

TOWN OF CAREFREE, ARIZONA  
ORDINANCE NO. 2007-06

AN ORDINANCE OF THE TOWN OF CAREFREE, MARICOPA COUNTY, ARIZONA, ADOPTING AMENDMENTS TO CHAPTER 6, ARTICLE 6-2, OF THE TOWN OF CAREFREE CODE AMENDED THROUGH FEBRUARY 6, 2007; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS OF THE TOWN CODE; PROVIDING FOR SEPARABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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 Code of the Town of Carefree, Arizona;

**Section 2.** The amended Code of the Town of Carefree, Arizona, Arizona shall be known as the "Code of the Town of Carefree, Arizona, amended July 10, 2007," and is hereby declared to be a public record. Three (3) copies of said amended Code are hereby placed and ordered to remain on file in the office of the Town Clerk.

**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in conflict with the provisions of this Ordinance, or inconsistent with the regulations of this Ordinance, are hereby repealed to the extent necessary to give this Ordinance full force and effect.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.** The amendments are made to Chapter 6, Article 6-2 of The Town of Carefree Code Amended Through February 6, 2007, as follows (added language is shown in **bold**, deleted language is shown ~~crossed out~~):

## CHAPTER 6 OFFENSES

### Section 6-2-4 Noise\*

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:
  - 1. two (2) reasonable people of normal sensory perception, not residing in the same house, or
  - 2. 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:
  - 1. two (2) reasonable people of normal sensory perception, not residing in the same house, or
  - 2. 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:
  - 1. two (2) reasonable people of normal sensory perception, not residing in the same house, or
  - 2. 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:

1. 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.
2. 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.
- ~~3. 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.~~
- 4.3. 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.
4. **It shall be unlawful for any person to operate any motorcycle at any time or under any condition of grade, load, acceleration or deceleration in such a manner as to exceed the following noise limits:**

<u>MODEL YEAR OF MOTORCYCLE</u>	<u>SPEED LIMIT OF 35 M.P.H. OR LESS</u>	<u>SPEED LIMIT OF MORE THAN 35 M.P.H. AND LESS THAN OR EQUAL TO 45 M.P.H.</u>	<u>SPEED LIMIT OF MORE THAN 45 M.P.H.</u>
<u>BEFORE 1972</u>	<u>84 DBA</u>	<u>88 DBA</u>	<u>88 DBA</u>
<u>1972-1980</u>	<u>79 DBA</u>	<u>82 DBA</u>	<u>86 DBA</u>
<u>AFTER 1980</u>	<u>76 DBA</u>	<u>80 DBA</u>	<u>83 DBA</u>

- a. the noise limits established by this section shall be based on measurements taken at a distance of 50 feet from the center of the lane of travel within the specified speed limit. Noise measurements can be made at distances other than 50 feet from the center of the lane of travel. In such cases, the measurement shall be corrected to what it would be at the standard distance of 50 feet, for comparison with the standard.

5. 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.
- F. Any person or owner and/or operator of a motor vehicle, including a motorcycle, found to be in violation of any of the provisions of this Section 6-2-4, shall be deemed guilty of 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.
- G. In lieu of or in addition to pursuing criminal prosecution for any violation of any of the provisions of this Section 6-2-4, the Town may issue a civil citation for any violation of any of the provisions of this Section 6-2-4 and may bring civil proceedings in a court of competent jurisdiction to seek imposition of civil sanctions and to enforce compliance with this Section 6-2-4 including prevention, restraining and/or abatement of the violation(s). Use of the civil citation alternative is not mandatory and shall be at the discretion of the town official undertaking enforcement action.

H. Any violation of any of the provisions of this Section 6-2-4 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 5.** This Ordinance and stated amendments shall become effective and in full force and effect thirty (30) 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 2 day of October, 2007.

Ayes 7      Noes 0      Abstentions 0      Absent 0

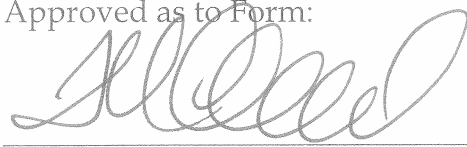
TOWN OF CAREFREE

By  \_\_\_\_\_  
Wayne Fulcher, Mayor

Attest:

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

Approved as to Form:

 \_\_\_\_\_  
Thomas K. Chenal, Town Attorney