

ORDINANCE NO. 2015-01

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF CAREFREE, MARICOPA COUNTY, ARIZONA, ADOPTING AMENDMENTS TO CHAPTERS 6 AND 7 OF THE TOWN CODE OF THE TOWN OF CAREFREE, ARIZONA; PROVIDING FOR REPEAL OF CERTAIN PROVISIONS OF THE TOWN CODE; PROVIDING FOR SEPARABILITY; AND DECLARING THAT THE IMMEDIATE OPERATION OF THE PROVISION OF THIS ORDINANCE IS NECESSARY FOR THE IMMEDIATE PRESERVATION OF THE PUBLIC PEACE, HEALTH AND SAFETY, THAT AN EMERGENCY EXISTS, AND THAT THIS ORDINANCE SHALL BE EFFECTIVE IMMEDIATELY AND IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE, 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 TOWN CODE OF THE TOWN OF CAREFREE.

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 Town Code of the Town of Carefree, Arizona.

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in conflict with the provisions of this Ordinance, or inconsistent with the regulations of this Ordinance, are hereby repealed to the extent necessary to give this Ordinance full force and effect.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 6, Article 6-6, Section 6-6-1 of the Town of Carefree Code and Chapter 7, Article 7-2, Amended as follows (additions are shown in **BOLD**, and deleted language is ~~crossed out~~):

Section 6-6-1 OFFENSES

- A. A “leaf blower” means any portable engine-driven device used to blow leaves, dirt and other debris off sidewalks, driveways, lawns or other surfaces.
- B. **No person shall blow any landscaping debris onto public roadways rights-of-way and/or upon neighboring properties at any time.**
- C. **Never blow directly onto an unstabilized surface at any time.**
- D. **Leaf-blowers shall not be used, except in vacuum mode, on High Pollution Advisory Days.**

Section 7-2-8 VACANT LOTS

- A. No person shall operate a vehicle on or across or park on any portion of an unpaved or unstabilized vacant lot or area unless the property is dust-proofed pursuant to the Town Code or the Town Zoning Ordinance or the site has been issued a Maricopa County permit for the control of dust from dust generating operations.**
- B. No person shall operate any vehicle, including an off-highway vehicle, an all-terrain vehicle, or an off-road recreational motor vehicle, on an unpaved surface that is not a public or private road, street or lawful easement and that is closed by (1) the landowner by rule or regulation of a federal agency, this state, a county or municipality or (2) proper posting if the land is private land.**
- C. This section does not apply to the operation of vehicles used in the normal course of business or the normal course of government operations and/or during a period of emergency or if the operation is directed by a peace officer or other public authority.**
- D. The provisions of this Section 7 do not apply to any site that has a permit issued by a control officer as defined in Arizona Revised Statutes, as amended.**

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 in to the Town Code of the Town of Carefree, Arizona.

PASSED, ADOPTED AND APPROVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAREFREE, ARIZONA, this 4th day of August, 2015.

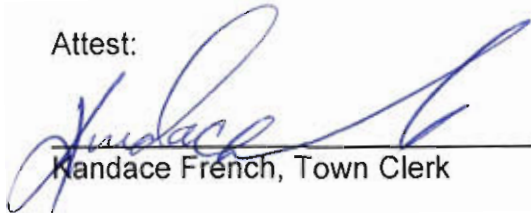
Ayes 7 Noes 0 Abstentions 0 Absent 0

TOWN OF CAREFREE

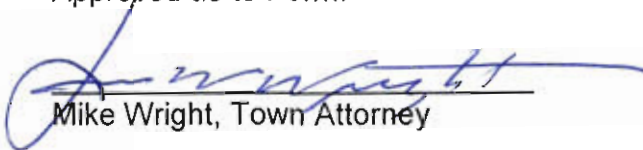


Les Peterson, Mayor

Attest:


Kandace French, Town Clerk

Approved as to Form:


Mike Wright, Town Attorney