

ORDINANCE NO. 2017-15

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA AMENDING CHAPTER 13 OF THE PEORIA CITY CODE (1992) BY AMENDING SECTION 13-1 PERTAINING TO DAMAGING TRAINS, JUMPING OFF RAILROAD CARS, ETC.; BY AMENDING SECTION 13-6 PERTAINING TO REFUSAL TO OBEY POLICE; BY AMENDING SECTION 13-9 PERTAINING TO CAMPING; VIOLATIONS; PENALTIES; BY AMENDING SECTION 13-20 PERTAINING TO SKATEBOARDS, ROLLER SKATES AND BLADES; BICYCLES; PROHIBITION; VIOLATIONS; BY AMENDING SECTION 13-21 PERTAINING TO CRIMINAL DAMAGE; DAMAGING PUBLIC PROPERTY; BY AMENDING SECTION 13-22 PERTAINING TO CRIMINAL DAMAGE; DAMAGING OR DEFACING STREETS OR SIDEWALKS; DRIVING ON CLOSED STREETS; VIOLATIONS; CLASSIFICATION; BY AMENDING SECTION 13-23 PERTAINING TO CRIMINAL DAMAGE; DAMAGING ANOTHER'S PROPERTY; VIOLATIONS; CLASSIFICATION; BY AMENDING SECTION 13-24 PERTAINING TO CRIMINAL NUISANCES; PLACING INJURIOUS MATERIAL; VIOLATIONS; BY AMENDING SECTION 13-25 PERTAINING CRIMINAL NUISANCES; USE OF VEHICLES ON VACANT PROPERTY; BY AMENDING SECTION 13-26 PERTAINING TO CRIMINAL NUISANCES; USE OF LEAF BLOWERS; BY AMENDING SECTION 13-35 PERTAINING TO THEFT; UTILITY SERVICES; BY AMENDING SECTION 13-36 PERTAINING TO UTILITY SERVICES; VIOLATIONS; PENALTIES; BY AMENDING SECTION 13-38 PERTAINING TO UTILITY VIOLATIONS; INTENTIONAL ACT; BY AMENDING SECTION 13-41 PERTAINING TO MISCONDUCT INVOLVING WEAPONS; DEFENSES; CLASSIFICATION; DEFINITIONS; BY AMENDING SECTION 13-44 PERTAINING TO RESTITUTION FOR OFFENSE CAUSING ECONOMIC LOSS; FINE FOR REIMBURSEMENT OF CITY MONIES; BY AMENDING SECTION 13-59 PERTAINING TO BODY PIERCING; MINORS; VIOLATIONS; CLASSIFICATION; DEFINITION; BY AMENDING SECTION 13-61 PERTAINING TO PROSTITUTION AND RELATED OFFENSES; BY AMENDING SECTION 13-62 PERTAINING TO SOLICITATION OF PROSTITUTION; BY AMENDING SECTION 13-64 PERTAINING TO AGGRESSIVE SOLICITATION; DEFINITIONS; BY AMENDING SECTION 13-66 PERTAINING TO AGGRESSIVE SOLICITATION; PENALTIES; BY AMENDING SECTION 13-68 PERTAINING TO GRAFFITI,

DEFINITIONS; BY AMENDING SECTION 13-69 PERTAINING TO GRAFFITI IMPLEMENTS; POSSESSION AND SALE; BY AMENDING SECTION 13-70 PERTAINING TO GRAFFITI IMPLEMENTS; STORAGE AND DISPLAY; BY AMENDING SECTION 13-71 PERTAINING TO CURFEW; BY AMENDING SECTION 13-72 PERTAINING TO EMERGENCY TELEPHONE SERVICE; MISUSE OF; VIOLATIONS; BY AMENDING SECTION 13-73 PERTAINING TO TRUANCY; BY AMENDING SECTION 13-74 PERTAINING TO VANDALISM; BY AMENDING SECTION 13-76 PERTAINING TO POSSESSION OF FIREARMS BY MINORS; EXCEPTIONS; BY AMENDING SECTION 13-82 PERTAINING TO SPITTING; BY AMENDING SECTION 13-83 PERTAINING TO SEARCHLIGHTS; BY AMENDING SECTION 13-85 PERTAINING TO COMPLIANCE WITH LAWFUL ORDERS AND DIRECTIONS, INTERFERENCE WITH INSPECTION, VIOLATIONS, PENALTIES; BY AMENDING SECTION 13-90 PERTAINING TO NOISE; DEFINITIONS; BY AMENDING SECTION 13-91 PERTAINING TO NOISE; CONSTRUCTION; BY AMENDING SECTION 13-92 PERTAINING TO NOISE; GENERAL PROHIBITIONS; BY AMENDING SECTION 13-93 PERTAINING TO NOISE; SPECIFIC PROHIBITIONS; BY AMENDING SECTION 13-98 PERTAINING TO NOISE; SECOND RESPONSE; DEFINITIONS; BY AMENDING SECTION 13-99 PERTAINING TO NOISE; SECOND RESPONSE; WARNING NOTICE; BY AMENDING SECTION 13-100 PERTAINING TO NOISE; SECOND RESPONSE; LAW ENFORCEMENT SERVICES RESTITUTION; BY AMENDING SECTION 13-101 PERTAINING TO NOISE; SECOND RESPONSE; PAYMENTS, TIME, METHODS, NON PAYMENTS; BY AMENDING SECTION 13-103 PERTAINING TO NOISE; PENALTIES; BY AMENDING SECTION 13-107 PERTAINING TO HOME DETENTION ALTERNATIVE PROGRAM; POWERS AND DUTIES; AND PROVIDING FOR SEVERABILITY AND FOR AN EFFECTIVE DATE.

THEREFORE, it is ordained by the Mayor and Council of the City of Peoria as follows:

SECTION 1. Chapter 13 of the Peoria City Code (1992) is amended by amending Section 13-1 pertaining to Damaging trains, jumping off railroad cars, etc. and which shall read as follows:

Sec. 13-1. Damaging trains, jumping off railroad cars, etc.

It is unlawful to throw stones or other ~~missiles~~ objects at railroad trains. It is unlawful to let off the brakes of railroad cars standing on side tracks or tamper with the couplings of railroad cars. It is unlawful to uncouple cars standing on railroad tracks. It is unlawful to uncouple the air hose of the air brake system on a railroad car. It is unlawful to remove, tamper with or break switch lamps or other signals set to control the movements of trains. It is unlawful to jump on or off moving trains. It is unlawful to throw refuse upon or in any way litter the depot or station grounds of any railroad.

SECTION 2. Chapter 13 of the Peoria City Code (1992) is amended by amending Section 13-6 pertaining to Refusal to obey police and which shall read as follows:

Sec. 13-6. Refusal to obey police.

(a) No person shall knowingly refuse to obey a peace officer engaged in the lawful discharge of the officer's duty.

(b) A person who violates this section is guilty of a class 1 misdemeanor.

SECTION 3. Chapter 13 of the Peoria City Code (1992) is amended by amending Section 13-9 pertaining to Camping; violations; penalties and which shall read as follows:

Sec. 13-9. Camping; violations; penalties.

(a) Any person who violates any section in this chapter is guilty of a class one (1) misdemeanor

(b) The Court may impose restitution for any economic losses or expenses incurred to remove all litter, debris, garbage, trash and any other material from the site placed by that person without consent of the lawful owner of the property. Any person who violates any section in this chapter and is convicted for such violation, and who within six months after receiving such conviction again violates the same section, is guilty of a class one (1) misdemeanor. The Court shall impose a minimum fine not to exceed five hundred (\$500.00) dollars.

~~(c) The Court shall impose as a condition of sentence that any person found in violation of Sections 13-7—13-10 shall remove all litter, debris, garbage, trash and any other material from the site place by that person without consent of the lawful owner of the property.~~

SECTION 4. Chapter 13 of the Peoria City Code (1992) is amended by amending Section 13-20 pertaining to Skateboards, roller skates and blades; bicycles; prohibition; violations and which shall read as follows:

Sec. 13-20. Skateboards, roller skates and blades; bicycles; and personal riding devices; prohibition prohibited; violations.

(a) No person shall roller skate, roller blade, street skate, skateboard, or operate a bicycle or personal riding device upon any property of the state or political subdivision thereof, including, but not limited to the City, that is posted indicating the such uses of roller skates, roller blades, street skates, skateboards or a bicycle is are prohibited, except when such use is medically necessary. The existence of one or more signs citing this code section shall constitute reasonable notice of this prohibition.

(b) Unless specifically designated otherwise, the use of roller skates, roller blades, street skates, skateboards, or a bicycles, or other personal riding devices, is prohibited upon or in the following areas, except when such use is medically necessary:

(1) The outside plaza area, the buildings located at the Peoria municipal complex and parking lots and structures at the Peoria Municipal Complex, Municipal Operations Center and Fire Stations.

(c) The state, political subdivision of the state or the City shall post one or more signs citing this code section upon each city property on which the use of roller skates, roller blades; street skates, skateboards, or a bicycles or other personal riding devices is are prohibited.

(d) No person shall roller skate, roller blade, street skate, skateboard or operate a bicycle, or personal riding devices, except as medically necessary, upon any private property where the property owner has placed on or more signs citing this code section, and indicating that roller skates, roller blades, street skates, skateboards, and/or bicycles and/or other personal riding devices are prohibited. Use of a personal riding device shall be allowed on private property citing this code section when such use is medically necessary.

(e) Violation of this section shall be a civil infraction and adjudicated in the same manner as violations of Title 28, Arizona Revised Statutes.

State Law Reference(s)-- Traffic violations treated as civil matters, A.R.S. §28-1071.

SECTION 5. Chapter 13 of the Peoria City Code (1992) is amended by amending Section 13-21 pertaining to Criminal Damage; damaging public property and which shall read as follows:

Sec. 13-21. Criminal Damage; damaging public property.

It is unlawful to damage in any manner or attempt to damage or tamper with any pipelines, water hydrants, water and wastewater pumping and storage

facilities, drainage facilities, traffic control devices, barricades, street lamps or lights, or the fixtures and appliances thereunto belonging upon any of the poles or other objects for use in connection with the lighting of the streets of the city or any water pipes, hydrants or any appliances pertaining to the water or sewer works, or any other property belonging to the city, without legal authorization to do so. It shall be presumed that any person not ~~having a permit in their physical possession~~ able to provide proof of same upon request does not have legal authorization.

State law reference(s) -- Criminal damage, A.R.S. §13-1602.

SECTION 6. Chapter 13 of the Peoria City Code (1992) is amended by amending Section 13-22 pertaining Criminal Damage; damaging or defacing streets or sidewalks; driving on closed streets; violations; classification and which shall read as follows:

Sec. 13-22. Criminal Damage; damaging or defacing streets or sidewalks; driving on closed streets; violations; classification.

(a) It is unlawful to deface, walk, ride, or drive upon or over any sidewalk or street crossing composed of or containing cement, asphaltic concrete, fog, preservative or slurry seal or chip seal during the construction or repair thereof, or before the same is thrown open to public use. The existence of fencing, barricades, barriers or posting shall constitute reasonable notice that a sidewalk or street is closed to public use.

(b) It is unlawful to enter upon and street, road, bridge, park, water or wastewater undertaking, drainage facility or construction site whether on public or private property, while such site is restricted by fencing, barricades or dirt barrier and posted indicating construction. The existence of fencing, barricades or dirt barrier and posting shall constitute reasonable notice that entry is prohibited to unauthorized persons.

(c) It is unlawful to damage in any manner any road, street or bridge in the city limits by using the same, by heavy vehicles in excess of the limits provided by Chapter 14 of this code, malicious destruction, or by any act that will result in damage to roads, streets or bridges. It shall be presumed that driving on a roadway, street or bridge with a weight in excess of posted weight limits is an act that will result in damage to roads, streets or bridges.

(d) Violation of this Section shall be a class (1) misdemeanor. Upon conviction for a violation of this section, the Court ~~shall~~may order restitution to the City for the amount of damage incurred, including, but not limited to the labor cost of repair or replacement.

State law reference(s) -- Criminal damage, A.R.S. §13-1602.

SECTION 7. Chapter 13 of the Peoria City Code (1992) is amended by amending Section 13-23 pertaining to Criminal Damage; damaging another's property; violations; classification and which shall read as follows:

Sec. 13-23. Criminal Damage; damaging another's property; violations; classification.

It is unlawful for any person to:

(a) Break or destroy any window, door or part of any dwelling owned or occupied by another, even if the person committing such damage has a legal right to occupy the premises.

(b) Break or sever any premises owned or occupied by another any gate, fence, railing, tree, bush or vine or on any property whatsoever, or to deface, mutilate or injure the same.

(c) Tamper with the property of another person so as to substantially impair its function or value.

(d) Break, deface, destroy, remove or otherwise tamper with any traffic control device, barricade or temporary sign placed on a public roadway by a contractor having an annual project permit, individual permit or approved traffic control plan issued by the City or if installed by the City, without legal authorization to do so.

(e) Break, deface, destroy, remove or otherwise tamper with any traffic control device, barricade or temporary sign placed on a public roadway within the City, without legal authorization to do so.

(f) Violation of this Section shall be a class (1) misdemeanor. Upon conviction for a violation of this section, the Court shall may order restitution to the City for the amount of damage incurred, including but not limited to the labor cost of repair or replacement.

State law reference(s) -- Criminal damage, A.R.S. § 13-1602.

SECTION 8. Chapter 13 of the Peoria City Code (1992) is amended by amending Section 13-24 pertaining to Criminal Nuisances; placing injurious material; violations and which shall read as follows:

Sec. 13-24. Criminal Nuisances; placing injurious material; violations.

(a) It is unlawful to willfully, maliciously, carelessly or negligently drop, throw, place or scatter upon any street, alley, sidewalk or public place in the city any nails, tacks, broken glass, glass bottles, or any instrument or thing whatsoever of such nature as to be capable of injuring persons or property.

(b) Violations of this section shall be a class one misdemeanor. ~~The Municipal Court shall impose restitution for any violation of this section of not less than one hundred (\$100.00) dollars.~~

State law reference(s) -- Criminal littering, A.R.S. §13-1603; placing glass or other objects on roadway, A.R.S. § 28-898.

SECTION 9. Chapter 13 of the Peoria City Code (1992) is amended by amending Section 13-25 pertaining Criminal Nuisances; use of vehicles on vacant property and which shall read as follows:

Sec. 13-25. Criminal Nuisances; use of vehicles on vacant property.

(a) It is unlawful to operate, drive or park any motor vehicle, motorcycle, motor scooter, mini-bike, trail bike, dune buggy, jeep or other form of transportation, propelled by an internal combustion engine, upon the vacant unimproved private property of another unless the property has been improved or treated in such a manner as to prevent the release of fugitive dust. It shall be presumed that all vacant unimproved land owned by the State of Arizona or any agency of the United States is closed for operation of any motor vehicle, motorcycle, motor scooter, mini-bike, trail bike, dune buggy, jeep, all terrain vehicle, Rhino or other form of transportation, propelled by an internal combustion engine, except those of the state or the agency of the United States or of a peace officer of this state or an emergency vehicle, or of a public service corporation or telecommunications corporation, unless designated for such purpose on the official maps issued by the State of Arizona or an agency of the United States and posted as open to the public for this purpose. It shall be the burden of the Defendant/Respondent in any violation of this section to rebut the presumption

(b) A person shall have a written license issued by the owner of the property or the person entitled to immediate possession thereof or their authorized agent

(c) A person who operates a vehicle in the manner for which a license is required shall immediately display such license to any peace officer upon request of such peace officer.

(d) Each license shall:

- (1) Specify the period of time for which permission is granted.
- (2) Set forth the name of the licensee.
- (3) Be signed by the licensor.

- (4) State the licensor's interest in the property.
- (5) If the licensor is not the owner of the property, state the owner's name.
- (e) Violations of this section shall be punishable by Criminal or Civil Penalties.

(1) ~~A civil penalty of not less than One Hundred and Fifty (\$150.00) Dollars not to exceed two hundred and fifty dollars (\$250.00) plus applicable surcharges and enhancement fees. A second or subsequent offense within three (3) years of the date of the first offense shall be punished by minimum sanction of not less than Three Hundred (\$300.00) Dollars. Such penalties are not inclusive of surcharges imposed by the City or State. The Court may for a first offense and shall for a second or subsequent offense order not less than eight hours of community service and completion of an approved safety course related to the off-road operation of motor vehicles.~~

(2) ~~In the alternative, the City may elect to charge and punish a violation of this section by as a class three misdemeanor, with a minimum fine of not less than One Hundred and Fifty (\$150.00 Dollars). A second or subsequent offense within three (3) years of the date of the first offense shall be punished by minimum sanction of not less than Three Hundred (\$300.00) Dollars. Such penalties are not inclusive of surcharges imposed by the City or State. The Court may for a first offense and shall for a second or subsequent offense order not less than eight hours of community service and completion of an approved safety course related to the off-road operation of motor vehicles.~~

- (f) The City may expend such funds as appropriate to post signage adjacent to such private and public property indicating this ordinance and the criminal trespassing statutes contained in Title 13, Arizona Revised Statutes and the minimum fines.

Cross reference(s)--Parking on private property, §14-112.

SECTION 10. Chapter 13 of the Peoria City Code (1992) is amended by amending Section 13-26 pertaining to Criminal Nuisances; use of leaf blowers and which shall read as follows:

Sec. 13-26. Criminal Nuisances; use of leaf blowers.

- (a) It is unlawful for any person to operate a leaf blower in such a manner that blows landscape debris, dirt or other debris into a public roadway, public property, or the property of another.



(b) No person may operate a leaf blower except on surfaces that have been stabilized with Asphaltic Concrete, Cement Concrete, Hardscape, penetration treatment of bituminous material and seal coat of bituminous binder and a mineral aggregate, decomposed granite cover, crushed granite cover, aggregate cover, gravel cover, or grass or other continuous vegetative cover or any combination of those stabilizers, except as provided in the permit issued by the Maricopa County or Arizona Department of Environmental Quality Control Officer.

(c) ~~Violations of this section shall be punishable by a civil penalty of not to exceed two hundred and fifty dollars plus applicable surcharges and enhancement fees of not less than One Hundred and Fifty (\$150.00) Dollars. A second or subsequent offense within three (3) years of the date of the first offense shall be punished by minimum sanction of not less than Three Hundred (\$300.00) Dollars.~~

SECTION 11. Chapter 13 of the Peoria City Code (1992) is amended by amending Section 13-35 pertaining to Theft; utility services and which shall read as follows:

Sec. 13-35. Theft; utility services.

(a) A person commits theft of utility services, if without lawful authority, such person knowingly:

- (1) Converts for an unauthorized term or use utility services of another or of the city placed into the defendant's possession or use for a limited, authorized term or use; or
- (2) Obtains utility services by means of any material misrepresentation with intent to deprive the city of compensation for such services.
- (3) Obtains utility services known to the defendant to be available only for compensation without paying or an agreement to pay such compensation or diverts another's services to his own or another's benefit without authority to do so.

(b) Theft of any utility service with a value of less than one thousand dollars is a class one misdemeanor.

(c) ~~The City Attorney on behalf of the City is authorized to seek restitution in the manner provided by A.R.S. §13-804 for any economic loss resulting to the City from an offense under this section. Upon conviction for a violation of this Section, the Court may order restitution to the City for the amount of damage incurred, including but not limited to the labor cost of repair or replacement.~~

State Law Reference--Theft, A.R.S. §13-1801, et seq; Restitution for offense causing economic loss, A.R.S. §13-804

SECTION 12. Chapter 13 of the Peoria City Code (1992) is amended by amending Section 13-36 pertaining to Utility Services; violations; penalties and which shall read as follows:

Sec. 13-36. Utility Services; violations; penalties.

It shall be is unlawful ~~to violate any of the following:~~

(a) ~~To violate a~~ A water emergency declared by the City, pursuant to Chapter 25 of this code requiring the conservation of water for irrigation or domestic purposes.

(b) For any occupant or owner of any building into which water is served by the City or other water provider holding a certificate of necessity from the State to supply water to other persons or families or for use on any other property.

(c) For any person to pour, throw upon, sprinkle or discharge or to permit to flow in any manner water upon any street, ditch, land, court, square, alley, vacant lot, of another person or upon any public place within the city.

(d) To waste water used for irrigation or permit water used for irrigation to run upon the public streets or alleys of the city or upon the property of another.

(e) To permit or negligently cause the escape or flow of water in such quantity as to cause flooding, or to impede vehicular or pedestrian traffic, to create a hazardous condition to such traffic, or to cause damage to the public streets of the city.

(f) For any person to willfully or negligently permit or cause the escape or flow of water used for irrigation in such quantity as to cause flooding, to impede vehicular or pedestrian traffic, to create a hazardous condition to such traffic, or to cause damage to the public streets of the city through the failure or neglect to properly operate or maintain any irrigation structure, delivery ditch, or waste ditch in which the person has a vested right or interest or through the willful or negligent failure of a person to accept water used for irrigation after it has been ordered by him.

(g) ~~The name of a~~ Any person who appears is named as the customer on the records of the city's utility system or at the Salt River Valley Water Users' Association for any land from which water escapes or flows as set forth in subsections (d) (e) or (f) of this section, is responsible to ensure compliance with this section. Names contained in such records a- re prima facie evidence of the identification of the person who permits or causes such escape or flow of water from any such land and of the guilt of such person.

(h) For any person to open or operate any fire hydrant or to draw or to attempt to draw water, or to injure, tamper with or damage a fire hydrant.

(i) To obtain potable, recharge, reclaimed or other water owned by the City without a validly issued construction water access approval or other utility service authorization.

(j) ~~For any~~Any violation of subsections ~~(h) and (i)~~ of this section, the Municipal Court shall order as restitution to the City the amounts provided for in Section 25-1 of this code and shall impose a fine of not less than Two Hundred and Fifty Dollars (\$250.00) for each violation. The Municipal Court shall not waive or reduce the fines provided for under this subsection. For any second or subsequent violation of subsections ~~(h) and (i)~~ within the following sixty (60) months after conviction of a first offense, the Municipal Court shall impose a fine of not less than Five Hundred Dollars (\$500.00) for each violation. shall be a class one misdemeanor.

(k) For any person to supply water to other persons for use on other property without the prior authorization of the Director of Utilities.

(l) For any person to fail to repair a water leak within fourteen days (14) following discovery of the leak.

(m) For any person to obstruct, alter or tamper with a City owned water meter not lawfully authorized to do so.

(n) For any person to maintain upon their property animals, or personal property that interferes with the City's lawful entry upon the property to read a City Water Meter or to obtain City Utility Services upon the property.

SECTION 13. Chapter 13 of the Peoria City Code (1992) is amended by amending Section 13-38 pertaining to Utility violations; intentional act and which shall read as follows:

Sec. 13-38. Utility violations; intentional or knowing act.

For purposes of Sections 13-35 through 13-37, failure to comply with a Notice of Violation or Compliance Order issued by the Director of Utilities as prescribed in Chapter 25 is deemed to be intentional or knowing act.

SECTION 14. Chapter 13 of the Peoria City Code (1992) is amended by amending Section 13-41 pertaining to Misconduct involving weapons; defenses; classification; definitions and which shall read as follows:

Sec. 13-41. Misconduct involving weapons; defenses; classification; definitions

(a) A person who with criminal negligence discharges a firearm within or into the limits of the City, except as provided by this section is guilty of a class (1) misdemeanor.

- (1) Firearms may be discharged within the boundaries of a county park of more than 640 acres located within the City subject to rules and regulations adopted by a County Board of Supervisors pursuant to A.R.S. 11-935. Absent adoption of rules and regulations by a County Board of Supervisors, the discharge of firearms shall be permitted within a County Park meeting the requirements of this subsection.
- (b) This section does not apply if the firearm is discharged:
  - (1) As allowed pursuant to the provisions of Title 13, Chapter 4, Arizona Revised Statutes.
  - (2) On a properly supervised range.
  - (3) Except as provided in subsection (a) (1), In an area of the City recommended as a hunting area by the Arizona Game and Fish Department and approved by the Chief of Police. The Chief of Police may at any time modify the designated area. The areas designated may be limited to certain hunting seasons or types of firearms upon the recommendation of the Arizona Game and Fish Department and the approval of the Chief of Police. Any such areas designated under this subsection of this Section shall be designated by the Chief of Police filing a map with the City Clerk, the Director of the Game and Fish Department and recording a copy with the Office of the County Recorder in which the designated area is located. The Public Works Director shall post signage approved by the Chief of Police in such areas designated as hunting areas. The signage shall contain a citation to this code provision.
  - (4) Any designated hunting area may be closed when deemed unsafe by the Chief of Police or the Director of the Arizona Game and Fish Department. Upon receipt of a designation from the Arizona Game and Fish department, the Chief of Police shall close such areas within thirty (30) days thereafter.
  - (5) For the control of nuisance wildlife by permit from the Arizona Game and Fish department or the United States Fish and Wildlife Service.

- (6) By special permit of the Chief of Police. The special permit shall indicate the dates, times and general locations where firearms will be used and any other requirements deemed appropriate by the Chief of Police. The City may impose a fee for such permits as provided in Chapter 2 of this code.
- (7) As required by an animal control officer in the performance of duties as specified in section 9-499.04. or pursuant to Chapter 4 16 of this code.
- (8) In self-defense or defense of another person against an animal attack if a reasonable person would believe that deadly physical force against the animal is immediately necessary and reasonable under the circumstances to protect oneself or the other person.
- (c) Definitions fFor the purposes of this section:
  - (1) "~~Adult~~" means Adult: a person over the age of 21 years having legal care, custody and control of a person under the age of 18 years shooting a device defined in paragraph (c)(3) of this section or a person over the age of 18 years shooting a device defined in paragraph (c)(3) of this section.
  - (2) "~~City~~" means City: the City of Peoria and includes any property that is fully enclosed within the City.
  - (3) "~~Properly supervised range~~" means Properly supervised range: a range that is operated:
    - a. By a club affiliated with the national rifle association of America, the amateur trapshooting association, the national skeet association or any other nationally recognized shooting organization, or by any public or private school, or
    - b. Approved by any agency of the federal government, this state, a county or city within which the range is located or
    - c. With adult supervision for shooting air or carbon dioxide gas operated guns, or for shooting in underground ranges on private or public property.
    - d. Notwithstanding any other provision of this section, except subsection (a) (1), it shall be unlawful to discharge a firearm as defined in A.R.S. §13-3101 within 2,640 feet of a residence or a building which reasonably appears to be used as a residence.

State law reference(s) -- Discharge of firearms, A.R.S. §13-3107.

SECTION 15. Chapter 13 of the Peoria City Code (1992) is amended by amending Section 13-44 pertaining to Restitution for offense causing economic loss; fine for reimbursement of city monies and which shall read as follows:

Sec. 13-44. Restitution for offense causing economic loss; fine for reimbursement of city monies.

(a) Upon a defendant's conviction for an offense under this chapter or for an offense under an equivalent state statute causing economic loss to any person, or resulting in the expenditure of city monies for repair of damages arising out of the offense; ~~public defender costs~~; or community service; the Court may shall order restitution to be paid by the defendant and may allocate all or any portion of the fine to restitution to any person who sustained economic loss or to the city as a result of the defendant's conduct.

(b) The court shall consider all losses caused by the criminal offense or criminal offenses for which the defendant has been convicted, including but not limited to the following losses incurred by the city:

- (1) Reimbursement for all monies expended by the city to repair the damage caused by the criminal offense, including labor and the cost of materials.
- ~~(2) Reimbursement for all monies expended by the city to provide the defendant with the cost of a public defender.~~
- (3) Reimbursement for all monies expended by the city in providing community service alternatives to the defendant.

(c) The court shall not consider the economic circumstances of the defendant in determining the amount of restitution and reimbursement.

(d) In deciding the manner in which the restitution and reimbursement are to be paid, the court shall consider the economic circumstances of the defendant.

(e) A restitution lien shall be created in favor of the city for the total amount of the restitution, reimbursement, surcharges, assessments, costs and fees if any ordered by the court.

(f) Effective July 17, 1994, the judge of the municipal court acting as a duly appointed juvenile hearing officer under A.R.S. §8-232 may retain jurisdiction of any matter under sections 13-71 through 13-75 of this code involving any juvenile until all orders have been fully complied with by the juvenile and their parents, guardians or any person having legal custody of the minor.

State Law Reference A.R.S. §8-232.  
State Law Reference A.R.S. §13-804.

SECTION 16. Chapter 13 of the Peoria City Code (1992) is amended by amending Section 13-59 pertaining to Body Piercing; minors; violations; classification; definition and which shall read as follows:

Sec. 13-59. Body Piercing; minors; violations; classification; definition

(a) It is unlawful to body pierce a person who is under eighteen years of age without the consent of and physical presence of that person's parent or legal guardian.

(b) A person who violates this section is guilty of a class 1 Misdemeanor.

(c) For the purpose of this section, "body pierce" means cutting, ~~injecting~~, poking or ~~inserting~~ of instruments upon or under the skin for the purpose of attaching earrings, rings, jewelry jeweled studs or any other metallic or plastic object for the purpose of wearing such object.

State Law Reference, Tattooing, A.R.S. §13-3721.

SECTION 17. Chapter 13 of the Peoria City Code (1992) is amended by amending Section 13-61 pertaining to Prostitution and related offenses and which shall read as follows:

Sec. 13-61. Prostitution and related offenses.

(a) A person is guilty of a misdemeanor who:

(1) Offers to, agrees to, or commits an act of prostitution.

(2) Solicits or hires another person to commit an act of prostitution.

(3) Is in a public place or place open to public view and manifests an intent to commit an act of prostitution.

(4) Aids or abets the commission of any of the acts prohibited by this section.

(b) *Definitions.* In this section:

(1) *Prostitution:* ~~means~~ ~~the~~ act of performing sexual activity for hire by a male or female person.

(2) ~~Sexual activity~~; ~~means~~ ~~v~~ vaginal or anal intercourse, fellatio, cunnilingus, anilingus, masturbation, sodomy or bestiality.

(c) *Penalty.*

~~(1) A person convicted of a violation of subsection (a) of this section is guilty of a class one misdemeanor punishable by imprisonment for a term of not less than five (5) days nor more than six (6) months and, in the discretion of the court, a fine not to exceed the amount specified in section 1-5.~~

~~(2) Upon a second conviction, a person convicted of a violation of subsection (a) of this section is guilty of a misdemeanor punishable by imprisonment for a term of not less than thirty (30) days nor more than six (6) months and, in the discretion of the court, a fine not to exceed the amount specified in section 1-5.~~

~~(3) Upon a third conviction, a person convicted of a violation of subsection (a) of this section is guilty of a misdemeanor punishable by imprisonment for a term of not less than sixty (60) days nor more than six (6) months and, in the discretion of the court, a fine not to exceed the amount specified in section 1-5.~~

~~(4) Upon a fourth or subsequent conviction, a person convicted of a violation of subsection (a) of this section is guilty of a misdemeanor punishable by imprisonment for a term of not less than one hundred eighty (180) days and, in the discretion of the court, a fine not to exceed the amount specified in section 1-5.~~

~~(5) In no case shall a person convicted of a violation of subsection (a) of this section be eligible for suspension or commutation of sentence unless such person is placed on probation with the condition that the minimum mandatory term of imprisonment be served.~~

State law reference(s) -- Prostitution, A.R.S. §13-3201 et seq.

SECTION 18. Chapter 13 of the Peoria City Code (1992) is amended by amending Section 13-62 pertaining to Solicitation for prostitution and which shall read as follows:

Sec. 13-62. Solicitation for prostitution.

Any prostitute, or other person soliciting for a prostitute or for a place of prostitution, or any male person who is an habitue of a place of prostitution, or who shall solicit persons to visit or patronize a prostitute or place of prostitution or make such solicitation upon the streets or in any public place in the city shall be guilty of a class one misdemeanor.



State law reference(s) -- Solicitation for prostitution, A.R.S. §13-3214.

SECTION 19. Chapter 13 of the Peoria City Code (1992) is amended by amending Section 13-64 pertaining to Aggressive Solicitation; definitions and which shall read as follows:

Sec. 13-64. Aggressive Solicitation; definitions.

For purposes of sections 13-64 through 13-66:

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

(b) *Aggressive manner* means and includes:

(1) Intentionally or recklessly making any physical contact with or touching another person or the person's property in the course of the solicitation without the person's consent,

(2) Following the person being solicited, if that conduct is: (i) intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or (ii) is intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation,

(3) Continuing to solicit within five (5) feet of the person being solicited after the person has made a negative response, if continuing the solicitation is: (i) intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or (ii) is intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation,

(4) Intentionally or recklessly blocking the safe or free passage of the person being solicited or requiring the person, or the driver of a vehicle, to take evasive action to avoid physical contact with the person making the solicitation. There shall be: (i) a rebuttable presumption that placing items of personal property on a sidewalk resulting in less than three feet of walking space is done with the intent to block passage on the sidewalk; (ii) a rebuttable presumption that engaging in solicitation in the designated traffic lane of a public roadway or on a median between designated travel lanes of a public roadway is done with the intent to block passage on the roadway. Acts authorized as an exercise of one's constitutional right to picket or legally protest, and acts authorized by a permit issued pursuant to

Section 14-24 of the Peoria City Code, shall not constitute obstruction of pedestrian or vehicular traffic;

(5) Intentionally or recklessly using obscene or abusive language or gestures: (i) intended to or likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or (ii) words intended to or reasonably likely to intimidate the person into responding affirmatively to the solicitation, or

(6) Approaching the person being solicited in a manner that: (i) is intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or (ii) is intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation

(c) *Automated teller machine:* ~~means a~~ A device, linked to a financial institution's account records, which is able to carry out transactions, including, but not limited to: account transfers, deposits, cash withdrawals, balance inquiries, and mortgage and loan payments. An automated teller machine regardless of whether it is located at a financial institution shall be included within this definition.

(d) *Automated teller machine facility:* ~~means t~~ The area comprised of one or more automatic teller machines, and any adjacent space which is made available to financial institution customers after regular inside counter hours. It shall be presumed that any automobile parking space within twenty five (25) feet of an automated teller machine is part of the automated teller machine facility to provide access to financial institution customers.

(e) *Check cashing business:* ~~means a~~ Any person duly licensed by the State of Arizona to engage in the business of cashing checks, drafts or money orders for consideration pursuant to the provisions of the laws pertaining to financial services.

(f) *Financial institution:* ~~means a~~ Any person, entity or corporation engaged in the banking business as defined in Arizona Revised Statutes, Section 6-201, including but not limited to national bank associations, regardless of whether their home office is located in this state, banks holding a banking permit issues by the state of Arizona, credit unions or savings and loan associations.

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

SECTION 20. Chapter 13 of the Peoria City Code (1992) is amended by amending Section 13-66 pertaining to Aggressive Solicitation; penalties and which shall read as follows:

Sec. 13-66. Aggressive Solicitation; penalties.

(a) A violation of sections 13-64 through 13-66 shall be a class one misdemeanor. ~~If the person has been convicted of a violation of these sections within the previous period of one (1) year, the person shall be fined not more than two hundred and fifty dollars (\$250).~~

(b) Any arrest or conviction under sections 13-64 through 13-66 shall be disclosed to government social service agencies who request that the applicable public official be notified of such events.

SECTION 21. Chapter 13 of the Peoria City Code (1992) is amended by amending Section 13-68 pertaining to Graffiti, definitions and which shall read as follows:

Sec. 13-68. Graffiti, definitions.

For the purposes of sections 13-68 through 13-70, the following words and terms shall mean:

(a) *Aerosol paint container*: ~~means a~~ Any aerosol container that is adapted or made for the purpose of spraying paint, regardless of the means of pressure and projection from the container.

(b) *Broad tip marker*: ~~means a~~ Any marker or similar implement that has a writing surface that is one-half (1/2) inch or greater and containing anything other than a solution that can be removed with water after the solution dries.

(c) *Graffiti*: ~~means a~~ A drawing, inscription, slogan, sign, symbol or mark of any type that is made on any public or private building, structure or surface and that is made without permission of the owner or the lawful occupant.

(d) *Graffiti implement*: ~~means a~~ An aerosol paint container, broad tip marker, paint stick, graffiti stick or bleeder.

(e) *Minor*: ~~means a~~ Any person under the age of eighteen (18) years.

(f) *Paint stick, graffiti stick, or bleeder*: ~~means a~~ An implement containing paint, wax, epoxy or other similar substance.

(g) *Responsible party*: ~~means a~~ An owner, occupant, lessor, lessee, manager, licensee or other person having the right to control such property.

SECTION 22. Chapter 13 of the Peoria City Code (1992) is amended by amending Section 13-69 pertaining to Graffiti implements; possession and sale and which shall read as follows:

Sec. 13-69. Graffiti implements; possession and sale.

(a) The Mayor and Council of the City of Peoria find that:

(1) There is widespread use of graffiti implements in the permanent defacement of public and private property within the City and that this defacement has become a serious problem; and

(2) The defacement of public and private property has contributed to the development of blight and degradation of neighborhoods and other public places; and

(3) Graffiti is typically applied to public and private property by means of use of graffiti implements which are widely available to persons of all ages in hardware and department stores, supermarkets and similar establishments within the city; and

(4) The easy application and ready accessibility to graffiti implements facilitate their use and hinders enforcement agencies from preventing persons from defacing public and private property and apprehending those committing the offensive conduct; and

(5) The cost of removing such graffiti has become a substantial financial burden to the owners of private property within the city and to the city, requiring the devotion of public funds which could be devoted to other purposes.

(6) That to avoid further blight, graffiti must be promptly removed, and if not promptly removed becomes an eyesore to the community and erodes efforts to improve the quality of life within the city.

(7) A substantial portion of the defacement of public and private property has been caused by minors using graffiti implements.

(b) Any parent, guardian or other person above the age of eighteen (18) years having legal custody of a minor who knowingly permits the minor to possess a graffiti implement in violation of this section is guilty of a class one misdemeanor.

(c) No person shall sell or otherwise transfer any graffiti implement to a minor unless said minor is accompanied by a parent, guardian or other person having legal custody of the minor at the time of the purchase of transfer.

(d) No minor shall, at the time of the purchase of any graffiti implement, furnish fraudulent evidence of majority. Evidence that a person demanded and was shown acceptable evidence of majority and acted upon such evidence in a transaction, purchase or sale shall be a defense to any prosecution under this chapter. Acceptable evidence of majority shall include but is not limited to, driver's license or state-issued identification or military identification.

(e) Unless accompanied by a parent, guardian or other person having legal custody of the minor, no minor shall possess a graffiti implement on any public property or any private property, except with the express permission of the lawful owner or manager of said private property.

(f) It is unlawful for any person to possess a graffiti implement, liquid paint in cans or other containers in any public building, or upon any public facility or private property with intent to use the same commit criminal damage upon or to deface said building, facility or property without the consent of the lawful owner of the property.

(g) Any parent, guardian or other person having legal custody of the minor whose minor child is convicted of a violation of Sections 13-68 - 13-75 shall be liable in a civil action to the lawful owner of the property for the costs of repairing or removing the graffiti up to an amount of ten thousand dollars (\$10,000), or the actual costs incurred, whichever is less.

(h) Any person under the age of eighteen years who is convicted of a violation of this section shall be guilty of a class one misdemeanor and shall be subject to a mandatory minimum fine of five hundred (\$500.00) dollars plus surcharges and assessments. The fine may not be waived or suspended. Each violation of this section shall constitute a separate offense. The court shall additionally require such persons to perform community service and successfully complete counseling or other educational programs as a condition of sentence.

(i) Any person over the age of eighteen (18) years who is convicted of a violation of this section shall be guilty of a class one misdemeanor. The court shall impose a mandatory minimum fine for the first offense of five hundred dollars (\$500.00), Together with the surcharge required by this chapter, which may not be waived or suspended. In addition a person convicted of a violation of this section shall be punishable by a term of not less than forty eight (48) hours in jail. The court may additionally require such persons to be placed on probation, and shall order persons convicted of a violation of this section to perform community service, to successfully complete counselling or other educational programs and order restitution to the city for the costs of prosecution and court costs as a condition of sentence.

State Law Reference A.R.S. §8-232

SECTION 23. Chapter 13 of the Peoria City Code (1992) is amended by amending Section 13-70 pertaining to Graffiti implements; storage and display and which shall read as follows:

Sec. 13-70. Graffiti implements; storage and display.

(a) No person who owns, conducts, operates or manages a business where aerosol paint containers or broad tip markers are sold, nor any person who sells or offers for sale aerosol paint containers or broad-tip markers, shall store or display, or cause to be stored or displayed, such aerosol paint containers and broad tipped markers in an area that is accessible to the public without employee assistance in the regular course of business pending legal sale or other disposition.

(b) This section shall not preclude the storage or display of aerosol paint containers and broad tip markers in an area viewable by the public so long as such items are not accessible to the public without employee assistance.

(c) The city may enforce the provisions of this section by the imposition of civil sanctions. Civil sanctions may not exceed the maximum amount of fine for a class one misdemeanor. ~~For violation of this section a minimum civil sanction of Five Hundred Dollars (\$500.00) shall be imposed.~~ If an alleged violator is served with a notice of civil violation pursuant to this section, he shall not be subject to a criminal charge arising out of the same facts.

(d) Civil sanctions shall be enforced as provided in chapter 15 of this code.

SECTION 24. Chapter 13 of the Peoria City Code (1992) is amended by amending Section 13-71 pertaining to Curfew and which shall read as follows:

Sec. 13-71. Curfew.

(a) It is unlawful for any person sixteen (16) years of age and under eighteen (18) years of age to remain upon, go or be upon any public street, alley or other public place of the City between 12:00 a.m. and 5:00 a.m. on any day unless such person is accompanied by a parent, guardian or some other person above the age of eighteen (18) years having legal custody of the minor or is en route directly home from the minor's place of employment or an authorized function sponsored by a church, educational institution, civic organization or social organization or similar supervised activity.

(b) It is unlawful for any person UNDER the age of sixteen (16) years to remain upon, go or be upon any public street, alley or other public place of the City between 10:00 p.m. and 5:00 a.m. on any day, unless such person is accompanied by a parent, guardian or some other person above the age of eighteen (18) years having legal custody of the minor or is en route directly home from minor's place of employment or an authorized function sponsored by a church, educational institution, civic organization or social organization or similar supervised activity.

(c) It is unlawful for any parent, guardian or other person above the age of eighteen (18) years having legal custody of the minor to allow or permit such minor to remain upon, go or be upon any public street, alley or other public place between the hours set forth in this section unless accompanied by such parent, guardian or other person having legal custody of the minor or is en route directly home from minor's place of employment or an authorized function sponsored by a church, educational institution, civic organization or social organization or similar supervised activity.

(d) The provisions of this section shall not apply when the minor child is upon an emergency errand directed by his or her parent, guardian or other person having legal custody of the minor.

(e) All parent(s), guardian(s) or other person(s) above the age of eighteen (18) years having legal custody of any minor child shall have an affirmative duty to prevent their minor child from remaining upon, go or be upon any public street, alley or other public place between the hours set forth in this section unless accompanied by such parent, guardian or other person having legal custody of the minor unless the minor is en route directly home from an authorized function sponsored by a church, educational institution, civic organization or social organization or similar supervised activity.

(f) Any peace officer having jurisdiction within the city may detain any such minor for the limited purpose of immediately notifying the parent, guardian or other person having legal custody of the minor that they have been detained for violation of the provisions of this section.

~~(g) Prior to July 17, 1994, any person under the age of eighteen (18) years who is convicted of a violation of this section shall be guilty of a class one misdemeanor and shall be subject to a mandatory fine of fifty dollars (\$50.00). The fine may not be waived or suspended. Each violation of this section shall constitute a separate offense. The court may additionally require such persons to perform community service and successfully complete counseling or other educational programs as a condition of sentence.~~

~~(h) Effective July 17, 1994, any person under the age of eighteen years who is convicted of a violation of this section shall be guilty of a class one misdemeanor and shall be subject to a mandatory minimum fine of fifty dollars (\$50.00). The court may order the child to pay a maximum fine of one hundred and~~

~~fifty dollars (\$150.00), Plus lawful surcharges and assessments. The fine may not be waived or suspended. Each violation of this section shall constitute a separate offense. The court may additionally require such persons to perform community service and successfully complete counseling or other educational programs as a condition of sentence.~~

(ig) Any person over the age of eighteen (18) years who is convicted of a violation of this section shall be guilty of a class one misdemeanor. ~~The court shall impose a mandatory minimum fine for the first offense of one hundred dollars (\$100.00), together with the surcharge required by this chapter, which may not be waived or suspended. The court shall impose a mandatory minimum fine for the second or subsequent violation of this section in the amount of two hundred fifty dollars (\$250.00), together with the surcharge required by this chapter, which may not be waived or suspended. The court may additionally require such persons to be placed on probation, perform community service, to successfully complete counseling or other educational programs and order restitution to the city for the costs of prosecution and court costs as a condition of sentence.~~

State Law Reference A.R.S. §8-241.

SECTION 25. Chapter 13 of the Peoria City Code (1992) is amended by amending Section 13-72 pertaining to Emergency Telephone Service; misuse of; violations and which shall read as follows:

Sec. 13-72. Emergency Telephone Service; misuse of; violations.

(a) It shall be unlawful for any person to misuse the Emergency Telephone Service.

(b) Definitions:

(1) Emergency means a situation in which property and/or human health or life are in jeopardy and the prompt summoning of aid is essential.

(2) Emergency Telephone Service means a telephone system utilizing a single three-digit number "911" for reporting police, fire, medical or other emergencies.

(3) Misuse of the Emergency Telephone Service means repeatedly calling "911" for non emergency situations or falsely reporting an emergency to "911."

(4) Repeatedly means four or more times within a thirty (30) day period.



(c) Violation of this section shall be a class one-misdemeanor. ~~The Court shall impose as restitution the amount incurred of any unnecessary response resulting from the misuse of the Emergency Telephone System by any Political Subdivision of this State or the City.~~ The Court may order restitution to the City for the amount of costs incurred by any City service in response to a misuse of the Emergency Telephone Service.

SECTION 26. Chapter 13 of the Peoria City Code (1992) is amended by amending Section 13-73 pertaining to Truancy and which shall read as follows:

Sec. 13-73. Truancy.

(a) "Truancy" means the unexcused absence of any child age six to sixteen from any school. The occurrence of five or more unexcused absences of any child age six to sixteen during a semester or ten unexcused absences during a school year shall raise a presumption that the child was truant in violation of this section.

(b) "Unexcused absence" means an absence that within twenty four (24) hours after it has occurred has not been authorized by the parents, guardian or any person having legal custody of any pupil age six to sixteen enrolled in a school. It shall be presumed that the an absence is an unexcused absence for purposes of this section upon the failure of the parents, guardian or any person having legal custody of any pupil age six to sixteen enrolled in a school to contact the school and authorize the absence within twenty four (24) hours after the absence.

(c) Every parent, guardian or other person having legal custody of a minor child between the ages of six (6) and sixteen (16) years shall send the child to school for the full time that school is in session within the school district in which the minor resides, except that if a school is operated on a year-round basis the minor shall attend school sessions which total not less than one hundred seventy-five (175) days, or the equivalent as approved by the Arizona superintendent of public instruction during the school year.

(d) It is unlawful for any person under the age of sixteen (16) years to fail to attend school during regularly scheduled school session unless authorized not to attend school by their parent, guardian, or other person having legal custody of the minor. This subsection shall not apply to any minor who has been excused by the Maricopa County school superintendent from attending school pursuant to A.R.S. '15-802.B.1-9

(e) A person is excused from the duty imposed by subsection a, if any of the requirements of A.R.S. '15-802.B.1-9 are met.

(f) The school attendance officer or school district employees who have knowledge of a child between the ages of six and sixteen years and/or parent, guardian or other person having legal custody of a minor child who are in violation

of this section or Title 15, Chapter 8, Article 1, Section 15-802, Arizona Revised Statutes, by having more than five unexcused absences in a semester or more than ten unexcused absences in a school year have a duty to report such violation to the local law enforcement agency or prosecutor and request that it investigate and/or prosecute the violation. The local law enforcement agency or prosecutor shall annually notify the school superintendent annually of each school district within the city of the school district duties under this subsection.

(g) Any person over the age of eighteen (18) years who is convicted of a violation of this section shall be guilty of a class one misdemeanor. ~~The court shall impose a mandatory minimum fine for the first offense of one hundred dollars (\$100.00), Together with the surcharge required by this chapter, which may not be waived or suspended. The court shall impose a mandatory minimum fine for the second or subsequent violation of this section in the amount of two hundred fifty dollars (\$250.00), Together with the surcharge required by this chapter, which may not be waived or suspended. The court may additionally require such persons to be placed on probation, perform community service, to successfully complete counseling or other educational programs and order restitution to the city for the costs of prosecution and court costs as a condition of sentence.~~

(h) Any person under the age of eighteen (18) years who is convicted of a violation of this section shall be guilty of a class one misdemeanor and shall be subject to a mandatory fine of fifty dollars (\$50.00). ~~The fine may not be waived or suspended. Each violation of this section shall constitute a separate offense. The court may additionally require such persons to perform community service and successfully complete counseling or other educational programs as a condition of sentence.~~

~~(i) Effective July 17, 1994, any person under the age of eighteen years who is convicted of a violation of this section shall be guilty of a class one misdemeanor and shall be subject to a mandatory minimum fine of fifty dollars (\$50.00). The court may order the child to pay a maximum fine of one hundred and fifty dollars (\$150.00), Plus lawful surcharges and assessments. The fine may not be waived or suspended. Each violation of this section shall constitute a separate offense. The court may additionally require such persons to perform community service and successfully complete counseling or other educational programs as a condition of sentence.~~

State Law Reference A.R.S. §8-232  
State Law Reference A.R.S. §15-802.

SECTION 27. Chapter 13 of the Peoria City Code (1992) is amended by amending Section 13-74 pertaining to Vandalism and which shall read as follows:

Sec. 13-74. Vandalism.

(a) Vandalism is defined as: the willful or malicious damaging or defacing, within the corporate limits of the city, of another person's real or personal property, without the other person's consent.

(b) It is unlawful to engage in any act of vandalism.

(c) Any parent, guardian or other person having legal custody of the minor, whose minor child is convicted of a violation of this section, shall be liable in a civil action to the lawful owner of the property for the costs of repairing or removing the vandalism up to an amount of ten thousand dollars (\$10,000), or the actual costs incurred, whichever is less.

~~(d) Prior to July 17, 1994, Any person under the age of eighteen (18) years who is convicted of a violation of this section shall be guilty of a class one misdemeanor and shall be subject to a mandatory fine of fifty dollars (\$50.00). The fine may not be waived or suspended. Each violation of this section shall constitute a separate offense. The court may additionally require such persons to perform community service as a condition of sentence.~~

~~(e) Effective July 17, 1994, any person under the age of eighteen years who is convicted of a violation of this section shall be guilty of a class one misdemeanor and shall be subject to a mandatory minimum fine of fifty dollars (\$50.00). The court may order the child to pay a maximum fine of one hundred and fifty dollars (\$150.00), plus lawful surcharges and assessments. The fine may not be waived or suspended. Each violation of this section shall constitute a separate offense. The court may additionally require such persons to perform community service and successfully complete counseling or other educational programs as a condition of sentence.~~

~~(fd) Any person over the age of eighteen (18) years who is convicted of a violation of this section shall be guilty of a class one misdemeanor. The court shall impose a mandatory minimum fine for the first offense of one hundred dollars (\$100.00), Together with the surcharge required by this chapter, which may not be waived or suspended. The court shall impose a mandatory minimum fine for the second or subsequent violation of this section in the amount of two hundred fifty dollars (\$250.00), Together with the surcharge required by Section 13-75, which may not be waived or suspended. The court may additionally require such persons be placed on probation, perform community service, to successfully complete counseling or other educational programs and order restitution to the city for the costs of prosecution and court costs as a condition of sentence.~~

SECTION 28. Chapter 13 of the Peoria City Code (1992) is amended by amending Section 13-76 pertaining to Possession of firearms by minors; exceptions and which shall read as follows:

Sec. 13-76. Possession of firearms by minors; exceptions.

(a) For the purpose of this section:

(1) "Firearm" means any loaded or unloaded pistol, revolver, rifle, shotgun or other weapon which will or is designed to or may readily be converted to expel a projectile by the action of an explosive or expanding gases, except that it does not include an air rifle, air pistol, bb gun, or a firearm in permanently inoperable condition.

(2) "Minor" means a person who is under the age of eighteen (18) years.

(3) "Written consent" means written approval or permission to possess a firearm, which is on a form prescribed by the Peoria police department, signed by the minor's parent or legal guardian and notarized, and which specifically describes the firearm as follows:

- (a) Type;
- (b) Manufacturer;
- (c) Caliber; and
- (d) Serial number.

(b) A form prescribed by any other political subdivision in this state having an ordinance, regulation or provision requiring the same information to be contained on the form as required by this section or a written document containing the same information as required by this section and sworn to before a notary public shall constitute a written consent. Notwithstanding this section, a minor possessing a firearm in the presence of the minor's parent or legal guardian shall be presumed to have the consent of the parent or legal guardian to possess the firearm.

(c) It shall be unlawful for a minor to knowingly possess any firearm, ammunition or toy pistol by which dangerous and explosive substances may be discharged within the City without the written consent of the minor's parent or legal guardian. The original written consent form shall be carried by the minor any time the minor is in possession of a firearm, ammunition or toy pistol by which dangerous and explosive substances may be discharged outside the minor's residence. Notwithstanding the foregoing, written consent is not required by a minor while the minor is in the immediate presence of and under the direct supervision of the minor's parent or legal guardian.

(d) Any firearm, ammunition or toy pistol by which dangerous and explosive substances may be discharged possessed by a minor in violation of this section shall be subject to forfeiture in the same manner as authorized by Arizona Revised Statutes, Title 13, Chapter 39.

(e) The police department shall not maintain a file or register of executed written consent forms.

(f) Nothing in this section shall be construed to require registration or licensing of firearms in possession of minors.

(g) It is unlawful for any parent or legal guardian of the minor to knowingly allow or permit such minor to have a firearm, ammunition or toy pistol by which dangerous and explosive substances may be discharged, in violation of the provisions of the section.

~~(h) Any person under the age of eighteen (18) years who is convicted of a violation of this section shall be guilty of a class twoone misdemeanor and shall be subject to a mandatory fine of fifty dollars (\$50.00). The fine may not be waived or suspended. Each violation of this section shall constitute a separate offense. The court may additionally require such persons to perform community service as a condition of sentence.~~

~~(i) Any person over the age of eighteen (18) years who is convicted of a violation of this section shall be guilty of a class two misdemeanor. The court shall impose a mandatory minimum fine for the first offense of one hundred dollars (\$100.00) Together with the surcharge required by this code, which may not be waived or suspended. The court shall impose a mandatory minimum fine for the second or subsequent violation of this section in the amount of two hundred fifty dollars (\$250.00) Together with the surcharge required by this article, which may not be waived or suspended. The court may additionally require such persons to perform community service as a condition of sentence and order restitution to the city for the costs of prosecution and court costs.~~

State Law Reference. A.R.S. §13-3911. Minors prohibited from carrying or possessing firearms; exceptions, seizure and forfeiture.

SECTION 29. Chapter 13 of the Peoria City Code (1992) is amended by amending Section 13-82 pertaining to Spitting and which shall read as follows:

Sec. 13-82. Spitting.

It is unlawful to spit upon any of the public sidewalks or crosswalks in the city or upon any public path, by-way or highway or in or on any public ground or park in the city, or upon the floor or interior of any public building in the city. Violation of this section shall be a class one-misdemeanor.

SECTION 30. Chapter 13 of the Peoria City Code (1992) is amended by amending Section 13-83 pertaining to Searchlights and which shall read as follows:

Sec. 13-83. Searchlights.

It is unlawful to operate within the city any incandescent or arc type searchlight, beacon light or similar lighting device designed to and capable of projecting a beam of light into the sky for a distance in excess of one-half mile. The provisions of this section do not apply to emergency searchlights or beacons operated pursuant to public authority. Violation of this section shall be a class one-misdemeanor.

SECTION 31. Chapter 13 of the Peoria City Code (1992) is amended by amending Section 13-85 pertaining to Compliance with lawful orders and directions, interference with inspection, violations, penalties and which shall read as follows:

Sec. 13-85. Compliance with lawful orders and directions, interference with inspection, violations, penalties.

It is unlawful to:

(a) Intentionally, knowingly or recklessly fail or refuse to comply with any lawful order or direction of police officers, traffic investigators, unarmed police aides or of any Fire-Medical Department employee or official.

(b) Intentionally, knowingly or recklessly interferes, prevents, or attempts to interfere or prevent an individual employed by the City or other person contracted for by the city, when the individual is investigating, correcting, or abating a violation of Chapters 12, 13, 14, 17, 20 of this Code, and Chapter 14 of the Peoria City Code (1977).

(c) Violations of this section shall be punished as a class one (1) misdemeanor. ~~The Court shall order restitution to the City for financial loss incurred in the prosecution and enforcement of the provisions of this section.~~

SECTION 32. Chapter 13 of the Peoria City Code (1992) is amended by amending Section 13-90 pertaining to Noise; definitions and which shall read as follows:

Sec. 13-90 Noise; definitions.

(a) ~~"Decibel" or "dB" means a~~ Decibel" or "dB": A unit that denotes the ratio between two quantities which are proportional to power; the number of decibels corresponding to the ratio of two amounts of power is ten (10) times the logarithm to the base of ten (10) of this ratio.

(b) ~~"Law enforcement restitution" means~~ Law enforcement restitution: aAll personal services cost attributed to the responding law enforcement officer for the amount of time actually spent in responding to or remaining at the party,

gathering or event. Also includes actual costs incurred by the City for medical treatment to injured officers; costs of repair to damaged City or officer equipment; value of damaged City or officer equipment in event the same cannot be repaired.

(c) ~~"Law enforcement special security assignment" means~~Law enforcement special security assignment: ~~‡~~The assignment of law enforcement officers and services incident to a second call to a location after the distribution of a written warning to the person responsible that the party, gathering or event violates A.R.S. §13-2904 et. seq.

(d) ~~"Noise Level" means~~Noise Level: ~~‡~~The "A" weighed sound pressure level in decibels obtained by using a sound level meter at slow response with a reference pressure of twenty micropascals. The unit of measurement shall be designated as dBA.

(e) ~~"Party, gathering or event" means~~Party, gathering or event: ~~‡~~Two or more persons assembled or gathered on private property.

(f) ~~"Person" means~~Person: ~~a~~Any individual, firm, association, partnership, joint venture or corporation.

(g) ~~"Person responsible" means~~Person responsible: ~~the~~The person or entity that owns or exercises control over the property where the party, gathering or event takes place, the person in charge of the premises and/or the organizer of the event, providing the same have been provided notice of the disturbance. If the person responsible is a minor, the parents or legal guardians of that minor shall be jointly and severally liable for the law enforcement restitution irrespective of the fact the parents or legal guardians had no prior notice of the violation to the extent permitted under Title 12, Chapter 6, Article 7, Section 12-661, Arizona Revised Statutes.

(h) ~~"Public space" means~~Public space: ~~a~~Any real property or structures on real property, owned by a government entity and normally accessible to the public, including but not limited to parks and other residential areas.

(i) ~~"Residential area" means~~Residential area: ~~a~~Any real property which contains a structure or building in which one or more persons reside, provided that the structure of building is properly zoned, or is legally non conforming, for residential use in accordance with the terms and maps of the Peoria Zoning Ordinance.

SECTION 33. Chapter 13 of the Peoria City Code (1992) is amended by amending Section 13-91 pertaining to Noise; construction and which shall read as follows:

Sec. 13-91. Noise; construction.

(a) Construction of buildings and other projects.

(1) Noise limitations: 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 City.

(2) Construction start/stop times: Concrete work: from April 2<sup>nd</sup> to September 29<sup>th</sup>, inclusive, concrete may be poured each day between the hours of 5:00 a.m. and 7:00 p.m. or at such other times as authorized by permit. From September 30<sup>th</sup> to April 1<sup>st</sup>, inclusive, concrete may be poured each day between the hours of 6:00 a.m. to 7:00 p.m. or at such other times as authorized by permit.

(Other type construction (residential zones): from April 2<sup>nd</sup> to September 29<sup>th</sup>, inclusive, all other construction or repair work shall not begin prior to 6:00 a.m. and must stop by 7:00 p.m. each day in, or within 500 feet of a residential zone or at such other times as authorized by permit, from September 30<sup>th</sup> to April 1<sup>st</sup> inclusive, all other construction or repair work shall not begin prior to 7:00 a.m. and must be stopped by 7:00 p.m. each day or within 500 feet of, a residential zone or at such other times as authorized by permit.

Other type construction (commercial and industrial zones) construction and repair work in commercial and industrial zones, not within 500 feet of a residential zone, shall not begin prior to 5:00 a.m. and must stop by 7:00 p.m. or at such other times as authorized by permit

(3) 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 Building Safety Manager or his designee. The permit shall be kept on the work site and shown to City officials on request. In granting such permit, ~~the~~ the Building Safety Manager or his designee shall consider if construction noise in the vicinity of the proposed work site would be less objectionable 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 perform emits noises at such a low level as to not 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 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.

(4) Revocation of permits. The Building Safety Manager or his 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.

SECTION 34. Chapter 13 of the Peoria City Code (1992) is amended by amending Section 13-92 pertaining to Noise; general prohibitions and which shall read as follows:

Sec. 13-92. Noise; general prohibitions.

(a) No person shall make, allow, continue, or cause to be made or continued:

- (1) any unreasonably loud or raucous noise; or
- (2) any noise which unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety of reasonable persons of ordinary sensitivity; ~~It shall~~ be presumed that any noise heard audible more than 50 feet from the source is unreasonably loud or raucous,
- (3) any noise which is so harsh, prolonged, unnatural, or unusual in time or place as to occasion unreasonable discomfort to any persons within the neighborhood from which said noises emanate, or as to unreasonably interfere with the peace and comfort of neighbors or their guests, or operators or customers in places of business, or as to detrimentally or adversely affect such residences or places of business.

(b) create any noise that would exceed the noise level measured from fifty (50) feet from the property line where the noise is generated exceeding the following community noise standards

Zoning District Type	Time	Noise Standard (dBA)
Residential	6:00 a.m. – 10:00 p.m.	65
Residential	10:00 p.m. – 6:00 a.m.	55
Commercial	6:00 a.m. – 10:00 p.m.	70
Commercial	10:00 p.m. – 6:00 a.m.	65

Industrial	6:00 a.m. – 10:00 p.m.	80
Industrial	10:00 p.m. – 6:00 a.m.	70

1. For purposes of this section in any multiple use zoning district, the zoning district type governing the majority of the property shall govern for purposes of this ordinance.

(c) Factors for determining whether a sound is unreasonably loud or raucous include, but are not limited to, the following:

- (1) The proximity of the sound to sleeping facilities, whether residential or commercial;
- (2) The land use, nature, and zoning of the area from which the sound emanates and the area where it is received or perceived;
- (3) The time of day or night the sound occurs; it shall be presumed that noise made between 10:00 p.m. and 6:00 a.m. is loud, raucous and/or unreasonably disturbing.
- (4) The duration of the sound; and
- (5) Whether the sound is recurrent, intermittent, or constant.

SECTION 35. Chapter 13 of the Peoria City Code (1992) is amended by amending Section 13-93 pertaining to Noise; specific prohibitions and which shall read as follows:

Sec. 13-93. Noise; specific prohibitions.

The following acts are declared to be per se violations of this section. This enumeration does not constitute an exclusive list:

(a) **Unreasonable Noises:** The unreasonable making of, or knowingly and unreasonably permitting to be made, any unreasonably loud, boisterous or unusual noise, disturbance, commotion or vibration in any boarding facility, dwelling, place of business or other structure, or upon any public street, park, or other place or building. The ordinary and usual sounds, noises, commotion or vibration incidental to the operation of these places when conducted in accordance with the usual standards of practice and in a manner which will not unreasonably disturb the peace and comfort of adjacent residences or which will not detrimentally affect the operators of adjacent places of business are exempted from this provision.

(b) **Vehicle Horns, Signaling Devices, and Similar Devices:** The sounding of any horn, signaling device, or other similar device, on any automobile, motorcycle, or other vehicle on any right-of-way or in any public

space of the Local Government, for more than twenty (20) consecutive seconds. The sounding of any horn, signaling device, or other similar device, as a danger warning or as an alarm is exempt from this prohibition.

(c) **Non-Emergency Signaling Devices:** Sounding or permitting sounding any amplified signal from any bell, chime, siren, whistle or similar device, intended primarily for non-emergency purposes, from any place for more than ten (10) consecutive seconds in any hourly period. The reasonable sounding of such devices by houses of religious worship, ice cream trucks, and seasonal contribution solicitors or by the City for traffic control purposes are exempt from the operation of this provision.

(d) **Emergency Signaling Devices:** The intentional sounding or permitting the sounding outdoors of any emergency signaling device including fire, burglar, civil defense alarm, siren, whistle, or similar emergency signaling device, except in an emergency or except as provided in Subsections (1) and (2), below.

(1) Testing of an emergency signaling device shall occur between 7:00 a.m. and 7:00 p.m. Any testing shall use only the minimum cycle test time. In no case shall such test time exceed five (5) minutes. Testing of the emergency signaling system shall not occur more than once in each calendar month.

(2) Sounding or permitting the sounding of any exterior burglar or fire alarm or any motor vehicle burglar alarm, shall terminate within fifteen (15) minutes of activation unless an emergency exists. If a false or accidental activation of an alarm occurs more than twice in a calendar month, the owner or person responsible for the alarm shall be in violation of this Ordinance.

(e) **Yelling, Shouting, and Similar Activities:** Yelling, shouting, hooting, whistling, or singing in residential or noise sensitive areas or in public places, between the hours of 10:00 p.m. and 6:00 a.m., or at any time or place so as to unreasonably disturb the quiet, comfort, or repose of reasonable persons of ordinary sensitivities.

(f) **Loading or Unloading Merchandise, Materials, Equipment:** The creation of unreasonably loud, raucous, and excessive noise in connection with the loading or unloading of any vehicle at a place of business or residence between the hours of 10:00 p.m. and 6:00 a.m. on weekdays and 11:00 p.m. and 8:00 a.m. on weekends.

(g) **Loading of Vehicles and/or Opening or Destruction of Containers.** The loading or unloading of any vehicle or to open or destroy bales, boxes, crates or other containers in such a manner as to create excessive or offensive noise.

(h) Noise Sensitive Areas - Schools, Courts, Churches, Hospitals, Funeral Homes and Skilled Care Institutions: The creation of any unreasonably loud and raucous noise adjacent to any noise sensitive area while it is in use, which unreasonably interferes with the workings of the institution or which disturbs the persons or scheduled events in these institutions; provided that conspicuous signs delineating the boundaries of the noise sensitive area are displayed in the streets surrounding the noise sensitive area.

(i) Blowers, and Similar Devices: In residential or noise sensitive areas, between the hours of 10:00 p.m. and 6:00 a.m., the operation of any noise-creating blower, power fan, or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, provided that the noise is unreasonably loud and raucous and can be heard across the property line of the property from which it emanates.

(j) Commercial Establishments Adjacent to Residential Property: Unreasonably loud and raucous noise from the premises of any commercial establishment, including any outdoor area which is part of or under the control of the establishment, between the hours of 10:00 p.m. and 7:00 a.m. on weekdays and 11:00 p.m. and 8:00 a.m. on weekends. It shall be presumed that such noise is unreasonable if plainly audible at a distance of fifty (50) from the boundary line of the commercial establishment. If there is a shared parking facility, the shared parking facility shall not be included in the boundary calculation.

SECTION 36. Chapter 13 of the Peoria City Code (1992) is amended by amending Section 13-98 pertaining to Noise; second response; definitions and which shall read as follows:

Sec. 13-98. Noise; second response; definitions

(a) ~~"Party, gathering or event"~~ means Party, gathering or event: †Two or more persons assembled or gathered on private property.

(b) ~~"Law enforcement restitution"~~ means Law enforcement restitution: ~~a~~All personal services cost attributed to the responding law enforcement officer for the amount of time actually spent in responding to or remaining at the party, gathering or event. Also includes actual costs incurred by the City for medical treatment to injured officers; costs of repair to damaged City or officer equipment; value of damaged City or officer equipment in event the same cannot be repaired.

(c) ~~"Law enforcement special security assignment"~~ means Law enforcement special security assignment: †The assignment of law enforcement officers and services incident to a second call to a location after the distribution of a written warning to the person responsible that the party, gathering or event

violates A.R.S. §13-2904 et. seq.

(d) ~~“Person responsible” means~~ Person Responsible: ~~†~~The person or entity that owns or exercises control over the property where the party, gathering or event takes place, the person in charge of the premises and/or the organizer of the event, providing the same have been provided notice of the disturbance. If the person responsible is a minor, the parents or legal guardians of that minor shall be jointly and severally liable for the law enforcement restitution irrespective of the fact the parents or legal guardians had no prior notice of the violation to the extent permitted under Title 12, Chapter 6, Article 7, Section 12-661, Arizona Revised Statutes.

SECTION 37. Chapter 13 of the Peoria City Code (1992) is amended by amending Section 13-99 pertaining to Noise; second response; warning notice and which shall read as follows:

Sec. 13-99. Noise; second response; warning notice.

(a) When a complaint is received concerning noise, loud or offensive language coming from a party, gathering or event, law enforcement officer(s) on special security assignment shall respond to the location of the party, gathering or event and provide written notification to the person(s) responsible that the party, gathering or event is disturbing the peace and/or quiet of a person, family or neighborhood in violation of A.R.S. Section 13-2904 and a subsequent call to the location and each and every call thereafter will result in the issuance of additional criminal charges ~~a criminal citation issued to the person(s) in charge and/or arrest, carrying with it a mandatory law enforcement restitution assessment of not less than \$200.00, together with a fine of not more than \$2,500 and possible jail and probation.~~

(b) The police chief may promulgate forms to meet the requirements of this chapter.

SECTION 38. Chapter 13 of the Peoria City Code (1992) is amended by amending Section 13-100 pertaining to Noise; second response; law enforcement services restitution and which shall read as follows:

Sec. 13-100. Noise; second response; law enforcement services restitution.

(a) A violation of sections 13-90-13-97 of this code ~~shall~~ may include assessment of mandatory restitution in an amount determined by the court. ~~Restitution shall be imposed as a term of probation sentence, in addition to fines, assessments, surcharges and incarceration costs to cover the cost of personnel and equipment in the law enforcement special assignment.~~

(b) A recoverable charge ~~shall~~ may be imposed for the second and subsequent response to a party, gathering or event. If the actual cost to the City

exceeds two hundred dollars (\$200.00), The City Manager or his designee shall charge the actual cost of the second or subsequent response.

(c) The City Attorney shall may request restitution for all charges costs imposed incurred by the City.

(d) The entry of a restitution order by the court shall not preclude the City from maintaining a separate civil action for charges and damages for second and subsequent responses under this chapter. The prevailing party in any civil action for recovery of charges and damages for second and subsequent responses shall be entitled to recover taxable costs and reasonable attorney fees in the manner provided by Title 12, Chapter 3, Article 5, Arizona Revised Statutes.

(e) In event the person charged is a minor, the court may award restitution against the parents or legal guardians of the minor to the extent permitted by Title 8, Chapter 2, Article 4, Arizona Revised Statutes. Nothing herein shall preclude the City from maintaining a separate civil action for charges and damages for second and subsequent responses against the parents and legal guardians of any minor charged with a violation of Sections 13-90 - 13-97 of this code.

SECTION 39. Chapter 13 of the Peoria City Code (1992) is amended by amending Section 13-101 pertaining to Noise; second response; payments, time, methods, non payments and which shall read as follows:

Sec. 13-101. Noise; second response; payments, time, methods, non payments.

(a) Payment and enforcement of restitution takes priority over amounts ordered to be paid by the court. The restitution shall be paid to the court who shall transfer the amounts to the finance department in the same manner and method as other court revenues.

(b) If a defendant sentenced to pay a restitution assessment under sections 13-96-13-99 of this code defaults in the payment of such restitution assessment, the court shall notify the City Attorney. The court on motion of the City Attorney, or the court on its own motion, shall require the defendant to show cause why the defendant's default should not be treated as contempt and may issue a summons or a warrant of arrest for his appearance.

(c) The court shall process such motions in the manner provided by Title 13, Chapter 8, Section 13-810, Arizona Revised Statutes.

~~(d) The City Attorney may file a petition in the court requesting defendant's probation be revoked.~~

SECTION 40. Chapter 13 of the Peoria City Code (1992) is amended by amending Section 13-103 pertaining to Noise; second response; payments, time, methods, non payments and which shall read as follows:

Sec. 13-103. Noise; penalties.

(a) The remedies herein are cumulative and the City may proceed under one or more such remedies.

(b) Any owner or responsible party, who causes, permits, facilitates, or aids or abets any violation of any provision of this Chapter or who fails to perform any act or duty required by the Chapter is subject to a civil sanction in accordance with a schedule adopted by the ~~Presiding Judge of Municipal Court;~~ ~~the minimum sanction shall not be less than one hundred and fifty dollars or more than two thousand five hundred dollars.~~

(c) In the alternative, Any owner, responsible party, or other person having control over a structure or parcel of land who causes, permits, facilitates, or aids or abets any violation of any provision of the Chapter or who fails to perform any act or duty required by the Chapter is guilty of a Class 1 misdemeanor.

~~(d) Any person convicted of a violation of the Ordinance shall be sentenced to a fine or found responsible for a civil penalty of not less than one hundred and fifty dollars.~~

(de) Each day any violation of any provision of this Chapter or the failure to perform any act or duty required by this Chapter exists shall constitute a separate violation or offense.

SECTION 41. Chapter 13 of the Peoria City Code (1992) is amended by amending Section 13-107 pertaining to Home Detention Alternative Program; powers and duties and which shall read as follows:

Sec. 13-107. Home Detention Alternative Program; powers and duties.

(a) The HDAP shall allow the sentencing judge to impose a period of home detention that will be at least ~~two times~~ the number of days required by statute for institutionalized incarceration, not including those days which are suspended by the Court.

(b) The Court shall order that persons participating in the HDAP be subject to all of the following:

(1) Electronic monitoring or any form of geographic monitoring that will advise the Court or its designee of the location of the person participating in HDAP at all times.

(2) If the person is employed within Maricopa County or the City of Peoria or attending a licensed or accredited educational institution in Maricopa County and located within 35 miles of the City of Peoria, the Court may designate work hours during which electronic or geographic monitoring is not required and the person may be outside of their home. The person participating in HDAP must provide written proof of their work and/or school hours to the Court of its designee.

(3) Being tested for the use of alcohol or drugs at such frequencies, not less than weekly, as determined by the Court, and participation in an alcohol or drug treatment program approved by the Court.

(4) Restrictions on association with individuals that the Court has determined to be detrimental to the person's successful completion of the HDAP.

(5) Compliance with all other conditions in the initial release order issued by the Court.

(6) Compliance with any other provision that the Court may impose pursuant to A.R.S. §9-499.07.

(7) Completion of at least the statutory minimum number of days of imprisonment as established by Arizona revised statutes in the custody of jail authorities. In calculating the statutory minimum number of days of imprisonment to be served, any partial numbers shall be rounded up to the nearest whole number.

SECTION 42. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 43. This Ordinance shall become effective in the manner provided by law.



PASSED AND ADOPTED by the Mayor and Council of the City of Peoria,  
Arizona, this 4<sup>th</sup> day of April, 2017.

Dated: 4-5-17

Cathy Carlat  
Cathy Carlat, Mayor

ATTEST:

Rhonda Geriminsky  
Rhonda Geriminsky, City Clerk



APPROVED AS TO FORM:

Stephen J. Burg  
Stephen J. Burg, City Attorney

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