitted upon the public thoroughfares unless the operator of such vehicle shall first plank such streets.

SECTION 6-01-001-0004 REPEALED

SECTION 6-01-001-0005 ENTERTAINMENTS; ACTS OF INDECENT EXPOSURE:

- A. Any female entertaining or performing any dance or in any play, exhibition, show or other entertainment, or any female serving food or spirituous liquors as defined by section 4-101 , Arizona Revised Statutes, in a restaurant, night club, bar, cabaret, tavern, tap room, theater or in a private, fraternal, social, golf or country club as defined by said Statute section, or in any public place, who appears clothed, costumed, unclothed or uncostumed in such a manner that the areola (the more darkly pigmented portion of the breast encircling the nipple) is not covered by a brassiere consisting of a fully opaque fabric material, is guilty of a misdemeanor.

A person who knowingly conducts, maintains, owns, manages, operates or furnishes any restaurant, night club, bar, cabaret, tavern, tap room, theater or any place serving food or spirituous liquors, or a private, fraternal, social, golf or country club, or any public place where a female appears clothed, costumed, unclothed or uncostumed in such a manner that the areola (the more darkly pigmented portion of the breast encircling the nipple) is not covered by a brassiere consisting of a fully opaque fabric material, is guilty of a misdemeanor.

It shall not be a violation of this Section, nor an act of indecent exposure, for a female to breastfeed a child in any public place where the female and child are otherwise permitted to be.

- B. Any person entertaining or performing any dance or in any play, exhibition, show or other entertainment, or any person serving food or spirituous liquors in a restaurant, night club, bar, cabaret, tavern, tap room, theater or in a private, fraternal, social, golf or country club, or in any public place who appears clothed, costumed, unclothed or uncostumed in such a manner that the lower part of his or her torso, consisting of the private parts or anal cleft or cleavage of the buttocks, is not covered by a fully opaque fabric material or is so thinly covered as to appear uncovered, is guilty of a misdemeanor.

A person who knowingly conducts, maintains, owns, manages, operates or furnishes any restaurant, night club, bar, cabaret, tavern, tap room, theater or any place serving food or spirituous liquors, or a private, fraternal, social, golf or country club, or any public place where any person appears clothed, costumed, unclothed or uncostumed in such a manner that the lower part of his or her torso, consisting of the private parts or anal cleft or cleavage of the buttocks, is not covered by a fully opaque fabric material, or is so thinly covered as to appear uncovered, is guilty of a misdemeanor. (Ord. 756, 3-26-69)

SECTION 6-01-001-0006 PROHIBITED PUBLIC ACTIVITIES:

It is unlawful for any person to urinate or defecate in a public place, except where enclosed facilities intended for such purposes have been provided, or in any place exposed to public view. (Ord. 10, 2-7-1895; Rev. 12/06/2005, Ord. No. 2005-22.)

SECTION 6-01-001-0007 REPEALED

(Ord. No. 2010-03, 02/16/10)

SECTION 6-01-001-0008 REPEALED

(Ord. No. 2010-02, 02/16/10)

SECTION 6-01-001-0009 GENERAL OFFENSE

It shall be unlawful for any person to commit any act or fail to perform any requirement which is prohibited or required by State law, insofar as such laws are applicable to Municipal government.

SECTION 6-01-001-0010 POLICE OFFICERS, ACTS RELATIVE TO:

- A. Giving Assistance to Police Officers: It shall be unlawful for any male citizen over the age of eighteen (18) years to refuse or neglect to render assistance to any police officer when called upon for such assistance or aid in the suppression of riot or other unlawful assemblage or in the arrest of any person who has committed an offense. (Ord. 194, 11-20-16)
- B. Resisting an Officer: It shall be unlawful for any person to wilfully interfere with, resist, delay, obstruct, molest or threaten to molest any officer or any member of the Police or Fire Departments or the Building Inspector of the City in the exercise of his official duties or knowingly

and maliciously give any false information to any officer of the City.
(Ord. 217, 9-11-18)

SECTION 6-01-001-0011 REPEALED

SECTION 6-01-001-0012 GAMBLING:

- A. Gambling Prohibited: Every person who shall carry on or open or cause to be opened or who shall conduct either as owner, proprietor or employee, whether for hire or not, any game of faro, monte, roulette, lasquet, rouge et noire, roundo, vinget, uno or twenty one, poker, stud poker, draw poker, fan tan, thaw, seven and one-half, chuck-aluck, blackjack or any similar game whatsoever played with cards, dice or any other device, slot machine or machines of like character, whether the same be played for money, checks, credits or any representative of value or any person who shall play in or be a party to any of the games above mentioned, or any proprietor, owner or part owner, lessee, manager or any person having management, supervision or control, temporary or permanent, of any house or other resort maintained for gambling shall permit any of the games mentioned above or any other gambling game to be played in such place, shall be guilty of a misdemeanor.
- B. Establishment of Guilt: Subsection A. above shall be construed that any person or persons as therein enumerated who shall play any of the games or run or operate any of the games or be a party thereto as enumerated in said Subsection A., or any person or persons who shall stand by knowing that any of the games are being played as enumerated in said Subsection A. hereof, shall upon conviction thereof be guilty of a misdemeanor.
- C. Obtaining Money by Gambling: Every person who by any gambling game, as enumerated in Subsection A. hereof, or any other gambling game not enumerated, or by fortune telling, trick or sleight of hand by use of cards or other implements or instruments, or while betting on sides or hands of any such play or game fraudulently obtains from any person money or property of any description, shall be punished for a violation of this Code.
- D. Lease Prohibited for Certain Purposes: If any owner or person in the management or control of any property shall knowingly rent or lease the same to be used as a place where gambling is carried on in any form, he shall be deemed guilty of a misdemeanor. (Ord. 181, 5-25-16)
- E. Exception: Off-track wagering on electronically televised simulcasts of horse, harness or dog racing conducted in conformance with A.R.S. §5-101 et seq., and specifically authorized by the Flagstaff City Council, or their designee, shall not be prohibited by this Ordinance. (Ord. 1776, 11/03/92)
 - 1. Application and Issuance of Initial Permit and Criteria: The City Council may consider any information contained within the application or allowed to be considered by the Arizona Department of Racing or the Arizona Racing Commission in authorizing or recommending the issuance of a permit for off-track wagering on electronically televised simulcasts pursuant to Paragraph E. above. The permit shall authorize all off-track wagering on electronically televised simulcasts including horse, harness, dog racing or any

combination thereof during its term and shall not be limited in scope to the specific category of racing specified at the time of application. (Ord. 1776, 11/03/92)

2. Renewal of Permit to conduct off-track wagering: All applications for the renewal of a permit to conduct off-track wagering as authorized by the Flagstaff City Council pursuant to Paragraph E. of this Section shall be reviewed by the City Manager on a yearly basis. When reviewing applications for the renewal of such a permit the following shall constitute grounds for denying the renewal of a wagering establishment permit if the City Manager determines such non-renewal to be in the best interests of the City, its residents and businesses. The City Manager may consider any additional factors or information which may be relevant to the City's interest in protecting the health, welfare or morals of the citizens of Flagstaff.
 - a. Revocation of any state racing, wagering or gaming permit which is required for the race track or wagering establishment.
 - b. Failure of the permittee to immediately cease all racing or wagering activity and/or failure of the permittee to promptly notify the City Manager or his designee, in writing, upon suspension or revocation of any state racing, wagering or gaming permit for the race track or wagering establishment.
 - c. Conviction by a court of competent jurisdiction of the permittee or any of its owners, managers or employees, and in the case of a corporation, its principal officers, directors and principal shareholders, of any felony or any violation of law or regulation related to racing, wagering or gaming, in any jurisdiction.
 - d. Adjudication, in any civil action or administrative proceeding in any jurisdiction, that the permittee or any of its owners, managers, or employees, and in the case of a corporation, its principal officers, directors and principal shareholders, are responsible for violation of any law or regulation related to racing, wagering or gaming.
 - e. The City Manager finds that the permittee has committed a felony or a violation of any racing, wagering or gaming law or regulation, in any jurisdiction.
 - f. The City Manager finds that any owner, manager or employee of the permittee, and in the case of a corporate permittee, any of its principal officers, directors or principal shareholders, has committed a felony or a violation of any racing, wagering or gaming law or regulation, in any jurisdiction.
 - g. Information exists that demonstrates that the proposed wagering establishment use does not comply with all applicable zoning, building and land-use codes and regulations.

- h. The permittee is delinquent in payment of any privilege license taxes or use taxes owed to the City and has not, upon reasonable notice, made such payment together with any applicable interest and penalties.
 - i. The City Manager finds that the security plan for the wagering establishment is inadequate or needs to be updated or modified and that the permittee has not, upon reasonable notice, made satisfactory improvements or modifications to the security plan.
 - j. The City Manager finds that unlawful gambling by a minor or minors has occurred at the wagering establishment and that the security measures of the permittee remain inadequate to prevent unlawful gambling by minors.
 - k. The City Manager finds that alcoholic beverages have been purchased or consumed by a person or persons under the lawful drinking age on the premises of the wagering establishment or, with respect to multiple use facilities, anywhere on the premises of the multiple use facility and that the security measures of the permittee remain inadequate to prevent purchase or consumption of alcoholic beverages by those persons under the lawful drinking age.
 - l. The City Manager finds that the permittee has made a false statement on or in connection with its permittee application or application for last previous permit renewal or that any false, incomplete or misleading information has been provided by the permittee on or in connection with such permit or renewal application. (Ord. 1743, 03/03/92)
3. Suspension of an Off-track Wagering Permit: Any permit to operate an off-track wagering facility issued under the provisions of this Chapter may be suspended as provided in this Section. Suspensions under this Section shall be for a prescribed period of time not to exceed sixty (60) days unless otherwise provided for below. If the basis for the suspension has not been cured within sixty (60) days, the City Council may, in their discretion, issue a subsequent suspension.
- a. The permit may be suspended by the City Council upon one or more of the following grounds:
 - (1) Reasonable cause exists to believe that the permittee, owner, manager, employee, or in the case of a corporate licensee, any of its principal officers, directors or principal shareholders, has committed a felony or a violation of any racing, wagering or gaming law or regulation in any jurisdiction.
 - (2) Reasonable cause exists to believe that the permittee, owner, manager, employee, or in the case of a corporate licensee, any of its principal officers, directors or principal shareholders, are responsible for violation of any civil or administrative racing, wagering or gaming law or regulation.

- (3) The permittee is delinquent in payment of any privilege license taxes or use taxes owed to the City.
 - (4) Reasonable cause exists to believe that the security plan for the off-track wagering facility is inadequate or needs to be updated or modified; that unlawful gambling by a minor or minors has occurred at the off-track wagering facility; or that alcoholic beverages have been purchased or consumed by a person or persons under the lawful drinking age on the premises of the off-track wagering facility or, with respect to multiple use facilities, anywhere on the premises of the multiple use facility.
 - (5) Reasonable cause exists to believe that the permittee has made a false statement on or in connection with its permit application or application for last previous permit renewal or that any false, incomplete or misleading information has been provided by the permittee on or in connection with such permit or renewal application.
 - (6) Upon any suspension of any State racing, wagering or gaming license which is required for the race track or off-track wagering facility, the City permit for the off-track wagering facility shall be automatically suspended without further action by the City until the State license is reinstated or reissued or until such suspension of the State license is finally overturned by a court of competent jurisdiction. Upon such automatic suspension of the City permit as provided in this subsection, the holder of the City permit shall immediately cease all racing or wagering activity and shall promptly notify the City Manager or his designee, in writing, of the suspension of the State license.
4. Revocation of an Off-track Wagering Permit: Any off-track wagering facility permit issued under the provisions of this Chapter may be revoked as provided in this Section. No application for reinstatement of the off-track wagering facility permit shall be considered for a period of one year from the date of revocation, unless the applicant demonstrates by clear and convincing evidence to the City Council that extraordinary circumstances exist such that the interests of the City and its residents and businesses would best be served by consideration of the application prior to expiration of such one year period.
- a. The off-track wagering facility permit may be revoked by the City Council upon one or more of the following grounds:
 - (1) Revocation of any state racing, wagering or gaming permit which is required for the race track or wagering establishment.

- (2) Failure of a permittee to immediately cease all racing or wagering activity and/or failure of the permittee to promptly notify the City Manager or his designee, in writing, upon suspension or revocation of any State racing, wagering or gaming permit for the race track or wagering establishment.
- (3) Conviction by a court of competent jurisdiction of the permittee, or any of its owners, managers, or employees, or in the case of a corporate licensee, any of its principal officers, directors or principal shareholders, of any felony or any violation of law or regulation related to racing, wagering or gaming law in any jurisdiction.
- (4) Adjudication, in any civil action or administrative proceeding in any jurisdiction, that the permittee, or any of its owners, managers, or employees, or in the case of a corporate licensee, any of its principal officers, directors or principal shareholders, are responsible for violation of any law or regulation related to racing, wagering or gaming.
- (5) Information exists that demonstrates that the off-track wagering facility does not comply with all applicable zoning, building and land-use codes and regulations.
- (6) The permittee is delinquent in payment of any privilege license taxes or use taxes owed to the City and has not, upon reasonable notice, made such payment together with any applicable interest and penalties.
- (7) The City Council finds that the security plan for the off-track wagering facility is inadequate or needs to be updated or modified and that the permittee has not, upon reasonable notice, made satisfactory improvements or modifications to the security plan.
- (8) The City Council finds that unlawful gambling by a minor or minors has occurred at the off-track wagering facility and that the security measures of the permittee remain inadequate to prevent unlawful gambling by minors.
- (9) The City Council finds that alcoholic beverages have been purchased or consumed by a person or persons under the lawful drinking age on the premises of the off-track wagering facility or, with respect to multiple use facilities, anywhere on the premises of the multiple use facility and that the security measures of the permittee remain inadequate to prevent purchase or consumption of alcoholic beverages by those persons under the lawful drinking age.
- (10) The City Council finds that the permittee has made a false statement on or in connection with its original

permit application or application for renewal or that any false, incomplete or misleading information has been provided by the permittee on or in connection with such permit or renewal application.

5. Right of Appeal: An applicant or permittee shall have the right to appeal from a denial of their application or suspension or revocation of their permit as follows:
 - a. The City Council's decision to deny an initial permit or suspend or revoke an existing permit shall be a final decision and may be appealed by Special Action to Superior Court.
 - b. The City Manager's decision to deny renewal of a permit may be appealed to the City Council. The Notice of Appeal shall be filed within forty-five (45) days of the date notice of the denial was mailed to the applicant. The City Council's decision to deny renewal of a permit is a final decision and may be appealed by Special Action to Superior Court.
6. Delegation of Authority to Promulgate Administrative Procedures and Establish Schedule of Fees: The City Manager shall adopt and promulgate such rules and regulations necessary to effectuate and administer the provisions of this Chapter, prepare such forms as required and establish a schedule of fees for a permit application. (Ord. 1776, 11/03/92)

(Ord. No. 1714, Amended, 09/17/91; Ord. No. 1743, Amended, 03/03/92; Ord. No. 1776, Amended, 11/03/92)

SECTION 6-01-001-0013 WEAPONS; RESTRICTIONS, PROHIBITIONS:

- A. Firing Prohibited: The willful and unnecessary shooting within the corporate limits of any air gun, air pistol or other weapon or instrument which is capable of propelling or emitting through force a shot, pellet or other small projectile for a distance of ten feet (10') or more is hereby prohibited. (Ord. 444, 6-2-58)
- B. Concealed Weapons: It shall be unlawful for any person, excepting a peace officer in actual service and in discharge of his duty, to have or carry concealed on or about his person any pistol or other firearm, dirk, dagger, slug shot, sword cane, spear, brass knuckles or other knuckles of metal, bowie knife or other kind of knife or weapon except a pocket knife not manufactured for the purpose of offense or defense.¹ (Ord. 171, 6-28-15)

¹A.R.S., sec. 13-911

SECTION 6-01-001-0014 PLASTIC BAGS OR COVERINGS:

- A. No bag made of plastic material of an average gauge thinner than .001 inch which is large enough to fit over a child's head shall be used by any business establishment as a container for products delivered to purchasers, or by any other business establishment to package articles delivered to customers or other persons doing business with the

establishment, unless there is printed upon such bag, or upon a label which is securely attached to such bag, in clear legible type the following: "WARNING: TO AVOID DANGER OF SUFFOCATION, KEEP THIS PLASTIC BAG AWAY FROM BABIES AND CHILDREN," or a similar warning that the bag is dangerous to small children. This section shall not apply to those plastic bags which are used exclusively for industrial purposes.

B. Definitions

1. As used in this section, "a bag large enough to fit over a child's head" means any bag, which, when open, has an opening larger than 25 square inches or a capacity of more than 125 cubic inches.
2. As used in this section, "clear legible type" means type which meets all of the following qualification:
 - i. Is clear and legible.
 - ii. Is of a bright color which will be clearly visible against either a light or a dark background.
 - iii. Is printed by some method other than rubber stamp, such as by offset or letterpress, so as to prevent the ink from smearing and to insure that the printed matter will be clear and distinct.

(Amended Ord. No. 2010-01, 02/16/10)

SECTION 6-01-001-0015 REPEALED

SECTION 6-01-001-0016 SEARCH LIGHTS RESTRICTED:

It is hereby declared to be unlawful for any person to operate, within the City limits, any incandescent or arc type search light, beacon light or similar lighting device designed to and capable of projecting a beam of light into the sky for a distance in excess of one-half (1/2) mile. The provisions of this Section shall not apply to emergency search lights or beacons operated pursuant to public authority. (Ord. 440, 4-15-58)

SECTION 6-01-001-0017 WATER FLOWING UPON STREETS:

It shall be unlawful for any person to divert surface water so as to cause the same to flow into or upon any public thoroughfare.

SECTION 6-01-001-0018 WINDOWSILLS KEPT CLEAR:

It shall be unlawful for any person to place or keep on any window sill, porch or other projection above the first story of any building abutting on any sidewalk any article which might do injury by falling upon any person on the sidewalk in front of such building unless said article be securely fastened or protected by screens. (1960 Code)

SECTION 6-01-001-0019 PICKETING:

It shall be unlawful for any person to picket or to walk back and forth, loiter or remain upon the streets, sidewalks or alleys adjacent to any place of business within the City, or to enter said place of business for the purpose of

intimidating, threatening or coercing or in any manner to intimidate, threaten or coerce any employee or any person from entering or being on said place of business for the transacting of business or the performance of labor therein.

All pickets shall be required to walk back and forth at the outer margin of the sidewalk, in single file, not more than two feet (2') from the curb and shall not enter any building being picketed while on picket duty.

Not more than one picket shall be permitted for each entrance to any place of business; provided, however, that the limitations of numbers provided by this Section shall in no case reduce the lawful number of pickets to less than two (2) persons for any place of business. If the number of pickets exceeds the maximum number permitted herein, then each and all of the persons so picketing shall be guilty of a violation of this Section. (Ord. 332, 7-7-42)

SECTION 6-01-001-0020 OVERDUE LIBRARY MATERIALS:

It shall be unlawful for any borrower to retain any book, newspaper, magazine, pamphlet, manuscript or other material belonging in or to, or on deposit with, the Flagstaff City-Coconino County Public Library, or any branch or bookmobile operated in connection therewith, for a period exceeding twenty one (21) days after notification by first class mail to the borrower's address on file with such library, given after the expiration of the time during which, by the rules of the library, such library materials may be kept lawfully by the borrower. The borrower shall be deemed to be notified of the overdue status of library materials charged to him on the date of mailing of said notice to the borrower's address on file with the library. Said overdue notice will include a copy of this Section. (Ord. 1208, 5-4-82)

SECTION 6-01-001-0021 DISPLAYING VEHICLES FOR SALE ON PROPERTY:

- A. Definitions: Motor Vehicle shall be defined as an automobile or truck, motorcycle, recreational vehicle, boat, trailer or heavy construction or farm vehicles.
- B. No person shall cause or permit a motor vehicle owned by or registered to him to be parked or displayed upon any property other than his own, or on property which he is renting or leasing for residential purposes, for the purpose of advertising said vehicle for sale, except where said vehicle is the sole vehicle on an R-1 lot as authorized in subsection (G) below.
- C. For the purpose of the foregoing subsection, it may be presumed that any vehicle parked within view of any public right of way while said vehicle is posted with signs reading "For Sale" or any similar or analogous words is being displayed for the purpose of advertising same for sale.
- D. Violations of this Section shall be a civil violation of this Code for which there shall be imposed a sanction not to exceed one hundred dollars (\$100.00) upon the owner of the vehicle.
- E. This Section shall not apply to any person who causes or permits the parking of a motor vehicle owned by him upon property owned by any person licensed by the State and the City for the purpose of carrying on the business of retail sale of such vehicles.

- F. This Section shall not be construed to prohibit the incidental parking of any motor vehicle, whether advertised or marked for sale or not, when the primary purpose for parking said vehicle is some purpose other than that of advertising the availability of said vehicle for sale. It shall be presumed that parking a motor vehicle marked or advertised for sale with other motor vehicles marked or advertised for sale, except as provided in subsection (E) above, is not incidental parking.
- G. This Section shall not apply to the parking of a single vehicle for sale on a single lot located in an R-1 zoning district, irrespective of vehicle ownership. (Ord. 1468, 10-21-86)

SECTION 6-01-001-0022 CAMPING ON PUBLIC PROPERTY WITHIN CITY LIMITS

A. PURPOSE

The purpose of this Section to provide for the safety, harmonious use, and well-being of all users of city property by prohibiting the storage of personal belongings and placement of structures on public property for living accommodation purposes, and by preventing the fire dangers, littering, overuse of public property, and other misappropriation of public space for personal use associated with urban camping within the city limits. Although no single activity automatically triggers the application of this ordinance; the activities shall be considered as a whole in determining whether it reasonably appears, in light of all the circumstances, that a person conducting these activities is using public property for camping purposes, whether recreational or as a primary living space. Nothing in this ordinance is meant to imply that homelessness is illegal in Flagstaff.

B. PROHIBITION

It is unlawful for any individual to camp on public property within the Flagstaff city limits unless specifically authorized by law. For the purpose of this section, the term "camping" means the use of any city property or any undeveloped, unimproved county, state, and federal property for living accommodation purposes, including, but not limited to, activities such as:

- (1) Sleeping activities or making preparations to sleep including the laying down of bedding for the purpose of sleeping;
- (2) Storing personal belongings;
- (3) Making any fire, other than in a fire or barbecue pit provided by the City for such use;
- (4) Using any tent, shelter, vehicle, or other structure for sleeping;
- (5) Cooking, other than in a fire or barbecue pit provided by the City for such use

The above listed activities shall constitute camping when it reasonably appears, in light of all the circumstances, that the participants, in conducting such activities, are in fact using the area for living accommodation purposes, either as recreational camping or as a primary living space, and regardless of the intent of the participants or the nature of any other activities in which they may also be engaging. "Camping" shall be distinguished from those short term uses such as napping and picnicking

that are characterized by brief and intermittent use of city property for recreational purposes during daylight hours.

- C. No person shall be arrested for a violation of this ordinance unless the person continues to engage in such conduct after warning by any police officer or authorized representative of the government entity responsible for such public property, or unless such property has been conspicuously posted with a warning of the provisions of this ordinance.
- D. For the purpose of this section " city property" shall mean all real property including appurtenances thereon which is owned, leased, or controlled by the City and shall include all improved or unimproved land, all public right of ways including trails, easements, public sidewalks and public parking lots.
- E. A violation of this section is a class 3 misdemeanor. Each day that a violation of this section continues shall constitute a separate offense.
- F. Necessity, as set forth in ARS 13-417, is a defense to prosecution under this Section.

(Ord. 2005-11, 10-04-2005) (Amended Ord. No. 2009-15, 11/03/09) (Amended Ord. No. 2009-33, 10/06/09) (Amended Ord. No. 2009-34, 10/06/09)

**CHAPTER 6-02
DOGS**

SECTIONS:

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SECTION 6-02-001-0001 FAILURE TO CONTROL DOG

- A. Dog at Large: Every person owning or having charge, care, custody or control of any dog of any age shall keep such dog exclusively upon his or her own premises; provided, however, that the dog may be off such premises if it is under the control of a competent person and restrained by a chain, leash, rope or cord of sufficient strength to contain and control such dog.
- B. Vicious Dog:
1. No person owning or having charge, care, custody, or control of a vicious dog shall permit such dog off his premises unless such dog is under the control of a competent person and is securely leashed and muzzled.
 2. No person owning or having charge, care, custody, or control of a vicious dog shall permit said vicious dog to be unconfined. (Ord. 1395, 10-1-85)
- C. Definitions:
1. *Vicious dog:*
 - a. A dog that bites a human beings without provocation; or
 - b. A dog with a known propensity, tendency, or disposition to bite human beings; or
 - c. A dog that while at large kills or causes injury to domestic animals; or

- d. A dog declared to be a vicious dog by a City Magistrate after a determination at a hearing of a pattern of aggressive behavior that has caused injury, apprehension or intimidation of a person.
- 2. *Unconfined* means while on the premises of its owner or the person having charge, care, custody or control of such dog, the dog is not securely indoors or within a securely enclosed and locked pen or dog run area. Such pen or dog run area must be adequate to prevent the dog's escape from the pen or dog run area.

Ord. 1395, 10-1-85)

- 3. Premises means any property that is owned or leased by the dog owner, or the person having charge, care, custody, or control over the dog.

(Amended 05/03/05, Ord. 2005-12)

SECTION 6-02-001-0002 IMPOUNDMENT

Every dog found running at large within the City limits may be impounded at a pound to be designated by the Chief of Police, and there kept for a period of seventy two (72) hours.

If the owner of the dog found running at large within the City limits can be ascertained at the time of or immediately following the occurrence of the violation of this Chapter, the Animal Control Officer may issue a citation to that owner in lieu of impounding the dog. The procedure for the issuance of citations and notices to appear shall be as provided for peace officers in section 13-3903, Arizona Revised Statutes, except that the Animal Control Officer shall not make an arrest.

(Ord. 1064, 9-5-78); (Amended, 05/03/05, Ord. 2005-12)

SECTION 6-02-001-0003 REDEMPTIONS; FEES

Within seventy two (72) hours after the impoundment of the dog under the provisions of the preceding section, if the ownership of the dog is proven and the owner calls for it, he shall be able to remove it on the payment of a fee in accordance with the following table together with the costs of impoundment, said fees to be paid to the City Treasurer or his designated agent. (Ord. 1810, 06/15/93).

First occurrence of impoundment	\$ 50.00
Second occurrence of impoundment for same dog and same owner within twelve (12) months	\$ 100.00
Third occurrence of impoundment for same dog and same owner within twelve (12) months	\$ 200.00
Fourth occurrence of impoundment for same dog and same owner within twelve (12) months	\$ 400.00

If such dog is licensed and the collar bearing the license number is lost or the license tag is lost, the replacement of such at the expense of the owner shall be required before he is allowed to remove the dog. If the dog is unlicensed, the owner who desires to redeem the dog shall deliver a certificate of vaccination to the City Treasurer, or his designated agent, and pay to him the required license fee and other fees in accordance with the provisions of this Chapter, and thereupon the owner so reclaiming such dog shall be entitled to a license and numbered tag as provided in this Chapter. (Ord. 1395, 10-1-85)

(Ord. No. 1810, Amended, 06/15/93; Ord. No. 200512; Amended, May 3, 2005)

SECTION 6-02-001-0004 DESTRUCTION OF DOGS

If the ownership of an impounded dog is not proven within seventy two (72) hours, the dog shall be destroyed in a humane manner; provided, however, that the City, through its own animal shelter or with an entity providing animal control services pursuant to contract, may give or sell any such unredeemed dog to any person who will procure for the dog the necessary collar or collar and tag with a license number thereon, and furnish the necessary vaccination as provided in this Chapter and the fees required in the preceding Section. (Ord. 1810, 06/15/93)

(Ord. No. 1810, Amended, 06/15/93)

SECTION 6-02-001-0005 INTERFERENCE WITH OFFICERS PROHIBITED

It shall be unlawful for any person to interfere with or oppose the Chief of Police, or any of his officers, or animal control officers, while engaged in the performance of this Chapter. (Ord. 942, 1-13-75)

SECTION 6-02-001-0006 VACCINATION OF DOGS

Every person who keeps a dog within the City shall cause such dog to be vaccinated against rabies and shall obtain from the Treasurer, or his designated agent, an annual license for the keeping of such dog. No license shall be issued unless at the time of applying for the annual license the applicant presents to the City Treasurer, or his designated agent, a certificate showing the dog to have been vaccinated against rabies by an approved veterinarian or institution within the time period for vaccination or revaccination as designated by the State Veterinarian. (Ord. 1281, 8-2-83; Ord. No. 2005-12; Amended, 05/03/2005)

SECTION 6-02-001-0007 LICENSE TAG

A. Required: Every person who keeps a dog within the City shall, in addition to the vaccination and license required by this Chapter, obtain from the Treasurer or his designated agent a dog tag, for all dogs three months of age or older. The dog tag fee is ten dollars (\$10.00) for each neutered or spayed dog or twenty dollars (\$20.00) for each unneutered or unspayed dog to be tagged and shall be paid to the City Treasurer or his designated agent. The maximum fee for purchase of multiple dog tags by one owner owning five or more dogs shall be eighty dollars (\$80.00). The City Treasurer, or his designated agent, shall procure and keep in his office such number of metal tags as may be necessary and of such size and shape as he shall deem expedient, and upon payment to him by any person of the proper sum as herein provided, shall issue to each person for each sum so

paid one of said tags, after having stamped thereon the number of the same, numbering such tags consecutively in the order of said payments, and shall also furnish every person paying such sum a receipt for each and every payment so made and register the name of the person, the amount paid and the number or numbers of such receipts in a book to be kept in his office for such purpose. Duplicate or replacement tags shall be available for one dollar (\$1.00) for each tag.

- B. Exemption: Notwithstanding any section of this Title, a dog is exempt from any license fee if said dog was procured from, and within three (3) years shall be returned to, any nonprofit organization which consequently trains the dog as a service or assistance dog used by an individual with a disability. (Ord. 1864, 04/18/95)

(Ord. No. 1647, Amended, 11/21/89; Ord. No. 1810, Amended, 06/15/93; Ord. No. 2005-12; Amended, 05/03/2005)

SECTION 6-02-001-0008 COLLARS REQUIRED

At all times when a dog is off the premises of its owner, said dog shall have a collar around its neck with the metal tag aforesaid securely fastened thereto. (Ord. 942, 1-13-75; Ord. No. 2005-12; Amended, 05/03/2005)

SECTION 6-02-001-0009 TERM OF LICENSE

The license and dog tag issued under this Chapter shall expire and become automatically ineffective as a means of protection to dogs one year after the date issues, or upon expiration of the required rabies vaccination. A fee in the sum of five dollars (\$5.00) shall be assessed as a late fee for relicensing of dogs after the expiration date. Any dog tag or license issued under the provisions of this Chapter may be removed or the privileges therein given suspended at any time at the discretion of the Council by resolution duly passed at any regular or special meeting. (Ord. 1196, 3-2-82; Ord. No. 2005-12; Amended, 05/03/2005)

SECTION 6-02-001-0010 ABILITY TO CONTRACT

The City, through its City Manager, may enter into any contractual agreements which provide for the services necessary to implement the provisions of this Chapter, appoint an agent or agents of the City with authority to issue licenses and tags, to collect fees as provided in this Chapter, give receipts therefor and remit such fees to the City Treasurer. (Ord. 1810, 06/15/93)

(Ord. No. 1810, Amended, 06/15/93)

SECTION 6-02-001-0011 PROHIBITED ACTS

- A. Dog fighting: No person shall own or harbor any dog for the purpose of dog fighting, or training of a dog to attack or cause any injury to any domestic animal.
- B. Neglect: It is unlawful for any person owning or having charge, care, custody or control of any dog within the City limits to not properly care for said dog. To properly care for a dog requires providing the dog with sufficient food and water, maintaining the dog in good health, providing the dog with adequate shelter from the elements, and keeping dog pens or

dog runs clean and sanitary, generally free of fecal and other matter than may attract flies, rodents, or cause an offensive odor that may disturb the comfort of any person.

- C. Barking or howling dogs: It is unlawful for any person owning or having the care, custody or control of any dog to permit said dog to bark, bay, howl or make any other noise, day or night, in such an unreasonable manner as to disturb the peace and quiet of any person or persons.
- D. Animal cruelty: A person commits animal cruelty if the person does any of the following:
 - 1. Intentionally, knowingly or recklessly cruelly beats, tortures, torments, mutilates or unlawfully kills an animal.
 - 2. Intentionally, knowingly or recklessly causes, permits or authorizes the cruel beating, torturing, tormenting, mutilation or unlawful killing of an animal.
 - 3. Intentionally, knowingly or recklessly cruelly drives or works an animal when unfit for labor.
 - 4. Intentionally, knowingly or recklessly causes, permits or authorizes an animal to be cruelly driven or worked when unfit for labor.

(Ord. No. 1810, Amended, 06/15/93)

SECTION 6-02-001-0012 VIOLATIONS, PENALTIES

- A. A violation of Section 6-02-001-0006, Vaccination of Dogs or Section 6-02-001-0007, License Tag is a petty offense and is punishable by a maximum fine of three hundred dollars (\$300.00). A violation of Section 6-02-001-0001 (A), Dog at Large is a class two misdemeanor and is punishable by a fine of not less than fifty dollars (\$50.00). A violation of Section 6-02-001-0001 (B), Vicious Dog is a class one misdemeanor and is punishable by a fine of not less than two hundred dollars (\$200.00). A violation of any other Section of this Chapter is a class two misdemeanor and is punishable by a maximum fine of seven hundred fifty dollars (\$750.00) and / or up to four months in jail.
- B. Upon a conviction for a violation of Section 6-02-001-0001 (B), Vicious Dog, the City Magistrate may hold a hearing to determine if sufficient cause exists to destroy said vicious dog, and if sufficient cause is found then the Magistrate shall order the humane destruction of the dog. However, if the vicious dog has previously been the subject of a Vicious Dog conviction, the City Magistrate shall hold a hearing to determine if sufficient cause exists to destroy said vicious dog, and if sufficient cause is found then the Magistrate shall order the humane destruction of the dog.

Upon a conviction for a violation of Section 6-02-001-0011 (A) Dog fighting, (B) Neglect or (D) Cruelty, the City Magistrate may hold a hearing to determine if sufficient cause exists to order the dog owner to relinquish the dog for its protection, and if such cause is found then the court shall order that the owner relinquish the dog.

- C. When a person convicted of a violation of Section 6-02-001-0001 hereof has previously been convicted of a violation of that Section within a period of twelve (12) months, such person shall be punished by a fine of not less than one hundred fifty dollars (\$150.00), except if violation involves a "vicious dog" such person shall be punished by a fine of not less than five hundred dollars (\$500.00). The dates of the commission of the offense shall be the determining factor in applying the above increased penalty rule. The City Magistrate shall also order the defendant to pay a one hundred dollar (\$100.00) surcharge to the City Treasurer to offset the City's cost of funding an animal shelter.

(Ord. No. 1810, Amended, 06/15/983; Ord. No. 1810, Amended, 06/15/93; Ord. 2005-12; Amended 05/03/2005)

SECTION 6-02-001-0013 EXEMPTIONS

- A. Nothing in this Chapter shall apply to a training agency or officer while acting in the scope of their official duty.
- B. Dogs, not including vicious dogs, being exhibited or trained at a recognized kennel event, public school or park sponsored event, need not be restrained during such exhibition or training. (Ord. 1395, 10-1-85; Ord. 2005-12; amended 05/03/2005)

SECTION 6-02-001-0014 SEVERABILITY

If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person or circumstances shall be held invalid, that invalidity shall not affect the other provisions of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

**CHAPTER 6-03
ANIMALS**

SECTIONS:

6-03-001-0001 **KEEPING OF CERTAIN ANIMALS:**
6-03-001-0002 **VIOLATION:**

SECTION 6-03-001-0001 KEEPING OF CERTAIN ANIMALS:

It is hereby declared to be a nuisance, injurious to health, a source of filth and cause of sickness, and it shall be unlawful for any person excepting as hereinafter provided to keep or maintain swine, cattle, mules, burros, sheep, goats, poultry, fowl, rabbits, guinea pigs or horses within the City limits; provided, however, that the following animals may be maintained within the City limits with the following restrictions:

- A. All of said animals may be maintained within areas of the City zoned R-R.
- B. Not to exceed two (2) adult sheep may be maintained in all areas of the City provided that such animals shall not be maintained or permitted within seventy five feet (75') of any residence building.
- C. Not to exceed twenty five (25) female poultry may be maintained within the City limits provided that said animals shall not be maintained within fifty feet (50') of any residence building.
- D. Not to exceed five (5) adult rabbits, with litters not to exceed twelve (12) weeks of age may be maintained in all areas of the City but shall not be maintained within fifty feet (50') of any residence building.

The above shall not apply to such animals or fowl that are in transit or kept by a regularly recognized business for commercial purposes.

No such animals shall be permitted to be maintained in accordance with the terms of this Section except when authorized by the Chief of Police when he has found that a nuisance does not or will not exist as that term is defined in Section 13-601 A.R.S. No authorization shall be given by the Chief of Police to any person who has been convicted of a violation of this Section or other provisions of this City Code.

SECTION 6-03-001-0002 VIOLATION:

Upon determining the violation of any of the provisions hereof, the Chief of Police shall give written notice to the person violating this Chapter to remedy the violation by removing or causing to be removed said animal kept in violation of this Chapter within forty eight (48) hours after the time said notice was given, and if said animal or animals shall be deemed to be in violation of the terms of this Chapter then the owner thereof shall be deemed guilty of a misdemeanor, and the Chief of Police shall, upon such failure to remove said animals, abate the nuisance created by maintaining said animal or animals contrary to this Chapter in accordance with the terms and conditions of Sections 36-602 and 36-603, A.R.S. (Ord. 513, 1-24-61)

**CHAPTER 6-04
NUISANCES**

SECTIONS:

<u>6-04-001-0001</u>	NUISANCES DESIGNATED:
<u>6-04-001-0002</u>	ABATEMENT OF NUISANCES:
<u>6-04-001-0003</u>	FAILURE TO COMPLY:
<u>6-04-001-0004</u>	HEARING:
<u>6-04-001-0005</u>	SERVICE OF NOTICE:
<u>6-04-001-0006</u>	JUDGMENT:
<u>6-04-001-0007</u>	DUTY OF STREET SUPERINTENDENT:

SECTION 6-04-001-0001 NUISANCES DESIGNATED:

Any building, shed or other structure of any kind which is or may hereafter become dilapidated or so unsanitary or out of repair from age, neglect or other cause as to render it unfit or unsafe for habitation for occupancy, or which constitutes a dangerous fire hazard or which is otherwise dangerous or detrimental to the public or injurious to the health and morals of the community is hereby declared a nuisance and the same shall not be occupied or maintained and shall be abated as hereinafter provided.

SECTION 6-04-001-0002 ABATEMENT OF NUISANCES:

The Mayor and Council may, on its own motion or upon complaint being made in writing by three (3) or more persons, owners of real estate residing in the City, cause any building, shed or other structure which may be reasonably regarded as a nuisance for any of the reasons set forth in the preceding Section to be inspected by the Health Authority, City Engineer and the Chief of the Fire Department, as a committee of inspectors, and if said inspectors, or a majority thereof shall report the same to be a nuisance, within the meaning of the preceding Section, setting forth the facts upon which they base their report, the Mayor and Council shall, if said report after due consideration be adopted, cause to be served by the Chief of Police upon the occupants and owners of any such premises, a notice in writing to abate said nuisance, either by repairing the same or removing it from the premises within twenty (20) days after receiving notice so to do, which said notice shall set forth the grounds for abatement and shall be signed by the Mayor and shall be served by delivering or offering to deliver a copy to the person to whom it is directed, or if such person cannot be found, by delivering a copy to his agent or by posting a copy in a conspicuous place on the premises sought to be abated.

SECTION 6-04-001-0003 FAILURE TO COMPLY:

Upon the failure of the owner to abate said nuisance within the time required by said notice, the Chief of Police or any member of the Health Department may file in the Police Court a complaint against such owner charging a violation of this Chapter, whereupon the Police Judge shall cause to be served upon the owner a notice commanding him to appear before said Police Judge to show cause why said building, shed or other structure should not be abated as a nuisance.

SECTION 6-04-001-0004 HEARING:

The time and place of said hearing shall be set forth in said notice and the hearing shall not be had in less than five (5) days after the service of such notice.

SECTION 6-04-001-0005 SERVICE OF NOTICE:

The said notice may be served upon the owner or his agent by any member of the Police Department by delivering a copy of said notice to the agent or owner, or by leaving a copy of said notice at his usual place of residence. And, in the event that the owner or agent as aforesaid is a nonresident of the City, said notice shall be served by publishing the same in the official newspaper of the City, one publication each week for at least two (2) weeks prior to the date set for the hearing, and a copy of such notice shall be mailed to the last known address of the nonresident agent or owner.

SECTION 6-04-001-0006 JUDGMENT:

If, upon a trial of the charge, the party against whom the said complaint is issued shall be convicted, he shall be subject to a fine and the judgment of conviction, in addition to the fine, shall order the abatement of the nuisance by repair or removal of the building, shed or other structure designated in said complaint; provided, however, that if the owner be a nonresident of the City and cannot be served personally with the notice herein provided, the fine shall not be imposed and the judgment of the Court shall only require the abatement of the nuisance by repair or removal of the structure so designated.

SECTION 6-04-001-0007 DUTY OF STREET SUPERINTENDENT:

Whenever there shall be a conviction under the preceding Section, if said nuisance shall not have been abated within five (5) days after judgment, the Street Superintendent shall abate and remove the structure designated in the complaint upon which said conviction was had or he may contract with some suitable person or persons for said purpose, and the same shall be at the cost of the owner or owners thereof, which cost if not paid by the owner may be paid by the City and the amount so expended may be recovered by the City by suit in any court of competent jurisdiction. (Ord. 297, 10-14-36)

**CHAPTER 6-05
MINORS**

SECTIONS:

<u>6-05-001-0001</u>	CURFEW:
<u>6-05-001-0001.1</u>	JUVENILES FIFTEEN YEARS OF AGE OR YOUNGER:
<u>6-05-001-0001.2</u>	JUVENILES SIXTEEN YEARS OF AGE OR OLDER:
<u>6-05-001-0001.3</u>	RESPONSIBILITY OF PARENT OR GUARDIAN:
<u>6-05-001-0001.4</u>	VIOLATIONS; EXCEPTIONS:
<u>6-05-001-0001.5</u>	VIOLATIONS; KNOWLEDGE BY PARENT OR GUARDIAN:
<u>6-05-001-0001.6</u>	VIOLATIONS; DELIVERY OF JUVENILE INTO CUSTODY OF PARENT OR GUARDIAN:
<u>6-05-001-0001.7</u>	VIOLATION PENALTIES:
<u>6-05-001-0002</u>	OPERATING AMUSEMENT MACHINES:
<u>6-05-001-0003</u>	LOITERING:

SECTION 6-05-001-0001 CURFEW:

SECTION 6-05-001-0001.1 JUVENILES FIFTEEN YEARS OF AGE OR YOUNGER:

It shall be unlawful for any juvenile under the age of sixteen years to be, remain or loiter in, about or upon any place in the City away from the dwelling house or usual place of abode of said juvenile, between the hours of 10:00 o'clock P.M. and 5:00 o'clock A.M. the following day.

SECTION 6-05-001-0001.2 JUVENILES SIXTEEN YEARS OF AGE OR OLDER:

It shall be unlawful for any juvenile sixteen years of age or older and under the age of eighteen years of age to be, remain or loiter in, about or upon any place in the City away from the dwelling house or usual place of abode of said juvenile, between the hours of 12:00 o'clock midnight and 5:00 o'clock A.M.

SECTION 6-05-001-0001.3 RESPONSIBILITY OF PARENT OR GUARDIAN:

It shall be unlawful for the parent, guardian or other adult person having the care, custody or supervision of a juvenile to permit such juvenile to be, remain or loiter in, about or upon any place in the City away from the dwelling house or usual place of abode of said juvenile in violation of Sections 6-05-001-0001.1 and .2.

SECTION 6-05-001-0001.4 VIOLATIONS; EXCEPTIONS:

The curfew set forth in Sections 6-05-001-0001.1., 2. and 3. do not apply:

- A. To legally emancipated minors, whether the emancipation be through marriage, military service or other legally sufficient grounds.
- B. To minors who are accompanied by their parents, guardian or other person having the legal care and custody of the minor.

- C. To minors, with the permission of a parent, guardian, or other person having the legal care and custody of the minor, when the minor's presence is reasonably required in the pursuit of a lawful occupation, business or profession in which the minor is then engaged.
- D. To a minor on an emergency errand, medical or otherwise.
- E. To a minor going to or from a school, church, or a place, other than an establishment or location for which a series 6 (bar with hard liquor) liquor license has been issued by the State of Arizona, for a function sponsored by or related to a school, church, or other non-profit organization, or a private residence, with the permission of the parent, guardian or other person having the legal care and custody of the minor.

(Ord. 2000-18, Amended, 08/01/2000)

SECTION 6-05-001-0001.5 VIOLATIONS; KNOWLEDGE BY PARENT OR GUARDIAN:

It shall not constitute a defense hereto that such parent, guardian or other adult person having the care, custody or supervision of such juvenile coming within the provisions of Sections 6-05-001-0001.1 or .2, did not have actual knowledge of the presence of such juvenile in, about, or upon any place in the City away from the dwelling house or usual place of abode of said juvenile, if said parent, guardian or other person having the care, custody or supervision of such juvenile, in the exercise of reasonable care and diligence, should have known of the aforementioned unlawful acts of such juvenile.

SECTION 6-05-001-0001.6 VIOLATIONS; DELIVERY OF JUVENILE INTO CUSTODY OF PARENT OR GUARDIAN:

Any law enforcement officer who arrests a juvenile(s) for violating any of the provisions of Sections 6-05-001-0001.1. or .2 is empowered to demand the parent, guardian or other person having the care, custody or supervision of such juvenile that such parent, guardian or other person come and take such juvenile into custody. Should there be a failure of the parent, guardian or other person to take custody of such juvenile, the officer may then be empowered to take such juvenile home.

The law enforcement officer is also empowered to take the juvenile to a designated location where arrangements can be made for a parent, guardian or other appropriate party to take the juvenile into custody. It shall be unlawful for any such parent, guardian or other person having the care, custody or supervision of said juvenile to fail or refuse to take such juvenile into custody after such demand is made upon him.

If the parent, guardian or other person having the care, custody or supervision of said juvenile, cannot be reached, or it is adverse to public safety or the juvenile's well being, to release the juvenile to the parent, guardian or other person having the care, custody or supervision of the juvenile, the law enforcement officer may incarcerate the juvenile in the appropriate juvenile detention center.

SECTION 6-05-001-0001.7 VIOLATION PENALTIES:

- A. Any juvenile who violates the provisions of this Section shall be guilty of a Class 3 misdemeanor. The proceedings shall be taken in accordance with and pursuant to the juvenile code as contained in the Arizona Revised Statutes, Section 8-201, et seq.
- B. Any parent, guardian or other adult person having the care, custody or supervision of a juvenile who violates the provisions of this Section shall be deemed guilty of a Class 3 misdemeanor. (Ord. 1935, 02/18/97)

(Ord. No. 1935, Amended, 02/18/97)

SECTION 6-05-001-0002 OPERATING AMUSEMENT MACHINES:

It shall be unlawful for any minor under the age of sixteen (16) years to play or operate any slug or coin operated device operated by slugs or coins of any denomination, within the City, which device provides or permits any prizes, or anything of value as a result of the operation thereof, and separate and distinct from the continued operation thereof, and it shall be unlawful for any proprietor, agent or employee of any business establishment, or other place where any coin operated amusement device is maintained for hire, to permit or suffer any minor under the age of sixteen (16) years to play or operate such device.

Provided, however, that nothing contained herein shall prohibit or penalize such playing or operation by any minor under the age of sixteen (16) years or the permission or sufferance of same by any agent or employee of any business establishment, or such other place, of such a device where said device allows free replays or additional bonuses, points or units of time upon the reaching of a score designated upon such machine. (Ord. 1094, 9-18-79)

SECTION 6-05-001-0003 LOITERING:

It shall be unlawful for any person under the age of eighteen (18) years to play, loiter or congregate upon the station grounds or right of way of the railroads of the City or upon any of the streets or alleys bounding or intersecting any streets adjacent to such grounds in the City.

For the purpose of this Chapter, "loiter" shall mean to delay an activity with aimless stops and pauses, to linger, to hang around, either on foot or in a vehicle. (Ord. 753, 4-22-69)

**CHAPTER 6-06
LITTERING**

SECTIONS:

<u>6-06-001-0001</u>	DEFINITIONS:
<u>6-06-001-0002</u>	LITTERING PROHIBITED:
<u>6-06-001-0003</u>	UNAUTHORIZED ACCUMULATION OF LITTER ON PRIVATE PROPERTY:
<u>6-06-001-0004</u>	LITTERING PROHIBITED, ALLEYS, SIDEWALKS AND PUBLIC UTILITY EASEMENTS:
<u>6-06-001-0005</u>	UNINHABITED OR VACANT PRIVATE PROPERTY:
<u>6-06-001-0006</u>	LOADING OR UNLOADING DOCKS:
<u>6-06-001-0007</u>	PRIVATE RECEPTACLES, SHOPPING CENTERS:
<u>6-06-001-0008</u>	POSTING OF HANDBILLS ON PUBLIC AND PRIVATE PROPERTY:
<u>6-06-001-0009</u>	ENFORCEMENT AUTHORITY:
<u>6-06-001-0010</u>	INSPECTIONS:
<u>6-06-001-0011</u>	VIOLATIONS:
<u>6-06-001-0012</u>	NOTICE OF VIOLATION:
<u>6-06-001-0013</u>	SERVICE OF NOTICE:
<u>6-06-001-0014</u>	APPOINTMENT OF HEARING OFFICER:
<u>6-06-001-0015</u>	CIVIL VIOLATION AND ADMINISTRATIVE HEARING:
<u>6-06-001-0016</u>	APPEAL OF DECISION AND COST OF REMOVAL:
<u>6-06-001-0017</u>	SCOPE OF REVIEW:
<u>6-06-001-0018</u>	VOLUNTARY ABATEMENT; REMOVAL BY CITY:
<u>6-06-001-0019</u>	LIEN FOR REMOVAL:
<u>6-06-001-0020</u>	CRIMINAL PENALTIES:
<u>6-06-001-0021</u>	SERVERABILITY:

SECTION 6-06-001-0001 DEFINITIONS:

For the purposes of this Chapter, the following terms, phrases and words and their derivations shall have the meaning given herein when not inconsistent with the context; words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

ADJACENT PROPERTY: The term "adjacent property" shall mean that segment of an alley, sidewalk, or public utility easement from the centerline of the alley, sidewalk or public utility easement to the outermost corner of the private property abutting the alley, sidewalk or public utility easement, and continuing the length of the private property to the end in which the private property no longer abuts the alley, sidewalk or public utility easement.

ADJACENT PROPERTY OWNER: The term "adjacent property owner" shall mean any owner, occupant, licensee or lessee of private property in which any segment of the private property abuts an alley, sidewalk, or public utility easement.

AUTHORIZED CONTAINER: The term "authorized container" shall mean any container provided by the City of Flagstaff or an authorized private refuse collector for the collection of refuse.

HANDBILL: The term "handbill" means any advertising circular, folder, booklet, letter, card, pamphlet, sheet, poster, sticker, sample or device, leaflet, paper, notice or other written, printed or painted matter of a temporary nature calculated to attract the attention of the public. The term "Handbill" does not

include newspaper. "Handbill" does not come within the definition of a sign for purposes of Chapter 10-08 and Chapter 10-14 of the City Code.

HAZARD TO THE PUBLIC HEALTH AND SAFETY: The term "hazard to public health and safety" shall mean but is not limited to the following conditions:

- (1) an accumulation of litter in excess of eight (8) cubic feet per one-quarter (1/4) acre; or
- (2) an accumulation of litter which materially hampers or interferes with the prevention of, or suppression of fire; or
- (3) an accumulation of litter which is infested or exhibits an infestation with insects, rodents, vermin or other noxious pests; or
- (4) an accumulation of litter which creates an attractive nuisance; or
- (5) an accumulation of litter which is foul or malodorous to a reasonable person of normal sensibilities; or
- (6) an accumulation of litter which presents an immediate likelihood of causing or which may cause personal physical harm; or
- (7) an accumulation of litter which interferes with passage of any street, sidewalk, or alley within the City, or visibility of any traffic, traffic control device or signal.

JUNK VEHICLE: The term "junk vehicle" means any vehicle (see A.R.S. § 28-101(52)), trailer (see A.R.S. § 28-101(49)), semitrailer (see A.R.S. § 28-101(44)), truck tractor (see A.R.S. § 28-101(51)), mobile home (see A.R.S. § 28-2063(E)), or watercraft (see A.R.S. § 5-301(16)):

- (1) that is in such a state of deterioration that it cannot be profitably dismantled or salvaged for parts and cannot be profitably restored to an operable condition; or
- (2) that is a hazard to the public health and safety as defined herein.□

LITTER: The word "litter" shall mean "refuse" and "rubbish" as defined herein, and all other waste materials which, if thrown or deposited as herein prohibited, constitutes a hazard to the public health and safety. Litter shall not include "refuse", or "rubbish", as defined herein, or other waste materials authorized to be stored or otherwise kept by a conditional use permit or which constitutes a permissible use within the applicable zoning district and is in compliance with the Land Development Code.

PERSON: The word "person" shall mean any person, firm, partnership, association, corporation, company or organization of any kind, public or private.

PRIVATE PROPERTY: The term "private property" shall mean any private property, including vacant land, a dwelling, house, building or other structure, designed or used either wholly or in part for private residential purposes, or for commercial use whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any tract, lot, yard, grounds, walk, driveway, porch, steps, vestibules or mail box belonging or appurtenant to such vacant land, dwelling, house, building or other structures.

PUBLIC PLACE: The term "public place" shall mean any and all streets, sidewalks, boulevards, alleys or other public ways, and any and all public parks, squares, spaces, grounds and buildings.

REFUSE: The word "Refuse" shall mean all putrescible and nonputrescible solid, semi-solid, and liquid wastes including but not limited to garbage, rubbish, ashes, liquid waste, street cleanings, dead animals, junk vehicles or parts thereof, and solid market and industrial waste.

RESPONSIBLE PARTY: The term "Responsible Party" means any Person who directs, permits, allows, causes or otherwise benefits from the posting, affixing, displaying, painting or otherwise attaching of handbills to or on public objects, public structures, public buildings, Public Places or utility poles; or to or on Private Property or upon any vehicle. For purposes of this section, the following Persons shall be deemed to be Responsible Parties:

- (1) The Person whose name, telephone number or address appears as the contact on any matter contained in a Handbill.
- (2) The Person whose name, telephone number or address appears as the sponsor or contact for a sporting event, theatrical performance, concert, band or musical performance, or other performance, or similar activity or event which is the subject of the Handbill advertising the subject activity or event;
- (3) The owner or lessee, if the property is leased, of property used for a commercial activity or event advertising the subject commercial activity or event in a Handbill;
- (4) The owner or lessee, if the property is leased, of property used for a yard or garage sale which property is the address at which the yard or garage sale is advertised in a Handbill:□
- (5) The real estate agent, broker, brokerage firm or other Person whose name or telephone number appears on the Handbill advertising real or personal property for sale, lease or rent.

RUBBISH: The word "rubbish" shall mean nonputrescible solid wastes consisting of either combustible or noncombustible wastes including paper, wrappings, cigarettes, cardboard, tin cans, construction materials of no apparent economic value, yard clippings, dead leaves, tree trimmings, glass, bedding, crockery, paper cartons, aluminum foil, plastic materials, trash, ashes or other accumulation of filth or debris.

SHOPPING CENTER: A group of commercial establishments planned, developed, and managed as a unit with off-street parking provided on the property. (Ord. 1781, 11/17/92) (Ord. 1992, 06/01/99)

(Ord. No. 17811, Amended, 11/17/92; Ord. No. 1992, Amended, 06/01/99)
(Ord. 1992, Amended, 06/01/1999)

SECTION 6-06-001-0002 LITTERING PROHIBITED:

No person shall throw or deposit litter on any public place or private property, whether owned by such person or not, except that the owner or person in control

of private property may maintain authorized containers for collection in such a manner that litter will be prevented from being carried or deposited by the elements or animals upon any private property or any public place. (Ord. 1781, 11/17/92) (Ord. 1992, 06/01/99)

(Ord. No. 1871, Amended, 11/17/92; Ord. No. 1992, Amended, 06/01/99)
(Ord. 1992, Amended, 06/01/1999)

SECTION 6-06-001-0003 UNAUTHORIZED ACCUMULATION OF LITTER ON PRIVATE PROPERTY:

It shall be unlawful for any owner, occupant, or lessee of Private Property to allow Litter to accumulate on the Private Property unless the same is kept in covered bins or other Authorized Container. However, dead vegetative matter including grass clippings, leaves and tree trimmings may be permitted to remain on the property for the purpose of composting, provided such compost is regularly maintained and confined so as to prevent the compost from drifting, blowing, or generating obnoxious odors onto adjoining Private Properties or Public Places.

- A. It shall be a violation of this section if the owner, occupant, or lessee of Private Property has not cleared away accumulated Litter on that property by 9:00 AM of each day from the previous day's use. Each day that the owner, occupant, or lessee fails to comply with the requirements of this section shall constitute a separate violation.

(Ord. 1781, 11/17/92) (Ord. 1992, 06/01/99); (Ord. No. 1781, Amended, 11/17/92; Ord. No. 1992, Amended, 06/01/99)
(Ord. 1992, Amended, 06/01/1999)

SECTION 6-06-001-0004 LITTERING PROHIBITED, ALLEYS, SIDEWALKS AND PUBLIC UTILITY EASEMENTS:

It shall be unlawful for an Adjacent Property Owner to allow Litter to accumulate or exist on alleys, sidewalks, or public utility easements unless the same is kept in covered bins or Authorized Containers. An individual may qualify as exempt from this Section if the individual meets guidelines established under Section 7-04-001-0007.A.1.a.

- A. Each Person who is an Adjacent Property Owner will be responsible for removing Litter and cleaning the Adjacent Property, as well as that Person's own premises by 9:00 AM of each day from the previous day's use. This includes sweeping and picking up any Litter on the sidewalk and washing the sidewalk, if there is semi-solid or liquid waste on the sidewalk.

1. It shall be a violation of this section if the Adjacent Property has not been cleaned by 9:00 AM of each day from the previous day's use. Each day that the owner, occupant, or lessee fails to comply with the requirements of this section shall constitute a separate violation. (Ord. 1992, 06/01/99)

(Ord. No. 1781, Amended, 11/17/92; Ord. No. 1992, Amended, 06/01/99)
(Ord. 1992, Amended, 06/01/1999)

SECTION 6-06-001-0005 UNINHABITED OR VACANT PRIVATE PROPERTY:

It shall be unlawful for the owner or lessee of any uninhabited or vacant private property to abandon, neglect or disregard the condition of the property so as to permit the accumulation of litter. (Ord. 1781, 11/17/92) (Ord. 1992, 06/01/99)

(Ord. No. 1781, Amended, 11/17/92; Ord. No. 1992, Amended, 06/01/99)
(Ord. 1992, Amended, 06/01/1999)

SECTION 6-06-001-0006 LOADING OR UNLOADING DOCKS:

The person owning, operating or in control of a loading or unloading dock shall maintain private containers for collection of litter and shall maintain the dock area free of litter in such a manner that litter or offensive odors from rubbish or refuse will be prevented from being carried by the elements to adjoining private properties or public places. (Ord. 1781, 11/17/92) (Ord. 1992, 06/01/99)

(Ord. No. 1781, Amended, 11/17/92; Ord. No. 1992, Amended, 06/01/99)
(Ord. 1992, Amended, 06/01/1999)

SECTION 6-06-001-0007 PRIVATE RECEPTACLES, SHOPPING CENTERS:

It shall be the responsibility of the management group or persons(s) in control of a shopping center to provide one (1) receptacle for litter at a minimum of every 100 feet of store frontage allowing public ingress and egress. The minimum size of the receptacle shall be sixty (60) gallons. The receptacle shall be of sufficient weight to prohibit the container from tipping over, and shall include a lid. The design of the receptacles shall be consistent with the architectural style of the shopping center. The receptacles shall be placed not more than twenty (20) feet from the building. It shall be the responsibility of the shopping center management group or person(s) in control of the shopping center to service the receptacles. (Ord. 1781, 11/17/92) (Ord. 1992, 6/1/99)

(Ord. No. 1781, Amended, 11/17/92; Ord. No. 1992, Amended, 06/01/99)
(Ord. 1992, Amended, 06/01/1999)

SECTION 6-06-001-0008 POSTING OF HANDBILLS ON PUBLIC AND PRIVATE PROPERTY:

- A. Public Property: It is a violation of this Chapter 6-06 to post, affix, display, paint or otherwise attach any Handbill to or upon any street lamp post, street sign, traffic signal, traffic sign, traffic-control device, hydrant, tree, shrub, tree stake or guard, railroad trestle, electric light, power, telephone, or other utility pole, or on any other public object, public structure, public building, or Public Place except as may be otherwise required or provided by law. Handbills may be handed directly to persons in Public Places.
- B. Private Property: No Person shall affix, deposit, throw or distribute any Handbill upon any Private Property, except by handing or transmitting any such Handbill directly to the owner or occupant of such Private Property. In the case of private premises which are not posted against the receiving

of Handbills or solicitations, Handbills may be placed upon the premises in a non-permanent manner so as to prevent such Handbill from being deposited by the elements upon any Public Place or other Private Property, but in a manner which does no damage to the property where the Handbill has been placed. Examples of acceptable means of placing handbills on private property include but are not limited to use of plastic bags containing handbills hung from doorknobs or depositing handbills under doormats. The use of nails, staples, tacks or adhesives is forbidden.

- C. Vehicles: No Person shall deposit any Handbill upon any vehicle on a Public Place without the express consent of the owner or person in control of such vehicle.
- D. Clean Up: It shall be the responsibility of any person distributing Handbills to maintain the area which is utilized free of any Litter caused by or related to distribution of the Handbills. The person distributing the Handbills and the Responsible Party, as defined in 06-06-001-0001, shall be jointly and individually liable for the Litter created by the distribution of Handbills and for any verified costs incurred by the City associated with the removal of the Handbills deposited or thrown upon Public Places.
- E. Whenever a Handbill is illegally posted or deposited in violation of this section, the Person(s) who illegally posted the Handbill(s) and the Responsible Party, as defined in 6-06-001-0001, shall be jointly and individually liable for the violation and for any verified costs associated with the removal of the illegally posted Handbill(s).
 - 1. Nothing contained in this section shall apply to the posting of notices or markings on public structures, public objects, public buildings, Public Places or utility poles which may be otherwise authorized, permitted or required by law or serve a specified safety or warning purpose.
 - 2. Any Handbill found posted, deposited, or otherwise affixed upon any property contrary to the provisions of this section may be removed by the City Manager's designee. In addition, the City's costs of removal shall be assessed against the persons who illegally posted the Handbill(s), or against the Responsible Party in accordance with the provisions of this chapter. (Ord. 1992, 06/01/99)

(Ord. No. 1781, Amended, 11/17/92; Ord. No. 1992, Amended, 06/01/99)
(Ord. 1992, Amended, 06/01/1999)

SECTION 6-06-001-0009 ENFORCEMENT AUTHORITY:

The City Manager of the City of Flagstaff, or designee, is hereby authorized and directed to enforce all of the provisions of this Chapter. For such purposes the City Manager shall have the powers of a law enforcement officer. Peace officers shall, in addition to all powers granted to peace officers by the State of Arizona, have the same authority as the City Manager's designee in the enforcement of this Chapter. (Ord. 1781, 11/17/92) (Ord. 1992, 06/01/99)

(Ord. No. 1781, Enacted, 11/17/92; Ord. No. 1992, Amended, 06/01/99)
(Ord. 1992, Amended, 06/01/1999)

SECTION 6-06-001-0010 INSPECTIONS:

The City Manager's designee is hereby authorized and directed to make inspections in the normal course of job duties; or in response to a complaint that an alleged violation of the provisions of this Code may exist; or when there is a reason to believe that a violation of this Code has been or is being committed. Unscreened exterior areas may be inspected at any time with or without the involvement of, or notice to, the owner, occupant, licensee or lessee. (Ord. 1781, 11/17/92) (Ord. 1992, 06/01/99)

(Ord. No. 1781, Enacted, 11/17/92; Ord. No. 1992, Amended, 06/01/99)

SECTION 6-06-001-0011 VIOLATIONS:

It shall be unlawful for any person to cause, facilitate, or aid or abet any violation of any provision of this Chapter or to fail to perform any act or duty required by this Chapter. A violation of a provision of this Chapter may be enforced by an administrative proceeding or by a complaint for criminal penalties. (Ord. 1781, 11/17/92) (Ord. 1992, 06/01/99)

(Ord. No. 1781, Enacted, 11/17/92; Ord. No. 1992, Amended, 06/01/99)

SECTION 6-06-001-0012 NOTICE OF VIOLATION:

- A. The City Manager or designee may cause to be issued a Notice of Violation to any person alleged to be in violation of this Chapter.
- B. If a Notice of Violation is issued, such notice shall contain the following:
 - 1. Date of the violation, the legal description of the property, the Chapter and Section which is being violated and a description of the unlawful condition.
 - 2. Notification of possible criminal proceedings being brought against the person by the City of Flagstaff if the unlawful condition is not abated within thirty (30) days from receipt of the Notice.
 - 3. Notice to the alleged violator that, in addition to any fine or penalty which may be imposed for a violation of this ordinance, the alleged violator will be liable for all costs which may be assessed pursuant to this ordinance for removing, abating or enjoining the rubbish, trash, filth or debris. The Notice of Violation shall contain an estimated statement of the cost of removal or abatement of the violation including labor, disposal fees, and equipment rentals. The Notice of Violation shall state that unless the person has brought the unlawful condition into compliance with the ordinance within thirty (30) days from the receipt of the Notice of Violation, the City of Flagstaff may, at the expense of the person, perform the necessary work at a cost not to exceed the estimate given in the notice, plus a five (5) percent surcharge for an additional inspection and other administrative and incidental costs in connection therewith.

- C. If the unlawful condition is not abated, the City Manager or designee may cause to be issued a criminal complaint or a Notice of Civil Violation. Each day that the alleged violator fails or refuses to comply with the requirements of this Chapter after expiration of the thirty (30) day period from receipt of the Notice of Violation shall constitute a separate violation and shall not require further notice to the owner, occupant or lessee of the property upon which the violation exists.

(Ord. 1781, 11/17/92) (Ord. 1992, 06/01/99); (Ord. No. 1781, Enacted, 11/17/92; Ord. No. 1992, Amended, 06/01/99)
(Ord. 1992, Amended, 06/01/1999)

SECTION 6-06-001-0013 SERVICE OF NOTICE:

- A. The Notice of Violation shall be personally served on the owner or person controlling such property by any duly authorized official, in the manner provided in Rule 4(d) of the Arizona Rules of Civil Procedure, or mailed to the owner or person controlling such property at the last known address by certified or registered mail, or the address to which the tax bill for the property was last mailed.
- B. If the owner does not reside on such property, a duplicate notice shall also be sent by certified or registered mail at the last known address of the owner or person controlling of such property. (Ord. 1781, 11/17/92)
(Ord. 1992, 06/01/99)

(Ord. No. 1781, Enacted, 11/17/92)
(Ord. 1992, Amended, 06/01/1999)

SECTION 6-06-001-0014 APPOINTMENT OF HEARING OFFICER:

The hearing officer for administrative hearings under this ordinance shall be a judge of the Municipal Court of the City of Flagstaff.
(Ord. 2001-02, Amended, 02/06/2001)

SECTION 6-06-001-0015 CIVIL VIOLATION AND ADMINISTRATIVE HEARING:

- A. If the City chooses to proceed on a civil violation of the ordinance, the City shall serve or mail a Notice of Civil Violation and Administrative Hearing to the owner or person controlling the property upon which an unlawful condition exists upon expiration of the initial thirty (30) day notice period as set forth in 6-06-001-0013. A hearing shall be held no sooner than five (5) days after the date the Notice of Civil Violation and Administrative Hearing is mailed or served. The date of mailing shall be excluded in computing the time period for a hearing under this rule. Neither the City nor the party served is required to be represented by counsel at the administrative hearing, but may be if they so choose. No pre-trial discovery shall be permitted absent extraordinary circumstances. Immediately before the hearing, both parties shall produce for inspection any exhibits and written or recorded statements of any witness which are to be offered at the hearing. Failure to produce exhibits or statements may result in the hearing officer denying admission of the evidence not produced. The hearing officer may call and examine witnesses, including the party served. All testimony shall be given under oath or affirmation.

No person may be examined or cross-examined at a hearing except by the hearing officer, an attorney for a party, or the party served with the Notice of Civil Violation and Administrative Hearing. The Arizona Rules of Evidence shall not apply in the hearing; any evidence offered may be admitted subject to a determination by the hearing officer that the offered evidence is relevant, material, and has some probative value to a fact at issue. The hearing officer may enter a finding for the City if the party served fails to appear for the hearing.

- B. If the hearing officer determines, after hearing the parties and considering their evidence, that the City's notice to the party served was accurate, delivered to the proper party or parties, and that the estimated assessment for the actual cost of removal is supported by the City's evidence, then the hearing officer shall make a finding for the City.
- C. The hearing officer shall issue a decision within five (5) days of the hearing. Intermediate Saturdays, Sundays and legal holidays shall be excluded in computing the time period for issuing a decision under this rule. The decision shall be in writing, set forth the factual basis for the decision, and be served in accordance with the provisions of 6-06-001-0013. (Ord. 1781, 11/17/92) (Ord. 1992, 06/01/99)

(Ord. No. 1781, Enacted, 11/17/92)

(Ord. 2001-02, Amended, 02/06/2001; Ord. 1992, Amended, 06/01/1999)

SECTION 6-06-001-0016 APPEAL OF DECISION AND COST OF REMOVAL:

- A. The City Council shall hear and determine all appeals from a civil violation. A Notice of Appeal must be in writing and filed in the office of the City Clerk within five (5) days of receipt of the hearing officer's decision. The date of receipt, and intermediate Saturdays, Sundays and legal holidays shall be excluded in computing the time period for timely appeal.
- B. The Notice of Appeal shall specify the grounds for reversal of the hearing officer's decision or cost of removal. The Council shall, at its next regular meeting after receiving the appeal, hear and determine the same by motion and resolution. The decision of the Council shall be final and may be appealed to Superior Court. (Ord. 1781, 11/17/92) (Ord. 1992, 06/01/99)

(Ord. No. 1781, Enacted, 11/17/92; Ord. No. 1992, Enacted, 06/01/99)

(Ord. 1992, Amended, 06/01/1999)

SECTION 6-06-001-0017 SCOPE OF REVIEW:

The City Council shall have authority to affirm, reverse, amend or remand the matter to the Hearing Officer if it finds that the Hearing Officer's decision or the cost of removal is not supported by substantial evidence, is arbitrary and capricious or is not in conformance with the law. (Ord. 1781, 11/17/92)

(Ord. No. 1781, Enacted, 11/17/92; Ord. No. 1992, Amended, 06/01/99)

(Ord. 1992, Amended, 06/01/1999)

SECTION 6-06-001-0018 VOLUNTARY ABATEMENT; REMOVAL BY CITY:

- A. When a person alleged to be in violation of this Chapter elects to voluntarily abate the unlawful condition within thirty (30) days as provided under Section 6-06-001-0012, the person shall notify the City Manager's designee after the condition has been abated. The City Manager's designee shall thereafter inspect the private or adjacent property to determine whether the condition has been brought into compliance with this Chapter.
- B. If the City Manager's designee determines that the person is no longer in violation of this Chapter, the City Manager's designee shall issue a Notice of Voluntary Abatement and Compliance to the person alleged to be in violation and the administrative proceeding shall be deemed closed.
- C. When any such person on whom a Hearing Officer's finding of violation has been served fails, neglects or refuses to bring the unlawful condition into compliance within ten (10) days from receipt of the Hearing Officer's finding of violation, the Public Works Director is authorized and directed to remove and dispose of the litter.
- D. In the event an appeal has been filed pursuant to 6-06-001-0016, no action shall be taken by the City until the Council has heard and determined all matters contained in the Notice of Appeal. (Ord. 1781, 11/17/92) (Ord. 1992, 06/01/99)

(Ord. No. 1781, Enacted, 11/17/92; Ord. No. 1992, Amended, 06/01/99)
(Ord. 1992, Amended, 06/01/1999)

SECTION 6-06-001-0019 LIEN FOR REMOVAL:

If no appeal is taken from the amount assessed for removal, or if an appeal is taken and the Council has affirmed or modified the amount of the assessment, the assessment shall be recorded in the office of the County Recorder of Coconino County, Arizona, including the date and amount of the assessment and the legal description of the property. From the date of its recording, the assessment shall be a lien on said private property and the several amounts assessed against such private property until paid.

- A. Any assessment recorded under this Chapter is prior and superior to all other liens, obligations, mortgages or other encumbrances, except liens for general taxes. A sale of the property to satisfy a lien obtained under the provisions of this Section shall be made upon judgment of foreclosure or order of sale. The City shall have the right to bring an action to enforce the lien in the Superior Court of Coconino County at any time after the recording of the assessment, but failure to enforce the lien by such action shall not affect its validity. The recorded assessment shall be prima facie evidence of the truth of all matters recited therein, and of the regularity of all proceedings prior to the recording thereof. A prior assessment for the purposes provided in this Section shall not be a bar to subsequent assessment or assessments for such purposes, and any number of liens on the same private property may be enforced in the same action. (Ord. 1781, 11/17/92)

B. Assessments that are imposed under this section 6-06-001-0019 run against the property until paid and are due and payable in equal annual installments as follows:

1. Assessments of less than five hundred dollars shall be paid within one year after the assessment is recorded.
2. Assessments of five hundred dollars or more but less than one thousand dollars shall be paid within two years after the assessment is recorded.
3. Assessments of one thousand dollars or more but less than five thousand dollars shall be paid within three years after the assessment is recorded.
4. Assessments of five thousand dollars or more but less than ten thousand dollars shall be paid within six years after the assessment is recorded.
5. Assessments of ten thousand dollars or more shall be paid within ten years after the assessment is recorded.

C. An assessment that is past due accrues interest at the rate prescribed by Arizona Revised Statutes, Section 44-1201. (Ord. 1992, 06/01/99)

(Ord. No. 1781, Enacted, 11/17/92; Ord. No. 1992, Amended, 06/01/99)
(Ord. 1992, Amended, 06/01/1999)

SECTION 6-06-001-0020 CRIMINAL PENALTIES:

A. A person who is convicted of a violation of this Ordinance is guilty of a Class 1 misdemeanor and shall be sentenced as follows:

First offense--not less than twenty-five dollars (\$25.00), nor more than one-hundred dollars (\$100.00);

Second offense--not less than one-hundred dollars (\$100.00), nor more than five-hundred dollars (\$500.00);

Third offense--not less than five-hundred dollars (\$500.00), nor more than twenty-five hundred dollars (\$2,500.00).□

A judge shall not suspend any or all of the impositions of the sentence required by this Section.

B. Notwithstanding Subsection A of this Section, if a judge finds at the time of sentencing that by a preponderance of the evidence the violations for which the defendant has been convicted have been corrected by the defendant, and that now the defendant is in compliance with the Code, the Court may suspend all or part of the fine. (Ord. 1781, 11/17/92) (Ord. 1992, 06/01/99) (Ord. No. 1992, Amended, 06/01/99)

SECTION 6-06-001-0021 SERVERABILITY:

Each section and each provision of any section of this Chapter shall be deemed severable and the invalidity of any portion of this Chapter shall not affect the validity or enforceability of any other portion. (Ord. 1992, 06/01/99)
(Ord. 1992, Amended, 06/01/1999)

**CHAPTER 6-07
ABANDONED VEHICLES**

SECTIONS:

<u>6-07-001-0001</u>	DEFINITIONS:
<u>6-07-001-0002</u>	UNSHELTERED STORAGE OF AN ABANDONED OR JUNKED VEHICLE PROHIBITED:
<u>6-07-001-0003</u>	EXEMPTION OF CERTAIN VEHICLES:
<u>6-07-001-0004</u>	ABATEMENT OF NUISANCE:
<u>6-07-001-0005</u>	NOTICE OF REQUEST FOR VOLUNTARY ABATEMENT AND REMOVAL BY CITY:
<u>6-07-001-0006</u>	REMOVAL BY CITY:
<u>6-07-001-0007</u>	PENALTY:
<u>6-07-001-0008</u>	ADDITIONAL POWERS:

SECTION 6-07-001-0001 DEFINITIONS:

In this Chapter, unless the context otherwise requires:

- A. "ABANDONED" means unclaimed or discarded. Evidence that a vehicle is without current licenses or tabs for a period of fifteen (15) successive calendar days on private property, and without any repairs during that period, shall be prima facia evidence of intent to abandon.
- B. "JUNKED" means dismantled, inoperable, not used for transportation, unsalvageable, stripped or scrapped. Evidence that a vehicle is inoperable and without repairs necessary to result in its operability for a period of fifteen (15) successive calendar days on private property shall be prima facia evidence of its junked status.
- C. "PRIVATE PROPERTY" means land within the corporate limits of Flagstaff owned by any person, firm, partnership or corporation other than the United States, the State, the County, the City of Flagstaff, or other public agency, including streets, rights of way, easements and open spaces not dedicated to the general public for unrestricted public use.
- D. "UNSHELTERED" means outside a covering specifically manufactured for use as a vehicle cover, carport, garage or other building, or otherwise within public view from a public right of way.
- E. "VEHICLE" means any vehicle, trailer or semi-trailer of a type subject to registration under Title 28 of the Arizona Revised Statutes. (Ord. 1802, 05/04/93)

(Ord. No. 1802, Amended, 05/04/93)

SECTION 6-07-001-0002 UNSHELTERED STORAGE OF AN ABANDONED OR JUNKED VEHICLE PROHIBITED:

The unsheltered storage, parking, standing or placement of an abandoned or junked motor vehicle for a period of fifteen (15) days or more on any private property except where permitted by Title 10 of this Code relating to zoning, is hereby declared to be a nuisance and dangerous to the public safety. (Ord. 1802, 05/04/93)

(Ord. No. 1802, Amended, 05/04/93)

SECTION 6-07-001-0003 EXEMPTION OF CERTAIN VEHICLES:

A vehicle eligible for licensing pursuant to A.R.S. Section 28-341 et seq., Horseless Carriages, Classic Cars, and Historic Cars, or A.R.S. Section 28-380, Street Rods, shall not be considered an abandoned or junked vehicle and seized pursuant to this Chapter while such vehicle is stored or maintained on the vehicle owner's private property. (Ord. 1802, 05/04/93)

SECTION 6-07-001-0004 ABATEMENT OF NUISANCE:

The owner, owners, tenants, lessees, and occupants of any private property upon which such storage is made and also the owner or owners of such abandoned or junked vehicles shall jointly and severally abate said nuisance by removal of the vehicle from the premises, by providing sheltered storage within the meaning of this Chapter, or by making such repairs as are necessary to operate the vehicle. The last registered owner of record shall be presumed to be the owner of the vehicle unless an affidavit has been filed that the vehicle was stolen pursuant to A.R.S. Section 28-1421, a stolen report has been accepted by a local law enforcement agency or title has been transferred pursuant to A.R.S. Section 28-314. (Ord. 1802, 05/04/93)

SECTION 6-07-001-0005 NOTICE OF REQUEST FOR VOLUNTARY ABATEMENT AND REMOVAL BY CITY:

Any owner, tenant, lessee, occupant or other person who fails, neglects or refuses to abate such nuisance shall be notified in writing by certified mail, return receipt requested, by the City Manager or his representative to abate said nuisance within ten (10) days from the date of receipt of such written notice or said vehicle may be removed from the private property by the City in accordance with A.R.S. Section 28-1401 et seq. If the notice is returned unclaimed or addressee unknown, the notice of the request to abate said nuisance and removal by the City shall be published once in a newspaper of general circulation in the county in which the vehicle was found and a copy of the notice of request to abate said nuisance and removal by the City shall be posted on the vehicle. (Ord. 1802, 05/04/93)

SECTION 6-07-001-0006 REMOVAL BY CITY:

When any such owner, tenant, lessee, occupant or other person to whom notice as aforesaid has been mailed fails, neglects or refuses for more than ten (10) days from the date of receipt of said notice to abate said nuisance, the City Manager or his designee may remove said abandoned motor vehicle from said premises, and dispose of same according to the provisions of the A.R.S. Section 28-1401 et seq. The City Manager, or the City Manager's designee, may, upon request from any such owner, tenant, lessee, occupant or other person to whom notice as aforesaid has been mailed, grant an extension of the time required for abatement for purposes of repair, removal or sheltering of the vehicle. Such extension shall be confirmed in writing. (Ord. 1802, 05/04/93)

(Ord. No. 1802, Enacted, 05/04/93)

SECTION 6-07-001-0007 PENALTY:

It shall be unlawful for any person to knowingly fail, neglect or refuse to abate any nuisance set forth in Section 6-07-001-0002. A person who is convicted of a violation of this Chapter is guilty of a Class 1 Misdemeanor and shall be sentenced to a fine of not less than twenty-five (\$25.00) and not more than two hundred and fifty dollars (\$250.00). The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Chapter. (Ord. 1802, 05/04/93)

(Ord. No. 1802, Enacted, 05/04/93)

SECTION 6-07-001-0008 ADDITIONAL POWERS:

The powers described herein relating to removal of abandoned vehicles from private property are in addition to those powers vested in the City of Flagstaff by Arizona Revised Statutes Title 28, Chapter 8, Article 5, relating to removal of abandoned and junked vehicles from public property, and Arizona Revised Statutes, Title 28, Chapter 6, Article 14 relating to removal of illegally stopped vehicles on a public way, and to any other police powers vested in the City by Statute. (Ord. 1802, 05/04/93)

(Ord. No. 1802, Ren&Amd, 05/04/93, 6-07-001-0007)

**CHAPTER 6-08
NOISE CONTROL**

SECTIONS:

<u>6-08-001-0001</u>	DEFINITIONS:
<u>6-08-001-0002</u>	NUISANCE NOISE:
<u>6-08-001-0003</u>	GENERAL EXCEPTIONS:
<u>6-08-001-0004</u>	ENFORCEMENT PROCEDURE:
<u>6-08-001-0005</u>	LARGE PARTIES, GATHERINGS OR EVENTS:
<u>6-08-001-0006</u>	SOUND AMPLIFICATION SYSTEMS IN VEHICLES:

SECTION 6-08-001-0001 DEFINITIONS:

The following words and phrases, when used in this Chapter, shall have the following meanings:

CLEARLY AUDIBLE: Can be plainly heard by any occupant of a residence.

CONSTRUCTION EQUIPMENT: Any device or mechanical instrument operated by fuel, electric, or pneumatic power employed in the excavation, alteration, repair, demolition or construction of any building, structure, land parcel, public right of way, waterway or appurtenance thereto.

NOISE: Any sound, whether naturally or artificially produced.

PERSON: Any individual, firm, partnership, joint venture, association, corporation, municipal corporation, estate, trust or any other group or combination acting as a unit, and the plural as well as the singular number.

PUBLIC PREMISES: All real property, including appurtenances thereon, which is owned or control by any governmental entity, including all public right of ways, parks and waterways.

PUBLIC SAFETY WORK: Work immediately necessary to restore property to safe condition, or work required to protect persons or property from potential danger or damage, including snowplowing or work by a public or private utility when restoring utility service.

RESIDENCE: A building, or portion thereof, used for living quarters. Residence includes use for temporary living quarters, including but not limited to hotels and motels.

RESIDENTIAL UNIT: A single-family residence, or that portion of a multi-family residence, designed to provide living quarters for a single family.

SOUND AMPLIFICATION SYSTEM: Any device, instrument or system, whether electrical or mechanical or otherwise for amplifying sound or for producing or reproducing sound, including but not limited to any radio, stereo, musical instrument, compact disc, or sound or musical recorder or player.

(Ord. 2014, Amended, 12/21/1999); (Ord. 2004-21, Amended, 11/16/2004)

SECTION 6-08-001-0002 NUISANCE NOISE:

The following noise restrictions are hereby established for any area within the City:

- A. The noise regulations of this Chapter shall apply on Monday through Friday between the hours of twelve o'clock (12:00) A.M. and six o'clock (6:00) A.M. and on Saturday and Sunday between the hours on one o'clock (1:00) A.M. and seven o'clock (7:00) A.M.
- B. During the hours given in subsection (A), it shall be unlawful for any person, while outdoors or within a residential unit, to make or permit to be made any noise which is clearly audible within a residential unit other than that from which the noise may have originated.
- C. The standards which shall be considered in determining whether a violation of this Section exists shall include the following:
 - 1. The volume of the noise;
 - 2. Whether the nature of the noise is usual or unusual;
 - 3. Volume of background noise, if any;
 - 4. The duration of the noise.

SECTION 6-08-001-0003 GENERAL EXCEPTIONS:

The following activities are exempted from the prohibitions stated in Section 6-8-2:

- A. Noise created by public safety work.
- B. Sound made to alert persons to the existence of an emergency, danger or attempted crime.
- C. Noise associated with the normal traffic of motor vehicles, aircraft or the railroads.
- D. Bells or chimes on public buildings.
- E. Noise created by construction equipment operated upon public premises by or on behalf of any governmental entity when the welfare or convenience of the public requires the operation of such equipment at night.

(Ord. 2004-21, Amended, 11/16/2004)

SECTION 6-08-001-0004 ENFORCEMENT PROCEDURE:

Violations of this Chapter shall be prosecuted as civil violations of the Flagstaff City Code or in the same manner as other misdemeanor violations of the City's Code. (Ord. 1511, 8-4-87)
(Ord. 2014, Amended, 12/21/1999)

SECTION 6-08-001-0005 LARGE PARTIES, GATHERINGS OR EVENTS:

- A. FINDINGS

The City Council of Flagstaff finds and determines that unruly parties, gatherings or events held on private property may constitute a threat to the peace, health, safety and welfare of the general public. Police officers have been required to make repeated calls to unruly parties, gatherings or events in order to disperse uncooperative or unruly participants and to restore the public peace and welfare. Such repeat calls deplete the manpower and resources of the police department and can leave other areas of the City with compromised levels of police protection so as to create a significant threat to the safety of both citizens and police officers alike.

B. PURPOSE

The purpose of this section is to allow the City to obtain reimbursement for expenses related to responses to unruly parties, gatherings or events which have been determined to be a threat to the peace, health, safety or welfare of the general public.

C. DEFINITIONS

"Unruly party, gathering or event" means a gathering or assembly of persons on private premises within City limits that is a threat to the public peace, health, safety or general welfare from illegal activities, unruly behavior, unreasonably loud or raucous noise, or activities which unreasonably disturb, injure, or endanger the comfort, repose, health, peace, or safety of reasonable persons of ordinary sensitivity.

"Special security assignment" means the police services provided during a second or subsequent call during a (90) ninety day period to the location of an unruly party, gathering or event after a written notice has been given that a police service fee may be imposed for costs incurred by the City for any return or subsequent police response.

"Increased response" means the response of more than two uniformed officers to the scene of an unruly party, gathering or event in which 15 (fifteen) or more persons are present, where necessary to restore the public peace, health, safety and/or general welfare.

"Police service fee" is that fee which shall be imposed for a special security assignment or increased response.

"Responsible person" means any person in actual or lawful control of the premises, or who organized the unruly party, gathering or event. A person need not be present at the time of the party, gathering or event to be deemed responsible.

D. WRITTEN NOTICE

1. When a police officer responds to an unruly party, gathering or event and while at the scene determines that there is a threat to the public peace, health, safety or general welfare, the officer shall issue a written notice to any responsible person that a second or subsequent response to that same location or address within ninety (90) days of the first response shall be deemed a special security assignment and that any responsible person may be liable for a police service fee for such special security assignment.

2. Written notice shall not be required, and a police service fee may be imposed upon a first response requiring an increased police response, if a responding officer reasonably determines that fifteen (15) or more individuals are in attendance and that the unruly party, event, or gathering is so large, unruly, or noisy, or is such an imminent threat to public health and safety that the responding police officer reasonably determines that more than two police officers are necessary to respond to and disperse the unruly party, gathering, or event.

E. RECOVERY OF COSTS FOR POLICE SERVICES

1. If, after written notice is given pursuant to Subsection D above, a second or subsequent police response is necessary to the same location or address within ninety (90) days of the first response, such response shall be deemed a special security assignment and any responsible person(s) shall be subject to the police service fee a provided in this Section.
2. In the event an increased response to the scene of a unruly party, gathering or event in which 15 (fifteen) or more persons are present it is necessary to restore the public peace, health, safety and/or general welfare, any responsible person(s) shall be subject to the police service fee as provided in this Section.

F. POLICE SERVICE FEE

1. The police service fee shall be according to a schedule adopted by the Police Chief which is based on the number of officers and units per hour. Said schedule may also include appropriate overhead, the cost of any medical treatment to injured officers, and any other loss or damage incurred by the Police Department in the course of a special security assignment or increased response. The fee may also include the cost or loss incurred by any other law enforcement agency or City department responding at the request of the Flagstaff Police Department.
2. The police service fee for a special security assignment or increased response shall not exceed one thousand dollars (\$1,000.00) for a single incident.
3. The City does not waive its right to seek reimbursement for costs exceeding one thousand dollars (\$1,000.00) through other legal remedies or procedures.
4. The costs of a police service fee shall be charged against any person who is responsible for the unruly party, gathering or event under this section. If two or more persons are responsible for the unruly party, gathering or event such persons shall be jointly and severally liable for the costs of a police service fee. If the person responsible for the unruly party, gathering or event is a minor, the parents or guardian having custody or control of the minor shall be jointly and severally liable with such minor for the costs of a police service fee. The charge constitutes a debt of that person and is collectible in the same manner as in the case of an obligation under contract. Costs imposed under this section are due and payable upon the expiration of the period to request a hearing under Subsection H or upon notice of the hearing officer's decision if a hearing is requested. The liability imposed by this section is in addition to any liability imposed by the law.

G. BILLING

The Chief of Police or any person designated by the Chief of Police shall cause appropriate billings for the police service fee to be made to the responsible person(s). Billings shall include the name and address of the responsible person, the date, time and location of the incident for which a police service fee is imposed, and shall identify the services provided, any loss or damage and such other information as may be relevant.

H. HEARING PROCEDURES

1. A person liable for the costs of a police service fee under this section may, within ten days of receipt of notice of the costs imposed, request a hearing with a Hearing Officer designated by the Presiding Magistrate of the Flagstaff Municipal Court.
2. The Hearing Officer shall set a time and place for the hearing as soon as practicable.
3. The hearing shall be conducted in an informal process to determine whether there is a sufficient factual and legal basis to impose the costs of the police service fee and the reasonableness of the amount. The rules of evidence shall not apply, provided that the decision of the Hearing Officer shall in all cases be based upon substantial and reliable evidence. All parties to the hearing shall have the right to present evidence. The Police Department shall have the burden of establishing by a preponderance of the evidence that the costs of the police service fee should be imposed and that the amount is reasonable under the circumstances.
4. The decision of the Hearing Officer is final. A failure of the person charged with the costs of the police service fee to timely request a hearing or the failure to appear at a scheduled hearing shall constitute a waiver of the right to a hearing or to challenge the validity or amount of the costs imposed.

(Ord. No. 1934, Enacted, 02/18/97; Ord. No. 1934, Enacted, 02/18/97); (Amended Ord. No. 2009-32, 10/06/2009)

SECTION 6-08-001-0006 SOUND AMPLIFICATION SYSTEMS IN VEHICLES:

A. LIMITATIONS ON USE

1. Except as authorized by law, no person shall operate or permit the operation of any sound amplification system in or on a vehicle in such a manner or with such volume as to annoy or disturb the quiet, comfort or repose of any person or neighborhood in the vicinity.
2. Except as authorized by law, no person shall operate or permit the operation of any sound amplification system in or on a vehicle which can be heard at a distance of fifty (50) feet or more and which annoys or disturbs a reasonable person of normal sensitivities, or which causes a person to be aware of vibration accompanying the sound at a distance of fifty (50) feet or more.

B. EXEMPTIONS

1. Amplification systems being operated to request assistance of an emergency nature or to warn of a hazardous situation;
2. Authorized emergency vehicles;
3. Vehicles operated by utility companies;
4. Vehicles used in parades, concerts, festivals, fairs or similar activities subject to any sound limits in any permit or other approval by the city; or
5. Amplification systems in vehicles which are operated on private property with the permission of the owner and which are not audible beyond the property line.

(Ord. 2014, Add, 12/21/1999)

CHAPTER 6-09
ALARMS

SECTIONS:

6-09-001-0001 **ALARMS:**

SECTION 6-09-001-0001 ALARMS:

A. PURPOSE

It is the purpose of this Ordinance to improve the efficient operation and reliability of alarms designed to summon police personnel and equipment to the scene of criminal offenses and emergencies, and to encourage cooperation between alarm users, alarm businesses and the Police Department.

B. LANGUAGE

The language set forth in this Ordinance shall be interpreted in accordance with the following rules of construction:

1. The singular number includes the plural number, and the plural the singular;
2. The masculine gender includes the feminine; and
3. The word "shall" is mandatory; the word "may" is permissive.

C. DEFINITIONS

For the purpose of this Ordinance, the following terms, phrases, words, and their derivations shall have the meanings given herein.

1. "Alarm" or "Alarm System" means any device designed or used for the purpose of alerting and summoning police services or equipment to the scene of a burglary, robbery, or other serious criminal act to which they are needed or expected to respond.
2. "Alarm Business" means any individual, partnership, firm, corporation, or other entity conducting or engaging in the business of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, installing and/or monitoring, an alarm located in or on any building, structure, place or premises.
3. "Alarm Monitor" means any person or business that provides among his or its services the watching or monitoring of alarms, relaying of alarm information to the Police Department and contacting the alarm user, his designated agents or other responsible persons.
4. "Alarm User" means any person, business or entity on whose premises an alarm system is installed and operated, and is the permit holder, except as provided for herein.
5. "City" means the City of Flagstaff, Arizona, or its authorized employees or agents.

6. "False Alarm" means the activation of an alarm resulting in the dispatch of police personnel and equipment where a criminal act or emergency situation does not in fact exist. A "false alarm" may be caused by any one or more of the following:
 - a. Mechanical failure or malfunction.
 - b. Improper installation or maintenance. Routine testing and installation conducted by the operator or technician that may include audible sounding of an alerting device shall not be construed to be a false alarm under this Ordinance so long as it does not sound for longer than one minute during such test.
 - c. Accidental or negligent acts of an alarm user or of a person under his control or direction.
 - d. Intentional activation of an alarm when no serious criminal or other emergency condition exists.
 - e. Any other cause not related to an actual or attempted serious criminal act or emergency condition on the premises; provided, however, that any alarm activated by natural causes, or by malicious acts of persons not under the direction or control of the alarm user, or any other cause clearly beyond the control of the alarm user shall not be considered a false alarm.
7. "Nuisance Alarm" means any alarm system that actuates three (3) false alarms in a thirty (30) day period and are not caused by violent conditions of nature, including lightning induced storms and power outages beyond the control of the user, or an alarm system which does not operate in accordance with the provisions of this Ordinance.
8. "Police" or "Police Department" means the Police Department of the City of Flagstaff, Arizona, or any of its authorized officers, members, employees or agents.
9. "Alarm Coordinator" or "Coordinator" means a member of the Flagstaff Police Department assigned by the Chief of Police to coordinate, monitor and administer the daily activities of this Ordinance and to issue invoices and citations for violations of this Ordinance.

D. EXEMPTIONS

The provisions of this Ordinance are not applicable to:

1. Audible alarms affixed to a motor vehicle, watercraft, or aircraft.
2. Proprietary alarm systems where response is provided by the user or his own security force, and do not emit an outside audible alarm.
3. Newly installed and reinstalled alarm systems for a period of thirty (30) days from the date the alarm system becomes operational. This grace period shall only apply if the Alarm Business or the Alarm User notifies the Chief of Police or his designee in writing within

ten (10) days of the completion of installation or reinstallation. The written notice shall specify the date the system was made operational.

E. LIABILITY

The City of Flagstaff, its officers, employees and agents shall not be liable for any defects, damages, failures, losses, negligence or other actions concerning the operation of any alarm system, the actions of an alarm company, an alarm monitor or any of their agents or any other person, business, company or entity in connection with the sale, lease, installation, service, maintenance, inspection, modification, alteration, movement, replacement, operation, monitoring, transmission of signals or the relaying of alarm related information.

F. AUDIBLE ALARMS

Audible alarms shall not emit sound longer than fifteen (15) minutes for residential alarms and thirty (30) minutes for commercial alarms.

G. DIALER ALARMS

Within sixty (60) days after the effective date of this Ordinance, no person or business shall operate or use any alarm system which is equipped with a direct dial device that when activated, automatically dials any Police Department trunk or emergency telephone line, including the 911 phone system, and transmits a pre-recorded message reporting a crime or other emergency. Persons using such alarms shall pay a one-hundred (\$100.00) dollar fee per call after having been informed of this Ordinance in writing.

H. ALARM USER PERMITS REQUIRED

1. Every alarm user shall obtain an alarm user's permit from the Flagstaff Police Department for each location that an alarm system is installed in. Such a permit shall be obtained from the Coordinator's office within ninety (90) days from the effective date of this Ordinance or prior to the use of an alarm system which is installed subsequent to the expiration of ninety (90) days from the effective date of this Ordinance. A permit would be granted upon receipt of a completed application and a paid receipt from the City of Flagstaff for the ten dollar (\$10.00) fee for each such permit. Permits are not transferable from one user to another user, or from one address to another address.
2. If the residential alarm user is handicapped (having a permanent physical impairment, defect, or disability) or is over the age of 65 and is the primary resident of the residence and if no business is conducted in the residence, a user's permit may be obtained from the Coordinator's office without the payment of a fee.
3. An alarm user which is a governmental political unit shall be subject to this article and shall be required to obtain a permit, but a permit shall be issued without payment of the fee and shall not be subject to revocation or payment of additional fees or the imposition of any penalty provided herein.

4. Permits and information on them shall be considered confidential. Information contained therein shall not be released to a third party without written permission from the alarm user.
5. Failure to obtain a permit as provided in this Section or continued operation of an alarm without a permit shall result in the alarm to be designated as a nuisance alarm.

I. RESPONSIBLE PARTIES

Any person who operates or uses an alarm system within the City shall maintain and provide to either the Police Department or their Alarm monitor a current list of three (3) responsible parties and/or an alarm company who will:

1. Respond to the scene of the alarm within thirty (30) minutes after being notified of a possible intrusion and requested to respond; and
2. Provide all keys necessary to conduct a thorough search of the premises; and
3. Reset the alarm system; and
4. Assume any security responsibilities for the premises.

If neither the alarm user nor a listed responsible party or their alarm company can be contacted, refuses to respond, or does not respond as provided above, the user shall pay a one-hundred (\$100.00) dollar fee.

J. FALSE ALARMS

1. No person operating or using any alarm system shall cause or permit the false activation of said alarm more than five (5) times within a twelve (12) month period that results in the dispatching of police and/or fire personnel and equipment. The sixth (6th) false alarm within such period shall result in a fee of twenty-five (\$25.00) dollars for a first violation of this Section, fifty (\$50.00) dollars for a second violation and one hundred (\$100.00) for any subsequent violations. A ninth alarm within a twelve (12) month period shall result in the alarm being classed as a nuisance alarm.
2. Upon receipt of the third false alarm within a twelve (12) month period, the Coordinator may notify the alarm user in writing to the user's permit address that subsequent false alarms may result in a penalty fee and possible revocation of the User Permit. The user will submit a False Alarm Prevention Report, on a form provided by the City, to the Coordinator outlining the action taken by the user to prevent further false alarms. The False Alarm Prevention Report shall be returned to the Coordinator within thirty (30) days and will outline the actions taken to discover and eliminate the cause of the false alarms and any violations of this Ordinance.

K. FEES PAYABLE WITHIN THIRTY (30) DAYS

Except as provided for herein, any and all fees provided for by this Ordinance shall be paid to the City's Finance Section within thirty (30) days from the date a bill therefor is deposited in the regular first class

U.S. Mail with postage fully paid and addressed to the user at the address where the alarm system is operated. Fees not paid in full at the end of such period shall result in the alarm system being declared a "nuisance alarm".

L. NUISANCE ALARM

The Coordinator shall revoke the user's permit ten (10) days after notifying the user that the alarm has been deemed to be a nuisance. The user shall be notified through certified mail.

1. Any alarm or alarm system deemed or declared a nuisance shall not require police personnel or equipment to respond to the alarm's location unless notified by means other than the resulting from the alarm system that criminal activity or another emergency actually exists. The Coordinator shall revoke the user's permit after notifying the user that the alarm has been deemed to be a nuisance. The subsequent receipt of said alarms by the City are hereby designated to be misdemeanors. The revoked alarm user permittee negligently causing, allowing, facilitating or permitting said post-revocation alarm upon conviction herein shall be punished by a fine of one hundred (\$100.00) dollars for each such offense. Intentional misuse shall be sanctioned pursuant to Section M herein.
2. A person or business may reapply for a user's permit under Section H of this Ordinance upon submission of a new application accompanied by a \$20.00 application fee and a False Alarm Prevention Report, on a form provided by the City.

M. INTENTIONAL MISUSE

No person shall intentionally cause the activation of an alarm system knowing that such activity may result in the dispatch of police personnel and equipment when no criminal or emergency condition exists. Any person who causes such alarm activation shall be guilty of a Misdemeanor and upon conviction shall be liable for a fine of not less than five-hundred (\$500.00) dollars nor more than one-thousand (\$1,000.00) dollars or sentenced to not less than ninety (90) days nor more than one hundred eighty (180) days in jail, or by both such fine and imprisonment.

N. SEVERABILITY

Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of the Ordinance shall not be affected thereby, and shall remain in full force and effect.

O. ENFORCEMENT

The City may pursue any and all lawful remedies necessary for the purpose of enforcing the provisions of this Ordinance. Action may be commenced in the name of the City in any court of competent jurisdiction for the amount of any delinquent fees or fines. Such legal action shall also require the inclusion of court costs, legal and attorney's fees.

The Finance Director of the City shall withhold the issuance of any business license until any and all fees prescribed in this Ordinance have been paid in full. (Ord. 1552, 3/1/88)

(Ord. No. 1552, Enacted, 03/01/88) (Ord. No. 2009-25, Amended 09/08/09)