

**TOWN OF CAREFREE**

**ORDINANCE 2004-04**

**AN ORDINANCE OF THE TOWN OF CAREFREE, MARICOPA COUNTY, ARIZONA, AMENDING CHAPTER 6 OF THE TOWN CODE; REVISING SECTION 6-2-4 NOISE, BY ADDING, DELETING, OR CHANGING THE WORDING IN SUBSECTIONS A., B., C., AND ADDING SUBSECTION D. IN REGARD TO MOTOR VEHICLE NOISE, CHANGING THE FORMER D. REGARDING GARBAGE COLLECTION TO E.; AND BY AMENDING SECTION 6-2-6 VIOLATIONS AND PENALTIES BY ADDING, DELETING, OR CHANGING THE WORDING THEREIN TO DEFINE PENALTIES FOR THE FIRST, SECOND AND THIRD OFFENSES OF THE FOREGOING SECTIONS.**

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

Section 1. That the Town of Carefree, Chapter 6, Offenses, Article 6-2 Nuisances; Section 6-2-4 Noise is hereby amended as follows:

In order to promote the health, safety and welfare of the citizens of the Town of Carefree, the creating, permitting or allowing of any unreasonably loud and disturbing noise within the Town of Carefree 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 unreasonably 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 that follows shall not be deemed to be exclusive.

- A.) Unless written permission is received from the Town of Carefree in advance, it is hereby declared to be a public nuisance and is unlawful for any person or persons, firm or corporation owning, 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), phonographs(s), music box(s), compact disk player(s), tape player(s), or other mechanical or electrical device, in such a manner that annoys or disturbs either:
  - I.) two (2) reasonable people of normal sensory perception, not residing in the same house, or
  - II.) one (1) law enforcement officer engaged in his or her official duties and responsibilities.
  
- B.) Unless written permission is received from the Town of Carefree in advance, it is unlawful for any person or persons to play any radio, stereo player or other sound device, including but not limited to, loudspeakers or other devices for the production or amplification of sound, from within a motor vehicle or other means of transportation, in such a manner that annoys or disturbs either:

- I.) two (2) reasonable people of normal sensory perception, not residing in the same house, or
  - II.) one (1) law enforcement officer engaged in his or her official duties and responsibilities.
- C.) Unless written permission is received from the Town of Carefree in advance, it shall be unlawful except between the hours of 6:00 a.m. and 7:00 p.m., Monday through Saturday, and between the hours of 10:00 a.m. and 7:00 p.m., Sunday and holidays for any person or persons, 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 purpose of construction, destruction, building, assembly or disassembly, of any building or structure, whether residential or commercial, in such a manner that annoys or disturbs either:
- I.) two (2) reasonable people of normal sensory perception, not residing in the same house, or
  - II.) one (1) law enforcement officer engaged in his or her official duties and responsibilities.

Holidays shall be New Year's Day, President's Day, Easter Sunday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

- D.) In regard to motor vehicle noise:
- I.) It shall be unlawful to operate a motor vehicle including a motorcycle in such a manner as to cause the tires to squeal or screech.
  - II.) It shall be unlawful for any person or persons to repair, rebuild, or test, any motor vehicle including a motorcycle, in such a manner that annoys or disturbs either:
    - a.) two (2) reasonable people of normal sensory perception, not residing in the same house, or
    - b.) one (1) law enforcement officer engaged in his or her official duties and responsibilities.
  - III.) It shall be unlawful for any person or persons to operate a motor vehicle, a motorcycle, or combination of vehicles, at any time, or under any condition of grade, load, acceleration or deceleration, in such a manner, either alone or collectively, as to exceed eighty-five (85) dBA based on a measurement taken at a distance of twenty-five (25) feet or more from the source of the noise. For purpose of this Section, "dBA" shall mean weighted decibel, a sound level measurement unit.
  - IV.) It shall be unlawful for any person or persons to operate a motor vehicle, a motorcycle, or combination of vehicles, at any time, or under any condition of grade, load, acceleration or deceleration, in such a manner that annoys or disturbs either:

- a.) two (2) reasonable people of normal sensory perception, not residing in the same house, or
  - b.) one (1) law enforcement officer engaged in his or her official duties and responsibilities.
- V.) EXCEPTIONS. This ordinance shall not apply to aircrafts and emergency vehicles.
- E.) No person shall collect or remove garbage in any residential or commercial district except between the hours after sunrise to 9:00 p.m.

Section 2. That the Town Code, Chapter 6, Offenses Article 6-2 Nuisances; Section 6-2-5 All Terrain Vehicles: Section 6-2-6-Violations & Penalties shall be amended to read as follows:

Any person or owner and/or operator of a motor vehicle, including a motorcycle, found to be in violation of any section of this Article 6-2, shall be deemed responsible/guilty as follows:

- A.) A first offense shall be deemed a civil infraction, punishable by a fine of not more than one hundred seventy-five dollars (\$175.00).
- B.) A second offense committed within twelve (12) months shall be deemed a civil infraction, punishable by a fine of not more than three hundred fifty dollars (\$350.00).
- C.) A third offense committed within twelve (12) 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 one hundred eighty (180) days, probation for up to three (3) years, or any combination.
- D.) The dates of violation shall control.

PASSED, ADOPTED AND APPROVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAREFREE, ARIZONA THIS 1<sup>ST</sup> DAY OF JUNE, 2004

Ayes \_\_\_\_\_ Noes \_\_\_\_\_ Abstentions \_\_\_\_\_ Absent \_\_\_\_\_

**TOWN OF CAREFREE**

By: \_\_\_\_\_  
Edward C. Morgan, Mayor

**ATTEST:**

\_\_\_\_\_  
Elizabeth L. Wise, Town Clerk

**APPROVED AS TO FORM:**

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Thomas K. Chenal, Town Attorney