

CHAPTER 10

OFFENSES AND REGULATIONS

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Section 10-1-1 (RESERVED)
(Ord. 421, 10/11/16)

Section 10-1-2 Dangerous Constructions

It is unlawful for any person to maintain or allow any signs, billboards, awnings, and other similar structures over or near streets, sidewalks, public grounds or places frequented by the public, so situated or constructed as to endanger the public safety.

Section 10-1-3 Damage to Property

- A. It is unlawful for any person to damage in any manner or attempt to damage or tamper with any pipe lines, water hydrants, street lamps or lights, or the fixtures and appliances thereunto belonging upon any of the poles or other objects for use in connection with the lighting of the streets of the Town or any water pipes, hydrants or any appliances pertaining to the water or sewer works, or any other property of any and every character belonging to the Town.
- B. It is unlawful for any person to deface, walk, ride, or drive upon or over any sidewalk or street crossing composed of or containing cement, during the construction thereof, or before the same is thrown open to public use.
- C. It is unlawful for any person, firm or corporation to damage in any manner any road, street or bridge in the Town limits by using the same, by heavy vehicles, malicious destruction, or by any act that will result in damage to any such road, street or bridge.
- D. It is unlawful to break or destroy any window, door or part of any dwelling owned or occupied by another or to break or sever from any premises owned or occupied by another any gate, fence, railing, tree, brush or vine or any property whatsoever, or to deface, mutilate or injure the same.

Section 10-1-4 Deposits of Injurious Material on Thoroughfares

It is unlawful for any person, either willfully and maliciously or carelessly and negligently to drop, throw, place or scatter upon any street, alley, sidewalk or public place in the Town any nails, tacks, broken glass, glass bottles, or any instrument or thing whatsoever of such nature as to be capable of injuring persons or property.

Section 10-1-5 Excavations to be Covered

- A. Any person who makes any excavation or digs any hole, drain or ditch in any highway or thoroughfare in the Town without providing a sufficient light at night and a temporary fence or suitable obstruction around or in front of such excavation during the day is guilty of a misdemeanor.
- B. Any person who maintains a well, cellar, pit, or other excavation of more than two feet in depth on any unenclosed lot, without substantial curbing, covering or protection is guilty of a misdemeanor.

Section 10-1-6 Explosives

It is unlawful for any person within the limits of the Town to blast, or use powder, fireworks or other explosives without a permit from the Clerk in writing.

Section 10-1-7 False or Misleading Reports to the Marshal

It is unlawful for any person willfully to make to the Marshal any false, fraudulent, misleading or unfounded report or statement, or willfully to misrepresent any fact for the purpose of interfering with the operation of, or with the intention of misleading the Marshal.

Section 10-1-8 Fences; Barbed Wire and Electric

It is unlawful for any person to erect or maintain within the Town any electric fence or any fence constructed in whole or in part of barbed wire. Any such fence is a public nuisance and subject to abatement by order of the Town court.

Section 10-1-9 Furnishing Weapons and Other Articles to Prisoners

It is unlawful for any person to furnish or attempt to furnish or take into jail or to deliver or attempt to deliver to any prisoner therein confined, or in the custody of any officer, any weapon, tool, intoxicating liquors, drug or other article without the consent of the officer in charge.

Section 10-1-10 Littering

It is unlawful for any person to throw or deposit any litter in or upon any street, alley, public grounds, or church grounds.

Section 10-1-11 Loitering and Camping

- A. It is unlawful for any person, other than the owner, Manager or his/her authorized representative, to interfere individually or collectively with free enjoyment of property by the owners thereof; or interfere with the conduct of any lawful business by obstructing entrance to such business or by 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 shall be unlawful for any person to loaf, loiter, or congregate upon any of the sidewalks in the Town so as to obstruct the use of the sidewalks by pedestrians.
- C. It shall be unlawful for any person who is not properly authorized to be within any Town park, playground or recreational area during the hours of closure for such premises as established by the Town Council.
- D. It shall be 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 thereof, or his/her agent, to leave the premises and not return.
- E. It shall be unlawful for any person to camp in a tent, trailer or otherwise within the limits of the Town in any place not designated for such purpose by the Town Council.

(Ord. 179, 1/25/1978)

Section 10-1-12 Minors

It shall be unlawful for any person under the age of eighteen (18) years old to idle or loiter upon the streets or public places of the Town between the hours of ten o'clock p.m. and five o'clock a.m. unless such person is accompanied by a parent, guardian, or some person of lawful age having legal custody of the minor. Except, however, employed minors thirteen (13) years of age or older shall have a curfew of twelve o'clock (12:00) mid-night on weekends, if necessary, as dictated by the demands of their employment. For purposes of this ordinance, "weekends" are herein defined as Friday and Saturday.

It shall be unlawful for any parent, guardian, or other adult having the care and custody of such person to encourage or allow such person to idle or loiter upon the streets or public places between the hours of ten o'clock p.m. and five o'clock a.m. unless accompanied by such parent or guardian.

The provisions of this section shall not apply and is not intended to impede the normal passage of minor persons through Town or while on errands undertaken at the direction of his/her or her parent or guardian, or other adult person having the care and custody of the minor.

[Ord. 221, 3/14/1989]

Section 10-1-13 Loud Noise Prohibited

The creating, permitting or allowing of any unreasonably loud and disturbing noise within the Town limits is hereby prohibited.

Noise of such character, intensity or duration as to be detrimental to the life, health or well-being of any individual, or as to disturb the public peace or the peace and quiet of a neighborhood, family or person is hereby prohibited. The following acts, actions and activities, among others, are hereby declared to be loud and disturbing, in violation of this Ordinance; but the enumeration which follows shall not be deemed to be exclusive:

- A. It is hereby declared to be a public nuisance and it is unlawful for any person, firm or corporation owning or operating or in control of any residence, restaurant, hotel, dance hall, show, store, or any place of amusement, entertainment or accommodation to play or permit to be played any music or musical instrument(s), whether played by individual(s), orchestra(s), radio(s), phonograph(s), music box(s), compact disk player(s), tape player(s), or other mechanical or electrical device, in such a manner that a reasonable person of normal sensory perception, is caused discomfort or annoyance.
- B. It is unlawful to play any radio, stereo, player or other sound device including, but not limited to, loudspeakers or other devices for the reproduction or amplification of sound, from within a motor vehicle or other means of transportation, which can be heard seventy-five (75) feet or more away, unless such person, or person in charge of such vehicle, shall have first applied for and received written permission from the Chief of Police to operate any such device or vehicle so equipped.

- C. It shall be unlawful for any person, place or firm to operate, cause to be operated, or allow to be operated, any equipment, apparatus, tool, machinery or other device, used for the purposes of construction, destruction, building, assembly or disassembly of any building or structure, whether residential or commercial, within the Town limits of Jerome, in such a manner that a reasonable person, of normal sensory perception, is caused annoyance or discomfort, between the hours of eight o'clock (8:00) p.m. of one day and seven o'clock (7:00) a.m. of the following day.
- D. In regard to motor vehicle noise:
1. It shall be unlawful to operate a motor vehicle in such a manner as to cause the tires to squeal or screech.
 2. It shall be unlawful for any person within the limits of the Town of Jerome, to repair, rebuild or test, any motor vehicle between the hours of ten o'clock (10:00) p.m. of one day and seven o'clock (7:00) a.m. of the next day, in such a manner that a reasonable person of normal sensory perception, residing in the area, is caused discomfort or annoyance.
 3. No person shall operate either a motor vehicle, motorcycle or combination of vehicles, at any time, or under any condition of grade, load, acceleration or deceleration, in such a manner as to exceed the following noise limit based on a measurement taken at a distance of twenty-five (25) feet from the source of the noise, within the speed limits specified in this section:
 - a. any motor vehicle, motorcycle, or combination of vehicles towed by such motor vehicles, shall not exceed 82 dB(A) at speeds of 35 miles per hour or less, or 86 dB(A) at speeds of more than 35 miles per hour.
 4. It shall be unlawful for any person to operate either a motor vehicle, motorcycle or combination of vehicles, at any time, or under any condition of grade, load, acceleration or deceleration within any area of the Town of Jerome in such a manner that a reasonable person of normal sensory perception, is caused discomfort or annoyance.
 5. Exceptions. This section shall not apply to any vehicle of the Town of Jerome while engaged in official duties.
- E. Penalties. Any person, or operator of a motor vehicle, found to be in violation of any section of this ordinance shall be deemed guilty as follows:
1. A first offense shall be deemed a civil infraction, punishable by a fine of not more than one hundred seventy-five dollars (\$175.00).
 2. A second offense committed within six months shall be deemed a civil infraction, punishable by a fine of not more than three hundred fifty dollars (\$350.00).

3. A third offense committed within twelve months shall be deemed a Class 1 misdemeanor, punishable by a fine of not more than two thousand five hundred dollars (\$2,500.00), imprisonment for up to 180 days, or any combination of both.

[Ord. 296, 03/10/1998; Ord. 308, 02/27/2001]

Section 10-1-14 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 Town 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 property or with any business lawfully conducted by anyone, in or upon, of facing or fronting on any of such streets, alleys, sidewalks, parks, or other public grounds in the Town.

Section 10-1-15 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.

Section 10-1-16 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 Town.

Section 10-1-17 Offensive Premises

It is unlawful for any person to suffer, or permit any premises belonging to or occupied by him/her, 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.

Section 10-1-18 Prostitution

Any person who shall practice prostitution or who shall, by word, sign or action make known or call attention that she is a prostitute, courtesan or lewd woman, or who shall make any public meretricious display of herself, or who shall solicit any person to visit or patronize a prostitute or place of prostitution, is guilty of a misdemeanor.

Section 10-1-19 Searchlights

It is unlawful for any person to operate within the Town any incandescent or arc type searchlight, beacon of light or similar lighting device designed to and capable of projecting a beam of light into the sky for a distance in excess of one-half mile unless permission is obtained from the Council. The

provisions of this section shall not apply to emergency searchlights or beacons operated pursuant to public authority.

Section 10-1-20 Signs and Banners

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 Town without first obtaining authorization from the Council.

Section 10-1-21 Spitting

It is unlawful for any person to spit upon any of the public sidewalks or crosswalks in the Town or upon any public path, by-way or highway or in or on any public ground or park in the Town, or upon the floor or interior of any public building in the Town.

Section 10-1-22 Water - Flow Upon Streets Prohibited

- A. It is unlawful for any person to willfully or negligently permit or cause the escape or flow of water in such quantity as to cause flooding, or to impede vehicular or pedestrian traffic, to create a hazardous condition to such traffic, or to cause damage to the public streets of the Town.
- B. It is unlawful for any person to willfully or negligently permit or cause the escape or flow of irrigation water in such quantity as to cause flooding, to impede vehicular or pedestrian traffic, to create a hazardous condition to such traffic, or to cause damage to the public streets of the Town through the failure or neglect to properly operate or maintain any irrigation structure, delivery ditch, or waste ditch in which said person has a vested right or interest or through the willful or negligent failure of said person to accept irrigation water after it has been ordered by him/her.

Section 10-1-23 Resisting an Officer

It shall be unlawful for any person to resist, obstruct, or in any way interfere with any officer of the Town while such officer is doing any act in his/her official capacity and with lawful authority.

[Ord. 172, 1/14/1976; Ord. 173, 1/14/1976; Ord. 204, 12/10/1985]

Reviser's Note: Ordinance 172 added Section 10-1-23 Discharge and Carrying Firearms and Guns. Ordinance 173 added Section 10-1-24 Resisting an Officer. Ordinance 204 deleted former Section 10-1-23 Discharge and Carrying Firearms and Guns.

Section 10-1-24 Minors in Places Serving Alcoholic Beverages

No person under the age of nineteen (19) years shall be admitted after eight o'clock (8:00) p.m. or be permitted to remain in any saloon, bar room or place of entertainment where any spirituous liquors, wines or malt or intoxicating liquors are sold, exchanged or given away, with the exception of restaurants or places of business whose gross receipts on a daily basis from the sale of food exceed the gross receipts on a daily basis from the sale of spirituous liquors, wines or malt or intoxicating liquors. It is unlawful for any parent or guardian to permit any such

person to remain in any such saloon, bar room or place of entertainment, and it is unlawful for any minor under the age of nineteen (19) years to be found in such a place.

(Ord. 173, 01/14/1976; Ord. 175, 11/09/1976)

Reviser's Note: Ordinance 173 added Section 10-1-24 Resisting an Officer. Ordinance 175 added Section 10-1-25 Minors in Places Serving Alcoholic Beverages.

Section 10-1-25 Park Regulations

It is a Class 1 misdemeanor to have any glass container in any Jerome Town Park. It is a class 1 misdemeanor to have alcohol in the Upper Park between the hours of ten o'clock (10:00) p.m. and eight o'clock (8:00) a.m. It is a class 1 misdemeanor to have alcohol in the Middle Park or the Lower Park except by permit.

[Ord. 282, 11/16/1995] *Reviser's Note: Ordinance 282 added "Section 10-1-24 Parks", but did not delete prior adopted Section 10-1-24 Minors in Places Serving Alcoholic Beverages. Therefore, Parks was codified as Section 10-1-25.*

Section 10-1-26 Motor Vehicle Idling

- A. Except as hereinafter provided, no motor vehicle, and no trailers with auxiliary motors for ventilation or refrigeration, shall be parked upon the public streets or alleys of the Town of Jerome with the motors running unless attended by a qualified driver, and unless it is actively being loaded or unloaded.
- B. This Section shall not apply to:
 - 1. Emergency vehicles
 - 2. Law enforcement vehicles
 - 3. Idling necessary for equipment operation (i.e., refrigeration units)
 - 4. Operating at idle to conform to manufacturer's warm up or cool down specifications
 - 5. Any vehicle when the outside temperature is below 20 degrees Fahrenheit

[Ord. 413, 11/6/2014]

ARTICLE 10-2 Fireworks

- 10-2-1 Definitions
- 10-2-2 Fireworks Prohibited
- 10-2-3 Sale of Fireworks
- 10-2-4 Posting of Signs by Persons Engaged in the Sale of Fireworks; Penalty
- 10-2-5 Authority to Enforce Violations of This Article; Means of Enforcement
- 10-2-6 Liability for Emergency Responses Related to Use of Fireworks; Definitions
- 10-2-7 Penalty

Section 10-2-1 Definitions

The following words, terms and phrases, when used in this article, have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Consumer firework* means those fireworks defined by A.R.S. 36-1601.
- (2) *Display firework* means those fireworks defined by A.R.S. 36-1601.
- (3) *Fireworks* means any combustible or explosive composition, substance or *combination* of substances, or any article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, that is a consumer firework, display firework or permissible consumer firework as defined by A.R.S. 36-1601.
- (4) *Novelty items* means federally deregulated novelty items that are known as snappers, snap caps, party poppers, glow worms, snakes, toy smoke devices, sparklers and certain toys as defined in A.R.S. 36-1601.
- (5) *Permissible consumer fireworks* means those fireworks as defined by A.R.S. 36-1601 that may be sold within the Town even where the use of those items has been prohibited.
- (6) *Supervised public display* means a monitored performance of display fireworks open to the public and authorized by permit by the Fire Chief or his designee.

Section 10-2-2 Fireworks Prohibited

- A. The use, discharge or ignition of fireworks and/or sparklers within the Town of Jerome is prohibited.
- B. Nothing in this section or article shall be construed to prohibit the use, discharge or ignition of novelty items other than sparklers, or the occurrence of a supervised public display of fireworks pursuant to paragraph C below.
- C. Permits may be granted by the Fire Chief or his/her designee for conducting a properly supervised public display of fireworks. Every such public display of fireworks shall be of such character and so located, discharged or fired, only after proper inspection, in such a manner that does not endanger persons, animals, or property. A permit shall not be issued, and may be revoked, during time periods of High Fire Danger warnings. The Fire Chief has authority to impose conditions on any permits granted.
- D. Failure to comply with subpart A of this section is a Class 2 misdemeanor offense and may be punishable by a fine in an amount up to \$750.00 plus applicable surcharges, imprisonment for a period of up to four months, and probation for a period of up to two years.

- E. Failure to comply with any permit requirements issued by the Fire Chief, as identified in subpart C of this section, is a Class 1 misdemeanor offense and may be punishable by a fine in an amount up to \$2,500.00 plus applicable surcharges, imprisonment for a period of up to six months, and probation for a period of up to three years.

Section 10-2-3 Sale of Fireworks

- A. No person shall sell or permit or authorize the sale of permissible consumer fireworks to a person who is under sixteen years of age.
- B. No person shall sell or permit or authorize the sale of permissible consumer fireworks in conflict with state law.

Section 10-2-4 Posting of Signs by Persons Engaged in the Sale of Fireworks; Penalty

- A. Prior to the sale of permissible consumer fireworks, every person engaged in such sales shall prominently display signs indicating the following:
 - (1) The use, discharge or ignition of fireworks and/or sparklers within the Town of Jerome is prohibited, as set forth in Article 10-2 of the Jerome Town Code.
 - (2) Consumer fireworks authorized for sale under state law may not be sold to persons under the age of 16.
- B. Signs required under this section shall be placed at each cash register and in each area where fireworks are displayed for sale.
- C. The Fire Chief or his/her designee shall develop regulations concerning the size and color of the required signs and shall develop a model sign. The required sign regulations and model sign shall be filed with the Clerk's office.
- D. Failure to comply with subparts A and B of this section is a Class 2 misdemeanor offense and may be punishable by a fine in an amount up to \$750.00 plus applicable surcharges, imprisonment for a period of up to four months, and probation for a period of up to two years.

Section 10-2-5 Authority to Enforce Violations of This Article; Means of Enforcement

The Fire Chief or his/her designee, a Town of Jerome police officer or marshal, or the Town Attorney may issue complaints to enforce violations of this article.

Section 10-2-6 Liability for Emergency Responses Related to Use of Fireworks; Definitions

- A. A person who uses, discharges or ignites permissible consumer fireworks, fireworks or anything that is designed or intended to rise into the air and explode or to detonate in the air or to fly above the ground, is liable for the expenses of any emergency response that is

required by such use, discharge or ignition. The fact that a person is convicted or found responsible for a violation of this article is *prima facie* evidence of liability under this section.

- B. The expenses of an emergency response are a charge against the person liable for those expenses pursuant to subpart A of this section. The charge constitutes a debt of that person and may be collected proportionately by the public agencies, for-profit entities or not-for-profit entities that incurred the expenses. The liability imposed under this section is in addition to and not in limitation of any other liability that may be imposed.
- C. For the purposes of this section:
 - (1) "Expenses of an emergency response" means reasonable costs directly incurred by public agencies, for-profit entities or not-for-profit entities that make an appropriate emergency response to an incident.
 - (2) "Reasonable costs" includes the costs of providing police, fire fighting, rescue and emergency medical services at the scene of an incident and any compensation paid to the persons who respond to the incident.
- D. In addition to the recovery of expenses as provided for in this section, the Town of Jerome may impose fees for emergency responses related to the use of fireworks identical to the amounts set forth in Section 4-2-8, "Providing Fire, Rescue and EMS Services for Non-Residents," of the Jerome Town Code.

Section 10-2-7 Penalty

Unless another penalty is specifically provided for, the penalty for violating any prohibition or requirement imposed by this article is a Class 2 misdemeanor offense and may be punishable by a fine in an amount up to \$750.00 plus applicable surcharges, imprisonment for a period of up to four months, and probation for a period of up to two years.

ARTICLE 10-3 Driving While Using A Portable Communications Device

- 10-3-1 Definitions
- 10-3-2 Illegal Activities
- 10-3-3 Exemptions
- 10-3-4 Enforcement and Penalties

Section 10-3-1 Definitions.

For the purpose of this chapter, the following definitions shall apply, unless the context clearly indicates or requires a different meaning:

“Hands-free mobile device” shall mean:

1. A device that has an internal feature or function, or that is equipped with an attachment or addition, whether or not permanently part of such device, which is not held by the driver during motor vehicle use. The device must not obstruct the driver’s view of the front or sides of the motor vehicle or interfere with the safety or operating equipment of the motor vehicle.
2. A device that is programmed before a person begins to drive or operate a motor vehicle such as a global positioning device (GPS).

“Motor vehicle,” “drive,” and “driver” shall have the same meaning as defined in A.R.S. Title 28, Chapter 1, Transportation.

“Portable communications device” shall mean any handheld mobile telephone, personal digital assistant (PDA), handheld device with mobile data access, laptop computer, pager, broadband personal communications device, two-way messaging device, electronic game, or “portable computing device.”

“Use” shall mean holding a portable communications device and performing the illegal activities stated in Section 10-3-2 of the Jerome Town Code.

Section 10-3-2 Illegal Activities.

A person shall not drive a motor vehicle while using a portable communications device to engage in a call unless that device is configured to allow hands-free listening and talking, and is used exclusively in that manner while driving. Texting and typing while operating a motor vehicle are banned.

Section 10-3-3 Exemptions.

This Article does not apply to any of the following:

- A. When the driver uses a hands-free mobile device.
- B. When the purpose of the call is to communicate an emergency to a police or fire department, a hospital or physician’s office, or an ambulance corps.
- C. When operating an authorized law enforcement or emergency vehicle in the performance of official duties.
- D. When a person holds a valid amateur radio operator license or any license issued by the Federal Communications Commission and is operating an amateur radio under the direction of authorized first responders in the event of an emergency.
- E. When a person is driving a motor vehicle on private property.
- F. When a driver has pulled off of the traveled portion of the roadway in a safe and legal location and placed the vehicle in park in order to operate a handheld portable communications device.

Section 10-3-4 Enforcement and Penalties.

- A. A law enforcement officer may stop a motor vehicle or motor driven cycle if the officer has reasonable cause to believe a violation of this chapter is occurring.
- B. A violation of this chapter is a nonmoving civil traffic violation.
- C. A person found to be in violation of this section and who is not involved in a motor vehicle accident is subject to a civil penalty of up to \$100.00 plus any other penalty assessments authorized by law.
- D. A person found to be in violation of this chapter and involved in a motor vehicle crash is subject to a civil penalty of \$250.00, plus any other penalty assessments authorized by law.

Violations of this chapter shall be administered pursuant to the procedures for civil traffic violations, as set forth in Title 28, Chapter 5, of the Arizona Revised Statutes.

[Ord. No. 447, 2/12/19]