

**CHAPTER 10
OFFENSES**

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Section 10-1-1 Abandoned Refrigerators

It is unlawful for any person to abandon, discard, store or keep in any place accessible to children, or as the owner, lessee or manager to permit to remain on premises under his control, in any place accessible to children, a refrigerator, ice box, freezer cabinet or similar containers, of a capacity of not less than one and one-half cubic feet, which is no longer used for refrigeration purposes, without the attached doors, hinges, lids or latches being removed.

Section 10-1-2 Dangerous Constructions

It is unlawful for any person to maintain or allow any signs, billboards, awnings and other similar structures over or on streets, sidewalks, public grounds or

places frequented by the public, so situated or constructed as to endanger the public safety.

Section 10-1-3 Damage to Property

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

Section 10-1-4 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 City any nails, tacks, broken glass, glass bottles or any instrument or thing whatsoever of such nature as to be capable of injuring persons or property.

Section 10-1-5 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 City without providing a sufficient light at night and a temporary fence or suitable obstruction around 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 10-1-6 Explosives

It is unlawful for any person within the limits of the City to blast or use powder, fireworks or other explosives without a permit in writing from the office of the City Manager.

Section 10-1-7 False or Misleading Reports to Police

It is unlawful for any person willfully to make to the Police Department of the City 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 10-1-8 Fences; Electric

It is unlawful for any person to erect or maintain within the City any electric fence. Any such fence is a public nuisance and subject to abatement by order of the City Court.

Section 10-1-9 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 10-1-10 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 10-1-11 Minors

- A. It is unlawful for any person thirteen (13) to seventeen (17) years of age to idle or loiter upon the streets or public places between the hours of midnight and five o'clock a.m. unless such person is accompanied by a parent, guardian or some person of legal age having 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 midnight and five o'clock a.m. 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.

- B. It is unlawful for any person twelve (12) years old or under to idle or loiter upon the streets or public places between the hours of ten o'clock p.m. and five o'clock a.m. unless such person is accompanied by a parent, guardian or some person of legal age having 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 ten o'clock p.m. and five o'clock a.m. 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.

[Amended Ord. 262-91]

Section 10-1-12 Noise

- A. It is hereby declared to be a public nuisance and it is unlawful for any person, firm or corporation owning or operating or in control of any restaurant, hotel, dance hall, show, store or any place of public amusement, entertainment or accommodation, to play or permit to be played any music or musical instrument or instruments whether played by individuals, orchestra, radio, phonograph, music box or other mechanical device or means in such a loud or unusual manner as to be offensive to the senses, or so as to disturb the slumbers, peace and quiet or otherwise interfere with or annoy the comfortable enjoyment of life or property of any considerable number of persons in the neighborhood, and is no less a nuisance because the extent of the annoyance inflicted is unequal.

- A.1 Operating or permitting the operation of any "noise" producing musical instrument or device that creates a vibration which is above the "vibration perception threshold" perceived by an individual at or beyond the building walls or the shared walls within a joint tenancy building or on a public right-of-way shall be prohibited.

"Vibration perception threshold" means the minimum ground or structure-borne vibrational motion, originating from "noise" necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to sensation by touch or visual observation of vibrating objects.

[Amended Ord. 279-93]

- B. It is unlawful to play, operate or use any device known as a sound truck, loud speaker or sound amplifier, radio or phonograph with loud speaker or sound amplifier or any instrument of any kind or character which emits loud and raucous noises and is attached to and upon any vehicle unless such person in charge of such vehicle shall have first applied to and

received permission from the Chief of Police to operate any such vehicle so equipped.

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

Section 10-1-13 Obstruction of Streets

It is unlawful for any person to obstruct any public street, alley, sidewalk or park or other public grounds within the City 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 City.

- A. It is unlawful for any person to place or construct any ramp in, on or across a city gutter or street except in conformity with a curb ramp policy that shall be maintained by the City of Page Public Works Department. Said policy shall be on file with the City Public Works Department for public use and inspection.

[Added Ord. 560-10]

Section 10-1-14 Obstruction of View

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

Section 10-1-15 Offensive Business

It is unlawful for any person to establish or maintain any slaughter house 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 business or occupation offensive to the senses or prejudicial to the public health within the limits of the City.

Section 10-1-16 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 10-1-17 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 10-1-18 Searchlights

It is unlawful for any person to operate within the City 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 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 10-1-19 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 City without first obtaining authorization from the Council.

Section 10-1-20 Spitting

It is unlawful for any person to spit upon any of the public sidewalks or crosswalks in the City or upon any public path, by-way or highway or in or on any public ground or park in the City, or upon the floor, exterior or interior of any public building in the City.

Section 10-1-21 Water Flow Upon Streets

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 City.

Section 10-1-22 Weapons

- A. It is unlawful for any person within the limits of the City to fire or discharge any firearm, BB gun, air gun, pellet gun, dart gun, slingshot, gas operated gun or other similar gun or instrument.
- B. The prohibitions of the preceding subsection shall not apply to the use of any such gun or instrument by:

1. A law enforcement officer or other duly authorized public official or employee in the performance of any official duty.
 2. Any person to whom a license, permit or authority is issued by the Chief of Police of the City for the use of such gun or instrument for a valid and proper purpose and for use in a manner not likely to harm any person, animal or property.
 3. Any person when used only for the necessary protection of property, habitation or person in a manner authorized by the laws of the state under or within rights guaranteed by the constitution of the state or the United States of America.
 4. Any person on a rifle, pistol or shotgun range constructed and maintained in accordance with such rules and regulations as the Council may designate.
- C. It is unlawful for any person, except a peace officer in actual service and discharge of his duty, to have on or about his person a concealed weapon.
1. "Weapon", as used in this section, means anything readily capable of lethal use and possessed under circumstances not manifestly appropriate for lawful uses which it may have. The term "weapon" includes a firearm which is not loaded or lacks a clip or other component to render it immediately operable, and components which can readily be assembled into a weapon.
 2. A weapon is not concealed weapon as used in this section if:
 - a. It is carried in a belt holster which is wholly or partially visible, or is carried in a scabbard or case designed for carrying weapons which scabbard or case is wholly or partially visible.
 - b. It is located in a closed trunk, luggage or glove compartment of a motor vehicle.
- D. It is unlawful for any person to recklessly or carelessly handle a weapon.
- E. Any person other than a peace officer on duty carrying a weapon, upon entering any public place or attending a public event, may be required by the operator of the establishment or the sponsor of the event to remove his weapon and place it in the custody of the operator of the establishment or the sponsor of the event.

- F. It is unlawful for any person to sell or give to a person under the age of eighteen (18) years, without written consent of the person's parent or legal guardian, a weapon, ammunition or toy pistol by which dangerous and explosive substances may be discharged.

Section 10-1-23 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 in so far as such laws are applicable to municipal government.

[Added Ord. 81-83]

Section 10-1-24

[Intentionally left blank]

[Repealed Ord. 440-02]

Section 10-1-25 Body Piercing; Misrepresentation of Age

- A. It is unlawful for a person who is under eighteen (18) years of age to misrepresent their age to any person by means of a written instrument of identification with the intent to induce a person to perform body piercing.
- B. It is unlawful for a person who is under eighteen (18) years of age to use a fraudulent or false written instrument to obtain a body piercing.
- C. It is unlawful for a person who knowingly influences the performing of a body piercing by misrepresenting the age of or the familiar status with such person.
- D. For the purpose of this section, "body piercing" means cutting, injection, poking or insertion of instruments upon or under the skin for the purpose of attaching earrings, rings, jewelry, jeweled studs or any other metallic or plastic object for the purpose of wearing such object, excepting the piercing of earlobes.

[Amended Ord. 440-02]

ARTICLE 10-2 GRAFFITI

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Section 10-2-1 Definitions

In this Article unless the context requires otherwise:

- A. "Graffiti" means any unauthorized inscription, word, figure, painting, or other defacement that is written, marked, etched, scratched, sprayed, drawn, painted, or engraved on or otherwise affixed to any surface of public or private property by any graffiti implement, to the extent that the graffiti was not authorized in advance by the owner or occupant of the property, or, despite advance authorization, is otherwise deemed a public nuisance by the City Council.
- B. "Graffiti implement" means an aerosol paint container, a broad-tipped marker, paint stick or graffiti stick, etching equipment, brush or any other device capable of scarring or leaving a visible mark on any natural or manmade surface when the tools are used in an overt criminal act.
- C. "Aerosol paint container" means any aerosol container that is adapted or made for the purposes of applying spray paint or other substances capable of defacing property.
- D. "Broad-tipped marker" means any type of marker or similar instrument with a flat or angled writing surface of one-fourth inch or greater which contains ink or other pigmented liquid that is not water soluble.
- E. "Etching equipment" means any tool device or substance that can be used to make permanent marks on the surface of any property.
- F. "Business days" mean the days of the week of Monday through Friday, excluding legal holidays.
- G. "Abatement" means the act of removal of graffiti.
- H. "Responsible" means accountable, as for something within one's power.
- I. "Prior authorization" means with prior permission of the owner, manager or other person in control of the private or public property.

Section 10-2-2 Graffiti Prohibited

- A. No person may apply any graffiti to any natural or manmade surfaces on any publicly owned property or any privately owned property without the prior written consent of the owner or responsible party. The application of graffiti is deemed to be an act of malicious or, willful misconduct.
- B. No person may possess aerosol paint containers, broad-tipped markers, etching equipment, or any graffiti implements on any public property or private property with the intent to violate or in violation of this section.
- C. No minor may be in possession of aerosol paint containers, broad-tipped markers, etching equipment, or any other graffiti implements on any public property, structure or facility, any school property, structure or facility, or any private property without prior written permission of the lawful owner or responsible party for the property. The provisions of this section do not apply to minors possessing such implements for classes or organized extracurricular activities that require the use of such implements and whose use is limited to legitimate activities.

Section 10-2-3 Accessibility to Graffiti Implements

- A. Furnishing to Minors Prohibited:
 - 1. No person may sell any aerosol paint containers or broad-tipped markers, nor shall anyone sell, give, lend, or otherwise make available other graffiti implements to a minor unless that minor is accompanied by a parent or legal guardian at the time of purchase or transfer, and the purchase is for legitimate use in classes, organized extracurricular activities, or other legitimate activities.
 - 2. No minor may furnish fraudulent evidence of majority at the time of purchase or transfer of any aerosol paint containers, broad-tipped markers, or any other graffiti implements.
- B. Display and Storage:

Every person who owns, operates, or manages a commercial retail establishment that sells aerosol paint containers or broad-tipped markers must store the implements in an area inaccessible to the public without employee or owner assistance, or that is continuously observable through direct visual observation or surveillance equipment by the establishment's owner(s) or employees during the regular course of business.
- C. Signs Required:

Every person who operates a commercial retail establishment that sells graffiti implements shall:

1. Place a sign at or near the display of such products stating: "Graffiti is against the law. Any person who defaces property with paint, markers, and other liquid or marking device is guilty of a crime punishable by imprisonment and/or fines as allowed by law and restitution."
2. Place a sign in view of persons accepting customer payment for graffiti implements stating: "Selling aerosol paint containers or broad-tipped markers to persons under the age of eighteen (18) is against the law and punishable by an imprisonment and/or fines as allowed by law and restitution."

Section 10-2-4 Graffiti as Nuisance: Graffiti Removal

A. Graffiti as Nuisance:

The existence of graffiti on public and private property in violation of this Ordinance is expressly declared to be a public nuisance.

B. Removal of Graffiti by Perpetrator:

Any person applying graffiti on public or private property must remove or pay for the removal of the graffiti in a manner approved by the property owner within twenty-four (24) hours of notification. Failure of any person to remove or pay for removal of graffiti constitutes an additional violation of this Ordinance. If graffiti is applied by a minor, the parent(s) or legal guardian are also responsible for removal or payment for removal of graffiti.

C. Removal of Graffiti by Property Owner:

It shall be unlawful for any person owning or otherwise in control of any real property within the City of Page to maintain, permit or allow graffiti to remain on any property where the graffiti is visible from any street or other public or private property. The owner or other person in control of any public or private property shall remove or cause to be removed any graffiti on the property within three (3) business days, excluding legal holidays and weekends, of the placement of the graffiti. Absenteeism from the property of the owner or person in control of the property or knowledge of the graffiti by the owner or person in control of the property shall be considered when determining a violation of this section.

D. Removal of Graffiti by City:

The City is authorized, but not required, to use public funds for graffiti abatement on public or private property. The City is not required to paint, remove, or repair an area more extensive than that covered by graffiti, unless the owner has made prior arrangements with the City and agreed to pay the costs for more extensive painting, removal or repair.

Section 10-2-5 Abatement Procedures; Notice; Administrative Review

A. Permission for Entry; Cost Recovery by City:

1. Permission from an owner.

If the owner or responsible party of the property signs a permission form, the City or its private contractor may enter the property to abate graffiti. The owner or responsible party shall be responsible for the cost of the abatement, unless prior agreement for the costs are made.

2. No permission from an owner.

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

B. The Notice of Graffiti Abatement will contain the following information:

1. Identify the property and describe the nature of the graffiti.
2. A statement declaring that the property is a public nuisance.
3. A statement declaring that abatement may commence within three (3) business days from the date of the notice.
4. Liability waived: Neither the City or its private contractor shall be liable for any abatement of graffiti that does not match or resemble the original surface.
5. Cost recovery: The owner or persons in control of the property shall be responsible for the cost of the abatement, unless prior agreement for the costs are made.

C. Designation of Enforcement Authority and Hearing Officers:

1. All officers and investigators of the Page City Police Department, Page City Fire Department, the City Building Official, the Code Enforcement Officer, the Building Inspectors, Sanitation Inspector, and the Code Enforcement specialist are authorized to issue Notices of Graffiti Abatement for violations of this code within City jurisdiction.
2. The City Council of the City of Page shall apoint a Hearing Officer for Graffiti Abatement to preside over an administrative review from persons interested from within the City of Page. The Hearing Officer may be reappointed or replaced by majority vote of the Council at any regular City Council meeting.

D. Administrative Review:

1. Request for Review.

An owner or responsible party may object to the Notice of Graffiti Abatement by filing a written request for review with the Hearing Officer no later than three (3) business days after receiving the Notice of Graffiti Abatement.

2. Review Process.

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

3. Determinations of the Hearing Officer.

The determination by the Hearing Officer is final and not appealable. If the Hearing Officer determines that the property contains graffiti and is a public nuisance, the Hearing Officer will issue a written eradication order stating that the City may enter upon the property with 24 hours and abate the graffiti.

Section 10-2-6 Trust Fund Established

The City Council hereby creates the City of Page Anti-Graffiti Trust Fund. The proportion of the penalties assessed against violators of this Ordinance that

accrues to the City will be placed in the fund, along with any monetary donations received from persons wishing to contribute to the fund. The Council will direct the expenditures of monies in the fund. Expenditures are limited to payment for the cost of graffiti removal, rewards for information leading to the successful arrest and indictment of violators of the Ordinance, the costs of administering the Ordinance, and such other public purposes that are involved with graffiti abatement.

Section 10-2-7 Penalties

- A. Any person who violates any provision of this Ordinance shall be punished by a fine not exceeding three hundred dollars (\$300) or by imprisonment not exceeding six (6) months or by both fine and imprisonment.

- B. A person who is convicted of a violation of Section 10-2-2:
 - 1. Shall be punished by not less than forty (40) hours of community service involving the removal of graffiti within the community and a fine of not less than two hundred fifty dollars (\$250.00) and/or by imprisonment of not less than forty-eight (48) hours in jail.
 - 2. The court shall order restitution to the victim for damage or loss caused directly or indirectly by the defendant's offense in an amount equal to the damages and/or abatement thereof.
 - 3. Any person under the age of eighteen (18) will be punished as provided for in Title 8 of the Arizona Revised Statutes.
 - 4. No judge shall suspend the imposition of any of the mandatory minimum penalties required by this section.