

custody of the operator of the establishment or the sponsor of the event.

- C. It is unlawful for any person to sell or give to a minor under the age of eighteen years, without written consent of the minor's parent or legal guardian, a weapon, ammunition or toy pistol by which dangerous and explosive substances may be discharged.

ARTICLE 9-2 GRAFFITI¹

- 9-2-1 Definitions
- 9-2-2 Prohibition
- 9-2-3 Penalty
- 9-2-4 Removal of Graffiti by the Town

Section 9-2-1 Definitions

In this article, unless the context otherwise requires:

- A. The term “graffiti” includes any inscription, word, figure or design that is marked, etched, scratched, drawn, painted, pasted or otherwise affixed to or on any surface, regardless of the nature of the material of that structural component, to the extent that the same was not authorized in advance by the owner thereof or, despite advanced authorization, is otherwise deemed by the council to be filth and debris and vandalism.
- B. The term “graffiti instruments” includes any tool, instrument, article, substance, solution or other compound designed or commonly used to make graffiti under circumstances evidencing intent to place graffiti upon such property.

Section 9-2-2 Prohibition

- A. No person shall make graffiti of any type on any building, public or private, or any other property real or personal, owned by any person, corporation, association, partnership or any public agency or instrumentality without the expressed written permission of the owner, manager, tenant or other person responsible for said property.
- B. No person shall possess graffiti instruments in such a manner as to give rise to an inference of intent to make graffiti; and, no person shall possess a spray paint can in any public place including any building, park, facility or alley or on any private property where that person has no right to be unless possession is authorized or required as a part of a legitimate business or activity.

Section 9-2-3 Removal of Graffiti by the Town¹

The town having determined that graffiti constitutes both vandalism and filth and debris does hereby compel the owner, lessee or occupant of buildings, grounds or lots to remove graffiti on the basis that its presence constitutes a hazard to public health and safety. The removal of the graffiti shall be accomplished according to the following provisions.

- A. Upon determining that graffiti has been applied to any building or structure whether public or private within the town limits, the town shall cause a written notice to be sent to the

¹Ordinance 51-94; Ordinance 425-08

owner, occupant or lessee. The written notice shall set forth the condition observed and shall give seven (7) days for compliance by removal of the graffiti from the building or structure.

- B. Notice shall be by either personal service or certified or registered mail and if the building or premises is not occupied by the owner then notice shall be provided to the owner as indicated on the Maricopa County or Pinal County tax rolls, as appropriate.
- C. If after seven (7) days from actual notice the owner or occupant or lessee has failed to remove the graffiti, the town may cause the graffiti to be removed and assess the costs of removal against the owner of the real property upon which the building or structure is located.
- D. Notice of intent to go upon private property and to remove or abate the graffiti shall be given in the same manner as notice set forth in subsection A of this section. The notice of intent to go upon private property and remove graffiti shall also include the town's estimate as to the cost for the removal or abatement of the graffiti and that the actual amount of the cost shall be certified by the town and recorded in the office of the county recorder as a lien against the real property. Any owner, occupant or lessee who receives written notice to remove or abate graffiti or written notice that the town intends to enter upon private property to remove or abate the graffiti may appeal to the town council for a hearing on either the notice or the amount of the assessment. The appeal must be in writing and acts as a stay of all proceedings until such time as the council schedules a time, place and date certain for the hearing.
- E. A prior assessment or lien for the purposes provided in this section shall not be a bar to a subsequent assessment or assessments for such purposes and any number of liens on the same lot or track of land may be enforced in the same action.
- F. The lien upon real property authorized herein shall be subject and inferior to the lien for general taxes and to all prior recorded mortgages, liens and encumbrances of record. A sale of the property to satisfy a lien obtained under the provisions of the article shall be made upon judgment of foreclosure and order of sale. The town reserves the right to bring an action to enforce the lien in superior court in the county in which the property is located at any time after the recording of the assessment, but failure to enforce the lien by legal action shall not affect its validity.
- G. The recorded assessment and lien shall be prima facie evidence of the truth of all of the matters recited therein and of the regularity of all proceedings prior to the recording thereof.

ARTICLE 9-3 STORAGE AND DISPLAY OF TOBACCO PRODUCTS¹

- 9-3-1 Definitions
- 9-3-2 Violations

Section 9-3-1 Definitions

For the purposes of this Article, the following words and terms shall have the meaning ascribed thereto:

¹Ordinance 132-98