

**ORDINANCE NO. 764-21**

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF QUEEN CREEK, ARIZONA, DELETING AND REPLACING CHAPTER 4 POLICE DEPARTMENT, CHAPTER 9 OFFENSES, CHAPTER 11 TRAFFIC, AND CHAPTER 15 PARKS AND RECREATION OF THE TOWN CODE; AND AMENDING CERTAIN SECTIONS OF CHAPTER 1 GENERAL, CHAPTER 10 HEALTH AND SANITATION, AND CHAPTER 18 FIRE PREVENTION AND PROTECTION, OF THE TOWN CODE; TO REMOVE DUPLICATION AND INCONSISTENCY IN, AND CONSOLIDATE AND CLARIFY, THE CODE PROVISIONS TO BE ENFORCED BY, AND FACILITATE THE OPERATIONS OF, THE NEWLY FORMED QUEEN CREEK POLICE DEPARTMENT; AND PROVIDE FOR CONSISTENCY AND PROPER COORDINATION BETWEEN AMENDED CHAPTERS OF THE TOWN CODE, AND BETWEEN THE IMPACTED TOWN DEPARTMENTS AND THE POLICE DEPARTMENT; PROVIDING FOR PENALTIES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE FOR THE CODE REVISIONS OF JANUARY 11, 2022.**

**WHEREAS**, the Mayor and Council deem it necessary to adopt certain regulations to protect, enhance and promote the health, safety and welfare of the Town of Queen Creek (“Town”) and its residents, and

**WHEREAS**, the Town has established the Queen Creek Police Department (“QCPD”) to protect, enhance and promote the health, safety and welfare of the Town and its residents, and

**WHEREAS**, A.R.S. § 9-240, *et seq.*, authorizes the Town Council to regulate the functions of the Town, and

**WHEREAS**, A.R.S. § 9-240(12) authorizes the Town Council to establish and regulate the police of the town, to appoint watchmen and policemen, and to remove them, and to prescribe their powers and duties, and

**WHEREAS** the Mayor and Council desire to regulate the QCPD consistent with A.R.S. § 9-240,

**WHEREAS** the Code revisions set forth in the attached Exhibits 1 through 7 included as part of this Ordinance provide for appropriate penalties for violations and enforcement of the Code provisions set forth in this Ordinance,

**WHEREAS** the Mayor and Council have determined that the revisions to the Town Code set forth in this Ordinance should take effect commensurate with the QCPD assuming responsibility for enforcement thereof on January 11, 2022,

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Common Council of the Town of Queen Creek as follows:

**Section 1.** The Queen Creek Town Code, Arizona Chapter 4 Police Department is deleted in its entirety and replaced in its entirety by **Exhibit 1** entitled “**CHAPTER 4 POLICE DEPARTMENT**” attached to this Ordinance and incorporated in full herein as part of this Ordinance.

**Section 2.** The Queen Creek Town Code, Arizona Chapter 9 Offenses is deleted in its entirety and replaced in its entirety by **Exhibit 2** entitled “**CHAPTER 9 OFFENSES**” attached to this Ordinance and incorporated in full herein as part of this Ordinance.

**Section 3.** The Queen Creek Town Code, Arizona Chapter 1 General, Article 1-2 Construction of Ordinances, and Article 1-8 Penalty, are amended, and Article 1-11 Correction and Updating is created, as set forth in **Exhibit 3** entitled “**CHAPTER 1 GENERAL {Revisions only}**” (additions in Red Underline, removals in ~~Red-Strikethrough~~) attached to this Ordinance and incorporated in full herein as part of this Ordinance.

**Section 4.** The Queen Creek Town Code, Arizona Chapter 10 Health and Sanitation, is amended as set forth in **Exhibit 4** entitled “**CHAPTER 10 HEALTH AND SANITATION {Revisions only}**” (additions in Red Underline, removals in ~~Red-Strikethrough~~) attached to this Ordinance and incorporated in full herein as part of this Ordinance.

**Section 5.** The Queen Creek Town Code, Arizona Chapter 11 Traffic is deleted in its entirety and replaced in its entirety by **Exhibit 5** entitled “**CHAPTER 11 TRAFFIC**” attached to this Ordinance and incorporated in full herein as part of this Ordinance.

**Section 6.** The Queen Creek Town Code, Arizona Chapter 15 Parks and Recreation is deleted in its entirety and replaced in its entirety by **Exhibit 6** entitled “**CHAPTER 15 PARKS AND RECREATION**” attached to this Ordinance and incorporated in full herein as part of this Ordinance.

**Section 7.** The Queen Creek Town Code, Arizona Chapter 18 Fire Prevention and Protection, is amended as set forth in **Exhibit 7** entitled “**CHAPTER 18 FIRE PREVENTION AND PROTECTION {Revisions only}**” (additions in Red Underline, removals in ~~Red Strikethrough~~) attached to this Ordinance and incorporated in full herein as part of this Ordinance.

**Section 8.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance or any part of the Queen Creek Town Code adopted herein are hereby repealed, effective as of the effective date of this Ordinance.

**Section 9.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

**Section 10.** This Ordinance and the Queen Creek Town Code provisions and revisions adopted herein shall become effective on January 11, 2022.

**PASSED AND ADOPTED BY** the Mayor and Common Council of the Town of Queen Creek this 15th day of September, 2021.

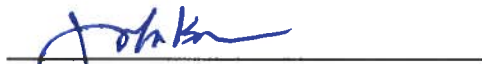
**FOR TOWN OF QUEEN CREEK:**

  
Gail Barney, Mayor

**ATTESTED TO:**

  
Maria Gonzalez, Town Clerk

**REVIEWED BY:**

  
John Kross, ICMA-CM  
Town Manager  
4818-7120-6906 v2 [53749-44]

**APPROVED AS TO FORM:**

  
Dickinson Wright PLLC  
Town Attorneys

# Exhibit 1

## CHAPTER 4 POLICE DEPARTMENT

### ARTICLE 4-1 DEFINITIONS

For the purposes of this Chapter, the following terms, phrases, words and their derivations shall have the meanings respectively ascribed to them by this Section, unless the context clearly indicates a different meaning:

*Chief of Police* means the Chief of Police of the Police Department of the Town or the Chief of Police's designated representative.

*Civilian Traffic Investigator* means an employee of the Police Department who is empowered to investigate traffic accidents and enforce State statutes, applicable county codes and regulations, and Town ordinances and codes relating to traffic laws if the violation is related to a traffic accident.

*Code* means Town of Queen Creek Town Code.

*Council* means the Town of Queen Creek Town Council.

*Fire Chief* means the Fire Chief of the Town of Queen Creek Fire Department.

*Fire Department* means the Town of Queen Creek Fire Department.

*Peace Officer* means any Arizona Peace Officers in accordance with [A.R.S. § 1-215](#) that are currently certified by the Arizona Peace Officer Standards and Training Board as Peace Officers.

*Police Aide* means a volunteer or paid employee of the Police Department of the Town, including but not limited to Park Rangers, Civil Traffic Investigator, professional staff, and private contractors, and those empowered to enforce certain ordinances of the Town pursuant to [A.R.S. § 28-627\(E\)](#) with specific duties assigned by the Chief of Police.

*Police Department* means the Town of Queen Creek Police Department consisting of a Chief of Police and as many Police Officers as may from time to time be deemed necessary by the Council for the safety and good order of the Town, and includes Police Aides, Civil Traffic Investigators, professional staff, and private contractors deemed necessary by the Chief of Police.

*Police Officers* means all Police Officer members or Peace Officers of the Police Department appointed under personnel rules and regulations and duly commissioned and sworn in as provided by law to perform the duties of Police Officers and not retired from active duty, suspended, or discharged.

*Park Ranger* means any person designated by the Chief of Police to monitor or patrol any park, retention basin, or wash located within the jurisdictional boundaries of the Town.

*Reserve Police Officers* means all Police Officer members of the department who are currently certified by the Arizona Peace Officer Standards and Training Board as Peace Officers and who are appointed by the Chief of Police as a Reserve Police Officer.

*State* means the State of Arizona.

*Town* means the Town of Queen Creek.

### ARTICLE 4-2 AUTHORITY AND DUTIES

**Section 4-2-1 Authority to Preserve the Public Peace**

The Police Department is hereby authorized to preserve the public peace.

**Section 4-2-2 Duties of the Police Department**

It is the duty of the Police Department, under the direction of the Chief of Police, to:

- A. Enforce this Code, applicable county codes and regulations, and the statutes of the State of Arizona within jurisdictional limits as conferred by law and to detain, arrest, and charge the violators thereof.
- B. Render such account of the Police Department, its duties and receipts as may be required by the Council, and keep records of the office open to inspection by the Council at any time, except those records as may be exempted by State or federal law.
- C. Enforce the traffic regulations and laws of the State within the limits of the Town.
- D. Direct traffic and insure the orderly flow thereof and investigate and make reports of accidents.
- E. Perform such additional duties as may be required by the Council.
- F. Any Police Officer of the Town may stop and detain a person as is reasonably necessary to investigate an actual or suspected violation of any provision of this Code, and to serve a copy of a complaint for any alleged civil or criminal violation of this Code.
- G. Any Police Officer may stop and detain a person as is reasonably necessary to investigate an actual or suspected violation of [A.R.S. § 36-2853](#) and to serve a copy of the complaint for an alleged civil violation of [A.R.S. § 36-2853](#).

**Section 4-2-3 Answering Calls Outside the Town**

The Police Department is hereby duly authorized to answer calls for aid and assistance beyond the corporate limits of the Town whenever the Chief of Police of the Police Department, in the Chief of Police's discretion, shall deem it necessary to protect lives and property pursuant to mutual aid agreements and State statutes.

**ARTICLE 4-3 COMPOSITION**

**Section 4-3-1 Chief of Police**

The Chief of Police is an at-will employee of the Town appointed by the Town Manager and reports to the Town Manager. Consistent with the provisions of the Arizona Revised Statutes and the Code, the Chief of Police is authorized to:

- A. Act as the official representative of the Police Department;
- B. Appoint and/or employ the members of the Police Department and assign them such duties as the Chief of Police deems appropriate;
- C. Create and adopt policies for the operation of the Police Department; and
- D. Take all other actions necessary to enable the Police Department to fulfill its duties.

**Section 4-3-2 Police Officers**

The Chief of Police is authorized to appoint Police Officers of the ranks determined appropriate by the Chief of Police, promulgate regulations pertaining to the appointment and qualifications, and assign them such duties as the Chief of Police deems appropriate consistent with the provisions of the Arizona Revised Statutes and the Code.

### **Section 4-3-3 Reserve Police Officers**

The Chief of Police is authorized to appoint Reserve Police Officers and to promulgate regulations pertaining to the appointment and qualifications of Reserve Police Officers.

- A. Reserve Police Officers shall have all the same duties, powers, and authority of Police Officers and are subject to all applicable personnel rules and regulations and Police Department general and operations orders, and all other Town and Police Department policies and directives. Reserve Police Officers serve on a volunteer basis and receive no compensation. Reserve Police Officer members may include retired Police Officers.
- B. Reserve Police Officers are not entitled to participate in any employee benefit program unless specifically authorized by ordinance or Town personnel rule. Reserve Police Officers shall not be subject to or acquire any rights under the civil service rules of the Town or the public safety personnel retirement system of the State or the police pension fund act of the State or of this Town.

### **Section 4-3-4 Police Aides**

The Chief of Police is authorized to appoint or contract Police Aides and to promulgate regulations pertaining to the appointment and qualifications of Police Aides. Police Aides who volunteer with, or are under contract with the Police Department shall be empowered with the authority to carry out duties assigned by the Chief of Police or designee, including commence an action or proceeding before a court or judge for any violation of any Code or Ordinance of the Town regulating the operation or parking of Vehicles, and shall possess such other powers as may be incidental thereto. This Section shall not be construed to grant to any volunteer or private contractor other powers or benefits to which Peace Officers of the State are entitled.

### **Section 4-3-5 Civilian Traffic Investigators**

A Civilian Traffic Investigator may be appointed by the Chief of Police and employed by the Police Department and shall be empowered to:

- A. Investigate traffic accidents within the Town; and
- B. Commence an action or proceeding before a court or judge for any violation of a State statute or local ordinance relating to traffic laws, providing that such violation is related to a traffic accident within the Town.

### **Section 4-3-6 Arson Investigators**

- A. Pursuant to [A.R.S. § 9-500.01](#), the Fire Chief, with the concurrence of the Chief of Police, may designate members of the Fire Department as arson investigators who shall, while engaged in arson investigations in this State, possess and may exercise law enforcement powers of Peace Officers of this State provided that:
  - 1. The primary duty of such arson investigators is the investigation, detection and apprehension of persons who have violated or are suspected of violating any provisions of [A.R.S. Title 13, Chapter 17](#); and
  - 2. Any individual designated as an arson investigator shall have law enforcement training under the provisions of [A.R.S. § 41-1822](#).

- B. This Section shall not be construed as granting any powers of Peace Officers of this State to arson investigators other than those necessary for the investigation, detection and apprehension authority as specifically provided herein.

**Section 4-3-7 Compensation of Officers**

- A. The Chief of Police and the Police Officers of the Town shall be compensated as determined by the Council and shall not receive any other compensation for services rendered while acting on-duty in their official capacity.
- B. Off-duty Police Officers shall be eligible to work off-duty employment including employment requiring certification as a sworn Arizona Peace Officer in accordance with [A.R.S. § 1-215](#) and the Arizona Peace Officer Standards and Training Board.

**Section 4-3-8 Purchase of Service Firearms and Badges**

- A. Notwithstanding any other provision of this Code, sworn Police Officers including Reserve Police Officers, consistent with [A.R.S. § 38-1115](#), may purchase their duty handgun for one dollar upon retiring in good standing with 20 or more years of service with the Town. Medical retirements for sworn Police Officers with less than 20 years of service that result from line of duty physical incidents may also qualify with the approval of the Chief of Police. Sworn Police Officers, with the approval of the Chief of Police, may also purchase their duty handgun for fair market value upon the determination of the Police Department to upgrade the weapon or otherwise find the weapon to no longer be of service to the department.
- B. Sworn Police Officers and firefighters may be awarded their assigned service badges upon retirement in good standing and may be awarded or purchase their assigned badges upon the upgrading of badges as determined by the respective chiefs. Sworn Police Officers and fire fighters may be awarded or purchase their assigned fire fighter helmet or police motor officer helmet upon retiring in good standing with the Town at the discretion of the respective department chiefs.

**ARTICLE 4-4 ABANDONED OR UNCLAIMED PROPERTY**

**Section 4-4-1 Definitions**

For the purposes of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this Section, unless the context clearly indicates a different meaning:

*Contraband* means any Property, item, or substance which is unlawful to produce or possess under federal, State, or local law including illegal drugs and paraphernalia.

*Case Agent* means any person designated by the Chief of Police to handle Property for the Police Department.

*Dispose* means the transfer of Property by its return to the Owner, sale, conversion or destruction or by any other means of disposal.

*Evidence* means Property that is held for possible presentation in a judicial or administrative proceeding to establish the truth or falsity of an alleged matter of fact.

*Firearm* means any loaded or unloaded handgun, pistol, revolver, rifle, shotgun or other weapon that will, or is designed to, or may readily be converted to expel a projectile by the action of expanding gases, except that it does not include a firearm in permanently inoperable condition.

*Found Property* means recovered, lost or abandoned Property that is turned over to the Town or any department thereof where the Owner may or may not be known and that is not classified as Evidence.

*Hazardous Material* means any material that, because of its quantity, concentration, or physical and chemical characteristics, may pose a present or potential hazard to human health and safety or to the environment if released into the workplace or environment, or the presence of which requires investigation, disposal, removal and/or remediation under any federal, State or local law, regulation, order or policy.

*Notice* means any attempt to contact or make aware the Owner as to the proceedings.

*Owner* means the person lawfully vested with, possession, dominion, care, control, management or title of Property.

*Property* means any item, including currency, that is held for Safekeeping or as Evidence or Found Property or that has been abandoned, unclaimed or awarded by the court, excluding real property and intangible property.

*Property Value* means the fair market value of the Property in its present condition.

*Safekeeping* means storage of Property by the Town that is not classified as Evidence and that belongs to a known individual.

*Vehicle* means a device in, upon or by which any person or Property is, may be or could have been transported or drawn upon a highway, waterway or airway, excepting devices moved by human power or used exclusively upon stationary rails or tracks, as defined under [A.R.S. § 13-105\(41\)](#).

#### **Section 4-4-2            General**

All Property coming into the possession of the Police Department shall, except as otherwise provided by law, be disposed of at any time thereafter in the manner provided in this Article, except:

- A. Evidence obtained for use in a criminal proceeding is subject to any additional conditions of disposal under [Rule 28.2, Arizona Rules of Criminal Procedure](#).
- B. Property seized as a forfeiture shall be disposed of under [A.R.S. § 13-4301 et seq.](#)
- C. Intangible property shall be disposed of under the Revised Arizona Unclaimed Property Act, [A.R.S. § 44-301 et seq.](#)
- D. Abandoned and unclaimed Vehicles shall be disposed of under [A.R.S. § 28-4831 et seq.](#)
- E. Contraband and any other Property that is unlawful to possess shall be:
  1. Destroyed by the Police Department; or
  2. Retained and utilized by the Police Department; or
  3. To the extent allowed by law, transferred to the purchasing department, which shall, in consultation with the Police Department, sell, lease, loan or transfer the Property to any local, State or federal law enforcement agency, with expenses for keeping and transferring such Property to be paid by the recipient.
- F. Perishables may be destroyed by the Police Department if not claimed within seventy-two (72) hours from the date the Property first comes into the department's possession.
- G. Hazardous material shall be disposed of in accordance with federal, State and local law, ordinance, regulation, order or policy.

H. Firearms will be disposed of pursuant to [A.R.S. §12-945\(B\)](#).

### **Section 4-4-3 Disposal of Property**

All Property coming into the possession of the Police Department shall be disposed of as follows and in accordance with the Town Code, rules and regulations, unless otherwise provided in this Article:

- A. Contraband and Hazardous Materials. Contraband and Hazardous Materials shall not be returned to any person, and instead shall be:
  - 1. Destroyed by or retained and utilized by the Police Department for law enforcement purposes; or
  - 2. Destroyed by or retained and utilized by federal, State and local law, order or policy.
- B. Evidence. Any Property that cannot be returned to a legal Owner pursuant to Arizona Rules of Criminal Procedure Rule 28.2 shall be disposed of as provided in this Article.
- C. Found Property. Found Property may be returned to the finder of the Property and the Police Department shall issue the finder a signed notice of award containing a description of the Property to evidence transfer to the finder, if all of the following apply:
  - 1. The Property is not Contraband.
  - 2. It has remained unclaimed for thirty (30) days after reasonable efforts have been made to locate and notify the Owner.
  - 3. The person who found the Property is not a public employee of a federal, State or local government and the Property was not found during the course of the duties of office or employment.
- D. Perishable Property. Perishable items not otherwise disposed of as provided herein, or reclaimed by the Owner, may be destroyed within 24 hours of its acquisition by the Police Department.
- E. Safekeeping. Property which is held for Safekeeping by the Police Department, or entrusted to the Police Department for Safekeeping, shall be disposed of after the department provides Notice to the person entrusting the Property or the Property Owner. The Notice shall advise the Owner to claim the Property no later than thirty (30) days following the date of the Notice or else the Property will be disposed of by the department as provided in this Article.

### **Section 4-4-4 Notice; Disposition of Property**

- A. Owner known. If the Property is available for release, and the Owner of the Property is known, the Police Department shall make a reasonable attempt to provide Notice to the Owner. The Notice shall advise the Owner that they must claim the Property (providing proof of ownership) and take away the Property no later than thirty (30) days following the date on the Notice. Failure to comply with all of the above will result in disposal of Property by the Police Department as provided in this Article.
- B. Service of Notice. Service of Notice to known Owner.
  - 1. Service of Notice may be accomplished by any of the following methods:
    - a. First class mail, postage prepaid, to the last known address provided by the Owner to the Police Department. Service of Notice by mail shall be considered complete upon mailing; or

- b. Posting the Notice on the Police Department Property disposition webpage, or its equivalent, not less than thirty (30) days prior to disposition by the Town. If the Owner fails to claim (providing proof of ownership) and take away the Property within thirty (30) days of initial posting of the Notice, the Town may Dispose of the Property as it deems appropriate and in compliance with subsection (d) of this Section.
- C. Unknown Owner. If the Owner of the Property is not known, the Property may be disposed of as follows:
  1. If the estimated Property Value of the item is \$150.00 or less, it may be disposed of by the Town as it deems appropriate and in compliance with subsection (d) of this Section.
  2. If the estimated Property Value of the item exceeds \$150.00, Notice containing a description of the Property shall be posted on the Police Department Property disposition webpage, or its equivalent, not less than thirty (30) days prior to disposition by the Town. If the Owner fails to claim (by providing proof of ownership) and take away the Property within thirty (30) days from the date of posting, the Town may Dispose of the Property as it deems appropriate and in compliance with subsection (d) of this Section.
- D. Disposition of Property. Unless otherwise provided in this Article and in compliance with subsections (a), (b) and (c) of this Section, if applicable, the Town may dispose of the Property as provided below without further Notice or court order. All Property dispositions shall be consistent with the nature and type of item to be disposed.
  1. Returned to the Owner, as provided by this Article;
  2. Destroyed, if authorized by this Article;
  3. Retained and utilized by the Police Department or other Town department, to the extent allowed by law;
  4. Sold, loaned or transferred to any local, State, federal or other governmental entity, nonprofit or charitable organization, to the extent allowed by law. Expenses for keeping and transferring such Property are to be paid by the recipient;
  5. Donated to a museum, educational institution or other similar entity for display or educational purposes, to the extent allowed by law. Expenses for keeping and transferring such Property are to be paid by the recipient; or
  6. Donated to a non-profit, charitable organization, as approved by the Chief of Police.
  7. Treated as surplus and disposed of in accordance with this Article and the Town's Procurement Code.

**Section 4-4-5                      Disposition of Property if Ownership is Disputed**

- A. If there is a dispute regarding the ownership or release of Property, the Town or claimant/respondent shall file a request with the municipal court for a hearing to be conducted to determine ownership or appropriate release of the Property as provided in this Section.
- B. All parties known to be claiming an ownership interest in the Property shall be given Notice by the court of the hearing date by first class mail postage prepaid. Service shall be considered complete upon mailing to the address provided by the claimants or the last known address on file with the Police Department.

- C. The person or entity filing the interpleader shall be known as the petitioner and any person claiming an interest in the Property shall be known as a respondent.
- D. All respondents are required to bring or file with the court an original and one (1) copy of all documentary evidence, and all correspondence and other documents exchanged with any insurance carrier or other person regarding reimbursement for the Property.
- E. Both the petitioner and respondent shall have the right to appear at the hearing and present evidence in support of their claim to the Property or basis to decline release.
- F. The failure of a respondent to appear at the hearing shall constitute a waiver of any and all claims to the Property by such person against the Town, and shall cause and authorize the court to enter a ruling consistent therewith.
- G. The hearing shall be informal. The Rules of Evidence shall not apply to the hearing and decisions shall be based upon the preponderance of the evidence. The municipal court may allow testimony to be given orally or through sworn written affidavits.
- H. The court's decision shall be issued within 10 calendar days of the close of the record. The decision shall be in writing, and shall be mailed first class mail, postage prepaid, to each respondent or claimant appearing. The decision of the court shall be final upon issuance.
- I. Prior to receiving possession of the subject Property, the prevailing claimant shall be required to provide a copy of the decision and appropriate identification to the Police Department Case Agent. The Case Agent shall notify the Property Owner of disposition.
- J. Any Property not claimed by the prevailing party within thirty (30) days from the date the court issued its decision shall become the property of the Town, without the necessity of further Notice or court proceedings.

**Section 4-4-6            Weapons; Petition for Return**

- A. Firearms will be returned to the Owner as provided by [A.R.S. § 13-3601](#) and this Article, except as follows:
  - 1. When the Firearm is illegal, as provided by federal or State law;
  - 2. When the return of the Firearm is prohibited, or the Firearm is forfeited by federal or State law or court order;
  - 3. When the Owner has known criminal charges pending which involve a felony, domestic violence, or misconduct involving weapons in any jurisdiction;
  - 4. When the weapon must be retained for evidentiary purposes, regardless of the nature of the proceeding;
  - 5. When the Owner is a prohibited possessor pursuant to law;
  - 6. When release of the Firearm to the Owner is otherwise precluded by this Article, State or federal law [18 U.S.C. § 922](#); or
  - 7. When the Property and Evidence Supervisor has reasonable suspicion as to the appropriateness of the return. In such cases, the Property Supervisor shall contact the Chief of Police or Criminal Investigations Commander. If either has reasonable suspicion as to the appropriateness of the return, the Town shall in no less than five (5) working days from the denial of the request for release file a petition with the court as provided in Section 4-2-5 above.

- B. When a weapon is seized by the Police Department pursuant to an investigation of a felony, domestic violence or misconduct involving weapons, the Police Department shall not release the weapon to a third party who claims to have had ownership of the weapon transferred to that third party by the Owner since the seizure of the weapon.
- C. A person, other than the person from whom a weapon was seized, who claims ownership of the weapon must present documentary proof of ownership to the Police Department before the weapon will be released to that person.
- D. When the Police Department declines to return a weapon to any person for any reason identified in Section 4-2-6 (a), the Town or claimant requesting the return of the Property may file a petition with the Town municipal court and request that a hearing be conducted to determine ownership or appropriate release of the Property, setting forth all of the following:
  - 1. Claimant's name and address;
  - 2. Description of the weapon, including manufacturer, model and serial number;
  - 3. Date the weapon was seized by the Police Department and the department report number, if known;
  - 4. Date claimant became the Owner of the weapon. Claimant must attach documentary evidence of their ownership;
  - 5. A brief statement explaining why the claimant believes the weapon should legally be returned to them; and
  - 6. A statement that the claimant is not a prohibited possessor under State or federal law and has no pending criminal charges or domestic violence actions in any state where the claimant is a defendant.
- E. All parties shall be given Notice by the court of the hearing date by first class mail postage prepaid. Service to claimants shall be considered complete upon mailing to the address provided by the claimant in the petition.
- F. The hearing and related procedures shall be conducted by the Town municipal court as provided in Section 4-2-5.
- G. Prior to receiving possession of the subject Property, the prevailing claimant shall be required to provide a copy of the decision and appropriate identification to the Police Department.
- H. Any Property not claimed by the prevailing party within thirty (30) days from the date the court issued its decision shall become the property of the Town, without the necessity of additional Notice or further court proceedings.
- I. Firearms will be returned to the prevailing claimant only after first being rendered safe by the Police Department. If ammunition is to be returned, the Police Department reserves the option of returning the ammunition on a day different from which the firearm is returned.

# Exhibit 2

## CHAPTER 9 OFFENSES

ARTICLE 9-1	AUTHORITY AND INTERFERENCE
ARTICLE 9-2	BUSINESS
ARTICLE 9-3	CONSTRUCTION
ARTICLE 9-4	FIRE PREVENTION, ALARMS AND FIREWORKS A
ARTICLE 9-5	HEALTH AND SANITATION
ARTICLE 9-6	NOISE
ARTICLE 9-7	PARKING
ARTICLE 9-8	PARKS AND RECREATION
ARTICLE 9-9	PROPERTY
ARTICLE 9-10	TRAFFIC
<i>[ARTICLES 9-12 Through 9-19 Reserved for Future Use]</i>	
ARTICLE 9-20	MISCELLANEOUS OFFENSES
ARTICLE 9-21	PENALTIES

### ARTICLE 9-1 AUTHORITY AND INTERFERENCE

#### Section 9-1-1 Authority

It is the intent that the Code Provisions under this Chapter 9 and the remedies and penalties set forth hereunder may be enforced by the Queen Creek Police Department and other duly authorized Town officials, as authorize by in the Town Code and/or by the Town Council or Town Manager (“Authorized Enforcement Agent”).

#### Section 9-1-2 Interfering with a Police Officer

It is unlawful for any person to hinder, resist, delay, obstruct or prevent Police Officers in the discharge of or their attempt to discharge their official duties, or refuse to obey any lawful order issued by Police Officers engaged in the discharge of their official duties.

#### Section 9-1-3 Refusal to Provide True Full Name or Proof of Identification When Lawfully Detained

It is unlawful for a person, after being advised that the person’s refusal to answer is unlawful, to fail or refuse to provide either identification or evidence of identity on request of a Police Officer who has lawfully detained the person based on reasonable suspicion to believe that the person has committed a violation of an ordinance of the Town or any law of the State of Arizona or the United States.

- A. Identification means any legally government issued document that contains a photograph, date of birth and physical description, including but not limited to height, weight, eye color, sex and hair color of the person presenting the identification.
- B. Evidence of identity means that the person has provided the Police Officer with their true full name and date of birth upon request.

#### Section 9-1-4 Interfering with Firefighters

It is unlawful for any person to hinder, resist, obstruct, or interfere with the lawful efforts of any

firefighter, or company of firefighters, including the Fire Marshal, paramedics and fire code officials, in the performance of their duties, or to engage in any disorderly conduct which might reduce the efficiency of such firefighters, or to forbid, prevent or dissuade others from assisting such firefighters in the performance of their duties, or to disobey the lawful orders of the public officer or firefighters while engaged in extinguishing any fire or responding to an alarm or fire.

**Section 9-1-5 Interfering with Authorized Enforcement Agents**

It is unlawful for any person to, by threat or use of violence or physical force, or by threatening to do or doing any other act that can be reasonably anticipated to cause physical harm to any person including the perpetrator, intentionally obstruct, impede, or interfere with any Authorized Enforcement Agent lawfully and constitutionally engaged in the enforcement or execution of the provisions of the Town Code.

**Section 9-1-6 Violation**

A violation of any of any provision in this Article is a Class 1 Misdemeanor.

**ARTICLE 9-2 BUSINESS**

**Section 9-2-1 Business License Required**

It is unlawful for any person, whether as principal or agent, either personally or for another person, or for any corporation, or as a member of any firm or co-partnership, to commence, practice, transact or carry on any trade, calling, profession, occupation or business within the Town limits without first having procured a license from the Town to do so and without complying with all regulations of such trade, calling, profession, occupation or business as specified or required by the United States Government or the State of Arizona and its political subdivisions. Violation of this Section is a Civil Offense.

**Section 9-2-2 Peddlers, Solicitors and Transient Merchants**

It is unlawful for any peddler, solicitor, transient merchant or itinerant vendor, as the same are defined in this Chapter 8 of the Town Code, to:

- A. Engage in such business within the Town without first obtaining a license issued by the Town; provided, however, that this Section shall not apply to the producers of agricultural products as defined in State Statute, or to any member of the family or agents or persons in the service of the producer, when the agricultural products are sold or disposed of on behalf of the producer;
- B. Themselves or through an person on their behalf, shout, make any outcry, blow a horn, ring a bell or use any sound device, including any loud-speaking radio or sound-amplifying system, upon any of the streets, alleys, parks or other public places of the town or upon any private premises in the town where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the public thoroughfares for the purpose of attracting attention to any goods, wares or merchandise which such licensee proposes to sell;

- C. Come upon any premises whereon a sign bearing the words "no peddlers," "no solicitors," "no transient merchants," "no door-to-door salesmen," or any combination of such terms or terms similar thereto is exposed to public view;
- D. Transact business within three hundred feet of a public school ground, nor shall they be permitted to operate in any congested area where the operations impede public rights of way, including streets and sidewalks;
- E. Remain on any premises after having been requested to leave by the owner or occupant thereof whether such premises are posted as specified above or not; and/or
- F. Operate any business in violation of Article 9-8-5(G) of the Town Code

Violation of this Section is a Civil Offense.

**Section 9-2-3 Mobile Food Vendors**

- A. It is unlawful for any mobile food vendor to conduct business without first obtaining and maintaining in effect a general business license pursuant to this Chapter 8 of the Town Code.
- B. A separate license is required for each food vending vehicle, ice cream truck, or human powered food vending vehicle.
- C. Violation of this Section is a Civil Offense.

**Section 9-2-4 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 business or occupation offensive to the senses or prejudicial to the public health within the limits of the Town, including, without limitation:

- A. Nuisances under Article 10-3 of the Town Code;
- B. Violation of Sections 9-5-2 through 9-5-7 (Health and Sanitation) below;
- C. Violation of Article 9-6 (Noise) below; and/or
- D. Sections 9-9-1, 9-9-2, 9-9-3, 9-9-6 and/or 9-9-7 (Property) below.

Violation of this Section is a Civil Offense.

**Section 9-2-5 Teletrack Operations**

It is unlawful for any person to function in the town as a teletrack operator or operate a teletrack wagering establishment without first obtaining the appropriate license issued by the Town under Article 8-4 of the Town Code. Violation of this Section is a Civil Offense.

**Section 9-2-6 Sexually Oriented Businesses**

It is unlawful for any person, in relation to a Sexually Oriented Business as classified in Section 8-5-3 of the Town Code, to:

- A. Operate a sexually oriented business without a valid sexually oriented business license issued by the Town;
- B. Employ a person to work for the sexually oriented business who is not licensed as a sexually oriented business employee issued by the Town;
- C. Obtain employment with a sexually oriented business without having secured a sexually oriented business employee license issued by the Town;
- D. Refuse to permit such lawful inspection of the premises at any time it is open for business;
- E. Cause or permit the operation, establishment, substantial enlargement, or transfer of ownership or control of a sexually oriented business in any location prohibited under Section 8-5 of the Town Code; and/or
- F. Knowingly allow a person under the age of eighteen years on the premises of a sexually oriented business;
- G. Knowingly and intentionally, in a sexually oriented business, appear in a state of nudity or depict specified sexual activities;
- H. Knowingly or intentionally in a sexually oriented business appear in a semi-nude condition unless the person is an employee who, while semi-nude, shall be at least ten (10) feet from any patron or customer and on a stage at least two feet from the floor;
- I. While semi-nude in a sexually oriented business, solicit any pay or gratuity from any patron or customer or for any patron or customer to pay or give any gratuity to any employee, while said employee is semi-nude in a sexually oriented business; and/or
- J. While semi-nude in a sexually oriented business, to touch a customer or the clothing of a customer.

Violation of this Section is a Class 1 Misdemeanor.

#### **Section 9-2-7            Adult Motels**

In addition to the other the provisions of Section 9-2-6, it is unlawful for any person in control of a sleeping room in a hotel, motel or similar commercial establishment that does not have a sexually oriented business license, to rent or subrent a sleeping room to a person and, within ten hours from the time the room is rented, they rent or subrent the same sleeping room again as provided under Section 8-5-13 of the Town Code. Violation of this Section is a Class 1 Misdemeanor.

#### **Section 9-2-8            Exhibition of Sexually Explicit Films, Videos or Live Entertainment in Viewing Rooms**

In addition to the other the provisions of Section 9-2-6, it is unlawful for any person to operate or cause to be operated a sexually oriented business, other than an adult motel, which exhibits on the premises in a viewing room of less than one hundred fifty square feet of floor space, a film,

video cassette, live entertainment or other video reproduction which depicts specified sexual activities or specified anatomical areas without complying with Article 8-5-14 of the Town Code. Violation of this Section is a Class 1 Misdemeanor.

### **Section 9-2-9 Escort Agencies**

In addition to the other the provisions of Section 9-2-6, it is unlawful for any person, to:

- A. Employ any person under the age of eighteen years; or
- B. Act as an escort or agrees to act as an escort for any person under the age of eighteen years.

Violation of this Section is a Class 1 Misdemeanor.

### **Section 9-2-10 Nude Model Studios**

In addition to the provisions of Section 9-2-6, it is unlawful for any person, in relation a nude model studio, to

- A. Employ any person under the age of eighteen years;
- B. If under the age of eighteen years, appears semi-nude or in a state of nudity in or on the premises of a nude model studio. It is a defense to prosecution under this subsection if the person under eighteen years was in a restroom not open to public view or visible to any other person; and/or
- C. Appears in a state of nudity, or knowingly allows another to appear in a state of nudity in an area of a nude model studio premises which can be viewed from the public right-of-way.

Violation of this Section is a Class 1 Misdemeanor.

### **Section 9-2-11 Storage and Display of Tobacco and/or Vaping Products**

- A. For the purposes of this Section, the following words and terms shall have the meaning ascribed thereto:
  - 1. "Person" means the state, the county, a political subdivision of the state, other governmental entities, a corporation, firm, partnership, association, organization and any other group acting as a unit, as well as an individual. Person also includes a trustee, receiver, an assignee or similar representative.
  - 2. "Tobacco product" means any tobacco cigarette, cigar, pipe tobacco, smokeless tobacco, snuff or any other form of tobacco which may be utilized for smoking, chewing, inhalation or other manner of ingestion.
  - 3. "Vaping product" means any device, including component parts or accessories to that device, that delivers or is capable of delivering nicotine to the person inhaling from the device, including, but not limited to, an electronic cigarette, electronic cigar, electronic pipe, electronic hookah, e-cigarette, vape-pen, or any other device that delivers nicotine, non-nicotine, other tobacco products, e-juice, e-liquid, oils or waxes to a person; and any e-liquid used in any vaping device containing propylene glycol, oils, nicotine, non-nicotine, plant or vegetable glycerin-based liquid with nicotine or non-nicotine, flavoring

and other chemicals and metals, but not tobacco.

- B. It is unlawful for any person who owns, conducts, operates or manages a business where tobacco and/or vaping products are sold, or any person who sells or offers for sale tobacco and/or vaping products, to fail to store or display, or cause to be stored or displayed, such tobacco and/or vaping products in an area or manner that is accessible to the public without employee assistance.
- C. A person is exempt from the requirements of this section if both:
  - 1. The business where tobacco and/or vaping products are sold prohibits entry of individuals under the age of eighteen at all times; and
  - 2. Photographic identification is required from any individual who appears to be twenty- six years of age or younger prior to entering the business where tobacco and/or vaping products are sold.
- D. Violation of this Section is a Civil Offense.

**Section 9-2-12      Liquor License; Right of Entry of Enforcement Officials**

- A. Any Authorized Enforcement Agent, shall have the right to enter for lawful inspection purposes during normal business hours any establishment or event in the Town for which a liquor license has been issued by the State.
- B. It is unlawful for a person to fail or refuse to permit an Authorized Enforcement Agent showing appropriate Town identification, to enter the licensed establishment or event for lawful inspection purposes during business hours.
- C. A violation of this Section is Class 1 Misdemeanor.

**Section 9-2-13      Violation**

Except as otherwise specified, violation of any provision of this Article is a Civil Offense. With respect to a violation that is continuing in nature, each day that the violation occurs is a separate offense. In addition to other penalties, a sexually oriented business which operates of this Article shall constitute a public nuisance, which, in addition to any other enforcement mechanisms in this Code, may be abated by a suit for injunctive relief.

**ARTICLE 9-3      CONSTRUCTION**

**Section 9-3-1      Dangerous Constructions**

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

**Section 9-3-2      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 such excavation to protect the public.
- B. It is unlawful for any person to maintain a well, cellar, pit or other excavation of more than two feet in depth on any unenclosed lot, without substantial curbing, covering or protection.

C. Violation of this Section is a Civil Offense.

### **Section 9-3-3 Noise Regulations During Construction**

It is unlawful during the times hereinafter set forth, to conduct construction activities of any kind, including but not limited to the making of an excavation, clearing of surface land and equipment or supplies, or the operation of mechanically powered tools anywhere in the Town limits, when such activities result in the generation loud, unreasonable, or excessive noise in violation of Section 9-6-4 below.

- A. Start/stop time periods of construction. Above mentioned construction activities are prohibited during the following time periods, unless a permit is obtained as described in subsection C of this section:
1. Prior to 5:00 am and after 7:00 pm Monday through Friday from May 15 through September 15.
  2. Prior to 6:00 am and after 7:00 pm Monday through Friday during the remainder of the year.
  3. Prior to 7:00 am and after 5:00 pm on Saturdays throughout the year.
  4. At all times on Sundays and Legal Holidays as defined by the Town.
- B. Stop orders. Whenever any work on a construction project is in violation of the provisions of this section, an Authorized Enforcement Agent may order the construction project stopped by notice in writing served on any persons responsible for the project, and any such persons shall forthwith stop work on the project until a permit is obtained. Failure to obey a stop order is a separate violation.
- C. Exclusions. The following activities shall be excluded from such prohibition:
1. Noise generated by work being performed by a resident of a residential building or structure may continue until 10:00 pm but may not begin earlier than the times set forth in subsection B of this section.
  2. Noise resulting from emergencies, including but not limited to, repair of roofs, windows, doors, electrical, plumbing and mechanical (HVAC) shall be permitted whenever necessary. An emergency shall be defined as any situation where work must be performed in order to prevent serious injury to persons or property.
  3. Noise generated by sod delivery equipment, and vehicles.
  4. Loading/unloading construction material, such as lumber, tile, and similar materials.
  5. Pre-construction termite pre-treatment.
- D. Violation of this Section is a Civil Offense and Section 9-6-10 shall apply to Repeat Violators as set forth therein.

## **ARTICLE 9-4 FIRE PREVENTION, ALARMS AND FIREWORKS**

### **Section 9-4-1 Tampering or Injuring Fire Alarm System or Pumps and Hydrants**

It is unlawful for any person to tamper or injure any part of a fire alarm system or any reservoir, pumps, pipes, valves, gates and fire hydrants or to use or remove, without permission of the Chief of the Fire Department, except for the protection of property from fire damage, any part of the equipment of the Fire Department.

## **Section 9-4-2 Alarm Systems**

- A. It shall be unlawful to activate an alarm system for the purpose of summoning law enforcement when no burglary, robbery, or other crime dangerous to life or property is being committed or attempted on the premises, or otherwise to cause a false alarm. Violation of this Subsection is a Class 1 Misdemeanor.
- B. It shall be unlawful to install, maintain, or use an audible alarm system which can sound continually for more than 10 minutes. Violation of this Subsection is a Civil Offense.
- C. It shall be unlawful to install, maintain, or use an automatic dial protection device that reports, or causes to be reported, any recorded message to the Police Department or the designated Public Safety Answering Point. Violation of this Subsection is a Civil Offense.

## **Section 9-4-3 Fire Code and Orders**

It is unlawful for any person to violate the Town Fire Code and/or any lawful order issued by the Chief of the Fire Department, the Fire Marshall or other Authorized Enforcement Agent pursuant to the Fire Code and/or Article 18 of the Town Code. Except as otherwise provided in State Statute or Article 18, a violation of this Section is a Class 1 Misdemeanor.

## **Section 9-4-4 Fireworks**

- A. Definitions. In addition to the definitions set forth in A.R.S. § 36-1601, the following words, terms and phrases, when used in this Article, have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Supervised Public Display* means a monitored performance of display fireworks open to the public and authorized by permit by the Chief of the Fire Department, Town Fire Marshal, or designee.

*Public Facilities* means any building or real property, other than public right of way, which is owned, leased or otherwise operated by a governmental entity.

- B. Fireworks Prohibited; Supervised Public Display; Exceptions.

1. It is unlawful for any person to use, discharge or ignition of fireworks within the Town as provided in A.R.S. Title 36, Chapter 13, and Article 1. The use, discharge or ignition of permissible consumer fireworks is limited to May 4 through May 6, June 24 through July 6 and December 24 through January 3 each year on private property with the owner's permission.
2. It is unlawful for any person to discharge or ignition of fireworks is prohibited on all public property including in all public parks, public retention areas, public rights-of-way and Public Facilities.
3. It is unlawful to fail comply with permit requirements and conditions issued by the Town pursuant to Section 18-1-8(B) of the Town Code.
4. Nothing in this section or chapter shall be construed to prohibit the use, discharge or ignition of Novelty Items or the occurrence of a Supervised Public Display. However, it is unlawful for any person to fail to comply with any permit requirements and conditions issued by the Chief of the Fire Department, the Fire Marshal or his designee pursuant to Section 18-1-8(B) of the Town Code.

- C. Posting of signs by persons engaged in the sale of fireworks. It is unlawful for any person to sell if they fail to prominently display signs complying with the requirements of A.R.S. Title 36, Chapter 13, Article 1 and the following:

1. In letters at least two inches high on contrasting background shall be posted at each entrance or within ten feet of every aisle directly serving the consumer fireworks retail sales area signs indicating the following: "Fireworks – No Smoking";
  2. For those operating fireworks tents. Signs with letters at least four inches high on contrasting background shall be conspicuously posted on the exterior of each side of the consumer fireworks retail sales facility indicating the following: "No Fireworks Discharged Within 300 Feet"; and
  3. Complying with the regulations adopted by the Chief of the Fire Department, the Fire Marshal or his designee pursuant to Chapter 18 of the Town Code.
- D. Except as otherwise provided by State Statute, violation of this Section is a Civil Offense.

#### **Section 9-4-5                      Violations**

- A. Except as otherwise specified, violation of any provision of this Article, Chapter 18 of the Town Code, and/or the Town Fire Code is a Civil Offense. With respect to a violation that is continuing in nature, each day that the violation occurs is a separate offense.
- B. Any Authorized Enforcement Agent issuing a civil citation or a complaint for violation of this Section may also issue a notice of violation specifying actions to be taken and the time in which they are to be taken to avoid a civil penalty.
- C. In addition to any other applicable penalty or damages, the Town may recover all costs and expenses incurred as set forth in Chapter 18, including without limitation Article 18.2, of the Town Code.
- D. Authorized Enforcement Agents, including without limitation the Fire Marshal, Chief of the Fire Department, are authorized to seize, take, remove or cause to be removed fireworks, explosives, and/or other materials utilized or possessed in violation of this Article and/or Chapter 18 of the Town Code.

### **ARTICLE 9-5                      HEALTH AND SANITATION**

#### **Section 9-5-1                      Public Urination or Defecation**

- A. It shall be unlawful for any person to urinate or defecate in a place open to the public or exposed to public view, except by proper use of a toilet or other suitable facility provided for this purpose.
- B. Violation of this Section is a Class 3 Misdemeanor.
- C. In addition to the penalties proscribed in subsection B above, a person convicted under this Section may be ordered to pay restitution for any clean-up and other abatement costs incurred by the Town.

#### **Section 9-5-2                      Rubbish, Trash, Weeds, Filth, Debris and Dilapidated Structures on Property**

It is unlawful for any person to throw, deposit, maintain or allow to be maintained, any rubbish, trash, weeds, filth, debris or dilapidated structures on any occupied or unoccupied private or public property within the Town, whether owned by such person or not. Notwithstanding the foregoing, the owner or person in control of private property may maintain authorized private receptacles for

rubbish, trash, weeds, filth, and debris in such a manner that rubbish, trash, weeds, filth, and debris will be prevented from being carried or deposited by the elements upon any public place. In addition to any criminal penalty which may be imposed for violation of any provisions of this article, such person shall be liable for all costs which may be assessed pursuant to this article for the removal of said rubbish, trash, weeds, filth, debris and dilapidated structures.

- A. Any person who violates this Section on private property shall be guilty of a Civil Offense unless that person immediately removes the rubbish, trash, filth, or debris from the property.
- B. Any person who violates this Section on public property shall be guilty of a Class 1 Misdemeanor unless that person immediately removes the rubbish, trash, filth, or debris from the property.

#### **Section 9-5-3 Littering**

It is unlawful for any person to throw or deposit any litter in or upon any street, alley, public grounds, school grounds, church grounds or any other property, including without limitation:

- A. Littering in violation of Section 10-3-3, 10-3-4, 10-3-5, 10-3-7, 10-3-10, 10-3-11, or 10-3-13 of the Town Code. Violation of this Subsection is a Class 3 Misdemeanor; and/or
- B. Depositing Handbills in violation of Section 10-3-6, 10-3-8, 10-3-9, or 10-3-14 of the Town Code. Violation of this Section is a Civil Offense.

#### **Section 9-5-4 Improper Handling of Refuse, Garbage, and Trash**

- A. It is unlawful for any person to improperly deposit, dump, haul or cause to be deposited, dumped or hauled any refuse, garbage, or trash in violation of Article 10-4 of the Town Code.
- B. Violation of this Section involving no more than offensive smells and/or leaking is a Civil Offense.
- C. Violation of this Section involving depositing or dumping is a Class 1 Misdemeanor.

#### **Section 9-5-5 Improper Handling of Waste**

It is unlawful for any person to collect, remove, deposit, or otherwise handle waste in violation of Section 10-9-14 of the Town Code. Except as otherwise specified, violation of this Section is a Civil Offense.

#### **Section 9-5-6 Interfering with Waste Collection**

It is unlawful for any person to interfere with the collection of Town waste collection services, including without limitation by;

- A. Encouraging, permitting or failing to restrain a vicious animal under Section 10-9-14. Violation of this Subsection is a Class 1 Misdemeanor; and/or
- B. Parking a vehicle in such a way as to obstruct access under Section 10-9-14. Violation of this Subsection is a Civil Offense.

#### **Section 9-5-7 Illicit Non-Stormwater Drainage and Connections**

It is unlawful for any person to:

- A. Throw, drain, or otherwise introduce, cause, or allow others under its or their control to throw, drain, or otherwise introduce into the Town MS4 or into the Storm Drainage System connected to the Town MS4 any pollutants or waters containing any pollutants, other than Stormwater under Article 10-10 of the Town Code;
- B. Construct, use, maintenance or continue the existence of illicit connections to the Town MS4 or into the Storm Drainage System under Article 10-6 of the Town Code;
- C. Construction Sites. Interfere with an Authorized Enforcement Agent from taking lawful action necessary to access and/or inspect premises or records under Section 10-10-7(B) of the Town Code; and/or
- D. Interfere with an Authorized Enforcement Agent's enforcement of Article 10-10 of the Town Code.

Violation of this Section is a Class 3 Misdemeanor.

**ARTICLE 9-6            NOISE**

**Section 9-6-1            Music**

It is unlawful for any person or entity owning, operating, or in control of any restaurant, hotel, dance hall, show, business, or any other place of public amusement, entertainment, or accommodation, to play or allow to be played or emitted any music or sound from musical instrument or instruments that: (i) is loud, unreasonable, excessive, or unreasonably offensive to the senses; (ii) unreasonably disturbs, disrupts, or interferes with the slumber of any person in a residence, hotel, or any similar place of accommodation; or (iii) unreasonably disturbs, disrupts, annoys, or interferes with the peaceful, comfortable, and quiet enjoyment of the life or property of any person. Violation of this Section is a Civil Offense.

**Section 9-6-2            Vehicle/Trailer-Mounted Noise Amplifying Devices**

It is unlawful for any person or entity to play, operate, or use, or allow to be played, operated, or used, any sound amplification device, including without limitation a loud speaker, sound truck, radio, mobile device, computer, or any instrument or device of any kind or character that emits loud or unreasonable noise (collectively, "Noise Amplifying Device") and is attached to or upon or in any vehicle or trailer unless the person or entity in owning, operating, or otherwise in charge of such vehicle or trailer shall have first applied to and received written permission from the Town Clerk or designee to operate any such Noise Amplifying Device. Violation of this Section is a Civil Offense.

**Section 9-6-3            Motor Vehicles**

It is unlawful for any person or entity to do any of the following or allow any of the following to be done on property or in a business the person or entity owns, operates, or in any way controls:

- A. Operate a motor vehicle that is not at all times equipped with an exhaust system that has a muffler that is in good working order, in constant operation, and prevents the emission of loud, excessive, or unreasonable noise from the motor vehicle.
- B. Operate a motor vehicle or machinery equipped with any device or modification that eliminates or in any way diminishes the noise-inhibiting function of a muffler.

- C. Operate a motor vehicle in such a manner as to cause any portion thereof to emit excessive or unreasonable noise. Violations of this provision include, without limitation, revving the engine of any motor vehicle for purposes unrelated to locomotion; causing a motor vehicle's tires to screech or squeal due to excessive speed, rapid acceleration, or aggressive maneuvering unrelated to the avoidance of immediate danger; operation of a motor vehicle that backfires at regular or frequent intervals; honking of a horn or warning device affixed to the motor vehicle except as authorized by A.R.S. § 28-954; and deceleration through practices commonly known as engine braking and/or Jake braking.
- D. This provision shall not be construed to prohibit any person or entity from servicing, repairing, or testing any portion of a motor vehicle in a manner that causes the motor vehicle to emit noise; provided, however, that the person or entity does so between the hours 6:00 a.m. and 10:00 p.m. and in a manner that prevents the motor vehicle from emitting excessive or unreasonable noise.

Violation of this Section is a Civil Offense.

#### **Section 9-6-4 Nighttime Noise**

It is unlawful for any person or entity to cause or allow loud, unreasonable, or excessive noise to emit from real or personal property that the person or entity owns or controls, regardless of the instrument, device, or source of the noise, between the hours of 10:00 p.m. and 6:00 a.m. Violation of this Section is a Civil Offense.

#### **Section 9-6-5 Unnecessary Noise**

Notwithstanding any other provision of this Article, and in addition thereto, it shall be unlawful for any person without justification to make, continue to make, cause, or allow to be made or continued, any unreasonable noise that disturbs, disrupts, or interferes with the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area. Factors that may be considered in determining whether a noise is unreasonable for purposes of this provision include, but are not limited to, the following:

- A. The volume of the noise;
- B. The intensity of the noise;
- C. Whether the nature of the noise is usual or unusual;
- D. Whether the nature of the noise is natural or unnatural;
- E. The volume and intensity of the background noise, if any;
- F. The proximity of the noise to residential sleeping facilities;
- G. The nature and zoning of the area within which the noise emanates;
- H. The time of the day or night the noise occurs;
- I. The duration of the noise;
- J. Whether the noise is recurrent, intermittent or constant;
- K. Whether the noise is produced by a commercial or noncommercial activity; and
- L. Whether it is an impulse noise.

Violation of this Section is a Civil Offense.

### **Section 9-6-6            Public Disturbances**

It shall be unlawful for any person or group of people in or upon a public street, alley, public place, place of public accommodation, or property used to conduct business, to make any loud, excessive, or unreasonable noise, or to scream, shout, or yell in a manner that disturbs the peace and quiet of any residential neighborhood or the residences therein. Violation of this Section is a Civil Offense.

### **Section 9-6-7            Animal Noise**

It is unlawful to keep or harbor any animal which by frequent, habitual or continued barking, yelping or howling, crowing or the making of any noise disturbs the peace of the residential neighborhood. Violation of this Section is a Civil Offense.

### **Section 9-6-8            Exemptions**

In addition to any exemptions expressly set forth elsewhere in the Town Code, the following shall be exempt from this Article 9-6:

- A. Safety signals and alarm devices, storm warning sirens or horns and the authorized testing of such equipment, authorized emergency vehicles engaged in an emergency activity and emergency pressure-relief valves;
- B. A vehicle operated by a gas, electric, communications, or water utility company, or governmental entity while being operated for official business;
- C. When the sound amplification system is being operated to request assistance of an emergency nature or to warn of a hazardous situation;
- D. Noises from the normal operation of railroad trains;
- E. A vehicle used for advertising in a parade or in a political or other special event as authorized by the Town;
- F. Church chimes or bells;
- G. Crowd noises resulting from activities such as those planned for school, government, or community groups or duly authorized by such groups;
- H. Organized sporting events;
- I. Noises created by any aircraft operated in conformity with or pursuant to federal law, federal air regulations, or air traffic control instructions issued pursuant to or within duly adopted federal air regulations, together with any noise created by aircraft operating under or pursuant to declaration of any emergency under federal air regulations;
- J. Heating and cooling equipment when it is functioning in accordance with manufacturer's specifications and is in proper operating condition;
- K. Landscape maintenance equipment when it is functioning in accordance with the manufacturer's specifications and with all mufflers and noise-reducing equipment in use and in proper operating condition between the hours of 6:00 a.m. and 10:00 p.m.;
- L. The lawful exercise of established rights under the United States or Arizona Constitutions;  
or
- M. Construction noise, so long as it is not in violation of Section 9-3-3 above.

### **Section 9-6-9 Persons Responsible**

The following persons and entities shall be deemed responsible for any and all violations of this Article (the "Person(s) Responsible"):

- A. Any and all persons or entities causing or creating the violative noise shall be deemed responsible for the same;
- B. Any and all persons or entities allowing the violative noise to emanate from property the person or entity owns, occupies, manages, or controls shall be deemed responsible for the violative noise;
- C. Any person in attendance who engaged in any conduct causing, facilitating, or perpetuating the violative noise shall be deemed responsible for the violative noise; and
- D. If the person or entity causing or creating the violative noise does so upon property owned, occupied, managed, or controlled by another, the persons or entities owning, occupying, managing, or controlling the property shall also be deemed responsible for the violative noise after prior three (3) instances of the same or similar violative noise emanating from the property.

### **Section 9-6-10 Repeat Violators**

- A. Any Person(s) responsible for three (3) or more of the same or similar type of violation of this Article or Section 9-3-3 above within a three-month period shall be deemed a "Repeat Violator" for the ensuing twelve-month period following the date of the most-recent violation. Any additional violations of this Section by a Repeat Violator during that period shall be a Class 1 Misdemeanor, and the Repeat Violator shall also be subject to a civil penalty of at least \$3,000 for each such violation.
- B. A Repeat Violator, holding a license issued pursuant to Chapter 8 of the Town Code shall be subject to immediate revocation of the license. In lieu of revocation, the Town Clerk or designee may in their discretion impose a lesser sanction, including but not limited to modifying the license, temporarily suspending the license for a reasonable time, or holding revocation in abeyance for the remaining term of the license conditioned on no additional violations of this Section, or such other conditions as the Town Clerk or designee deems reasonable and appropriate.

### **Section 9-6-11 Multiple Complaining Witnesses**

- A. No citation or enforcement complaint shall be issued unless there are at least two complaining witnesses from separate households or locations.
- B. Verified written complaints of at least two complaining witnesses shall be prima facie evidence of a violation.
- C. An Authorized Enforcement Agent may be one of the complaining witnesses if they actually witness a violation, or they can verify a violation from the evidence provided by the complaining witness.

### **Section 9-6-12 Nuisance**

In addition to any and all penalties and remedies available, repeated violations of the provisions of this Article and/or Section 9-3-3 above are declared to be a nuisance under Chapter 10 of the Town Code

that are a threat to public health, safety, and/or welfare.

## **ARTICLE 9-7            PARKING**

### **Section 9-7-1            Parking on Private Property**

It is unlawful for any person to park a vehicle, fully or partially, in any private driveway, on private property or on private parking areas without the express or implied consent of the owner or person in lawful possession of such premises. Violation of this Section is a Class 3 Misdemeanor.

### **Section 9-7-2            Restricted Parking Areas for the Physically Disabled**

- A. It is unlawful for person to park a vehicle in a parking space on either public or private property set aside and identified for use only by persons with physical disabilities, unless the vehicle displays the valid permanent disability or temporary disability removable windshield placard; or the international symbol of access special plates that are currently registered to the vehicle as prescribed in A.R.S. § 28-884.
- B. A person shall not stop, stand or park a motor vehicle, including a vehicle displaying an international symbol of access special plate or placard, in the access aisle of a parking space described in section A.R.S. § 28-882. For the purposes of this subsection, "access aisle" means a designated area adjacent to a parking space described in section A.R.S. § 28-882 that is marked by either spaced, crosshatched or diagonal stripes or a distinctive change in color or material and that leads to an accessible route of travel.
- C. Subsection A of this section shall apply only to those parking spaces that are identified with standard signs or other markers, as approved by the Town.
- D. Violation of this Section is a Civil Traffic Offense.

### **Section 9-7-3            Parking Vehicles on Public Sidewalks**

It is unlawful for any person to park any vehicle, whether in usable condition or not, upon any Public sidewalk in the Town. Violation of this Section is a Civil Traffic Offense.

### **Section 9-7-4            Parking Vehicles on Landscaping or Curbs**

It is unlawful for any person to park any vehicle, whether in usable condition or not, upon any:

- A. Public landscaped area; or
- B. Over curbs on a public street or public property in the Town.

Violation of this Section is a Civil Offense.

### **Section 9-7-5            Stopping, Standing, or Parking Prohibited**

No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of an Authorized Enforcement Agent or traffic control device, either on public or private property, in any of the following places:

- A. Within fifteen feet of a fire hydrant.
- B. In any area designated as a fire lane.

- C. In any area designated as prohibiting stopping, standing, or parking.
- D. Within a marked school crossing zone designated by appropriate device, marks or lines upon the surface of the roadway as provided under Section 11-2-7 of the Town Code.

Violation of this Section is a Civil Traffic Offense.

**Section 9-7-6 Trailer or Semi-Trailer Parking**

It is unlawful for trailers or semi-trailers designed or intended to be drawn behind a motor vehicle to be parked upon a street, alley, or other public right-of-way for a period of time longer than two (2) hours, except commercial vehicles may be parked for a longer period of time only when such parking is necessary while actually carrying out a lawful commercial purpose. At no time shall any trailer or semi-trailer attached or not to a truck, tractor, vehicle or other conveyance is parked so as to block a lane of travel on a public street, or otherwise interfere with the safe and efficient movement of traffic. Violation of this Section is a Civil Traffic Offense.

**Section 9-7-7 Parking for Certain Purposes Prohibited**

It is unlawful for person to park a vehicle upon any portion of the Town's right-of-way for the purpose of:

- A. Displaying such vehicle for sale.
- B. Washing, greasing, or repairing such vehicle except repairs necessitated by any emergency.
- C. Displaying advertising; or
- D. Displaying commercial exhibits; or
- E. Sale of any services or merchandise.

Violation of this Section is a Civil Traffic Offense.

**Section 9-7-8 Unlawful Towing**

It is unlawful for a person to tow a vehicle without the consent of the vehicle's owner or the owner's agent without notifying the Police Department as required under Section 10-5-6 of the Town Code. Violation of this Section is a Class 1 Misdemeanor.

**Section 9-7-9 Parking Near Curbs**

- A. Except as otherwise posted, a person who stops or parks a vehicle on a roadway where there are adjacent curbs shall stop or park the vehicle with its right-hand wheels parallel to and within eighteen inches of the right-hand curb.
- B. Violation of this Section is a Civil Traffic Offense.

**Section 9-7-10 Violations**

- A. Except as otherwise specified, violation of any provision of this Article, and/or Chapter 11 of the Town Code is a Civil Traffic Offense.

- B. With respect to a violation that is continuing in nature, each day that the violation occurs is a separate offense.
- C. Violation of this Article may also result in the vehicle involved in the violation to be towed at the owner's expense.

## **ARTICLE 9-8            PARKS AND RECREATION**

### **Section 9-8-1            Definitions**

In this Article, the terms, phrases, words and their derivations shall have the meanings respectively ascribed to them in Chapter 15, Parks and Recreation, of the Town Code unless the context clearly indicates a different meaning. In this Article "Town Property" includes all Parks, Retention Basins, Washes and Active Play Areas as defined in Chapter 15.

### **Section 9-8-2            Sanitation**

It is unlawful for any person or organization in a Town Property to:

- A. Pollution of Waters. Throw, discharge, or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, or other body of water in or adjacent to any Town Property or any stream, storm, sewer, or drain flowing into such waters, any substance, matter or thing, liquid or solid, which will or may result in the pollution of said waters.
- B. Refuse and Trash. Bring in or shall dump, deposit, or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, refuse, or other trash. No such refuse or trash shall be placed in any waters in or contiguous to any Town Property or left anywhere on the grounds thereof but shall be placed in the proper receptacles where these are provided; where receptacles are not so provided all such rubbish or waste shall be carried away from the Town Property by the person responsible for its presence and properly disposed of elsewhere.
- C. Sanitary Facilities. Urinate or defecate outside any sanitary facility provided in the Town Property.

Violation of this Section is a Class 1 Misdemeanor.

### **Section 9-8-3            Recreational Activities**

It is unlawful for any person or organization in a Town Property to:

- A. Bathing and Swimming. Swim, bathe, or wade in any fountain, pond, lake, stream, waters or waterways in or adjacent to any Town Property except in such waters and at such times and places as are provided therefor and in compliance with such regulations as are herein set forth or may be hereafter adopted by the Town. Nor shall any person frequent any waters or places customarily designated for the purpose of swimming or bathing or congregate thereat when such activity is prohibited by an Authorized Enforcement Agent upon a finding that such use of the water would be dangerous or otherwise inadvisable.
- B. Boating. Bring into or operate any boat, raft, or other watercraft, whether motor powered or not, upon any waters, except at places designated for boating by the Town Such activity

shall be in accordance with applicable regulations as are now or may hereafter be adopted.

- C. Golfing. Use any portion of a Town Property for golfing purposes or make use of any golf club or golf ball in any Town Property, except in places designated for golfing by the Town.
- D. Motor Vehicles. Bring into or operate any internal combustion or electrified motor bicycles, stand-up scooters or vehicles of any type, including but not limited to, any automobile, motorcycle or motorbike except for the purpose of ingress and egress to Town Properties on roadways designated for such use. Any person operating a motor vehicle or bicycle in Town Properties shall obey all traffic control signs or devices posted or placed in the Town Properties.
- E. Horseback Riding. Ride horseback in any Town Property where such use is posted as prohibited. Where permitted, horses shall be thoroughly broken and properly restrained and ridden with due care and shall not be allowed to graze or go unattended. Horses shall be hitched to hitching posts only.
- F. Animals. Have animals in areas of any Town Property where specifically posted as prohibited. All animals shall be restrained at all times. No dog shall be permitted at large and must be leashed. Leash shall not be greater than six feet (6') in length and directly under the owner's control, except within the fenced area of a designated dog Park. No owner or custodian of any animal shall cause or allow such animal to defecate on any portion of a Town Property, unless such owner or custodian immediately removes and disposes of all feces deposited by such animal by the following methods:
  - 1. Collection of the feces by appropriate implement and placement in a paper or plastic bag or other container; and
  - 2. Removal of such bag or container to the proper receptacle and disposition thereafter in a manner as otherwise may be permitted by law.
- G. Fishing. Fish in any body of water within a Town Property without a valid State Fishing License or Community Fishing License issued by the Arizona Game and Fish Department. No person may exceed the legal bag limit as determined by the Fishing Regulations of the Arizona Game and Fish Department. The taking of any fish for any purpose from any body of water within a Town Property by any means other than a pole or line is prohibited. Fishing is permitted only in bodies of water approved for fishing by the Town and in accordance with rules promulgated by the Town.
- H. Model Toys and Unmanned Aircraft Systems. Bring into or use any remote controlled or self-propelled model, including but not limited to model airplanes, model rockets, model boats, model cars or other models.
- I. Drones. Recreational or Hobbyist Use. Use any remote controlled or self-propelled drones in such a manner to interfere with an Active Play Area or Reserved Use area or otherwise violate any federal, State, County, or Town laws or regulations. For purposes of this Subsection, the term "interfere" includes but is not limited to operating any of these devices within 50 feet (50') from the Reserved Use Area Boundary or an Active Play Area.
- J. Drones. Commercial Use. Use any remote controlled or self-propelled drone for commercial purposes in any portion of a Town Property, unless the commercial use falls under an

existing special event or rental permit issued by the Town, and the user has written permission from the permit holder. The user shall be required to produce the written permit to any Authorized Enforcement Agent.

Violation of this Section is a Civil Offense.

#### **Section 9-8-4 Intoxicating Liquor**

- A. It is unlawful for any person in a Town Property to consume or have in their possession or custody, any open container of intoxicating liquor except under the conditions set forth in Paragraph (B) below.
- B. Paragraph (A) shall not apply to those premises within a Town Property where the sale of intoxicating liquor is being governed by a special event license or other intoxicating liquor license or permit issued by the State Liquor Department. During those events or activities on Town Properties that are governed by a State liquor license or permit, the sale and consumption of liquor on those premises at those times shall be subject to all terms and conditions of State Statutes, the State liquor license or permit, and all applicable contracts involving the sale of liquor on those premises; at all other times, consumption of intoxicating liquor on Town Properties is prohibited unless authorized under a permit issued by the Town. Paragraph (A) shall also not apply to persons who possess or consume beer in accordance with all terms and conditions of a permit issued by the Town.
- C. Violation of this Section is a Civil Offense.

#### **Section 9-8-5 Town Property**

Except as specifically authorized by the Town, it is unlawful for any person or organization in a Town Property to:

- A. Glass containers. Have in their possession or custody a glass container of any kind or description.
- B. Disfiguration or Removal of Town Property Improvements. Deface, disfigure, injure, tamper with, displace, or remove any turf grass, landscape material, playground equipment, picnic table, bench, fire pit, grill, paving, water fountain, public utility line or part or appurtenance thereof, sign, monument, marker, fencing, restroom fixtures, or any other equipment, facility, property, structure, or improvement of any kind whatsoever in Town Properties.
- C. Disfiguration or Removal of Town Property Resources. Disfigure, displace, remove, or excavate, as applicable, any soil, rock, stone, sand, street, shrubs, cactus, plant material, or other natural resource of any description.
- D. Animals. Hunt, harm, or remove from or release into any Town Property any animals, fish, birds or reptiles without prior written approval of the Town.
- E. Fires. Start or sustain a fire, except in fire pits, grills, or other areas, as designated and approved for such use by the Town.
- F. Interference with Persons or Activities. Unreasonably disturb or interfere with any person or party occupying any area or participating in any activity organized or authorized by the Town.

- G. Vending, Advertising and Signage. Expose or offer for sale or hire any service or article, including food, beverages and confectionary articles; announce, advertise or call the public attention to any service or article for sale or hire; or paste, glue, track or otherwise post any sign, placard or advertisement.
- H. Vehicle Repair. Undertake mechanical repair or maintenance of any vehicle, including but not limited to, automobile oil changes or engine tune-ups, except in the case of any emergency where the vehicle is not operable.
- I. Parking. Park any vehicle in any area not specifically designated for parking or in violation of Article 9-7 of the Town Code.
- J. Regulations. Violate the Town of Queen Creek Public Park Regulations adopted pursuant to Article 15-2 of the Town Code.

Violation of this Section is a Civil Offense.

### **Section 9-8-6 Park Operations**

It is unlawful for any person or organization to:

- A. Hours. Remain in a Town Property or to enter a Town Property except during designated hours, unless a permit is obtained from the Town.
- B. Closed Areas. Enter or remain in any closed area of a Town Property if such entry is prohibited, or utilize any portion of a Town Property if such utilization is prohibited. Any section or part of any Town Property may be declared closed to the public by the Authorized Enforcement Agent at any time and for any interval of time, either entirely or merely to certain uses, as the Authorized Enforcement Agent shall find reasonably necessary.

Violation of this Section is a Civil Offense.

### **Section 9-8-7 Penalty; Ejection; Suspension; Seizure**

- A. Penalty. Unless otherwise specified, a violation of this Article is a Civil Offense.
- B. Ejection.
  1. Authorized Enforcement Agents are authorized to eject from any Town Property any person who violates any provision of this Article, the Town Code, or State Statute.
  2. After the Authorized Enforcement Agent requests that a person leave a Town Property, it is unlawful for such person to remain or to return to the same Town Property.
  3. It is a Class 1 Misdemeanor for a person to refuse to leave a Town Property after a lawful order to leave by an Authorized Enforcement Agent, or to return to the same Town Property in violation of the lawful order to leave.
- C. Temporary Suspension. An Authorized Enforcement Agent may suspend a person's privilege to use all or portions of Town Properties.

**ARTICLE 9-9            PROPERTY**

**Section 9-9-1            Offensive Premises**

It is unlawful for any person to suffer, or permit any premises belonging to or occupied by them, 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. Violation of this Section is a Civil Offense.

**Section 9-9-2            Obstruction of View**

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

**Section 9-9-3            Water Flow Upon Streets Prohibited**

- 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 them.
- C. Violation of this Section is a Civil Offense.

**Section 9-9-4            Damage to Property; Malicious Mischief**

It is unlawful for any person to:

- A. Damage in any manner or tamper with any pipeline, water hydrant, streetlamp or streetlight, or the fixtures and appliances used in connection with pipelines, water hydrants, streetlamps or streetlights of the Town, or any other property of any and every character belonging to the Town;
- B. Willfully injure, disfigure, or destroy any monument, work of art, or useful or ornamental improvement or any shade trees or ornamental plant growing therein, whether situated upon private ground, or on any street, sidewalk, or public park or place where such person is not the owner thereof;
- C. Maliciously cut, tear, deface, break, or injure any book, map, chart, picture, engraving statue, coin model, apparatus or other work of literature or art, or mechanics, or objects of curiosity, deposited in any public library, gallery, museum, collection, fair or exhibition;
- D. Deface, walk, ride or drive upon or over the sidewalk or street crossing composed of or

containing cement, during the construction thereof, or before the same is open to public use.

- E. 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.
- F. 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;
- G. Without proper authorization, to knowingly remove, destroy, alter, deface, or cover any political sign in the Town. "Political sign" under this subsection means any sign erected for the purpose of influencing an election, whether the election of a candidate or other election. This subsection does not preclude a candidate or the authorized agent of a candidate in support of whose election the sign was placed, a person or authorized agent of a person who places a political sign for a non-candidate election, or the owner or authorized agent of the owner of private property on which the signs are placed with or without permission of the owner, from removing a political sign. This subsection does not apply to signs placed in violation of State Statute, or county, Town or Town ordinance or regulation; and/or
- H. Damage, deface, remove or cause harm in any manner to any public monument, memorial or historical marker erected in the Town.

Violation of this subsection is a Class 1 Misdemeanor. In addition, any victim of the violation (including the Town) shall be entitled to restitution for any damages and/or expenses incurred as a result of the violation and in addition the Town shall be entitled to all costs incurred to abate the violation.

#### **Section 9-9-5            Graffiti**

- A. The term "graffiti" includes any inscription, word, figure or design that is marked, etched, scratched, drawn, painted, pasted or otherwise affixed to or on any surface, regardless of the nature of the material of that structural component, to the extent that the same was not authorized in advance by the owner thereof or, despite advanced authorization, is otherwise deemed by the council to be filth and debris and vandalism.
- B. The term "graffiti instruments" includes any tool, instrument, article, substance, solution or other compound designed or commonly used to make graffiti under circumstances evidencing intent to place graffiti upon such property.
- C. It is unlawful for any person to make graffiti of any type on any building, public or private, or any other property real or personal, owned by any person, corporation, association, partnership or any public agency or instrumentality without the expressed written permission of the owner, manager, tenant or other person responsible for said property.
- D. It is unlawful for any person to possess graffiti instruments in such a manner as to give rise to an inference of intent to make graffiti; and, no person shall possess a spray paint can in any public place including any building, park, facility or alley or on any private property where that person has no right to be unless possession is authorized or required as a part of a legitimate business or activity.
- E. A violation of this Section is a Class 1 Misdemeanor.

- F. In addition, any victim of the violation (including the Town) shall be entitled to restitution for any damages and/or expenses incurred as a result of the violation and in addition the Town shall be entitled to all costs incurred to abate the violation.

#### **Section 9-9-6 Sidewalks**

- A. Sidewalk Maintenance. It is unlawful for any owner or occupant of land or places of business within the Town to fail to keep the sidewalk or public places fronting or bordering their property, including the area between the sidewalk and the curb, free of weeds or grass in excess of ten inches.
- B. Obstructions in Sidewalk. It is unlawful for any owner or occupant of land or places of business within the Town to allow or permit obstructions of any kind (*i.e.* garbage, debris, decomposed granite or landscape materials, trees, shrubs or plant growth, etc.) to impede, obstruct or interfere with the passage of any public sidewalk; provided however, this Section shall not prohibit the temporary storage of such matters in authorized receptacles for collection, or the passage of sidewalk cleaning and repair equipment and/or personnel, within the Town.
- C. Penalties. In addition to any other penalties prescribed by law, violation of any provision of this Section after 30 days written notice is a Civil Offense. Each day shall be considered a separate offense.

#### **Section 9-9-7 Streets**

- A. Obstructions in Streets. It is unlawful for any owner or occupant of land to allow obstructions of any kind (*i.e.* garbage, debris, decomposed granite or landscape materials, trees, shrubs or plant growth, etc.) to impede, obstruct or interfere with the passage of any street or alley including without limitation, the passage of street sweeping and other street cleaning and repair equipment and/or personnel, within the Town or to diminish the visibility of any traffic control device or signal.
- B. Open Junk Storage Prohibited. It is unlawful for any person to deposit, store or maintain any garbage or junk that is visible from beyond the lot boundaries, except as authorized for collection.
- C. Draining onto Street Prohibited. It is unlawful for any person to deposit in, sweep upon or permit to drain into any public right-of-way or public place of the Town any garbage, junk, obstruction or similar matter or any hazardous material which is offensive to sight or smell or impedes passage or is detrimental to public health.
- D. Penalties. In addition to any other penalties prescribed by law, violation of any provision of this Section after 30 days written notice is a Civil Offense. Each day shall be considered a separate offense.

### **ARTICLE 9-10 TRAFFIC**

#### **Section 9-10-1 Blocking Traffic**

- A. It is unlawful for any person to stop, stand or park any motor vehicle, or other vehicle, upon a street in the Town in such a manner or under such conditions as to leave available less than twenty feet of the width of the roadway for the free movement of vehicular traffic, except

that a person may stop temporarily in the actual loading or unloading of passengers, or when necessary, in the observance of traffic control devices, or as directed by the Town Police Department or Fire Department.

- B. It is unlawful for any person to park a motor vehicle, or other vehicle, within an alley or entrance to a private driveway except for the loading or unloading of materials, and not then unless such loading or unloading can be accomplished without blocking the alley to the free movement of vehicular traffic.
- C. Violation of this Section is a Civil Traffic Offense and the vehicle causing the violation may be towed at the owner's expense.

### **Section 9-10-2 Pedestrians in Roadway or Median**

- A. It is unlawful for any pedestrian to stop or remain in the portion of any roadway designed for vehicular use or in a painted or raised traffic island or median not specifically designated for use by pedestrians except to wait to cross the roadway at the next pedestrian signal or, in the absence of a pedestrian signal, when traffic has cleared or yielded.
- B. The provisions of this Section shall not apply to persons occupying a median or roadway while conducting activities related to maintenance, surveying, construction, landscape maintenance, landscape improvements, or other similar activity necessary for the safe and efficient operation of Town streets; provided that all such operations must be conducted only upon approval of the Public Works Director or designee, and upon such conditions as the Public Works Director shall require, such as adjacent lane closures, use of appropriate safety vests or gear, and/or other safety precautions designed to ensure the safety of motorists and those temporarily occupying the median for these purposes.
- C. The provisions of Section shall not apply to emergency personnel occupying a median or roadway in response to an accident, safety hazard, or other emergency situation. Emergency personnel temporarily occupying a median or roadway for these purposes should take adequate precautions to help ensure proper notification of the emergency situation if feasible and to provide such safety measures as are appropriate and reasonably available in light of the emergency situation presented.
- D. Nothing in this section shall prohibit the lawful exercise of established rights under the United States or Arizona Constitutions.

### **Section 9-10-3 Traffic Control Devices**

It is unlawful for any person to install or maintain in any area of private property used by the public, or intended for traffic using a public street, any sign, signal, marking, or other device intended to regulate, warn, or guide traffic, or which gives the appearance to a reasonable observer of being intended to regulate, warn, or guide traffic. Violation of this Section is a Civil Traffic Offense.

### **Section 9-10-4 Turn Restrictions**

It is unlawful for any driver of any vehicle to turn such vehicle so as to proceed in the opposite direction upon any street or so turn a vehicle unless such movement can be made in safety and without interfering with other traffic. Violation of this Section is a Civil Traffic Offense.

### **Section 9-10-5 Drivers to Obey Signs**

It is unlawful for any driver, whenever traffic signs are erected as provided in Chapter 11 of the Town Code, to:

- A. Fail to obey such signs unless directed to proceed by an Authorized Enforcement Agent or a lawful traffic control device; and/or
- B. Drive upon or through any unpaved right-of-way, private property, vacant lot or similar property to avoid obedience to any regulation included in Chapter 11 of the Town Code.

Violation of this Section is a Civil Traffic Offense.

**Section 9-10-6 Processions**

- A. It is unlawful for any driver of a vehicle to drive between the vehicles comprising of an authorized procession while they are in motion and when such vehicles are conspicuously designated.
- B. This provision shall not apply at intersections where traffic is controlled by traffic signals or an Authorized Enforcement Agent.
- C. Each driver in a procession shall drive as near to the right hand edge of the roadway as practical and shall follow the vehicle ahead as close as is practical and safe.
- D. Violation of this Section is a Civil Traffic Offense.

**Section 9-10-7 Driving on Private Property**

- A. It is unlawful for any person to operate, drive or leave any motor vehicle, motorcycle, motor scooter, mini-bike, trail bike, dune buggy, jeep or other form of transportation propelled by an internal combustion, electric or other engine upon the private property of another or upon public property which is not held open to the public for vehicle use, without permission from the owner of the property or the person who is entitled to immediate possession thereof, or the authorized agent of either.
- B. Any person stopped by an Authorized Enforcement Agent for investigation of a violation of this Section, the person shall show proof that the permission required has been obtained and from whom permission was obtained.
- C. Violation of this Section is a Class 3 Misdemeanor.

**Section 9-10-8 Flaggers**

It is unlawful for any person other than an Authorized Enforcement Agent to control traffic or attempt to control at an intersection at any time. Violation of this Section is a Civil Traffic Offense.

**Section 9-10-9 Temporary Traffic Control**

- A. It is unlawful for any person or their agent to cause, permits, facilitate, aid or abet any violation of Article 11-3, Temporary Traffic Control, of the Town Code.
- B. Contracting with another person, firm or agency (subcontractor) for temporary traffic control services does not relieve the person, firm or agency conducting the work from the obligation

to comply with the provisions of Article 11-3 of the Town Code or this Article.

C. Violation of this Section is a Civil Traffic Offense.

**Section 9-10-10 Penalty**

A. Except as otherwise provided in the Town Code, or State Statute, a violation of any provision of this Section is a Civil Traffic Offense.

B. Penalties for certain specific violations are set forth in Article 11-5 of the Town Code.

C. It is unlawful for any person or their agent who causes, permits, facilitates, aids or abets any violation of this Article, or who fails to perform any act or duty required pursuant to Chapter 11 of the Town Code.

D. The person and their agent may be found to be individually responsible for the violations, the prescribed sanctions, and the abatement of the violations.

***[ARTICLES 9-11 through 9-19 Reserved for Future Use]***

**ARTICLE 9-20 MISCELLANEOUS OFFENSES**

**Section 9-20-1 Signs and Banners**

It is unlawful for any person to place any banner or sign upon any streetlight pole, traffic signal pole or utility pole within the Town without first obtaining authorization from the Town and the owner of the pole. Violation of this Section is a Civil Offense.

**Section 9-20-2 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 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. Violation of this Section is a Civil Offense.

**Section 9-20-3 Animals**

A. Rabies/Animal Control Lease Laws. It is unlawful for any person to fail to comply with the requirements of Article 6-2, Rabies/Animal Control Leash Law, of the Town Code or violate any of its provisions.

B. Bees and Bee Keeping. It is unlawful for any person to fail to comply with the requirements of Article 6-3, Bees and Bee Keeping, of the Town Code or violates any of its provisions.

C. Penalty. A violation of this Section shall be a Civil Offense.

**Section 9-20-4 Curfew Hours for Minors**

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

1. "Emergency" means an unforeseen combination of circumstances or the resulting state that calls for immediate action.
2. "Guardian" means a person who, under court order, is the guardian of the person of a minor or a public or private agency with whom a minor has been placed by an authorized agency or court; or a person at least 21 years of age and authorized by a parent or guardian to have the care and custody of a minor.
3. "Insufficient control" means failure to exercise reasonable care and diligence in the supervision of the juvenile.
4. "Minor" means any person less than eighteen years of age.
5. "Parent" means a person who is a natural parent, adoptive parent or step-parent of another person.

**B. Offenses.**

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

**C. Defenses/Exceptions.**

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

1. Accompanied by the minor's parent or guardian.
2. With prior permission of the parent or guardian, in a motor vehicle involved in interstate travel.
3. With prior permission of the parent or guardian, in an employment activity or going to or returning home from an employment activity without any detour or stop by the most direct route.
4. Involved in an emergency.
5. With prior permission of the parent or guardian, was engaged in reasonable, legitimate and specific business and/or activity. Examples include, but are not limited to, a juvenile, with prior permission of the parent or guardian, attending an official school, religious or other recreational activity supervised by adults who take responsibility for the minor, or going to or returning home from an official school, religious or other recreational activity supervised by adults who take responsibility for the minor.
6. With prior permission of the parent or guardian, engaged in a reasonable and legitimate exercise of First Amendment rights protected by the United States

Constitution.

7. Married and sixteen years of age or over, or in the military.
8. On the sidewalk abutting their residence or on the next door neighbor's property with the consent of the neighbor.

**D. Enforcement.**

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

**Section 9-20-5      Theft of Water; Tampering with Water Utility Equipment**

- A. It is unlawful for any person to:
1. Take any water from the Town's water distribution system, including fire hydrants and effluent irrigation systems ("Water Distribution System"), without having the water properly metered by the Town; and/or
  2. Tamper with or damage any Water Distribution System equipment or locking devices placed on such equipment.
- B. Violation of Subsection A above is a Class 1 Misdemeanor.
- C. In addition to any other penalties, a person violating this Section shall also pay to the Town for the water illegally taken or released and all costs incurred by the Town to repair and/or replace any damages equipment and abate any other damage caused.

**ARTICLE 9-21      PENALTIES**

- 9-21-1 Enforcement Officers
- 9-21-2 Civil Offenses and Misdemeanors
- 9-21-3 Restitution
- 9-21-4 Enjoining Violations Deemed a Public Nuisance
- 9-21-5 State Statute Penalties
- 9-21-6 Remedies Non-exclusive
- 9-21-7 Procedures

**Section 9-21-1 Enforcement Officers**

- A. Except as otherwise specifically provided in Chapter 9, civil citations may be issued by any Authorized Enforcement Agent, Police Officer, the Town Attorney or Town Prosecutor, or other Authorized Enforcement Agent may enforce the provisions of the Town Code and State Statutes.
- B. In addition Police Officers may issue criminal complaints and/or issue a report to the Town Attorney to issue a complaint to enforce provisions of the Town Code and State Statutes.

**Section 9-21-2 Civil Offenses and Misdemeanors**

- A. Except where the context requires a different definition, the terms “Civil Offense”, “Civil Traffic Offense”, “Misdemeanor”, “Class 3 Misdemeanor”, “Class 2 Misdemeanor”, and “Class 1 Misdemeanor” shall have the same meaning, and penalties as set forth in Title 13 and Title 28 of the Arizona Revised Statutes.
- B. Except as otherwise specifically provided in this Chapter, Town Code or in State Statute, any person who fails to comply with requirements of this Chapter or the Town Code, or violates any of their provisions, is guilty of a Civil Offense.
- C. Except as otherwise specifically provided, Civil Offenses shall be punished by imposition of a civil penalty in the amount of \$250.00 for the first offense; \$500.00 for a second offense in a 12-month period, and \$2,000.00 for a third offense in said 12-month period. A fourth violation after three prior findings of responsibility for a civil offense the violation shall be a Class 3 Misdemeanor. For purposes of calculating the 12-month period, such period shall be calculated by looking backwards from the last offense.
- D. Except as otherwise provided, each day that the violation continues shall be a separate violation or offense.

**Section 9-21-3 Restitution**

To the fullest extent allowed by law and in addition to any other remedies available, the Town, and any victims of any violation of any provision of this Chapter or any other provision of the Town Code shall be entitled to recover restitution for the damages and expenses caused by the violation and abatement thereof.

**Section 9-21-4 Enjoining Violations Deemed a Public Nuisance**

In addition to other enforcement process and penalties provided under the law, any condition caused or permitted to exist in violation of any of the provisions of the Town Code that is a threat to public health, safety, and/or welfare, is declared and deemed a nuisance, and may be

summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

**Section 9-21-5 State Statute Penalties**

Nothing in this Chapter 9 or elsewhere in the Town Code regarding penalties shall be interpreted or applied to prevent imposing other or additional criminal penalties and/or relief as provided by State Statute.

**Section 9-21-6 Remedies Non-Exclusive**

- A. The remedies provided for in this Article are not exclusive and nothing shall preclude the Town from pursuing other authorized legal remedies against violators of this article that may include but are not limited to conditional use permit revocation and enforcement of other applicable federal, State, county, or Town laws, codes, statutes, rules or regulations.
- B. Enforcement of any provision of this Article shall not be interpreted as limiting the penalties, actions or abatement procedures which may be taken by the Town or other persons under the law, ordinances, or rules

**Section 9-21-7 Procedures**

- A. Civil matters shall be tried before the civil hearing officer in accordance with the provisions of Chapter 5 of this Code. As authorized by the Town, civil matters may also be tried before a justice of the peace or a county hearing officer.
- B. All criminal matters shall be tried before any court having jurisdiction over the offense utilizing the procedures established by that court.

# Exhibit 3

## CHAPTER 1 GENERAL {Revisions only}

### ARTICLE 1-2 CONSTRUCTION ~~OF ORDINANCES~~

#### Section 1-2-1 Application of Rules and Definitions

The rules and the definitions set forth in this ~~chapter~~Chapter shall be observed in the construction of this ~~code~~Code and the ordinances of the ~~town~~Town unless such construction would be inconsistent with either the manifest intent of the Town Council~~Council~~ or the context of this ~~code~~Code or the ordinances of the ~~town~~Town.

#### Section 1-2-2 Interpreted as Consistent with Law

All Ordinances and eCode provisions adopted by the Town Council, and all policies and procedures adopted and/or implemented by the Town shall in all instances be interpreted to be in full compliance with all applicable superior laws and legal requirements, including all such County, State and Ffederal statutes, laws, and codes, to the extent they are applicable and controlling.

### ARTICLE 1-8 ~~PENALTIES~~ AND ENFORCEMENT

Penalties and enforcement for violations of this Code are as set forth in Article 9-21 and in specific Articles and Sections of this Code, as well as State and Ffederal law, where applicable. A-

~~Any person found guilty of violating any provisions of this code, except as otherwise provided in this code, shall be guilty of a Class one misdemeanor. Each day that a violation continues shall be a separate offense punishable as hereinabove described.~~

~~B- Any violation of or failure or refusal to do or perform any act required by Chapter 11, Article 11-3 of this Code shall be penalized as provided in paragraph "A" of this Article 1-8. Any violation of or failure or refusal to do or perform any act required by any other article of Chapter 11 of this Code constitutes a civil traffic violation. Civil traffic violations are subject to the provisions of A.R.S. Title 28, Chapter 5, Articles 3 and 4, and amendments thereto.~~

### ARTICLE 1-11 CORRECTION AND UPDATING

#### Section 1-11-1 Authority

In administering, codifying, and applying the Codes, Ordinances, policies and/or regulations adopted or approved by Town Council, the Town Manager, Town Clerk, and Town Attorney are jointly authorized, without further Council action and without changing the substance of the provisions, to:

- A. Correct misspellings, incorrect references and naming, incorrect words, and incorrect numbering;

B. Correct and update references to statutes, codes, regulations, policies, laws, and other references to items inside and outside of the document being corrected or updated;

C. Reorganize, reformat, and restructure Chapters, Articles, Sections and/or other provisions;

D. Reword and update provisions for clarity;

E. Resolve inadvertent conflicts between provisions;

F. Incorporate amendments required by State or federal law; and

G. Otherwise correct errors therein.

**Section 1-11-2 Report to Council**

The Town Manager, Town Clerk and Town Attorney shall periodically review and update the Code and provide a report to the Town Council of all revisions made pursuant to this Article. The Council may, but is not required to, ratify the changes made.

# Exhibit 4

## CHAPTER 10 HEALTH AND SANITATION {Revisions only}

### Section 10-1-2      Jurisdiction

- A. Unless otherwise specified, ~~the Queen Creek Municipal Court, any Justice Court or other~~ court of competent jurisdiction (hereinafter "court") shall have jurisdiction of all proceedings to enforce this ~~chapter~~Chapter.
- B. Civil actions to enforce this ~~chapter~~Chapter may be adjudicated by a judge or a Civil Hearing Officer.
- C. The court shall have jurisdiction to issue orders permitting the ~~town~~Town to abate conditions that constitute a violation of the provisions of this ~~chapter~~Chapter. The court may retain jurisdiction over any matter to abate conditions that constitute a violation of this ~~chapter~~Chapter until the violation is abated in full.

### Section 10-2-10      Rubbish, Trash, Weeds, Filth, Debris and Dilapidated Structures on Property

It is unlawful for any person to throw, deposit, maintain or allow to be maintained, any rubbish, trash, weeds, filth, debris or dilapidated structures on any occupied or unoccupied private or public property within the ~~town~~Town, whether owned by such person or not. Notwithstanding the foregoing, the owner or person in control of private property may maintain authorized private receptacles for rubbish, trash, weeds, filth, and debris in such a manner that rubbish, trash, weeds, filth, and debris will be prevented from being carried or deposited by the elements upon any public place. In addition to any criminal penalty which may be imposed for violation of any provisions of this article, such person shall be liable for all costs which may be assessed pursuant to this article for the removal of said rubbish, trash, weeds, filth, debris and dilapidated structures.

- A. Any person who violates this section on private property shall be guilty of a civil offense as defined in ~~Section Article 109-4421-2~~ unless that person immediately removes the rubbish, trash, filth, or debris from the property.
- B. Any person who violates this Section on public property shall be guilty of a ~~class~~Class 1 ~~misdemeanor~~Misdemeanor unless that person immediately removes the rubbish, trash, filth, or debris from the property.

### Section 10-3-1      Definitions

...

- P. "Handbill" means any printed or written matter, any sample or device, circular, leaflet, pamphlet, paper, booklet, temporary sign, Bandit Sign or any other printed or otherwise reproduced original or copy of any matter or literature which advertises for sale any business, product, commodity or thing; directs attention to any business or establishment for the purpose of either directly or indirectly promoting the interest thereof; or which directs attention to or advertises any meeting, theatrical performance, exhibition or event of any kind.

...

RR. "Bandit Sign" is regarded as any illegal sign posted in or near a public right of way on a utility pole, street pole or other fixture in the Town of Queen Creek regardless of content on the sign and without a valid permit. Bandit Signs include those constructed of vinyl, paper, cloth

or fabric, polyboard, coroplast, corrugated plastic, poster board, plastic core, cardboard, wood or any other similar material.

### Section 10-3-2 Public Nuisances Defined

...

E. Any accumulation of items visible from the right of way or the property of another including, but not limited to: Equipment, building or landscaping materials, parts/auto parts, appliances, mattresses, boxes, or scrap items. Building or Landscaping materials are allowed if there is a valid, active building permit pertaining to these items. This prohibition does not apply to an accumulation of items which are contained within an acceptable trash receptacle equipped with either a door or lid to prevent the unintended spillage of such materials.~~Accumulations of bottles, glass, cans, ashes, scrap iron, wire metal articles, bric-a-brac, broken stone or cement, broken crockery, broken glass, broken plaster and all other trash and abandoned material, unless the same be kept in covered bins or metal receptacles approved by this code or any town ordinance.~~ Nothing in this subsection shall be deemed to prohibit uses named herein when such are necessary and incidental to an agricultural use on land defined in this chapter as “property used for agricultural purposes.”

...

H. ~~All Any places property~~ used or maintained as junk yards or dumping grounds, or for the wrecking, disassembling, repair or rebuilding of automobiles, trucks, tractors or machinery of any kind, or for the storing or leaving of worn out, wrecked or abandoned automobiles, trucks, tractors or machinery of any kind or of any of the parts thereof, or for the storing or leaving of any machinery or equipment used by contractors or builders or by other persons, which said places are kept or maintained so as to interfere with the comfortable enjoyment or the quality of life or property by and of others; provided, however, that nothing contained in this subsection shall be deemed to prohibit any automobile wrecking yard or other junk yard where the same is otherwise permitted by the ~~town~~Town zoning ordinance and amendments thereto, which is operated in conformity therewith. Nothing in this subsection shall be deemed to prohibit uses named herein when such are necessary and incidental to an agricultural use on land defined in this chapter as “property used for agricultural purposes.”

...

N. To leave or permit to remain outside of any dwelling, building or other structure, or within any unoccupied or abandoned building, dwelling or other structure under the control of any person and in a place accessible to children, any abandoned, unattended or discarded icebox, refrigerator, freezer, or other container which has an airtight door or lid, snap lock or other locking device which may not be released from the inside, unless such icebox, refrigerator or other container is properly stored by first removing said door or lid, snap lock or other locking device from said icebox, refrigerator or container.

...

O. The doing of any act, or omitting to perform a duty, or suffering or permitting any condition or thing to be or exist, which act, omission, condition or other thing either:  
1. Unlawfully interferes with, obstructs or tends to obstruct or renders dangerous the free passage or use, in the customary manner, of any stream, public park, parkway, square, sidewalk, street, ~~or~~ highway, or right of way in the ~~town~~Town and is no less a nuisance because the extent of the annoyance or damage inflicted is unequal.

...

R. All land shall be maintained so as to prevent a-ponding or the accumulation of stagnant water when such pond or water causes a hazardous or unhealthy condition, becomes a breeding area for insects, or which is causing soil erosion or damage to foundation walls. This does not apply to Town-approved retention basins as a whole except for portions of retention basins creating, contributing to or causing injury or endangerment to the health, safety or welfare of the community.

...

T. Any landscaping, visible from public property or the property of another, that is substantially dead, damaged, or characterized by uncontrolled growth, or presents a deteriorated or blighted appearance; uncultivated plants, weeds, tall grass, uncultivated shrubs or growth (whether growing or otherwise) higher than six (6) inches; or any dead trees, bushes, shrubs or portions thereof, including stumps; or any palm or similar type tree having dead or dry fronds descending downward from the base of the lowest living frond more than eight (8) feet or dry fronds longer than five (5) feet and closer than eight (8) feet to the ground. Trees that overhang a sidewalk shall be trimmed a minimum of 8 feet above the sidewalk to allow for safe passage. Trees that overhang the street shall be trimmed a minimum of 14 feet above street grade to allow for safe and damage free passage of large public service vehicles (i.e., fire apparatus, solid waste vehicles)".

...

**Section 10-3-3 Litter in Public Places**

No person shall throw or deposit litter in or upon any street, sidewalk, alley, or other public place within the ~~town~~Town except in public receptacles, or in authorized private receptacles for collection.

**Section 10-3-8 Deposit of Commercial Handbills on Public Property**

No person shall throw or deposit any commercial or non-commercial handbill in or upon any sidewalk, street, right of way, or other public place within the ~~town~~Town, nor shall any person hand out or distribute or sell any commercial handbill in any public place, but nothing in this section shall be deemed to prohibit any person from handing out or distributing on any sidewalk, street or other place within the ~~town~~Town, without charge to the receiver thereof, any non-commercial handbill to any person willing to accept it.

**Section 10-3-17 Penalties**

- A. Any person, whether as principal, owner, agent, tenant, employee or otherwise who maintains a nuisance upon any property within the ~~town~~Town, violates any provision of this article, or fails to comply with any provision of this article, shall be deemed guilty of a civil offense as defined in and punishable under Section ~~10-19-21-2~~. The conviction of any person hereunder shall not relieve such person from the responsibility to correct such violation, nor prevent the enforcement, correction or removal thereof in any manner authorized by law. Every day that a nuisance is permitted to exist or caused to continue to exist under this article shall be deemed a separate violation.
- B. Notwithstanding the foregoing, any person, whether as principal, owner, agent, tenant, employee or otherwise who maintains a nuisance on property owned or controlled by that person in violation of Sections 10-3-2(L) or 10-3-2(O) is guilty of a Class 3 Misdemeanor~~petty offense as defined in Section 10-11-4~~.
- C. Notwithstanding any other provision of this chapter, any person that recklessly places or causes to be placed any rubbish, trash, filth or debris on any property not owned or under

the control of that person in violation of Section 10-3-3, or 10-3-13 shall be guilty of a ~~class~~ Class one-1 misdemeanor~~Misdemeanor~~, unless that person immediately removes the rubbish, trash, filth or debris.

## **ARTICLE 10-5 ABANDONED VEHICLES**

### **Section 10-5-2 Abandonment Prohibited**

A person shall not abandon a vehicle on any street, highway, right of way, or private property within the ~~town~~Town.

### **Section 10-5-4 Vehicle Removal**

- A. An officer who has reasonable grounds to believe that a vehicle has been lost, stolen, abandoned or otherwise unclaimed may remove or cause the removal of the vehicle from any street, highway or private property.
- B. If a person removes or causes the removal of an abandoned vehicle from private property, the person shall both:
  1. Obtain written authorization from the owner or lessee of the property on a form prescribed by the ~~Town of Queen Creek Police Department~~Maricopa County Sheriff's Office.
  2. Submit the form and the vehicle identification form to the ~~Town of Queen Creek Police Department~~Maricopa County Sheriff's Office.
- C. An officer who has removed an abandoned vehicle pursuant to this section shall inspect the vehicle and shall complete the vehicle identification form prescribed or approved by the ~~Town of Queen Creek Police Department~~Maricopa County Sheriff's Office. The ~~Town of Queen Creek Police Department~~Maricopa County Sheriff's Office shall make an inquiry to determine whether the abandoned vehicle is a stolen abandoned vehicle.
- D. A person who has removed or caused to be removed an abandoned vehicle from private property shall have the vehicle inspected by an officer or agent of the ~~Town of Queen Creek Police Department~~Maricopa County Sheriff's Office. The officer or agent shall make an inquiry to determine whether the abandoned vehicle is a stolen abandoned vehicle.

### **Section 10-5-6 Towed Vehicles; Notification; Violation; Classification**

- A. Except if acting under the direction of a ~~peace~~Peace officer~~Officer~~, a person who moves or tows a vehicle into a public garage, parking lot, storage yard or automotive recycling yard or on private property without the consent of the vehicle owner or the owner's agent shall notify the ~~Town of Queen Creek Police Department~~Maricopa County Sheriff's Office by telephone within one hour of the time the vehicle is moved or towed.
- B. A person who fails to comply with this section forfeits all claims for towing and storing the vehicle and is guilty of a ~~class~~Class 1 misdemeanor~~Misdemeanor~~.

### Section 10-5-7 Towing and Storage Costs

- A. ~~Maricopa County~~The Town shall not incur any liability for the cost of towing or storing a vehicle removed under this article when its officer has removed or caused the removal of the vehicle under color of the officer's lawful authority.
- B. The owner of a vehicle that is removed or caused to be removed under this article is liable for any reasonable costs incurred in towing or storing the vehicle.

### Section 10-8-6 Parking, Maneuvering, Ingress and Egress

A. Residential. All vehicular parking must occur on a legal driveway consisting of a dustproof surface or on an improved dustproof surface immediately adjacent to the legal driveway. The dustproof surface shall consist of concrete, asphalt millings, or gravel with a minimum three (3) inches in depth. Asphalt millings and gravel areas shall also have a permanent border installed.

A.B. Other than Residential. All persons who are owners, tenants or operators shall maintain parking, maneuvering, ingress and egress areas at developments other than residential buildings with four (4) or fewer units with one or more of the following dustproof paving methods:

1. Asphaltic concrete;
2. Cement concrete;
3. Penetration treatment of bituminous material and seal coat of bituminous binder and a mineral aggregate;
4. A stabilization method approved by the Town.

B.C. Residential. All persons who are owners, tenants or operators shall maintain parking, maneuvering, ingress and egress areas that are three thousand (3,000) square feet or more in size at residential buildings with four (4) or fewer units with a paving or stabilization method authorized by the Town Code or permit.

### Section 10-10-4 Enforcement, Violations, Notices and Penalties

#### A. Responsibility for Administration.

1. The Enforcement Officer, acting through and designated by the Town Manager, shall administer, implement and enforce the provisions of this ordinance involving Stormwater. The Enforcement Officer may enforce the provisions of this ordinance when reasonable cause exists to believe that any person has violated or is in violation of any provision of this ordinance.
2. The Administrator or his designee or designees represent the Town in the administration of this ordinance.

#### B. Violations, Notices and Penalties of General Applicability.

1. ~~Except as otherwise specifically provided in this Chapter or State Statute, obligations and offenses related to this Article are set forth in Article 9-21 of the Town Code. Except as otherwise specifically provided, civil offenses shall be punished by imposition of a civil penalty in the amount of \$250.00 for the first offense; \$500.00 for a second offense within a 12-month period, and \$2,000.00 for a third offense within said 12-month period.~~

~~For purposes of calculating the 12-month period, such period shall begin on the date of the first offense.~~

2. Civil matters shall be tried before the civil hearing officer in accordance with the provisions of Chapter 5, Section 7 of the Town code. When appropriate, civil matters may also be tried before a justice of the peace or a county hearing officer.

C. This ordinance shall not apply during a period of public emergency as declared by the Town, state authorities or federal authorities, or if the operation is directed by a peace officer or other public authority.

### **Section 10-11-1 Enforcement Officers**

Except as otherwise specifically provided in this Chapter 10, ~~the provisions of this Chapter may be enforced as set forth in Section 9-21-1 of the Town Code. any Code Enforcement Officer, Peace Officer, or the Town Attorney or Town Prosecutor, may issue civil citations or complaints to enforce violations of this Chapter.~~

### **Section 10-11-2 Civil Offenses**

~~Except as otherwise specifically provided in this Chapter or State Statute, obligations and offenses related to this Chapter are set forth in Article 9-21 of the Town Code. Except as otherwise specifically provided in this Chapter, any person who fails to comply with the requirements of this Chapter, or violates any of its provisions is guilty of a civil offense. Except as otherwise specifically provided, civil offenses shall be punished by imposition of a civil fine in the amount of \$250.00 for the first offense; \$500.00 for a second offense in a 12-month period, and \$2,000.00 for a third offense in said 12-month period. For purposes of calculating the 12-month period, such period shall begin on the date of the first offense.~~

### **Section 10-11-3 Procedure**

Civil matters shall be tried before the civil hearing officer in accordance with the provisions of Chapter 5, ~~Section 7~~ of this Code.

When appropriate, civil matters may also be tried before a justice of the peace or county hearing officer

### ~~Section 10-11-4~~ **Criminal Penalties**

~~Except as otherwise specifically provided herein, any person who violates a provision of this Chapter for which a civil penalty is not prescribed upon first conviction shall be considered guilty of a petty offense and upon subsequent convictions shall be guilty of a class 1 misdemeanor.~~

### **Section 10-11-5~~4~~ State Law Penalties**

Nothing in this Chapter 10 regarding civil penalties shall be interpreted or applied to prevent a law enforcement officer from imposing criminal penalties as provided by state law.

# Exhibit 5

## CHAPTER 11 TRAFFIC

### ARTICLE 11-1 TOWN TRAFFIC ENGINEER

#### Section 11-1-1 General Authority

The Town Traffic Engineer or designee is authorized to:

- A. Regulation of Traffic at Intersections: Designate through streets, intersections where stops are required, and intersections where vehicles shall yield the right-of-way;
- B. Traffic Signals: Conduct Traffic Signal Warrant Studies to determine the placement of new traffic signals, and to operate traffic signals at intersections as deemed appropriate by such studies;
- C. Multi-Way Stop Controls: Establish, as necessary for the safe and efficient flow of traffic, multi-way stop controls that conform to the requirements of the Manual on Uniform Traffic Control Devices (MUTCD) handbook;
- D. Turn Restrictions:
  - 1. Place markers, buttons or signs within or adjacent to an intersection indicating the course to be traveled by vehicles turning at such intersections, and such course to be traveled as so indicated may conform to or be other than as prescribed by law;
  - 2. Determine those intersections at which drivers of vehicles shall not make a right-, left-, or U-turn, and shall have placed proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the signs, or such signs may be removed when such turn(s) are permitted.
- E. Crosswalks: Designate and maintain, by appropriate device, marks or lines upon the surface of the roadway so as to establish crosswalks at locations where there are substantial number of pedestrians crossing the roadway, and at such other places as may be necessary;
- F. School Zones: Establish school zones of such kind and character and at such places as may be necessary for the protection of school children;
- G. Traffic Lanes: Add pavement markings as necessary within the Town's right-of-way;
- H. Speed Limits: Determine and have posted the appropriate posted speed limit for all street segments within the Town;
- I. Loads: Determine the appropriate loads to be allowed on Town streets and alleys, and other roads and roadways, in the Town;
- J. One-Way Streets and Alleys: Designate any street or alleys which is to be limited to one-way traffic;
- K. Erect Signs Restricting Parking: Have signs erected requiring parking at an angle to the curb, allowing parking on the left hand curb on one-way streets, notifying drivers that parking is prohibited and restricting parking, stopping and/or standing in any way that may be necessary for the safe and efficient movement of traffic. When such signs have been erected, no person

shall stop or stand a vehicle in disobedience to such parking restrictions;

- L. Temporary Traffic Control Application or Plan: Modify any condition of a plan, or suspend or revoke such Temporary Traffic Control Application and Plan at any time when necessary, in their sole discretion, to promote, preserve or protect public health, safety and welfare;
- M. Permits Generally: Adopt policies and procedures for issuance of all permits and/or other authorizations deemed necessary under this Chapter or as otherwise authorized under the Town Code and/or State Statutes, and to issue or decline to issue, suspend or revoke such permits; and
- N. Suspend or Revoke Plan or Permit: Suspend and/or revoke Temporary Traffic Control Application and Plan and Encroachment Permit if the plan or permit holder fails to follow the Temporary Traffic Control Plan, applicable laws, or any general or special conditions of the Encroachment Permit or Temporary Traffic Control Application and Plan.

**Section 11-1-2      Enforcement**

- A. The Town Traffic Engineer and designees, are Authorized Enforcement Agents under Chapter 9 of the Town Code in relation to enforcement of Articles 9-7 Parking, 9-9 Property (as it relates to Streets and Sidewalks), and 9-10 Traffic, and such other situations as delegated or assigned by the Town Manager or Chief of Police.
- B. In addition the Town Traffic Engineer and designees are authorized to enforce the provisions of this Chapter through:
  - 1. Seeking voluntary compliance through information and education;
  - 2. Issuing corrective action or violation notices and warnings;
  - 3. Other informal means designed to achieve compliance in the most efficient and effective manner;
  - 4. In cooperation with the Engineering Division of the Community Development Department and/or the Capital Improvement Department, issuing stop work notices;
  - 5. Suspending or revoking Temporary Traffic Control Plans;
  - 6. In cooperation with the Community Development Department, placing a hold on issuance of new Encroachment Permits and/or Temporary Traffic Control Application and Plans for the same company or individual; and/or
  - 7. Issuing a Fine.

**ARTICLE 11-2      PERMANENT TRAFFIC CONTROL**

**Section 11-2-1      Adoption of the Manual on Uniform Traffic Control Devices (MUTCD)**

The Town of Queen Creek adopts the MUTCD handbook (most recently adopted version by the Arizona Department of Transportation) published by the Federal Highway Administration, and the Arizona Department of Transportation Supplement to the MUTCD handbook. Exceptions are noted in the following Sections of this Chapter.

**Section 11-2-2      Traffic Control Devices**

- A. The Town reserves the right to remove any sign that is deemed a nuisance or public hazard, and may, at the discretion of the Town Traffic Engineer impose a reasonable charge to the property owner for the cost of removals from private property;
- B. All permanently installed signing within Town right-of-way by private parties (developers) shall comply with the MUTCD handbook (most recently adopted version by the Arizona Department of Transportation) published by the Federal Highway Administration, and the Arizona Department of Transportation Supplement to the MUTCD handbook, as well as the Town's relevant engineering standards, details, and specifications; and
- C. The Town reserves the right to charge monetary damages to any individual, party, or organization that is found responsible for damage to any Town owned traffic control device.

**Section 11-2-3      Speed Limits**

The Town Traffic Engineer will determine and post the appropriate posted speed limit for all street segments based upon the application of accepted engineering standards, practices, and judgment.

- A. All local residential streets shall have a prima facie speed limit of 25mph; these types of streets may or may not be posted with a physical sign.
- B. Reduced speed limits for school zones (whenever a school fronts onto an arterial street with a posted speed of 45mph or greater) are to be posted either 30mph or 35mph, and are to be in force between the hours of 7:30am to 3:30pm weekdays.
- C. Temporary reduced speed limits for construction and maintenance work zones, special events, or any other activity within or adjacent to the right-of way that would require a reduced regulatory speed limit are to be determined at the time of approval of the Traffic Control Plan. All installations of temporary speed limits shall conform to the requirements of the MUTCD handbook and the Arizona Department of Transportation Supplement to the MUTCD.

**Section 11-2-4      Over-Dimensional (Oversize/Overweight) Loads**

- A. Loads that are considered over-dimensional in nature are required to possess a valid permit issued from the jurisdiction at the point of origin.
- B. The responsible party will be required to file a routing request with the Town of Queen Creek at least 3-business days prior to the anticipated move date. The Town will review the request, the proposed route, as well as the proposed time and schedule to ensure that the load can safely operate. Town staff will approve the route, make recommendations, or deny the load access to the Town's right-of-way.
- C. Over-dimensional loads traveling through, originating or terminating within the Town may be required to have a Police Department or other escort authorized by the Town Traffic Engineer, Town Chief of Police or their designee.

**Section 11-2-5      One-Way Streets and Alleys**

Proper signing shall be installed at appropriate locations to indicate the one-way condition. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

**Section 11-2-6 Processions**

No procession or parade, except funeral processions, shall be held without first securing a permit from the Town, and all such requests for permits shall state the time, place of formation, proposed line of march, destination and such other regulations as the Town may set forth therein. A funeral procession composed of a procession of vehicles shall be identified by such methods as may be determined and designated by the Town.

**ARTICLE 11-3 TEMPORARY TRAFFIC CONTROL**

**Section 11-3-1 Permission to Access Right-of-Way**

- A. Every person, firm, or agency conducting work in the public right-of-way or roadway easement is responsible for assuring that all related activities comply with the provisions of this Chapter.
- B. Any contractor, agency, utility, or any other person that is performing work within the right-of-way shall obtain an Encroachment Permit from the Town's Community Development Services Department prior to entering the right-of-way. The permit will not be valid without the required Traffic Control Plan Application and Traffic Control Plan being submitted to and approved by the Town prior to entering the right-of-way.
- C. The Traffic Control Plan Application and Traffic Control Plan shall be on-site and attached to the permit whenever activities are taking place in the right-of-way, and shall be produced upon request by Town staff or law enforcement.

**Section 11-3-2 Street Closures**

- A. Requests for street closures (excluding special events as determined by the Town) shall be made a minimum of 30-days prior to the date needed or as approved by Town Traffic Engineer. Requests shall be made in writing and shall include a Traffic Control Plan Application and a Traffic Control Plan that meets the requirements of Section 11-3-3. Requests will be reviewed and approved based upon need and potential life/safety issues.
- B. If a road closure request is granted, the contractor will be held to the dates requested and approved by the Town.
- C. Upon approval, the contractor shall provide the Town with a Cashier's Check (bond) in the amount of Ten Thousand Dollars (\$10,000.00) made payable to the Town of Queen Creek.
- D. Should the contractor not complete their work in the agreed upon time limits, the bond shall be subject to forfeit, and a Two Thousand Dollar (\$2,000.00) per day fine may be levied for each day the work is not completed.
- E. The contractor may seek additional time for unforeseen circumstances prior to TCP expiration date. The contractor may be directed on the last day of authorized work to begin work to open the road.
- F. The Town reserves the option of taking the necessary steps to open the road should the need arise.

**Section 11-3-3 Temporary Traffic Control Plans**

- A. A Traffic Control Plan in complexity that matches the work being performed and proximity to traffic will be required whenever construction, maintenance or other activities are taking place within the Town's right-of-way.
- B. A Traffic Control Plan that is computer generated and that is designed and drawn by a person that is currently certified as a Traffic Control Supervisor by the American Traffic Safety Services Association (ATSSA) will be required along with a Temporary Traffic Control Plan Application (provided by the Town) at least ten (10) business days prior to the start of work. Traffic Control Plans shall be submitted directly to the Town, using the established procedure, by the individual or company providing the temporary traffic control services.

#### **Section 11-3-4 Certified Persons**

Any temporary traffic control that is placed within the right-of-way on an arterial street, or as required by the Town shall be completed under the direct, on-site supervision of a person that is currently certified as a Traffic Control Technician by the ATSSA. The Technician shall carry ATSSA-issued proof of certification on his/her person at all times when working within the right-of-way, and shall produce the certification, as well as state-issued photo identification, upon demand by a member of the Town Police Department, Traffic Engineer or designee, or other Authorized Enforcement Agent. .

#### **Section 11-3-5 Temporary Signing**

All temporary signing in place due to the requirements of a Traffic Control Plan shall be a minimum of ASTM Type IV sheeting, a minimum of 36"x36" (for Warning Series signs), and shall be mounted on spring type stands. All signing for projects considered to be Long-Term Stationary in nature by the MUTCD shall be post mounted.

#### **Section 11-3-6 Flaggers**

Any civilian flagger working within the Town's right-of-way shall hold current certification as a flagger by the ATSSA, or a pre-approved equivalent, and shall carry proof of certification at all times when working within the right-of-way. Certified flaggers may be required to provide proof of certification prior to working within the Town's right-of-way. Off-duty law enforcement officers may be used in lieu of certified flaggers.

#### **Section 11-3-7 Haul Routes**

- A. If construction activities are determined by the Town to require special routing of haul trucks to prevent impacts on surrounding streets, neighborhoods, or businesses, the contractor will be required to develop, submit, and utilize an approved haul route. A Traffic Control Plan Application and Traffic Control Plan may be required depending upon the complexity of the haul. Any request for an approved haul route shall contain, at a minimum, the following:
  - 1. Origin and destination of the haul route;
  - 2. A clear and legible plan or map illustrating the proposed haul route, or portion of the haul route within Town limits, showing all roadways on which the haul is proposed, crossing arterials, and the route to be traveled;
  - 3. Frequency, number, and nature of trucks involved in the haul;
  - 4. Location and number of certified flaggers (required when trucks are entering or leaving

the right-of-way at a point of origin and/or destination, and at the discretion of the Town, when trucks are turning across traffic);

5. Copy of current Maricopa County Dust Permit (if applicable); and

6. Traffic Control Plan Application and Traffic Control Plan (if applicable).

B. Haul routes will not be permitted through areas where active school crossing controls are in place, during peak travel times or days, within the Town Center area (Ellsworth Rd between Chandler Heights Rd and Rittenhouse Rd, and Ocotillo Rd between Rittenhouse Rd and Hawes Rd), or at the direction of the Town. Additional application requirements, route restrictions, and costs may apply to hauls which involve oversize or overweight vehicles or hazardous materials.

### **Section 11-3-8 Arrow Boards**

Arrow boards are required whenever a lane merge is in place in the right-of-way; use in shifting conditions shall only be as approved by the Town.

### **Section 11-3-9 Off-Duty Law Enforcement Officer**

A uniformed law enforcement officer shall be present as required as a part of an approved traffic control plan or as directed by the Town Traffic Engineer or designee. Only Queen Creek Police Department officers shall be permitted within the Town of Queen Creek unless otherwise approved by the Town's Traffic Engineer. .

### **Section 11-3-10 Allowable Restriction; Closure Hours and Days**

A. No non-emergency activity that reduces lane width or usable road service shall be permitted to take place between the hours of 5:00am and 8:30am or 2:30pm and 7:00pm on non-holiday weekdays without prior authorization from the Town.

B. No activity shall take place within the Town's right-of-way on Saturday, Sunday or Town observed holidays without prior approval. Contractor's opting to work weekends, observed holidays or other than normal work hours may be charged for hours worked by Town staff at current overtime rates.

### **Section 11-3-11 Directing Traffic**

Authorized members of the Town Police Department and/or Fire Department or their designees are authorized to direct all traffic by voice, hand, or signal.

## **ARTICLE 11-4 PARKING**

In addition to State Statutes and this Chapter, obligations and offenses related to parking are set forth in Article 9-7 of the Town Code.

## **ARTICLE 11-5 PENALTIES**

### **Section 11-5-1 Cease and Desist Order; Fines for Certain Violations**

Upon a finding or admission of responsibility, a violator is subject to cease and desist order in addition to the following sanctions:

- A. Any act, error, or omission within the right-of-way that creates an imminent public risk will result in a fine of \$1,500.00.
- B. Restricting the right-of-way or roadway easement without an approved Temporary Traffic Control Application and Plan will result in a fine of \$1,000.00.
- C. Restricting the right-of-way or roadway easement without a required Encroachment Permit will result in a fine of \$1,000.00.
- D. Restricting traffic during peak traffic hours as described in Section 11-3-10 without authorization will result in a fine of \$1,000.00.
- E. Failing to correct or cure a violation of the Temporary Traffic Control Plan within the time period stated on the Notice of Violation will result in a fine of \$1,000.00.
- F. Failure to notify the Town Traffic Signal Supervisor at least 48 hours in advance of setting the temporary traffic control requiring traffic signal modification will result in a fine of \$1000.00.
- G. Improperly closing a sidewalk or closing a sidewalk without first obtaining a required Traffic Control Permit will result in a fine of \$500.00.
- H. Failing to comply with the conditions, restrictions, limits, times, or location of a Temporary Traffic Control Plan will result in a fine of \$500.00.
- I. Failing to install advance warning signs or failing to install advance warning signs that comply with the Temporary Traffic Control Plan will result in a fine of \$500.00.
- J. Failing to install traffic barricades or channelizing devices that comply with the Temporary Traffic Control Plan will result in a fine of \$500.00.
- K. Failing to install work zone protection devices will result in a fine of \$500.00.
- L. Failing to remove an advance warning sign leaving the sign facing traffic after the traffic restriction has been removed will result in a fine of \$250.00.
- M. Failing to remove traffic control devices from the right-of-way within twenty-four hours after expiration of the Temporary Traffic Control Plan use hours listed on the application will result in a fine of \$250.00.
- N. Failing to install and maintain traffic control devices that meet the Town requirements will result in a fine of \$250.00.
- O. Failure to comply with any other provision of the Temporary Traffic Control Plan or this Chapter will result in a fine of \$250.00.

**Section 11-5-2           Aggregate Amount; Separate Violations**

The fine amounts set forth in this Article do not limit the aggregate amount that may be imposed by the Town. Each day any violation of any provision of this Chapter or the failure to perform any act or duty required by this Chapter shall constitute a separate violation or offense.

**Section 11-5-3           Additional Offenses and Penalties**

- A. Additional offenses under this Chapter and the Fire Code are set forth in Article 9-7 of the Town Code.
- B. Except as otherwise specifically provided, enforcement and the penalties for violating any provision of this Chapter and/or Articles are set forth in Article 9 of the Town Code.

# Exhibit 6

## CHAPTER 15 PARKS AND RECREATION

### ARTICLE 15-1 DEFINITIONS

For the purposes of this Chapter, Article 9-8, and the Town of Queen Creek Public Park Regulations the following terms, phrases, words and their derivations shall have the meanings respectively ascribed to them below, unless the context clearly indicates a different meaning.

*Active Play Area:* Any area with active play equipment, including but not limited to playgrounds, splash pads, fitness pods, sand dig zones, sport courts, and skate parks.

*Intoxicating Liquor:* Any alcoholic beverage made by fermentation or distillation, which, when used in sufficient quantities ordinarily or commonly produces entire or partial intoxication. Any liquor intended for use as a beverage or capable of being so used, which contains more than one-half of one percent (0.5%) of alcohol by volume.

*Park:* A playground, recreation center, public open space, or any other area in the Town owned or used by the Town and devoted to active or passive recreation, including all internal roadways, internal and adjacent parking lots, and internal and adjacent sidewalks or pathways which are established or maintained by the Town, including retention basin areas and washes within the boundary of the Park, but excluding all drainage retention basins not identified by the Town as Parks through on-site signage.

*Town Property or Town Properties:* Includes all Active Play Areas, Parks, Retention Basins, and Washes.

*Reserved Use Area:* Areas and/or facilities within any Town Property which has been reserved through the Town Parks and Recreation Department pursuant to its policies and/or the Town of Queen Creek Public Park Regulations.

*Retention Basin:* An open space with turf and landscaping set aside for retention of runoff from adjacent lands, not located inside the boundary of Parks that are owned by the Town.

*Wash or Washes:* Any natural watercourse including the immediately adjacent banks of any such Wash.

### ARTICLE 15-2 PUBLIC PARK REGULATIONS

15-2-1	Authority
15-2-2	Regulations
15-2-3	Enforcement

#### Section 15-2-1 Authority

The Town Manager or their designee is authorized to:

- A. Adopt, amend, and enforce rules and regulations related to the regulation, use and maintenance of all Town Properties;
- B. Establish opening and closing hours each Town Property will be open to the public and provide for the posting thereof;

- C. Issue permits for use of Park Properties and establish the requirements, rules, procedures and forms therefore;
- D. Declare any section or part of any Town Property be closed to the public at any time and for any interval of time, either entirely or merely to certain uses, as they shall find reasonably necessary;
- E. Take all such further actions they deem necessary to protect Town Property and the health, safety and welfare of the public, users of Town Property, and Town staff and representatives.

**Section 15-2-2            Regulations**

Pursuant to the authority granted in Section 15-2-1 above, the Town has adopted the "[Town of Queen Creek Public Park Regulations](#)," three copies of which are on file in the Town Clerk's Office, which shall be enforced as set forth therein and in Article 9-8 of the Town Code.

**Section 15-2-3            Enforcement**

The provisions of this Chapter shall be enforced as set forth in Chapter 9.

**ARTICLE 15-3            PARKS AND RECREATION ADVISORY COMMITTEE ("PRAC")**

**Section 15-3-1            Purpose**

The Parks and Recreation Advisory Committee ("PRAC") is authorized to address and advise the Town Council regarding parks and recreation programming and capital projects in the Town.

**Section 15-3-2            Operation**

The PRAC shall operate pursuant to the Standard Form By-Laws for Designated Town Committees as adopted by the Town Council.

# Exhibit 7

## CHAPTER 18: FIRE PREVENTION AND PROTECTION

{Revisions only}

### ARTICLE 18-1 FIRE PREVENTION AND PROTECTION

#### ~~Section 18-1-7 Tampering, injuring fire alarm system or pumps and hydrants~~

~~It shall be unlawful for any person to tamper or injure any part of a fire alarm system or any reservoir, pumps, pipes, valves, gates and fire hydrants or to use or remove, without permission of the Chief of the Fire Department, except for the protection of property from fire damage, any part of the equipment of the Fire Department.~~

#### ~~Section 18-1-8 Interference with firefighters in performance of duties; disobedience to orders of firefighters engaged in duties~~

~~It shall be unlawful for any person to interfere with the lawful efforts of any firefighter, or company of firefighters, including the Fire Marshal, paramedics and fire code officials, in the performance of their duties, or to engage in any disorderly conduct which might reduce the efficiency of such firefighters, or to forbid, prevent or dissuade others from assisting such firefighters in the performance of their duties, or to disobey the lawful orders of the public officer or firefighters while engaged in extinguishing any fire or responding to an alarm or fire.~~

#### ~~Section 18-1-97~~ On-site ~~P~~plans

Plans and specifications shall be submitted to the Fire Department for review and approval prior to construction. One set of ~~F~~fire ~~D~~epartment approved plans shall be on the job site for each inspection.

#### ~~Section 18-1-811~~ Fireworks

~~A. Fireworks shall not be used or possessed in hazardous fire areas. The Fire Marshal is authorized to seize, take, remove or cause to be removed fireworks in violation of this subsection.~~  
Fireworks shall not be used, possessed or sold in violation of this Chapter or Section 9-4-4 of the Town Code.

B. Permits may be granted by the Chief of the Fire Department, Town Fire Marshal or designee for conducting a properly supervised public display of fireworks. Every such public display of fireworks shall be of such character and so located, discharged or fired, only after proper inspection and in a manner that does not endanger persons, animals, or property. A permit shall not be issued, and may be revoked, during time periods of high fire danger warnings. The Chief of the Fire Department, the Fire Marshal or his designee have authority to impose conditions on any permits issued, including, but not limited to, those requirements contained in A.R.S., Title 36, Article 1, the Fire Code adopted by the Town and any other applicable law. Permit conditions may include obligations by permittee for insurance, bonds and indemnity along with other measures.

C. Liability for emergency responses related to use of fireworks.

1. A person who uses, discharges or ignites permissible consumer fireworks, fireworks or anything that is designed or intended to rise into the air and explode or to detonate in the air or to fly above the ground, is liable for the expenses of any emergency response that is required by such use, discharge or ignition. The fact that a person is convicted or found responsible for a violation(s) of this Article is prima facie evidence of liability under this Section.

2. The expenses of an emergency response are a charge against the person liable for those expenses pursuant to Subsection 1 above. The charge constitutes a debt of that person and may be collected by entities proportionately by the public agencies, for-profit or not-for-profit entities that incurred the expenses. The person's liability for the expense of an emergency response shall not exceed \$15,000.00 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.

**Section 18-1-~~912~~ Violation; ~~P~~penalty**

A. Additional offenses~~offences~~ under this Chapter and the Fire Code are set forth in Article 9-4 of the \_\_\_\_\_ Town Code.

B. —~~Except as otherwise specifically provided, enforcement and the penalties for violating any provision of this Chapter or the Fire Code are set forth in Article 9 of the Town Code. Any person who shall violate any of the provisions of this article or the Fire Code adopted by the Town or fail to comply therewith, or who shall violate or fail to comply with any order made under this article or such Fire Code, or who shall build in violation of any detailed statement of specifications or plans submitted and approved under this article or such Fire Code or any certificate or permit issued under this article or such Fire Code, shall severally, for each violation and noncompliance respectively, be guilty of a Class 1 misdemeanor and shall be punished by a fine not to exceed \$2500.00, by imprisonment for a period not to exceed six months, by a term of probation not to exceed three (3) years, or by a combination of such fine, imprisonment, and probation. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects forthwith. Each day that prohibited conditions are maintained shall constitute a separate offense punishable as hereinabove described.~~