

**TOWN OF PINETOP-LAKESIDE**

**ORDINANCE NO. 17-404**

**AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PINETOP-LAKESIDE ARIZONA, ADOPTING NEW TITLE 9, CHAPTER 9.16 PUBLIC URINATION OR DEFECACTION PROHIBITED, BY REFERENCE.**

**WHEREAS**, the Town Council of the Town of Pinetop-Lakeside believes that amending the Town Code to add Title 9, Chapter 9.16 is in the best interests of the citizens of the Town.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PINETOP-LAKESIDE, ARIZONA, as follows:**

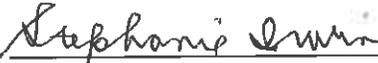
1. **Adoption.** Title 9, Chapter 9.16, Public Urination or Defecation is hereby adopted and made a part of that certain document known as the "Pinetop-Lakeside Town Code" Three copies of Chapter 9.16, Public Urination or Defecation are on file with the Town Clerk of the Town of Pinetop-Lakeside, Arizona, which document was made a public record by Resolution No. 17-1396 of the Town of Pinetop-Lakeside, Arizona; and is hereby referred to, adopted and made a part hereof as if fully set forth in this Ordinance.
2. **Penalty Clause.** The following penalty clause is included in Chapter 9.16 and is set forth below pursuant to A.R.S. §9-803:

**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 prescribed 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.
3. **Invalidity.** If any section, subsection, sentence, clause or portion of this Ordinance or any part of Title 9, Chapter 9.16, Public Urination or Defecation, adopted herein by reference is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof or the remaining Articles and Sections of the Pinetop-Lakeside Town Code.

**PASSED AND ADOPTED** by the Mayor and Town Council of the Town of Pinetop-Lakeside, Arizona, this 2<sup>nd</sup> day of March, 2017 to be effective upon the expiration of a thirty (30) day period following adoption and publication and posting, pursuant to A.R.S. §9-812 and §9-813 is completed.

TOWN OF PINETOP-LAKESIDE

  
\_\_\_\_\_  
Stephanie Irwin  
Mayor

ATTEST:

  
\_\_\_\_\_  
Remilie S. Miller, MMC  
Town Clerk



APPROVED AS TO FORM:

  
\_\_\_\_\_  
William J. Sims, III  
Town Attorney

## 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.