

TOWN OF PINETOP-LAKESIDE

RESOLUTION NO. 17-1396

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PINETOP-LAKESIDE, ARIZONA, DECLARING AS A PUBLIC RECORD A CERTAIN DOCUMENT FILED WITH THE TOWN CLERK AND ENTITLED "TOWN CODE CHAPTER 9.16 – PUBLIC URINATION OR DEFECACTION."

WHEREAS, that certain document entitled "Town Code Chapter 9.16 – Public Urination or Defecation" attached hereto as Exhibit A, three copies of which shall be filed in the Office of the Town Clerk pursuant to this Resolution and have been ordered to remain on file with the Town Clerk; and

WHEREAS, A.R.S. §9-802 permits the enactment and publication by reference of a code or public record, including statute, rule or regulation of the municipality, in the interest of economy; and

WHEREAS, the document entitled "Town Code Chapter 9.16 – Public Urination or Defecation" is a lengthy ordinance to be adopted by Ordinance No. 17-404, and which would qualify for enactment by reference.

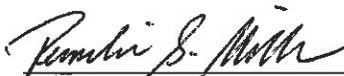
NOW, THEREFORE, the Mayor and Town Council of the Town of Pinetop-Lakeside hereby declare that the document entitled "Town Code Chapter 9.16 – Public Urination or Defecation" is hereby declared a public record for the purpose of adoption by reference pursuant to Ordinance No. 17-404, and order that three (3) copies of the document entitled "Town Code Chapter 9.16 – Public Urination or Defecation" be permanently filed in the Office of Town Clerk and available for public inspection.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Pinetop-Lakeside this 2nd day of March, 2017.

TOWN OF PINETOP-LAKESIDE


Stephanie Irwin
Mayor

ATTEST:


Remilie S. Miller, MMC
Town Clerk



APPROVED AS TO FORM:


William J. Sims, III
Town Attorney

EXHIBIT "A"

9.16 Public Urination or Defecation Prohibited.

Sections:

9.16.010	Purpose
9.16.020	Definitions
9.16.030	Public urination or defecation prohibited
9.16.040	Enforcement and Penalty

9.16.010 Purpose

In order to help protect the public health, safety and welfare, the declared purpose of this chapter is to prohibit public urination or defecation within the Town of Pinetop-Lakeside.

9.16.020 Definitions

1 "Appropriate sanitary facility" means a urinal, toilet, commode or other facility that accommodates or is designed for the sanitary disposal of human bodily fluids or waste and that is enclosed from public view.

2 "Public place" means any walkway, street, highway, sidewalk, bridge, overpass, alley or alleyway, plaza, park, driveway, transportation facility, park, recreational area, parking lot, vacant or undeveloped lot or the stairwells, alcoves, doorways and entrance ways to such places.

9.16.030 Public urination or defecation prohibited

A. Any person who urinates or defecates in, on or about any of the following places, other than in an appropriate sanitary facility, is guilty of a class one misdemeanor:

- (1) Any public place;
- (2) Any private property into or upon which the public is admitted by easement or license; or
- (3) Any private property upon which the public is not admitted by easement or license

without the consent of the owner.

B. It shall be unlawful for any person to urinate or defecate in a place exposed to *public* view, except by proper use of a toilet or other suitable facility provided for this purpose.

9.16.040 Enforcement and Penalty

A. A violation of this section is a class one misdemeanor and shall be punished by a mandatory minimum fine of one hundred fifty dollars (\$150.00).

B. In addition to the penalties proscribed in subsection B above, the court may require that a person convicted of this section pay restitution for any clean-up costs incurred by the Town.