

**TOWN OF CAREFREE, ARIZONA
ORDINANCE NO. 2004-02**

**ORDINANCE OF THE TOWN OF CAREFREE, MARICOPA COUNTY ARIZONA,
DECLARING THE TENTH AMENDMENT OF THE TOWN OF CAREFREE ZONING
ORDINANCE TO BE PUBLIC RECORD; ADOPTING SAID ORDINANCE AND
AMENDMENTS THERETO BY REFERENCE, REPEALING INCONSISTENT ORDINANCES;
PROVIDING PENALTIES FOR VIOLATIONS OF SAID ORDINANCE; AND FIXING THE
EFFECTIVE DATE THEREOF**

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

Section 1: That certain document known as “Town of Carefree February 2004 Amended Zoning Ordinance” is hereby declared to be public record, and three copies of said document are hereby placed and are ordered to remain on file in the Office of the Town Clerk.

Section 2: That certain document known as the “Town of Carefree February 2004 Amended Zoning Ordinance” is hereby referred to and adopted as the Town of Carefree Zoning Ordinance in order to conserve and promote the public health, safety and general welfare.

Section 3: All ordinances or 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in conflict with the provisions of this Ordinance, or inconsistent with the regulations of this Ordinance, are hereby repealed to the extent necessary to give this Ordinance full force and effect.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 4: Should any provision of this Ordinance be held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity of the Ordinance as a whole, or any portion thereof which can be given effect without the invalid or unconstitutional provision, and to this end the provisions of this Ordinance are declared to be severable.

Section 5: Violation

1. If any building, structure, land, or landscaping is used or proposed to be used or erected, constructed, reconstructed, altered, repaired, converted, or maintained in violation of the provisions of this Ordinance, the Town may use any one of the following actions to prevent or abate violation:
 - a) Issue an order of abatement.
 - b) Issue a Notice and Order to Comply.
 - c) Pursue criminal prosecution.
 - d) Issue a civil citation.
 - e) Seek an injunction from Superior Court.

Section 6: Penalty

1. Anyone violating any provision of this Ordinance shall, upon conviction, be punished by a fine of not more than two thousand five hundred dollars (\$2,500.00), by imprisonment in a designated place of confinement for a term not exceeding six (6) months, by a term of probation not exceeding three (3) years, or by any combination of such fine, imprisonment, and probation.
2. It is a separate offense for each and every day the violation is committed, continued, or permitted.
3. The imposition of any sentence or fine shall not exempt the offender from compliance with the requirements of this Ordinance.
4. The owner, lessee, tenant, and/or other person in possession of the property or use in violation are all and equally responsible for the violation(s).
5. In addition, the Town may bring civil proceedings in a court of competent jurisdiction to enforce compliance with this ordinance including the prevention, restraining, and/or abatement of the violation(s).
6. In addition, any violation is declared to be a public nuisance and the Town may enjoin or restrain said violation like any other nuisance under authority of any applicable Town or State law.

Section 7: This Ordinance shall become effective and in force thirty days from and after the date of its adoption.

PASSED, ADOPTED AND APPROVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAREFREE, ARIZONA, this 2nd day of March, 2004.

Ayes ____ Noes ____ Abstentions ____ Absent ____

TOWN OF CAREFREE

Edward C. Morgan, Mayor

Attest:

Elizabeth L. Wise, Town Clerk

Approved as to Form:

Thomas K. Chenal, Town Attorney