

CHAPTER 11 OFFENSES

ARTICLE 11-1 OFFENSES – GENERAL

11-1-1	Dangerous Constructions
11-1-2	Excavations to be Covered
11-1-3	Explosives
11-1-4	Unauthorized Use of Town Letterhead (Ord 12-03)
11-1-5	Minors
11-1-6	Anti-Noise
11-1-7	Obstruction of View
11-1-8	Offensive Business
11-1-9	Offensive Premises
11-1-10	Prostitution
11-1-11	Searchlights
11-1-12	Signs and Banners
11-1-13	Spitting
11-1-14	Water – Flow upon Streets Prohibited
11-1-15	Loitering
11-1-16	Obstruction of Streets, Sidewalks or Other Public Grounds; Free Use of Property from Injurious, Indecent or Offensive Acts

Section 11-1-1 Dangerous Constructions

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

Section 11-1-2 Excavations to be Covered

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

Section 11-1-3 Explosives

It is unlawful for any person within the limits of the Town to blast or use powder, fireworks or other explosives without a permit from the chief of police in writing.

Section 11-1-4 Unauthorized Use of Letterhead (Ord 12-03)

- A. It shall be unlawful for anyone to use Town Letterhead who is not a Town employee engaged in official duties or the Mayor, Vice Mayor or any other member of the Common Council explicitly authorized by a majority of the Common Council to submit correspondence on behalf of the Common Council.
- B. Violation of this section is a Class One Misdemeanor as defined by Arizona Revised Statutes and subject to the penalties prescribed therefore by Arizona Revised Statutes.

Section 11-1-5 Minors

It is unlawful for any person seventeen years old or under to idle or loiter upon the streets or public places of the Town between the hours of ten o'clock p.m. and six o'clock a.m. unless such person is accompanied by a parent, guardian or other person of lawful age having legal custody of such person. It is unlawful for any parent, guardian or other adult person having the care and custody of such person to encourage or allow such person to idle or loiter upon the streets or public places between the hours specified in this section unless accompanied by such parent or guardian. The provisions of this section shall not apply when the person is upon an emergency errand or legitimate business directed by his or her parent, guardian or other adult person having the care and custody of the person.

Section 11-1-6 Anti-Noise (Ord 97-06)(Ord 03-01)

- A. It is hereby declared to be a public nuisance, and it is unlawful for any person, firm or corporation owning or operating or in control of any restaurant, hotel, dance hall, show, store, residence or any public place, or area of amusement, entertainment or accommodation, to play or permit to be played any music or musical instrument whether played by individuals, orchestra, radio, phonograph, music box, vehicle "boom box", or other mechanical device or means in such a loud or unusual manner as to be offensive to the senses, or so as to disturb the slumber, peace and quiet, or otherwise interfere with or annoy the comfortable enjoyment of life or property of any person or neighborhood and is no less a nuisance because the extent of the annoyance inflicted is unequal.
- B. It is unlawful to play, operate or use any device known as a sound truck, loud speaker or sound amplifier, radio or phonograph with loud speaker or sound amplifier or any instrument of any kind or character which emits loud and raucous noises and is attached to and upon any vehicle unless such person in charge of such vehicle shall have first applied to and received permission from the chief of police to operate any such vehicle so equipped.
- C. It shall be unlawful for any person to create, assist in creating, permit, continue or permit the continuance of any unreasonably loud, disturbing or unnecessary

noise in the Town that produces annoyance, inconvenience, discomfort or hurt to any person, or to the enjoyment of property or comfort of any person, or affect the safety, health or morals of the public.

- D. It is unlawful for an operator of a diesel-powered motor vehicle having a load capacity of two tons or more to allow said vehicle to idle for a period of time in or adjoining a neighborhood within the Town limits. This provision shall not apply to vehicles being repaired nor to vehicles engaged in loading or unloading cargo.
- E. It shall be unlawful for any person to operate a truck or other motor vehicle in such a manner as to cause the engine to emit additional noise from its exhaust or muffler system through deceleration or through a practice using the truck's or vehicle's engine as a brake i.e. unmuffled compression brake, except in circumstances of emergency for the protection of persons or property.
- F. The standard to be adopted in evaluating a violation under this Section shall be that of a "reasonable man" of ordinary sensitivities.

Section 11-1-7 Obstruction of View

It is unlawful for any person to maintain or allow any tree, hedge, billboard or other obstruction which prevent persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk.

Section 11-1-8 Offensive Business

It is unlawful for any person to establish or maintain any slaughterhouse or make a practice of slaughtering cattle, hogs, sheep or any other kind of animal, or establish or maintain any soap factory, render tallow, or pursue, maintain or carry on any other business or occupation offensive to the senses or prejudicial to the public health within the limits of the Town.

Section 11-1-9 Offensive Premises

It is unlawful for any person to suffer, or permit any premises belonging to or occupied by him, or any cellar, privy, vault, pool, sewer or private drain therein to become nauseous, foul or offensive to the senses or prejudicial to the public health or comfort.

Section 11-1-10 Prostitution

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

Section 11-1-11 Searchlights

It is unlawful for any person to operate within the Town any incandescent or arc-type searchlight, beacon light or similar lighting device designed to and capable of projecting a beam of light into the sky for a distance in excess of one-half mile unless permission is obtained from the Council. The provisions of this section shall not apply to emergency searchlights or beacons operated pursuant to public authority.

Section 11-1-12 Signs and Banners

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

Section 11-1-13 Spitting

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

Section 11-1-14 Water – Flow Upon Streets Prohibited

- A. It is unlawful for any person to willfully or negligently permit or 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 Town.
- B. It is unlawful for any person to willfully or negligently permit or cause the escape or flow of irrigation water 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 Town through the failure or neglect to properly operate or maintain any irrigation structure, deliver ditch or waste ditch in which said person has a vested right or interest or through the willful or negligent failure of said person to accept irrigation water after it has been ordered by him.

Section 11-1-15 Loitering (Ord 96-01)

- A. It shall be unlawful for any person to loaf, loiter or congregate upon any of the rights of way in the Town so as to obstruct the use of the rights of way.
- B. It shall be unlawful for any person who is not properly authorized to be within any Town park, playground or recreational area during the hours of closure for such premises as established by the Town's Parks and Recreation Board.
- C. It shall be unlawful for any person to linger, loiter or otherwise use for business or

social purposes any public room in any place of public accommodation after such person has been notified by the owner or manager thereof, or his agent, to leave the premises and not return.

Section 11-1-16 Obstruction of Streets, Sidewalks or Other Public Grounds; Free Use of Property from Injurious, Indecent or Offensive Acts (Ord 96-01)

It shall be unlawful for any person to obstruct any public street or alley, sidewalk or park or other public grounds within the Town by committing any act of, or doing anything which is injurious to the health, or indecent or offensive to the senses, or to do in or upon any such streets, alleys, sidewalks, parks or other public grounds, any act or thing which is an obstruction or interference to the free use of any property or with any business lawfully conducted by anyone, in or upon, or facing or fronting on any of such streets, alleys, sidewalks, parks or other public grounds in the Town.

ARTICLE 11-2 OFFENSES – PARK (Repealed, see Ord. 14-01 adopting Chapter 21 Park, Recreation Facilities & Cemetery)

ARTICLE 11-3 ALCOHOLIC BEVERAGES IN A MOTOR VEHICLE

- A. No person shall drink any alcoholic beverage while in a motor vehicle upon a street or highway within the Town limits.
- B. No person shall have in his possession on his person, while driving a motor vehicle upon a street or highway within the Town limits, any bottle, can or other receptacle containing alcoholic beverages which has been opened, or the seal broken or the contents of which have been partially removed.
- C. No person shall have in his possession, while in a motor vehicle upon a street or a highway within the Town limits, any bottle, can or other receptacle, containing any alcoholic beverage which has been opened, or the seal broken or the contents of which have been partially removed.
- D. It is unlawful for the registered owner of any motor vehicle, or the driver if the registered owner is not then present in the vehicle, when such vehicle is upon a street or highway within the Town limits, of have any bottle, can or other receptacle containing any alcoholic beverage which has been opened, or the seal broken or the contents of which have been removed, unless such container is kept in the trunk of the vehicle, or kept in some other area of the vehicle not normally occupied by the driver or passengers, if the vehicle is not equipped with a trunk. A utility compartment or glove compartment shall be deemed to be within the area occupied by the driver and passengers.

ARTICLE 11-4 DISPOSAL OF ABANDONED, LOST OR STOLEN PERSONAL PROPERTY (Ord 96-09)

11-4-1	Definitions
11-4-2	Disposal of Weapons
11-4-3	Disposal of Spirituous Liquor
11-4-4	Disposal of Property Used in the Commission of a Crime
11-4-5	Disposal of Other Property
11-4-6	Disposal of Money
11-4-7	Conversion to Town Use
11-4-8	Certificate of Ownership, Sale
11-4-9	Town Employees or Elected Officials Excluded
11-4-10	Notices
11-4-11	Money and Property Not Claimed and Taken Away
11-4-12	Records

Section 11-4-1 Definitions

In this article, unless the context otherwise requires:

- A. **“Abandoned property”** means that personal property to which the owner has relinquished all right, title, claim and possession, with the intention of not reclaiming it or resuming its ownership, possession or enjoyment.
- B. **“Dangerous instrument”** means any other object which is capable of inflicting pain or bodily injury.
- C. **“Explosive”** means any dynamite, nitroglycerine, black powder or other similar explosive material including plastic explosives but does not mean or include ammunition or ammunition components such as primers, percussion caps, smokeless powder, black powder and black powder substitutes used for hand loading purposes.
- D. **“Finder”** means a person, not an owner, who accidentally and lawfully comes into possession of personal property. A finder shall not be an employee or elected official of the Town.
- E. **“Lost property”** means personal property with which the owner has casually and involuntarily parted with and does not know where to find or recover it. Lost property shall not include property which has been intentionally concealed or deposited in a secret place for safe keeping.
- F. **“Owner”** means the person in whom is vested the legal right, ownership, dominion or title of personal property. Owner may also include a person in whose favor there is a security interest or who is the beneficiary of a perfected lien or an encumbrance pertaining to an interest in personal property, but such

person shall not have right superior to the owner who is not a secured party.

- G. **“Personal property”** means that kind of property which usually consists of things tangible and movable which is not real property. As used in this Article, personal property shall not include motor vehicles or animals.
- H. **“Spirituous liquor”** includes, but is not limited to, alcohol, brandy, whiskey, rum, tequila, mescal, gin, wine, porter, ale, beer, any malt liquor, malt beverage, absinthe or compound or any mixture of any alcohol, bitters, bitters containing alcohol, and any liquid mixture or preparation, whether patented or otherwise, which produces intoxication, fruits or other edibles preserved in ardent spirits, and beverages containing more than one-half of one percent of alcohol by volume.
- I. **“Stolen property”** means that personal property which has been unlawfully taken and carried away without right or pretense of title, and without leave or consent of the owner.
- J. **“Weapon”** means any firearm, including but not limited to, deadly or non-deadly, spring gun, air gun or gas operated gun or any other like device capable of discharging a dangerous or deadly missile, or any other thing designed for lethal use or which is capable of inflicting serious bodily injury. Weapon shall not include a firearm in permanently inoperable condition.

Section 11-4-2 Disposal of Weapons

- A. All weapons, explosive or other dangerous instruments which are seized by police officers in the line of duty and forfeited in accordance with Title 13, Arizona Revised Statutes or any other applicable state or federal law.
- B. All weapons, explosives or other dangerous instruments which are seized, confiscated or impounded as a result of an arrest pertaining to the commission of a crime may be returned to a person when permitted by law after such person is adjudged not guilty or where all criminal charges are dismissed.
- C. If the owner of a lost, abandoned or stolen weapon cannot be located within ninety (90) days from the date such a weapon comes into police custody, the weapon shall be returned to the finder where permitted by law. In the event the finder does not want the weapon or the finder fails to respond to notices, the weapon shall become the property of the Town Police Department to be disposed of pursuant to the discretion of the Town Police Department.

Section 11-4-3 Disposal of Spirituous Liquor

- A. Spirituous liquor seized by a police officer in the line of duty pursuant to a violation of any federal, state or local law shall be destroyed by the Town Police

Department sixty (60) days following the conviction of the owner or possessor of such spirituous liquor.

- B. In the event that such person is found not guilty or in the event that all criminal charges against such person are dismissed, the spirituous liquor may be returned to the owner where permitted by law.
- C. Lost, abandoned or stolen spirituous liquor that is in the possession of the Police Department may be returned to the owner where permitted by law if claimed by the owner within ninety (90) days after coming into possession of the Town Police Department.

Section 11-4-4 Disposal of Property Used in the Commission of a Crime

Upon the conviction of any person for the violation of a criminal offense as defined in Title 13, Arizona Revised Statutes, or other applicable federal, state or local laws, personal property which was seized, confiscated or otherwise impounded by police officers in the line of duty shall be destroyed or otherwise disposed of in accordance with Arizona Revised Statutes or other applicable federal, state or local laws.

Section 11-4-5 Disposal of Other Property

- A. Lost, abandoned or stolen personal property received or in the custody of the Town Police Department shall be retained for a period of ninety (90) days. During this ninety (90) day period, the Town Police Department shall make reasonable attempts to identify the owner of such personal property and to notify the owner that the personal property is in the custody of the Town Police Department. Personal property shall be returned to the owner upon satisfactory proof of ownership.
- B. In the event that an owner does not respond to notices concerning personal property, or in the event that an owner disclaims interest or otherwise declines to reclaim the personal property, the personal property shall be offered to the finder if identified.
- C. In the event that personal property is offered to a finder, a finder shall be entitled to written notice pursuant to Section 11-4-10.
- D. If a finder or owner fails to respond within the specified time, the personal property shall be considered forfeited and may be sold at public auction, may become the property of the Town, or may be destroyed at the discretion of the Town Police Department.

Section 11-4-6 Disposal of Money

- A. Money or currency, excepting rare coins or coins or currency with numismatic value, as determined by the Town Police Department, which is received or in the custody of the Town Police Department shall be retained for a period of ninety (90) days and then shall be deposited in the general fund of the Town Finance Director in the event an owner or finder, after written notice as set forth in Section 11-4-10, does not claim or reclaim possession of such money or currency.
- B. Rare coins or coins and currency with numismatic value shall be disposed of in accordance with the provisions of this Article.

Section 11-4-7 Conversion to Town Use

Personal property that has not been reclaimed by an owner or claimed by a finder in accordance with the provisions of this Article, may be converted to Town ownership and used at the discretion of the Town Police Department.

Section 11-4-8 Certificate of Ownership, Sale

- A. On delivery of personal property to a finder in accordance with the provisions of this Article, the Police Chief or his designee shall execute a certificate of ownership of the personal property to the finder which certificate shall pass title of the personal property to the finder.
- B. On delivery of personal property to a purchaser of any personal property sold under the provisions of this Article, a certificate of ownership shall be issued by the Police Chief or his designee which certificate shall pass title of the personal property to the purchaser.
- C. On the delivery of personal property or other forfeiture of personal property to the Town, a certificate of ownership shall be issued by the Police Chief or his designee to the Town which certificate shall pass title of the personal property to the Town.

Section 11-4-9 Town Employees or Elected Officials Excluded

Employees or elected officials of the Town who find or otherwise come into possession of lost, abandoned or stolen property shall not claim any right title or interest in the personal property. Any and all lost, abandoned or stolen personal property found or otherwise coming into possession of a Town employee or elected official shall be relinquished to custody of the Town Police Department.

Section 11-4-10 Notices

- A. Written notice shall be given to owners and finders (if applicable) of personal property before such property may be sold or otherwise disposed of in accordance with the provisions of this Article. Such written notices shall provide at least the following information:
1. A description of the property.
 2. The approximate date the property was seized, received or put in the custody of the Town Police Department.
 3. The date on which the personal property will be sold or otherwise disposed of if not claimed.
- B. Written notices shall be sent to owners and finders (if applicable) by:
1. Personal service.
 2. Mailing a copy of the notice by first class mail to the last known address.
 3. In the event that an address is not known, by posting a notice in a public place within the Town Office for a period of fourteen (14) days.
- C. A maximum of two (2) notices shall be mailed to an owner of personal property. The first notice shall be mailed within fourteen (14) days after the personal property comes into custody of the Town Police Department. The second notice shall be mailed not more than fourteen (14) days after the first notice.
- D. Only one (1) notice shall be mailed to the finder of personal property within fourteen (14) days after the personal property comes into custody of the Town Police Department.
- E. Owners and finders of personal property shall claim or make arrangements to claim personal property no later than the date specified in the notice or within fifteen (15) days of the date of written notice, or posting of a written notice.

Section 11-4-11 Money and Property Not Claimed and Taken Away

If money and property as described above is not claimed and taken away after ninety (90) days, it will be handled in accordance with the provisions of this Article.

Section 11-4-12 Records

- A. The Town Police Department shall keep property invoice records concerning all property seized, received or otherwise in the possession of the Town Police Department. Such records shall contain the following:
 - 1. A description of all personal property seized, received or otherwise in the possession of the Town Police Department pursuant to the provisions of this Article.
 - 2. A description of notices sent to owners and finders (if applicable) pursuant to this Article.
 - 3. Information concerning the destruction or other disposal of the personal property.
- B. Records maintained pursuant to this Section shall be maintained for a period of one (1) year after the destruction or other disposal of the personal property.

ARTICLE 11-5 PROHIBITION ON USE AND SALE OF FIREWORKS IN THE TOWN LIMITS (Res. 10-21)

- 11-5-1 Definitions
- 11-5-2 Prohibition on the Use and Sale of Fireworks in Town Limits
- 11-5-3 Enforcement and Liability

Section 11-5-1 Definitions

For purposes of this Article, the following definitions shall apply, unless the context clearly indicates or requires a different meaning:

- A. **FEDERALLY DEREGULATED NOVELTY ITEMS** are those known as snappers, snap caps, party poppers, glow worms snake, toy smoke devices, sparklers, and similar items that are not otherwise classified by ARS 36-1601 (3) (b) (iii) as "fireworks".
- B. **FIREWORKS** are those devices defined by ARS 36-1601 (3) (a) that include both consumer firework and display fireworks, which are Articles prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation.
- C. **PERMISSIBLE CONSUMER FIREWORKS** are those items defined by ARS 36-1601 (5) that include ground and hand-held sparkling devices; cylindrical fountains; cone fountains; illuminating torches; wheels ground spinners; flitter sparklers; toy smoke devices; wire sparklers or dipped sticks; multiple fireworks devices and pyrotechnic Articles. "Permissible consumer fireworks" does not

include anything that is designed or intended to rise into the air and explode or to detonate in the air or to fly above the ground, including, for example, firework items commonly known as bottle rockets, skyrockets, missile-type rockets, helicopters, torpedoes, roman candles, and jumping jacks.

- D. PERSON includes an individual, partnership, firm or corporation.
- E. SUPERVISED PUBLIC DISPLAY means a monitored performance of display fireworks open to the public and authorized by permit by the Fire Marshal or his designee.

Section 11-5-2 Prohibition on the Use and Sale of Fireworks in Town Limits; Sale of Permissible Consumer Fireworks

- A. It is unlawful to sell, offer or expose for sale, use, explode, or possess any fireworks in the municipal limits of the Town of Quartzsite, other than permissible consumer fireworks and federally deregulated novelty items as may be listed by law.
- B. Permissible consumer fireworks shall not be used, exploded or ignited within the Town limits.
- C. A person shall not sell or permit or authorize the sale of permissible consumer fireworks to a person who is under 16 years of age.
- D. The sale of permissible consumer fireworks by a retail establishment shall be permitted only in compliance with ARS 36-1609 and the rules established by the State Fire Marshal by a duly licensed and permitted retailer or vendor.
- E. Supervised public displays of fireworks will be conducted only by the procedures set forth in ARS 36-1603 and associated regulations.
- F. The prohibition on the possession, sale, or use of fireworks shall not include those federally deregulated novelty items as may be listed by law.

Section 11-5-3 Enforcement and Liability

- A. Any person violating any provision of Article 11-5 shall be guilty of a Class 3 Misdemeanor, and may be fined an amount up to \$500, or imprisoned for a period up to 30 days, or both, pursuant to ARS 13-603, 13-707, and 13-802.
- B. The Fire Marshal, Town Police Officers, or Town Attorney, may issue criminal complaints to enforce this Article.
- C. A person who uses, discharges or ignites permissible consumer fireworks, fireworks or anything that is designed or intended to rise into the air and explode

or to detonate in the air or to fly above the ground, is liable for the expenses of any emergency response that is required by such use, discharge or ignition. The charge constitutes a debt of that person and may be collected proportionately by the public agencies, for-profit entities or not-for-profit entities that incurred the expenses. "Expenses of an emergency response" means reasonable costs directly incurred by public agencies, for-profit entities and not-for-profit entities that make an appropriate emergency response to an incident. "Reasonable costs" includes the costs of providing police, fire fighting, rescue and emergency medical services at the scene of an incident and the salaries of the persons who respond to the incident and any resulting or related costs.

ARTICLE 11-6 PROHIBITION OF PERMITTING OR ENCOURAGING UNDERAGE DRINKING (Ord. 11-01)

- 11-6-1 Definitions
- 11-6-2 Permitting or encouraging underage drinking.
- 11-6-3 Penalties

Section 11-6-1 Definitions

Spirituous liquor has the same meaning as defined in Title 4 of the Arizona Revised Statutes.

Section 11-6-2 Permitting or encouraging underage drinking.

No person of legal drinking age in Arizona shall knowingly permit or fail to take reasonable action to prevent the consumption of spirituous liquor by an underage person on premises owned by the person or under the person's control. This section does not apply to spirituous liquor used exclusively as part of a religious service.

Section 11-6-3 Penalties

A person who violates this section is guilty of a Class 1 Misdemeanor.