

THE CODE OF SAN TAN VALLEY, ARIZONA

ARTICLE 8- OFFENSES

Section 8-1 Offenses

Section 8-1-1 Trespass

It is unlawful for any person to knowingly enter onto or remain in or on any public property designated and posted with no trespassing signs.

Section 8-1-2 Graffiti

A. Purpose and Intent. The purpose and intent of this section is to provide a procedure for the prevention, prohibition and removal of graffiti from walls, structures or surfaces on property within the town in order to reduce blight and deterioration and to protect the public health and safety.

The town finds and determines that graffiti is obnoxious, contributes to neighborhood deterioration, provides a communication system for gangs and other vandals, damages property, and constitutes a public nuisance. The town also finds that graffiti must be abated immediately to avoid the detrimental impact such graffiti has on the town and its residents, to disrupt the communication system for gangs and other vandals, and to prevent the further spread of graffiti.

B. 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 or other public or private property.

C. Prohibited Conduct.

1. Except as permitted in A.R.S. § 40-360.22, no person shall write, paint, draw, etch or otherwise apply any inscription, figure, or mark of any type on any building, structure, fixture or any other real or personal property within the town without the express permission of the owner or operator of the property.
2. No person shall possess an aerosol spray paint container, broad-tipped indelible marker or etching implement or solution with the intent to violate the provisions of subsection (C)(1) of this section.
3. No person shall possess an aerosol spray paint container, broad-tipped indelible marker or etching solution on any private property unless the owner, agent, manager, or other person having control of the property consented to the presence of the aerosol spray paint container, broad-tipped indelible marker or etching solution.
4. No person under the age of eighteen years shall possess an aerosol spray paint container, broad-tipped indelible marker, or etching solution on any public property unless accompanied by a parent, guardian, employer, teacher or other adult in any similar relationship and such possession is for a lawful purpose.
5. No person or firm shall sell, deliver or give or cause to be sold, delivered or given to any person under the age of eighteen years, and no person under the age of eighteen years may buy, any aerosol spray paint container, broad-tipped indelible marker or etching solution. Evidence that a person, his or her employee, or agent demanded and was shown acceptable evidence of majority and acted upon such evidence in a transaction or sale shall be a defense to any prosecution under this subsection. This subsection does not apply to the transfer of an aerosol spray paint container, broad-tipped indelible marker or etching solution from a 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.

6. In addition to the penalties provided by Article [REDACTED], a person convicted of a violation of subsection (C)(1), (C)(2), or (C)(3) of this section may be required by the court to complete community service involving participation in the removal of graffiti from the defendant's neighborhood. In addition to any sentence, fine or community service, the court shall order restitution to the victim for damage or loss caused directly or indirectly by the defendant's offense, or to any person or entity including a political subdivision that has incurred expense to repair or abate such damage or loss to the victim's property, in an amount to be determined by the court. A person convicted of a violation of subsection (C)(5) of this section is guilty of a Class 1 misdemeanor punishable by a fine of not less than five hundred dollars. A violation of subsection (C)(4) of this section is a Class 1 misdemeanor and will be punished as provided for in A.R.S. Title 8 (A.R.S. § 8-101, *et seq.*). A judge shall not suspend any part or all of the imposition of any fine or jail term required by this section.

D. Storage and Display of Aerosol Spray Paint Containers, Broad-Tipped Indelible Markers or Etching Solution.

1. It shall be unlawful for any person who owns, conducts, operates or manages a business where aerosol spray paint containers, broad-tipped indelible markers or etching solution are sold, or any person who sells or offers for sale aerosol spray paint containers, broad-tipped indelible markers or etching solution, to store or display, or cause to be stored or displayed, such aerosol spray paint containers, broad-tipped indelible markers or etching solution in an area that is accessible to the public without employee assistance in the regular course of business pending legal sale or other disposition.

2. Nothing herein shall preclude the storage or display of aerosol spray paint containers, broad-tipped indelible markers or etching solution in an area viewable by the public so long as such items are not accessible to the public without employee assistance.

E. Abatement Procedures. Any violation of this article is considered a public nuisance and may be abated in accordance with Section 9-5-11.

F. Entry and Inspection Authorities. The town or its agent is expressly authorized to enter onto private property and abate graffiti in accordance with this section when the graffiti is visible from the street or other public or private property.

G. Penalties. A person who violates this section shall be subject to the penalties as provided in Article 1, Section [REDACTED].

Section 8-1-3 Noise

8-1-3-1 Authority and Purpose.

It is hereby declared to be the policy of the Town of San Tan Valley to prohibit any noise which exceeds the decibel level set out in Sections 8-1-3- and 8-1-3-. At and above certain levels, such noises are unreasonable, excessive, and detrimental to the health and welfare of the citizens of the Town, and it is in the best interest of the citizens of Town that such excessive noises be systematically eliminated.

8-1-3-2 Excessive Noise Violation.

It shall be unlawful and a violation of this ordinance for any person to knowingly and/or intentionally make, continue, or cause to be made or continued, or to allow or permit any excessive noise (as defined in Sections 8-1-3-5, 8-1-3-6, and 8-1-3-7) which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitivity residing in the area.

Some factors that will be considered in determining whether a violation exists will include, but are not limited to, the following:

- (1) The volume of the noise;
- (2) The intensity of the noise;
- (3) The volume and intensity of the background noise, if any;
- (4) The proximity of the noise to residential sleeping facilities;
- (5) The nature and zoning of the area within which the noise emanates;
- (6) The density of the inhabitation of the area within which the noise emanates;
- (7) The time of the day or night the noise occurs;
- (8) The duration of the noise; and/or
- (9) Whether the noise is recurrent, intermittent, or constant.

8-1-3-3 Definitions.

“Area”: The region or space near, or surrounding, a particular place or object.

“A-Weighted Sound Pressure Level”: The sound pressure level as measured with a sound level meter using the A-weighting network. A-weighting is the standard for determining hearing damage and noise pollution. The standard notation is dB(A) or dBA.

“Commercial Property”: Commercial property means any property occupied by a business, store, or shop which shall be a retail establishment where all products shall be sold on the premises.

“Decibel (dB)”: A unit for measuring the volume of a sound equal to twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micropascals (20 micronewtons per square meter), denoted as dB.

“Emergency Vehicle”: Vehicles of the fire, police, and public service departments and legally authorized ambulances and emergency vehicles of state departments or any political subdivisions thereof and vehicles of public service corporations.

“Emergency Work”: Any work performed to prevent or alleviate physical trauma or property damage threatened or caused by an emergency which has or may result in a disruption of service and which is necessary to protect the health, safety, and welfare of persons or property.

“Excessive Noise”: Any sound measured according to the criteria of Section 8-1- which exceeds the levels set out in Sections 8-1-3- and 8-1-3-.

“Gross Vehicle Weight Rating (GVWR)”: The value specified by the manufacturer as the recommended maximum loaded weight of a single-motor vehicle. In cases where trailers and tractors are separable, the gross combination weight rating (GCWR), which is the value specified by the manufacturer as the recommended maximum loaded weight of the combination vehicle, shall be used.

“Industrial Property”: Industrial property means any property occupied by land uses whose primary operation involves manufacturing, assembling, processing or otherwise treating raw materials, semi-finished products, or finished products for packaging and distribution to either wholesale or retail markets.

“LEQ”: (Equivalent Sound Level) The constant level that over a given period transmits to the receiver the same amount of acoustic energy as the actual time-elapsd sound.

“Legal Holiday”: Those holidays so designated by Town of San Tan Valley.

“Motorized Sporting Event”: A pre-scheduled, periodic, or special event held at a speedway, racetrack, or other paved or unpaved course that is designed and intended for either professional or amateur motor vehicle competitions, exhibitions of speed, or other ancillary activities involving the use of motor vehicles.

“Motor Vehicle”: Every self-propelled land vehicle not operated upon rails, except bicycles, mopeds, self-propelled chairs used by persons who are disabled, and electric personal assistive mobility devices.

“Muffler”: A device for abating the sound of escaping gases from an internal combustion engine.

“Noise”: The same meaning as “sound pressure level” as hereinafter defined.

“Property Line”: The line which represents the legal limits of real property (including an apartment, condominium, room or other dwelling unit) owned, leased or otherwise occupied by a person, business, corporation or institution. In cases involving sound from an activity on a public street or other public right-of-way, the property line shall be the nearest boundary of the public right-of-way.

“Residential Property”: Any property, the dominant use of which is non-transient occupancy of residential dwelling units.

“Site-Specific Source of Noise”: A source of sound which is found on a specific site or tract of land and which originates from that site even though the specific source of the sound generation may be mobile.

“Sound”: Temporal and spatial oscillation in pressure, particle displacement, particle velocity, or other physical parameter in a medium with internal forces that causes progressively alternative compression and rare fraction of that medium and which propagates at finite speed to distant points and can evoke an auditory sensation.

“Sound Level Meter”: An instrument which includes a microphone, amplifier, RMS (root mean square) detector, integrator or time averager, output meter, and weighting networks used to measure sound pressure levels.

“Sound Pressure”: The instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space as produced by sound energy.

“Sound Pressure Level”: Twenty (20) times the logarithm to the base ten (10) of the ratio of RMS sound pressure to the reference pressure of twenty (20) micropascals ($20 \times 10^{-N}/m$). The sound pressure level is denoted L_p or SPL and is expressed in decibels (dB).

“Street”: A way, existing or proposed, for vehicular traffic whether designated as a street, highway, thoroughfare, parkway, throughway, freeway, road, roadway, boulevard, avenue, lane, place, or however otherwise designated.

“Street, Collector”: A street, existing or proposed, collecting traffic from local streets, and connecting the same with a major street, or another collector street.

“STREET, LOCAL or MINOR”: A street, existing or proposed, exclusively or primarily providing access and utilities to abutting properties.

“Street, Major”: Such major street, highway, thoroughfare, parkway or boulevard and all section lines so designated by the Town.

8-1-3-4 Sound Level Measurement Criteria.

For the purpose of enforcement of the provisions of this ordinance, noise levels shall be measured on the A-weighted scale with a sound level meter satisfying at least the applicable requirement for Type 2 sound level meters as defined in American National Standard SI.4-1971 or the most recent revisions thereof. Prior to measurement, the meter shall be set for slow response speed, except that for rapidly varying sound levels, fast response speed may be used. Prior to measurement, the meter shall be verified and calibrated according to the manufacturer’s specifications.

8-1-3-5 Enumeration of Excessive Noises.

The following enumerated acts or conditions may produce excessive and unreasonable noise which violates the provisions of this ordinance.

(A) Land Use Noise.

1. Classification of Use Districts (Residential, Rural, Commercial, Industrial). Zoning district classifications shall be as set out in Chapter [add LDC/Zoning Code reference here] and shall for purposes of this ordinance be distinguishable as Residential, Commercial, Rural and Industrial land use classifications, within which sound levels of Table 1 below shall be locally measurable and applied by the use of LEQ levels as defined in Section 10-22 and measured in accordance with the methods set forth in Section 10-23 for purposes of evaluating an alleged violation of this ordinance.
2. Violations. It shall be unlawful and a violation of this ordinance for any person to operate or to permit to be operated any site-specific source of sound which when measured at any point of the property line where the noise emission is generated:
 - (a) Creates a sound level in excess of its ambient sound pressure level (Leq) limit, indicated on Table 1 below:

TABLE 1 - LIMITING SOUND LEVELS FOR LAND USE DISTRICTS	
Zoning District Classifications	Leq Limits, dBA
(Residential & Rural) [add in consistent with LDC when available]	60dBA {7am-8pm} 55dBA {8pm-7am}

(Commercial or Business) [add in consistent with LDC when available]	65dBA {7am-10pm} 60dBA {10pm-7am}
(Industrial) [add in when consistent with LDC when available]	70dBA {7am-10pm} 65dBA {10pm-7am}

*These sound levels are not for construction activities being performed pursuant to a validly issued building permit issued by the Town.

The LEQ limits specified in Table 1 are LEQ for a ten (10) minute time interval. Partial LEQ levels may be obtained as necessary to assure an accurate indication of the representative sound environment for the site.

- (b) Sound projected from property within one (1) zoning district into property within another zoning district of a lesser sound level limit shall not exceed such lesser sound level limit.

(B) Vehicle Noise.

1. Vehicle Noise Limits. No person shall operate either a motor vehicle or combination of vehicles at any time upon any street or paved surface or under any condition of grade, load, acceleration, or deceleration in such a manner as to exceed the following noise limit for the category of motor vehicle, based on a distance of fifty feet (50') or fifteen (15) meters from the center of the street, paved surface, or from the actual motor vehicle or combination of vehicles:

TABLE 2 - SOUND PRESSURE LEVEL LIMITS FOR MOTOR VEHICLES		
(Measured at 50 Feet or 15 meters)		
Vehicle Class	Operated on a Local Street	Operated on a Paved Surface or Major Street
Motor vehicles with a manufacturer's gross vehicle weight rating (GVWR) or gross combination weight rating (GCWR) of 10,000 pounds or more or any combination of vehicles towed by such motor vehicle.	86 dBA	90 dBA
Any other motor vehicle or any combination of vehicles towed by any such motor vehicle.	76 dBA	82 dBA
Motorcycles operated upon the public streets, roads, or highways	82 dBA	86 dBA

2. Vehicle Repairs. It shall be unlawful for any person within any residential area of the Town to repair, rebuild, or test any motor vehicle between the hours of 10:00 P.M. of one day and 7:00 A.M. of the next day in such a manner as to create an excessive noise pursuant to Table 1 of Section 8-1-3-5.
3. Mufflers. No person shall operate or cause to operate any motor vehicle unless the exhaust system of such vehicle is:
 - (a) Free from defects which may cause sound level magnification;
 - (b) Equipped with a muffler; and
 - (c) Not modified in a manner, which will amplify or increase the sound level emitted by the motor of such vehicle above the sound levels provided for in Table 2 of Section 8-1-3-5.

8-1-3-6 Loud Radios and Sound Sets

It shall be unlawful for any person, including the owner or manager of any business, to operate, or permit to be operated a radio, speaker, amplifier, or other sound producing mechanism, at any time in such a manner as to permit the sound to be heard at a level exceeding 60 dBA between 7:00 a.m. and 10:00 p.m. and 55 dBA between 10:00 p.m. and 7:00 a.m. at any point of the property line of where the radio, speaker, amplifier, or other sound-producing mechanism is located. A violation occurs when these limits are exceeded for five (5) or more minutes.

8-1-3-7 Construction of Buildings and Other Projects.

- A. Noise limitations: Subject to the provisions of Section 8-1-3-5, it shall be unlawful for any person to operate equipment or perform any outside construction or repair work on buildings, structures or projects, or to operate any pile driver, power shovel, pneumatic hammer, derrick, power hoist or any other construction type device except within the time periods specified below unless an appropriate permit has been obtained beforehand from the county.
- B. Construction start/stop times:

The following are summertime construction hours governed by A.R.S. §9-500.02.

1. Concrete work: From May 1 to October 15, inclusive, concrete may be poured each day between the hours of 4:00 a.m. and 7:00 p.m. or at such other times as authorized by a valid permit. From October 16 to April 30, inclusive, concrete may be poured each day between the hours of 6:00 a.m. to 7:00 p.m. or at such times as authorized by a valid permit.
2. Other type construction (residential property/zoning districts): From May 1 to October 15, inclusive, all other construction or repair work shall not begin prior to 5:00 a.m. and must stop by 7:00 p.m. each day, or at such other times as authorized by a valid permit. From October 16 to April 30, inclusive, all other construction or repair work shall not begin prior to 7:00 a.m. and must be concluded by 7:00 p.m. each day, or at such other times as authorized by a valid permit.

3. Other type construction (non-residential property): From May 1 to October 15, inclusive, all other construction or repair work shall not begin prior to 5:00 a.m. and must stop by 7:00 p.m. each day or at such other times as authorized by a valid permit. From October 16 to April 30, inclusive, all other construction or repair work shall not begin prior to 7:00 a.m. and must be concluded by 7:00 p.m. each day, or at such other times as authorized by a valid permit.
4. Weekends and holidays: Notwithstanding anything to the contrary herein, construction or repair work shall not begin prior to 7:00 a.m. and must stop by 7:00 p.m., and concrete pouring shall not begin prior to 6:00 a.m. and must stop by 7:00 p.m., on any Saturday, Sunday or legal holiday, unless such other times are authorized by a valid permit.

- C. Permits: Construction and repair work may be conducted at different times and at higher noise levels than otherwise permitted, if upon written application, a permit is obtained beforehand from the [REDACTED] Director or his/her designee. The permit shall be kept on the work site and shown to Town officials on request. In granting such permit, the [REDACTED] Director or his/her designee shall consider if construction noise in the vicinity of the proposed work site would be less objectionable at night than during the daytime because of different population levels or different neighboring activities; if obstruction and interference with traffic, particularly on streets of major importance, would be less objectionable at night than during the daytime; if the kind of work to be performed emits noises at such a low level as not to cause significant disturbance in the vicinity of the work site; if the neighborhood of the proposed work site is of such a character wherein sleep could be disturbed; if great economic hardship would occur if the work was spread over a longer time; if the work will abate or prevent hazards to life or property; if proposed early morning or night work is in the general public interest; and, he shall prescribe such conditions, working times, types of construction equipment to be used, and permissible noise emissions as he deems to be required in the public interest. No permit shall be required to perform emergency work as defined in Section 8-1-3-3.
- D. Revocation of permits: The [REDACTED] Director or his/her designee may revoke any permit granted hereunder upon complaint based upon substantial evidence that the construction activity caused significant disturbance in the vicinity of the work site.

8-1-3-8 Exemptions.

The following uses and activities shall be exempt from the provisions contained in this article:

- A. Heating and cooling equipment when functioning in accordance with the manufacturer's specifications and is in proper operating condition provided that no unit may create an excessive noise pursuant to Table 1 of Section 8-1-3-5;
- B. Landscape maintenance equipment when functioning in accordance with the manufacturer's specifications and with all mufflers and noise-reducing equipment in use and in proper operating condition (between 5:00 a.m. and 7:00 p.m. only);
- C. Non-amplified crowd noises resulting from activities such as those planned by school, governmental or community groups, or organized sports, except for such noises generated at restaurants, bars, inns, or resorts of any kind;
- D. Noises of safety signals, warning devices and emergency pressure relief valves;

- E. Noises resulting from any authorized emergency vehicle when responding to an emergency call or acting in time of emergency;
- F. Noises resulting from emergency work as defined in Section 8-1-3-3;
- G. Noises from the normal operation of railroad trains;
- H. Noises from a religious institution's percussion instruments;
- I. Power plant equipment during normal operation;
- J. Noise created by any county vehicle, equipment or facility while being operated for official use;
- K. Operation of agricultural equipment in connection with farming operations;
- L. Any aircraft operated in conformity with, or pursuant to, federal law, federal air regulations or air traffic control instructions issued pursuant to or within duly adopted federal air regulations, together with any noise created by aircraft operated under, or pursuant to, declaration of an emergency under federal air regulations; and
- M. Any special event as approved by the Town.
- N. Motorized sporting events which have successfully completed either the site plan or the commercial site plan review process. Uses approved shall not exceed 80 dBA level at the property line of the event.

8-1-3-9 Penalty.

A violation of any provision of this article shall be deemed and is declared to be a public nuisance and any person who violates any of the provisions of this article is subject to being prosecuted for the class 1 misdemeanor offense of disorderly conduct pursuant to A.R.S. § 13-2904 and the general penalty provisions of Article [redacted] of this Code. Each day a violation continues or exists shall be considered a separate offense subject to punishment as a separate class 1 misdemeanor. In addition, a violation of this ordinance that is deemed to be a public nuisance may be pursued as a civil infraction with fines consistent with the general penalty provisions in Article [redacted] of this Code. Each day of a continuing violation is a separate violation for the purpose of imposing a separate penalty. The Town Council, Town Attorney, or the Town Manager, or the Town Manager's designee, or any adjacent or neighboring property owner who shall be especially damaged by the violation of any provision of this Ordinance, in addition to other remedies provided by law, may institute injunction, abatement or any other appropriate action or proceedings to prevent or abate this type of public nuisance.

8-1-3-10 Severability.

In any provisions of this ordinance, or the application thereof to any person or circumstance, is invalid, that invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this ordinance are severable.

Section 8-1-4 Fireworks

- A. Definitions. In addition to the definitions set forth in A.R.S. § 36-1601, the following words, terms and phrases, when used in this Article, have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:
1. "*Supervised Public Display*" means a monitored performance of display fireworks open to the public and authorized by permit by the Chief of the Fire Department, Town Fire Marshal, or designee.
 2. "*Public Facilities*" means any building or real property, other than public right of way, which is owned, leased or otherwise operated by a governmental entity.
 - 3.
- B. Fireworks Prohibited; Supervised Public Display; Exceptions.
1. It is unlawful for any person to use, discharge or ignite fireworks within the Town as provided in A.R.S. Title 36, Chapter 13, and Article 1. The use, discharge or ignition of permissible consumer fireworks is limited to May 4 through May 6, June 24 through July 6 and December 26 through January 4 each year and the second and third days of Diwali of each year.
 2. It is unlawful for any person to discharge or ignition of fireworks is prohibited on all public property including in all public parks, public retention areas, public rights- of-way and Public Facilities.
 3. It is unlawful to fail comply with permit requirements and conditions issued by the Town pursuant to Section 18-1-8(B) of the Town Code.
 4. Nothing in this section or chapter shall be construed to prohibit the use, discharge or ignition of Novelty Items or the occurrence of a Supervised Public Display. However, it is unlawful for any person to fail to comply with any permit requirements and conditions issued by the Chief of the Fire Department, the Fire Marshal or his designee pursuant to Section 18-1-8(B) of the Town Code.
- C. Sale and posting of signs by persons engaged in the sale of fireworks.
1. It is unlawful for any person to sell fireworks within the Town on days other than April 25 through May 6, May 20 through July 6 and December 10 through January 3 of each year and two days before the first day of Diwali through the third day of Diwali each year.
 2. In letters at least two inches high on contrasting background shall be posted at each entrance or within ten feet of every aisle directly serving the consumer fireworks retail sales area signs indicating the following: "Fireworks – No Smoking";
 3. For those operating fireworks tents. Signs with letters at least four inches high on contrasting background shall be conspicuously posted on the exterior of each side of the consumer fireworks retail sales facility indicating the following: "No Fireworks Discharged Within 300 Feet"; and
 4. Complying with the regulations adopted by the Chief of the Fire Department, the Fire Marshal or his designee pursuant to Chapter 18 of the Town Code.
- D. Except as otherwise provided by State Statute, violation of this Section is a Civil Offense/

8-1-5 Smoking

8-1-5-1 Purpose: Since the smoking or use of tobacco products or any plant is a positive danger to the health and a material annoyance, inconvenience, discomfort and a health hazard to those who are present or nearby such use, tobacco litter is the most common form of litter, cigarette butts can take up to ten (10) years to decompose, the chemicals from discarded cigarette butts pollute the land, lakes and waterways and can be ingested by children, animals, fish and birds, and in order to serve the public health, safety and welfare, the declared purpose of this chapter is to restrict the smoking and use of tobacco products or any plant within enclosed places, public places, places of employment and Town property, including Town parks

and park systems. Where not made more restrictive by this Article, the Arizona Smoke-Free Arizona Act (A.R.S. §36-601.01) applies to smoking in public places, places of employment, and health care facilities.

8-1-5-2 Definitions: The following definitions shall apply in the interpretation and enforcement of this chapter:

“Designated Smoking Area”: Any area outdoors, which is outside of any enclosed public place and removed from building entrances and exits. Any designated smoking area must be so situated as to allow nonsmoking individuals to conduct normal activity in a smoke free environment.

“Enclosed Public Place”: Any area closed in by a roof and walls with openings for ingress and egress that is available to and customarily used by the public. Enclosed public places governed by this chapter shall include, but not be limited to, public areas of grocery stores, waiting rooms, public and private schools, doctors’ office buildings, community centers, childcare centers, public restrooms, all indoor facilities, restaurants, cafeterias, bars, sports bars, bowling alleys, billiard halls and other places currently used by the public.

A private residence is not a "public place".

“Smoke, Smoking Or Use Of Tobacco”:

(A) Carrying or placing of a lighted tobacco product in one’s mouth for the purpose of inhaling and exhaling smoke or blowing smoke rings;

(B) Placing of a lighted tobacco product or any other lighted tobacco product smoking equipment in an ashtray or other receptacle, and allowing tobacco product smoke to diffuse in the air;

(C) Carrying or placing of a lighted tobacco product in one’s hands or any appendage or devices and allowing smoke to diffuse in the air; or

(D) Inhaling or exhaling of smoke or vapor from an electronic device that can be used to deliver nicotine or other substances to a person, including, but not limited to, an electronic or vaping cigarette, equipment, cigar, cigarillo, or pipe.

“Tobacco Product”: Any product made or derived from tobacco that is intended for human consumption, including any component, part, or accessory of a tobacco product.

8-1-5-3 Prohibition and Regulation of Smoking in City Owned Facilities:

(A) All enclosed public places, places of employment and employee work areas owned, leased or operated by the Town shall be subject to this chapter.

(B) Smoking is prohibited in all shared vehicles and enclosed public places, places of employment and employee work areas owned, leased or operated by the Town.

(C) Smoking or other use of tobacco is prohibited in all Town parks and park systems, except in designated and signed smoking areas. The Town Manager or his designee is hereby delegated the authority to designate such smoking areas in Town parks and park systems. Notwithstanding the foregoing, the Fire Chief or his designee may close any park’s or park system’s designated smoking areas during time periods of high fire danger warnings.

8-1-5-4 Prohibition of Smoking in Enclosed Places: No person shall smoke in any enclosed public place or place of employment except outdoors in designated smoking areas pursuant to A.R.S. 36-601.01.

8-1-5-4 Where Smoking is Not Regulated: Notwithstanding any other provisions of this chapter to the contrary, the following areas shall not be subject to the smoking restrictions of this chapter:

- (A) Private residences.
- (B) Hotel and motel rooms rented to guests, which are on a separately partitioned ventilation system.
- (C) Retail stores that deal primarily in the sale of tobacco products and smoking paraphernalia.
- (D) On stage smoking as part of stage production, ballet or similar exhibition.
- (E) Private clubs and recreation facilities that do not serve the public or charge the public for services.

8-1-5-5 Posting Requirements.

A “smoking” symbol shall be clearly and conspicuously posted by the owner, operator, manager, employer or other person in control in every workplace or designated outdoor area where smoking is allowed under this chapter.

8-1-5-6 Enforcement and Penalties.

- (A) Citations may be issued for violation of this chapter.
- (B) Any person violating any of the provisions of this chapter shall be liable for the imposition of a civil sanction not to exceed twenty five dollars (\$25.00) for the first offense and not to exceed fifty dollars (\$50.00) for each successive offense. Each day a violation of this chapter continues after a citation for the violation has been issued constitutes a separate violation.
- (C) The Town shall provide for payment by mail of civil sanctions under this chapter.
- (D) Any owner, manager, operator or employer of any establishment controlled by this chapter shall, upon either observing or being advised of a violation of this chapter, have the obligation to inform the violator of the appropriate requirements of this law and then request immediate compliance.
- (E) Any person or employer who owns, manages, operates or otherwise controls the use of any premises subject to this chapter has the responsibility to:
 - 1. Properly identify all indoor and designated outdoor smoking areas; and
 - 2. Properly post signs required hereunder; and
 - 3. Take the action required by this subsection when observing or being advised of a violation.
- (F) Any employer who knowingly and intentionally violates this chapter may be liable for a civil penalty not to exceed five hundred dollars (\$500.00). Each day such violation is committed or permitted to continue shall constitute and be punished as a separate offense.
- (G) By enforcing this chapter, the Town undertakes only to promote the general welfare and health of the community. It does not assume, nor does it impose on its officers and employees, an obligation for breach of which it is liable in money damages to any person claiming injury from such breach.

8-1-6 Curfew

8-1-6-1 Definitions.

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

8-1-6-2 Offenses.

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

8-1-6-3 Defenses/Exceptions.

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

1. Accompanied by the minor's parent or guardian.
2. With prior permission of the parent or guardian, in a motor vehicle involved in interstate travel.
3. With prior permission of the parent or guardian, in an employment activity or going to or returning home from an employment activity without any detour or stop by the most direct route.
4. Involved in an emergency.
5. With prior permission of the parent or guardian was engaged in reasonable, legitimate, and specific business and/or activity. Examples include, but are not limited to, a juvenile with prior permission of the parent or guardian, attending an official school, religious or other recreational activity supervised by adults who take responsibility for the minor, or going to or returning home from an official school, religious or other recreational activity supervised by adults who take responsibility for the minor.
6. With prior permission of the parent or guardian, engaged in a reasonable and legitimate exercise of the First Amendment rights protected by the United States Constitution.
7. Married and 16 years of age or over, or in the military.

8. On the sidewalk abutting their residence or in the next door neighbor's property with the consent of the neighbor.

8-1-6-4 Enforcement.

1. Before taking any enforcement action under this section, a police officer shall attempt to ascertain the apparent offender's age and reason for being in the place. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that, based upon the circumstances, the minor's responses and minor's conduct, no defense as provided in subsection (C) of this section is probably present.

2. In addition to any other powers he/she may have, any law enforcement officer who arrests a minor for violating any of the provisions of subsection (B)(1) or (B)(2) of this section is also hereby empowered to demand of the parent, guardian or other person having the care, custody or supervision of the minor that such parent, guardian or person come and take the minor into custody. The law enforcement officer is also empowered to take the minor to a designated location where arrangements can be made for a parent, guardian or other appropriate party to take the minor into custody. Should there be a failure of the parent, guardian or other person to take custody of such minor, the officer may then be empowered to take the minor home.

8-1-6-5 Each violation of the provisions of subsection (B)(1), (B)(2), (B)(3) and (B)(4) of this section shall constitute a separate offense.

8-1-6-6 Any person convicted of a violation of any provision of this section shall be guilty of a Class 1 misdemeanor. This offense is designated as an incorrigible offense for minors under the jurisdiction of the juvenile court.

8-1-7 Camping

8-1-7-1 Definitions.

"Camp" or *"camping"* means to use real property in the Town of San Tan Valley for living accommodation purposes on a temporary or permanent basis. Indications of camping include sleeping activities, or making preparations to sleep, or the laying down of bedding for the purpose of sleeping, or storing personal belongings, or using any tents or shelter or vehicle or camper or trailer or other structure for sleeping, or making any fire, or doing any digging or earth breaking or carrying on cooking activities, except for any fire pit or barbecue pit provided by the town for such use. Regardless of the intent of the participants or the nature of any other activities in which they may also be engaging, such activities constitute camping when it reasonably appears under the circumstances that the participants are using the area as a living accommodation, no matter how temporary.

"Childcare facility" has the meaning provided in A.R.S. § 36-881(3).

"Public property" means any property owned or controlled by the Town of San Tan Valley which includes by way of example but is not limited to any: playground, splash pad, restroom, street, sidewalk, right-of-way, highway, alley way, bike path, transit stop or transit facility, preserve, open space, parks, mountain park, wash, or land whether improved or unimproved, attraction, structure, facility, or parking lot.

"Reasonable notice" means actual or constructive notice that certain conduct is prohibited and may be accomplished by reasonable posting or verbal notice provided by a law enforcement officer.

"School" means any public, charter, or private school where children attend classes in kindergarten programs or grades one through twelve.

8-1-7-2 Prohibited Acts.

- A. It is unlawful for any person to camp in or on any public street or alley, sidewalk, rights-of-way, park or preserve, parking lot, structure or building or other public ground that is owned, possessed, or controlled by the Town, except

when specifically authorized by a special use permit issued under the authority of the Town manager or his authorized designee.

- B. No person shall camp within five hundred feet of any property boundary of a school, childcare facility, shelter, or park.

8-1-7-3 Any campsite established in the Town in violation of this section is declared to be a public nuisance, and upon a determination that such a campsite constitutes an immediate threat to the health, safety or welfare of persons in the Town, including persons using the campsite, the police department is authorized and empowered to remove any such campsite forthwith. If persons are occupying the campsite at the time, then before removing the campsite, the police department shall provide reasonable notice to the person or persons occupying the campsite that they are in violation of this section and shall give them the opportunity to remove the campsite forthwith.

8-1-7-4 The parks and recreation department may, in accordance with the established procedures of the department or the Town, issue special use permits or reservations to authorize youth organizations, schools or similar entities to camp or park vehicles overnight in a park or preserve. Nothing in this section shall be interpreted to prohibit camping or overnight parking sponsored by the Town of San Tan Valley.

8-1-7-5 This section does not apply to temporary structures or camps set up by a government agency or relief workers during a disaster or emergency situation.

8-1-7-6 Penalty.

1. Any person found guilty of violating any provision of this section shall be guilty of a Class 1 misdemeanor, punishable according to the laws of the state of Arizona.
2. No person shall be issued a citation for a violation of this section unless the person has previously received a warning from the Town of San Tan Valley within the previous twelve calendar months or reasonable notice of the violation has been provided or the property on which the violation occurs has been conspicuously posted with a warning of the provisions of this section.
3. Consistent with A.R.S. § 13-717, in addition to or in lieu of any sentence imposed pursuant to this section, the court may sentence person to perform community restitution or order a term of education or treatment.