

CHAPTER 10 OFFENSES

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Section 10-1-1 Dangerous Constructions

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

Section 10-1-2 Damage to Property

- A. It is unlawful for any person to damage in any manner or attempt to damage or tamper with any pipe lines, water hydrants, official signs or signals, street lamps or lights, or the fixtures and appliances "hereunto belonging upon any of the poles or other objects for use in connection with the lighting of the streets of the Town or any water pipes, hydrants or any appliances pertaining to the water or sewer works, or any other property of any and every character belonging to the Town.

- B. It is unlawful for any person to willfully or wantonly destroy or injure any line erected or constructed for the transmission of electrical current or to break the seal on any electric meter or to interfere in any manner with the registration of electric current passing through the electric meter by the use of any wire, or other device to prohibit the meter from properly registering electric current or to destroy any poles, conduits, wires, cables, insulators or support upon which wires or cables may be suspended, or any part of such line or appurtenances or apparatus connected with, or any house, shop, building or other structure or machinery connected with or necessary to the use of any line erected or constructed for the transmission of electrical current or set fire to, that shall in any manner interrupt or interfere with the transmission of electrical current over and along any such lines.
- C. It is unlawful for any person to deface, walk, ride or drive upon or over any sidewalk or street crossing composed of or containing cement, during the construction thereof, or before the same is thrown open to public use.
- D. It is unlawful for any person to damage in any manner any road, street or bridge in the Town limits by using the same, by heavy vehicles, malicious destruction or by any act that will result in damage to any such road, street or bridge.
- E. It is unlawful to break or destroy any window, door or part of any dwelling owned or occupied by another or to break or sever from any premises owned or occupied by another any gate, fence, railing, tree, brush or vine or any property whatsoever or to deface, mutilate or injure the same.
- F. It is unlawful for any person within the Town to throw stones or other missiles at railroad trains; or to let off the brakes of railroad cars standing on side tracks or tamper with the couplings of railroad cars, or to uncouple cars standing on railroad tracks, or to uncouple the air hose of the air brake system on railroad cars; or to remove, tamper with or break switch lamps or other signals set to control the movements of trains or to jump on or off moving trains, or to throw refuse upon or in any way litter the depot or station grounds of any railroad.

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

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

Section 10-1-4 Excavations to be Covered

- A. It is unlawful for any person to make any excavation or dig any hole, drain or ditch in any highway or thoroughfare in the Town without providing a sufficient light at night and a temporary fence or suitable obstruction around or in front of such excavation during the day.
- B. It is unlawful for any person to maintain a well, cellar, pit or other excavation of more than two feet (2') in depth on any unenclosed lot without providing substantial curbing, covering or protection of such excavation.

Section 10-1-5 Explosives  (Ord. 993-12/07)

- A. It is unlawful for any person within the limits of the Town to blast or use powder or other explosives without a BLASTING Permit from the Building Safety Department in compliance with the 2003 INTERNATIONAL FIRE CODE. The application for a Permit shall be filed at least ten (10) days prior to the use of the explosives. The Blasting Permit shall be valid for not more than thirty (30) days and shall be valid only for the site identified in the Permit. An application for a Blasting Permit shall include the following information and documents:
1. A fee in an amount set by council resolution and a valid Certificate of Insurance. *Ord. 1140
 2. A Blasting Plan identifying the site, type of blasting and amount of explosives to be used or stored at the site (if any).
 3. A copy of a valid Federal Explosives User's Permit or Federal Explosives License.
 4. A copy of any license required by the Arizona Registrar of Contractors for the type of blasting operations proposed.
 5. A Site Plan showing the security for the site during the blasting operations.

Section 10-1-6 False or Misleading Reports to Police

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

Section 10-1-7 RESERVED FOR FUTURE USE  Ord. 1023/12-08

Section 10-1-8 Furnishing Weapons and Other Articles to Prisoners

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

Section 10-1-9 Littering

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

Section 10-1-10 Minors **Ord.1141

It is unlawful for any person seventeen (17) years of age or under to idle or loiter upon the streets or public places of the Town between the hours of 10:30 p.m. and 5:00 a.m. on Sundays through Thursdays, and between the hours of 12:00 midnight and 5:00 a.m. on Fridays and Saturdays unless such person is accompanied by a parent, guardian or some person of lawful age having legal custody of such person. It is unlawful for any parent, guardian or other adult person having the care and custody of such person to encourage or allow such person to idle or loiter upon the streets or public places between the hours of 10:30 p.m. and 5:00 a.m. Sundays through Thursdays and 12:00 midnight and 5:00 a.m. on Fridays and Saturdays unless accompanied by such parent or guardian. The provisions of this Section shall not apply when the person is upon an emergency errand or legitimate business directed by his or her parent, guardian or other adult person having the care and custody of the person. Any minor who is gainfully employed with the permission of his parents may obtain a special permit to travel to and from his place of employment at hours later than set forth in this Section.

Section 10-1-11 Noise and Fumes**A. Definitions.**

1. "A" *Band Level* means the total sound level of all noise as measured with a sound level meter using a-weighting network. The unit is the dB(A).
2. *Community Noise Standards* shall mean the noise standards set forth in subsection B, unless modified pursuant to subsection E or F.
3. *Decibel (dB)* means a sound pressure that is 20 times the logarithm to the base ten of the ratio of the pressure of the sound measured to the reference pressure, 20×10^{-5} newton/meter².
4. *Emergency Work* means any work performed to prevent or alleviate physical trauma or property damage threatened or caused by an emergency which has or may result in a disruption of service and which is necessary to restore property to a safe condition following a public calamity or work required to protect the health, safety or welfare of persons or property or work by private or public utilities when restoring utility service.
5. *Sound Level (noise level)* in decibels (dB) is the sound measured with the a-weighting and slow response by a sound level meter.
6. *Sound Level Meter* means an instrument including a microphone, an amplifier, an output meter, and frequency weighting networks used to measure sound levels which satisfies the pertinent requirements in American National Standard specifications for sound level meters S1.4-1971 or the most recent revision thereof.

B. Allowable noise levels. It is unlawful for any person to create or permit any noise that produces a dB(A) beyond that person's property line exceeding the levels specified in Table I. Where property is used for both residential and commercial purposes, the residential sound levels shall be used only for measurements made on the portion of the property used solely for residential purposes.

**Ord.1141-07/14

TABLE I

Zone	Day of the Week	TIME	dB(A)
Residential	Sunday through Thursday	7:00 A.M. TO 10:00 P.M.	70
	Sunday through Thursday	10:00 P.M. TO 7:00 A.M.	62
	Friday and Saturday	7:00 A.M. TO 12:00 A.M.	70
	Friday and Saturday	12:00 A.M. TO 7:00 A.M.	62
Commercial	Sunday through Thursday	7:00 A.M. TO 10:00 P.M.	72
	Sunday through Thursday	10:00 P.M. TO 7:00 A.M.	65
	Friday and Saturday	7:00 A.M. TO 12:00 A.M.	72
	Friday and Saturday	12:00 A.M. TO 7:00 A.M.	65
Industrial	Sunday through Thursday	7:00 A.M. TO 10:00 P.M.	85
	Sunday through Thursday	10:00 P.M. TO 7:00 A.M.	70
	Friday and Saturday	7:00 A.M. TO 12:00 A.M.	85
	Friday and Saturday	12:00 A.M. TO 7:00 A.M.	70

C. Other noises prohibited; standards for excessive noise.

1. Notwithstanding any other provisions of this section, and in addition thereto, it shall be unlawful for any person without justification to make or continue, or cause or permit to be made or continued, any unnecessary, excessive or offensive noise, which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area.
2. It shall be unlawful for any person engaging in the following activities to produce noise beyond the property line of the property on which the activities are conducted and which disturbs the peace and quiet of a neighborhood or person:
 - a. Creating or allowing a loud, disturbing noise in connection with the loading or unloading of any vehicle;
 - b. Owning, possessing, harboring or permitting any domesticated animal or bird which frequently or for continuous duration howls, barks, meows, squawks or makes other sounds;

- c. Allowing or causing any shouting, yelling, screaming or any other form of raucous vocalization by a person or group of people; this provision is not intended to preclude any party from exercising their constitutional first amendment right to lawful, peaceful assembly.
- d. Any noise created by construction activities including, but not limited to, repair, remodeling, demolition, drilling, wood cutting or excavation work conducted from 8:00 p.m. through sunrise; except that a person may engage in the above listed activities at that person's own residence from sunrise through 8:00 p.m.

D. General exemptions. The following activities are exempted from the provisions of subsections A and B above:

1. Heating, Cooling and Pool Equipment, when functioning in accord with manufacturer's specifications and is in proper operating condition, shall be exempt from the noise ordinance requirements. (Ord 1177)
2. Lawn maintenance equipment when it is functioning in accord with manufacturer's specifications and with all mufflers and noise-reducing equipment in use and in proper operating condition;
3. Non-amplified noises resulting from the activities such as those planned by school, governmental or community groups;
4. Athletic, musical or cultural activities or events (including practices and rehearsals) conducted by or under the auspices of public or private schools, and public or private colleges or universities;
5. Noises of safety signals, warning devices and emergency pressure relief valves;
6. Noises resulting from any authorized emergency vehicle when responding to an emergency call or acting in time of emergency;
7. Emergency work necessary to restore property to a safe condition following a fire, flood, accident or natural disaster; to restore public utilities; or to protect persons or property from an imminent danger;
8. All noises coming from the normal operations of railroad trains;
9. Normal noises associated with the taking off or landing of aircraft;
10. Parades, concerts, festivals, fairs or similar activities that remain within any sound limits approved by the town and permitted by a special event permit;
11. Noises of church chimes;
12. All utility equipment, including well pumps, transmission lines, power plant equipment, during normal operation provided that no plant equipment may cause the noise level measured inside any sleeping or living room inside any residential dwelling unit to exceed forty-five (45) db(a) between the hours of 10:00 p.m. And 7:00 a.m., nor fifty-five (55) db(a) between the hours of 7:00 a.m. And 10:00 p.m.;
13. An event being held pursuant to a town issued special events permit provided that the business is operating in accordance with the conditions of the special use permit.
14. Noises made by livestock located on property zoned to allow for the keeping of livestock.

- E. Temporary Exemptions.** The Town Manager is authorized to grant a temporary exemption from the allowable noise levels established by this section if such temporary exemption would be in the public interest and there is no feasible and prudent alternative to the activity, or the method of conducting the activity, for which the temporary exemption is sought. A temporary exemption must be in writing and signed by the Town Manager and must set forth the name of the party granted the exemption, the location of the property for which it is authorized and the date(s) and time(s) for which it is effective. A temporary exemption may be granted only for the period of time that is reasonably necessary to conduct the activity and, in no case shall exceed thirty (30) days. The following factors shall be considered by the Town Manager in determining whether to grant a temporary exemption:
1. The balancing of the hardship to the applicant, the community and other persons in not granting the variance against the adverse impact on the health, safety and welfare of persons adversely affected and any other adverse effects of the granting of the variance;
 2. The nearness of any residence or residences, or any other use which would be adversely affected by sound in excess of the limits prescribed by this article;
 3. The level of the sound to be generated by the event or activity;
 4. Whether the type of sound to be produced by the event or activity is usual or unusual for the location or area for which the variance is requested;
 5. The density of population of the area in which the event or activity is to take place;
 6. The time of day or night which the activity or event will take place;
 7. The nature of the sound to be produced, including but not limited to whether the sound will be steady, intermittent, impulsive or repetitive.
- F. Variations.** Persons wishing to continue activities which commenced prior to the effective date of this section and which create noise in excess of the allowable noise levels may seek a variance from the town manager. A request for variance must be in writing and signed by the requesting party. If approved, the variance shall be signed by the town manager and shall set forth the name of the party granted the exemption, the location of the property for which it is authorized, the date(s) and time(s) for which it is effective and the dB(A) level(s) authorized. A variance shall be granted only if the town manager finds that strict enforcement of the terms of this section would cause a hardship and no other reasonable alternative of engaging in the activity exists. The following factors shall be considered by the town manager in determining whether to grant a variance:
1. The balancing of the hardship to the applicant, the community and other persons in not granting the variance against the adverse impact on the health, safety and welfare of persons adversely affected and any other adverse effects of the granting of the variance;
 2. The nearness of any residence or residences, or any other use which would be adversely affected by sound in excess of the limits prescribed by this article;
 3. The level of the sound to be generated by the event or activity;
 4. Whether the type of sound to be produced by the event or activity is usual or unusual for the location or area for which the variance is requested;
 5. The density of population of the area in which the event or activity is to take place;
 6. The time of day or night which the activity or event will take place;
 7. The nature of the sound to be produced, including but not limited to whether the sound will be steady, intermittent, impulsive or repetitive.

G. Other Prohibited Noise.

1. No person may use any automobile, motorcycle or other vehicle, engine or motor of whatever size, stationary or moving, instrument, device or thing, in such a manner as to create loud and unnecessary grating, grinding, rattling or other noise.
2. No person may operate any mechanical device operated by gasoline, or otherwise, without having a muffler, in good working order and in constant operation, to prevent excessive or unusual noise and smoke; and no person shall use a muffler cutout, bypass or similar device.
3. No person may operate or use any automobile, motorcycle or other vehicle, engine or motor of whatever size, stationary or moving, on race tracks, race courses, or other similar tracks or courses at places of amusement, not being public highways, between the hours of 10:30 p.m. and 8:00 a.m. on Sundays through Thursdays, or between the hours of 12:00 midnight and 8:00 a.m. on Fridays and Saturdays.
4. No person shall operate sound amplification systems in a vehicle at an excessive level that disturbs the peace and quiet of a neighborhood or other persons.
5. 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 that the sound is plainly audible at a distance of fifty (50) feet, or in such a manner that it causes a person to be aware of vibration accompanying the sound at a distance of fifty (50) feet.
6. It shall be unlawful for an operator of a diesel-powered motor vehicle having a load capacity of two (2) tons or more to allow said vehicle to idle for a period of time in excess of two (2) hours while located within the town limits. This provision shall not apply to vehicles being repaired nor to vehicles immediately engaged in loading or unloading cargo.

H. Enforcement. The Police Department, the Building Inspector, Animal Control Officer for animal noises and Town Prosecutor are authorized to enforce the provisions of this section.

Section 10-1-12 Obstruction of Streets * Ord. 1168

- A. It is unlawful for any person to obstruct any public street, alley, sidewalk or park or other public grounds within the Town by committing any act of, or doing anything which is injurious to the health or indecent or offensive to the senses, or to do in or upon any such streets, alleys, sidewalks, parks or other public grounds, any act or thing which is an obstruction or interference to the free use of property or with any business lawfully conducted by anyone, in or upon, or facing or fronting on any of such streets, alleys, sidewalks, parks or other public grounds in the Town.
- B. It is unlawful for any person or entity to utilize town property or equipment in any manner other than which it was intended by the manufacturer or owner, or in such a manner as it is injurious to health or indecent or offensive to the senses.
- C. It is unlawful for any person or entity to place or cause to be placed on any public street, alley, sidewalk, or public right-of-way, for any length of time, any objects or material, including but not limited to gravel, plants, soil, lumber, bricks, rocks, and pipes, or to cause damage to the pavement, curb, gutter or sidewalk of any right-of-way. This provision shall not apply to utility or Town Personnel performing lawful Town or utility work in the public street, alley, sidewalk or public right-of-way.

Section 10-1-13 Interference with Use, Obstruction of View

- A. It is unlawful for any person to maintains allow any tree, hedge, billboard or other obstructions which interfere with the use of public sidewalks or which prevent persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk.
- B. The Town Council is hereby provided full and complete control over all trees which are outside the property lines of privately-owned real property; provided, the Council shall also have the right to trim any trees or shrubbery on either public or private property that interferes, or appears to threaten to interfere with any electric power or other utility pole, line or appliance.

Section 10-1-14 Offensive Business

It is unlawful for any person to establish or maintain any slaughterhouse or make a practice of slaughtering cattle, hogs, sheep or any other kind of animal, or establish or maintain any soap factory, render tallow, or pursue, maintain or carry on any other occupation or activity offensive to the senses or prejudicial to the public health within the limits of the Town.

Section 10-1-15 Offensive Premises

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

Section 10-1-16 Prostitution

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

Section 10-1-17 Searchlights

It is unlawful for any person to operate within the Town any incandescent or arc type searchlight, 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 unless permission is obtained from the Council. The provisions of this Section shall not apply to emergency searchlights or beacons operated pursuant to public authority.

Section 10-1-18 Signs and Banners

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

Section 10-1-19 Water-Flow Upon Streets

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

Section 10-1-20 Weapons 

- A. It is unlawful for any person within the limits of the Town to fire or discharge any BB gun, air gun, pellet gun, dart gun, slingshot, and gas-operated gun or other similar gun or instrument.
- B. The prohibitions of the preceding Subsection A. shall not apply to the use of any such gun or instrument by:
 - 1. Any person while located on that person's property or the property of another with the express permission of the property owner and so long as such use does not project BBS, pellets, darts, rocks or other projectiles beyond the property limits.

Section 10-1-21 Public Parks  Ord. 986 – 7/07

- A. Except as provided in Subsection B of this Section, it is unlawful for any person to linger, loiter, sleep or otherwise be within the Town parks, playgrounds or recreational areas, including restrooms and other structures therein, during the hours from 10:00 p.m. to 5:00 a.m., unless prior thereto written approval has been obtained from the Community Services Department for an organized activity.
- B. Overnight parking of trailers and recreational vehicles is permitted only as follows:
 - 1. Constellation Park: Overnight parking of trailers and recreational vehicles is permitted providing that such trailer or recreational vehicle is a self-contained unit. No dumping of sanitary wastes or litter shall be permitted. It is unlawful for any trailer or recreational vehicle to park within Constellation Park for more than seven (7) consecutive days within any thirty (30) day period.
 - 2. Community Center Campground: No overnight parking.
- C. No glass beverage containers are permitted in public parks of the Town.
- D. No dogs, with the exception of certified guide dogs for the blind and certified service animals, are permitted on any municipal owned ballfields. 
- E. Enforcement:
 - 1. Employees of the Community Services Department may be designated as Park Rangers to enforce the Town Code within Town Parks, including but not limited to parking lots, sidewalks, and ramadas. The Police Department shall train the Park Rangers with regard to the issuance of citations for violations of Town Code provisions within Town Parks.
 - 2. The Park Rangers of the Town shall enforce the provisions of the Town Code and shall have the authority to issue citations for violations of the Town Code within Town Parks.

Section 10-1-22 Open Gates

It is unlawful for any person to leave or cause to leave any gate within the Town open that results in the roaming of livestock at large within the Town.

Section 10-1-23 Prohibition of Smoking in Certain Places  Ord 1003-5/08

- A. Definitions: in this section unless the context otherwise requires:
1. "Employee" means any person who is employed by an employer for direct or indirect monetary wages or profit, and any person who volunteers his or her services for a non-profit entity.
 2. "Employer" means a person, business, partnership, association, the State of Arizona and its political subdivisions, corporations, including a municipal corporation, trust, or non-profit entity that employs the service of one or more individual persons.
 3. "Enclosed area" means all space between a floor and ceiling that is enclosed on all sides by permanent or temporary walls or windows (exclusive of doorways), which extend from the floor to the ceiling. Enclosed area includes a reasonable distance from any entrances, windows and ventilation systems so that persons entering or leaving the building or facility shall not be subjected to breathing tobacco smoke and so that tobacco smoke does not enter the building or facility through entrances, windows, ventilation systems or any other means.
 4. "Owner" means the legal owner of the building, the director of the organization owning the building, the manager or chief executive officer of a corporate owner of the building or the person in charge at any given time of the operation of the building or any business conducted therein.
 5. "Physically separated" means all space between a floor and ceiling which is enclosed on all sides by solid walls or windows (exclusive of door or passageway) and independently ventilated from smoke-free areas, so that air within permitted smoking areas does not drift or get vented into smoke-free areas.
 6. "Place of employment" means an enclosed area under the control of a public or private employer that employees normally frequent during the course of employment, including office buildings, work areas, auditoriums, employee lounges, restrooms, conference rooms, meeting rooms, classrooms, cafeterias, hallways, stairs, elevators, health care facilities, private offices and vehicles owned and operated by the employer during working hours when the vehicle is occupied by more than one person. A private residence is not a "place of employment" unless it is used as a child care, adult day care, or health care facility.
 7. "Public place" means any enclosed area to which the public is invited or in which the public is permitted, including airports, banks, bars, common areas or apartment buildings, condominiums or other multi-family housing facilities, educational facilities, entertainment facilities or venues, health care facilities, hotel and motel common areas, laundromats, public transportation facilities, reception areas, restaurants, retail food production and marketing establishments, retail service establishments, retail stores, shopping malls, sports facilities, theatres, and waiting rooms. A private residence is not a "public place" unless it is used as a child care, adult care, or health care facility.
 8. "Retail tobacco store" means a retail store that derives the majority of its sales from tobacco products and accessories.
 9. "Smoking" means inhaling, exhaling, burning, or carrying or possessing any lighted tobacco product, including cigars, cigarettes, pipe tobacco and any other lighted tobacco product.
 10. "Sports facilities" means enclosed areas of sports pavilions, stadiums, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, billiard halls, bowling alleys, and other similar places where members of the general public assemble to engage in physical exercise, participate in athletic competition, or witness sporting events.
 11. "Veteran and fraternal clubs" means a club as defined in A.R.S. §4-101(7)(a)(b) or (c).
- B. Smoking is prohibited in all public places and places of employment within the town except:
1. Private residences, except when used as a licensed child care, adult day care, or health care facility.
 2. Hotel and motel rooms that are rented to guests and are designated as smoking rooms; provided, however, that not more than fifty percent (50%) of rooms rented to guests in a hotel or motel are so designated.

3. Retail tobacco stores that are physically separated so that smoke from retail tobacco stores does not infiltrate into areas where smoking is prohibited under the provisions of this section.
 4. Veterans and fraternal clubs when they are not open to the general public.
 5. Smoking when associated with a religious ceremony practiced pursuant to the American Indian religious freedom act of 1978.
 6. An outdoor patio so long as tobacco smoke does not enter areas where smoking is prohibited through entrances, windows, ventilation systems, or other means.
 7. A theatrical performance upon a stage or in the course of a film or television production if the smoking is part of the performance or production.
- C. Regulation of smoking in places of employment.
1. The prohibition on smoking in places of employment shall be communicated to all existing employees by the effective date of this section and to all prospective employees upon their application for employment.
 2. No employer may discharge or retaliate against an employee because that employee exercises any rights afforded by this section or reports or attempts to prosecute a violation of this section.
- D. Posting of signs and ashtray removal.
1. "no smoking" signs or the international "no smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall be clearly and conspicuously posted by the owner, operator, manager, or other person in control of that place identifying where smoking is prohibited by this section and where complaints regarding violations may be registered.
 2. Every public place and place of employment where smoking is prohibited by this section shall have posted at every entrance a conspicuous sign clearly stating that smoking is prohibited.
 3. All ashtrays shall be removed from any area where smoking is prohibited by this section by the owner, manager or other person having control of the area.
- E. In addition to any other duty contained herein, any owner, manager, employer or employee upon either observing or being advised of a violation of this chapter, shall advise the violator that smoking is prohibited under town ordinance and advise the smoker to extinguish the smoking material and shall call the police if the smoker refuse to comply.
- F. Any person found guilty of violating any of the provisions of this chapter shall be found guilty of a petty offense and upon conviction thereof shall be fined not less than one hundred dollars (\$100.00), or more than five hundred dollars (\$500.00). Each occurrence or day that a violation continues shall be a separate offense, punishable as described above. In no case shall a person convicted of a violation of this section be eligible for suspension of their fine.

Section 10-1-24 Obstructing Government Officials *Ord. 1167

- A. It is unlawful for any person to knowingly obstruct, delay, resist or oppose any police officer, any member of the fire department, or any other town official in the performance or attempted performance of his or her duties. It is an affirmative defense to any charge pursuant to this section that the person only uttered words alone, regardless of how offensive or obscene the words may be.
- B. It is unlawful for any person to knowingly fail or refuse to obey or otherwise comply with any lawful order issued by a police officer, including fleeing or refusing a request to provide a full, true name when such officer has reasonable suspicion that criminal activity is occurring, has occurred, or is about to occur.
- C. It is unlawful for any person to torture, torment, beat, kick, mutilate, injure, disable or kill any animal used by a town official in the performance of its functions and duties, or to interfere or meddle with any animal while being used by a town official in the performance of any of the functions or duties of the town. Anyone who violates this section is guilty of a class I misdemeanor.

Section 10-1-25 Urban Camping (Ord. 1213 – 01/21)

A. Purpose. The purpose of this section is to maintain streets, sidewalks, parks and other public and private areas within the town in a clean, sanitary and accessible condition and to adequately protect the health, safety and public welfare of the community, while recognizing that, subject to reasonable conditions, camping and camp facilities associated with special events can be beneficial to the cultural and educational climate in the town. Nothing in this section is intended to interfere with otherwise lawful and ordinary uses of public or private property.

B. Definitions. Unless the particular provisions or the context otherwise requires, the definitions contained in this section shall govern the construction, meaning and application of words and phrases used in this section.

“Camp” means to utilize camp facilities and/or camp paraphernalia for the purpose of temporarily or permanently sleeping or living at that location, including but not limited to, activities such as laying down of bedding, erecting tents or any other structure providing shelter, digging or breaking earth, using camp paraphernalia, storing personal belongings, starting a fire, regularly cooking or preparing meals, or living in a parked vehicle. Any activity shall constitute camping when it reasonably appears, in light of all the circumstances, the participants in conducting the activity are in fact using the area for the purpose of temporarily or permanently sleeping or living at the location regardless of the intent of the participants or the nature of any other activities in which they may also be engaging.

“Camp Facilities” include, but are not limited to, tents, huts, lean-tos, tarps, cardboard boxes or structures, vehicles, vehicle camping outfits, or temporary shelter.

“Camp Paraphernalia” includes, but is not limited to, materials intended to be used as beds or bedding, blankets, bedrolls, tarpaulins, cots, beds, sleeping bags, hammocks or cooking facilities and similar equipment.

“Establish” means setting up or moving equipment, supplies or materials onto public or private property to camp or operate camp facilities.

“Maintain” means keeping or permitting equipment, supplies or materials to remain on public or private property in order to camp or operate camp facilities.

“Operate” means participating or assisting in establishing or maintaining a camp or camp facility.

“Personal Property” means tangible items greater than one cubic foot in size, other than signs, which are reasonably recognizable as belonging to individual persons and which have apparent utility and value.

“Private Property” means all private property including, but not limited to, streets, sidewalks, alleys and improved or unimproved land.

“Public Property” means all public property including, but not limited to, streets, sidewalks, alleys, public rights-of-way, improved or unimproved land and parks.

“Shelter Space” means any overnight temporary housing shelter that offers overnight indoor sleeping accommodations at no charge.

“Sidewalk” means the area between the street and the abutting property, including any pedestrian way and landscape strip.

“Store” means to put aside or accumulate for use when needed, to put for safekeeping, to place or leave in a location.

“Street” means any street, highway, alley, avenue or other public way or public grounds in the town that is open to the public, used or intended to be used, by vehicular traffic.

“Town Manager” means the Town Manager or designee.

C. Prohibited Acts.

- I. It is unlawful and a public nuisance, subject to abatement by the town, for any person to camp, occupy camp facilities, establish camp facilities, maintain camp facilities or use or store camp paraphernalia in the following areas:
 - a. Any public property; or
 - b. Any private property.
2. Law Enforcement Officers shall not enforce subsection (I) of this section when the individual is on public property and there is no available shelter space with homeless supportive space within 60 miles of the town limits of Wickenburg.
 - a. A shelter space shall still be considered an “available shelter” if the individual cannot utilize the space due to voluntary actions such as intoxication, drug use, unruly behavior or violation of shelter rules.
 - b. A shelter space shall not be considered an “available shelter” if:
 - i. The individual is part of a family unit and the family would need to stay overnight at two or more different shelters; however, a shelter space is considered “available shelter” if the individual is part of a family unit but the shelter requires that males and females must sleep separate and apart;
 - ii. Due to any restrictions or prerequisites placed on the use of the shelter space, the individual would be disqualified from utilizing the shelter space at no fault of their own; or
 - iii. Utilization of the shelter space is contingent on mandatory participation in programs or activities which implicate the protections offered by the First Amendment of the United States Constitution.
 - c. It is not intended by this section to prohibit or make unlawful:
 - i. Overnight camping on private residential property by the property owner or friends or family of the property owner, so long as all the following conditions are met:

- (1) The owner consents and the overnight camping is limited to not more than five consecutive nights;
 - (2) The activity is not a nuisance because of noise, inadequate sanitation, or other matters offensive to persons of ordinary sensibility;
 - (3) No fee, charge or other monetary consideration is collected for the privilege of camping or for any services or the use of any facilities related thereto;
 - (4) The camping occurs either in the rear yard or an area of a front or side yard separated from view from the street by a fence, hedge or other obstruction.
- ii. Activities of an owner of private property or other lawful user of private property that are normally associated with and incidental to the lawful and authorized use of private property for residential or other purposes;
 - iii. The mere possession of, or transportation of, camp facilities or camp paraphernalia on public or private property, except as provided in this section;
 - iv. Activities of a property owner or other lawful user if such activities are expressly authorized by this code or other laws or regulations.
- d. The Town Manager may issue a temporary permit to allow camping on public or private property in connection with a special event. It is a defense to a charge pursuant to this section that the person has a permit issued.
 - e. It is unlawful and a public nuisance for any person to wash one's body or belongings in a fountain, a sprinkler or watering system or a splash pad.
 - f. No person shall block or interfere with, or attempt to block or interfere with, any other person along a sidewalk by any means, including, but not limited to, standing on that part of the sidewalk used for pedestrian travel or placing any object or vehicle in such area, with the intent to interfere with free passage.
 - g. No person shall block or interfere with, or attempt to block or interfere with, pedestrian or vehicular entrances to public or private property abutting a sidewalk with the intent to interfere with the free ingress to or egress from such property.
 - h. This section shall not apply to any activity otherwise made lawful, including, but not limited to, lawful protesting activity and lawful picketing activity.
 - i. It is unlawful for any person to knowingly leave personal property unattended on a sidewalk during the hours of between 7:00 A.M. and 9:00 P.M. The prohibitions of this subsection (i) do not apply to:
 - i. Personal property left unattended on a public sidewalk for less than two hours that is actively being loaded or unloaded; or
 - ii. Any person performing a town approved or permitted activity.

- j. Personal property left unattended on a public sidewalk in violation of this section may be removed by the town if:
 - i. The property poses an immediate threat to public health, safety or welfare; or
 - ii. The property has been posted with a notice written in English and Spanish at least 24 hours in advance. The notice shall contain the following information:
 - (1) That it is unlawful to leave personal property unattended on a public sidewalk within the Town of Wickenburg during the hours of between 7:00 A.M. and 9:00 P.M.;
 - (2) The date and time the notice was posted and the date and time at which the property is subject to being removed by the town;
 - (3) That the property subject to the notice is subject to immediate removal if, within the following 30 days, the property is again left unattended on a public sidewalk in violation of this section;
 - (4) The contact information for how to reclaim any personal property which has been removed by the town pursuant to this section; and
 - (5) That any property removed by the town pursuant to this section will be disposed of pursuant to applicable law if not claimed within 30 days after removal.
- k. Personal property removed by the town pursuant to this section shall be stored for a minimum of 30 days during which time it must be reasonably available to the owner. The 30-day retention period of this subsection does not apply to personal property that is in an unsafe or unsanitary condition or perishable.
- l. The Town Manager may develop administrative policies for the removal of unattended personal property from sidewalks, the storage of the property, and procedures by which the property may be reclaimed.
- m. Nothing in this section shall be construed as limiting the town's ability to seize, remove, abate or dispose of property in accordance with any other provision of the town code or in accordance with any other provision of law.
- n. It is unlawful and a public nuisance to urinate or defecate in public.

D. Permit for Special Events Required. The Town Manager, in his or her discretion, may issue a permit to establish, maintain and operate a camp or a camp facility in connection with a special event. A special event is intended to include, but not be limited to, programs operated by the departments of the town, youth or school events, marathons or other sporting events and scouting activities. The Town Manager may consult with various town departments, the Department of Health and the public prior to issuing any temporary permit. Each department or person consulted may provide comments regarding any health, safety or public welfare concerns and provide recommendations pertaining to the issuance, denial or conditioning of the permit. The town may establish a reasonable fee, to be paid in advance by the applicant. The fee shall be returned if the application is denied. In exercising his or her discretion to issue a temporary permit, the Town Manager may consider any facts or evidence bearing on the sanitary, health, safety and welfare conditions on or surrounding the area or tract of land upon with the proposed temporary camp or camp facility is to be located.

- E. Posting Copy of Permit.** It is unlawful for any person to establish, maintain, conduct or carry on any camp or camp facility unless there shall be at all times posted in a conspicuous place upon the area or tract of land upon which the camp or camp facility is located a permit obtained from the Town Manager in accordance with the provisions of paragraph D of this section.
- F. Power of the Town Manager to Make Rules and Regulations.** The Town Manager is further empowered to ascertain that the operation or maintenance of any camp or camp facilities to which a temporary permit shall apply will in no way jeopardize the public health, safety or welfare and for this purpose may make additional rules and regulations pertaining to their establishment, operation or conduct. The Town Manager may also impose conditions on the establishment, maintenance and operation of the camp or camp facility, including, but not limited to, security, sanitation facilities, the number of occupants, posting of bonds or deposits, insurance, quiet hours, duration of the permit, and permitted activities on the premises. When the Town Manager shall issue any permit under the terms of paragraph D of this section, the same may be revoked at any time thereafter by the Town Manager if the Town Manager become satisfied that the maintenance or continuing operation of the camp or camp facilities is adverse to the public health, safety and welfare.
- G. Violations.**
1. Any person who violates any provision of this section shall, upon their first conviction (whether by admission, payment of the fine, by default or by judgement after hearing), be considered guilty of a petty offense.
 2. A person who commits a violation of this section after previously having been found responsible of a violation of this section within a six-month period, shall be deemed a habitual offender and be guilty of a class one (1) misdemeanor, all punishable as set forth in the town code and state law, and the court can order payment for the town's actual costs of transporting and storing property of the violator.
 - a. For purposes of calculating the six-month period under this section, the dates of the commission of the offenses are the determining factor.
 3. The remedies herein are cumulative, and the town may proceed under one or more such remedies.
 4. Each violation of this section shall be considered a separate offense.
 5. Nothing contained in this section shall be construed as requiring any warning to any person before the enforcement of the provisions of this section.
 6. A violation of this section is hereby declared to be a public nuisance. In the event of a continuing violation of this section, the Town Attorney may institute civil actions to abate a public nuisance under this section and is hereby authorized to pursue a request for injunctive relief in a court of competent jurisdiction. In the event that an injunction is issued pursuant to this subsection, the court may also award reasonable attorney fees in favor of the town.
 7. An individual charged with violation of this section, in lieu of being taken to jail, at the election of the citing police officer and with the consent of the individual, may be taken to a facility providing social services related to mental health, housing, and/or substance abuse treatment.

ARTICLE 10-2 REMOVAL OF LITTER (Removed per Ordinance 1190 – See 2012 International Property Maintenance Code)

ARTICLE 10-3 INOPERABLE VEHICLES (Removed per Ordinance 1190 – See 2012 International Property Maintenance Code)

ARTICLE 10-4 ENVIRONMENTAL NUISANCES (Removed per Ordinance 1190 – See 2012 International Property Maintenance Code)

ARTICLE 10-5 PROPERTY MAINTENANCE (Removed per Ordinance 1190 – See 2012 International Property Maintenance Code)

ARTICLE 10-6 FIREWORKS  Ord. 1079/10-10

- 10-6-1 Definitions
- 10-6-2 Fireworks Prohibited; Exceptions
- 10-6-3 Sale of Fireworks
- 10-6-4 Posting of Signs by Persons Engaged in The Sale of Fireworks
- 10-6-5 Authority to Enforce Violations of This Article; Means of Enforcement
- 10-6-6 Liability for Emergency Responses Related to Use of Fireworks; Definitions
- 10-6-7 Penalty

Section 10-6-1 Definitions

- A. The following words, terms and phrases, when used in this article have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:
1. Consumer firework means those fireworks defined by Arizona Revised Statutes §36-1601.
 2. Display firework means those fireworks defined by Arizona Revised Statutes §36-1601.
 3. Fireworks means any combustible or explosive composition, substance or combination of substances, or any article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, that is a consumer firework, display firework or permissible consumer firework as defined by Arizona Revised Statutes §36-1601.
 4. Novelty items means federally deregulated novelty items that are known as snappers, snap caps, party poppers, glow worms, snakes, toy smoke devices, sparklers, and certain toys as defined in Arizona Revised Statutes §36-1601.
 5. Permissible consumer fireworks means those fireworks as defined by Arizona Revised Statutes §36-1601 that may be sold within the Town of Wickenburg even where the use of those items has been prohibited.
 6. Supervised public display means a monitored performance of display fireworks open to the public and authorized by permit by the Wickenburg Fire Chief or his designee.

Section 10-6-2 Fireworks Prohibited; Exceptions

- A. The use, discharge or ignition of fireworks within the Town of Wickenburg is prohibited; except as provided for in this Section. The use, discharge or ignition of fireworks within the Town of Wickenburg is limited to the annual Town sponsored Fourth of July celebration conducted by a reputable fireworks company with the express authorization by Mayor & Council upon the recommendation of the Wickenburg Fire Chief. If a use is approved by the Wickenburg Fire Chief or designee, a Permit must be issued and signed and kept in the possession of the holder.

- B. Nothing in this Section or Article shall be construed to prohibit the use, discharge or ignition of novelty items or the occurrence of a supervised public display of fireworks.
- C. Permits may be granted by the Wickenburg Fire Chief or designee for conducting a properly supervised public display of fireworks. Each such public display of fireworks shall be of such character and so located, discharged or fired, only after proper inspection by the Wickenburg Fire Chief or designee and in a manner that does not endanger persons, animals, or property. The permittee shall provide proof of insurance in an amount and form required by the Town. A Permit shall not be issued, and may be revoked, during time periods of high fire danger warnings. The Wickenburg Fire Chief has authority to impose conditions on any permits granted.

Section 10-6-3 Sales of Fireworks

- A. No person shall sell or permit or authorize the sale of permissible consumer fireworks to a person under sixteen (16) years of age.
- B. No person shall sell or permit or authorize the sale of permissible consumer fireworks in conflict with Arizona State Law.

Section 10-6-4 Posting of Signs by Persons Engaged in the Sale of Fireworks

- A. Prior to the sale of permissible consumer fireworks, every person engaged in such sales shall prominently display signs indicating the following:
 - 1. The use of fireworks, except novelty items as defined by the Wickenburg Town Code in Section 10-6-3-c of this Section, and including permissible consumer fireworks is prohibited.
 - 2. Permissible consumer fireworks authorized for sale under Arizona State Law may not be sold to persons under the age of sixteen (16) years old.
- B. Signs required under this Section shall be placed at each cash register and in each area where fireworks are displayed for sale.
- C. The Wickenburg Fire Chief or designee shall develop regulations concerning the size and color of the required signs and shall develop a model sign. The required sign regulations and model sign shall be posted on the Town of Wickenburg's website and filed with the Town Clerk's office.

Section 10-6-5 Authority to Enforce Violations of this Article; Means of Enforcement

- A. A Wickenburg Fire Chief, Fire Marshall, Police Officer and/or Town Attorney may issue criminal complaints to enforce this Article.

Section 10-6-6 Liability for Emergency Responses Related to Use of Fireworks; Definitions

- A. A person who uses, discharges, or ignites permissible consumer fireworks, fireworks or anything that is designed or intended to rise into the air and explode or to detonate in the air or to fly above the ground, is liable for the expenses of any emergency response that is required by such use, discharge or ignition. The fact that a person is convicted for a violation(s) of this Article is prima facie evidence of liability under this Section.
- B. The expenses of an emergency response are a charge against the person liable for those expenses pursuant to Subpart "a" of this Section. The charge constitutes a debt of that person and may be collected proportionately by the public agencies, non-profit entities, or not-for-profit entities that incurred the expenses. The person's liability for the expense of an emergency response shall not exceed ten thousand dollars (\$10,000.00) for a single incident. The liability imposed under this Section is in addition to and not in limitation of any other liability that may be imposed.
- C. For the purposes of this Section:
1. "Expenses of an Emergency Response" means reasonable costs directly incurred by public agencies, for-profit entities, or not-for-profit entities that make an appropriate emergency response to an incident.
 2. "Reasonable Costs" include the costs of providing Police, Firefighting, rescue and emergency medical services at the scene of an incident and the salaries of the persons who respond to the incident.

Section 10-6-7 Penalty

The penalty for violating any prohibition or requirement imposed by this Article is a Class I Misdemeanor and subject to the penalties set forth in Section 1-8 of this Code.

ARTICLE 10-7 ALARM SYSTEMS Ord. 1086/4-11

- 10-7-1 Registration of Alarm Systems
- 10-7-2 False Alarms and Permit Revocation
- 10-7-3 Appeal Procedures
- 10-7-4 Penalties

Section 10-7-1 Registration of Alarm Systems

- A. It shall be unlawful to operate, or cause to be operated, an alarm system at an alarm site without a valid Alarm Permit being registered. A separate Alarm Permit Registration is required for each alarm system. Alarm Permits must be obtained prior to the installation and/or activation of an alarm system. An alarm user with an alarm system in operation at the time of the effective date of this Article must register the alarm within thirty (30) days of notification by the Alarm Administrator, as designated by the Town Manager.
- B. The application for an Alarm Permit Registration shall be made on a form approved by the Alarm Administrator and be accompanied by the required fee(s) if applicable. The application must be completed in full and shall include at a minimum:
1. Address of the alarm site;
 2. The name, address (including apartment/suite number), and telephone numbers for the Alarm Permit holder;
 3. The classification of the alarm site as either residential (includes apartment, condo, mobile home, etc.) or commercial;
 4. The classification of each alarm system located at the alarm site (i.e. burglary, holdup, duress, panic alarms or other) and whether the alarm is audible or silent;
 5. Mailing address, if different from the address of the alarm site;
 6. Any dangerous or special conditions present at the alarm site;
 7. Names and telephone numbers of at least two (2) individuals who have agreed to act as primary or secondary responder to:
 - a. Receive notification of alarm system activation at any time;
 - b. Respond to the alarm site as required by Wickenburg Personnel no later than fifteen (15) minutes during normal business hours (8:00 a.m. to 5:00 p.m., Monday-Friday) and twenty-five (25) minutes during all other times; and
 - c. Grant access to the alarm site and deactivate the alarm system if necessary.
 8. The type of business conducted at a commercial alarm site;
 9. Date of alarm system installation or activation, whichever is applicable;
 10. The name, address, and telephone number of the alarm business; and
 11. The name, address, and telephone number of the monitoring company, if different from the alarm business.
- C. An alarm user's Permit shall be available within the alarm site for inspection by the Alarm Administrator.
- D. Alarm Permits are not transferable from one alarm user to another alarm user or from one alarm site to another alarm site. An alarm user shall inform the Alarm Administrator of any change that alters any of the information listed on the Alarm Permit Registration application within five (5) business days of such change.
- E. Alarm Permits shall be issued for a calendar year ("permit year").
- F. All fines and fees owed by an Alarm Permit applicant must be paid before an Alarm Permit may be issued or renewed.

Section 10-7-2 False Alarms and Permit Revocation

- A. Any alarm system which has three (3) or more false alarms within a permit year shall be subject to assessment as provided in this Subsection.
- B. If the Wickenburg Police and/or Fire Department records three (3) or more false alarms within the permit year:
1. The Alarm Administrator shall notify the alarm user by certified mail of such fact and direct that a report be submitted to the Alarm Administrator within ten (10) days of the date of the notice. The report shall contain:
 - a. A description of the action taken or to be taken to discover and eliminate the cause of the false alarms; and
 - b. Specific defenses, if any, why the alleged false alarms should not be considered false alarms. Evidence that a false alarm was caused by an act of God, common cause or action of the telephone company shall constitute affirmative defenses to an assessment for the particular false alarm.
 2. If the report is not timely received by the Alarm Administrator, any notified party shall be deemed to have waived their right to any further review or hearing as provided in this Subsection, and the alarm user operating the alarm system generating the false alarms will be assessed pursuant to Subsection 5 of this Section.
 3. If the report required by Subsection B of this Section is submitted, the Alarm Administrator shall review the corrective action taken or to be taken to discover and eliminate the cause of the false alarms and the specific defenses, if any, set forth in the report. If it is determined that the corrective action taken or to be taken will substantially reduce the likelihood of false alarms or that a valid defense to the initial determination of false alarms has been accepted, a notice will be sent to the alarm user that no assessment will be made at that time. The notice shall specifically set forth the findings and conclusions of the Alarm Administrator with respect to the review of the report submitted.
 4. If the Alarm Administrator determines that the action taken or to be taken will not substantially reduce the likelihood of false alarms or that a defense to the initial determination of false alarms has not been alleged or accepted, a notice shall be sent by certified mail to the alarm user that they will be assessed a false alarm assessment pursuant to Subsection 5 of this Section. The Notice of Decision shall contain the specific findings and conclusions of the Alarm Administrator with respect to the review of the report submitted.
 5. Assessments imposed pursuant to this Section shall be charged per false alarm upon the fourth (4th) and any subsequent false alarms within a permit year, the amount of such assessment to be established by council resolution. The alarm user shall be responsible for the immediate payment of assessments. *Ord. 1140
 6. If the alarm user fails to pay the assessment within the time provided after receipt of written notification from the Alarm Administrator as provided in this Section, the Alarm Permit may be revoked. A revoked Permit may be reinstated upon payment of a registration fee and payment of all outstanding assessments.

Section 10-7-3 **Appeal Procedures**

- A. Any alarm user aggrieved by a decision of the Alarm Administrator made pursuant to this Section, may within ten (10) days of receipt of Notice of Decision, appeal to a Hearing Officer designated by the Town Manager. A copy of the appeal request shall be sent to the Alarm Administrator.
- B. The request for an appeal shall set forth the specific objections to the decision of the Alarm Administrator which form the basis of the appeal.
- C. The Hearing Officer shall set a time and place for the Hearing as soon as practicable.
- D. The decision of the Hearing Officer shall be based upon the evidence presented and it shall:
 1. Affirm the decision of the Alarm Administrator, in which case any assessment or Permit revocation imposed pursuant to this Section shall be sustained; or
 2. Reverse the decision of the Alarm Administrator, in whole or part, in which case no assessment shall be imposed.

Section 10-7-4 **Penalties**

Anyone found guilty of violating any provision of this Article, except for the provisions of Section 10-7-2, shall be guilty of a Class One Misdemeanor and subject to the penalties set forth in Article I-8.