

## **Title 9 PUBLIC PEACE, MORALS AND WELFARE**

### **Chapters:**

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### **Chapter 9.04 OFFENSES AGAINST PUBLIC PEACE AND DECENCY**

#### **Sections:**

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#### **9.04.010 Firearms and explosives.**

- A. It is unlawful for any person within town limits to blast or use gun powder, fireworks, or other explosive devices without first obtaining a written permit approved by the town council of Youngtown.
- B. No person shall bring weapons into any town park, building or onto other property owned by the town. Such weapons include, but are not limited to, BB guns, CO<sup>2</sup> or pellet guns, knives with blades longer than three and one-half inches, explosives, fireworks, sling shots, bows and arrows, cross-bows, spear guns, spears and swords. This section does not include firearms as defined by A.R.S. Section 13-3101(4).
- C. No person, unless otherwise authorized by law, may discharge a firearm, as defined by A.R.S. Section 13-3101(A), in any of the town park grounds or in any of the town buildings located in such parks. The town currently has the following parks, all of which are less than one square mile in size:
  1. Club house square, which includes the following buildings located thereon: town hall, arts and crafts, police department, public works, library, clubhouse, building department, Youngtown historical museum;

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2. Greer Park;
3. Maricopa Park and Lake;
4. Memorial Park;
5. Caliche Park;
6. Schliefer Park;
7. Uribe Park.

Additional parks may be established in the future.

- D. In addition to any other signs that may be posted, the chief of police shall cause the following notice to be posted at all entrances to any park at one-quarter-mile intervals or less:
- Discharging a firearm in this park or any of the buildings located herein is prohibited except as allowed by Arizona Law.
- E. No person may enter any building owned by, leased by or occupied by the town carrying a firearm, as defined by A.R.S. Section 13-3101(a), except that this paragraph does not apply to:
1. A peace officer or any person summoned by any peace officer to assist in the performance of his official duties.
  2. A member of the military forces of the United States or of any state of the United States in the performance of official duty.
- F. The town manager shall cause to be posted at the entrance of each building owned, leased or occupied by the town a notice that the possession of firearms inside the building is prohibited, and shall provide a readily accessible locker for the storage of the firearm for use while the owner or carrier of the firearm is inside the building where possessing the firearm is prohibited.
- G. Violation of this section is a Class 2 misdemeanor subject to imprisonment of up to four months, and a fine of up to seven hundred fifty dollars (\$750.00), plus any applicable surcharge imposed by the state legislature.

(Ord. 00-13 §§ 1, 2: prior code § 11-1-5)

(Ord. No. 10-15, § I, 9-2-10)

**9.04.020 Waste, human—Public urination/defecation prohibited.**

- A. It is unlawful for any person to urinate or defecate in a public place, or at any other location where such conduct is observed by another person who has a legal right to be present at the location from which the conduct was observed.
- B. Nothing in this section shall be construed to prohibit the normal use of public facilities specifically designed and intended for the use of voiding human bodily waste.

(Ord. 99-09 § 1: prior code § 11-1-19)

**9.04.040 Spitting.**

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

(Prior code § 11-1-16)

**9.04.050 Prostitution.**

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

(Prior code § 11-1-12)

**9.04.060 Live sex act businesses prohibited.**

- A. The town council makes the following findings:
1. The operation of a business for purposes of providing the opportunity to engage in, or the opportunity to view, live sex acts is declared to be a disorderly house and public nuisance per se which should be prohibited;
  2. The operation of a live sex act business contributes to the spread of sexually transmitted diseases;
  3. The operation of a live sex act business is inimical to the health, safety, general welfare and morals of the inhabitants of the town; and
  4. Evidence in support of these findings may be found in the Sex Clubs, Factual Record, and the Sexually Oriented Businesses, Factual Record, Supplement.
- B. In this section, unless the context otherwise requires:
1. "Consideration" means the payment of money or the exchange of any item of value
    - a. The right to enter the business premises, or any portion thereof;
    - b. The right to remain on the business premises, or any portion thereof;
    - c. The right to purchase an item permitting the right to enter, or remain on, the business premises, or any portion thereof;
    - d. The right to a membership permitting the right to enter, or remain on, the business premises, or any portion thereof.
  2. "Live sex act" means any act whereby one or more persons engage in a live performance of live conduct which contains oral sexual contact or sexual intercourse.
  3. "Live sex act business" means any business in which one or more persons may view, or may participate in, a live sex act for a consideration.
  4. "Operate and maintain" means to organize, design, perpetuate or control. Operate and maintain includes providing financial support by paying utilities, rent, maintenance costs or advertising costs, supervising activities or work schedules, and directing or furthering the aims of the enterprise.
  5. "Oral sexual contact" means oral contact with the penis, vulva or anus.
  6. "Sexual intercourse" means penetration into the penis, vulva or anus by any part of the body or by any object or manual masturbatory contact with the penis or vulva.
- C. It is unlawful for any person to operate and maintain a live sex act business.
- D. Operation of a live sex act business is a public nuisance per se which may be abated pursuant to the provisions of Section 8.32.100 or by filing an action for injunctive relief in the Superior Court of Maricopa County.

- E. Nothing in this section shall be construed to apply to the non-obscene presentation, showing or performance of any play, drama or ballet in theater, concert hall, fine arts academy, school, institution or higher education, or similar establishment as a form of expression of opinion or communication of ideas or information, as differentiated from the promotion or exploitation of sex for the purpose of advancing the economic welfare of a commercial or business enterprise.

(Ord. 03-02(A) § 1)

## **Chapter 9.05 AGGRESSIVE SOLICITATION**

### **Sections:**

[9.05.010 Definitions.](#)

[9.05.020 Prohibited acts.](#)

[9.05.030 Violation—Penalty.](#)

### **9.05.010 Definitions.**

In this chapter, unless the context requires otherwise:

"Aggressive manner" means and includes either individually or as a group:

1. Intentionally or recklessly making any physical contact with or touching another person in the course of the solicitation without the person's consent; or
2. Approaching or following the person being solicited, if the conduct is:
  - a. Intended to or is likely to cause a reasonable person to fear imminent bodily harm to oneself or another, or damage to or loss of property, or the commission of a criminal act upon the person or property in the person's possession; or
  - b. Intended to or is reasonably likely to intimidate a reasonable person being solicited into responding affirmatively to the solicitation; or
  - c. Continuing to solicit within five feet of the person being solicited after the person has made a negative response to such solicitation; or
  - d. Intentionally, knowingly, or recklessly obstructing the safe or free passage of the person being solicited, or requiring the person, or the driver of a vehicle, to take evasive action to avoid physical contact with the person making the solicitation. Acts authorized as an exercise of one's constitutional right to picket or legally protest, and acts authorized by a permit issued by the town, shall not constitute obstruction of a pedestrian or vehicular traffic; or
  - e. Intentionally or recklessly using obscene or abusive language or gestures:
    - (1) Intended to or likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon the person or property in the person's possession; or
    - (2) Intended to or is reasonably likely to intimidate a reasonable person into responding affirmatively to the solicitation.

"Automated teller machine" means a device linked to a financial institution's account records, which is able to carry out transactions including, but not limited to: account transfers, deposits, cash withdrawals, balance inquiries, and mortgage and loan payments.

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"Automated teller machine facility" means the area comprised of one or more automated teller machines and any adjacent space which is made available to banking customers after regular banking hours. It shall be presumed that any automobile parking space within twenty-five (25) feet of an automated teller machine is part of the automated teller machine facility to provide access to bank customers.

"Bank" means a bank, credit union, or other similar financial institution.

"Public area" means an area to which the public or a substantial group of persons has access and includes, but is not limited to, alleys, bridges, buildings, driveways, parking lots, parks, playgrounds, plazas, sidewalks, and streets open to the general public, and the doorways and entrances to buildings and dwellings, and the grounds enclosing them.

"Public transportation vehicle" means any vehicle used for the transportation of passengers on scheduled routes on an individual passenger fare-paying basis.

"Solicit" means to request an immediate donation of money or other thing of value from another person, regardless of the solicitor's purpose or intended use of the money or other thing of value. The solicitation may be, without limitation, by the spoken, written or printed word, or by other means of communication.

(Ord. No. 15-04, § I, 8-6-15)

### **9.05.020 Prohibited acts.**

It shall be unlawful for any person or group to solicit money or other things of value, or to solicit the sale of goods or services:

- A. In an aggressive manner in a public area; or
- B. In any public transportation vehicle or from any persons within fifteen (15) feet of any transit stop, bus stop, or taxi stand, except that the operator of a public transportation vehicle may request or accept payment of a fare; or
- C. Within fifteen (15) feet of any entrance or exit of any bank or automated teller machine facility without the consent of the owner or other person legally in possession of such facility; or
- D. Immediately adjacent to the entrance of a business in a manner that physically interferes with ingress or egress to that business entrance.

(Ord. No. 15-04, § I, 8-6-15)

### **9.05.030 Violation—Penalty.**

Violation of this chapter is a Class one misdemeanor punishable in accordance with town code Section 1.12.010.

(Ord. No. 15-04, § I, 8-6-15)

## **Chapter 9.06 SMOKING IN OR WITHIN FIFTEEN FEET OF ENCLOSED PUBLIC PLACES AND IN PLACES OF EMPLOYMENT\***

**Sections:**

[9.06.010 Definitions.](#)

[9.06.020 Prohibition against smoking.](#)

[9.06.030 Regulation of smoking in places of employment.](#)

[9.06.040 Posting requirements.](#)

[9.06.050 Penalties and enforcement.](#)

[9.06.060 Examination of records.](#)

### **9.06.010 Definitions.**

As used in this chapter:

"Employee" means any person who is employed by an employer for direct or indirect monetary wages or profit, and any person who volunteers his or her services for a nonprofit entity.

"Employer" means a person, business, partnership, association, the state of Arizona and its political subdivisions, corporations, including a municipal corporation, trust, or nonprofit entity that employs the services of one or more individual persons.

"Enclosed area" means all space between a floor and ceiling that is enclosed on all sides by permanent or temporary walls or windows (exclusive of doorways), which extend from the floor to the ceiling. Enclosed area includes a reasonable distance from any entrances, windows and ventilation systems so that persons entering or leaving the building or facility shall not be subjected to breathing tobacco smoke and so that tobacco smoke does not enter the building or facility through entrances, windows, ventilation systems or any other means.

"Health care facility" means any enclosed area utilized by any health care institution licensed according to Arizona Revised Statutes Title 36 Chapter 4, Chapter 6 Article 7, or Chapter 17, or any health care professional licensed according to Arizona Revised Statutes Title 32 Chapters 7, 8, 11, 13, 14, 15, 15.1, 16, 17, 18, 19, 19.1, 21, 25, 28, 29, 33, 34, 35, 39, 41, or 42.

"Person" means any person, firm, partnership, association, corporation, company or organization of any kind.

"Physically separated" means all space between a floor and ceiling which is enclosed on all sides by solid walls or windows (exclusive of door or passageway) and independently ventilated from smoke-free areas, so that air within permitted smoking areas does not drift or get vented into smoke-free areas.

"Place of employment" means an enclosed area under the control of a public or private employer that employees normally frequent during the course of employment, including office buildings, work areas, auditoriums, employee lounges, restrooms, conference rooms, meeting rooms, classrooms, cafeterias, hallways, stairs, elevators, health care facilities, private offices and vehicles owned and operated by the employer during working hours when the vehicle is occupied by more than one person. A private residence is not a "place of employment" unless it is used as a child care, adult day care, or health care facility.

"Public place" means any enclosed area to which the public is invited or in which the public is permitted, including airports, banks, bars, common areas of apartment buildings, condominiums or other multifamily housing facilities, educational facilities, entertainment facilities or venues, health care facilities, hotel and motel common areas, laundromats, public transportation facilities, reception areas, restaurants, retail food production and marketing establishments, retail service establishments, retail stores, shopping malls, sports facilities, theatres, and waiting rooms. A private residence is not a "public place" unless it is used as a child care, adult day care, or health care facility.

"Retail tobacco store" means a retail store that derives the majority of its sales from tobacco products and accessories.

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"Smoking" means inhaling, exhaling, burning, or carrying or possessing any lighted tobacco product, including cigars, cigarettes, pipe tobacco and any other lighted tobacco product.

"Veteran and fraternal clubs" means a club as defined in A.R.S. Section 4-101(7)(a)(b) or (c).

(Ord. 08-06 § 1 (part))

**9.06.020 Prohibition against smoking.**

- A. Smoking shall be prohibited in all public places and places of employment within the town, except:
  - 1. Private residences, except when used as a licensed child care, adult day care, or health care facility;
  - 2. Hotel and motel rooms that are rented to guests and are designated as smoking rooms; provided, however, that not more than fifty (50) percent of rooms rented to guests in a hotel or motel are so designated;
  - 3. Retail tobacco stores that are physically separated so that smoke from retail tobacco stores does not infiltrate into areas where smoking is prohibited under the provisions of this section;
  - 4. Veterans and fraternal clubs when they are not open to the general public;
  - 5. Smoking when associated with a religious ceremony practiced pursuant to the American Indian Religious Freedom Act of 1978;
  - 6. Outdoor patios so long as tobacco smoke does not enter areas where smoking is prohibited through entrances, windows, ventilation systems, or other means;
  - 7. A theatrical performance upon a stage or in the course of a film or television production if the smoking is part of the performance or production.

(Ord. 08-06 § 1 (part))

**9.06.030 Regulation of smoking in places of employment.**

- A. The prohibition on smoking in places of employment shall be communicated to all existing employees by the effective date of this section and to all prospective employees upon their application for employment.
- B. No employer may discharge or retaliate against an employee because that employee exercises any rights afforded by this section or reports or attempts to prosecute a violation of this section.

(Ord. 08-06 § 1 (part))

**9.06.040 Posting requirements.**

- A. Posting of Signs and Ashtray Removal.
  - 1. "No smoking" signs or the international "no smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall be clearly and conspicuously posted by the owner, operator, manager, or other person in control of that place identifying where smoking is prohibited by this section and where complaints regarding violations may be registered.
  - 2. Every enclosed area in a public place and place of employment where smoking is prohibited by this section shall have posted at every entrance a conspicuous sign clearly stating that smoking is prohibited.

3. All ashtrays shall be removed from any area where smoking is prohibited by this section by the owner, operator, manager or other person having control of the area.

(Ord. 08-06 § 1 (part))

**9.06.050 Penalties and enforcement.**

- A. In addition to any other duty contained herein, any owner, manager, or employer is required to post signs required by this chapter in a conspicuous place, pursuant to Section 9.06.040 of this chapter.
- B. In addition to any other duty contained herein, any owner, manager, employer or employee upon either observing or being advised of a violation of this chapter, shall advise the violator that smoking is prohibited under town ordinance and advise the smoker to extinguish the smoking material and shall call the police if the smoker refuses to comply.
- C. Any person found guilty of violating any of the provisions of this chapter shall be found guilty of a petty offense and upon conviction thereof shall be fined not less than fifty dollars (\$50.00), or more than three hundred dollars (\$300.00). Each occurrence or day that a violation continues shall be a separate offense, punishable as described above. In no case shall a person convicted of a violation of this section be eligible for suspension of their fine.
- D. Complaints relating to this chapter shall be filed with the Youngtown town manager's office.

(Ord. 08-06 § 1 (part))

**9.06.060 Examination of records.**

- A. The town manager may require a business owner to provide and may examine any books, records or other documents of any business which is subject to this chapter, including exempt public and private places of employment pursuant to Section 9.06.020, for a time period up to one year prior to and subsequent to the date of the classification.
- B. In order to perform any examination authorized by this chapter, the town manager may issue an administrative order for the attendance of witnesses or for production of documents, as provided by regulation.
- C. If a business owner fails or refuses to furnish any information required in writing by the town manager the business owner may be found in violation of this chapter.
- D. No official or employee of the town of Youngtown shall make known information obtained pursuant to the chapter concerning the business, financial affairs or operations of any person. Business records obtained for making the determinations under this chapter shall not be public records, unless otherwise required by law.

(Ord. 08-06 § 1 (part))

**Chapter 9.08 OFFENSES RELATING TO PROPERTY**

**Sections:**

[9.08.020 Encroachments on streets and alleys.](#)

[9.08.030 Excavations to be covered.](#)

[9.08.040 Fences—Barbed wire or electric.](#)

[9.08.050 Keeping of bees.](#)



[9.08.060 Obstruction of view.](#)

[9.08.070 Offensive premises.](#)

[9.08.080 Searchlights.](#)

[9.08.090 Signs and banners.](#)

[9.08.110 Flow upon streets prohibited.](#)

[9.08.111 Graffiti.](#)

**9.08.020 Encroachments on streets and alleys.**

No person shall cause or permit any structure or growth of trees, plants or shrubs to encroach onto any street or alley within the town, except that trees which overhang the alley or street above twelve (12) feet from ground level may be permitted.

(Prior code § 11-1-3)

**9.08.030 Excavations to be covered.**

- A. It is unlawful for any person to make any excavation or dig any hole, drain or ditch in any highway or thoroughfare in the town without providing a sufficient light at night and a temporary fence or suitable obstruction around or in front of such excavation to protect the public during the day.
- 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 of such excavation.

(Prior code § 11-1-4)

**9.08.040 Fences—Barbed wire or electric.**

Unless otherwise permitted in the zoning code for the zoning district, it is unlawful for any person to erect or maintain within the town any electric fence or any fence constructed in whole or in part of barbed wire or razor wire. Any such fence is a public nuisance and subject to abatement pursuant to Chapter 8.32 of this code.

(Ord. 03-18 § 1: prior code § 11-1-6)

**9.08.050 Keeping of bees.**

It is unlawful to keep or care for bees or maintain any stands or hives within the corporate limits of the town.

(Prior code § 11-1-7)

**9.08.060 Obstruction of view.**

- A. It is unlawful for any person to maintain or allow any tree, hedge, cactus, billboard or any other obstruction which could prevent persons driving vehicles on public streets, alleys, private driveways or highways from obtaining a clear view of traffic at all times.
- B. All covering on street rights-of-way will be restricted to grass or crushed rock. All existing plantings on the rights-of-way will be restricted to two feet six inches in height and all parts of the plantings shall be kept three feet back from the paved surface of all streets. Overhanging parts of plantings shall be kept eight feet above ground level of the rights-of-way at all times.

(Prior code § 11-1-10)

**9.08.070 Offensive premises.**

It is unlawful for any person to suffer, or permit any premises belonging to or occupied by him or her, 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.

(Prior code § 11-1-11)

**9.08.080 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.

(Prior code § 11-1-13)

**9.08.090 Signs and banners.**

It is unlawful for any person to place any sign upon any streetlight pole, traffic signal pole or utility pole, street, curb, alley, sidewalk or other public place within the town without first obtaining authorization from the town manager. All signs shall be maintained in good condition, free of peeling paint, loose materials or similar conditions. Political signs shall not be placed on private property without the consent of the property owner. Political signs may be placed in the right-of-way if they do not block visibility to any street or property. Signs located within fifteen (15) feet of back of curb, or edge of pavement if there is no curb, shall be presumed to block visibility. No political signs placed in the right-of-way may be posted more than sixty (60) days before the election to which the sign refers and all political signs shall comply with state law. All political signs must be removed within fifteen (15) days after the general election, except that a sign for a candidate in a primary election who does not advance to the general election shall be removed no later than fifteen (15) days after the primary election.

(Ord. 05-04 § 1: prior code § 11-1-14)

(Ord. No. 11-17, § I, 12-15-11)

**9.08.110 Flow upon streets prohibited.**

- A. It is unlawful for any person to permit water to flow on to streets or alleys while watering or irrigating plants, trees, shrubs or lawns.
- B. It is unlawful for any person to water or irrigate plants, trees, shrubs or lawns in one location for more than two continuous hours or between the hours of ten a.m. and six p.m. from April 1st to September 30th of each year.

(Ord. 02-04 § 3 (part); prior code § 11-1-17)

**9.08.111 Graffiti.**

- A. The purpose of this section is to provide a program for abatement of graffiti from public and private property to reduce blight and deterioration with the town, to protect public safety, and to expedite removal of graffiti from structures on both public and private property. The town council finds and determines as follows:

- 1. The increase of graffiti, on both public and private property, is creating a condition within the town which results in blight and deterioration of property values and of the comfortable enjoyment of life and property for adjacent and surrounding residents and owners, and contributes to the overall detriment of the town;
- 2. Graffiti constitutes a public nuisance and a threat to public safety which must be abated to alleviate the detrimental impact of such graffiti on the town, and to prevent the further spread of graffiti;
- 3. Certain categories of graffiti, which incite violence, are especially harmful and must be removed as quickly as possible to avoid or minimize harm to persons and the whole community.

- B. For the purposes of this section, the following words or terms shall have the meaning ascribed to them in this section except where the context clearly indicates a different meaning:

"Aerosol paint container" means any aerosol container, which is adapted or made for the purpose of spraying paint.

"Broad tip marker" means any marker or similar implement which has a writing surface which is one-half of an inch or greater and containing anything other than a solution which can be removed with water after the solution dries.

"Graffiti" means a drawing or inscribing a message, slogan, sign or symbol or mark of any type that is made on any public or private building, structure or surface, and that is made without permission of the owner.

"Graffiti implement" means an aerosol paint container, broad tip marker, paint stick, graffiti stick, or bleeder.

"Nonprofit organization" means any organization which has registered or filed as a nonprofit corporation or organization with a state or federal agency.

"Paint stick, graffiti stick, or bleeder" means an implement containing paint, wax, epoxy or other similar substances.

"Responsible party" means an owner, occupant, lessor, lessee, manager, licensee, or other person having the right to control such property.

- C. The possession of graffiti instruments is prohibited.
  - 1. No person shall knowingly possess any graffiti implement with the intent to use the implement for the purpose of committing criminal damage.

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2. It is unlawful for any person under the age of eighteen (18) years of age to possess a graffiti implement unless (a) such person is under the direct supervision of a parent, legal guardian or teacher, or (b) such person is within the scope and course of such person's employment or involvement with an activity sanctioned by a school, church or nonprofit organization.
- D. Access to graffiti instruments shall be limited as set forth in this section.
1. No person other than a parent or legal guardian shall sell, exchange, give, loan or otherwise furnish, or cause or permit to be exchanged, given, loaned or otherwise furnished, any graffiti implement to any person under the age of eighteen (18) years.
  2. Evidence that a person, his or her employee, or agent demanded and was shown acceptable evidence of majority and reasonably acted upon such evidence in a transaction or sale shall be a defense to any prosecution under this section. Acceptable evidence of a majority shall include, but is not limited to, a driver's license, state-issued identification or military identification.
  3. This section does not apply to the transfer of graffiti implements from parent to child, guardian to ward, employer to employee, teacher to student or in any other similar relationship when such transfer is for a lawful purpose.
- E. Graffiti in the town is prohibited.
1. Graffiti Prohibited. All sidewalks, walls, buildings, fences, signs and other structures or surfaces shall be kept free from graffiti when the graffiti is visible from the street, right-of-way of other public or private property.
  2. Notice of Violation. If it is determined by the town the graffiti exists on property in the town, the town may, in writing, notify the responsible party with a notice of violation pursuant to Chapter 8.32 of this code.
  3. Contents of Notice of Violation. The notice of violation shall identify the property in violation, shall generally describe the location of the graffiti, and shall direct that the graffiti be abated within seven calendar days of receipt of the notice. The notice shall state that in the event the responsible party fails to abate the graffiti within the time period specified in the notice of violation, the town may abate the graffiti and bill the responsible party for the costs. The notice shall state that the responsible party may appeal the notice by filing a written notice of appeal with the town clerk before the time period for abating the graffiti expires. The receipt date of the notice of violation shall be the date received if delivered in person or sent by certified mail, or the date of first publication, if the alternate method of service is used.
  4. Town's Authority to Abate. If the responsible party fails to abate the graffiti as required by the notice of violation, the town may proceed to abate the graffiti pursuant to Chapter 8.32 and bill the responsible party for the costs thereof. The town or its authorized private conductor is expressly authorized to enter private property and abate graffiti thereon in accordance with this section. The police department shall assist in the enforcement of this section.

(Ord. 03-06 § 1)

### **Chapter 9.12 CURFEW**

#### **Sections:**

[9.12.010 Minors.](#)

**9.12.010 Minors.**

- A. It is unlawful for any juvenile under the age of eighteen (18) years to be or remain upon the streets or public places of the town or any other property in town that is not the residence of his or her parent, guardian or other person having the care or custody of the juvenile between the hours of ten p.m. and five a.m.; provided, however, that the provisions of this subsection do not apply to any emancipated minor or to a juvenile accompanied by his or her parent, guardian or other adult person having the care or custody of the juvenile; or where the juvenile is on an emergency errand; or where the juvenile is on reasonable, legitimate and specific business activity, such as returning directly home from a school sponsored event or part-time job as directed or permitted by his or her parent, guardian or other adult person having the care and custody of the juvenile.
- B. It is unlawful for the parent, guardian or other person having the care or custody of a minor to permit such minor to be or remain upon any place in the town away from the dwelling house or usual place of abode of the minor in violation of this section; provided, however, that the provisions of this subsection do not apply where the minor is an emancipated minor; or when the minor is accompanied by his or her parent, guardian or other person having the care or custody of the minor; or where the minor is on an emergency errand; or where the minor is on a reasonable, legitimate and specific business or activity such as, returning directly home from a school sponsored event or part-time job as directed or permitted by such parent, guardian or other person having the care or custody of such minor.

(Ord. 00-03 § 1: prior code § 11-1-8)

**Chapter 9.13 PURCHASE AND SALE OF PSEUDO-EPHEDRINE PRODUCTS**

**Sections:**

[9.13.010 Purchase and sale of pseudo-ephedrine products.](#)

**9.13.010 Purchase and sale of pseudo-ephedrine products.**

- A. Definitions. In this section, unless the context otherwise requires:
  - 1. "Licensed pharmacy technician" means a person licensed by the state of Arizona to assist a pharmacist.
  - 2. "Pharmacist" means a person licensed by the state of Arizona in the art, practice or profession of preparing, preserving, compounding and dispensing of medical drugs.
  - 3. "Proper identification" means a recognized government-issued photo identification of a purchaser, including, but not limited to, a driver's license, identification card or passport.
  - 4. "Pseudo-ephedrine product" means any product containing ephedrine or pseudo-ephedrine and includes any compound, mixture or preparation that contains any detectable quantity of ephedrine, pseudo-ephedrine, norpseudo-ephedrine, or phenylpropanolamine or their salts, optical isomers or salts of optical isomers. Product packaging that lists ephedrine, pseudo-ephedrine, norpseudo-ephedrine, or phenylpropanolamine as an active ingredient shall constitute prima facie evidence that the product is a pseudo-ephedrine product.
  - 5. "Retail establishment" means any place of business that offers any pseudo-ephedrine product for sale at retail.

- B. The operator of a retail establishment shall keep all pseudo-ephedrine products behind a store counter or otherwise in a manner that is inaccessible to customers without the assistance of the employee of the establishment and where such products are continuously monitored to prevent theft or unauthorized or uncontrolled purchases.
- C. Pseudo-ephedrine products shall only be sold by a pharmacist or licensed pharmacy technician.
- D. A pharmacist or licensed pharmacy technician making a retail sale of a pseudo-ephedrine product shall require proper identification from the purchaser and shall record the purchaser's name, date of birth, quantity of pseudo-ephedrine product purchased, transaction date and the initials of the pharmacist.
- E. No pharmacist or licensed pharmacy technician shall sell more than a total of nine grams in tablet form of a pseudo-ephedrine product to a person within a thirty (30) day period. This limit shall not apply to any quantity of such tablet form of pseudo-ephedrine product dispensed pursuant to a valid prescription.
- F. The information required to be obtained by subsection D of this section shall be retained by the retail establishment for a period of six months, and will be considered a confidential document that will only be available to the pharmacist of the retail establishment, and shall be available to the town of Youngtown police department officers, Arizona Department of Public Safety officers, Maricopa County sheriff's department officers and other law enforcement officers.
- G. The retail establishment, pharmacist or licensed pharmacy technician shall report to the police department by telephone any attempt by a purchaser to purchase larger quantities than permitted by this chapter.

(Ord. 05-17 § 1)

## **Chapter 9.14 SEX OFFENDER SEPARATION REQUIREMENTS**

### **Sections:**

[9.14.010 Sex offender presence within 1,000 feet of a school or child care facility prohibited.](#)

[9.14.020 Sex offender presence within 2,000 feet of a park, playground, recreation center, public athletic field, nursing home or other sex offender prohibited.](#)

[9.14.030 Sex offender presence within 1,000 feet of a school bus route stop where children are awaiting, boarding or exiting a school bus prohibited.](#)

### **9.14.010 Sex offender presence within 1,000 feet of a school or child care facility prohibited.**

- A. It is unlawful for a sex offender to knowingly establish a primary or secondary residence, or other living accommodation, within one thousand (1,000) feet of the property line of any public school, private or parochial school, licensed day care center, other child care facility, public park, playground, recreation center or public athletic field available for use by the general public.
- B. It is not a violation of this section if a sex offender resides on property he or she owned prior to July 19, 2007, or any private, parochial or public school, licensed day care center, or other child care facility is newly located after July 19, 2007.
- C. It is unlawful for a sex offender to knowingly establish a primary or secondary residence or other living accommodation, within two thousand (2,000) feet of the property line of another residence in which a sex offender resides.

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- D. It is not a violation of this section if a sex offender resides on property he or she owned prior to July 19, 2007.
- E. It is not a violation of this section for a sex offender who is under the age of eighteen (18) to reside with his or her parent or legal guardian.
- F. It is not a violation of this section for a sex offender to reside in a group home for the handicapped. "Group home for the handicapped" means a facility where the disabled reside who receive care, supervision, or counseling from one or more staff persons including, but not limited to, homes for the mentally ill, homes for the physically disabled, group care agencies and similar residential living arrangements for handicapped persons, but shall not include boarding homes or homeless shelters.
- G. For purposes of this section, "sex offender" means a person who has been convicted of a violation or attempted violation of any of the following offenses or who has been convicted of an offense committed in another jurisdiction that if committed in Arizona would be a violation or attempted violation of any of the following offenses or an offense that was in effect in Arizona before September 1, 1978 and that, if committed on or after September 1, 1978, has the same elements of an offense listed in this section or who is required to register by the convicting jurisdiction as a sex offender:
  - 1. Sexual abuse pursuant to A.R.S. Section 13-1404 if the victim is under eighteen (18) years of age;
  - 2. Sexual conduct with a minor pursuant to A.R.S. Section 13-1405;
  - 3. Sexual assault;
  - 4. Molestation of a child pursuant to A.R.S. Section 13-1410;
  - 5. Continuous sexual abuse of a child pursuant to A.R.S. Section 13-1417;
  - 6. Taking a child for the purpose of prostitution pursuant to A.R.S. Section 13-3206;
  - 7. Child prostitution pursuant to A.R.S. Section 13-3212;
  - 8. Commercial sexual exploitation of a minor pursuant to A.R.S. Section 13-3552;
  - 9. Sexual exploitation of a minor pursuant to A.R.S. Section 13-3553;
  - 10. Luring a minor for sexual exploitation pursuant to A.R.S. Section 13-3554;
  - 11. Sex trafficking of a minor pursuant to A.R.S. Section 13-1307;
  - 12. A second or subsequent violation of indecent exposure to a person under fifteen (15) years of age pursuant to A.R.S. Section 13-1402;
  - 13. A second or subsequent violation of public sexual indecency to a minor under the age of fifteen (15) years pursuant to A.R.S. Section 13-1403, subsection B;
  - 14. A third or subsequent violation of indecent exposure pursuant to A.R.S. Section 13-1402; and/or
  - 15. A third or subsequent violation of public sexual indecency pursuant to A.R.S. Section 13-1403.
- H. For the purposes of this section, measurements shall be made in a straight line in all directions, without regard to intervening structures or objects, from the nearest point on the property line of a parcel containing the person's residence to the nearest point on the property line of a parcel containing a child care facility or school.

(Ord. 08-14 § 1 (part); Ord. 08-02 § 1 (part); Ord. 07-14 § 1 (part))

**9.14.020 Sex offender presence within 2,000 feet of a park, playground, recreation center, public athletic field, nursing home or other sex offender prohibited.**

- A. It is unlawful for a sex offender to knowingly establish a primary or secondary residence, or other living accommodation, within two thousand (2,000) feet of the property line of any public park, playground, recreation center or public athletic field available for use by the general public.
- B. It is unlawful for a sex offender to knowingly establish a primary or secondary residence or other living accommodation, within two thousand (2,000) feet of the property line of any licensed private or public nursing home, licensed private or public hospice, licensed public or private assisted living home, or other licensed residential facility for the care, supervision, or long-term treatment of the elderly or disabled.
- C. It is unlawful for a sex offender to knowingly establish a primary or secondary residence or other living accommodation, within two thousand (2,000) feet of the property line of another residence in which a sex offender resides.
- D. It is not a violation of this section if a sex offender resides on property he or she owned prior to July 19, 2007, or any park, playground, nursing home or other facility described in this subsection is newly located after July 19, 2007.
- E. It is not a violation of this section for a sex offender who is under the age of eighteen (18) to reside with his or her parent or legal guardian.
- F. It is not a violation of this section for a sex offender to reside in a group home for the handicapped. "Group home for the handicapped" means a facility where the disabled reside who receive care, supervision, or counseling from one or more staff persons including, but not limited to, homes for the mentally ill, homes for the physically disabled, group care agencies and similar residential living arrangements for handicapped persons, but shall not include boarding homes or homeless shelters.
- G. For purposes of this section, "sex offender" means a person meeting the definition of Section 9.14.010(G) of this chapter.
- H. For the purposes of this section, measurements shall be made in a straight line in all directions, without regard to intervening structures or objects, from the nearest point on the property line of a parcel containing the person's residence to the nearest point on the property line of a parcel containing a park, recreation center, public athletic field, nursing or other assisted living home or the primary or secondary residence of another sex offender.

(Ord. 08-14 § 1 (part); Ord. 08-02 § 1 (part); Ord. 07-14 § 1 (part))

**9.14.030 Sex offender presence within 1,000 feet of a school bus route stop where children are awaiting, boarding or exiting a school bus prohibited.**

- A. It is unlawful for a sex offender to knowingly be within one thousand (1,000) feet of a school bus route stop designated by the school district during those times where school children are awaiting, boarding or exiting a bus contracted to transport pupils to any school.
- B. It is not a violation of this section for a sex offender to be within one thousand (1,000) feet of a school bus stop if the sex offender is dropping off or picking up a child over whom the sex offender has legal custody, if a sex offender resides on property he or she owned prior to July 19, 2007 that is within one thousand (1,000) feet of a school bus stop, or if a school bus stop is located within one thousand (1,000) feet of the sex offender's residence after July 19, 2007.
- C. For purposes of this section, "sex offender" means a person meeting the definition of Section 9.14.010(G) of this chapter.



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- D. For the purposes of this section, measurements shall be made in a straight line in all directions, without regard to intervening structures or objects, from the nearest point on the property line where the sex offender is located and the bus stop.

(Ord. 08-14 § 1 (part); Ord. 08-02 § 1 (part): Ord. 07-14 § 1 (part))