

Title 12 STREETS, SIDEWALKS AND PUBLIC PLACES

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Chapter 12.04 CONSTRUCTION WITHIN PUBLIC RIGHTS-OF-WAY; LOCATION AND RELOCATION OF FACILITIES IN PUBLIC RIGHTS-OF-WAY

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12.04.010 Permits required; contents of application; fees.

- A. It is unlawful for any person to construct, reconstruct, repair, alter, or grade within the public rights-of-way without obtaining a permit from the public works department as provided in this chapter prior to commencing work and complying with the zoning and subdivision codes of the town.
- B. An applicant for a permit shall file an application with the town showing:
 - 1. Name, address and license number of the party doing the work.
 - 2. Location of the work area.
 - 3. Plans attached to the application showing details of the proposed construction. Such plans shall be prepared and sealed by an engineer registered and licensed in the state, unless the permittee demonstrates to the satisfaction of the town that the work does not warrant imposing this requirement.

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4. A traffic control plan in accordance with Section 12.04.020.
 5. Estimated cost of alteration.
 6. Such other information as the town finds reasonably necessary to determine compliance with town codes.
- C. Repairs; emergency repairs. A permit shall be obtained from the public works department prior to a person removing, relocating, or reconstructing, if necessary, any portion of a person's facilities within public rights-of-way. Notwithstanding the foregoing, the town understands and acknowledges there may be instances when a person is required to make repairs, in compliance with federal or state laws, that are of an emergency nature. The permittee shall notify the town prior to such repairs, if practicable, and shall obtain the necessary permits within a reasonable time after notification.

(Prior code § 7-7-1)

(Ord. No. 09-04, § 1, 10-1-09; Ord. No. 09-10, § I, 11-5-09)

12.04.020 Traffic control.

- A. Traffic Control Plans. A permittee shall submit a traffic control plan application to the town at least two business days prior to the proposed start date of construction activities. The traffic control plan application must include a traffic control plan designed and signed by a certified member of the American Traffic Safety Services Association (ATSSA).
- B. Traffic Control Manual. The town hereby declares the Phoenix Barricade manual (1998 Edition) as a public record, three copies of which are to be retained by the town clerk's office, and hereby adopts the phoenix barricade manual (1998 Edition) as the town's official traffic control manual for construction work zones with the following revisions:
 1. Arrowboards are required for all lane closures on arterial streets.
 2. Lane closures on arterial streets are not permitted between five-twenty a.m. and eight-thirty a.m. or between three-thirty p.m. and seven p.m. unless previously approved by the traffic engineer or public works director.
 3. A permittee shall hire a uniformed off-duty police officer to be present when construction activities take place within three hundred (300) feet of a signalized intersection or if required by the engineer. Permittees shall arrange for a police officer at least five calendar days in advance of planned construction activities.

(Prior code § 7-7-2)

(Ord. No. 09-04, § 1, 10-1-09)

12.04.030 Location and relocation of facilities in public rights-of-way.

- A. General; Permit Required. If the work to be performed in a public right-of-way involves installation, construction, erection, replacement or relocation of any facilities, a permit must be obtained from the public works department.
 1. Such permit shall be issued on such conditions as are reasonable and necessary to ensure compliance with the terms and conditions of town codes.
 2. The application for the permit shall include all information required in Section 12.04.010.
 3. Each permittee is responsible for:

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- a. Ensuring that its facilities are installed, constructed and maintained in strict compliance with town codes;
 - b. Obtaining all required licenses, franchises and other permits before any work commences; and
 - c. Ensuring that the terms and conditions of all permits, licenses and franchises are strictly followed.
4. Where a facility is used by more than one permittee, each permittee is fully responsible for ensuring that all requirements are satisfied.
 5. Facilities shall be installed, constructed, and maintained so that no additional costs are imposed upon the town and so that the facility does not interfere with other uses or users of the public rights-of-way or town utility easement. This subsection shall not serve to limit the requirement of any other provision of this code or any license, permit, or franchise issued by the town.
 6. A permit to work in the public right-of-way which requires excavation of a paved right-of-way shall comply with this subsection, in addition to other requirements of this section. A permittee shall be required to be a participant in the regional one-call utility locating system (blue stake). Permittee shall use paint that dissolves within three weeks. In the event permittee's utility markings paint remains visible after three weeks, permittee shall remove such markings without causing damage to the pavement. If the permittee fails to remove such markings after notice and a reasonable time for cure, the town may cause the markings to be removed and invoice the permittee for the removal costs, which costs shall be promptly paid.
- B. Joint Use of Trenches. In order to minimize degradation of streets, traffic impacts and other interference with the use of rights-of-way, work shall be coordinated so that to the greatest extent possible, consistent with economic feasibility, joint trenching shall be used. The public works department shall adopt rules to facilitate joint trenching in the public rights-of-way.
 - C. Traffic Safety. When open trenches, holes, etc., are made in the pavement and not being immediately worked on, in, or around, and the depth of the deviation from the pavement surface exceeds two inches in depth, plating shall be required to be installed over the opening. Plating shall be "milled" into the surrounding pavement as to allow for a smooth surface where traffic will not cause the plating to move. Any deviation from this requirement will be at the discretion of the public works manager.
 - D. Records. The permittee shall keep accurate records of the location of all of its facilities located in the public rights-of-way and shall furnish them to the town upon request or at such periodic intervals as the town may require. In order for the town to regulate users in the public rights-of-way, upon completion of new or relocation construction of underground facilities in the public rights-of-way, the permittee shall provide the town with the location of the underground and above-ground facilities in a format compatible with the current town mapping format.
 - E. Restoration. Whenever a permittee causes any opening or alteration to be made for any purpose in any public right-of-way, the work shall be completed within a reasonable time, and upon completion of such work, permittee shall, without expense to the town, restore the property disturbed in a manner consistent with town standards, or as required by its permit, license, or franchise which may incorporate special standards when required for town purposes. Landscaping, whether in the public rights-of-way or on private property, which is damaged by permittee shall be restored to its condition as it existed prior to the work. Permittee shall exercise special care when working near established trees or shrubs. If established trees or shrubs die within six months of completion of work by permittee, it is presumed that permittee caused such damage if the work performed was in the location of the roots of such tree or shrub.
 - F. Town's Facilities. The installation, use and maintenance of permittee's facilities within the public rights-of-way authorized herein shall be in such a manner as not to interfere with placement, construction, use, and maintenance of public rights-or-way, street lighting, water pipes, drains, sewers, traffic signal systems, or other utility systems that have been, or may be, installed, maintained, used or authorized by the town. At the town's request, permittee shall relocate its

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facilities at permittee's expense (unless state law expressly requires otherwise). Upon the town's request, by a time specified by the town, if permittee fails to move its facilities, the town may do so and bill permittee the costs of relocation, which costs permittee shall pay within thirty (30) days after permittee receives the invoice. Permittee shall reimburse the town any additional cost, including but not limited to design and construction costs, incurred by the town due to the delay in location or relocation of permittee's facilities.

- G. Interference. Permittee shall not install, maintain, or use any of its facilities in such a manner as to damage or interfere with facilities located within public rights-of-way that are owned by another entity.
- H. Location and Maintenance of Above-Ground Facilities. The town shall approve the location of aboveground facilities, such as boxes, cabinets and similar equipment or appurtenances. The permit shall set forth the location of such aboveground facilities. If the public works director determines that a proposed location would impair traffic visibility or visibility of existing signage or would substantially harm existing landscaping, or that similar conditions exist which would justify a denial of a permit in that location, the permit shall be denied. Aboveground facilities shall be maintained in good condition. If the town finds any of permittee's above-ground facilities are not maintained in good condition, permittee shall correct such condition within three business days of receiving notice from the town.
- I. Undergrounding of New Facilities. No new poles or wires shall be erected in the town above the surface of the ground unless a permit is first secured from the public works department, except that the following construction may be installed without such a permit:
 - 1. Temporary service facilities, including but not limited to facilities to furnish emergency service during an outage, facilities to provide service to construction sites, or other service of a temporary nature for a limited period of time, such as to a fair, carnival, outdoor exhibit or other temporary function;
 - 2. Pad-mounted transformers or pull boxes, service terminals, pedestal-type telephone terminals, telephone splice closures, or similar on-the-ground facilities normally used with and as part of an underground electric distribution, telephone, data, telegraph or television system, or on-the-ground facilities attached to existing overhead facilities which are used for the purpose of connecting an underground system with the existing facilities;
 - 3. Transmission lines and distribution feeder lines, together with related switch yards, substations and related equipment;
 - 4. Service drops from existing overhead lines to new single-family residential customers, except when underground service is required by the town's subdivision ordinance.
- J. Plans. All facilities shall be installed per plans prepared by a registered professional engineer and approved by the town prior to any work commencing.
 - 1. Use of Existing Poles or Conduit. A permittee may install facilities on existing utility poles or in existing conduit where permission is granted by owner of the utility pole or conduit and such permission is verified by the town, except where those same poles are scheduled to be replaced with buried facilities. The town may require permittee to prove that it has such permission from the owner to use the owner's facilities.
 - 2. No new poles, or longer poles, will be permitted in the public rights-of-way for any new facilities.
 - 3. If permittee installs facilities on existing poles as provided herein, permittee shall bury its facilities if such poles are removed and not replaced in kind for any reason.
 - 4. If permittee uses existing conduit owned by someone other than permittee, permittee shall be subject to the provisions of this section in the use of such conduit in the public rights-of-way.
 - 5. As used herein, a pole installed to replace a damaged pole or to remedy a safety hazard and which is substantially the same size as the pole being replaced shall not be considered to be a new pole.

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K. Conflict with Town Projects.

1. Identification of Conflict. If, during the design process of public improvements, the town discovers a potential conflict with proposed construction, permittee shall either:
 - a. Locate and, if necessary, expose its facilities in conflict; or
 - b. Use the one-call notification center ("blue stake") to locate or expose its facilities. Permittee shall reimburse the town for the cost resulting from the use of such location service. The town shall make reasonable efforts to design and construct projects pursuant to this section so as to avoid relocation expense to permittee. Permittee shall furnish the location information in a timely manner, but not more than ten (10) calendar days from the date of the town's request.
2. Priority Right. The town reserves the prior and superior right to lay, construct, erect, install, use, operate, repair, replace, remove, relocate, re-grade, widen, realign, or maintain public rights-of-way, aerial, surface, or subsurface improvements, including, but not limited to, traffic control conduits, storm sewers, subways, tunnels, bridges, viaducts, or other public construction within public rights-of-way.
3. Procedures. If, during the course of a project, the town determines permittee's facilities are in conflict, the following shall apply:
 - a. Prior to the town notice to proceed to contractor: Permittee shall, within a reasonable time not to exceed one month, shall remove or relocate the conflicting facility. The time shall begin running upon receipt by permittee of written notice of the conflict from the town. If the town and permittee agree, the time to remove may be extended, based on requirements of the town's project.
 - b. Subsequent to town notice to proceed to contractor: The town and permittee shall immediately begin the coordination necessary to remove or relocate the facility. Actual construction of such removal or relocation is to begin no later than seventy-two (72) hours, if practicable, after written notification from the town to proceed.

L. Damage to Town Rights-of-Way and Facilities.

1. If the permittee damages or disturbs the surface or subsurface of any public rights-of-way or adjoining public property, or the public improvement located thereon, therein, or thereunder, the permittee shall promptly, at its own expense, and in a manner acceptable to the town, restore the surface or subsurface of the public rights-of-way or public property, or repair or replace the public improvement thereon, therein, or thereunder, in as good a condition as before such damage or disturbance. If such restoration, repair or replacement of the surface, subsurface, or any structure located thereon, therein, or thereunder is not completed within a reasonable time, or such repair or replacement does not meet town standards, the town shall have the right to perform the necessary restoration, repair, or replacement, either through its own forces, or through a hired contractor, and the permittee shall reimburse the town for its expense in so doing within thirty (30) days after receipt of the invoice therefore.
2. As used in this subsection:
 - a. A paved right-of-way is considered "new" when it is first constructed, when it is reconstructed or when it is renovated.
 - b. A right-of-way is considered "reconstructed" when all lanes are completely rebuilt by removing all the pavement and aggregate base course material, re-compacting the sub-base and restoring the base material and then completely re-paving for a distance approved by the town engineer.
 - c. A right-of-way is considered "renovated" when there is a major rehabilitation, including a mill and overlay or other similar improvement work that physically modifies the surface of the right-of-way prior to applying a new surface or other similar work as determined by the town engineer.

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- d. The date of construction, reconstruction or renovation shall be the date such work was accepted by the town.
3. An application to work in the public right-of-way which includes excavation in a new paved right-of-way shall not be granted until at least two years after completion and acceptance of the construction, reconstruction or renovation of the paved right-of-way unless one of the following applies:
 - a. Emergency which endangers life or property.
 - b. Interruption of essential utility or communications service.
 - c. Work that is mandated by town, county, state or federal legislation.
 - d. Service for buildings where no other feasible means of providing service exists.
4. Pavement Restoration.
 - a. If an excavation is permitted pursuant to paragraphs 3.a—d. above, the permittee shall restore the paved right-of-way by mill and overlay/inlay, for a minimum of curbline to centerline impacted by the excavation(s). For arterial streets, this shall require extending the restoration a minimum length of two feet both directions from the area of the excavation(s) (beyond the end of the trench), and for collector streets this shall mean extending the restoration a minimum length of one foot both directions from the area of the excavation(s) (beyond the end of the trench), all as more specifically directed by the town engineer or public works manager. All renovations shall comply with the town's standard details and specifications. The permittee may elect to fully reconstruct the paved right-of-way in accordance with specifications provided by the town engineer in lieu of paying the pavement restoration fee.
 - b. For excavation commencing two years or later after the paved right-of-way is new (as defined in subsection L.2.), the permittee may elect to renovate such paved right-of-way by mill and overlay/inlay, for a minimum of the curbline to centerline of area(s) impacted by the excavation(s) and for arterial streets extending a minimum length of two feet both directions from the area of the excavation(s) (beyond the end of the trench) and for collector streets extending a minimum length of one foot both directions from the area of the excavation(s) (beyond the end of the trench), all as more specifically directed by the town engineer in lieu of payment of the pavement restoration fee.
 - c. When any utility installed in the roadway consists of three or more perpendicular trenches within one hundred fifty (150) feet, the roadway must be overlaid from the curb line to the centerline. If a trench extends beyond the centerline, a full street overlay will be required.
 - d. When any utility is installed in the roadway and is at an oblique angle to the right-of-way centerline, the roadway must be overlaid from the centerline to the curb line for the entire length of the utility extension. If the utility trenching encroaches on both sides of the centerline, a full street overlay will be required. Pavement overlays shall be perpendicular to the centerline beginning or ending a minimum of one half the street pavement width from the edge of the trench.
 - e. Pavement replacement thickness and type are to be per M.A.G. Section 336. Curb and gutter replacement shall be a minimum of one (1) full section, per M.A.G. standard. Detail 220. Sidewalk replacement shall be a minimum of one full panel. Tunneling under existing sidewalk will not be allowed in the town of Youngtown R.O.W.
 - f. In all cases where a street overlay is required, both ends of the overlay area must be cold-planed perpendicular to the roadway a minimum length of fifteen (15) feet to provide a flush transition. For half-street or full-street overlays, clod planing (grinding) of the entire paving area is required (centerline to gutter or gutter to gutter). When curb and gutter does not exist, the new overlay surface may, at the engineer's discretion, be tapered to meet the elevation of adjacent paved surfaces. All asphalt joints and tapered transitions shall be sealed per M.A.G. uniform standard specifications.

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5. Pavement Restoration Fee.
 - a. In addition to the other requirements of this section, a permittee shall pay a pavement restoration fee established by resolution of the council. The pavement restoration fee shall be reviewed annually with the budget for street repair.
 - b. The pavement restoration fee shall be paid prior to or at the time a permit to work in the public right-of-way is issued. In the event the pavement restoration fee is amended after a permit to work in the public right-of-way is issued, an adjusted fee shall be paid as follows:
 - i. If the original permit was for one square yard through twenty (20) square yards, the pavement restoration fee shall be adjusted pursuant to the new fee schedule if the increase/decrease to the pavement excavation is one square yard or larger.
 - ii. If the original permit was for twenty-one (21) square yards through one hundred (100) square yards, the pavement restoration fee shall be adjusted pursuant to the new fee schedule if the increase/decrease to the pavement excavation is more than five percent of the original.
 - iii. If the original permit was for more than one hundred (100) square yards, the pavement restoration fee shall be adjusted pursuant to the new fee schedule if the increase/decrease to the pavement excavation is more than five square yards.
 - iv. Such amended pavement restoration fee shall be applied for and any additional fees shall be paid within one week of the field change or prior to any new permit is issued to permittee.
- M. Relocation of Facilities.
 1. General. The town shall bear no cost to relocate its existing facilities, irrespective of the function served, where the town facilities or other facilities occupying the public rights-of-way under authority of a town permit, license, or franchise must be relocated and the conflict between permittee's potential facilities and existing facilities can only be resolved expeditiously as determined by the town by moving the existing town or other approved facilities.
 2. Delay. If permittee fails to keep or provide accurate records to town or if permittee's relocation effort delays construction of a public project so as to cause the town to be liable for delay damages, permittee shall reimburse the town for those damages attributable to the delay created by permittee.
 3. Town Costs. Except as otherwise provided in a license, franchise, or permit, or by other provision of law, the entire cost of relocation shall be borne by the town if permittee is required by the town to relocate facilities which are located in private easements obtained by permittee prior to dedicating the public rights-of-way from which facilities must be relocated. These prior rights of permittee would also be unaffected by any subsequent relocation. "Prior rights" as used in this subsection means private easements or other legally sufficient rights obtained by permittee prior to dedication of the public rights-of-way from which the facilities are requested by the town to be relocated.
- N. Rights Reserved to Town. Without limiting the rights that the town may otherwise have, the town hereby expressly reserves the following rights, powers and authorities:
 1. To exercise its governmental powers now or hereafter to the full extent that such powers may be vested in or granted to the town.
 2. To determine any question of fact relating to the meaning, terms, obligations, or other aspects of this section and the instruments issued under this section.
 3. To grant multiple, non-exclusive licenses, franchises, or permits within the town to other persons.
- O. Town Police Power; Continuing Jurisdiction.

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1. Police Power. Permittee shall at all times be subject to the lawful exercise of the town's police power, including all ordinances, rules and regulations which the town has adopted or may adopt, and all laws, rules, regulations, order, and policies of the state and the United States Government. In the event of a conflict between the provisions of this section and other provisions of the town code, the stricter requirement shall apply.
 2. Continuing Jurisdiction. The town shall have continuing jurisdiction and supervision over all facilities located within or on public rights-of-way. The daily administrative, supervisory, and enforcement responsibilities of the provisions of this article and any license or franchise shall be delegated and entrusted to the town manager or director of public works to interpret, administer, and enforce the provisions of this article, and to promulgate standards regarding the construction, reconstruction, relocation, maintenance, dismantling, abandonment, or use of facilities within the public rights-of-way.
- P. Violation. It shall be unlawful for any person to construct, locate, relocate facilities in or to otherwise work in, under, on or above the public rights-of-way except in compliance with the provisions of this article and any other applicable town code, license, franchise or requirement.

(Prior code § 7-7-3)

(Ord. No. 09-04, § 1, 10-1-09; Ord. No. 12-06, § I, 6-7-2012; Ord. No. 14-11, § I, 9-18-14)

12.04.040 Bond.

- A. Each permittee shall obtain and maintain such insurance, bonding, and security fund requirements as specified by the town, or if no specific requirements are specified, as are required by the town for similar facilities.
- B. No work shall commence unless these requirements have been satisfied. If an insurance, bonding, or security fund requirement is not satisfied, the town may require permittee to remove or stop work on facilities or require permittee to cease using the facility.

(Ord. 98-21; prior code § 7-7-4)

(Ord. No. 09-04, § 1, 10-1-09)

12.04.050 Permit fee schedule.

- A. All right-of-way construction permit fees shall be based on two percent of the engineer's estimated cost of the job. No permit fee shall be less than fifteen dollars (\$15.00).
- B. The plan review fee shall be sixty-five (65) percent of the right-of-way construction permit fee as set forth in subsection a of this section.

(Ord. 98-18 §§ 3, 4)

(Ord. No. 09-04, § 1, 10-1-09; Ord. No. 09-10, § I, 11-5-09)

12.04.060 Residential roll-curb fill.

The town council may, after notice to any affected property owner and after providing an opportunity for the property owner to be heard, order the removal of any residential roll-curb fill that is in the town's

right-of-way. This removal shall be at the expense of the town, but the town shall have no obligation to do anything other than to return the roll-curb to its original condition before the roll-curb fill was added.

It is a violation of this code, and a class one misdemeanor, to fill the depression of any residential driveway.

(Ord. 98-18 §§ 3, 4)

(Ord. No. 09-04, § 1, 10-1-09; Ord. No. 09-10, § I, 11-5-09)

12.04.070 Maricopa Association of Governments uniform standard specifications and details for public works construction.

- A. All civil construction projects shall be constructed in conformity with the current Maricopa Associations of Governments ("MAG") uniform standard specifications and details for public works construction.
- B. The MAG uniform standard specifications and details for public works construction copies shall be available at the offices of the building inspector and the public works manager.

(Ord. No. 09-10, § I, 11-5-09)

Chapter 12.08 PARKS

Sections:

[12.08.010 Definitions.](#)

[12.08.020 General rules for use.](#)

[12.08.025 Fees.](#)

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12.08.010 Definitions.

- A. The term "deadly weapon" as used in this chapter shall mean anything designed for lethal use, including firearms.
- B. The terms "parks" or "park" as used in this chapter shall mean all town-owned recreational areas, including the real property, facilities, and landscaping located on and in those recreational areas, bicycle and pedestrian trails, and other facilities designated for use as recreational areas.
- C. The term "spirituous liquor" as used in this chapter shall include alcohol, brandy, whiskey, rum, tequila, mescal, gin, wine, porter, ale, beer, any malt liquor or malt beverage, absinthe, a compound or mixture of any of them with any vegetable or other substance, alcohol bitters, bitters containing alcohol, any liquid mixture or preparation, whether patented or otherwise, which produces intoxication, fruits preserved in ardent spirits, and beverages containing more than one-half of one percent of alcohol by volume.

(Ord. No. 11-14, § I, 9-15-11)

Editor's note— Ord. No. 11-14, § I, adopted Sept. 15, 2011, amended § 12.08.010 in its entirety to read as set out herein. Former § 12.08.010 pertained to rules for use of all park grounds and undeveloped and/or common areas owned by town and derived from Ord. 02-02 § 3 (part); Ord. 00-10 § 1; Ord. 97-08 § 1 (part); prior code § 2-6-4.

12.08.020 General rules for use.

- A. All persons using town parks shall comply with all federal, state, county and town laws, rules, ordinances and regulations.
- B. A permit shall be obtained from the town to reserve the use of a park facility.
- C. All permits shall require that the permit holder and those using the facility pursuant to the permit comply with the provisions of Town Code.
- D. All permits issued pursuant to this chapter shall describe the facility or area to be used, state any maximum capacity, if applicable, and such additional conditions and requirements as may be reasonably necessary to assure the safe use of the facility by the permit holder.
- E. Each permit holder shall comply with any insurance and indemnification requirements determined by the public works manager of the town to be reasonably necessary, given the nature of the activity and other circumstances.
- F. The public works manager or any law enforcement officer may revoke a permit for a violation of its terms or any violation of rules, regulations, ordinances or state or federal statutes by the permit holder or any person using the facility pursuant to the permit, and in the event of a permit revocation the permit holder shall cease the permitted activities immediately.
- G. A permit holder who has a permit revoked pursuant to subsection F. of this section shall not be entitled to a refund of any fees paid.
- H. Unless otherwise expressly provided by the public works manager, the revocation of a permit pursuant to subsection F. of this section shall serve to revoke all permits held by the permittee at the time of the revocation for the same facility or use and shall constitute grounds for denial of future permits for a period of one hundred eighty (180) days.
- I. Revocation of multiple permits or denial of future permits subject to subsection H. of this section shall be subject to appeal to the town manager.
- J. Any appeal filed pursuant to subsection I. of this section shall: (1) be made in writing; (2) give the reasons or grounds for the appeal; and (3) be filed with the town clerk not more than ten (10) calendar days from notice from the public works manager of the revocation or denial, as applicable.
- K. The town manager shall hold a hearing on a properly filed appeal within thirty (30) days of receipt of the notice of appeal and shall determine how the hearing will be conducted, and the aggrieved permittee or applicant shall be given notice of the hearing and may attend the hearing.
- L. Park hours for public use of all portions of town parks, including parking areas, shall be from sunrise until ten p.m., unless authorized by permit issued by the town or as otherwise provided by the public works manager.
- M. No apparatus, furniture other than folding chairs, or equipment shall be placed on park grounds, ramada, or other facility except by permit. Such items shall be removed from the park at a time not later than provided for in the permit. Noncompliance shall be grounds for subsequent rejection of a permit application for use of park facilities.
- N. No deadly weapons are permitted to be discharged in town parks, except: (1) on a properly supervised range as defined in Arizona Revised Statutes § 13-3107; (2) in an area approved as a hunting area by the Arizona Game and Fish Department; (3) to control nuisance wildlife by permit from the Arizona Game and Fish Department or the United States Fish and Wildlife Service; (4) as required by an animal control officer in performing duties specified in Arizona Revised Statutes § 9-

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499.04 and Title 11, Chapter 7, Article 6; (5) in self-defense or defense of another person against an animal attack if a reasonable person would believe that deadly physical force against the animal is immediately necessary and reasonable under the circumstances to protect oneself or the other person; and (6) special public events or instructional classes being held pursuant to a town permit at which weapons are used for show or demonstration purposes, and only blank cartridges shall be used and only when authorized by the public works manager.

- O. No person shall consume spirituous liquor from an open container, or possess spirituous liquor in an open container, in a town park.
- P. All persons fourteen (14) years and older who are fishing in Maricopa Lake must be in possession of a valid state of Arizona Fishing License and any other license or permit as may be required by law.
- Q. No person shall harm, injure, remove from, or release into any town park any animal unless the area has been designated by town rule or regulation to act as a designated animal recreation area. No person shall remove plants, wild animals or natural materials found in a town park, except the lawful removal of fish from a lake.
- R. No motorized vehicles shall be allowed in a town park, except in designated parking areas. This subsection shall not apply to: (1) town employees, utilities, or others authorized by the town to perform inspection, repair or maintenance work; (2) persons providing emergency, search and rescue, medical or veterinary services; (3) the use and operation of a motorized wheelchair by a person who ordinarily uses such equipment; and (4) vendors, on park-related business, with the permission of authorized town staff.
- S. The sale of food, beverages or other merchandise is prohibited unless specifically authorized by permit issued by the town.
- T. Lakes, fountains and other waterways shall not be used for swimming, wading or bathing.
- U. Public boating in Maricopa Lake is prohibited.
- V. No person shall be in or on park premises at any time other than as authorized by federal, state, and local laws.
- W. No person shall use any town park facility, or any area in a town park, which has been declared "closed" and which has been so posted by the town, except as authorized in writing by the public works manager.
- X. Practice golfing is prohibited in town parks, except for public events or classes held pursuant to a town permit.
- Y. No open fires are permitted, unless specifically authorized by permits issued by the town. Charcoal only may be used in fixed grills provided in town parks and shall be attended at all times.
- Z. No glass or ceramic food or beverage containers are permitted in park areas.
- AA. No person shall knowingly and intentionally throw, toss, propel, or break any glass object in a town park.
- BB. No person shall tether, launch or land a hot air balloon in a town park, except in the case of emergency, unless expressly authorized to do so in writing by the public works manager.
- CC. The owner or person in custody of a dog shall immediately pick up all dog droppings (fecal matter), place them in a closed or sealed container and deposit them in a park trash receptacle or remove them from the park.
- DD. Any dog brought into a town park shall at all times be under the constant control of the owner or person in custody of such dog; dogs shall at all times be on a leash, not longer than six feet in length, except that a dog may be off-leash inside any designated dog recreational areas; and must be in compliance with Chapter 6.04 of the town of Youngtown Municipal Code.

EE. The town council may by resolution authorize the establishment of a designated dog recreational area, community garden, or other specially-designated recreational area within a park or otherwise on town property, and may by resolution proscribe additional rules for such specialty parks.

(Ord. No. 11-14, § I, 9-15-11)

Editor's note— Ord. No. 11-14, § I, adopted Sept. 15, 2011, amended § 12.08.020 in its entirety to read as set out herein. Former § 12.20.020 pertained to special rates for specific parks and derived from Ord. 02-02 § 3 (part); Ord. 01-06 § 2; Ord. 97-08 § 1 (part); prior code § 2-6-4.

12.08.025 Fees.

The town council may by resolution set usage fees and other charges with respect to the use of the town parks, as well as related equipment and programs, including fees and charges for both resident and nonresident users, as the council may from time to time deem necessary. All resolutions passed under this section shall be on file at the town clerk's office for public inspection.

(Ord. 06-04 § 1)

(Ord. No. 11-14, § I, 9-15-11)

12.08.030 Violation—Penalty.

- A. The violation of this chapter is a class one misdemeanor. In no case shall the penalty be less than one hundred dollars (\$100.00), nor shall it exceed two thousand five hundred dollars (\$2,500.00).
- B. To determine the value of any of the town's property damaged or vandalized for purposes of prosecuting violators of this chapter, the value of any such property will be presumed to be its fair market replacement cost to the town at the time of the offense.

(Ord. 98-12 § 1; Ord. 97-08 § 1 (part); prior code § 2-6-6)

Chapter 12.10 URBAN CAMPING

Sections:

[12.10.010 Definitions.](#)

[12.10.020 Prohibited use of public right-of-way.](#)

[12.10.030 Camping in public places.](#)

[12.10.040 Violation—Penalty.](#)

12.10.010 Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

"Camp" means to reside in or use a public park, street, or other public place for temporary or permanent living accommodation purposes including, but not limited to, activities such as erecting tents or

any other structure providing shelter, digging or breaking earth, laying down bedding for the purposes of sleeping, using camp paraphernalia, storing personal belongings, starting a fire, regularly cooking or preparing meals, or living in a parked vehicle.

"Camp paraphernalia" includes, but is not limited to, tarpaulins, cots, beds, sleeping bags, hammocks, blankets, or non-town designated cooking facilities and similar equipment.

"Public park" means all town parks and playgrounds.

"Public place" means public plazas, transportation facilities, bus stops, schools, attractions, monuments, and improved and unimproved public area.

"Public street" means all public streets and highways, public sidewalks, public benches, public parking lots, and public parking structures.

(Ord. No. 15-03, § I, 8-6-15)

12.10.020 Prohibited use of public right-of-way.

It shall be unlawful for any person to use a public street, alley, lane, parkway, or other right-of-way, whether such right-of-way has been dedicated to the public, in fee or by easement, for lying, sleeping, remaining in a sitting position thereon, or camping, except in the case of a physical emergency or the administration of medical assistance.

(Ord. No. 15-03, § I, 8-6-15)

12.10.030 Camping in public places.

- A. Camping Prohibited. No person shall camp in any public park or place, except where specifically authorized by the town.
- B. Exception. The town may, in accordance with the town's established procedures, issue special use permits or reservation permits to authorize youth organizations to camp or park vehicles overnight in a park. Nothing in this section shall be interpreted to prohibit camping or overnight parking sponsored or approved by the town of Youngtown.

(Ord. No. 15-03, § I, 8-6-15)

12.10.040 Violation—Penalty.

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

(Ord. No. 15-03, § I, 8-6-15)

Chapter 12.12 MEETINGS, ASSEMBLIES AND PARADES IN PUBLIC PLACES

Sections:

[12.12.010 Definitions.](#)

[12.12.020 Permit required.](#)

[12.12.030 Exceptions.](#)

[12.12.040 Permit application.](#)

[12.12.050 Findings required.](#)

[12.12.060 Conditions to permit.](#)

[12.12.070 Prior application.](#)

[12.12.080 Notice of issuance or denial.](#)

[12.12.090 Appeal procedure.](#)

[12.12.100 Contents of permit.](#)

[12.12.110 Duty of permittee.](#)

[12.12.120 Revocation of permit.](#)

[12.12.130 Public conduct during a meeting, assembly or parade.](#)

12.12.010 Definitions.

As used in this chapter

"Activity" means a parade or public meeting or assembly;

"Funeral procession" means a single direct movement from a mortuary or church to the place of burial of a human body, under direction of an authorized funeral director;

"Parade" means a march or procession of any kind;

"Public meeting or assembly" means a planned or organized gathering of a group of persons, or any ceremony, show, exhibition or pageant which may reasonably be expected to result in the gathering of a group of persons, upon any public street, park or other public grounds.

(Added during 2001 codification)

12.12.020 Permit required.

It is unlawful for any person to hold, manage, conduct, aid, participate in, form, start or carry on any parade or public meeting or assembly, as defined in this chapter, in or upon any public street, park or other public grounds in the city unless and until a permit to conduct such meeting, assembly or parade has been obtained in compliance with the provisions of this ordinance, except as provided in this chapter.

(Added during 2001 codification)

12.12.030 Exceptions.

This chapter shall not apply to any of the following:

- A. Funeral processions;
- B. A governmental agency acting within the scope of its functions;
- C. Students going to and from school classes or participating in educational activities, providing such activity is authorized by the school district and is under the immediate direction and

supervision of the school authorities authorized by the school district to approve and supervise such activity.

(Added during 2001 codification)

12.12.040 Permit application.

Application for permits under this chapter must be filed with the chief of police not less than five days in advance of the proposed activity. Late applications may be accepted if filed sufficiently in advance of the date of the proposed activity to enable the chief of police to determine that said activity will meet the requirements set forth in Section 12.12.050.

This application shall be in writing and shall give the following information:

- A. The name, address and telephone number of the person requesting the permit. If the activity is proposed to be conducted for, on behalf of, or by any organization, the name, address and telephone number of the headquarters of the organization and the authorized head of such organization shall be stated;
- B. The name, address and telephone number of the person who will be directly in charge of and responsible for the activity;
- C. The purpose of the activity;
- D. The date, time and location or route of the proposed activity;
- E. The approximate number of persons who will participate in the activity and the number and kind of vehicles, equipment and animals which will be used;
- F. Plans for the assembly and dispersal of the parade, including times and locations thereof;
- G. A statement as to whether the parade will occupy all or only a portion of the streets proposed to be traversed;
- H. A statement as to whether a permit has been requested or obtained from any other city within which said activity shall commence, terminate or occur in part;
- I. Any additional information which the chief of police shall find reasonably necessary to a determination of the findings required by Section 12.12.050.

(Added during 2001 codification)

12.12.050 Findings required.

The chief of police or his or her designated representative shall issue a permit as provided for hereunder when from a consideration of the application and from such other information as may otherwise be obtained he or she finds that:

- A. The conduct of such activity will not substantially interrupt the safe and orderly movement of other traffic;
- B. The concentration of persons, animals and vehicles will not unduly interfere with proper fire and police protection of, or ambulance service to, areas where the activity will take place or areas contiguous to such area;
- C. The conduct of such activity will not unduly interfere with the movement of firefighting equipment enroute to a fire, or the movement of other emergency equipment;
- D. The conduct of such activity is not reasonably likely to cause injury to persons or property; and

- E. Such activity is not to be held for the sole purpose of advertising the goods, wares or merchandise of a particular business establishment or vendor.

(Added during 2001 codification)

12.12.060 Conditions to permit.

The chief of police shall have authority to impose such conditions as are necessary to insure that all of the findings mentioned in Section 12.12.050 shall exist during the continuation of the activity.

(Added during 2001 codification)

12.12.070 Prior application.

If a prior permit application shall have been made for an activity proposed to be held at the same time or place, the chief of police may refuse approval of the later application. In case of such refusal, he or she shall forthwith send the applicant a written notice that he or she may apply for an alternate time and place.

(Added during 2001 codification)

12.12.080 Notice of issuance or denial.

The chief of police shall act upon the permit application within three days of the filing thereof. If he or she disapproves of the application, he or she shall mail to the applicant within that three-day period notice of the denial and the reason for it.

(Added during 2001 codification)

12.12.090 Appeal procedure.

The applicant shall have the right to appeal the denial of a permit to the city council. A notice of appeal shall be filed with the city clerk within two days after receipt of notice of the denial. The city council shall act upon the appeal at its next meeting following receipt of the notice of appeal. (Added during 2001 codification)

12.12.100 Contents of permit.

Conditions to the issuance of any permit shall be set forth in the permit.

(Added during 2001 codification)

12.12.110 Duty of permittee.

- A. A permittee hereunder shall comply with all terms and conditions of the permit and with all applicable laws and ordinances.
- B. The written permit obtained pursuant to this chapter shall be carried by the person heading or leading the activity for which the permit was issued.

(Added during 2001 codification)

12.12.120 Revocation of permit.

The chief of police may revoke any permit issued hereunder upon the failure of the permittee to comply with the terms and conditions of the permit or if the activity, because of the manner in which it is being conducted, or for any other reason, is jeopardizing those elements of the public safety or welfare set forth in Section 12.12.050.

(Added during 2001 codification)

12.12.130 Public conduct during a meeting, assembly or parade.

- A. It is unlawful for any person to unreasonably obstruct, impede or interfere with any parade or public meeting or assembly or with any person, vehicle or animal participating in such a parade, meeting or assembly for which a permit has been granted in accordance with the provisions of this chapter.
- B. The chief of police shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a highway or part thereof constituting part of the route of a parade. The chief of police shall post signs to such effect, and is unlawful for any person to park or leave unattended any vehicle in violation thereof.

(Added during 2001 codification)

Chapter 12.16 DEVELOPMENT SITE IMPROVEMENTS

Sections:

[12.16.005 Purpose.](#)

[12.16.010 Sidewalks.](#)

[12.16.020 Pedestrian ways.](#)

[12.16.030 Requirements.](#)

[12.16.040 Single-family excluded.](#)

12.16.005 Purpose.

It is the policy of the town that new development shall be constructed in a way to promote safety and maintain neighboring property values.

(Ord. 01-02 § 1 (part); Ord. 02-02 § 3 (part))

12.16.010 Sidewalks.

- A. The owner of any new development shall, prior to a certificate of occupancy being issued, have constructed sidewalks parallel to any paved street that is adjacent to the property.

- B. Said sidewalks shall be minimum of six feet in width and detached from the back of the curb on all major and minor arterial streets. On all other streets the minimum width shall be four feet. Sidewalks shall be detached from mid-section collector street where right-of-way is available.

(Ord. 01-02 § 1 (part); Ord. 02-02 § 3 (part))

12.16.020 Pedestrian ways.

Pedestrian ways of not less than four feet in width shall be constructed to connect sidewalks with public and private facilities when, in the opinion of the building official, such pedestrian ways are necessary for the public safety.

(Ord. 01-02 § 1 (part); Ord. 02-02 § 3 (part))

12.16.030 Requirements.

Any sidewalk or pedestrian way shall conform to the requirements of the American Disability Act (ADA) and Maricopa Association of Governments (MAG) Standard Detail 230.

(Ord. 01-02 § 1 (part); Ord. 02-02 § 3 (part))

12.16.040 Single-family excluded.

The provisions of the foregoing shall not apply to residential single-family housing projects that consist of only one unit designed for one family.

(Ord. 01-02 § 1 (part); Ord. 02-02 § 3 (part))

Chapter 12.20 TREE PRESERVATION AND PROTECTION

Sections:

[12.20.010 Definitions.](#)

[12.20.020 Forest plan.](#)

[12.20.030 Town forester.](#)

[12.20.040 Tree requirements.](#)

[12.20.041 Posting of signs, reflectors, numbers or letters prohibited.](#)

[12.20.042 Pruning, corner clearance.](#)

[12.20.050 Interference with town tree board.](#)

[12.20.060 Review by town council.](#)

12.20.010 Definitions.

In this chapter, unless the context otherwise requires:

Title 12 STREETS, SIDEWALKS AND PUBLIC PLACES

"Forest plan" means the Youngtown community forest plan adopted by the town council.

"Park trees" means trees, shrubs, bushes and all other woody vegetation in public parks, or to which the public has free access as a park, and all areas owned by the town other than rights-of-way.

"Street trees" means trees, shrubs, bushes and all other woody vegetation on public lands lying within the rights-of-way of all streets, avenues, boulevards, roads or ways within the town.

(Ord. 04-08 § 1 (part))

12.20.020 Forest plan.

- A. The town council shall adopt a forest plan that contains:
 - 1. The type and kind of trees that may be planted upon town streets and in town parks;
 - 2. Requirements for the care, preservation, pruning, planting, replanting, removal or disposition of street and park trees; and
 - 3. Arboricultural specifications for street trees and park trees.
- B. All street trees and park trees shall be planted and maintained in compliance with the forest plan.

(Ord. 04-08 § 1 (part))

12.20.030 Town forester.

- A. The town manager is hereby designated as town forester.
- B. The town forester shall administer the forest plan and annually recommend to the tree board any modification to the forest plan that may be needed.

(Ord. 04-08 § 1 (part))

12.20.040 Tree requirements.

- A. Street trees shall conform to the forest plan. No species other than those included in the forest plan may be planted as street trees or park trees without approval of the town tree board. Trees may only be selected from the tree list that corresponds with the specific proposed tree locations designated in the forest plan.
- B. Because it has been determined that mulberry and olive trees produce large amounts of allergenic wind-borne pollens that are noxious and contribute to human diseases, it is unlawful to plant or sell within town limits, the following species of trees:

Common Name	Botanical Name
Common olive*	Oliea europea
Mulberry	Morus alba

- * Olive trees that are pollenless and fruitless such as "swan hill olive" may be planted.
- C. The spacing of street trees shall be in accordance with the spacing range designated in the forest plan. Exceptions for extraordinary circumstances may be made, only if approved by the town tree board.
- D. Street trees shall be so located as to interfere as little as possible with traffic and shall not block views at any intersection. No street tree shall be planted closer than ten (10) feet to any fire hydrant.
- E. Street trees, other than those designated as "small trees" in the forest plan, shall not be planted under or within ten (10) lateral feet of any overhead utility wire or over or within five lateral feet of any underground water line, sewer line, transmission lines or other utility.
- F. The town shall have the right to plant, prune, maintain, and remove all street trees and park trees as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of public grounds. The town tree board may remove or cause or order to be removed, any tree or part thereof, which is in an unsafe condition, is injurious to or interferes with sidewalks, utility lines or other public improvements, or is infected with any injurious insect, pest or disease.
- G. This section does not prohibit the planting of street trees by adjacent property owners provided that the selection and location of such trees is in accordance with the forest plan and this chapter.

(Ord. 04-08 § 1 (part))

12.20.041 Posting of signs, reflectors, numbers or letters prohibited.

It is unlawful for any person to nail, affix by stapling, gluing, or other manner, any sign, reflector, number or letter to any street tree or park tree within town limits.

(Ord. 04-08 § 1 (part))

12.20.042 Pruning, corner clearance.

- A. Every owner of any tree, shrub, bush or other woody vegetation overhanging any street or right-of-way within the town shall prune the branches so that such branches do not obstruct the view of any town intersection or interfere with people utilizing the sidewalk. Such owners shall remove all dead, diseased or dangerous trees or broken or decayed limbs that may pose a risk to the safety of persons in the area.
- B. The town shall have the right to prune any tree or shrub if it interferes with the proper spread of light along the street from the street light, interferes with the visibility of any traffic control device or sign or otherwise poses a threat to public safety, as determined by the town.
- C. No person shall remove or otherwise disturb any tree on town-owned property without first obtaining written consent of the town forester. All tree removal shall be in conformance with the forest plan.

(Ord. 04-08 § 1 (part))

12.20.050 Interference with town tree board.

It is unlawful to prevent, delay or interfere with town personnel, the town tree board, town forester or any of their agents while planting, cultivating, mulching, pruning, spraying or removing any street trees, park trees, or trees as authorized in this chapter.

(Ord. 04-08 § 1 (part))

12.20.060 Review by town council.

The town council is authorized to review the conduct, acts and decisions of the town tree board. Any person aggrieved by a decision of the town tree board may appeal that decision to the town council by filing a written appeal with the town clerk within thirty (30) days of the tree board's decision. The town council shall hear the appeal at the soonest available regularly scheduled town council meeting. The decision of the town council shall be final.

(Ord. 04-08 § 1 (part))