

# CHAPTER 16 - OFFENSES

## Article 16-1 OFFENSES

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### Section 16-1-1 Drilling of Wells

No wells shall be drilled within the corporate limits of the City without a permit issued by the city. The person requesting the permit shall submit to the City detailed plans and specifications of the proposed well; showing size, location and proposed use.

### Section 16-1-2 Excavations to be Covered

- A. It is unlawful for any person to make any excavation or dig any hole, drain or ditch in any highway or thoroughfare in the City without providing a sufficient light at night and a temporary fence or suitable obstruction around or in front of such excavation during the day.<sup>1</sup>
- B. It is unlawful for any person to maintain a well, cellar, pit, or other excavation of more than two feet in depth on any unenclosed lot, without substantial curbing, covering, or protection.<sup>2</sup>

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<sup>1</sup> **Editor's Notes:** State law reference A.R.S. 9-240 (B) 3, 21

<sup>2</sup> State law reference A.R.S. 9-240(B) 21, ; 9-276 (A) 16

### **Section 16-1-3      Location of Mobile Homes**

It is unlawful, within the City of Globe for any person to park any mobile home, motorhome, or travel trailer intended for occupancy, upon any tract of land, public or private, except as specifically permitted in areas zoned for such use or in the case of motorhomes and travel trailers where a person is visiting a private property the person can obtain a permit from the Globe Police Department that would allow camping on private property for up to 14 days with written permission from the property owner. The total number of days allowed for camping on any private property is 28 days in a year.

Further, it is unlawful to park any motorhome, or any vehicle designed to be towed including roll off dumpsters, upon any City street, alley, highway or other public place without a City of Globe Police issued permit. Permits will only be issued for such use if all traffic safety issues are being permitted in Chapter 15 of the City Code.<sup>3 4</sup>

### **Section 16-1-4      Loitering**

- A. It is unlawful for any person, other than the owner, manager or his authorized representative, to interfere individually or collectively with the conduct of any lawful business by obstructing entrance to such business or obstructing free passage of persons or merchandise or commodities within such place of business, or by obstructing service rendered by such business to its customers.
- B. It is unlawful for any person to loiter or congregate upon any of the sidewalks of the City so as to obstruct the use of the sidewalks to pedestrians.
- C. It is unlawful for any unauthorized person to be within any City park, playground, building, cemetery, recreational area or maintenance yard during the hours of closure as established by the city.
- D. It is unlawful for any person to linger, loiter, or otherwise use for business or social purposes any public room in any place of public accommodation, after such person has been notified by the owner or manager or his agent to leave the premises and not return.
- E. The City Manager, or designee, is authorized to direct that a City park, playground, recreational area or cemetery be closed to all unauthorized

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<sup>3</sup> **Editor's Notes:** State law reference, inter alia, 9-240 (B)3

<sup>4</sup> **Editor's Notes:** Originally adopted by and through Ordinance No. 821 and Resolution 1672, 10/21/13

persons when in his/her opinion an emergency situation exists which demands, for the protection of the public health, safety or morals, that the premises be closed. It is unlawful for any unauthorized person to enter into or fail to vacate a City park, playground, recreational area or cemetery when adequate notice of such emergency closure has been given.

- F. It is unlawful for any person to linger or loiter in the downtown business district, as described in the zoning Chapter hereof between the hours of 10:00 P.M. and 5:00 A.M. without a legitimate reason for being there; or for a person or persons to linger or loiter either individually or in a group in the downtown business district in an offensive manner or in a manner likely to disturb the public peace.<sup>5</sup>

### **Section 16-1-5     Minors**

It is unlawful for any child seventeen years old or under to loiter upon the streets or public places of the City between the hours of 10:00 P.M. and 5:00 A.M. unless such child is accompanied by a parent, guardian or some person of lawful age having legal custody of such child. It is unlawful for any parent, guardian, or other adult person having the care and custody of such minor to encourage or allow such minor to loiter upon the streets or public places between the hours of 10:00 P.M. and 5:00 A.M. unless accompanied by such parent or guardian. The provisions of this Section shall not apply when the minor is upon an emergency errand or legitimate business directed by his or her parent, guardian or other adult person having the care and custody of the minor.

### **Section 16-1-6     Noise**

- A. It is hereby declared to be a public nuisance and unlawful for any person to disturb the slumber, peace and quiet or otherwise interfere with or annoy the comfortable enjoyment of life or property of any persons in the neighborhood.
- B. It is unlawful to play, operate, or use any device known as a sound truck, loud speaker, radio or sound amplifier or any instrument of any kind or character with emits loud and raucous noises and is attached to and upon any vehicle unless such person in charge of such vehicle shall have first applied to and received permission from the Chief of Police to operate any such vehicle so equipped.<sup>6</sup>

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<sup>5</sup> **Editor's Notes:** State law reference A.R.S. 9-240 (B 21 & 24

<sup>6</sup> State law reference: A.R.S. Section 9-240 (B)(13), (15) a & b

### **Section 16-1-7      Obstruction of Streets**

It is unlawful for any person to obstruct any public street or alley, sidewalk or park or other public grounds within the City by committing any act of, or doing anything which is injurious to the health, or indecent or offensive to the senses, or to do in or upon any such streets, alleys, sidewalks, parks or other public grounds, any act or thing which is an obstruction or interference to the free use of the property or with any business lawfully conducted by anyone, in or upon, or facing or fronting on any such streets, alleys, sidewalks, parks, or other public grounds in the city.<sup>7</sup>

### **Section 16-1-8      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.<sup>8</sup>

### **Section 16-1-9      Obstruction of Watercourses**

- A. It is unlawful for any person to deposit, place or dump any rubbish, dirt, sand, gravel, rock, clay or other material in any natural watercourse in the City which will, in any manner, tend to fill up, change or obstruct the watercourse, without a written permit from the City Engineer.
- B. The City Engineer may grant permits in writing to qualified applicants to deposit and place, under direction and supervision and in such manner as the engineer shall direct, refuse, dirt, sand, gravel, rock and other material in watercourses in the city, when in the opinion of the engineer, the placing and depositing of such materials will improve such watercourses and protect the streets, alleys, and property bordering on such natural watercourses, provided that same shall be done in accordance with state and federal law.
- C. It is unlawful for any person to build or construct any approach, culvert or bridge over any gutter or water conduit which is in or along any sidewalk, street, avenue, alley or public park in the City without having first obtained a permit from the mayor and city.
- D. It is unlawful for any person to place, construct, or maintain any obstruction in any gutter or water conduit in or along any sidewalk, street,

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<sup>7</sup> **Editor's Notes:** State law reference: A.R.S. Section 9-240 (B)(3)

<sup>8</sup> State law reference: A.R.S. Section 9-240 (B)(2)

avenue, alley or public park in the City that will in any way obstruct the flow of water therein.

- E. It is unlawful to sweep or place any paper, shavings, rubbish, or like material in any gutter or water conduit in or along any sidewalk, street, avenue, alley or public park.
- F. It is unlawful to drive any vehicle on or across any sidewalk, unless there is a bridge, culvert or approach constructed across the gutter or water conduit sufficient to protect the curbing of such sidewalk.

**Section 16-1-10 Offensive Business**

It is unlawful for any person to establish or maintain any slaughterhouse or make a practice of slaughtering cattle, hogs, sheep, or any other kind of animal, or establish or maintain any soap factory, render tallow, or pursue, maintain, or carry on any other business or occupation offensive to the senses or prejudicial to the public health within the limits of the city.<sup>9</sup>

**Section 16-1-11 Offensive Premises**

It is unlawful for any person to suffer, or permit any premises belonging to or occupied by him, or any cellar, privy, vault, pool, sewer, or private drain therein to become nauseous, foul, or offensive to the senses or prejudicial to the public health or comfort.<sup>10</sup>

**Section 16-1-12 Sidewalk Sales**

It is unlawful to hold a sidewalk sale within the City without the written approval of the City.<sup>11</sup>

**Section 16-1-13 Signs and Banners**

- A. It is unlawful for any person to place any banner or sign upon any street light pole, traffic signal pole, or utility pole within the City without first obtaining authorization from the City.
- B. It is unlawful for any person to post, assist in posting or employ others to pose any handbill, placard, poster, circulation, advertisement picture,

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<sup>9</sup> **Editor's Notes:** State law reference: A.R.S. Section 9-240 (B)(21); 9-276 (A) 16, 18

<sup>10</sup> State law reference: A.R.S. Section 9-240 (B)(21); 9-276(A) 7,9,12,16, & 22

<sup>11</sup> State Law reference: A.R.S. 9-276(A) 6

written or printing of any description upon any public or private building, improvement, structure, fence or other premises in the City without the permission of the owner or occupant.

- C. It is unlawful to paint, print, write, stamp or in any manner to impose or impress any advertisement, sign, mark, letter, number, figure or emblem of any kind, or in any manner to deface any sidewalk in the city.

**Section 16-1-14 Weapons**

- A. Discharge of Firearms Prohibited. It is unlawful for any person within the limits of the City to fire or discharge any firearm, BB gun, air gun, pellet gun, dart gun, slingshot, gas operated gun or other similar gun or instrument.
- B. Exceptions. The prohibitions of the preceding Subsection shall not apply to the use of any such gun or instrument by:
  - 1. A law enforcement officer or other duly authorized public official or employee in the performance of any official duty.
  - 2. Any person to whom a license, permit or authority is issued by the Chief of Police for the use of such gun or instrument for a valid and proper purpose and for use in a manner not likely to harm any person, animal or property.
  - 3. Any person when used only for the necessary protection of property, habitation or person in a manner authorized by the laws of the state as guaranteed by the constitution of the United States of America.

**Section 16-1-15 Sale of Products Containing Pseudoephedrine**

- A. Definitions.

In this Article, unless the context otherwise requires:

- 1. "Pseudoephedrine product" means any product containing ephedrine or pseudoephedrine and includes any compound, mixture or preparation that contains any detectable quantity of ephedrine, pseudoephedrine, norpseudoephedrine or phenylpropanolamine or their salts, optical isomers or salts of optical isomers. Product packaging that lists ephedrine, pseudoephedrine, norpseudoephedrine or phenylpropanolamine as

an active ingredient shall constitute prima facie evidence that the product is a pseudoephedrine product.

2. “Retail establishment” means any place of business that offers any pseudoephedrine product for sale at retail.
- B. The operator of a retail establishment shall keep all products containing pseudoephedrine behind a store counter or otherwise in a manner that is inaccessible to customers without the assistance of the operator or an employee of the establishment.
  - C. A person making a retail sale of a product containing pseudoephedrine shall require a government-issued, photo identification from the purchaser and shall record the purchaser's name, date of birth, quantity of pseudoephedrine product purchased, transaction date and the initials of the seller.
  - D. The information required to be obtained by Subsection (c) will be retained by the retail establishment for a period of ninety (90) days, and will be considered a confidential document that will only be available to the operator of the retail establishment, and shall be available to the City of Globe Police Department officers, Arizona Department of Public Safety officers, Gila County sheriff's department officers and other law enforcement officers.
  - E. The operator of a retail establishment shall be responsible for training all employees of the requirements and penalties hereunder and otherwise require employee compliance of this Article.

### **Section 16-1-16      Criminal Violation of City Code**

Notwithstanding any language to the contrary herein, any violation of this Code may be charged as a criminal class one misdemeanor punishable as provided in Section 1-5-1(B) where there are exigent circumstances and a clear and present danger of immediate harm to person or property.<sup>12</sup>

### **Section 16-1-17      Camping**

For purposes of this Section "camping" or "camp" shall mean the use of an area outdoors for living accommodation purposes, and shall include, but not be limited to, erecting a tent or other type of shelter, or laying down bedding material, or both, for the purpose of, or in such a way as will permit it to be used for

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<sup>12</sup> Editor's Notes: A.R.S. 9-240 (B) 28

temporary living accommodation purposes or for sleeping purposes; or parking a trailer, camper or other vehicle for the foregoing purposes.

A. Camping on Municipal Property:

No person shall camp on property owned, leased or licensed by the City, unless that property is specifically designated and posted as a camping area or such camping has been authorized by a special event permit issued pursuant to Section 8-3-1.

B. Camping on Private Property:

No person shall camp on private property, unless that person has in his or her possession written permission from the property owner or lawful tenant of that property.

C. Camping in Waterways:

No person shall camp in waterways subject to flooding.

D. Trailers, Campers, Recreational Vehicles:

The use of these vehicles for the foregoing purposes shall be as governed by this Section, except as provided in Section 16-1-3.<sup>13</sup>

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<sup>13</sup> Editor's Notes: Originally adopted by and through Ordinance 762, 2/23/09