

ORDINANCE NO. 2023-1585

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, AMENDING CHAPTER 11, ARTICLE 11-1 (OFFENSES) OF GOODYEAR CITY CODE; PROVIDING FOR CORRECTIONS, SEVERABILITY, PENALTIES, AND AN EFFECTIVE DATE.

WHEREAS, certain minor revisions are needed in Article 11-1 Offenses to add definitions and clarification to various sections of Article 11-1; and

WHEREAS, Section 11-1-39 will be added as a new Section to Article 11-1 to address and assist in identifying suspects involved in criminal activity; and

WHEREAS, the Mayor and Council of the City of Goodyear have determined it is in the best interest of the public health, safety, and welfare of the City of Goodyear and its citizens to amend Article 11-1 of Goodyear City Code.

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

SECTION 1. GOODYEAR CITY CODE CHAPTER 11, ARTICLE 11-1 (OFFENSES), SECTION 11-1-12 (PROSTITUTION) OF GOODYEAR CITY CODE IS HEREBY AMENDED TO ADD PENALTIES AND DEFINITIONS TO READ AS FOLLOWS:

§ 11-1-12 Prostitution.

(A) It is unlawful for any person to practice prostitution, to patronize a prostitute or to solicit any person to visit or patronize a prostitute or place of prostitution.

(B) Penalties:

1. A person who is convicted of a first violation of this section shall be sentenced to serve not less than fifteen consecutive days in jail and is not eligible for probation or suspension of execution of sentence until the entire sentence is served.

2. A person who is convicted of a second violation of this section shall be sentenced to serve not less than thirty consecutive days in jail and is not eligible for probation or suspension of execution of sentence until the entire sentence is served.

3. A person who is convicted of a third violation of this section shall be sentenced to serve not less than sixty consecutive days in jail, is not eligible for probation or suspension of execution of sentence until the entire sentence is served and shall complete an appropriate court ordered education or treatment program.

(C) It is an affirmative defense to a prosecution under this section that the defendant committed the acts constituting prostitution as a direct result of being a victim of sex trafficking.

(D) Definitions:

"Prostitution" means engaging in or agreeing or offering to engage in sexual conduct under a fee arrangement with any person for money or any other valuable consideration.

"Sexual conduct" means sexual contact, sexual intercourse, oral sexual contact or sadomasochistic abuse.

"Sexual contact" means any direct or indirect fondling or manipulating of any part of the genitals, anus or female breast.

"Sexual intercourse" means penetration into the penis, vulva or anus by any part of the body or by any object.

SECTION 2. CHAPTER 11, ARTICLE 11-1 (OFFENSES) OF GOODYEAR CITY CODE IS HEREBY AMENDED BY ENACTING A NEW SECTION 11-1-39 TITLED, "REFUSAL TO PROVIDE IDENTIFICATION OR EVIDENCE OF IDENTITY WHEN LAWFULLY DETAINED," TO READ AS FOLLOWS:

§ SECTION 11-1-39 - Refusal to provide identification or evidence of identity when lawfully detained.

(A) It is unlawful for a person after being advised that the person's refusal to answer is unlawful, to fail or refuse to provide identification or evidence of identity on request of a law enforcement officer who has lawfully detained the person based on reasonable suspicion that the person has committed, is committing or is about to commit a civil or criminal violation of an ordinance of the city or any law of the State of Arizona or the United States.

(B) Definitions.

For purposes of this section:

(1) "Identification" means any legally issued government document that contains the person's:

- (a) facial photograph
- (b) true full name
- (c) date of birth
- (d) physical description, including, but not limited to, height, weight, eye color, sex, and hair color

(2) "Evidence of identity" means that the person has provided the peace officer with the person's true full name and date of birth upon request of a law enforcement officer.

(3) "Law enforcement officer" means those persons responsible for the enforcement of the provisions of the Goodyear Municipal Code, including provisions related to fire, building, zoning, and life and safety codes; those individuals empowered to make arrests for offenses under

the Goodyear Municipal Code; or those individuals responsible for the enforcement of federal or state criminal laws.

(4) A violation of this section is class one misdemeanor and subject to the penalty in Article 1-8 of this code.

SECTION 4. CORRECTIONS

The City Attorney, City Clerk, the codifiers of the ordinance, and their respective designees are authorized to make necessary clerical corrections to this ordinance, including but not limited to, the correction of scrivener's/clerical errors, references, numbers, sections/subsection numbers and any references thereto.

SECTION 5. SEVERABILITY

If any section, subsection, 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 6. PENALTIES

The penalties for violation of Sections 11-1-12 (Prostitution) are subject to the penalties listed in Section 1 of this Ordinance and the newly established penalties provided in Section 11-1-12 (B) of Goodyear City Code.

The penalties for violation of Sections 11-1-39 are subject to all criminal penalties provided in Article 1-8 as follows.

§ 1-8-1 Penalty. Any person found guilty of violating any provisions of this code, except as otherwise provided in this code, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not to exceed \$2,500 for an individual and not more than \$20,000 for an enterprise or by imprisonment for a period of not to exceed six months, or by both such fine and imprisonment. Each day that a violation continues shall be a separate offense punishable as hereinabove described. The term *ENTERPRISE* as used in this subsection shall mean any corporation, partnership, association, labor union or other entity or any group of persons associated in part although not a legal entity.

SECTION 4. EFFECTIVE DATE

This ordinance shall become effective as prescribed by law. The provisions of the ordinance, regulation, or requirement of the city of Goodyear being amended by this ordinance shall remain in full force and effect until the effective date of this ordinance.

PASSED AND ADOPTED by the Mayor and Council of the City of Goodyear, Maricopa County, Arizona, by a _____ vote, this _____ day of _____, 20_____.

Joe Pizzillo, Mayor

Date: _____

ATTEST:

APPROVED AS TO FORM:

Darcie McCracken, City Clerk

Roric Massey, City Attorney