

TITLE 6

CHAPTER 1

WILLCOX DEPARTMENT OF PUBLIC SAFETY

SECTION:

- 6-1-1: Department of Public Safety Created**
- 6-1-2: Definitions**
- 6-1-3: Qualifications; Appointment**
- 6-1-4: Oath of Office**
- 6-1-5: Powers and Duties of the Department**
- 6-1-6: Powers and Duties of the Director**
- 6-2-7: Rule Making Authority**

6-1-1: Department of Public Safety Created:

There is created a Department of Public Safety for the city. The director of public safety shall serve as the Chief of Police and Fire Chief and shall be in charge of the department under the control and administrative supervision of the city manager. The director shall have authority and control of the police and fire departments and the volunteer reserve units established under this title.

(2010 Code, Ord. NS301, X-XX-2010, eff. XX-XX-2010)

State law reference – Adoption by reference, A.R.S. Sec. 9-801

Cross reference – 2008 Code, Ord. NS 283, Chapters 7, Article (A), §1-7A-4(B); 2-18-2008)

6-1-2: Definitions:

As used in this title, the following words and terms shall have the meanings ascribed to them in this section. All words and phrases defined in this section shall also include their usual and natural meanings, as well as those herein specifically given.

Director of Public Safety: "Director of Public Safety" means the director hired to oversee the department and act as the Chief of Police and Fire Chief.

Police Reserve: "Police Reserve" means the volunteer police reserve of the city.

Willcox Department of Public Safety: "Willcox Department of Public Safety" means the police department of the City of Willcox.

(1979 Code, Ord. NS-64 §2, prior code § 2.32.020 as amended by 2010 Code, Ord. NS 301, XX-XX-2010, eff. XX-XX-2010)

Cross reference - 2010 Code, Ord. NS 301, Chapters 2 and 3; XX-XX-2010, eff. XX-XX-2010)

6-1-3: Qualification; Appointment:

The director of the department qualifications shall consist of being a United States citizen who is a resident of the State of Arizona, twenty-five (25) years of age or over and meets minimum standards as established by the Arizona peace officer standards training board, pursuant to Arizona Revised Statutes section 41-1823. The director of public safety who shall serve as police chief and fire chief shall be appointed by the City Manager.

(1979 Code, Ord. NS-64 §3, prior code § 2.32.030 as amended by 2010 Code, Ord. NS 301, XX-XX-2010, eff. XX-XX-2010)

Cross reference - 2010 Code, Ord. NS 301, Chapters 2 and 3; XX-XX-2010, eff. XX-XX-2010)

Cross reference - 2008 Code, Ord. NS 283, Chapters 7, Article (A), §1-7A-4(B); 2-18-2008)

6-1-4: Oath of Office:

The director of public safety shall, before entering upon her/his duties, be required to take an appropriate oath.

2010 Code, Ord. NS 301, XX-XX-2010, eff. XX-XX-2010)

Cross reference - 2010 Code, Ord. NS 301, Chapters 2 and 3; XX-XX-2010, eff. XX-XX-2010)

6-1-5: Powers and Duties of the Department:

It is the duty of the department, under the direction of the director acting as chief of police or fire chief to:

- A. Enforce the Willcox Municipal Code and the statutes of the State of Arizona within jurisdictional limits as conferred by law or mutual aid agreement(s) including exercising and enforcing police powers and fire prevention and suppression powers.
- B. Enforce the traffic regulations of the city as specified in the Willcox Municipal Code and enforce the traffic laws of the State of Arizona within jurisdictional limits as conferred by law.

C. Enforce the animal control regulations of the city as specified in the Willcox Municipal Code and enforce the traffic laws of the State of Arizona within jurisdictional limits as conferred by law.

D. Perform such additional duties as may be required by the City Manager, municipal code, and statutes.

2010 Code, Ord. NS 301, XX-XX-2010, eff. XX-XX-2010)

Cross reference - 2010 Code, Ord. NS 301, Chapters 2 and 3; XX-XX-2010, eff. XX-XX-2010)

Cross reference - 2008 Code, Ord. NS 283, Chapters 7, Article (A), §1-7A-4(B); 2-18-2008)

6-1-6: Powers and Duties of the Director:

A. The director of public safety shall serve as chief of police and fire chief to the Willcox Department of Public Safety under such rules and regulations as the City Manager may prescribe.

B. The director may be called to duty by the City Manager during the time of or in anticipation of any emergency situation or other occasion which, in the opinion of the city manager, will reasonably require the aid of police and/or fire personnel to maintain peace and good order in the city.

C. The director acting as police chief shall have the powers and authority of a peace officer.

(2010 Code, Ord. NS 301, XX-XX-2010, eff. XX-XX-2010)

6-1-7: Rule Making Authority:

The director of public safety acting as chief of police and/or fire chief, with the advice, consent and approval of the City Manager, shall adopt rules and regulations expressly defining the powers and duties of the police and fire departments and the reserve units established under Title 6.

(1979 Code, Ord. NS-64 §7, prior code § 2.32.070 as amended by 2010 Code, Ord. NS 301, XX-XX-2010, eff. XX-XX-2010)

Cross reference - (2008 Code, Ord. NS 283, Chapters 7, Article (A), §1-7A-4(B); 2-18-2008)

Cross reference - (2010 Code, Ord. NS 301, Chapters 2 and 3; XX-XX-2010, eff. XX-XX-2010)

TITLE 6

CHAPTER 2

VOLUNTEER POLICE RESERVE

SECTION:

- 6-2--1: Volunteer Police Reserve Established
- 6-2--2: Definitions
- 6-2--3: Qualifications; Appointment
- 6-2--4: Limitation On Membership
- 6-2--5: Oath Of Office
- 6-2--6: Command And Control; Dismissal
- 6-2--7: Powers And Duties
- 6-2--8: Rule Making Authority
- 6-2--9: Uniform And Insignia
- 6-2-10: Insurance Benefits

6-2-1: Volunteer Police Reserve Established:

There is established a volunteer police reserve for the city as auxiliary to the Willcox Department of Public Safety and as a component thereof. (1982 Code § 2.32.010)
(1979 Code, Ord. NS-64 §1, prior code § 2.32.010 as amended by 2010 Code, Ord. NS 301, XX-XX-2010, eff. XX-XX-2010)

6-2-2: Definitions:

As used in this title, the following words and terms shall have the meanings ascribed to them in this section. All words and phrases defined in this section shall also include their usual and natural meanings, as well as those herein specifically given.

Director of Public Safety: "Director of Public Safety" means the director hired to oversee the volunteer police reserve in his capacity and as the Chief of Police.

Police Reserve: "Police Reserve" means the volunteer police reserve of the city.

Willcox Department of Public Safety: "Willcox Department of Public Safety" means and includes the police department of the city of Willcox.

(1979 Code, Ord. NS-64 §2, prior code § 2.32.020 as amended by 2010 Code, Ord. NS 301, XX-XX-2010, eff. XX-XX-2010)

Cross reference - 2010 Code, Ord. NS 301, Chapters 1 and 3; XX-XX-

2010, eff. XX-XX-2010)

6-2-3: Qualification; Appointment:

The members of the reserve shall consist of United States citizens who are residents of the state of Arizona, twenty-one (21) years of age or over and meet minimum standards as established by the Arizona peace officer standards training board, pursuant to Arizona Revised Statutes section 41-1823. Classification of reserve status shall be consistent with Arizona peace officer standards training board approved certification. Minimum standards for police officers shall not apply to persons applying for dispatcher position. Persons applying for positions who meet minimum requirements shall be appointed by the city manager upon the recommendation of the chief of police.

(1979 Code, Ord. NS-64 §3, prior code § 2.32.030 as amended by 2010 Code, Ord. NS 301, XX-XX-2010, eff. XX-XX-2010))

Cross reference - 2010 Code, Ord. NS 301, Chapters 1 and 3; XX-XX-2010, eff. XX-XX-2010)

6-2-4: Limitation on Membership:

The membership of the reserve shall not exceed two (2) persons for each regular member of the police department.

(1979 Code, Ord. NS-64 §4, prior code § 2.32.040 as amended by 2010 Code, Ord. NS 301, XX-XX-2010, eff. XX-XX-2010)

Cross reference - 2010 Code, Ord. NS 301, Chapters 1 and 3; XX-XX-2010, eff. XX-XX-2010)

6-2-5: Oath of Office:

Each member of the reserve shall, before entering upon her/his duties, be required to take an appropriate oath.

(1979 Code, Ord. NS-64 §6, prior code § 2.32.060 as amended by 2010 Code, Ord. NS 301, XX-XX-2010, eff. XX-XX-2010)

Cross reference - 2010 Code, Ord. NS 301, Chapters 1 and 3; XX-XX-2010, eff. XX-XX-2010)

6-2-6: Command and Control; Dismissal:

The reserves shall be under the command and subject to the direction and control of the chief of police or his designated representative. Dismissal from the reserve force shall be by the chief of police subject to confirmation of the City Manager.

(1979 Code, Ord. NS-64 §5, prior code § 2.32.050 as amended by 2010 Code, Ord. NS 301, XX-XX-2010, eff. XX-XX-2010)

Cross reference - 2010 Code, Ord. NS 301, Chapters 1 and 3; XX-XX-2010, eff. XX-XX-2010))

6-2-7: Powers and Duties:

A. The members of the reserve shall render auxiliary support, without compensation, to the Willcox Department of Public Safety under such rules and regulations as the chief of police may prescribe.

B. Members of the reserve may be called to duty by the chief of police during the time of or in anticipation of any emergency situation or other occasion which, in the opinion of the chief of police, will reasonably require the aid of personnel other than that of the regular police department to maintain peace and good order in the city. Members of the reserve may also be called to duty at other times for training with the regular police department.

C. Each member shall have the powers and authority of a peace officer during such time, and only such time, as she/he is on duty in response to a call by the chief of police, subject however, to such limitations as may be prescribed under rules and regulations adopted by the chief of police.

(1979 Code, Ord. NS-64 §6, prior code § 2.32.060 as amended by 2010 Code, Ord. NS 301, XX-XX-2010, eff. XX-XX-2010)

Cross reference - 2010 Code, Ord. NS 301, Chapters 1 and 3; XX-XX-2010, eff. XX-XX-2010)

6-2-8: Rule Making Authority:

The chief of police, with the advice, consent and approval of the city manager, shall adopt rules and regulations expressly defining the powers and duties of the reserve, but such powers and duties shall not be in excess of those accorded to the police nor inconsistent therewith.

(1979 Code, Ord. NS-64 §7, prior code § 2.32.070 as amended by 2010 Code, Ord. NS 301, XX-XX-2010, eff. XX-XX-2010)

Cross reference - 2010 Code, Ord. NS 301, Chapters 1 and 3; XX-XX-2010, eff. XX-XX-2010)

6-2-9: Uniform and Insignia:

A. The chief of police shall issue to each member of the reserve a badge of authority to be used by the member while on duty. The badge shall be of such design as the chief of police may determine, but shall bear the word "Reserve" across the face thereof.

B. The uniform shall be the same as a regular police officer of the city and be furnished at the individual's expense.

(1979 Code, Ord. NS-64 §8, prior code § 2.32.080 as amended by 2010 Code, Ord. NS 301, XX-XX-2010, eff. XX-XX-2010)

Cross reference - 2010 Code, Ord. NS 301, Chapters 1 and 3; XX-XX-2010, eff. XX-XX-2010)

6-2-10: Insurance Benefits:

While on duty, members of the reserve shall be deemed employees of the city for the purpose of securing to such members liability insurance and the benefits of the workers' compensation laws of the state in accordance with Arizona Revised Statutes section 23-901.06.

(1979 Code, Ord. NS-64 §9, prior code § 2.32.090 as amended by 2010 Code, Ord. NS 301, XX-XX-2010, eff. XX-XX-2010)

Cross reference - 2010 Code, Ord. NS 301, Chapters 1 and 3; XX-XX-2010, eff. XX-XX-2010)

TITLE 6

CHAPTER 3

VOLUNTEER FIRE DEPARTMENT

SECTION:

- 6-3--1: Volunteer Fire Department Created
- 6-3--2: Rules And Regulations
- 6-3--3: Compensation
- 6-3--4: Powers And Duties Of Director
- 6-3--5: Appointment, Qualifications And Supervision Of Firefighters
- 6-3--6: Entry And Police Powers
- 6-3--7: Equipment
- 6-3--8: Vehicle Right Of Way; Duties Of Other Drivers
- 6-3--9: Alarm Arrangements; False Alarms Prohibited
- 6-3-10: Agreements For Protection Outside City
- 6-3-11: Fire Duties Of Police Officers
- 6-3-12: Obedience To Director Required
- 6-3-13: Badge
- 6-3-14: Insurance benefits

6-3-1: Volunteer Fire Department Created:

There is created a volunteer fire department of the city which shall be under the supervision of the Willcox director of public safety (WDPS), two assistant fire chiefs, and as many other officers and firefighters as may be deemed necessary.

(1994 Code, Ord. NS175, prior code § 2.28.010 as amended by 2010 Code, Ord. NS 301, XX-XX-2010, eff. XX-XX-2010)

6-3-2: Rules and Regulations:

The fire department shall be operated and managed in accordance with such departmental rules and public safety regulations as may from time to time be approved by the Council.

(1994 Code, Ord. NS175, prior code § 2.28.020 as amended by 2010 Code, Ord. NS 301, XX-XX-2010, eff. XX-XX-2010)

Cross reference - 2010 Code, Ord. NS 301, Chapters 1 and 2; XX-XX-2010, eff. XX-XX-2010)

6-3-3: Compensation:

Volunteer firefighters shall be compensated in an amount set by resolution of the council.

(1994 Code, Ord. NS175, prior code § 2.28.030 as amended by 2010 Code, Ord. NS 301, XX-XX-2010, eff. XX-XX-2010)

Cross reference - 2010 Code, Ord. NS 301, Chapters 1 and 2; XX-XX-2010, eff. XX-XX-2010)

6-3-4: Powers and Duties of Director:

The director shall ensure that firefighters are technically qualified by training and experience and shall have the ability to command people and hold their respect and confidence. It shall be the duty of the director to:

- A. Be accountable to the City Manager for the personnel, morale and general efficiency of the volunteer fire department.
- B. Direct the operations of the volunteer fire department subject to the rules and regulations thereof.
- C. Be present at all fires, if possible, and receive assistance from the assistant fire chiefs and other officers in planning and directing the extinguishment thereof. During the progress of a fire, the authority of the director or his designee shall be absolute in all matters directly concerning the extinguishment of the fire and the disposition of property endangered by it.
- D. Conduct suitable drills or instruction in the operation and handling of equipment, first aid and rescue work, salvage, a study of buildings in the city, water supplies and all other matters generally considered essential to good firefighting practice and safety of life and property from fire.
- E. Assist the proper authorities in suppressing the crime of arson by investigating or causing to be investigated the cause, origin and circumstances of all fires.
- F. Direct the inspection of buildings and premises and serve written notice upon the owner or occupant to abate, within a specified time, any and all fire hazards that may be found. For the purpose of conducting such inspection, the director, or his designee, is empowered to enter any and all buildings and premises within the city at any reasonable hour. Any person served with such written notice shall comply and notify the director or his designee of his compliance within a reasonable time.
- G. Keep complete records of all fires, inspections, apparatus and equipment, personnel and other information about the work of the department open to inspection and furnish to the City Manager such information upon request.

H. Make a complete annual report, in writing, to the City Manager at such time as may be specified by the council, and such report shall include the information specified in subsection G of this section, together with comparative data for previous years and recommendations for improving the effectiveness of the department.

I. Enforce or cause to be enforced all ordinances, laws and regulations of the city and state, insofar as they pertain to fire and safety.

J. Demote, dismiss or expel any officer or member of the volunteer fire department for neglect or refusal to perform departmental duties.

(1994 Code, Ord. NS175, prior code § 2.28.040 as amended by 2010 Code, Ord. NS 301, XX-XX-2010, eff. XX-XX-2010)

Cross reference - 2010 Code, Ord. NS 301, Chapters 1 and 2; XX-XX-2010, eff. XX-XX-2010)

6-3-5: Appointment, Qualifications and Supervision of Firefighters:

Firefighters shall be appointed at such time and in such manner as the director may deem necessary subject to City Manager's approval. Such appointees shall have a telephone in their homes and/or a cell phone. Firefighters shall be subject to supervision by the director, the assistant fire chiefs and other officers.

(1994 Code, Ord. NS175, prior code § 2.28.050 as amended by 2010 Code, Ord. NS 301, XX-XX-2010, eff. XX-XX-2010)

Cross reference - 2010 Code, Ord. NS 301, Chapters 1 and 2; XX-XX-2010, eff. XX-XX-2010)

6-3-6: Entry and Police Powers:

A. Right Of Entry: It is lawful for any firefighter, acting under the direction of the director or another officer in command, to enter upon the premises adjacent to or in the vicinity of any building or other property that is on fire for the purpose of extinguishing such fire, and no person shall hinder, resist or obstruct any firefighter in the discharge of his duty as provided in this subsection.

B. Police Powers: All regularly appointed members of the department are given the necessary special police powers for the purpose of enforcing the provisions of this chapter.

(1994 Code, Ord. NS175, prior code §§ 2.28.060; 2.28.130 as amended by 2010 Code, Ord. NS 301, XX-XX-2010, eff. XX-XX-2010)

Cross reference - 2010 Code, Ord. NS 301, Chapters 1 and 2; XX-XX-2010, eff. XX-XX-2010)

6-3-7: Equipment:

A. Required Equipment: The department shall be equipped with such apparatus and other equipment as may be required from time to time to maintain its efficiency and properly protect life and property from fire.

B. Purchase Of Equipment: Recommendations concerning apparatus and equipment needed shall be made by the director, approved by the City Manager and after approval by the council, such apparatus and equipment shall be purchased in accordance with the procurement policy and in such manner as may be approved by the council.

C. Storage: All equipment of the department shall be safely and conveniently housed in such place or places as may be designated by the director.

D. Prohibited Use:

1. No person shall use any fire apparatus or equipment for any private purpose, nor shall any person willfully take away or conceal any article used in any way by the department.

2. No person shall enter any place where the fire apparatus is housed or handle any apparatus or equipment belonging to the department unless accompanied by, or having special permission of, an officer or authorized member of the department.

3. No fire apparatus or equipment shall be hired out or permitted to leave the fire station except in response to a call for aid at a fire within the corporate limits of the city or in response to a call for aid at a fire in an area authorized for fire protection service or mutual aid under the provisions of section 6-3-10 of this chapter unless otherwise directed by the director or his designee.

(1994 Code, Ord. NS175, prior code § 2.28.070 as amended by 2010 Code, Ord. NS 301, XX-XX-2010, eff. XX-XX-2010)

Cross reference - 2010 Code, Ord. NS 301, Chapters 1 and 2; XX-XX-2010, eff. XX-XX-2010)

6-3-8: Vehicle Right of Way; Duties of Other Drivers:

A. All motor equipment of the department shall have right of way over all other traffic when responding to an alarm.

B. No unauthorized vehicle shall follow within five hundred feet (500') of any apparatus belonging to the department, nor park any

vehicle or otherwise cause any obstruction to be placed within twenty feet (20') of the driveway entrance to a fire station and on the side of a street opposite the entrance to any fire station, within seventy five feet (75') of the entrance when properly posted, or within fifteen feet (15') of any fire hydrant.

C. No person shall drive any vehicle over fire hose except upon specific orders from the director or other officer in charge where the hose is used.

(1994 Code, Ord. NS175, prior code § 2.28.090 as amended by 2010 Code, Ord. NS 301, XX-XX-2010, eff. XX-XX-2010)

Cross reference - 2010 Code, Ord. NS 301, Chapters 1 and 2; XX-XX-2010, eff. XX-XX-2010)

6-3-9: Alarm Arrangements; False Alarms Prohibited:

Suitable arrangements or equipment shall be provided for citizens to turn in an alarm and for notifying all members of the department so that they may promptly respond. It is unlawful for any person to knowingly turn in or cause to be turned in a false alarm.

(1994 Code, Ord. NS175, prior code § 2.28.100 as amended by 2010 Code, Ord. NS 301, XX-XX-2010, eff. XX-XX-2010)

Cross reference - 2010 Code, Ord. NS 301, Chapters 1, 2 and 4; XX-XX-2010, eff. XX-XX-2010)

6-3-10: Agreements for Fire Protection Outside City:

The council may enter into agreements or contracts to furnish fire protection outside the city or enter into mutual aid agreements, and the fire department is authorized to render firefighting service pursuant to the terms of such agreements or contracts. The council shall prescribe by resolution the methods and terms under which the director may enter into agreements with individual property owners for fire protection.

(1994 Code, Ord. NS175, prior code § 2.28.080 as amended by 2010 Code, Ord. NS 301, XX-XX-2010, eff. XX-XX-2010)

Cross reference - 2010 Code, Ord. NS 301, Chapters 1 and 2; XX-XX-2010, eff. XX-XX-2010)

6-3-11: Fire Duties of Police Officers:

It is made the special duty of the director and/or other peace officers who may be on duty and available for fire duty to respond to all fire alarms and assist the department in the protection of life and property, in regulating traffic and maintaining order, and in enforcing the observance of this chapter.

(1994 Code, Ord. NS175, prior code § 2.28.140 as amended by 2010

Code, Ord. NS 301, XX-XX-2010, eff. XX-XX-2010)

Cross reference - 2010 Code, Ord. NS 301, Chapters 1 and 2; XX-XX-2010, eff. XX-XX-2010)

6-3-12: Obedience to Director Required:

It is unlawful for any firefighter or citizen to refuse to obey an order issued by the director or his designee pursuant to his authority.

(1994 Code, Ord. NS175, prior code § 2.28.110 as amended by 2010 Code, Ord. NS 301, XX-XX-2010, eff. XX-XX-2010)

Cross reference - 2010 Code, Ord. NS 301, Chapters 1 and 2; XX-XX-2010, eff. XX-XX-2010)

6-3-13: Badge:

Each member of the department shall be issued a badge designating his rank.

(1994 Code, Ord. NS175, prior code § 2.28.120 as amended by 2010 Code, Ord. NS 301, XX-XX-2010, eff. XX-XX-2010)

Cross reference - 2010 Code, Ord. NS 301, Chapters 1 and 2;

6-3-14: Insurance Benefits:

While on duty, members of the volunteer fire department shall be deemed employees of the city for the purpose of securing to such members liability insurance and the benefits of the workers' compensation laws of the state in accordance with Arizona Revised Statutes section 23-901.06.

(1994 Code, Ord. NS175, prior code § 2.28.020 as amended by 2010 Code, Ord. NS 301, XX-XX-2010, eff. XX-XX-2010)

Cross reference - 2010 Code, Ord. NS 301, Chapters 1 and 2; XX-XX-2010, eff. XX-XX-2010)

TITLE 6

CHAPTER 4

POLICE ALARM SYSTEMS

SECTION:

- 6-4-1: Purpose**
- 6-4-2: Scope And Applicability**
- 6-4-3: Definitions**
- 6-4-4: Alarm Businesses**
- 6-4-5: Alarm Subscribers And Owners**
- 6-4-6: False Alarm Assessments And Permit Revocation**
- 6-4-7: Appeals**
- 6-4-8: Intentional False Alarms**
- 6-4-9: Confidentiality Of Information**

6-4-1: Purpose:

This chapter is intended to regulate the activities and responsibilities of those persons who purchase, own, lease or rent a place of business within the city which have installed, leased, or rented service on monitored alarm systems. It is further intended to encourage the improvement in reliability of these systems, devices and services to reduce false alarms and to ensure that the police department will not be unduly diverted from responding to actual criminal activity as a result of responding to false alarms.

(1999 Code, Ord. NS219, §1, prior code § 9.08.160 as amended by 2010 Code, Ord. NS 301, XX-XX-2010, eff. XX-XX-2010)

Cross reference - 2010 Code, Ord. NS 301, Chapters 1 and 2; XX-XX-2010, eff. XX-XX-2010)

6-4-2: Scope and Applicability:

A. This chapter specifically encompasses burglar alarms, robbery alarms, panic alarms, fire alarms and medical assistance alarms.

B. This chapter shall apply to all governmental agencies and facilities, including, but not limited to, offices and agencies of the city to the extent necessary to recover costs incurred.

(1999 Code, Ord. NS219, §§I; VII, prior code § 9.08.160 as amended by 2010 Code, Ord. NS 301, XX-XX-2010, eff. XX-XX-2010)

Cross reference - 2010 Code, Ord. NS 301, Chapters 1 and 2; XX-XX-2010, eff. XX-XX-2010)

6-4-3: Definitions:

As used in this title, the following words and terms shall have the meanings ascribed to them in this section. All words and phrases defined in this section shall also include their usual and natural meanings, as well as those herein specifically given:

Act of Nature: "Act of Nature" means an unusual, extraordinary, sudden and unexpected manifestation of the forces of nature, which cannot be prevented by reasonable human care, skill or foresight.

Alarm Business: "Alarm Business" means any person, partnership, or corporation who owns or conducts the business of installing, leasing, renting, maintaining, servicing or monitoring of alarm systems devices or services.

Alarm Coordinator: "Alarm Coordinator" means Public Safety Department individual designated to coordinate police/fire relations with the licensed alarm users and to enforce the provisions of this chapter.

Alarm or Alarm System: "Alarm or Alarm System" means any medical or electrical device which is used to detect unauthorized entry into buildings or onto premises or to warn or alert others of an emergency or fire or of the commission of an unlawful act.

Alarm User: "Alarm User" means any person, firm, partnership or corporation which leases, rents or purchases any monitored alarm system, device or service from an alarm business.

Alarms: "Alarms" means the following alarm definition list was prepared by members of the public safety committee of the Arizona Burglar and Fire Alarm Association (ABFA) to provide all users with general guidelines for the various industry terms to facilitate improved communications and expedite response.

Burglary/Intrusion: A signal received from a monitored alarm that indicates a forced or unauthorized entry. Can be used for either commercial or residential and can be audible or silent.

Fire: A signal received from a monitored alarm that indicates fire, smoke, heat, or water flow through a sprinkler system. These detectors may be connected directly to the alarm system which will automatically activate the alarm, or the alarm can be manually activated. Is used for commercial and residential and is primarily an audible signal.

Medical: A signal received from a monitored alarm that is

manually activated and indicates a medical emergency. This alarm is normally a residential alarm, and the signal is primarily audible.

Panic/Holdup: A signal received from a monitored alarm to indicate a manual activation designed for the detection of a robbery, holdup or the commission of an unlawful act at the alarm location, false activation of which can only be construed as user error.

Audible Alarm: "Audible Alarm" means a device which, when activated, generates an audible sound on the premises.

Automatic Dialer: "Automatic Dialer" means a device which is interconnected to a telephone line, cellular telephone service or radio link and is programmed to select a predetermined telephone number and transmit an emergency message indicating a need for emergency response either by voice methods or code signals or by maintaining an open line with emergency services. CANNOT BE 911.

False Alarm: "False Alarm" means any activation of an alarm eliciting a response by police personnel when a situation requiring a response does not in fact exist. The term does not include activation for testing purposes when the police department has been given advance notice of such testing. The term also does not include activation caused by police department personnel.

Monitored Alarm: "Monitored Alarm" means an alarm system that transmits signals to an alarm business or monitoring agency for the purpose of alerting public safety personnel.

Monitoring Agency: "Monitoring Agency" means any person or organization, including, but not limited to, alarm businesses or answering services that are legally or contractually responsible for monitoring one or more alarm systems in the jurisdiction.

Non-Monitored Alarm System: "Non-Monitored Alarm System" means those alarms that are not monitored by a monitoring agency and depend on local audible devices to summon help.

Primary Alarm User: "Primary Alarm User" means the person or persons who contract for the lease, purchase or rental of an alarm system; or who are responsible for the premises where an alarm system is located; or otherwise arrange for the installation or service of an alarm system.

Self-Installer: "Self-Installer" means any property owner, proprietor, partnership, or corporation who may elect to install his own alarm system. A "self-installer" will be liable for all

provisions of this chapter, the same as an alarm business.
(1999 Code, Ord. NS219, §II, prior code § 9.08.160 as amended by
2010 Code, Ord. NS 301, XX-XX-2010, eff. XX-XX-2010)

Cross reference - 2010 Code, Ord. NS 301, Chapters 1 and 2; XX-XX-
2010, eff. XX-XX-2010)

6-4-4: Alarm Businesses:

A. Equipment, Technical And Operation Standards: The following equipment standards, technical standards, and standards of operation shall be followed by the alarm business or any individual installing an alarm system:

1. All alarm systems shall be installed using good workmanship and shall be designed to reduce false alarms.
2. Control panels, motion detectors, smoke detectors, photoelectric beams and glass breakage detectors shall be Underwriters Laboratories (UL) or Factory Mutual (FM) approved or pending approval.
3. Alarm systems shall be designed to alert the user of possible system problems when the user tests or attempts to activate the system.
4. Audible alarm systems shall be designed to emit audible sounds no longer than fifteen (15) minutes from the time the alarm is activated.
5. Non-Monitored alarm systems which depend solely on audible devices located on the outside of a business or residence to summons help are prohibited.
6. No person or business shall use or cause to be used any automatic dialing device that:
 - a. Automatically selects a public safety or emergency services telephone line (911) of the Willcox police department; or
 - b. Prevents termination of a call by public safety or emergency service personnel.
7. No alarm business shall place in service or monitor an alarm system that is known to be defective or contains defective components. The alarm business is responsible for inspecting the alarm system and for determining to the best of its ability that the system is operating as designed and will not be a source of additional false alarms caused by system or component failure prior

to placing the system in service or commencing monitoring services.

B. Responsibilities: The following are responsibilities of any alarm business conducting alarm activities in Willcox:

1. An alarm business that installs an alarm system shall provide the primary alarm user with complete instruction, including specific written operating instructions or a videotape presentation of the same, that provides reasonable guidelines to aid the user in correctly using the alarm system installed by the alarm business. Documentation of such training shall be retained by the alarm business as long as the business services, maintains or monitors the alarm system for the primary alarm user.

2. Upon completion of the installation of a new alarm system, the alarm business shall immediately notify the primary alarm user of:

- a. The need for an alarm permit for any system;
- b. The intent of the police department to reduce false alarms and the important aspects of the fine assessment process; and
- c. The existence of this chapter and how to obtain a copy.

3. At the completion of the installation of an alarm system, the alarm business shall inspect and test all equipment and features and take or cause to be taken corrective action necessary to prevent the occurrence of false alarms. The results of such tests and corrective actions shall be documented and maintained by the alarm business as long as services or monitoring is provided to users of the alarm system.

4. Attempt to arrange for either, the alarm subscriber, responsible party or alarm agent to go to the premises of an activated alarm system within fifteen (15) minutes of notification of need, in order to be able to assist the police department personnel in determining the reason for activation and the securing of the premises.

5. Promptly notify the alarm coordinator in the event the alarm business ceases to lease, rent, maintain, service or monitor any alarm system. Said notice shall be sent within thirty (30) days of the date service or responsibility is discontinued.

(1999 Code, Ord. NS219, §III, prior code § 9.08.160 as amended by 2010 Code, Ord. NS 301, XX-XX-2010, eff. XX-XX-2010)

Cross reference - 2010 Code, Ord. NS 301, Chapters 1 and 2; XX-XX-2010, eff. XX-XX-2010)

6-4-5: Alarm Subscribers and Owners:

A. Permit Required:

1. All alarm subscribers and owners of existing alarm systems shall obtain an alarm user permit from the police department within ten (10) days of the effective date hereof.
2. Alarm subscribers and owners installing new alarm systems shall obtain an alarm user permit within ten (10) days of the activation of any new alarm system.

B. Application For Permit: Application for an alarm permit or renewal must be made by the alarm subscriber or alarm owner at the police department upon forms prepared and approved by the police department and shall contain the following information:

1. Name, address and telephone number of the applicant and the primary user (if different);
2. Location of the alarm system and types of emergencies reported by the system and which features are audible and which are silent;
3. Name of the alarm business installing and/or servicing, inspecting, maintaining and/or monitoring the alarm system;
4. Date of installation if a new alarm system, or date of last inspection if not a new installation;
5. Certification that the primary user and all others authorized regarding control of the system have been properly trained in the use of the system by an alarm business, the subscriber or by the proprietor of the system; and
6. The names of at least two (2) alternative responsible parties who can be notified to assist the police department personnel as set forth above.

C. Fees:

1. Fees are set by resolution of the city council. Fees for initial permit application or renewal shall not be refundable or prorated.
2. If a residential alarm subscriber or owner is over the age of sixty five (65) and is the primary resident of the residence, and if no business is conducted in the residence, a user permit may be obtained from the coordinator without the payment of a fee.

D. Duration Of Permit: Permits issued pursuant to this section shall be for a period of one year and shall be renewable on the anniversary of the permit, subject to the terms and conditions provided in this section.

E. Non-Transferability Of Permit: Permits may not be transferred from person to person or from address to address.

F. Failure To Obtain Permit; Continued Use After Revocation:

1. If an alarm subscriber or owner fails to obtain a permit as provided herein, the alarm coordinator shall notify him that an assessment for each alarm resulting in the dispatch of police department personnel will be charged until such time as the permit is obtained. All such service fees must be paid in full before a permit will be issued.

2. If an alarm subscriber or owner operates an alarm system in Willcox, resulting in the response of police department personnel after having a permit revoked as provided herein, an assessment for each alarm response will be charged.

G. Duties Of Subscribers And Owners: The following are the duties and responsibilities of all alarm subscribers, alarm owners or primary users operating alarm systems in Willcox:

1. To inactivate or cause to be inactivated an audible alarm within fifteen (15) minutes, in compliance with subsection 6-4-4A4 of this chapter;

2. To train or cause to be trained any and all persons who might have reason and authority to control the alarm system in the proper operation of the system;

3. To inform persons who are authorized to place the alarm system into operation of the provisions of this chapter, emphasizing the importance of avoiding false alarms;

4. To notify the alarm coordinator when the alarm is deactivated, the alarm business is changed or the applicant has moved from the location of the alarm system and is no longer responsible for its operation;

5. To maintain or to cause to be maintained the alarm system in good working order and to take reasonable measures to prevent the occurrence of false alarms; and

6. To inspect or cause to be inspected the alarm system at least once each twelve (12) months as a means to prevent activations resulting in false alarms.

(1999 Code, Ord. NS219, §IV, prior code § 9.08.160 as amended by 2010 Code, Ord. NS 301, XX-XX-2010, eff. XX-XX-2010)

Cross reference - 2010 Code, Ord. NS 301, Chapters 1 and 2; XX-XX-2010, eff. XX-XX-2010)

6-4-6: FALSE ALARM ASSESSMENTS AND PERMIT REVOCATION:

A. New Alarm Systems Exempt: The following alarm systems shall not be subject to the provisions of this section:

1. Newly leased, rented, purchased and/or monitored alarm systems shall not be subject to the provisions of this section relating to the counting and assessment of false alarms for a "grace period" of thirty (30) days from the date the alarm system becomes operational.

2. The grace period shall apply only if the alarm subscriber or proprietor notifies the coordinator in writing within ten (10) days of the completion of installation or reinstallation. The written notice shall specify the date the system was installed or reinstalled. Notification should be mailed to the attention of the alarm coordinator at:

Willcox Police Department
320 W. Rex Allen Drive
Willcox, AZ 85643

3. For reinstalled alarm systems, the notice shall also describe the nature and extent of the reinstallation and how the reinstallation relates to any previous false alarm history.

B. Assessment Provisions: Any alarm system which has four (4) or more false alarms within a consecutive three hundred sixty five (365) day period shall be subject to assessment as follows:

1. The alarm coordinator shall notify the alarm subscriber or owner by regular mail when police department records indicate that an alarm system has four (4) false alarms and direct that a report be submitted to the coordinator within ten (10) days containing:

a. A description of the action taken or to be taken to discover and eliminate the cause of the false alarms.

b. Specific defenses, if any, why the alleged false alarms should not be considered false alarms. Evidence that a false alarm was

caused by acts of nature or action of the telephone company shall constitute affirmative defenses to an assessment for the particular false alarm.

2. If the report referenced in subsection B1 of this section is not received by the alarm coordinator, any notified party shall be deemed to have waived his rights to any further review or hearing as provided herein, and the alarm subscriber or proprietor operating the offending alarm system will be assessed pursuant to this section.

3. The alarm coordinator shall review the report of specific defenses. If it is determined that there is a valid defense, a notice shall be sent to the alarm subscriber or proprietor that no assessment will be made at that time. The notice shall specifically set forth the findings and conclusions of the coordinator with respect to the review of the report submitted.

4. If the alarm coordinator determines that the defense to the initial determination of false alarms has not been accepted, a notice shall be sent by certified mail to the alarm subscriber or owner that he will be assessed a false alarm assessment pursuant to this section. The notice of decision shall contain the specific findings and conclusions of the alarm coordinator with respect to the review report submitted.

5. Assessments will be imposed pursuant to the following:

a. All assessments shall be set by resolution of the city council.

b. All such assessment monies shall be deposited into the city general fund.

c. The alarm coordinator may revoke an alarm user's permit at any time after the occurrence of the fifteenth false alarm within the permit year.

6. If the alarm subscriber or owner fails to pay the assessment within thirty (30) days after receipt of written notification, the coordinator may summarily revoke the alarm user's permit.

C. Revocation Of Permit:

1. An alarm user whose permit has been revoked shall be furnished written notification, certified mail, of such revocation and shall, within three (3) days after the receipt of such written notification, discontinue the use of the alarm system, or the alarm coordinator may assess charges against the alarm user as noted in

subsection 6-4-5F2 of this chapter and set by resolution of the city council.

2. In the event the police department finds it necessary to order the revocation of a permit which necessitates discontinuing the use of an alarm or alarm system, the city shall incur no liability by such action.

(1999 Code, Ord. NS219, SV, prior code § 9.08.160 as amended by 2010 Code, Ord. NS 301, XX-XX-2010, eff. XX-XX-2010)

Cross reference - 2010 Code, Ord. NS 301, Chapters 1 and 2; XX-XX-2010, eff. XX-XX-2010)

6-4-7: APPEALS:

A. Any alarm user dissatisfied with a decision of the alarm coordinator made pursuant to this chapter may, within ten (10) days of receipt of notice of the decision, appeal in writing to a hearing officer designated by the city manager. A copy of the appeal request shall be sent to the alarm coordinator.

B. The request for an appeal shall set forth the specific objections to the decision of the alarm coordinator which form the basis of the appeal. Specific objections may include:

1. Acts of nature.

2. Action of the telephone company.

3. Actual emergency situations.

4. Police department personnel did not arrive at the premises.

C. The hearing officer shall review the subscriber's objections to coordinator's notice of decision within ten (10) working days of receipt of the appeal request. All assessments shall be stayed until completion of the review. The decision of the hearing officer shall be based upon the evidence presented and shall pertain to that hearing only.

D. The hearing officer shall make one of the following rulings:

1. Affirm the decision of the alarm coordinator, in which case, any assessment or permit revocation imposed pursuant to this chapter shall be sustained; or

2. Reverse the decision of the alarm coordinator, in whole or in part, in which case, no assessment shall be imposed.

(1999 Code, Ord. NS219, SVI, prior code § 9.08.160 as amended by

2010 Code, Ord. NS 301, XX-XX-2010, eff. XX-XX-2010)

Cross reference - 2010 Code, Ord. NS 301, Chapters 1 and 2; XX-XX-2010, eff. XX-XX-2010)

6-4-8: INTENTIONAL FALSE ALARMS:

It shall be unlawful for any person to intentionally activate any alarm or alarm system or cause signals to be transmitted to a monitoring agency indicating the activation of an alarm system for any reason other than to warn of an actual emergency. This section shall not apply to the testing of alarms or alarm systems by the installing or monitoring alarm business or by the alarm user; provided, however, that the police department has been appropriately notified of the test.

(1999 Code, Ord. NS219, 6-22-1999, SVII, prior code § 9.08.160 as amended by 2010 Code, Ord. NS 301, XX-XX-2010, eff. XX-XX-2010)

Cross reference - 2010 Code, Ord. NS 301, Chapters 1 and 2; XX-XX-2010, eff. XX-XX-2010)

6-4-9: CONFIDENTIALITY OF INFORMATION:

The information furnished by an alarm business or by an alarm user to the alarm coordinator pursuant to this chapter shall be confidential and shall not be subject to public inspection.

(1999 Code, Ord. NS219, SVII, prior code § 9.08.160 as amended by 2010 Code, Ord. NS 301, XX-XX-2010, eff. XX-XX-2010)

Cross reference - 2010 Code, Ord. NS 301, Chapters 1 and 2; XX-XX-2010, eff. XX-XX-2010)

TITLE 6

CHAPTER 5

ANIMAL CONTROL

SECTION:

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- 6-5--6: At Large Animals
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- 6-5-16: Liability For Damages
- 6-5-17: Penalties; Violations

6-5-1: Purpose:

This chapter serves to set forth the regulations for animal control and enforcement. The Willcox Department of Public Safety, through the animal control agents, shall be authorized and empowered to enforce the regulations enumerated in this chapter.
2010 Code, Ord. NS 301, XX-XX-2010, eff. XX-XX-2010)

6-5-2: Definitions:

As used in this title, the following words and terms shall have the meanings ascribed to them in this section. All words and phrases defined in this section shall also include their usual and natural meanings, as well as those herein specifically given.

Animal: "Animal" means any animal of any species that is susceptible to rabies, except human beings.

At Large: "At Large" means any animal not confined within a building, shelter, walled or fenced area or under the control of a

person, either by leash, cord, chain or other physical restraint, whether on or off the premises of the owner or person acting for the owner; in a manner such as to keep the dog exclusively on the premises where secured.

Attack: "Attack" means a violent or aggressive physical contact or violent or aggressive behavior that confines the movement of a person or domestic animal. An attack by an animal may include biting or an attempt to bite.

Department: "Department" means the Arizona Department of Health Services.

Collar: "Collar" means a band, chain, harness or suitable device worn around the neck of a dog to which a license may be affixed.

Dog: "Dog" means a member of the *Canis familiaris* family.

Enforcement Agent: "Enforcement Agent" means that person or persons designated by the city that is/are responsible for the enforcement of this chapter and any regulations promulgated hereunder.

Impound: "Impound" means the act of taking or receiving into custody, by the enforcement agent, any dog or animal for the purpose of confinement in an authorized pound in accordance with the provisions of this chapter.

Kennel: "Kennel" means an enclosed, controlled area, inaccessible to other animals, in which a person keeps, harbors, or maintains from five (5) to a maximum of ten (10) dogs over the age of three (3) months under controlled conditions.

License: "License" means a tag to be attached to a collar or harness which shall be worn by a dog over the age of three (3) months at all times.

Livestock: "Livestock" means neat animals, horses, sheep, goats, swine, mules, and donkeys.

Owner: "Owner" means any person or legal entity having a possessory property right in an animal or who harbors, cares for, exercises control over, or knowingly permits any animal to remain on premises occupied by said person or legal entity.

Pound: "Pound" means any establishment authorized for the confinement, maintenance, safekeeping, and control of dogs and other animals that come into custody of the enforcement agent in the performance of official duties.

Rabies Quarantine Area: "Rabies Quarantine Area" means any area in which a state of emergency has been declared to exist due to the occurrence of rabies in animals in or adjacent to this area.

Rabies Vaccination Certificate: "Rabies Vaccination Certificate" means a method of recording and duplicating rabies information that is in compliance with the city enforcement agent's licensing system and/or city enforcement agent's prescribed forms.

Stray Dog: "Stray Dog" means any dog three (3) months of age or older running at large that is not wearing a valid license tag.

Vaccination: "Vaccination" means the administration of an anti-rabies vaccine to animals by a veterinarian or in authorized pounds by employees properly trained by a veterinarian.

Veterinarian: "Veterinarian", unless otherwise indicated, means any veterinarian licensed to practice in this state or any veterinarian employed in this state by a governmental agency.

Veterinary Hospital: "Veterinary Hospital" means any establishment operated by a veterinarian licensed to practice in this state that provides clinical facilities and houses animals or birds for dental, medical, or surgical treatment. A "veterinary hospital" may have adjacent to it or in conjunction with it or as an integral part of it pens, stalls, cages, or kennels for quarantine, observation, or boarding.

Vicious Animal: "Vicious Animal" Any animal of the order carnivora, that has a propensity to attack, to cause injury to or to otherwise endanger the safety of human beings without provocation, or that has been so declared after a hearing before a justice of the peace/city magistrate.

(1999 Code, Ord. NS218, prior code § 6.04.010 as amended by 2010 Code, Ord. NS 301, XX-XX-2010, eff. XX-XX-2010)

State law reference - Definitions, A.R.S. § 11-1001

State law reference - Dogs; liability, A.R.S. § 11-1020

6-5-3: Enforcement Agent:

A. Powers and Duties: The director of public safety or his designated enforcement agent(s) shall:

1. Enforce the provisions of this chapter and the regulations promulgated hereunder.

2. Be responsible for declaring a rabies quarantine area

within an area of jurisdiction. When a quarantine area has been declared, the enforcement agent shall meet with the state veterinarian and representative from the department of health services and the game and fish department to implement an emergency program for the control of rabies within an area. Any regulations restricting or involving movements of livestock within an area shall be subject to approval by the state veterinarian.

B. Interference with Prohibited: It is unlawful for any person to interfere with the enforcement agent in the performance of his/her duties.

(1999 Code, Ord. NS218, prior code § 6.04.020 as amended by 2010 Code, Ord. NS 301, XX-XX-2010, eff. XX-XX-2010)

6-5-4: Dog Licensing and Vaccination:

A. Anti-rabies Vaccination Required:

1. Before a license is issued for any dog, the owner or a veterinarian must present a paper or electronic copy or facsimile of the vaccination certificate signed by a veterinarian stating the owner's name and address and giving the dog's description, date of vaccination, manufacturer and serial number of the vaccine used and date revaccination is due. A duplicate of each rabies vaccination certificate issued shall be transmitted to the enforcement agent within two weeks of the date the dog was vaccinated. No dog shall be licensed unless it is vaccinated in accordance with Title 11, ARS, the provisions of this chapter and the regulations promulgated hereunder.

2. A dog vaccinated in any other state prior to entry into Arizona may be licensed in Arizona provided that, at the time of licensing, the owner of such dog presents a vaccination certificate, signed by a veterinarian licensed to practice in that state or a veterinarian employed by the governmental agency in that state, stating the owner's name and address and giving the dog's description, date of vaccination and type, manufacturer and the serial number of the vaccine used. The vaccination must be in conformity with the provisions of Title 11, ARS, this chapter and the regulations promulgated hereunder.

3. The enforcement agent shall make provisions for vaccination clinics as deemed necessary. The vaccination shall be performed by a veterinarian.

(1999 Code, Ord. NS218, prior code §§ 6.04.030 and 6.04.050 as amended by 2010 Code, Ord. NS 301, XX-XX-2010, eff. XX-XX-2010)

State law reference - Anti-rabies vaccination, A.R.S. § 11-1010

B. License Required; Fees:

1. A license fee shall be paid for each dog three (3) months of age or over that is kept, harbored, or maintained within the boundaries of the city for at least thirty (30) consecutive days of the calendar year. The license fee for dogs shall be set by city council resolution.

2. An applicant for a license for a dog claimed to be incapable of procreation shall furnish a proof of surgical sterilization certificate, signed by a licensed veterinarian, as proof that the dog has been surgically altered to be permanently incapable of procreation. License fees shall be paid within thirty (30) days of obtaining and maintaining a dog within the boundaries of the city.

3. A penalty shall be added to the license fee in the event that application is made subsequent to the date on which the dog is required to be licensed under the provisions of this chapter. This penalty shall not be assessed against applicants who furnish adequate proof that the dog to be licensed has been in their possession less than thirty (30) consecutive days.

C. Tags: Each dog licensed under the terms of this chapter shall receive at the time of the licensing such a tag on which shall be inscribed the name of the city and the number of the license and the year in which it expires. The tag shall be attached to a collar or harness which shall be worn by the dog at all times, except as otherwise provided in this chapter. Whenever a dog tag is lost, a duplicate tag shall be issued upon application by the owner. The fee of the duplicate tag shall be established by resolution.

D. Violations: **The following are violations of this chapter. Violators will be guilty of a petty offense or class 2 Misdemeanor as provided herein or by statute.**

1. Any person who fails, within fifteen (15) days after written notification from the enforcement agent, to obtain a license for a dog required to be licensed.

2. Any person who counterfeits or attempts to counterfeit an official dog tag.

3. Any person who removes a dog tag from any dog for the purpose of willful and malicious mischief.

4. Any person who places a dog tag upon a dog, unless the tag

was issued for that particular dog.

(1999 Code, Ord. NS218, prior code § 6.04.030 as amended by 2010 Code, Ord. NS 301, XX-XX-2010, eff. XX-XX-2010)

State law reference - Violation; classification, A.R.S. § 11-1019

6-5-5: Kennels:

A. Permit And Proper Zoning Required: A person operating a kennel within the city limits shall obtain a permit issued by the city except if each individual dog is licensed. The kennel must be located at a properly zoned location.

B. Permit Fee: An annual fee for the kennel permit shall be set by council resolution.

C. Licensing Requirements: A dog remaining within the kennel is not required to be licensed individually. A dog leaving the controlled kennel conditions shall be licensed, except if the dog is only being transported to another kennel which has a permit issued under this section.

D. Denial: The City shall deny a kennel permit to any person who has been convicted of a violation of A.R.S. §§ 13-2910 or 13-2910.01 or any other state, county or municipal animal welfare law, except violations of license and leash laws.

D. Violations:

1. A person who fails to obtain a kennel permit under this section is subject to a penalty of twenty-five dollars or as set forth by council resolution, in addition to the annual fee.

2. A person who knowingly fails, within thirty (30) days after written notification from the enforcement agent, to obtain a kennel permit is guilty of a class 2 Misdemeanor.

1999 Code, Ord. NS218, prior code § 6.04.040 as amended by 2010 Code, Ord. NS 301, XX-XX-2010, eff. XX-XX-2010)

State law reference - Kennel; denial; violation; classification, A.R.S. § 11-1009

6-5-6: AT LARGE ANIMALS:

A. Dogs:

1. No dog shall be permitted at large. Each dog shall be confined within an enclosure on the owner's property or secured so that the dog is confined entirely to the owner's property or on a leash not to exceed six feet (6') in length and directly under the owner's

control when not on the owner's property.

2. Any dog over the age of three (3) months running at large shall wear a collar or harness to which is attached a valid license tag. Dogs that are used for the control of livestock, being used or trained for hunting, being exhibited or trained at kennel club events, or engaged in races approved by the Arizona racing commission, and such dogs while being transported to and from such events, need not wear a collar or harness with a valid license attached; provided, that they are properly vaccinated, licensed, and controlled.

B. Violations By Owner Or Custodian: When any dog or animal is at large on the public streets, public parks, or public property, then said dog's owner or custodian or animal's owner or custodian is in violation of this chapter. **License fees shall be paid within thirty (30) days of obtaining and maintaining a dog within the boundaries of the city and shall be renewed every January.**

C. Animals Deemed Not At Large: A dog or animal is not at large:

1. If said dog or animal is restrained by a leash, chain, rope, or cord of not more than six feet (6') in length of sufficient strength to control the actions of said dog or animal or is confined entirely to the owner's property by adequate fence or other method.

2. If said dog is used to control livestock, being used or trained for hunting, or being exhibited or trained at a kennel club event, or engaged in races approved by the Arizona racing commission.

3. If said dog is actively engaged in dog obedience training, accompanied by and under the control of his owner or trainer; provided, that the person training said dog has in his possession a dog leash of not more than six feet (6') in length and of sufficient strength to control said dog; and further, that said dog is actually enrolled in or has graduated from dog obedience training school.

4. If said dog is used as a Police Working Dog during training or actively engaged in official police work.

(Ord. NS218, 4-27-1999, eff. 7-1-1999 as amended by 2010 Code, Ord. NS 301, XX-XX-2010, eff. XX-XX-2010)

State law reference - Dogs at Large; Licenses, A.R.S. § 11-1012

6-5-7: IMPOUNDMENT, REDEMPTION AND DISPOSAL OF ANIMALS:

A. Impoundment Official:

1. Any dog(s) or animal(s) at large may be apprehended and impounded by an enforcement agent.

2. Said agent shall have the right to enter upon private property when it becomes necessary to do so in order to apprehend any dog or animal that has been running at large. Such entrance upon private property shall be in reasonable pursuit of such dog(s) or animal(s) and not include entry into a domicile or enclosure which confines a dog unless it is at the invitation of the occupant.

3. If, in the judgment of the enforcement agent, a dog at large or an animal at large is dangerous and **furious**, an immediate threat to human safety and cannot be safely impounded, the dog or animal may be destroyed by the enforcement agent for transmission to an appropriate diagnostic laboratory.

B. Impoundment Of Animals: All stray animals may be impounded.

C. Report Required: The enforcement agent shall, within twenty four (24) hours of impounding an animal, make a written report stating the kind of animal, describing it by species, breed, color, and brand and the time it was impounded.

D. Notice To Owner: If the identity and address of the owner of an impounded animal is known to the department of public safety, the enforcement agent shall notify the owner of such animal personally or by letter within twenty four (24) hours after such animal has been impounded. The notice shall contain a description of the animal and shall state that unless reclaimed, such animal shall be eligible for adoption or destruction.

E. Period Of Impoundment; Reclamation, Adoption Or Disposal:

1. Each stray animal impounded shall be kept and maintained at the pound for a minimum of seventy two (72) hours unless claimed by the owner in accordance with subsection E2 of this section. Any person may adopt such animal upon expiration of the impoundment period, provided the person pays all pound fees which include spaying and neutering fees, rabies vaccination and city licensing as provided by this chapter. If the animal is not claimed within the impoundment period, the enforcement agent may place the animal for adoption or may dispose of the animal in a humane manner in accordance with subsection E3 of this section. The enforcement agent may destroy impounded sick or injured animals whenever such destruction is necessary to prevent such animal from suffering or to prevent the spread of disease.

2. Any impounded licensed animal may be reclaimed by its owner or such owner's agent; provided, that the person claiming the animal furnishes proof of right to do so and pays all pound fees. If the animal is not reclaimed within the impoundment period, the enforcement agent may place the animal for adoption or dispose of the animal in a humane manner.

3. A dog or animal destroyed while impounded shall be destroyed by the use of one of the following:

- a. Sodium pentobarbital or a derivative of sodium pentobarbital.
- b. Nitrogen gas.
- c. T-61 euthanasia solution or its generic equivalent.

4. If an animal is destroyed by means specified in subsection E3a of E3c of this section, it shall be done by a licensed veterinarian or in accordance with procedures established by the state veterinarian pursuant to Arizona Revised Statutes section 3-1213.

F. Care Of Animals: All animals impounded shall be given proper care and maintenance in a safe, convenient and comfortable place within or conveniently near the city limits, and such animals shall be fed at least once every twenty four (24) hours and treated in a humane manner during the time they are impounded.

G. Removing Impounded Animals Prohibited: No person may remove or attempt to remove an animal which has been impounded or which is in the possession of the enforcement agent except in accordance with the provisions of this chapter and the regulations promulgated hereunder.

(Ord. NS218, 4-27-1999, eff. 7-1-1999 as amended by 2010 Code, Ord. NS 301, XX-XX-2010, eff. XX-XX-2010)

State law reference - Impoundment; reclaiming, A.R.S. § 11-1013

6-5-8: RABIES CONTROL; DESTRUCTION OF ANIMALS:

A. Bites From Animals:

1. Dogs:

a. An unlicensed or unvaccinated dog that bites any person shall be confined and quarantined in an authorized pound or, upon request of and at the expense of the owner, at a veterinary hospital, for a period of not less than fourteen (14) days.

b. A dog properly licensed and vaccinated pursuant to this chapter

that bites any person may be confined and quarantined at the home of the owner or wherever the dog is harbored and maintained with the consent of and in a manner prescribed by the enforcement agent.

c. Any dog subject to licensing under this chapter found without a tag shall be deemed un-owned.

(Ord. NS218, 4-27-1999, eff. 7-1-1999 as amended by 2010 Code, Ord. NS 301, XX-XX-2010, eff. XX-XX-2010)

State law reference - Handling; classification, A.R.S. § 11-1014(G)

2. **Animals Other Than Dogs:** An animal, other than a dog, that bites a person shall be confined and quarantined in an authorized pound or, upon the request of and at the expense of the owner, at a veterinary hospital, for a period of not less than fourteen (14) days; provided, that livestock shall be confined and quarantined for the fourteen (14) day period in a manner regulated by the Arizona department of agriculture. If the animal is a caged rodent, it may be confined and quarantined at the home of the owner or where it is harbored or maintained for the required period of time with the consent of and in a manner prescribed by the enforcement agent.

(Ord. NS218, 4-27-1999, eff. 7-1-1999; amd. 2007 Code as amended by 2010 Code, Ord. NS 301, XX-XX-2010, eff. XX-XX-2010)

State law reference - Handling; destruction, A.R.S. § 11-1014

3. **Wild Animals:** With the exception of a wild rodent or rabbit, any wild animal that bites any person or directly exposes any person to its saliva may be killed and submitted to the county/city enforcement agent for transmission to an appropriate diagnostic laboratory. A wild rodent or rabbit may be submitted for laboratory testing if the animal has bitten a person and either the animal's health or behavior indicates that the animal may have rabies or the bite occurred in an area that contains a rabies epizootic, as determine by the department of health services.

B. Report Required: When an animal bites any person, the incident shall be reported to the enforcement agent immediately by any person having direct knowledge. **A person who knowingly fails to report the incident is guilty of a petty offense.**

C. Destruction Of Animals:

1. The enforcement agent may destroy any animal confined and quarantined pursuant to this chapter prior to the termination of the minimum confinement period for laboratory examination for rabies if:

- a. The animal shows clear clinical signs of rabies.
- b. The owner of such animal consents to its destruction.

2. The enforcement agent shall destroy a vicious animal, except a dog found to be vicious under subsection 6-5-10A of this chapter, upon an order of the justice of the peace/city magistrate. The justice of the peace/city magistrate may issue such an order after notice to the owner, if any, and the person who was bitten, and a hearing. The justice of the peace/magistrate may impose additional procedures to protect all parties in the interest of justice, and any decision by the justice of the peace/magistrate may be appealed to the superior court.

(Ord. NS218, 4-27-1999, eff. 7-1-1999 as amended by 2010 Code, Ord. NS 301, XX-XX-2010, eff. XX-XX-2010)

State law reference - Handling; destruction, A.R.S. § 11-1014

6-5-9: UNLAWFUL KEEPING OF DOGS:

It is unlawful for a person to keep, harbor, or maintain more than three (3) dogs within the city except as provided by the terms of this chapter. (Ord. NS218, 4-27-1999, eff. 7-1-1999 as amended by 2010 Code, Ord. NS 301, XX-XX-2010, eff. XX-XX-2010)

State law reference - Violation; classification, A.R.S. § 11-1017

6-5-10: VICIOUS DOGS:

A. Determination Of Vicious Dog:

1. In the event that the enforcement agent or law enforcement officer has probable cause to believe that a dog is vicious and may pose a threat of serious harm to human beings or other domestic animals, the enforcement agent or law enforcement officer may require the seizing and impoundment of the dog pending a hearing. The hearing will be presided over by a city magistrate. Dog owners are guaranteed due process hearings in the initial determination and in the completion of any appeal process with regard to said determination that their animal is a "vicious dog" as defined by this chapter.

2. Written notice, in the form of a citation, informing the owner of the charged viciousness and of the hearing shall be served by the director of public safety or his designee pursuant to the rules of civil procedure. A hearing date shall be held not later than ten (10) calendar days from the date notice was served to the owner.

3. The due process hearing will be conducted by a city magistrate. The city magistrate will make findings of fact and conclusions of

law. The city magistrate shall provide the owner with a written copy of the findings.

4. The hearing shall be open to the public. At the hearing, both oral and documentary evidence may be taken from any interested person and considered in determining whether the dog is vicious. Any owner who fails to appear after notice is given without obtaining a continuance from the city magistrate may be deemed to have waived any right to introduce evidence or object to any order made by the city magistrate. The city magistrate's decision shall be based on the preponderance of evidence.

5. If the animal is deemed to be a vicious dog, the city magistrate will advise the owner of the decision at the hearing or send a registered letter advising the owner of such within ten (10) days.

B. Control Of Vicious Dog: Once a dog is declared vicious, the following steps will be required to continue ownership of such an animal:

1. Immediate Steps: Immediate steps that must be complete within one calendar day upon completion of notification of a determination of viciousness:

a. Leash And Muzzle: No person shall permit a vicious dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than six feet (6') in length. No person shall permit a vicious dog to be kept on a chain, rope, or other type of leash outside confinement unless a person is in physical control of the leash. Such dogs may not be leashed to inanimate objects such as trees, posts, buildings, etc. In addition, all vicious dogs on a leash outside the animal's kennel must be muzzled by a muzzling device sufficient to prevent a dog from biting persons or other animals. Kennels or pens must meet the requirements of subsection B3a of this section.

b. Confinement Indoors: No vicious dog may be kept on a porch, patio, or in any part of a house or structure that would allow the dog to exit such building on the dog's own volition.

2. Reporting Requirements: The following types of information must be reported by the owner of the dog to the director of public safety or his designee within ten (10) calendar days of occurrence:

a. Death of dog. A written notice from a veterinarian confirming the death of the dog must be provided to the director of public safety or his designee.

b. Yearly renewal of liability insurance.

c. The new address of a registered vicious dog owner should the owner move within the city limits.

d. The new address of a registered vicious dog that has been moved permanently outside the city limits.

3. Time Schedule Steps: A time schedule for completion of the following steps is to be set by the city magistrate, but in no case will it be longer than ten (10) calendar days from the date of the city magistrate's decision:

a. Confinement:

(1) All vicious dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled. Such pen, kennel, or structure must have secure sides and a secure top attached to the sides.

2) All structures used to confine vicious dogs must be locked when animals are within the structure. The structure must have a secure bottom or floor attached to the sides of the pen, or the sides of the pen must be embedded in the ground no less than two feet (2').

(3) The pen or kennel may not share common fencing with the area of the perimeter fence.

(4) All structures erected to house vicious dogs must comply with all zoning and building regulations of the city. All such structures must be adequately lighted, ventilated, and kept in a clean and sanitary condition and any other condition that provides for humane care.

b. License And Registration: A declared vicious dog shall be licensed annually, as well as permanently registered as a vicious dog with the Willcox department of public safety.

c. Signs: All owners of vicious dogs within the city shall display, in a prominent place on their premises, a sign in three inch (3") letters, easily readable by the public, using the words "Vicious Dog". In addition, a similar sign is required to be posted on the kennel or pen of the vicious dog.

d. Insurance: All owners of vicious dogs must obtain public liability insurance in a single incident amount of one hundred thousand dollars (\$100,000.00) for bodily injury to or death of any person or persons or for damage to property or animals owned by any

persons resulting from the vicious dog. All owners must provide proof of insurance and effective dates to the director or his designee. Cancellation of liability insurance by the dog's owner is allowed only in the event that the dog dies. The owner of a dog must notify the director or his designee within ten (10) days if insurance coverage is cancelled by the insurance carrier and provide proof that substitute insurance coverage has been obtained.

e. Failure To Comply: The purpose of complying with these guidelines for a dog declared vicious is to prevent attacks, injuries, or deaths by mandating the use of control methods. Owners have the opportunity to keep their dogs if this section is complied with.

C. Responsibility Of Owner; Violations:

1. An owner whose dog fits the definition of a vicious dog in subsection A of this section must comply with this section, register the dog with the director of public safety or his designee, confine and control the dog in accordance with subsection B of this section, and post warning signs.

2. It shall be unlawful for the owner of a vicious dog registered in the city to fail to comply with the requirements and conditions set forth in this section. Any dog determined to be a vicious dog pursuant to subsection A of this section that is found to be in violation of this section shall be subject to immediate seizure and impoundment and may be destroyed upon order of a city magistrate.

D. Destruction Of Vicious Dog: Any dog that has been determined to be a vicious dog pursuant to subsection A of this section that injures or kills a human being or a domestic animal and is in violation of this section shall be destroyed.

E. Penalties:

1. Any owner of a dog that has been declared vicious pursuant to subsection A of this section who violates or permits the violation of any provision of this section shall, upon conviction in the city court, **be fined as set by council resolution**. Said owner may also be charged according to state statutes governing vicious dogs.

2. The court may order the vicious dog impounded and destroyed.

3. The court may order any person who violates this section to pay all expenses related to the impounding of the vicious dog, including shelter, food, handling, and veterinary care, to the city.

4. The court may order any person who violates this section to pay restitution to a victim or victims whose person, animal or property was injured, killed or damaged.

5. In the event that the owner of the vicious dog is a minor, the parent or guardian in physical control of such minor at the time of the acts giving rise to the determination of viciousness shall be liable: a) for all injuries and property damage sustained by a person or domestic animal caused by an unprovoked attack by said vicious dog; and b) all violations of this section.

(Ord. NS218, 4-27-1999, eff. 7-1-1999 as amended by 2010 Code, Ord. NS 301, XX-XX-2010, eff. XX-XX-2010)

6-5-10: NOISY ANIMALS:

It is unlawful to harbor or keep any animals which disturb the peace by loud noises at any time of the day or night. Owners of said animals in violation of this section shall be issued a citation.

(Ord. NS218, 4-27-1999, eff. 7-1-1999 as amended by 2010 Code, Ord. NS 301, XX-XX-2010, eff. XX-XX-2010)

6-5-11: EXCREMENT DISPOSAL:

Any person owning, possessing harboring, or having the care, charge, control, or custody of any dog or other animal shall immediately remove and thereafter dispose of any fecal matter deposited by the dog or other animal on public or private property unless the property owner has given prior approval to use said property for this purpose. Owners of animals in violation of this section shall be issued a citation. This section shall not apply to disabled individuals who, due to their disability, are unable to comply.

(Ord. NS218, 4-27-1999, eff. 7-1-1999 as amended by 2010 Code, Ord. NS 301, XX-XX-2010, eff. XX-XX-2010)

6-5-12: DISEASED ANIMALS:

No person shall keep or retain, or allow or cause to be kept or retained, at any place within the city, any animal having any of the diseases known as glanders, farcy, tuberculosis or any other contagious disease, but shall forthwith report the fact to the enforcement agent, and under the direction of the enforcement agent, shall destroy or cause to be destroyed and removed, or cause to be removed, such animal or animals in a manner designated by the enforcement agent.

(1982 Code § 8.04.210 as amended by 2010 Code, Ord. NS 301, XX-XX-

2010, eff. XX-XX-2010)

6-5-14: SWINE:

A. Swine Prohibited; Exceptions: No swine shall be kept within the city limits, except registered miniature Vietnamese purebred potbelly pigs and other similar registered purebred miniature pigs.

B. Size And Number Restricted: Miniature pigs shall not exceed one hundred (100) pounds. No more than two (2) miniature pigs shall be allowed per household.

C. Fees And Fines: **Licensing fees** and running at large fines will be assessed per ordinances and resolutions utilized at the time by the Willcox Department of Public Safety, Humane Division.

(Ord. NS210, 2-10-1998 as amended by 2010 Code, Ord. NS 301, XX-XX-2010, eff. XX-XX-2010)

6-5-15: KEEPING BEES PROHIBITED:

It is unlawful to keep or care for bees or maintain any stands or hives of bees within the corporate limits of the city.

(1982 Code § 9.12.010 as amended by 2010 Code, Ord. NS 301, XX-XX-2010, eff. XX-XX-2010)

6-5-16: LIABILITY FOR DAMAGES:

Injury to any person or damage to any property by an animal shall be the responsibility of the animal's owner or person or persons responsible for the animal when such damage was inflicted.

(Ord. NS218, 4-27-1999, eff. 7-1-1999 as amended by 2010 Code, Ord. NS 301, XX-XX-2010, eff. XX-XX-2010)

6-5-17: PENALTIES; VIOLATION; CLASSIFICATION:

Any person, who fails to comply with the requirements of Title 11, Article 6 [Animal Control] or violates any of its provisions or this Chapter, is guilty of a class 2 misdemeanor unless another classification is specifically prescribed in this Article or in this Chapter.

(2010 Code, Ord. NS 301, XX-XX-2010, eff. XX-XX-2010)

State law reference - Violation; Classification, A.R.S. § 11-1019

TITLE 6

CHAPTER 6

MISCELLANEOUS OFFENSES

- 6-6-1: Dangerous Construction
- 6-6-2: Damage To Property
- 6-6-3: False Police Reports
- 6-6-4: Obstruction Of Streets
- 6-6-5: Obstruction Of View
- 6-6-6: Unauthorized Signs And Banners
- 6-6-7: Water-Flow Upon Streets
- 6-6-8: Throwing, Shooting Objects
- 6-6-9: Abandoned Containers
- 6-6-10: Glass Containers Prohibited
- 6-6-11: Consumption Of Malt Beverages
- 6-6-12: Unlawful Assemblies
- 6-6-13: Pawnbroker Regulations
- 6-6-14: Permitting Or Encouraging Underage Drinking
- 6-6-15: Restricted Smoking Materials
- 6-6-16: Use of Fireworks
- 6-6-17: Public Nuisance
- 6-6-18: Penalties; Classification

6-6-1: DANGEROUS CONSTRUCTION:

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.

(1981 Code prior code # ' 9.08.020 as amended by 2010 Code, Ord. NS 301, XX-XX-2010, eff. XX-XX-2010)

6-6-2: DAMAGE TO PROPERTY:

A. It is unlawful for any person to damage in any manner or attempt to damage or tamper with any pipelines, water hydrants, street lamps or lights, or the fixtures and appliances 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 other appliances pertaining to the water or sewer works, or any other property of any and every character belonging to the city.

B. It is unlawful for any person to deface, walk, ride or drive upon or over any sidewalk or street crossing composed of/or containing cement during the construction thereof, or before the

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- 6-6-12: Unlawful Assemblies
- 6-6-13: Pawnbroker Regulations
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6-6-2: DAMAGE TO PROPERTY:

A. It is unlawful for any person to damage in any manner or attempt to damage or tamper with any pipelines, water hydrants, street lamps or lights, or the fixtures and appliances 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 other appliances pertaining to the water or sewer works, or any other property of any and every character belonging to the city.

B. It is unlawful for any person to deface, walk, ride or drive upon or over any sidewalk or street crossing composed of/or containing cement during the construction thereof, or before the

same is opened to public use.

C. It is unlawful for any person to damage in any manner any road, street or bridge in the city limits by using the same, by heavy vehicles, malicious destruction or by any act that will result in damage to any such road, street or bridge.

D. It is unlawful to break or destroy any window, door, or part of any dwelling owned or occupied by another or to break or sever from any premises owned or occupied by another any gate, fence, railing, tree, brush or vine or any property whatsoever, or to deface, mutilate or injure the same.

E. It is unlawful for any person within the city to throw stones or other missiles at railroad trains; or for any unauthorized person to release the brakes of railroad cars standing on sidetracks or tamper with the couplings of railroad cars; or for unauthorized persons to uncouple cars standing on railroad tracks; or for unauthorized persons to uncouple the air hose of the air brake system in railroad cars; or for unauthorized persons to remove, tamper with or break switch lamps or other signals set to control the movement of trains; or for unauthorized persons to jump on or off moving trains; or to throw refuse upon or in any way litter the depot or station or grounds of any railroad.

(1982 Code ' 9.08.020 as amended by 2010 Code, Ord. NS 301, XX-XX-2010, eff. XX-XX-2010)

6-6-3: FALSE POLICE REPORTS:

It is unlawful for any person willfully to make any false, fraudulent, misleading, or unfounded report or statement to the police department of the city, or to willfully misrepresent any fact. (1982 Code ' 9.08.050 as amended by 2010 Code, Ord. NS 301, XX-XX-2010, eff. XX-XX-2010)

6-6-4: OBSTRUCTION OF STEETS:

It is unlawful for any person to obstruct any public street, alley, sidewalk or park or other public grounds within the city by committing an act of, or doing anything which is injurious to the health or to commit 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 property or with any business lawfully conducted by anyone, in or upon, or defacing or fronting on such enumerated grounds in the city.

(Amended during 1981 codification) (1982 Code ' 9.08.070 as amended by 2010 Code, Ord. NS 301, XX-XX-2010, eff. XX-XX-2010)

6-6-5: OBSTRUCTION OF VIEW:

It is unlawful for any person to maintain or allow any tree, hedge, billboard or other obstructions 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.

(Added during 1981 codification)(1982 Code ' 9.08.080 as amended by 2010 Code, Ord. NS 301, XX-XX-2010, eff. XX-XX-2010)

6-6-6: UNAUTHORIZED SIGNS AND BANNERS:

It is unlawful for any person to place any banner or sign upon a streetlight pole or traffic signal pole within the city without first obtaining authorization from the council.

(Added during 1981 codification)(1982 Code ' 9.08.100 as amended by 2010 Code, Ord. NS 301, XX-XX-2010, eff. XX-XX-2010)

6-6-7: WATER-FLOW UPON STREETS

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 same or to cause damage to public or private property within the city. Said condition will be also deemed a violation of section 6-6-4(Obstruction of Streets).

(Added during 1981 codification)(1982 Code ' 9.08.110 as amended by 2010 Code, Ord. NS 301, XX-XX-2010, eff. XX-XX-2010)

6-6-8: THROWING, SHOOTING OBJECTS:

It is unlawful for any person to throw or shoot any object, arrow, stone, snowball or other missile or projectile, by hand or by any other means, in such a manner as to constitute a danger to life, limb or property.

(Prior Code #9.20.020)(1982 Code ' 9.08.120 as amended by 2010 Code, Ord. NS 301, XX-XX-2010, eff. XX-XX-2010)

6-6-9: ABANDONED CONTAINERS:

A person who abandons, discards, stores or keeps in any place accessible to children, or who, as the owner, lessee or manager, permits to remain on premises under his/her control, in any place accessible to children, a refrigerator, icebox, freezer cabinet or similar container, of a capacity of not less than one and one-half cubic feet, which is no longer used for refrigeration purposes, without the attached doors, hinges, lids or latches being removed, is guilty of a **class three (3) misdemeanor**.

(Amended 1981 codification: prior code #9.56.060)(1982 Code ' 9.08.140 as amended by 2010 Code, Ord. NS 301, XX-XX-2010, eff. XX-XX-2010)

State law reference - Abandoned refrigerators; classification, A.R.S. § 36-1651

6-6-10: GLASS CONTAINERS PROHIBITED:

A. Definitions:

Glass beverage container means any glass bottle, glass tumbler, jug, mug or other vessel or container made of glass, and designed or used to contain or hold beverages for drinking purposes.

B. Glass Prohibited:

No person, while in any municipal park, or the Community Center, or the Municipal Swimming Pool shall have a glass beverage container in his or her possession. Subsection (B) shall not apply to the possession by those persons or groups who have first obtained a permit from the City authorizing them to consume or possess such beverages.

C. Throwing or Breaking Glass:

No person, while in any municipal park, or the Community Center, or the Municipal Swimming Pool shall break, throw, toss, or otherwise propel, either intentionally, knowingly or recklessly any glass beverage container or object.

D. Penalties:

Any person violating any provision of this section shall be guilty of a petty offense and sanctioned upon conviction in accordance with Section 6-6-XX of this Chapter.

(1982 Code ' 9.08.150 as amended by Ord. NS 143, 9-12-1989 and 2010 Code, Ord. NS 301, XX-XX-2010, eff. XX-XX-2010)

6-6-11: CONSUMPTION OF MALT BEVERAGES IN PUBLIC PARKS:

A. It is unlawful for any person to consume or have in his/her possession any malt beverages in a public park.

B. Subsection (A) shall not apply to the consumption or possession by those persons or groups who have first obtained a permit from the City authorizing them to consume or possess such beverages.

C. Notwithstanding Subsection (B) of this section, it is unlawful for any person to consume or have an open container of any malt beverage within the parking lots or vehicles within a

city park.

- D. Malt beverage includes any beverage containing more than one-half of one (0.5) percent of alcohol by volume obtained by the fermentation, infusion or decoration of barley malt or hops, including but not limited to, beer, ale and malt liquor.
- E. The following locations are exempt from this section:
 - 1. Keiller park
 - 2. Quail Drive Sports Park
- F. The public services and works director is empowered to issue permits authorizing the consumption and possession of malt beverages in public parks and to adopt rules and procedures for the issuance of such permits.

E. Violation; Penalties and Enforcement:

Any person violating any provision of this section shall be guilty of a petty offense and sanctioned upon conviction in accordance with Section 6-6-XX of this Chapter.

(Ord. NS 211 ' 9.09.010, 2-10-1998 as amended by 2010 Code, Ord. NS 301, XX-XX-2010, eff. XX-XX-2010)

6-6-12: UNLAWFUL ASSEMBLIES:

It is unlawful for two (2) or more persons to assemble together for the purpose of disturbing the peace or for the purpose of committing an unlawful act, and it shall be unlawful for any person so assembled to not immediately disperse upon an order to do so by a police officer, and it shall be unlawful for any person, except public officers and persons assisting in preserving the peace, to remain present at the place of such riot or unlawful assembly. (Prior code #9.64.030)(1982 Code ' 9.12.030 as amended by 2010 Code, Ord. NS 301, XX-XX-2010, eff. XX-XX-2010)

6-6-13: PAWNBROKER REGULATIONS:

- A. Every pawnbroker in the city shall comply with Title 44, Chapter 11, Article 3, Arizona Revised Statutes and the provisions contained therein. A pawnbroker in the city shall not enter into a pawn transaction or good faith outright purchase of tangible personal property with a person who is less than eighteen (18) years of age pursuant to A.R.S. §44-1624(B).
- B. Every pawnbroker in the city shall maintain at the pawnbroker's place of business records of all reportable transactions and pawn tickets and shall retain the records for at least two (2) years after the date when the transaction

occurred. The pawnbroker shall ensure that the records include accurate copies of all transaction receipts or pawn tickets. On request by the WDPS Police Chief or any police officer designated by the Chief and in the course of his/her duties, the pawnbroker shall allow the inspecting official to inspect the pawnbroker's receipts, pawn tickets or required alcohol, tobacco and firearms logs or to review any article received by the pawnbroker by pledge, purchase, or trade pursuant to A.R.S. §44-1624(G).

C. A pawnbroker shall produce the pawnbroker's register, shall exhibit all articles received by the pawnbroker in pledge or purchase or shall produce the pawnbroker's account of sales to the WDPS law enforcement agency on the agency's request to inspect the register, articles or accounts of sales of the pawnbroker or in the service of a search warrant or order issued by a judge or magistrate pursuant to A.R.S. §44-1624(H).

D. A person who violates this section is guilty of a class 1 misdemeanor.

(Prior code #9.64.050)(1982 Code ' 9.12.040 as amended by 2010 Code, Ord. NS 301, XX-XX-2010, eff. XX-XX-2010)

State law reference - Pawnbrokers, Title 44, Chapter 11, Article 3, A.R.S. §§ 44-1621 through 44-1632

6-6-14: PERMITTING OR ENCOURAGING UNDERAGE DRINKING:

A. No person of eighteen (18) years of age in Arizona may knowingly permit or fail to take reasonable action to prevent the unlawful consumption of alcoholic beverages by an underage person on premises owned by the person or under the person's control. This subsection does not apply to spirituous liquor used exclusively as part of a religious service.

B. A person who violates this section is guilty of a class 1 misdemeanor.

(2010 Code, Ord. NS 301, XX-XX-2010, eff. XX-XX-2010)

6-6-15: RESTRICTED SMOKING MATERIALS:

A. Definitions:

(1) "**Restricted Smoking Material**" shall mean any substance, however marketed, which can reasonably be converted for smoking purposes whether it is presented as incense,

tobacco, herbs, spices, or any blend thereof if it includes any of the following chemicals or a comparable chemical:

- (a) *Salvia divinorum* or salvinorin A: all parts of the plant presently classified botanically as *salvia divinorum*, whether grown or not, the seeds thereof, any extract from any such plant, and every compound, manufacture, salts, derivative, mixture or preparation of such plant, its seeds or extracts;
- (b) 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol (also known as CP47,497) and homologues;
- (c) (6aS,10aS)-9-(hydroxymethyl)-6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol) (also known as HU-211 or Dexanabinol);
- (d) 1-pentyl-3-(1-naphthoyl)indole (also known as JWH-018);
- (e) 1-butyl-3-(1-naphthoyl)indole (also known as JWH-073); or
- (f) 1-pentyl-3-(4-methxynaphthoyl)indole (also known as JWH-081);

Products containing some of the above substances are currently being marketed under the following commercial names in lower or upper case (or combination thereof) lettering and new products may be marketed under different names and all shall be subject to this definition if they contain any of the chemical components set forth above:

"BUZZ", "DASCENTS", "DaSCENTS", "DEMON", "DIAMOND SPICE", "EARTHQUAKE", "FAKE WEED", "FIRE N' ICE", "GENIE", "HUSH", "K2", "K-2", "K2 HERB", "K2 INCENSE", "K-2 SEX", "K-2 SUMMET", "K-2 SUMMIT", "K3", "KO KNOCK-OUT 2", "L.A. SPICE", "MISTER SMILEY", "MR. DUTCHY", "MR. SMILEY", "MYSTERY", "OCEAN BLUE", "PEP SPICE", "POT-POURRI", "PULSE", "SAGE", "SALVIA DIVINORUM", "SALVINORIN A", "SENCE", "SERENITY", "SILVER SPICE", "SKUNK", "SMOKE", "SOLAR FLARE", "SPACE TRUCKIN", "SPICE", "SPICE DIAMOND", "SPICE GOLD", "STINGER", "SYNTHETIC CANNABINOIDS", "SYNTHETIC CANANBIS", "ZOHAI".

- (2) "**Restricted Smoking Material Paraphernalia**" shall mean any paraphernalia, equipment or utensil that is used or intended to be used in ingesting or inhaling restricted smoking materials and may include:

- a. A metal, wooden, acrylic, glass, stone, plastic, or ceramic pipe with or without a screen, permanent screen, hashish head, or punctured metal bowl;
- b. A water pipe;
- c. A carburation tube or device;
- d. A smoking or carburation mask;
- e. A chamber pipe;
- f. A carburetor pipe;
- g. An electric pipe;
- h. An air-driven pipe;
- i. A chillum;
- j. A bong; or
- k. An ice pipe or chiller

B. Restricted Smoking Material Regulations:

1. **"Purpose"**: The purpose of this subsection is to prohibit the sale, delivery of restricted smoking materials as defined in subsection (A) above to any individual below twenty-one (21) years of age within the city limits of the City of Willcox and to prohibit the possession of restricted smoking materials by any individual below twenty-one (21) years of age within the city limits of the City of Willcox. Any form of delivery to include a simple gift constitutes a violation of this section.
2. **"Sale, Delivery, Offer, or Gift"**: It shall be unlawful to sell, offer to sell, deliver to or to give any restricted smoking material to anyone below twenty-one (21) years of age.
3. **"Use or Possession of Restricted Smoking Material"**: It shall be unlawful for any person below twenty-one (21) years of age to have in their possession or to use restricted smoking materials within the corporate limits of the City of Willcox.
4. **"Use or Possession of Restricted Smoking Paraphernalia"**: It shall be unlawful for any person to have in their possession any restricted smoking paraphernalia with the intent to use it, to ingest, inhale, or otherwise consume restricted smoking material if they are below twenty-one years of age. If an individual under twenty-one years of age is found in possession of this type of paraphernalia it will be a violation of this section if appropriate forensic testing is done on the paraphernalia and traces of restricted smoking material are present on the device.

5. "**Location of Sale of Restricted Smoking Material and Paraphernalia**": It shall be unlawful for any person or business entity to sell, offer to sell, deliver or to give any restricted smoking material or restricted smoking paraphernalia to any person other than otherwise allowed by the City of Willcox Zoning Code.

6. "**Defenses to Prosecution**": It shall be a defense to a violation of this subsection that any act described herein is under and pursuant to the direction or prescription of a licensed physician or dentist authorized to direct or prescribe such act.

7. "**Penalty**": A person who violates this section is guilty of a class 1 misdemeanor.

(2010 Code, Ord. NS 301, XX-XX-2010, eff. XX-XX-2010)

6-6-16: **FIREWORKS RULES AND REGULATIONS:**

Except as otherwise provided in Title 36, Chapter 13, Article 1, A.R.S. § 36-1602, it is unlawful to sell, offer or expose for sale, use, explode or possess any fireworks. This statute shall not be construed to prohibit or restrict the manufacture or possession of any fireworks. These provisions are adopted for the purpose of regulating the use of fireworks as allowed under the provisions of the law.

Pursuant to A.R.S. § 36-1602, each governing body may adopt reasonable rules and regulations for granting permits for supervised public displays of fireworks within its jurisdiction, by municipalities, fair associations, amusement parks and other organizations and groups.

Pursuant to A.R.S. § 36-1605, Article 1 shall not be construed to prohibit the sale or use of fireworks for permitted uses enumerated therein or as may be regulated by this section.

Pursuant to A.R.S. § 36-1606, the sale and use of **permissible consumer fireworks** are of statewide concern. The regulation of permissible consumer fireworks pursuant to Article 1 and their use is not subject to further regulation by a governing body, except that an incorporated city may regulate the use of permissible consumer fireworks within its corporate limits during times when there is reasonable risk of wildfires in the immediate county. Article 1 does not prohibit the imposition by ordinance of further regulations and prohibitions upon the sale, use and possession of

fireworks other than permissible consumer fireworks by a governing body. A governing body shall not permit or authorize the sale, use or possession of any fireworks in violation of Article 1.

A. DEFINITIONS: Unless the context otherwise requires, the following words, terms and phrases, when used in this provision, have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Consumer firework* means those fireworks defined by Arizona Revised Statutes § 36-1601.
- (2) *Display firework* means those fireworks defined by Arizona Revised Statutes § 36-1601.
- (3) *Fireworks* means any combustible or explosive composition, substance or combination of substances, or any article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, that is a consumer firework, display firework or permissible consumer firework as defined by Arizona Revised Statute § 36-1601.
- (4) *Novelty items* means federally deregulated novelty items that are known as snappers, snap caps, party poppers, glow worms, snakes, toy smoke devices, sparklers, and certain toys as defined in Arizona Revised Statute § 36-1601.
- (5) *Permissible consumer fireworks* means those fireworks as defined by Arizona Revised Statute § 36-1601 that may be sold within the City of Willcox even where the use of those items has been prohibited.
- (6) *Supervised public display* means a monitored performance of display fireworks open to the public and authorized by permit by the Director of Public Safety or his designee.

(2010 Code, Ord. NS 301, XX-XX-2010, eff. XX-XX-2010)

State law reference - Definitions, A.R.S. § 36-1601

B. FIREWORKS RULES/REGULATIONS; EXCEPTIONS:

- (1) The use, discharge or ignition of fireworks within the City of Willcox is prohibited. The use, discharge or ignition of fireworks is

prohibited except as may provided in this subsection.

- (2) Nothing in this section or code provision shall be construed to prohibit the use, discharge or ignition of novelty items or to prohibit the use, discharge or ignition of permissible consumer fireworks with a permit or the occurrence of a supervised public display of fireworks except as provided in (1) above.
- (3) Permits may be granted by the Director of Public Safety, or designee for conducting a properly supervised public display of fireworks. Every such public display of fireworks shall be of such character and so located, discharged or fired, only after proper inspection and in a manner that does not endanger persons, animals, or property. A permit shall not be issued, and may be revoked, during time periods of High Fire Danger warnings as posted on the City website. The Director of Public Safety or designee has authority to impose conditions on any permits granted.
- (4) Failure to comply with any permit requirements issued by the Director of Public Safety is a petty offense punishable by minimum fine of \$100.00 and a maximum fine of \$300.00 for each violation.

(2010 Code, Ord. NS 301, XX-XX-2010, eff. XX-XX-2010)

State law reference - Fireworks; A.R.S. §§ 36-1601; 36-1602; 36-1605; and 1606

C. SALE OF FIREWORKS:

- (1) No person shall sell or permit or authorize the sale of permissible consumer fireworks to a person who is under sixteen years of age.
- (2) No person shall sell or permit or authorize the sale of permissible consumer fireworks in conflict with state law.

(2010 Code, Ord. NS 301, XX-XX-2010, eff. XX-XX-2010)

State law reference - Fireworks; A.R.S. §§ 36-1601; 36-1602; 36-1605; and 36-1606

D. POSTING OF SIGNS; SALE OF FIREWORKS; CIVIL PENALTY

- (1) Prior to the sale of permissible consumer fireworks, every person engaged in such sales shall prominently display signs indicating the following:
 - (a) The use of fireworks, except as provided in Chapter 6 City code provision, is prohibited.
 - (b) Consumer fireworks authorized for sale under state law may not be sold to persons under the age of 16.
- (2) Signs required under this code provision shall be placed at each cash register and in each area where fireworks are displayed for sale.
- (3) The Director of Public Safety or designee shall develop regulations concerning the size and color of the required signs and shall develop a model sign. The required sign regulations and model sign shall be posted on the City's website and filed in the City Clerk's Office.
- (4) Failure to comply with subparts (a) and (b) above is a civil offense punishable by a civil fine of \$100.00.
(2010 Code, Ord. NS 301, XX-XX-2010, eff. XX-XX-2010)
State law reference - Fireworks; A.R.S. §§ 36-1601; 36-1602; 36-1605; and 1606

E. ENFORCEMENT AUTHORITY; MEANS OF ENFORCEMENT:

- (1) The Director of Public Safety or designee, a City of Willcox police officer or the City Attorney, may issue civil complaints to enforce violations of this Chapter designated as civil offenses.
- (2) Any person authorized pursuant to this section to issue a civil complaint may also issue a notice of violation specifying actions to be taken and the time in which they are to be taken to avoid issuance of a civil or criminal complaint.
- (3) The Director of Public Safety or designee, a City of Willcox police officer or the City Attorney may issue criminal complaints to enforce violations of this Chapter designated as criminal

offenses.
(2010 Code, Ord. NS 301, XX-XX-2010, eff. XX-XX-2010)
State law reference - Fireworks; A.R.S. §§ 36-1601; 36-1602; 36-1605; and 1606

F. FIREWORKS LIABILITY; EMERGENCY RESPONSES; DEFINITIONS:

- (1) 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 fact that a person is convicted or found responsible for a violation(s) of this article is prima facie evidence of liability under this section.
- (2) The expenses of an emergency response are a charge against the person liable for those expenses pursuant to subpart A of this section. The charge constitutes a debt of that person and may be collected proportionately by the public agencies, for-profit entities or not-for-profit entities that incurred the expenses. The person's liability for the expense of an emergency response shall not exceed [Dollar Amount] for a single incident. The liability imposed under this section is in addition to and not in limitation of any other liability that may be imposed by a court of competent jurisdiction.
- (3) For the purposes of this section:
 - (a) "Expenses of an emergency response" means reasonable costs directly incurred by public agencies, for-profit entities or not-for-profit entities that make an appropriate emergency response to an incident.
 - (b) "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.

(2010 Code, Ord. NS 301, XX-XX-2010, eff. XX-XX-2010)
State law reference - Fireworks; A.R.S. §§ 36-1601; 36-1602; 36-1605; and 1606

6-6-17: **PUBLIC NUISANCE:**

A. Anything that is injurious to public health and safety, or is indecent or offensive to the senses, or is restricted by state law or regulated by city code, or obstructs the free use of property so as to interfere with the comfortable enjoyment of life or property by an entire community or neighborhood, or by any considerable number of persons, or contributes to the delinquency of underage persons, shall be declared to be a public nuisance. Any conduct, act, or thing that affects an entire community, neighborhood or protected age group, or any considerable number of persons, as herein described, is not less a nuisance because of the extent of the annoyance or damage or injury inflicted upon individuals is unequal.

B. A declared nuisance shall be deemed a Class 1 misdemeanor.

6-6-18: **PENALTIES; VIOLATION; CLASSIFICATION:**

Any person, who fails to comply with the rules, regulations, provisions of Chapter 6 and/or the provisions of Title 36, Chapter 13, Article 1 [Fireworks] or violates any of the provisions of this Chapter or Article 1, is guilty of a **class 1 misdemeanor** unless another classification is specifically prescribed in this Chapter or in Article 1.

(2010 Code, Ord. NS 301, XX-XX-2010, eff. XX-XX-2010)

State law reference - Fireworks; A.R.S. §§ 36-1601; 36-1602; 36-1605; and 1606

State law reference - Violation; classification, A.R.S. § 36-1608

State law reference - Pawnbrokers, Title 44, Chapter 11, Article 3, A.R.S. §§ 44-1621 through 44-1632

State law reference - Abandoned refrigerators; classification, A.R.S. § 36-1651

