

ORDINANCE NO. 2022-01

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF CAREFREE, MARICOPA COUNTY, ARIZONA, ADOPTING AMENDMENTS TO CHAPTERS 1, 5, 6, 10 AND 11, OF THE CAREFREE, ARIZONA TOWN CODE; PROVIDING FOR SEPARABILITY; ADOPTION AND APPROVAL BY THE MAYOR AND COMMON COUNCIL OF THE TOWN AS REQUIRED BY LAW AND DIRECTING THE TOWN CLERK OF THE TOWN OF CAREFREE TO INCORPORATE THIS AMENDMENT INTO THE CAREFREE, ARIZONA TOWN CODE.

BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAREFREE, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

Section 1: The Mayor and Common Council deem it necessary, in order to conserve, promote, and protect the public health, safety and welfare, to amend that certain document known as the Carefree, Arizona Town Code.

Section 2: All ordinances and portions of ordinances in conflict with the provisions of this Ordinance, or inconsistent with the regulations of this Ordinance, are hereby repealed to the extent necessary to give this Ordinance full force and effect.

Section 3: The Amendments are made to Chapter 1 General, Chapter 5 Health and Safety, Chapter 6 Offenses, Chapter 10 Building, and Chapter 11 Streets And Public Ways amended as follows:

CHAPTER 1 GENERAL, Article 1-3 DEFINITIONS, Section 1-3-18 Person

The word "person" shall mean an individual, firm, corporation, association, organization, or any other entity.

CHAPTER 1 GENERAL, Article 1-8 PENALTY

A. Any person found guilty of violating any provisions of this code or amendments thereto, except as otherwise provided in this code, shall be guilty of a Class 1 misdemeanor and upon conviction thereof shall be punished by a fine of not to exceed two thousand five hundred dollars, by imprisonment for a period not to exceed six months in jail, by a term of probation not to exceed three years, or by any combination of such fine, imprisonment and probation. Each day that a violation continues shall be a separate offense punishable as hereinabove described.

B. Notwithstanding any other provision of this code, any person found to have violated any provision of this code, or amendments thereto, which by its terms is classified as a civil offense, and who has been twice previously found to have violated such provision within the preceding twenty four months, shall, in addition to any penalty prescribed for such civil offense, be guilty of a Class 1 misdemeanor and shall be punished by a fine of not to exceed two thousand five hundred dollars, by imprisonment for a period not to exceed six months in jail, by a term of probation

not to exceed three years, or by any combination of such fine, imprisonment and probation.

CHAPTER 5 HEALTH AND SAFETY, Article 5-3 PRIVATE POOLS BARRIER CODE, Section 5-3-4 Violations and Penalties

Any person who admits or is convicted of violating any provision of this article shall be guilty of a Class 1 misdemeanor and shall be punished by a fine not to exceed two thousand five hundred dollars, by imprisonment for a period not to exceed six months in jail, by a term of probation not to exceed three years, or by any combination of such fine, imprisonment or probation. Each day the violation continues shall be a separate offense punishable as described herein.

CHAPTER 6 OFFENSES, Article 6-2 NUISANCES ; ALL TERRAIN VEHICLE, Section 6-2-2 Abatement

C. Any person who violates, disobeys, refuses to comply with, or who resists the enforcement of, subsection a of this section is guilty of a Class 1 misdemeanor, punishable by a fine of not to exceed two thousand five hundred dollars, by imprisonment for a period not to exceed six months jail, by a term of probation not to exceed three years, or by any combination of such fine, imprisonment or probation.

CHAPTER 6 OFFENSES, Article 6-3 NO SHOOTING, Section 6-3-3 Violations and Penalties

Any person who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this article shall, upon admission or conviction thereof, be guilty of a Class 1 misdemeanor and shall be punished by a fine of up to two thousand five hundred dollars by imprisonment for a period not to exceed six months jail, by a term of probation not to exceed three years, or by any combination of such fine, imprisonment or probation.

CHAPTER 6 OFFENSES, Article 6-8 SHORT-TERM RENTALS RESPONSIBLE PARTY REQUIREMENTS AND OTHER VIOLATIONS, Section 6-8-5 Violations and Penalties

A. 3. A third offense committed within twelve (12) months shall be deemed a Class 1 misdemeanor and shall be punished by a fine of up to two thousand five hundred dollars, by imprisonment for a period not to exceed six months jail, by a term of probation not to exceed three years, or by any combination of such fine, imprisonment or probation.

CHAPTER 10 BUILDING, Article 10-1 COMPREHENSIVE BUILDING SAFETY CODE, Section 10-1-5 Violations and Penalties

Any person, firm or corporation upon admission or conviction of violating any provision of this article, and the codes and public records adopted herein by reference, shall be guilty of a Class 1 misdemeanor and shall be punished by a fine not to exceed two thousand five hundred dollars, by imprisonment for a period not to exceed six months in jail, by a term of probation not to exceed three years, or by any combination of such fine, imprisonment and probation. Each day that a violation continues shall be a separate offense punishable as described herein.

CHAPTER 11 STREETS AND PUBLIC WAYS, Article 11-1 STREET EXCAVATION AND CONSTRUCTION IN PUBLIC RIGHTS-OF-WAY, Section 11-1-14 Violations and Penalties

Any person upon admission or conviction of violating any provision of this article shall be guilty of a Class 1 misdemeanor and shall be punished by a fine not to exceed two thousand five hundred dollars, by imprisonment for a period not to exceed six months in jail, by a term of probation not to exceed three years, or by any combination of such fine, imprisonment and probation. Each day that a violation continues shall be a separate offense punishable as hereinbefore prescribed.

CHAPTER 11 STREETS AND PUBLIC WAYS, Article 11-3 POSTING OF SIGNS IN PUBLIC RIGHTS-OF-WAY; PERMITS, Section 11-3-5 Violations and Penalties

Any person upon admission or conviction of violating any provision of this article shall be guilty of a Class 1 misdemeanor and shall be punished by a fine not to exceed two thousand five hundred dollars, by imprisonment for a period not to exceed six months in jail, by a term of probation not to exceed three years, or by any combination of such fine, imprisonment and probation. Each day that a violation continues shall be a separate offense punishable as hereinbefore prescribed.

Section 4: If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the amendments 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 5: The immediate operation of the provision of this Ordinance is necessary for the immediate preservation of the public peace, health, and safety; and emergency is hereby declared to exist; and this ordinance shall be effective immediately and in full force and effect from and after its passage, adoption, and approval by the Mayor and the Common Council of the Town of Carefree as required by law.

Section 6: The Town Clerk of the Town of Carefree shall incorporate the Amendment set forth herein into the Carefree Arizona Town Code.

PASSED, ADOPTED AND APPROVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAREFREE, ARIZONA, this 1 day of Feb, 2022.

Ayes 7 Noes 0 Abstentions 0 Absent 0

TOWN OF CAREFREE



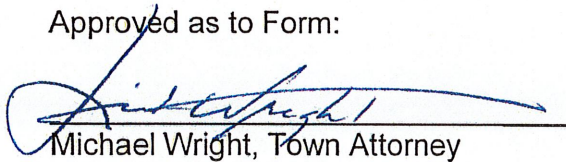
Les Peterson, Mayor

Attest:



Kandace French Contreras, Town Clerk

Approved as to Form:



Michael Wright, Town Attorney