

ORDINANCE NO. 24-02

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF MARICOPA, ARIZONA, ADOPTING "2024 AMENDMENTS TO CHAPTER 12: PUBLIC PLACES" BY REFERENCE TO AMEND CHAPTERS 12.05, 12.10, 12.15, 12.30 AND 12.40 OF THE MARICOPA CITY CODE AND PROVIDING FOR SEVERABILITY AND THE EFFECTIVE DATE THEREOF.

WHEREAS, the City is authorized to regulate conduct in public places within the corporate limits of the City.

WHEREAS, the Mayor and City Council of the City of Maricopa believe, after consultation with its staff, that amending Title 12, Public Places, of the City Code to update the rules and regulations related to conduct in public places within the City would be in the best interest of the City of Maricopa; and

WHEREAS, A.R.S. §9-802 allows a City to adopt a public record by Ordinance as a means to reduce publication costs while ensuring that the public gets fair notice and opportunity to review its operative provisions.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MARICOPA, ARIZONA, AS FOLLOWS:

SECTION 1. Those certain documents filed with the City Clerk and entitled "2024 Amendments to Title 12: Public Places" as set forth in Exhibits A, attached hereto and incorporated herein by reference, is hereby declared a public record. One paper copy and one electronic copy of Exhibits A shall be maintained in compliance with A.R.S. § 44-7041 and available for public inspection during normal business hours in the Office of the City Clerk and shall be available on the City's website at: www.maricopa-az.gov.

SECTION 2. Title 12: Public Places of the Maricopa City Code is hereby amended as set forth in Exhibits A, and that the amendments depicted therein are hereby approved and adopted.


SECTION 3. To the extent of any conflict between other City Ordinances and this Ordinance, this Ordinance shall be deemed to be controlling; provided, however, that this Ordinance is not intended to amend or repeal any existing City Ordinance, Resolution or regulation except as expressly set forth herein.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

SECTION 5. This Ordinance shall become effective thirty (30) days from the date of adoption by the City Council for the City of Maricopa.

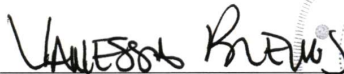
PASSED AND ADOPTED by the Mayor and Council of the City of Maricopa, Arizona,
this 16th day of January, 2024.

APPROVED:



Nancy Smith
Mayor

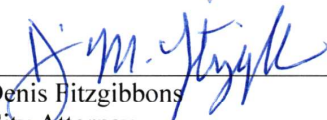
ATTEST:



Vanessa Bueras, MMC
City Clerk



APPROVED AS TO FORM:



Denis Fitzgibbons
City Attorney

Pursuant to A.R.S. 9-802(A), EXHIBIT A is on file at:

**Office of the City Clerk, City of Maricopa and
www.maricopa-az.gov.**

EXHIBIT A

2024 Amendments to Title 12: Public Places

12.05.010 Definitions.

In this title unless the context requires otherwise:

“Aggressive manner” means;

- A. Intentionally, knowingly, or recklessly making any physical contact with or touching another person in the course of the solicitation without the person’s consent; or
- B. Approaching or following the person being solicited in a manner that is intended or is likely to cause a reasonable person to fear imminent bodily harm to oneself or another, or damage to or loss of property, or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation; or
- C. Continuing to solicit the person from within ten (10) feet after the person has clearly communicated a request that the solicitation stop; or
- D. Intentionally, knowingly, or recklessly obstructing the safe or free passage of the person being solicited or requiring the person to take evasive action to avoid physical contact with the person making the solicitation. Acts authorized as an exercise of one’s constitutional right to picket or protest shall not constitute obstructing passage; or
- E. Intentionally, knowingly, or recklessly using obscene or abusive language or gestures intended or likely to cause a reasonable person to fear imminent bodily harm or reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation.

“Alcoholic beverage” means alcohol, brandy, whiskey, rum, tequila, mescal, gin, wine, porter, ale, beer, any malt liquor or malt beverage, absinthe, a compound or mixture of any of them or any of them with any vegetable or other substance, alcohol bitters, bitters containing alcohol, any liquid mixture or preparation, whether patented or otherwise, which produces intoxication, fruits preserved in ardent spirits, and beverages containing more than one-half of one percent of alcohol by volume.

“Amusement apparatus” means any device, contrivance, gadget, machine or structure designed to test the skill or strength of the user or to provide the user with any sort of ride, lift, swing or fall experience including, but not limited to, ball throwing contest devices, pinball type devices,

electronic videos, animal ride devices, dunk tanks, ball and hammer devices, trampoline devices and the like.

“Automated teller machine” means a device, linked to a financial institution’s account records, which is able to carry out transactions, including but not limited to: account transfers, deposits, cash withdrawals, balance inquiries, and mortgage and loan payments.

“Bank” means a bank, credit union, or other similar financial institution.

“Beach” means the shore of a body of water used for passive and active recreation purposes.

“Board” means the appointed and elected members of the city of Maricopa city council and city of Maricopa parks, recreation and libraries advisory committee.

“Camp” means to reside in or use a place for living accommodation purposes; including, but not limited to, activities such as erecting tents or any other structure providing shelter, digging or breaking earth, laying down bedding for the purposes of sleeping, using camp paraphernalia, storing personal belongings, starting a fire, regularly cooking or preparing meals, or living in a parked vehicle.

“City” means the city of Maricopa, Arizona.

“Controlled substance” means any dangerous drug substance or immediate precursor as defined in A.R.S. § [13-3401\(6\)](#), as may be amended from time to time.

“Director” means the person appointed by the city council via city manager recommendation to serve as the chief administrative officer of the city parks, recreation and libraries department.

“Malt liquor” means any beer, ale or other beverage made from malt by fermentation and containing not less than one-half of one percent alcohol by volume.

“Motorized recreation vehicle” means any self-propelled, off road or all terrain vehicle including, but not limited to, snowmobiles, mini-bikes, scooters, amphibious vehicles, motorcycles, go-carts, trail bikes, dune buggies and all terrain cycles.

“Natural resources” means all flora and fauna within the city parks and the physical factors upon which they depend, including, but not limited to, air, water, soil and minerals.

“Park” means any land or water area and all facilities thereon, under the jurisdiction, control or ownership of the city for the recreational enjoyment of the public.

“Parks division” means an operating unit of the city of Maricopa parks, recreation and libraries department responsible for the planning, development, operation and maintenance of city of Maricopa parks.

“Parks division maintenance” means an operating unit of the city of Maricopa public works department responsible for the development, operation and maintenance of parks located within the city.

“Person” or “persons” means any individual, firm, company, corporation, society or any group or gathering whatsoever.

“Pet” means any animal that is tamed and domesticated and kept as a companion and under the control of a leash.

“Pollutant” means any substance, solid, liquid or gas, which could cause contamination of air, land or water so as to create or cause a nuisance or render the air, land or water unclean, noxious or unpure so as to be actually or potentially harmful, detrimental or injurious to public health, safety or welfare, or that of wildlife or vegetation.

“Property” means any land, waters, facilities or possessions of the city of Maricopa.

“Public space” means an area to which the public or a substantial group of persons has access, and includes, but is not limited to, alleys, bridges, buildings, driveways, parking lots, parks, playgrounds, plazas, sidewalks, and streets open to the general public, and the doorways and entrances to public buildings and dwellings, and the grounds enclosing them.

“Public transportation vehicle” means any vehicle used for the transportation of passengers on scheduled routes operated by or on behalf of a governmental entity.

“Resolution” means official control promulgated by the city of Maricopa in establishing additional rules and regulations relative to this chapter, and as on file in the city clerk’s office.

“Solicit” means to request an immediate donation or exchange of money or other thing of value from another person, regardless of the solicitor’s purpose or intended use of the money or other thing of value. The solicitation may be spoken, written, printed word, or by any other means of communication. Soliciting does not include requesting or accepting payment of the fare on a Public transportation vehicle by the operator of the vehicle.

"Use permit" means any written license issued by or under the authority of the city of Maricopa parks, recreation and libraries department permitting a special event or activity in city parks.

"Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a roadway, except devices moved by human power or used exclusively upon stationary rails or tracks.

"Watercourse" means a natural or human caused lake, river, creek, stream, wash, arroyo, channel, culvert, pipes or any other topographic feature, through, on or over which waters flow or pond at least periodically . Watercourses include specifically designated areas in which substantial flood damage may occur.

"Watercraft" means any contrivance used or designated for navigation on water other than seaplanes or other devices designed to transport people over bodies of water.

"Weapon" means any device, including, but not limited to, firearms, bows, electronic weapons, slings and pellet or B-B guns from which a shot or projectile of any type is discharged or propelled by means of an explosive, gas, compressed air or other means. An "electronic weapon" means a portable device which is designed, used or intended to be used, offensively or defensively, to immobilize or incapacitate persons by the use of an electronic current.

"Wildlife" means any living creature, not human, wild by nature, endowed with sensation, power of voluntary motion, including, but not limited to, mammals, birds, fish, amphibians, reptiles, crustaceans and mollusks.

"Wine" means a vinous beverage containing no more than 14 percent alcohol by volume.

12.10.050 Persons obstructing Public Space.

It is unlawful for any person to stand or sit in or upon any street, alley, sidewalk, crosswalk, or entrance to a Public space so as, in any manner, to hinder or obstruct the free passage of persons passing along the same except as follows:

- A. For a permitted use or activity for which a permit has been previously obtained from the City.
- B. For a use under terms of a valid agreement with the City.
- C. For viewing a parade, public display, or similar event for which a permit has been issued.
- D. For lawful labor activities that are permitted to be carried out by state or federal law.
- E. For activities protected by state or federal law.

12.10.060 Property obstructing Public Space.

It is unlawful for any person to place their personal property upon any street, alley, sidewalk, crosswalk, or entrance to a Public space so as, in any manner, to hinder or obstruct the free passage of persons passing along the same except as follows:

- A. For a permitted use or activity for which a permit has been previously obtained from the City.
- B. For a use under terms of a valid agreement with the City.
- C. For lawful labor activities that are permitted to be carried out by state or federal law.
- D. For activities protected by state or federal law.

Such property may be removed from the Public space by the City if the owner of such property is not present or is unable to remove the property. Such property shall be stored by the City for at least 30 days to be made available to be retrieved by the owner of such property.

12.15.010 Drug and alcohol use.

It shall be unlawful for any person to:

- A. Use, possess or sell any controlled substance in violation of state statutes;
 - B. Serve, possess or consume any alcoholic beverage, except malt liquor and wine, within a park, except in areas designated and permitted by the city of Maricopa, or as otherwise allowed by acquiring a use permit;
 - C. Consume any Alcoholic beverage in or upon any public right-of-way except for customers in or upon a dining area permitted for the consumption of alcohol and attendees of events permitted for the consumption of alcoholic beverages.
 - D. Consume any Alcoholic beverage on private property which is open to public view without the consent, implied or otherwise, of the owner or person in lawful possession or control of said property.
 - E. Appear, lie, or sleep in any Public place in the City of Maricopa in a drunken or disorderly condition.
 - F. Possess or control any keg, vat, pump or item designed to serve alcoholic beverage to persons for consumption without the requisite permit. For purposes of this title, a person serving alcoholic beverages from such keg, vat, pump or item shall be presumed to be in possession and control;
 - G. Fail to present a valid identification upon request of a duly designated park ranger, city official or peace officer and/or presentation of a false or altered identification to a duly designated park ranger or peace officer for the purpose of determining whether an individual who is possessing or consuming alcoholic beverages is under the age of 21 years.
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12.15.080 Defecation and urination in public.

It is unlawful for any person to urinate or defecate in or upon any street, sidewalk, alley, plaza, park, public building, publicly maintained facility, or in any place open to the public or exposed to the public view, except by proper use of a toilet or other facility designed for the sanitary disposal of human waste.

12.15.090 Aggressive solicitation.

It is unlawful for any person to solicit any money or other thing of value, or to solicit the sale of goods or services:

1. In an Aggressive manner in a Public space.
 2. Within fifteen feet of any entrance or exit of any Bank or within fifteen feet of any Automated teller machine.
 3. In any Public transportation vehicle or from persons waiting within ten feet of a sign designating a stop for a Public transportation vehicle.
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12.30.010 Camping.

It shall be unlawful for any person to:

- A. Camp in a park, except in areas provided and designated for that purpose;
 - B. Camp without a use permit from the city of Maricopa parks, recreation and libraries department;
 - C. Occupy camp sites in a park contrary to a permit or otherwise violate provisions of a use permit;
 - D. Operate any vehicle within a campground during posted quiet hours, except in emergencies;
 - E. Camp overnight in a park if under 18 years of age, unless accompanied by parent or legal guardian, or possessing written permission from a parent or legal guardian;
 - F. Camp in a park longer than 10 consecutive days;
 - G. Camp in a park more than 14 days in a calendar month without approval of the parks director or his designee; ~~and/or~~
 - H. Set up temporary shelters, such as tents, tarps, canopies and other devices other than in designated camping areas without authorization by a use permit;;
 - I. Camp in any area subject to flooding or within a watercourse; and/or
 - J. Camp on City property or rights-of-way, unless otherwise authorized by the City or applicable laws.
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12.40.020 Penalty.

A person guilty of violating any provision of the park rules and regulations of the city of Maricopa, as listed in section 12.40.030 of this Code, shall be charged as follows: the first offense shall be a civil petty offense, the second offense shall be a civil petty offense or misdemeanor and the third offense shall be a misdemeanor pursuant to MCC 1.10.010 as may be amended from time to time. The level of these charges may be amended from time to time. All fines collected under this Chapter shall be deposited into the general fund of the city.
