

AGENDA

TUSAYAN TOWN COUNCIL MUNICIPAL CODE WORKSHOP

PURSUANT TO A.R.S. § 38-431.02 & §38-431.03
Tuesday, October 2, 2012 at 5:00 P.M.
TUSAYAN TOWN HALL BUILDING
845 Mustang Drive, Tusayan Arizona

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Tusayan Town Council and to the general public that the Tusayan Town Council will hold a Municipal Code workshop open to the public on Tuesday, October 2, 2012 at the Tusayan Town Hall Building. If authorized by a majority vote of the Tusayan Town Council, an executive session may be held immediately after the vote and will not be open to the public. The Council may vote to go into executive session pursuant to A.R.S. § 38-431.03.A.3 for legal advice concerning any matter on the agenda, including those items set forth in the consent and regular agenda sections. The Town Council may change, in its discussion, the order in which any agenda items are discussed during the course of the meeting.

Persons with a disability may request a reasonable accommodation by contacting the Town Manager at (928) 638-9909 as soon as possible.

As a reminder, if you are carrying a cell phone, electronic pager, computer, two-way radio, or other sound device, we ask that you silence it at this time to minimize disruption of today's meeting.

TOWN COUNCIL MUNICIPAL CODE WORKSHOP

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE
2. ROLL CALL

MAYOR BRYAN
VICE MAYOR MONTOYA

COUNCILMEMBER FITZGERALD
COUNCILMEMBER RUETER
COUNCILMEMBER SANDERSON

** One or two Councilmembers may attend by telephone*

3. DISCUSSION OF DRAFT LANGUAGE FOR THE TUSAYAN MUNICIPAL CODE
 - A. Chapter 13 – Parks and Recreation
 - B. Chapter 6 - Animals
 - C. Chapter 11 - Offenses
4. MOTION TO ADJOURN

CERTIFICATION OF POSTING OF NOTICE

The undersigned hereby certifies that a copy of the foregoing notice was duly posted at the General Store in Tusayan, Arizona on this 27th day of September, 2012, at 1:30 p.m. in accordance with the statement filed by the Tusayan Town Council.

DATED this 27th day of September, 2012.

Laura Matthews
Signature of person posting the agenda

Chapter 13

CHAPTER 13

PARKS AND RECREATION AND LIBRARY

ARTICLE 13-1

PARKS AND RECREATION CODE

- 13-1-1 General Provisions
- 13-1-2 Fees
- 13-1-3 Rules and Regulations
- 13-1-4 Interpretation of Rules
- 13-1-5 Penalty

SECTION 13-1-1 GENERAL PROVISIONS

A. Exclusions

The developing trails system for the town is excluded from this article.

B. Hours of operation.

1. All municipal parks, playgrounds, recreational areas or facilities shall be open for the use of the general public during the hours posted.
2. Use or occupancy of any public park outside of its posted hours of operation may be considered criminal trespass.

C. Authority to Close Parks, Playgrounds.

1. The Town Manager or designated representative(s) are hereby authorized to close any municipal park, playground, recreational area or facility to all persons not properly authorized to be there, when an emergency exists that demands such closure for the protection of the public peace, health, safety, welfare, morals, or at the direction of the Council.
2. In the event the town manager or designated representative(s) directs the closure of any municipal park, playground, recreational area or facility, the date and time of such emergency closure shall be posted upon the property affected.
3. It is unlawful for any person, not properly authorized, to enter or fail to vacate any park, playground, recreational area, or facility when notice of emergency closure has been given.

SECTION 13-1-2 FEES

The Council shall establish and set by resolution, the amount of charges for all activities sponsored by the parks and recreation department or for use of park property or facilities of the Town. There shall be no fees assessed for the use of Town-owned facilities, grounds, or equipment when used by a charitable, religious, or civic organization. Section 9-1-5 establishes the authority with the Town Clerk to waive fees for these organizations based on Council policy. Fees are determined by Council Resolution on an annual basis.

SECTION 13-1-3 RULES AND REGULATIONS

The Council may adopt rules, regulations, and fee schedules for use of Town parks, recreation areas, and facilities by resolution.

SECTION 13-1-4 INTERPRETATION OF RULES

- A. The Town Manager shall interpret these rules and regulations and may act in any case not specifically covered herein.
- B. Any request not contemplated by the provisions of this article or any refusal of a permit request may be appealed to the town manager, which may at his discretion decide such appeal or refer it to the Council.

Section 13-1-5 Penalty

Violations of this article shall be a class 3 misdemeanor.

Chapter 6

CHAPTER 6
ANIMALS

ARTICLE 6-1

ANIMAL CONTROL AND LICENSING

- 6-1-1 Animal Control Officer
- 6-1-2 Animals at Large
- 6-1-3 Waste Removal Required
- 6-1-4 Licensing of Dogs
- 6-1-5 Excessive Noise caused by Animals or Birds
- 6-1-6 Stray Animals
- 6-1-7 Protection of Animals by Town
- 6-1-8 Penalty (2008-A355)

SECTION 6-1-1 ANIMAL CONTROL OFFICER

- A. Pursuant to ARS 9-499.04, as may be amended, the town hereby establishes the office of animal control officer (ACO) who may commence an action or proceeding before a court for any violation or enforcement of this chapter, other local ordinances, and state statutes relating to animal control which occurs within the jurisdiction of the town. Any certified peace officer may also enforce this chapter, ordinances, and statutes.
- B. It is unlawful for any person to interfere with the ACO or a law enforcement agent in the performance of their duties.

SECTION 6-1-2 DOGS AT LARGE

- A. A dog shall be deemed "at large" if (i) the dog is not under the verbal control of its owner or the person responsible for its care, or (ii) the dog is unleashed at a distance greater than twenty feet from its owner or the person responsible for its care. A dog is not at large if it is unrestrained on the property or residence of the owner or person responsible for its care.
- B. It is unlawful for an owner or person responsible for the care of a dog to permit it to be at large within the town limits. Evidence that the person permitted the dog to be at large may be shown from prior verbal or written warnings by the ACO, complaints from adjoining or neighborhood property owners or the public to the ACO or marshal's office that the dog was observed loose or unattended, the owner or responsible person allowed the dog to be in a public place without any physical restraints, or that the dog was being maintained on the property or residence of the owner or responsible party without sufficient or reasonable enclosures or restraints after being notified that the dog had been leaving the property.
- C. Dogs may be at large as an exception to this section as follows:
 - 1. While participating in field trials, obedience classes, or kennel club events where such trials, classes, or events have been approved by the Town.
 - 2. While being used or trained for legal hunting or control of livestock.
 - 3. While assisting a peace officer engaged in law enforcement duties.
 - 4. Guide dogs while assisting blind, deaf or physically handicapped persons, so long as such dogs are under direct and effective voice control of such individual to assure that they do not violate any other provision of law.

SECTION 6-1-3 WASTE REMOVAL REQUIRED

- A. It shall be unlawful for the owner or person having custody of any dog to fail to immediately remove and dispose of in a sanitary manner any solid waste deposited by such dog on public property or deposited on private property without the consent of the person in control of the property. This section shall not apply to guide dogs for blind persons or persons with mobility disabilities.
- B. It shall be unlawful for the owner or person having custody of any dog to deposit, cause to be deposited or allow solid waste from dogs to accumulate within or about such premises for longer time than forty-eight hours. This provision is to include animal waste on private property, including property owned, leased, or controlled by the owner of the dog.

SECTION 6-1-4 LICENSING OF DOGS

- A. Each dog four months of age or over that is kept, harbored, or maintained within the town limits for at least thirty consecutive days shall be licensed by the town. Fees and penalties for licenses shall be established by resolution of the council, and the town shall provide durable dog tags with the name of the town, license number, and expiration date. Before a license is issued, the owner must present a rabies vaccination certificate signed by a licensed veterinarian stating the owner's name and address and giving the dog's description, date of vaccinations, types, manufacturer, and serial number of the vaccine and the date the revaccination is due.
- B. It is unlawful for any person who fails within fifteen days after notification by the ACO, verbally or in writing, to obtain a license for a dog required to be licensed under this article or as may otherwise be required by law, or to remove a dog tag from a dog required to be licensed, or to place a dog tag on a dog other than the dog for which the license was issued.

SECTION 6-1-5 EXCESSIVE NOISE CAUSED BY ANIMALS OR BIRDS

It is unlawful for any person to own, possess, harbor, or control any animal or bird which frequently or for continuous duration barks, howls, meows, squawks, or makes other aggravating noises if they are clearly audible beyond the property line of the property on which they are conducted and they unreasonably disturb the peace and quiet of the neighborhood.

SECTION 6-1-6 STRAY ANIMALS

Any person who keeps or causes to be kept any horse, mule, cattle, burro, goat, sheep, swine (including potbellied pigs), or other livestock or poultry shall keep such animals in a pen or similar enclosure to prevent the animal from being at large within Town limits. Any such animal found at large may be impounded, with the cost for care to be paid by the owners or responsible parties, and a citation for animal at large may be issued.

SECTION 6-1-7 PROTECTION OF ANIMALS BY TOWN

- A. Any peace officer or Tusayan Animal Control Officer or other designated town enforcement agent(s) is authorized to enforce ARS §13-2910, Cruelty to Animals and its subsections, as may be amended, and to use whatever force is reasonable and necessary to remove any animal from a vehicle or other enclosed space whenever it appears that the animal's life or health is endangered by extreme temperatures or lack of ventilation within a vehicle or other enclosed space.
- B. No peace officer or any Tusayan Animal Control Officer or other designated town enforcement agents shall be liable for damages to property caused by the use of reasonable force to remove an animal from such a vehicle or other enclosed space under such circumstances.
- C. Any peace officer or any Tusayan Animal Control Officer or other designated town enforcement agent(s) is authorized and empowered to remove and impound any animal in plain view and suffering from life threatening exigent circumstances. The owner of any animal removed or impounded under the provisions of this article or the applicable state law shall be liable for any impoundment, boarding, or veterinary fees incurred in connection therewith.

SECTION 6-1-8 PENALTY

- A. Any person who violates or fails to comply with any provision of this article shall be guilty of a Class 2 misdemeanor, with punishment as provided by law, unless otherwise specified within a particular section of the Code.
- B. Tusayan Animal Control Officer or other designated town enforcement agent(s) may, in addition to the procedures prescribed in this section, impound or cause to be impounded any dog, livestock, or poultry running at large contrary to the provisions of this article.
 - 1. Upon the impounding of any animal, the owner, if known, shall be immediately notified in person, by telephone, or by mail, and may reclaim such animal upon payment of all costs and charges-incurred in picking up, impounding, and maintaining the animal.
 - 2. Any licensed dog unclaimed within seven days of its impoundment may be placed for adoption or humanely destroyed within the discretion of Tusayan Animal Control.

3. Any unlicensed dog unclaimed within five days may be placed for adoption or humanely destroyed within the discretion of Tusayan Animal Control.
4. Any livestock requiring impoundment will be turned over to the Arizona Department of Agriculture, Livestock Division.

ARTICLE 6-2

VICIOUS, DESTRUCTIVE OR DANGEROUS ANIMALS

- Section 6-2-1 Vicious or Destructive Animals
- Section 6-2-2 Violations; Penalty
- Section 6-2-3 Dangerous Animals; Definition
- Section 6-2-4 Declaring an Animal Dangerous; notice
- Section 6-2-5 Hearing; Burden of Proof; Appeal
- Section 6-2-6 Order of Compliance
- Section 6-2-7 Consent to Inspection; Inspection; Order of Compliance; Seizure
- Section 6-2-8 Required Acts and Unlawful Activities
- Section 6-2-9 Minimum Penalties; Enhancement
- Section 6-2-10 Authority to Enforce, Remove, and Impound

SECTION 6-2-1 VICIOUS OR DESTRUCTIVE ANIMALS

It is unlawful for any person to keep, control, harbor, or otherwise have under control any animal which is vicious or destructive. This article shall not apply to zoos, wild animal parks, or animal shelters, or to persons who are in compliance with an order of the town magistrate, issued pursuant to this section.

SECTION 6-2-2 VIOLATIONS; PENALTY

- A. The owner of any animal that bites, attempts to bite, endangers or otherwise injures or causes injury to human beings or other animals, or destroys, damages, or causes damage to the property of another is guilty of a class 1 misdemeanor.
- B. An owner of an animal charged with a violation of this article shall produce that animal for inspection or impoundment upon the request of the Tusayan Animal Control or other designated town enforcement agent. All owners shall be responsible for any and all applicable impoundment and boarding fees in connection therewith.
- C. It is unlawful for any person to fail to comply with an order of the magistrate regarding a vicious or destructive animal. It is a separate offense for each day that such a person fails to comply with the magistrate's order.
- D. A violation of any provision of this article is punishable by a fine of up to two thousand five hundred dollars (\$2,500), six months in jail, three years' probation or any combination thereof. The magistrate may not grant probation in lieu of, or otherwise suspend, the imposition of the minimum fine prescribed.
- E. In addition to the above sanctions, upon the declaration of an animal as vicious or destructive, the magistrate shall order the owner to do one or more of the following:
 1. The animal shall be kept in an enclosure that is high enough so that the animal cannot bite, harm, or injure anyone outside the enclosure. The enclosure and property whereon it is located shall be posted with conspicuous signs, and at no time shall the animal leave the enclosure unless it is muzzled, leashed and under the control of an adult human being; or
 2. The animal be banished from the town limits; or
 3. The animal be spayed or neutered at the owner's expense; or

4. The animal be humanely destroyed; or
 5. Restitution up to one thousand dollars (\$1,000) may be ordered made by the owner to the victim. This remedy shall not abridge any civil cause of action by the victim.
- F. It shall be an affirmative defense to the provisions of this article if the animal is:
1. Not at large and there is provocation; or
 2. The dog is a police dog under the command of its trainer.
- G. In any proceeding brought to enforce a violation of this article, the following procedure shall be used.
1. A Tusayan Animal Control Officer or other designated town enforcement agent, upon determining that any animal within the town limits is vicious and is an immediate danger to the safety of any person or other animal, may impound the animal immediately.
 2. Within ten days of the date of impoundment, the town magistrate shall conduct a hearing provided under this article.

The owner of the animal shall be notified of this hearing by the court. Upon proof of such notification, such hearing may proceed in the owner's absence.

SECTION 6-2-3 DANGEROUS ANIMALS

Definitions:

- A. A dangerous animal means one which has been declared to be vicious or destructive pursuant to this article or displays or has a tendency, disposition, or propensity, as determined by the town enforcement agent, to:
1. Injure, bite, attack, chase, or charge, or attempt to injure, bite, attack, chase, or charge a person or domestic animal in a threatening manner; or
 2. Bare its teeth or approach a person or domestic animal in a threatening manner.
- B. A dangerous animal does not include an animal used in law enforcement, nor does this article apply to animals in custody of zoos or wild animal parks, animals placed in animal shelters, animals under the care of veterinarians, or wild animals.

SECTION 6-2-4 DECLARING AN ANIMAL DANGEROUS; NOTICE

- A. Tusayan Animal Control shall develop guidelines to determine if an animal is a dangerous animal.
- B. Whenever an animal control officer has reason to believe an animal may be dangerous, an evaluation of the animal shall be conducted.
- C. If Tusayan Animal Control declares that an animal is dangerous; the owner shall be notified and issued an order of compliance. Once an animal is declared dangerous, the animal is dangerous until a hearing officer or judge determines otherwise. If the owner is known, the owner shall be provided with a written notice of the owner's right to file, within five days of receipt of the notice, a written request with animal control for a hearing to determine if the animal is dangerous. If the owner's whereabouts cannot be determined or the animal poses a threat to public safety or domestic animals, the animal shall be impounded and notice (including notice that the animal could be destroyed if the owner fails to appear at the hearing) shall be posted on the owner's property or mailed forthwith to the owner at the owner's last known address by registered or certified mail, return receipt requested.

SECTION 6-2-5 HEARING; BURDEN OF PROOF; APPEAL

- A. The owner of the animal may request a hearing to contest the declaration of dangerousness or contest the confinement conditions ordered by animal control.
- B. If the owner of an impounded animal fails to appear at a hearing or fails to request a hearing, the animal shall be forfeited to animal control to be humanely destroyed.
- C. If the owner of a non-impounded animal fails to appear at a hearing or fails to request a hearing, the animal is declared to be dangerous and the order of compliance shall remain in effect.
- D. After request for a hearing, Animal Control shall set a hearing date within five working days at a time and place designated by the animal control officer or town enforcement agent. The hearing shall be conducted by a hearing officer selected by Animal Control.
- E. The hearing shall be held in an informal manner and a record thereof shall be made by stenographic transcription or by electronic tape recording. The rules of evidence do not apply, and hearsay is admissible.
- F. It is the burden of the owner of the animal to establish by a preponderance of the evidence that the animal is not dangerous. The owner may be represented by counsel and present witnesses at the owner's cost.
- G. The hearing officer shall make a written decision within five working days of the hearing and notify the owner of the animal of the decision.
- H. If the decision of dangerousness is sustained by the hearing officer, the owner of the animal shall obey the order of compliance issued by the enforcement agent within the time given by the order of compliance or ten days whichever is more.
- I. If the animal is found not to be dangerous, the order of compliance is null and void. The finding that an animal is not dangerous does not prevent Tusayan Animal Control or other town enforcement agent from declaring an animal dangerous again if the agent has additional reasons to believe the animal is dangerous after a new evaluation of the animal is conducted.
- J. Appeal of the decision of the hearing officer shall be by way of special action to the Superior Court on the record of the hearing. If either party claims the record to be incomplete or lost, and the hearing officer who conducted the hearing so certifies, a new hearing shall be conducted before that officer. The appealing party shall bear the cost of preparing the record of the hearing on appeal. No appeal shall be taken later than thirty days after the decision.

SECTION 6-2-6 ORDER OF COMPLIANCE

- A. When an animal is declared dangerous, animal control shall issue an order of compliance requiring the owner within thirty days to:
 - 1. Confine the animal sufficiently to prevent the animal's escape as follows:
 - a. The animal control officer shall determine the appropriate fencing requirements for the size and nature of the animal. The animal control officer may require a fence including gates to be six feet in height; the fence from five feet in height to six feet in height to incline to the inside of the confinement area at a forty-five degree angle from the vertical; or that the confinement area be wholly covered by a material strong enough to keep the animal from escaping.
 - b. The animal control officer may require the bottom of the confinement area to be concrete, cement or asphalt, or of blocks or bricks set in concrete or cement; or if such bottom is not provided then a footing of such material shall be placed along the whole perimeter of the confinement area to the depth of one foot below ground level, or deeper if required by the animal control officer.
 - c. The gates of the confinement area shall be locked at all times with a padlock except while entering or exiting.

- d. The animal control officer may require temporary confinement measures until the order of compliance has been obeyed or the hearing officer determines that the animal is not dangerous. If the owner does not immediately comply with the temporary confinement requirements, the animal shall be impounded.
2. Muzzle and restrain the animal outside the confinement area with a leash, chain, rope or similar device not more than six feet in length sufficient to restrain the animal and under the control of a person capable of preventing the animal from engaging in any prohibited behavior.
3. Post a sign on every gate or entry way to the confinement area stating "Beware of Dangerous Animal, Per Tusayan Animal Control Code Chapter 6."
4. Obtain and maintain liability insurance in a single incident amount of one hundred thousand dollars (\$100,000) to cover any damage or injury that may be caused by the dangerous animal. The animal control officer shall maintain a registry of the animals, owners and insurance carrier for each dangerous animal.
5. Pay the reasonable cost to animal control to tattoo the animal with an identification number or have an identification chip implanted in the animal. The animal control officer shall maintain a registry of such numbers and the owners of the animals.
6. Have a licensed veterinarian spay or neuter the animal at the owner's expense. The owner shall obtain written certification signed by the veterinarian that the spaying or neutering has been performed.

SECTION 6-2-7 CONSENT TO INSPECTION; INSPECTION; ORDER OF COMPLIANCE; SEIZURE

- A. By continuing to own an animal declared dangerous, an owner gives consent to the Tusayan Animal Control or any law enforcement officer to inspect the animal declared dangerous, the premises where the animal is kept, the liability insurance documents required for the animal, and the veterinarian's certificate of spaying or neutering for the animal.
- B. The animal control officer may seize and impound the dangerous animal if the owner fails to obey the order of compliance. Five days after the seizure, the animal control officer may humanely destroy the animal unless the owner has demonstrated obedience to the order of compliance. The owner of the animal is responsible for any impound fees. If the owner of the animal demonstrates proof that the order of compliance has been obeyed, then the animal will be returned to the owner after payment of impound fees. Any action under this article shall be in addition to any available penalties.

SECTION 6-2-8 REQUIRED ACTS AND UNLAWFUL ACTIVITIES

- A. An owner of an animal declared dangerous shall obey the order of compliance.
- B. An owner of an animal declared dangerous shall not sell, give away, abandon, or otherwise dispose of the animal without notifying Tusayan Animal Control in writing in advance.
- C. An owner of an animal declared to be dangerous shall provide proof of liability insurance and the veterinarian's certificate of spaying or neutering to Animal Control upon demand.
- D. An owner of an animal declared to be dangerous shall not prevent or try to prevent inspection of the animal or the premise where the animal is kept.
- E. When the owner of an animal is notified that Tusayan Animal Control is evaluating an animal or wants to evaluate an animal to determine if the animal is dangerous, the owner of the animal shall present the animal for inspection within twenty-four hours of a request by Animal Control. The owner shall not sell, give away, hide, or otherwise prevent animal control from making an evaluation of the animal.
- F. The owner of an animal declared to be dangerous shall prevent the animal from running at large as defined in this chapter.

- G. The owner of an animal declared to be dangerous shall prevent the animal from biting, injuring, or attacking any person or domestic animal outside of the confinement area.

SECTION 6-2-9 MINIMUM PENALTIES; ENHANCEMENT

- A. Whenever in this article any act is prohibited or declared to be unlawful or the doing of any act is required or the failure to do an act is declared to be unlawful, the violation of such provision is a misdemeanor punishable, except for the penalties already set forth herein, by a fine of not less than one hundred dollars (\$100) and not more than one thousand dollars (\$1,000) and/or by imprisonment of not more than six months. The judge may not grant probation in lieu of, or otherwise suspend, the imposition of the minimum fine prescribed. In addition, a person may be placed on probation for not more than three years. The permitted fines set forth in this Section shall not be construed in any way to require only the imposition of the minimum mandatory penalties provided herein.
- B. Each day any violation continues or occurs shall constitute a separate offense.

SECTION 6-2-10 AUTHORITY TO ENFORCE, REMOVE AND IMPOUND

A. Authority to enforce

Any peace officer or Tusayan Animal Control Officer or other designated town enforcement agent is hereby authorized and empowered to enforce the provisions of this chapter and to issue citations for violations thereof. Tusayan Animal Control shall have primary responsibility for the enforcement of this chapter.

B. Authority to Impound

1. If a peace officer or a Tusayan Animal Control Officer or other designated town enforcement agent has issued a citation for a violation of this chapter or of the Arizona Revised Statutes, and reasonably believes that the violation will continue, the officer is authorized and empowered to remove and impound the animal.
2. The owner of any animal removed and impounded under the provisions of this chapter shall be liable for any impoundment, boarding, or veterinary fees incurred in connections therewith.

Chapter 11

CHAPTER 11

OFFENSES

ARTICLE 11-1

OFFENSES

- 11-1-1 Dangerous Constructions
- 11-1-2 Excavations to be Covered
- 11-1-3 Minors; Curfew
- 11-1-4 Driving or Parking on Another's Property Unlawful
- 11-1-5 Noise (1999-A147)
- 11-1-6 Parks - Alcohol Use
- 11-1-7 Signs and Banners
- 11-1-8 Unsafe Buildings or Structures
- 11-1-9 Weapons
- 11-1-10 911 Emergency Telephone Number System
- 11-1-11 Prohibitions on Vehicle Engine Noise (1999-A147)
- 11-1-12 False Alarms (2006-A332)
- 11-1-13 Sale of Pseudo-ephedrine Products (2005-A312)

SECTION 11-1-1 DANGEROUS CONSTRUCTIONS

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

SECTION 11-1-2 EXCAVATIONS TO BE COVERED

- A. It is unlawful for any person to make any excavation or dig any hole, drain, or ditch in any highway or thoroughfare in the Town without providing a sufficient light at night and a temporary fence or suitable obstruction around or in front of such excavation at all times.
- B. It is unlawful for any person to maintain a well, cellar, pit, or other excavation of more than two feet in depth on any unenclosed lot, without substantial curbing, covering, or protection.

SECTION 11-1-3 MINORS; CURFEW; LIABILITY OF PARENT

- A. It shall be unlawful for any juvenile under the age of eighteen (18) years to be, remain, loiter in, about, or upon any place in the Town away from the dwelling house or usual place of abode of said juvenile, between the hours of 10:00 o'clock P.M. and 5:00 o'clock A.M. of the following day; **provided that the provisions of this section do not apply** to said juvenile when:
 - a) accompanied by his or her parent, guardian, or other adult person having the care, custody or control of said juvenile, or
 - b) the said juvenile is on an emergency errand, or

- c) the said juvenile has been specifically directed to the location or is on reasonable, legitimate and specific business or activity directed or permitted by his parent, guardian or other adult person having the care, custody or supervision of said juvenile. This exception requires that the parent, guardian, or adult have advance knowledge of the whereabouts of the juvenile, and have given consent, and does not apply if the parent, guardian, or adult, when told of the location of the juvenile, does not object.
- B. It is unlawful for the parent or guardian of a person under the age of eighteen years to permit such minor to be away from the minor's dwelling house or usual place of abode in violation of Section A once the parent or guardian has been notified of the violation and permits repeated violations.
- C. Curfew is extended until 12:30 a.m. on Friday and Saturday.

SECTION 11-1-4 LOITERING

- A. It is unlawful for any person to loiter, drive, or park upon the property during those hours when the person legally entitled to the possession of said property is not present, or if the property is a business, for any purpose other than the normal conduct of trade with that business, or if the property is that of a government agency, for any purpose other than the normal conduct of business with that government agency, without having in his or her possession the written permission of the owner of the property or the person entitled to immediate possession thereof, or the authorized agent of either.
- B. The written permission shall specify the period for which permission is granted, and shall set forth the name of the grantee shall be signed by the grantor, shall state grantor's interest in the property and, if the grantor is not the owner thereof, the owner's name.
- C. Any person loitering, driving, or parking a vehicle described in this section on property shall, upon request of any peace officer, display the written permission issued under the terms of this article.
- D. It is the intent of this section to prevent the unauthorized use of vacant lots, parking lots, or other property, privately or publicly owned areas by persons for unauthorized or illegal purposes which could create a public nuisance or interfere with the comfortable enjoyment of life or property by the entire community or neighborhood or by a considerable number of persons.
- E. No person charged with violating this section shall be convicted and such charge against him or her shall be dismissed if he or she subsequently produces in court the aforesaid written permission.

SECTION 11-1-5 NOISE

- A. It is hereby declared to be public nuisance, and it is unlawful for any person, to play or permit to be played any music or musical instruments whether played by individuals, orchestra, radio phonograph, music box or other mechanical device or means, any shop operations or other activity in such a loud or unusual manner as to be offensive to the senses, or so as to disturb the slumber, peace and quiet, or otherwise interfere with the comfortable enjoyment of life or property of any person and is no less a nuisance because the extent of the annoyance inflicted is unequal.
- B. It is unlawful to play, operate or use any device known as a sound truck, loud speaker or sound amplifier, radio or any instrument of any kind or character which emits loud and raucous noises and is attached to and upon any vehicle unless such person in charge of such vehicle shall have first applied to and received permission from the chief of police to operate any vehicle so equipped.

SECTION 11-1-6 PARKS - ALCOHOL USE

Definitions: "*Public Recreation Area*" shall include a Town park, district or regional parks, riverfront parks, or areas so designated by the Town Council of the Town Hall complex, such as the adjoining sports fields, parking lots, or gymnasium, or other Town property.

Prohibition on Alcohol Use. It is unlawful for any person to consume, possess, give, or sell any alcoholic beverage within the boundaries of any public recreation area or on Town-Owned property within the Town limits, or in a public thoroughfare, except that persons may sell, purchase, or consume beer and/or wine by permit from the Town. The Council may approve no more than three (3) alcohol permits on town property in a fiscal year. at the following events only: Fort Verde Days (beer only), Cornfestival (beer only), and Pecan, Wine & Antique Festival (wine only). A special event license from the Arizona Department of Liquor Control is required and procedures are outlined in the Town of Tusayan Procedures and Operations Guide, Special Event Permitting Procedures and Handbook. The permit will specify the area and other conditions of use.

- A. Proof of alcohol training from Arizona Department of Liquor Control is required as a condition of the permit.
- B. Signs will be posting stating that no one appearing to be intoxicated will be served
- C. "LAST CALL" promotions are strictly prohibited.

Permit Procedures. The Town Manager will establish permit procedures under this ordinance, except that the Town Council may by motion or resolution determine which events sponsored by the Town will have beer sold under a Town special event license.

Violations and Penalties. Violation of this [section] ordinance is declared to be a Class 1 misdemeanor, punishable by fines up to \$2,500 and 6 months in jail or to the limits as may be amended by State law.

Posting. Signs shall be posted in all public recreation areas warning the public of the provisions of this ordinance.

SECTION 11-1-7 SIGNS AND BANNERS

It is unlawful for any person to place any banner or sign upon any Town property, streetlight pole, traffic signal pole, or utility pole within the Town without first obtaining authorization from the manager or his or her designee.

SECTION 11-1-8 UNSAFE BUILDINGS OR STRUCTURES

It is unlawful for any person to maintain or allow any building or structure so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary, or otherwise unfit for human use.

SECTION 11-1-9 DISCHARGE OF AIR OR SPRING WEAPONS

It is unlawful for any person to recklessly discharge any spring or air gun within the Town.

SECTION 11-1-10 911 EMERGENCY TELEPHONE NUMBER SYSTEM

- A. **Definitions.** In this section, unless the context otherwise requires:
 - 1. "Emergency" means any situation in which human life or property is in jeopardy and the prompt summoning of aid is essential.
 - 2. "911" means the Town 911 emergency telephone number system.
- B. **Prohibition.** It is unlawful for any person to intentionally and willfully dial the 911 emergency telephone number and falsely report a nonexistent emergency or to dial the 911 emergency telephone numbers with the intention to harass, annoy, or otherwise interfere with the intended operation of the 911 emergency telephone number system.

SECTION 11-1-11 PROHIBITION ON ENGINE BRAKING.

No vehicle, commercial or personal, shall use engine braking, compression braking, or 'jake brakes', within the Town limits, if the operation causes unreasonable noise. Use of engine braking in a residential area shall be presumed to be a public nuisance.

1. **Exceptions:** This shall not apply to traffic on Interstate 17, or any time use of engine braking is necessary in a safety emergency.
2. **Violations:** The driver or operator of a vehicle may be cited under this ordinance. Violations of any provision herein are a Class 3 Misdemeanor on a first offense for the vehicle or driver, and Class 2 Misdemeanor for any subsequent offense.

SECTION 11-1-12 FALSE ALARMS

- A. It shall be unlawful to allow or cause a false alarm within the Town.
- B. In this article, unless the content otherwise requires:
 1. "Alarm" means any mechanical or electrical device or assembly of equipment designed or arranged to signal the occurrence of an illegal entry or other activity requiring urgent attention and to which the police are expected to respond, or designed or arranged to signal the occurrence of a fire or excessive smoke requiring urgent attention and to which a fire department is expected to respond.
 2. "Alarm Company" means any firm, person, partnership, corporation, or entity which has servicing, maintenance, or monitoring duties or responsibilities under the terms of any agreement or arrangement with any alarm user within the corporate limits of the town.
 3. "Alarm user" means any person, firm, corporation, or entity of any kind in control of any building, premises, structure or facility in which or upon which an alarm is maintained.
 4. "False alarm" means an alarm signal to which police or fire department personnel respond with any emergency personnel or equipment when a situation requiring a response by the police or fire department does not in fact exist, and which signal is caused by the inadvertence, negligence, or intentional act or omission of an alarm company or alarm user or a malfunction of the alarm.
- C. The following shall not be considered false alarms:
 1. Alarms caused by the testing, repair, or malfunction of telephone equipment or lines.
 2. Alarms caused by an act of God, including earthquakes, floods, windstorms, thunder or lightning.
 3. Alarms caused by an attempted illegal entry of which there is visible evidence.
 4. Alarms caused by the testing, repair or malfunction of electrical utility equipment or lines.
- D. Any violation of section 11-1-12 shall have the following penalties:
 1. A civil sanction in an amount of not more than \$250.00 may be assessed against an alarm user for each false alarm which occurs in any building, premises, structure, or facility owned or controlled by the alarm user;
 2. A civil sanction in an amount of not more than \$250.00 may be assessed against the responsible alarm company for each false alarm which occurs in the event that a false alarm was occasioned due to the manner of installation of the alarm by the responsible alarm company;

A civil sanction in an amount of not more than \$250.00 may be assessed against the responsible alarm company for each false alarm which is occasioned by the failure of the responsible alarm company to properly service, maintain or monitor any alarm within the town.

ARTICLE 11-1-13

SALE OF PSEUDO-EPHEDRINE PRODUCTS

Sale of pseudo-ephedrine products

1. Definitions: For purposes of this chapter, the following shall have the following meanings:
 - a. "Pharmacist" means a person licensed by the state in the art, practice, or profession of preparing, preserving, compounding, and dispensing medical drugs.
 - b. "Licensed Pharmacy Technician" is a person licensed by the state to assist a pharmacist.
 - c. "Pseudo-ephedrine" is a drug commonly used in decongestants and can be illegally processed to make methamphetamine Ephedrine, norpseudoephedrine, and phenylpropanolamine shall be included in this definition as pseudo-ephedrine products.
 - d. "Proper Identification" shall mean a recognized government issued photo identification of purchaser including, but not limited to, a driver's license, identification card or passport.
2. Security of Pseudo-Ephedrine Products. Any establishment that pseudo-ephedrine products in a tablet form must hold such products in an area that is not accessible to the public and where such products are continually monitored to prevent theft or unauthorized or uncontrolled purchases
3. Sale by Pharmacist or Licensed Pharmacy Technician. It shall be required that any compound, mixture or preparation that contains detectable quantities of pseudo-ephedrine in a tablet form be sold by a pharmacist or licensed pharmacy technician.
4. Quantity that May be Sold. It shall be prohibited for a retailer selling more than a total of 9 grams in tablet form of ephedrine, pseudo-ephedrine, norpseudoephedrine or phenylpropanolamine to a person within a thirty (30) day period. Provided however, this limit shall not apply to any quantity of such tablet of ephedrine, pseudo-ephedrine, norpseudoephedrine or phenylpropanolamine dispensed pursuant to a valid prescription.
5. Purchaser identification Requirements. It shall be required that any person purchasing pseudo-ephedrine products in a tablet form present proper identification and sign a log that shows the date of the transaction, the name of the purchaser, and the amount of the compound requested.
6. Confidentiality of Identification Information. The purchaser log will be retained by retailer for a period of six (6) months, unless otherwise directed by law enforcement, and will be considered a confidential document that will only be available to the pharmacist, licensed pharmacy technician, law enforcement, or by order of a court.
7. Requirement to Report Suspicious Sale. The retailer and pharmacy employees will be required to report to the police department by telephone any attempt by a purchaser to purchase larger quantities than allowable by this Ordinance or any other suspicious activity or purchases that may be related to the manufacture or possession of illegal drugs.

ARTICLE 11-2

FIREWORKS

- Section 11-2-1 Definitions
- Section 11-2-2 Consumer fireworks prohibited; exceptions
- Section 11-2-3 Sale of fireworks
- Section 11-2-4 Posting of signs by persons engaged in the sale of fireworks; civil penalty
- Section 11-2-5 Authority to enforce violations of this article; means of enforcement
- Section 11-2-6 Liability for emergency responses related to use of fireworks; definitions
- Section 11-2-7 Penalty

The following words, terms and phrases, when used in this article, have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. All statutory references are to the statutes as they may be amended:

- A. **Consumer fireworks:** those fireworks defined by Arizona revised statutes section 36-1601.
- B. **Display fireworks:** those fireworks defined by Arizona revised statutes section 36-1601.
- C. **Fireworks:** any combustible or explosive composition, substance or combination of substances, or any article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation that is a consumer firework, display firework or permissible consumer firework as defined by Arizona revised statutes section 36-1601.
- D. **Novelty items:** federally deregulated novelty items that are known as snappers, snap caps, party poppers, glow works, snakes, toy smoke devices, sparklers, and certain toys as defined in Arizona revised statutes section 36-1601.
- E. **Permissible consumer fireworks:** those fireworks as defined by Arizona revised statutes section 36-1601, that may be sold within the Town of Tusayan even where the use of those items has been prohibited.
- F. **Supervised public display:** a monitored performance of display fireworks open to the public and authorized by permit by the Tusayan fire department.

SECTION 11-2-2 CONSUMER FIREWORKS PROHIBITED; EXCEPTIONS

- A. The use, discharge, or ignition of consumer fireworks within the Town limits of the Town of Tusayan is prohibited.
- B. Nothing in this section or article shall be construed to prohibit the use, discharge or ignition of novelty items or the occurrence of a supervised public display of fireworks.
- C. Permits may be granted by the Tusayan Fire Department for conducting a properly supervised public display of fireworks. Every such public display of fireworks shall be of such character and so located, discharged or fired, only after proper inspection and in a manner that does not endanger persons, animals, or property. A permit shall not be issued, and may be revoked, during time periods of high fire danger warnings. The Fire Department has authority to impose conditions on any permits granted.
- D. Failure to comply with any permit requirements issued by the Fire Department is a criminal offense constituting a class two misdemeanor.
- E. Fireworks may not be combined, altered or manipulated in any way outside of the intended use that, in the opinion of the fire department, increases the potential for fire damage or personal injury.

SECTION 11-2-3 SALE OF FIREWORKS

- A. No person shall sell or permit or authorize the sale of permissible consumer fireworks to a person who is under **sixteen** years of age.
- B. No person shall sell or permit or authorize the sale of permissible consumer fireworks in conflict with state law.
- C. No person shall furnish permissible consumer fireworks to a person who is under **sixteen** years of age.
- D. No person who is under **sixteen** years of age shall possess permissible consumer fireworks.
- E. Permits and fees shall be required for the construction, erection, or operation of a business that sells consumer fireworks.

SECTION 11-2-4 POSTING OF SIGNS BY PERSONS ENGAGED IN
THE SALE OF FIREWORKS; CIVIL PENALTY

- A. Prior to the sale of permissible consumer fireworks, every person engaged in such sales shall prominently display signs indicating the following:
 - 1. The use of fireworks, except novelty items, as defined by Town of Tusayan code, including permissible consumer fireworks, is prohibited.
 - 2. Consumer fireworks authorized for sale under state law may not be sold to persons under the age of 16.
- B. Signs required under this section shall be placed at each cash register and in each area where consumer fireworks are displayed for sale.
- C. The Town Manager shall develop regulations concerning the size and color of the required signs.
- D. Any person engaged in the sale of consumer fireworks shall provide a written notice to each individual who purchases consumer fireworks, such notice shall inform the purchaser that the use, discharge, or ignition of consumer fireworks within the Town of Tusayan is prohibited. The notice shall also inform the purchaser of the key requirements and prohibitions contained in this ordinance. The Community Development Department shall develop regulations concerning the size and content of the required notice and develop a model notice.
- E. Any person engaged in the sale of consumer fireworks shall require each purchaser of consumer fireworks to sign a registry indicating the name, address and age of the purchaser.
- F. Failure to comply with subparts a, b, d and e of this section is a criminal offense constituting a class two misdemeanor.

SECTION 11-2-5 AUTHORITY TO ENFORCE VIOLATIONS OF THIS ARTICLE;
MEANS OF ENFORCEMENT

- A. The Town Attorney may issue criminal complaints to enforce this article.
- B. Any person authorized pursuant to this section to issue a civil complaint may also issue a notice of violation specifying actions to be taken and the time in which they are to be taken to avoid issuance of a civil or criminal complaint.
- C. The Town Building Official may issue fire code or permit violations to enforce this article.

SECTION 11-2-6 LIABILITY FOR EMERGENCY RESPONSES RELATED TO
THE USE OF FIREWORKS; DEFINITIONS

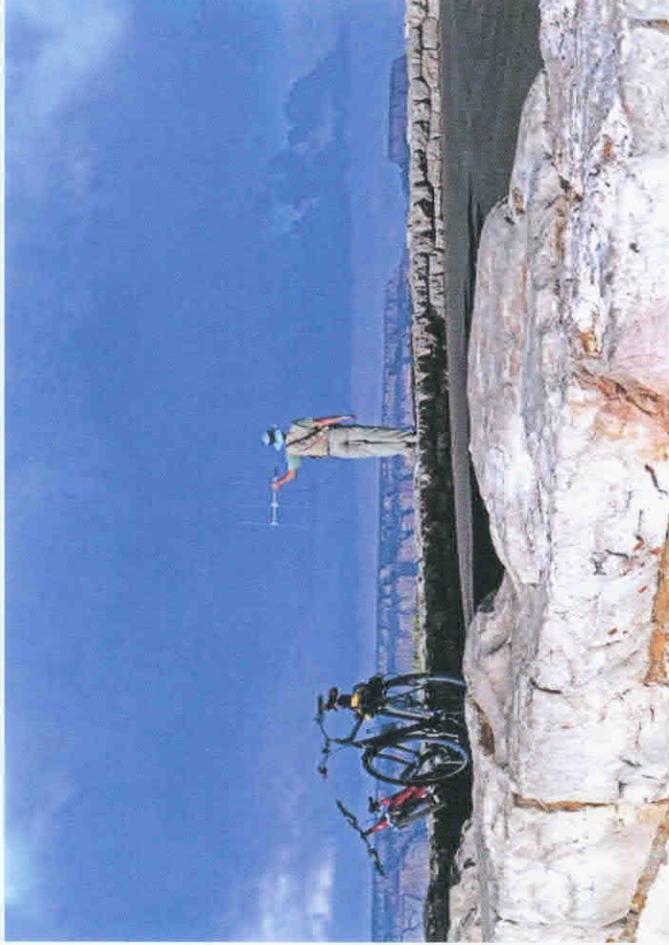
- A. A person who uses, discharges or ignites permissible consumer fireworks, or anything that is designed or intended to rise into the air and explode or to detonate in the air or to fly above the ground, is liable for the expenses of any emergency response that is required by such use, discharge or ignition. The fact that a person is convicted or found responsible for a violation(s) of this article is prima facie evidence of liability under this section.
- B. The expenses of an emergency response are a charge against the person liable for those expenses pursuant to Subpart A of this section. The charge constitutes a debt of that person and may be collected proportionately by the public agencies, for-profit entities or not-for-profit entities that incurred the expenses. The person's liability for the expense of an emergency response shall be the amount set forth in existing Town ordinances for a single incident. The liability imposed under this section is in addition to and not in limitation of any other liability that may be imposed.
- C. For the purposes of this section:

1. "Expenses of an Emergency Response" means reasonable costs directly incurred by public agencies, for-profit entities or not-for-profit entities that make an appropriate emergency response to an incident.
2. "Reasonable Costs" includes the costs of providing police, fire fighting, rescue and emergency medical services at the scene of an incident and the salaries of the persons who respond to the incident.

B SECTION 11-2-7 PENALTY

The penalty for violating any prohibition or requirement imposed by the article is a class two misdemeanor unless another penalty is specifically provided for.

Timeline



Revised Straw Man Plan

- Chapter 1 – General
- Chapter 3 – Administration
- Chapter 14 – Employment

September 4 workshop

- Chapter 13– Parks & Recreation
- Chapter 6 – Animals
- Chapter 11 – Offenses

October 2 workshop

- Chapter 2 – Mayor & Council
- Chapter 4 – Boards & Committees
- Chapter 15 – Manner of Elections

November 6 workshop

- Chapter 7 – Building Codes
- Chapter 8 – Transaction Privilege Tax
Overflow / catch up

December 4 workshop

- Chapter 9 – Business Regulations
Overflow / catch up / wrap up

January 8