

CAREFREE, ARIZONA

CODE OF ORDINANCES

Contains 2016 S-7 Supplement,
current through Ordinance 2016-05, passed 7-5-2016

AMERICAN LEGAL PUBLISHING CORPORATION

One West Fourth Street, 3rd Floor, Cincinnati, Ohio 45202 (800) 445-5588

**CAREFREE, ARIZONA TOWN CODE
TABLE OF CONTENTS**

CHAPTER 1	GENERAL	1
1-1	HOW CODE DESIGNATED AND CITED	1
1-2	CONSTRUCTION OF ORDINANCES	1
1-3	DEFINITIONS	1
1-4	REFERENCE TO CHAPTERS, ARTICLES OR SECTIONS: CONFLICTING PROVISIONS	8
1-5	SECTION HEADINGS	8
1-6	EFFECT OF REPEAL	9
1-7	SEVERABILITY OF PARTS OF CODE	9
1-8	PENALTY	9
1-9	PROSECUTION OF CIVIL OFFENSES AND ENFORCEMENT OF SANCTIONS	10
1-10	REPEAL OF EXISTING ORDINANCES	13
1-11	EFFECTIVE DATE OF CODE	14
CHAPTER 2	MAYOR AND COUNCIL	15
2-1	COUNCIL	15
2-2	MAYOR	19
2-3	COUNCIL ELECTION	23
2-4	COUNCIL PROCEDURE	24
2-5	ORDINANCES, RESOLUTIONS AND CONTRACTS	26C
2-6	INITIATIVE AND REFERENDUM	26D
2-7	INDEMNIFICATION OF OFFICERS AND EMPLOYEES	28
CHAPTER 3	ADMINISTRATION	31
3-1	OFFICERS IN GENERAL	31
3-2	OFFICERS	32
CHAPTER 4	MUNICIPAL COURT	35
4-1	MUNICIPAL COURT ESTABLISHED; JURISDICTION	35
4-2	OFFICERS, POWERS AND DUTIES	35
4-3	PROCEEDINGS OF COURT	38
4-4	PUBLIC DEFENDER	39
4-5	COURT EMPLOYEES	39
4-6	JAIL SERVICES RECOVERY FEE	41
4-7	COURT ENHANCEMENT FUND	41
4-8	PRIVATE COLLECTION AGENCY TRANSACTION FEES (COSTS)	43

Table of Contents

CHAPTER 5	HEALTH AND SAFETY	45
5-1	ANIMAL RULES AND REGULATIONS	45
5-2	PUBLIC AND SEMI-PUBLIC POOLS CODE	48
5-3	PRIVATE POOLS BARRIER CODE	50
5-4	REGULATING THE ACTIVITIES AND RESPONSIBILITIES OF THOSE PERSONS WHO PURCHASE, RENT, OR USE ALARM SYSTEM DEVICES OR SERVICES	52
5-5	GARBAGE COLLECTION	56
CHAPTER 6	OFFENSES	57
6-1	REMOVAL OF DEBRIS	57
6-2	NUISANCES; ALL TERRAIN VEHICLES	59
6-3	NO SHOOTING	64A
6-4	PUBLIC PLACES	66
6-5	CURFEW HOURS FOR MINORS	67
6-6	LANDSCAPING DEBRIS	70
6-7	FIREWORKS	70A
CHAPTER 7	TRAFFIC; PARKING	71
7-1	GENERAL PROVISIONS	71
7-2	TRAFFIC CONTROL	72
7-3	PARKING	78
7-4	MOTORIZED SKATES, SKATEBOARDS AND MOTORIZED GOPED SCOOTERS	78
7-5	VIOLATIONS AND PENALTIES	79
CHAPTER 8	BUSINESS REGULATIONS	81
8-1	SOLICITATION CODE	81
8-2	ESTATE SALES/CARPORT SALES	84
8-3	ANNUAL BUSINESS LICENSE	86
CHAPTER 9	TRANSACTION PRIVILEGE TAX	87
9-1	ADOPTION OF TAX CODE	87
CHAPTER 10	BUILDING	89
10-1	COMPREHENSIVE BUILDING SAFETY CODE	89
10-2	STANDARD SPECIFICATIONS AND DETAILS	161
10-3	ARIZONANS WITH DISABILITIES ACT	162
10-4	CLEAN-BURNING FIREPLACE STANDARDS	162
10-5	BLASTING OPERATIONS	164

Table of Contents

CHAPTER 11	STREETS AND PUBLIC WAYS	173
11-1	STREET EXCAVATION AND CONSTRUCTION IN PUBLIC RIGHTS-OF-WAY	173
11-2	VACATING PUBLIC ROADS, ALLEYS AND WAYS	180
11-3	POSTING OF SIGNS IN PUBLIC RIGHTS-OF-WAY; PERMITS	182
11-4	STREET EXCAVATION AND CONSTRUCTION IN PRIVATE STREETS AND PUBLIC UTILITY EASEMENTS	185
CHAPTER 12	ZONING AND SUBDIVISIONS	187
12-1	PLANNING AND ZONING	187
12-2	SUBDIVISIONS	187
CHAPTER 13	CABLE TELEVISION	189
13-1	CABLE TELEVISION CODE	189
CHAPTER 14	FIRE PREVENTION	191
14-1	GENERAL PROVISIONS	191
INDEX		

Table of Contents

CHAPTER 1 GENERAL

Article 1-1 HOW CODE DESIGNATED AND CITED

The ordinances as contained in the following chapters and sections shall constitute and be designated "The Code of the Town of Carefree, Arizona," and may be so cited. Such code may also be cited as the "Carefree Town Code."

Article 1-2 CONSTRUCTION OF ORDINANCES

The rules and the definitions set forth in this chapter shall be observed in the construction of this code and the ordinances of the town unless such construction would be inconsistent with either the manifest intent of the council or the context of this code or the ordinances of the town.

Article 1-3 DEFINITIONS

- 1-3-1 General Rule Regarding Definitions
- 1-3-2 Acts by Agents
- 1-3-3 And, Or
- 1-3-4 Code
- 1-3-5 Council
- 1-3-6 County
- 1-3-7 Day
- 1-3-8 Daytime, Nighttime
- 1-3-9 Department, Board, Commission, Office, Officer or Employee
- 1-3-10 Gender; Singular and Plural
- 1-3-11 Heretofore and Hereafter
- 1-3-12 In the Town
- 1-3-13 Joint Authority
- 1-3-14 Mayor
- 1-3-15 Month
- 1-3-16 Oath
- 1-3-17 Owner
- 1-3-18 Person
- 1-3-19 Personal Property
- 1-3-20 Preceding, Following
- 1-3-21 Property
- 1-3-22 Real Property
- 1-3-23 Shall, May
- 1-3-24 Shall Have Been
- 1-3-25 Signature or Subscription by Mark
- 1-3-26 State
- 1-3-27 Tenant or Occupant

GENERAL

1-3-28	Tenses
1-3-29	Time--Computation
1-3-30	Time--Reasonable
1-3-31	Town
1-3-32	Week
1-3-33	Writing
1-3-34	Year

Section 1-3-1 General Rule Regarding Definitions

All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.

Section 1-3-2 Acts by Agents

When an act is required to be done which may by law as well be done by an agent as by the principal, such requirement shall be construed to include all such acts when done by an authorized agent.

Section 1-3-3 And, Or

"And" may be read "or" and "or" may be read "and" if the sense requires it.

Section 1-3-4 Code

The words "the code" or "this code" shall mean "The Code of the Town of Carefree, Arizona," unless the context indicates otherwise.

Section 1-3-5 Council

Whenever the word "council" is used, it shall be construed to mean the common council of the Town of Carefree, Arizona.

GENERAL

Section 1-3-6 County

"County" means Maricopa County, Arizona, except as otherwise provided.

Section 1-3-7 Day

A "day" is the period of time between any midnight and the midnight following.

Section 1-3-8 Daytime, Nighttime

"Daytime" is the period of time between sunrise and sunset. "Nighttime" is the period of time between sunset and sunrise.

Section 1-3-9 Department, Board, Commission, Office, Officer or Employee

Whenever any "department, board, commission, office, officer or employee" is referred to, it shall mean a department, board, commission, office, officer or employee of the town unless the context clearly indicates otherwise; and the prescribing of any duty or power of an officer by title shall include his duly authorized representatives.

Section 1-3-10 Gender; Singular and Plural

Words of the masculine gender include the feminine; words in the singular number include the plural and words in the plural number include the singular.

Section 1-3-11 Heretofore and Hereafter

Whenever the word "heretofore" occurs in any ordinance or this code it shall be construed to mean any time previous to the date when such ordinance shall take effect; and whenever the word "hereafter" occurs it shall be construed to mean the time after the ordinance containing such word shall take effect.

GENERAL

Section 1-3-12 In the Town

The words "in the town" or "within the town" shall mean and include all territory over which the town now has, or shall hereafter acquire, jurisdiction for the exercise of its police powers or other regulatory powers.

Section 1-3-13 Joint Authority

All words purporting to give a joint authority to three or more town officers or other persons shall be construed as giving such authority to a majority of such officers or other persons unless it shall be otherwise expressly declared in the law giving the authority.

Section 1-3-14 Mayor

"Mayor" means the mayor of the Town of Carefree unless otherwise specifically designated.

Section 1-3-15 Month

The word "month" shall mean a calendar month.

Section 1-3-16 Oath

"Oath" includes affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

Section 1-3-17 Owner

The word "owner" applied to a building or land shall include any part owner, joint owner, tenant in common, joint tenant or lessee of the whole or of part of such building or land.

GENERAL

Section 1-3-18 Person

The word "person" shall extend and be applied to firms, corporations or voluntary associations, as well as to individuals, unless plainly inapplicable.

Section 1-3-19 Personal Property

"Personal property" includes every species of property, except real property as defined in this article.

Section 1-3-20 Preceding, Following

The words "preceding" and "following" mean next before and next after, respectively.

Section 1-3-21 Property

The word "property" shall include real and personal property.

Section 1-3-22 Real Property

"Real property" shall include lands, tenements and hereditaments.

Section 1-3-23 Shall, May

"Shall" is mandatory and "may" is permissive.

Section 1-3-24 Shall Have Been

The words "shall have been" include past and future cases.

GENERAL

Section 1-3-25 Signature or Subscription by Mark

"Signature" or "subscription" includes a mark when the signer cannot write, such signer's or subscriber's name being written near the mark by a witness who writes his own name near the signer's or subscriber's name; but a signature or subscription by mark can be acknowledged or can serve as a signature or subscription to a sworn statement only when two witnesses so sign their own names thereto.

Section 1-3-26 State

The words "the state" shall be construed to mean the State of Arizona.

Section 1-3-27 Tenant or Occupant

The word "tenant" or "occupant" applied to a building or land shall include any person holding a written or an oral lease of such building or land or any person who occupies the whole or part of such building or land, either alone or with others.

Section 1-3-28 Tenses

The present tense includes the past and future tenses, and the future includes the present.

Section 1-3-29 Time--Computation

The time within which an act is to be done as provided in this code or in any order issued pursuant to any ordinance, when expressed in days, shall be computed by excluding the first day and including the last, except that if the last day is a Sunday or holiday it shall be excluded; and when such time is expressed in hours, the whole of Sunday or a holiday, from midnight to midnight, shall be excluded.

GENERAL

Section 1-3-30 Time--Reasonable

In all cases where any section of this code shall require any act to be done in a reasonable time or reasonable notice to be given, such reasonable time or notice shall be deemed to mean such time only as may be necessary for the prompt performance of such duty or compliance with such notice.

Section 1-3-31 Town

"Town" means the Town of Carefree, Arizona, in Maricopa County, State of Arizona, except as otherwise provided.

Section 1-3-32 Week

A "week" consists of seven consecutive days.

Section 1-3-33 Writing

"Writing" includes any form of recorded message capable of comprehension by ordinary visual means. Whenever any notice, report, statement or record is required or authorized by this code, it shall be made in writing in the English language unless it is expressly provided otherwise.

Section 1-3-34 Year

The word "year" shall mean a calendar year, except where otherwise provided.

GENERAL

Article 1-4 REFERENCE TO CHAPTERS, ARTICLES OR SECTIONS: CONFLICTING PROVISIONS

- 1-4-1 Additional Rules of Construction
- 1-4-2 References to this Code
- 1-4-3 Conflicting Provisions--Different Chapters
- 1-4-4 Conflicting Provisions--Same Chapter

Section 1-4-1 Additional Rules of Construction

In addition to the rules of construction specified in Articles 1-2 and 1-3, the rules set forth in this article shall be observed in the construction of this code.

Section 1-4-2 References to this Code

All references to chapters, articles or sections are to the chapters, articles and sections of this code unless otherwise specified.

Section 1-4-3 Conflicting Provisions--Different Chapters

If the provisions of different chapters of this code conflict with or contravene each other, the provisions of each chapter shall prevail as to all matters and questions growing out of the subject matter of such chapter.

Section 1-4-4 Conflicting Provisions--Same Chapter

If conflicting provisions are found in different sections of the same chapter, the provisions of the section which is last in numerical order shall prevail unless such construction is inconsistent with the meaning of such chapter.

Article 1-5 SECTION HEADINGS

Headings of the several sections of this code are intended as a convenience to indicate the contents of the section and do not constitute part of the law.

GENERAL

Article 1-6 EFFECT OF REPEAL

When any ordinance repealing a former ordinance, clause or provision shall be itself repealed, such repeal shall not be construed to revive such former ordinance, clause or provision, unless it shall be expressly so provided. The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect nor any suit, prosecution or proceeding pending at the time of the repeal, for any offense committed under the ordinance repealed.

Article 1-7 SEVERABILITY OF PARTS OF CODE

It is hereby declared to be the intention of the council that the sections, paragraphs, sentences, clauses and phrases of this code shall be severable, and, if any provision of this code is held unconstitutional or invalid for any reason by a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining provisions of the code.

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

* Ordinances 88-08, 89-26 and 01-01 in part

GENERAL

Article 1-9 PROSECUTION OF CIVIL OFFENSES AND ENFORCEMENT OF SANCTIONS *

- 1-9-1 Imposition of Civil Sanctions
- 1-9-2 Commencement of Proceedings
- 1-9-3 Authority to Issue Citation or Complaint
- 1-9-4 Appearance by Defendant
- 1-9-5 Default Judgment
- 1-9-6 Rules of Procedure
- 1-9-7 Collection of Civil Sanctions
- 1-9-8 Civil Violation Bond Schedule
- 1-9-9 Prima Facie Responsibility for Motor Vehicle Location Violations

Section 1-9-1 Imposition of Civil Sanctions

Any person committing a civil offense within the jurisdiction of the town shall after being served with a citation therefor and upon admission or a finding of responsible thereof before the town magistrate court, become liable to pay a civil sanction which shall not exceed seven hundred fifty dollars per violation.

Section 1-9-2 Commencement of Proceedings

- A. An action to hear and determine a civil offense shall be commenced by issuance of a citation as provided below, or by the issuance of a complaint by the town prosecutor and service of a summons in the manner provided below.
- B. A citation shall be in substantially the form of the Arizona traffic ticket and complaint adopted under the Arizona rules of procedure in civil traffic violation cases, or in such other form as may be provided from time to time by resolution of the council.
- C. Service of any citation or summons may be accomplished, and will be deemed proper and complete, by any of the following methods:
 - 1. By having the defendant sign the citation with a promise to appear in court ten or more days after issuance of the citation.
 - 2. If the defendant refuses to sign the citation, by hand delivering a copy of the citation to the defendant, or if a summons has been issued by the Town Magistrate Court, by hand delivering a summons to the defendant.

*Ordinance 88-08, 88-10 and 01-01

GENERAL

3. By mailing a copy of the citation or summons to the person charged by first class mail, together with two copies of a Notice and Acknowledgment of Citation or summons plus a return envelope, postage prepaid, addressed to Carefree Municipal Court, to the person's last known address.
4. In the event service cannot be accomplished as set forth above, the defendant may be served by any means allowed by the Arizona Rules of Civil Procedure for the Superior Court.
5. By affixing a citation to any motor vehicle owned by the defendant and the parking, location or abandonment of which constitute the civil offense charged in the citation.
6. Where the defendant is a corporation, partnership or association, the word "defendant" in paragraphs 1 and 2 shall mean a partner, an officer, a managing or general agent or any other agent authorized by appointment or by law to receive service of process.

Section 1-9-3 Authority to Issue Citation or Complaint

Any deputy sheriff, the town marshal and deputy marshals and, if more than twenty-one years of age and appointed by the town magistrate to do so, the town manager, town administrator, town clerk or town building official may issue and serve a citation pursuant to this article. In addition, the town prosecutor may issue and file a complaint in the Town Magistrate Court, in accordance with Rule 2.3 of the Arizona Rules of Criminal Procedure, charging any violation of the provisions of this code.

Section 1-9-4*

The defendant shall appear at the time specified in the citation, either in person or through his attorney, before the town magistrate court and shall either admit or deny the allegations contained in the citation. If the defendant admits commission of the offense, the court shall enter judgment against the defendant and, in its discretion, may impose a civil sanction for the violation for up to the amount provided in Section 1-9-1. If the defendant denies the allegations contained in the citation, the court shall set a date for a civil hearing of the matter.

GENERAL

Section 1-9-5 Default Judgment

- A. If the defendant fails to appear as directed in the citation, the court shall enter a default judgment and may, in its discretion, impose a civil sanction for the violation for up to the amount provided in Section 1-9-1.
- B. If the defendant fails to appear for a pre-trial conference or civil hearing, the defendant's failure to appear shall be deemed an admission of the offense, and the court shall enter judgment against the defendant and may, in its discretion, impose a civil sanction for the violation for up to the amount provided in Section 1-9-1.

Section 1-9-6 Rules of Procedure*

The Arizona Rules of Court for Civil Traffic Violation Cases shall be followed by the town magistrate court for proceedings under this article, except as modified by or where inconsistent with the provisions of this article, the local rules of said court or any applicable rules of the Arizona Supreme Court.

Section 1-9-7 Collection of Civil Sanctions

Any judgment for civil sanctions entered pursuant to the procedures specified in this article may be collected in the same manner as other civil judgment in justice of the peace courts in the State of Arizona.

Section 1-9-8 Civil Violation Bond Schedule

The town magistrate shall, from time to time, establish and revise a schedule of appearance bonds, not to exceed seven hundred fifty dollars, for alleged civil violations of the town code. At any time following issuance of a citation issued pursuant to this article, the town magistrate court may require the defendant to deposit the appropriate bond with the court. The town magistrate court shall retain such bond pending final disposition of the civil charge. If the defendant is found to be not responsible for the alleged civil violation, or if the charge is otherwise dismissed, the bond shall be refunded to the defendant as soon as is practicable. If the defendant is found to be responsible for the alleged civil violation, or if a default judgment is entered against the defendant pursuant to Section 1-9-5, the bond may be ordered forfeited by the court to the extent of any civil sanction imposed and applied toward such sanction, with the balance of the bond, if any, to be refunded to the defendant as soon as is practicable.

* Ordinances 88-10 and 01-01

GENERAL

Section 1-9-9 Prima Facie Responsibility for Motor Vehicle Location Violations

In any proceedings alleging the commission of a civil offense by reason of the parking, location or abandonment of any motor vehicle at any time or place, or under any circumstances, which constitute a violation of this code, the registered owner of such motor vehicle and/or the owner of recorded title to the premises on which the alleged violation occurred shall be held prima facie responsible for any such violation and shall be subject to paying the sanction provided for such violation, provided, however, that any such vehicle owner or landowner may prove as a matter of affirmative defense that some other specifically identified person committed the civil offense complained of, or that it was committed without his knowledge and was corrected within twenty-four hours after he received a citation with respect thereto.

Article 1-10 REPEAL OF EXISTING ORDINANCES

- 1-10-1 Effective Date of Repeal
- 1-10-2 Ordinances Exempt from Repeal

Section 1-10-1 Effective Date of Repeal

All ordinances of the town now in force and effect, except those specially exempted in this article, now in force and effect are hereby repealed effective at twelve o'clock noon on Thursday, April 14, 1989 but all rights, duties and obligations created by said ordinances and existing prior to their repeal shall continue and exist in all respects as if this code had not been adopted and enacted.

Section 1-10-2 Ordinances Exempt from Repeal

The adoption and enactment of this code shall not be construed to repeal or in any way to modify or affect:

- A. Any special ordinance or ordinances regarding franchises, annexations, dedications, vacations or zoning.
- B. Any ordinance making an appropriation.
- C. The running of the statute of limitations in force at the time this code becomes effective.
- D. Any ordinance legislating the existence and operation of any department, agency, commission or office heretofore legally established or held.

GENERAL

- E. Any bond of any public officer.
- F. Any taxes, fees, assessments or other charges incurred or imposed.
- G. Any ordinances authorizing, ratifying, confirming, approving or accepting any compact, contract or transfer with, to or from the State of Arizona or any county or subdivision thereof, or the United States or any agency or instrumentality thereof.
- H. Any ordinances hereinbefore adopted which are specifically incorporated by reference herein and ratified hereby.

Article 1-11 EFFECTIVE DATE OF CODE

Each and every section of this code as herein contained and hereby enacted shall take effect and be in force on and after twelve o'clock noon on Thursday, April 14, 1989 except that where a later effective date is provided it shall prevail.

CHAPTER 2 MAYOR AND COUNCIL

Article 2-1 COUNCIL

- 2-1-1 Council Members
- 2-1-2 Corporate Powers
- 2-1-3 Vacancies among Council Members
- 2-1-4 Compensation
- 2-1-5 Oath of Office and Code of Conduct
- 2-1-6 Disclosure of Acceptance of Gifts and Favors
- 2-1-7 Bond
- 2-1-8 Financial Disclosure Statement
- 2-1-9 Limitation of Terms
- 2-1-10 Use of Staff
- 2-1-11 Sanctions

Section 2-1-1 Council Members*

The town council of the town shall be seven council members. The mayor shall be elected, and in the case of a vacancy occurring on the council during the term for which the mayor was elected, succession will follow the manner prescribed herein. Members of the council shall be elected, or in the case of a vacancy occurring on the council during the term for which the council member was elected, appointment in the prescribed manner for the remainder of the term by the members of the council. The members of the council, whether elected or appointed, shall continue in office until their successors shall assume the position and sworn into office.

Elected officers shall serve two year terms, commencing on the date of the next council meeting following the canvass of the general election at which they were elected. For appointed council members, they shall assume the duties of their office immediately following their appointment by the council, and shall continue to serve until the end of the term during which they were appointed as prescribed herein.

Each of the council members of the town shall be a resident of the town of Carefree and shall have been a resident of the town for a minimum of one year at the time of election as more fully set forth in A.R.S. § 16-311.

Section 2-1-2 Corporate Powers

The corporate powers of the town shall be vested in the council and shall be exercised only as directed or authorized by law. All powers of the council shall be exercised by ordinance, resolution, order or motion.

*Ordinance 2016-01

MAYOR AND COUNCIL

Section 2-1-3 Vacancies among Council Members*

In the event of a vacancy in any of the six council member positions for any reason, including death, resignation, disqualification, assumption of mayoral office or permanent disability, the council, including the mayor, shall appoint by majority vote a duly qualified person to fill the unexpired term of the vacant position. The newly appointed councilmember shall assume the duties of his office at the meeting at which he is appointed.

Section 2-1-4 Compensation

The compensation of elective officers of the town shall be fixed from time to time by resolution of the council.

Section 2-1-5 Oath of Office and Code of Conduct*

Immediately prior to assumption of the duties of office, each council member, including the mayor, shall, in public, take and execute the oath of office and the Code of Conduct (Resolution #2016-02).

Section 2-1-6 Disclosure of Acceptance of Gifts and Favors*

Arizona law prohibits elected officials, and advisory and appointed board or commission members, from receiving anything of value or any compensation other than their designated salary for any service rendered in connection with that person's duties with the town as set forth in A.R.S. § 38-505(A). Elected and appointed officials, and advisory and appointed board and commission members must consider ethical principles before accepting personal gifts of entertainment and sports/athletic activities.

Within two business days of receipt of the following gifts or favors, or within two business days of returning to Carefree after receipt of a gift of favor while traveling outside of Carefree, elected officials and advisory board and commission members shall disclose in writing to the town clerk all gifts, benefits, or favors received from people with a financial interest in business before the Town, or which may come before the Town, that:

- A. Relate to professional or collegiate sports, athletic, or entertainment activities or tickets,
or

*Ordinance 2016-01

MAYOR AND COUNCIL

- B. Have a face value of \$50 or more, amount subject to periodic review.

Under no circumstances shall a council or board member accept a gift or favor that is a bribe, or reflects, to a reasonable person, an effort to improperly influence the member contrary to that member's responsibility to the public to act impartially and on the merits of a matter. When in doubt about these requirements, elected officials and advisory board members shall disclose the gift, benefit or favor. All disclosures will be kept for public record.

Section 2-1-7 Bond

Prior to taking office, every councilmember shall execute and file an official bond, enforceable against the principal and his sureties, conditioned on the due and faithful performance of his official duties, payable to the state and to and for the use and benefit of the town or any person who may be injured or aggrieved by the wrongful act or default of such officer in his official capacity. A person so injured or aggrieved may bring suit on such bond under provisions identical to those contained in Section 38-260 of the Arizona Revised Statutes. Bonds shall be in such sum as shall be provided by the council, and the premium for such bonds shall be paid by the town.

Section 2-1-8 Financial Disclosure Statement**

The mayor and each councilmember shall file by January 31 of each year or within sixty days of their filling a vacancy on the town council, on a form prescribed by the clerk, a financial disclosure statement setting forth such information as determined by resolution of the council. That certain document entitled An Ordinance of the Town of Carefree Prescribing Standards of Financial Disclosure by Local Elected Officials adopted by Ordinance 84-2 is hereby ratified and made a part of this code the same as if specifically reenacted hereby. At least three copies of said ordinance shall be kept on file in the office of the town clerk.

Section 2-1-9 Limitation of Terms***

No person shall be eligible to be elected or appointed to the office of councilmember for more than three consecutive two-year terms, and no person shall be eligible to be elected or appointed to the office of mayor for more than three consecutive two-year terms. No person who serves as councilmember or mayor for five consecutive terms shall be eligible to hold either office until three years have elapsed.

**Ordinance 84-2

*** Approved by Voters on 3-8-2011

MAYOR AND COUNCIL

Section 2-1-10 Use of Staff*

Under the council-town administrator form of government, the council appoints a town administrator, who directs the day-to-day operations of all town employees. All members of the council shall be cognizant of the role of the town administrator and town staff. All members of the council shall coordinate with the town administrator when dealing with the town staff.

A member of the council may ask a member of the town staff for information or status of a matter. However, council members shall not expressly or implicitly give order or direction to town staff except through his or her participation on the council. Council members shall not try to privately influence the decisions or recommendations of town staff members, but they may share information.

Council, advisory board, commission and committee members shall not intervene directly with town staff members on behalf of a particular constituent or organization on a pending matter, but shall participate with council or board colleagues in discussion and deciding policy matters for the town staff to carry out.

Section 2-1-11 Sanctions*

Sanctions should not be approached lightly, utilized as a form of punishment for a differing point of view, or used as a way to try to silence or discredit any individual who is serving Carefree in an official capacity. Sanctions may be considered only where an elected or appointed official exhibits unprofessional behavior in such an egregious manner while participating in town activities so as to be detrimental to the functioning of the council, advisory board, commission or committee upon which they are serving and the behavior prevents, significantly restricts, or undermines the achievement of one or more of the town's priorities.

When sanctions are being considered for any elected official, the individual shall be apprised of the specific behavior for which the sanctions are being considered. The specific unprofessional behavior shall be identified and addressed by two or more council members as an agenda item in a regularly scheduled council meeting. Additionally, independent legal or other experts may be utilized by the remaining council for the purpose of an unbiased investigation. Following the first regularly scheduled council meeting, that matter shall be considered at a second regularly scheduled council meeting, at which time the individual being considered for sanctions shall be given the opportunity to respond and defend his or her behavior. Town officials and members of the public shall also be provided with the opportunity to voice viewpoints in the second council meeting. After comments, council members shall be given the opportunity to ask questions directly pertaining to the situation and behavior exhibited. All disputes and verified complaints shall be resolved by swift and inexpensive mediation by an objective third-party. The Carefree municipal court judge shall appoint an industry professional as the sole mediator to hear a dispute. The mediator shall employ such rules and procedures to ensure due process but also to affect a swift and inexpensive proceeding. Thereafter, a vote shall be taken. Sanctions shall only be imposed by a majority vote of the council.

*Ordinance 2016-01

MAYOR AND COUNCIL

Elected and appointed officials who are found to have violated the behavioral and/or related requirements of the Town Code and/or the Code of Conduct shall be reprimanded or formally censured by the council, and potentially have sanctions imposed. The council will consider the severity of the violation(s) in determining if sanctions are to be imposed. Such sanctions may include the following and shall be binding and not appealable:

- A. For council members: They may have their participation in town assignments terminated (other than directly participating in regular and special meetings of the council), both within the town of Carefree and/or with inter-governmental agencies, for a period of up to one year; and they may have official travel restricted.
- B. For non-council members: To have their participation terminated in the advisory board, committee or commission upon which they serve.

Article 2-2 MAYOR

- 2-2-1 Selection of Mayor; Vacancy
- 2-2-2 Vice Mayor
- 2-2-3 Acting Mayor
- 2-2-4 Powers and Duties of the Mayor
- 2-2-5 Failure to Sign Documents
- 2-2-6 Powers and Duties of Council Members

Section 2-2-1 Selection of Mayor; Vacancy*

The mayor shall be directly elected by vote of qualified electors. Any candidate who shall receive at the primary election a majority of all votes cast for mayor shall be declared elected to office, and no further election shall be held. In the event that no candidate shall receive a majority of votes cast for mayor in the primary election, Section 2-3-3 of the town code shall apply. The first direct election for the mayor shall be in 2011. The term of mayor shall be two years. In the event of a vacancy in the office of mayor for any reason, including death, resignation, disqualification or permanent disability, the vice mayor shall become mayor for the balance of the election term.

*Ordinance 89-09 and 2016-01
Amended by initiative approved by voters 5-19-2009 and 11-2-2010.

MAYOR AND COUNCIL

Section 2-2-2 Vice Mayor**

At the council meeting at which the mayor assumes the duties of office as set forth in Section 2-1-1 of this code, the council shall elect one of its members, other than the mayor, to be the vice mayor. The vice mayor shall serve at the pleasure of the council and assist the mayor in the performance of the required duties and shall perform the duties of the mayor during the mayor's absence or disability.

Section 2-2-3 Acting Mayor**

In the temporary absence of both the mayor and vice mayor, council may designate another of its members to serve as acting mayor until the mayor or vice mayor return to service. The acting mayor shall have all the powers, duties and responsibilities of the mayor during any such temporary absence or disability.

Section 2-2-4 Powers and Duties of the Mayor**

The powers and duties of the mayor shall include the following:

- A. Be the chief executive officer of the town.
- B. Place the interest of the town ahead of all personal interests.
- C. Be aware of and knowledgeable of the major issues which the town is addressing so as to be able to take informed leadership of and make an informed decision or opinion regarding the issues which may come before the council. The mayor shall also provide input to and make such recommendations to the council as he or she may consider proper.
- D. Lead and preside over regular and special council meetings, and executive sessions. The mayor may make and second motions and shall have a voice and vote in all its proceedings.
- E. Enforce the provisions of this code.
- F. Execute and authenticate by his or her signature, such instruments as the council or any statutes, ordinances or this code shall require.

MAYOR AND COUNCIL

- G. By proclamation, declare a local emergency to exist due to fire, conflagration, flood, earthquake, explosion, war, bombing or any other natural or man-made calamity or disaster or in the event of the threat or occurrence of riot, rout or affray or other acts of civil disobedience which endanger life or property within the town. After declaration of such emergency and during the pendency thereof, the mayor may govern by proclamation and impose all necessary regulations to preserve the peace and order of the town, including but not limited to:
 - 1. Imposition of a curfew in all or any portion of the town.
 - 2. Ordering the closing of any business.
 - 3. Closing to public access any public building, street or other public place.
 - 4. Calling upon regular or auxiliary law enforcement agencies and organizations within or outside of the political subdivision for assistance.

A majority of the council may terminate the exercise of such emergency powers by the mayor.

- H. Take a leadership role in determining the appropriate long-term strategy which best suits the town.
- I. Take the leadership role in projects to help further town priorities.
- J. Serve as a volunteer on special projects, when requested by the designated special project leader.
- K. Execute and abide by the Code of Conduct.
- L. Perform such other duties required by state statute and this code as well as those duties required as chief executive officer of the town.

Section 2-2-5 Failure to Sign Documents

If the mayor refuses or fails to sign any ordinance, resolution, contract, warrant, demand or other document or instrument requiring his signature for five days consecutively, then a majority of the members of the council may, at any regular or special meeting, authorize the vice mayor or, in his absence, an acting mayor to sign such ordinance, resolution, contract, warrant, demand or other document or instrument which when so signed shall have the same force and effect as if signed by the mayor.

MAYOR AND COUNCIL

Section 2-2-6 Powers and Duties of Council Members**

The council members function as the board of directors for Carefree. Council members for Carefree have two broad functions:

- A. Like a traditional board of directors, council members help steer the town towards an enjoyable living situation for its residents and businesses, as well as a sustainable future by adopting sound, ethical, and legal governance and financial management policies, and
- B. Because of the population of the town and the necessity to provide the services desired from government, vet maintain a compact and efficient town staff and operating approach, council members are also expected to assist in the development of priority projects which the council deems important to the town.

The powers and duties for each councilmember shall be:

- A. Place the interests of the town ahead of all personal interests.
- B. Be aware of and knowledgeable of the major issues which the town is addressing so as to be able to make an informed decisions regarding the issues which may come before the council. Every councilmember shall also provide input to and make such recommendations to the council as may appropriate.
- C. Take the initiative to develop ideas and concepts to further the interests of the town, and bring them forward to the council for discussion and consideration.
- D. Participate in regular and special council meetings, and executive sessions.
- E. To take a leadership role in specific special town projects to help further town priorities, when requested by the mayor upon volunteering and presenting to the council or authorized by a majority vote of the council.
- F. Serve as a volunteer on special projects, when requested by the designated special project leader.
- G. To treat fellow council members, town staff, residents and vendors to the town in a cordial and truthful manner as identified in the Code of Conduct, recognizing that every officer of the town is an ambassador for the town.
- H. Execute and abide by the Code of Conduct.

**Ordinance 2016-01

MAYOR AND COUNCIL

Article 2-3 COUNCIL ELECTION*

- 2-3-1 Primary Election
- 2-3-2 Non-Partisan Ballot
- 2-3-3 General Election
- 2-3-4 Candidate Financial Disclosure

Section 2-3-1 Primary Election

A. There will be two elections, one for mayor and another for the six council positions, in the primary election:

1. For the election for the mayor, any candidate who shall receive at the primary election a majority of all the valid votes cast for that office shall be declared to be elected to the office of mayor effective as of the date of the general election, and no further election shall be held. If no candidate receives a majority of the valid number of votes cast, then the two candidates receiving the highest number of qualified votes will proceed into the general election.
2. For the election of the six councilmember positions, if any (but up to six) of the candidates running for this position shall receive at the primary election a majority of the valid votes cast for this position, they shall be deemed elected. The number of council seats remaining after the primary election for which a candidate(s) did not receive a majority of all valid votes cast for that position(s), if any, will have a runoff election to determine which candidate will fill the remaining positions on council.

B. If more candidates for either election receive a majority of the valid votes cast than the number of offices to be filled, then those equal in number to the offices to be filled receiving the highest number of qualified votes shall be declared elected.

C. No person may simultaneously run in the Primary Election in both the election for mayor and in the election for one of the six council positions.

Section 2-3-2 Non-Partisan Ballot

Elections shall be non-partisan, and nothing on the ballot in any election shall be indicative of partisan support of a candidate.

*Ordinance 2016-01

MAYOR AND COUNCIL

Section 2-3-3 General Election

A. Only candidates who participated in and were one of the top vote getters in the primary election, as defined and limited in the following, may be a candidate in the General Election.

1. For the election for mayor, if no candidate in the primary election receives a majority of the valid votes cast for the office, then the top two candidates shall be voted upon in the general election. The candidates shall be those candidates receiving the highest number of qualified votes in the primary election, including any ties if the number of votes received by each candidate places them within the top two vote receiving candidates. In the event of a tie vote in the general election, the winner shall be decided as provided by Arizona law.
2. For the election of each of the six council members, the candidates with the highest valid vote totals in the general election that is equal to the number of council positions not filled at the primary election shall be declared elected. In the event of a tie vote in the general election, the winner shall be decided as provided by Arizona law.

B. The number of candidates in the general election may be up to twice the number of vacancies remaining after the primary election, and the candidates shall be the top vote getters, plus any ties, not receiving a majority in the primary election.

C. No person may simultaneously run in the General Election in both the election for mayor and in the election for one of the council positions unfilled in the primary election.

Section 2-3-4 Candidate Financial Disclosure

Each candidate for the office of councilmember shall file a financial disclosure statement on a form prescribed by the clerk when such candidate files a nomination paper. The statement shall contain the same information as required to be supplied by the mayor and each councilmember pursuant to the provisions of Section 2-1-8 hereof and Ordinance 84-2 prescribing standards of financial disclosure by local elected officials.

Article 2-4 COUNCIL PROCEDURE

- 2-4-1 Regular Meetings
- 2-4-2 Notice and Cancellation of Meetings
- 2-4-3 Special Meetings
- 2-4-4 Meetings to Be Public
- 2-4-5 Quorum
- 2-4-6 Agenda

MAYOR AND COUNCIL

2-4-7	Order of Business
2-4-8	Committees and Commissions
2-4-9	Voting
2-4-10	Suspension of Rules

Section 2-4-1 Regular Meetings*

The council shall hold regular meetings on the first Tuesday of each month at 5:00 p.m., provided that when the day fixed for any regular meeting of the council falls upon a day designated by law as a legal holiday or election day, such meeting shall be held at the same hour within one week of the legal holiday or election day, as designated by the council. All regular meetings of the council shall be held at the town hall or such other place as may be designated in the public notice of the meeting.

Section 2-4-2 Notice and Cancellation of Meetings**

Public notice of such regular meetings shall be promptly posted in accordance with the provisions of A.R.S. § 38-431.02 at the town hall. A statement of such place for notices shall be filed with the town clerk. Cancellation of any meeting properly noticed hereunder may be effected by posting public notice thereof not less than twenty-four hours in advance of the time set for such regular meeting of the council.

Section 2-4-3 Special Meetings***

The mayor may convene the council at any time by notifying the members of the council of the date, hour and purpose of a special meeting. The clerk, upon the request of three members of the council, may also convene the council at any time by notifying the members thereof of the date, hour and purpose of the special meeting. The public shall be given at least twenty-four hours notice of any such special meeting and the agenda of business to be considered thereat by the posting of such notice and agenda in at least two public places; except that in the case of an actual emergency, a meeting may be held upon such notice as is appropriate to the circumstances and in accordance with law.

*Ordinance 87-10 and 2016-01

**Ordinances 85-17 and 91-08.

***Ordinance 84-1 and 2016-01

MAYOR AND COUNCIL

Section 2-4-4 Meetings to Be Public

All proceedings of the council shall be open to the public, except that upon approval by a majority vote of the council, the council may meet in a closed executive session pursuant to the provisions of A.R.S. § 38-431.03. Notice of meetings shall be given in a manner consistent with state statutes.

Section 2-4-5 Quorum*

The appearance of four or more members shall constitute a majority of the council and shall constitute a quorum for transacting business.

Section 2-4-6 Agenda*

Prior to each council meeting, or on or before a time fixed by the council for preparation and distribution of an agenda, whichever is earlier, the clerk shall collect all written reports, communications, ordinances, resolutions, contracts and other documents to be submitted to the council, prepare an agenda including all matters scheduled to be considered or requested to be placed on the agenda by any two members of the council and furnish each councilmember, the mayor and the attorney with a copy of the agenda and any material pertinent thereto.

Section 2-4-7 Order of Business**

The business of the council shall be taken up for consideration and disposition in an order set by the council and shall include the following:

- A. Call to Order. The mayor shall call the council to order at the appointed time. In the absence of the mayor, the vice mayor shall call the council to order. In the absence of both the mayor and the vice mayor, an acting mayor shall be selected to chair the meeting. Upon the arrival of the mayor or the vice mayor, the vice mayor or the acting mayor shall relinquish the chair upon the conclusion of the business then pending before the council. The mayor shall preserve order and decorum, decide all questions of order and conduct the proceedings of the meetings in accordance with his discretion or, upon motion duly adopted upon any specific occasion, then in accordance with the parliamentary rules contained in Robert's Rules of Order unless otherwise specified in said motion.

*Ordinance 2016-01

**Amended by Ordinance 05-07 and 2016-01

MAYOR AND COUNCIL

- B. Roll Call. Before proceeding with the business of the council, the clerk or his deputy shall call the roll of the members, and the names of those present shall be entered in the minutes. If a quorum is not present, the members present may adjourn pursuant to Section 2-4-5 of this code.
- C. Consent Agenda
1. When any item of business requires action by the council, but is of a routine and noncontroversial nature, such item may be presented at a regular meeting of the council as part of a consent agenda.
 2. The consent agenda shall be introduced by a motion "To approve the Consent Agenda," and shall be considered by the council as a single item.
 3. There shall be no debate or discussion by any member of the council regarding any item on the consent agenda, beyond asking questions for simple clarification.
 4. All items on the consent agenda which require public hearings shall be open for hearing simultaneously, and the mayor shall announce, or direct the town clerk to announce, the titles of all such items.
 5. Upon objection by any member of the council to inclusion of any item on the consent agenda, that item shall be removed from the consent agenda forthwith. Such objections may be recorded at any time prior to the taking of a vote on the motion to approve the consent agenda. All such items shall be considered individually, in the order in which they were objected to, immediately following consideration of the consent agenda.
 6. Approval of the motion to approve the consent agenda shall be fully equivalent to approval, adoption or enactment of each motion, resolution, ordinance or other item of business thereon, exactly as if each had been acted upon individually.
- D. Minutes. If not covered by the consent agenda, the clerk or his deputy shall read or present the minutes of the preceding council meeting, which shall be approved if correct. Any errors noted shall be corrected.
- E. Claims. If not covered by the consent agenda, the clerk shall present any claims against the town and report all payments thereof, which will then be approved or disapproved by the council.
- F. Conduct of Business. The council shall consider and if desired take action upon any town business or problem that has been placed on the agenda, whether or not previously considered, including the introduction and passage of motions, ordinances and resolutions relating to the governance of the town or the conduct of persons within its jurisdiction.

MAYOR AND COUNCIL

- G. Call to Public. Petitions, remonstrances, communications and comments or suggestions from citizens present, shall be heard by the council. All such remarks shall be addressed to the council as a whole, and not to any member thereof. Pursuant to A.R.S. § 38-431.01(H), those wishing to address the council need not request permission in advance of the meeting. The public may address the council on matters not on the agenda. At the conclusion of an open call to the public, individual members of the public body may respond to criticism made by those who have addressed the public body, may ask staff to review a matter, direct staff to study the matter, reschedule the matter for further consideration and decision at a later date, or may ask that a matter be put on a future agenda. However, the council may not discuss or take legal action at that time. Those addressing the council will be asked to limit their comments to not more than three minutes. No question shall be asked a councilmember except through the presiding officer.
- H. Adjournment. The council may, by a majority vote of those present, adjourn from time to time to a specific date and hour. A motion to adjourn shall always be in order and decided without debate.

Section 2-4-8 Committees and Commissions

The council may create such committees and commissions, standing or special, as it deems necessary. They shall consist of as many members and shall perform such duties as the council may require and shall exist at the pleasure of the council.

Section 2-4-9 Voting

- A. The mayor shall vote as a member of the council.
- B. Upon the request of any member or when required by the provisions of Section 2-5-4, the ayes and nays upon any question shall be taken and entered in the minutes.

Section 2-4-10 Suspension of Rules

Any of the provisions of this article may be temporarily suspended in connection with any matter under consideration by a recorded vote of three-fourths of the members present, except that this section shall not be construed to permit any action that is contrary to state statutes.

MAYOR AND COUNCIL

Article 2-5 ORDINANCES, RESOLUTIONS AND CONTRACTS*

- 2-5-1 Ordinances
- 2-5-2 Codification of Ordinances
- 2-5-2 Effective Date of Ordinances
- 2-5-3 Signatures Required
- 2-5-4 Publishing Required
- 2-5-5 Posting Required

Section 2-5-1 Ordinances

A. Ordinances which are reviewed and publicly vetted by the planning and zoning commission shall require one reading before the town council. At this reading, the town council shall take the planning and zoning commission's recommendation under advisement and shall vote upon the respective ordinance.

B. All other town ordinances shall be passed and become effective after two readings of the ordinance. At the initial reading, the ordinance shall be introduced and discussed. At the second reading, the ordinance may be further discussed, refined, and voted upon by the town council. If passed by a majority of the council, it shall become valid and binding as set forth in this code.

C. Pursuant to section 2-4-6 of this code, ordinances can be placed on the council agenda for consideration by the council by the mayor, by any two council members, or by the town administrator.

Section 2-5-2 Codification of Ordinances

Whenever possible, each ordinance shall be introduced as an amendment to this code or to an existing ordinance, and, in such case, the title of the sections to be amended shall be included in the ordinance.

Section 2-5-3 Effective Date of Ordinances

No ordinance, resolution or franchise shall become operative until thirty days after its passage by the council and approval by the mayor, except measures necessary for the immediate preservation of the peace, health or safety of the town, but such an emergency measure shall not become immediately operative unless it states in a separate section the reason why it is necessary that it should become immediately operative, and unless it is approved by the affirmative vote of three-fourths of all the members elected to the council, taken by ayes and nays.

MAYOR AND COUNCIL

Section 2-5-4 Signatures Required

Every ordinance passed by the council shall, before it becomes effective, be signed by the mayor and attested by the clerk.

Section 2-5-5 Publishing Required

Only such ordinances, orders, resolutions, motions, regulations or proceedings of the council shall be published as may be required by state statutes or expressly ordered by the council. Ordinances shall be published once each week for two consecutive weeks in a weekly newspaper or four consecutive times in a daily newspaper of general circulation.

Section 2-5-6 Posting Required

Every ordinance imposing any penalty, fine, forfeiture or other punishment shall, after passage, be posted by the clerk in three or more public places within the town and an affidavit of the person who posted the ordinance shall be filed in the office of the clerk as proof of posting.

Article 2-6 INITIATIVE AND REFERENDUM **

- 2-6-1 Power Reserved; Time of Election
- 2-6-2 Number of Signatures and Procedures for Verifying Signatures
- 2-6-3 Time of Filing
- 2-6-4 Sample Ballots and Publicity Pamphlets

Section 2-6-1 Power Reserved; Time of Election

There is reserved to the qualified electors of the town the power of the initiative and the referendum as prescribed by the state constitution. Any initiative or referendum matter may be voted on at the next ensuing primary or general election, or at a special election called by the council for such purpose.

**Ordinances 85-23, 86-11, 92-08, 94-07 and 94-15

MAYOR AND COUNCIL

Section 2-6-2 Number of Signatures and Procedures for Verifying Signatures*

- A. The basis upon which the number of qualified electors of the town required to file an initiative petition shall be fifteen percent (15%) of total ballots cast at the town election at which a mayor or councilmember was chosen last preceding the submission of the application as determined by the Maricopa County Elections Department.
- B. The basis upon which the number of qualified electors of the town required to file a referendum petition shall be ten percent (10%) of total ballots cast at the town election at which a mayor or councilmember was chosen last preceding the submission of the application as determined by the Maricopa County Elections Department.
- C. The procedure for verifying signatures on initiative and referendum petitions shall be as set forth in A.R.S. § 19-121.01 and 19-121.02.

Section 2-6-3 Time of Filing

- A. Initiative petitions shall be filed at least one hundred twenty days prior to the election at which they are to be voted upon.
- B. Referendum petitions shall be filed within thirty days of the adoption of the ordinance or resolution to be referred. If the town clerk is unable to provide petitioners with a copy of the ordinance or resolution at the time of application for an official number or on the same business day of the application, the thirty day period shall be calculated from the date such ordinance or resolution is available.

*Amended by Ordinance 2010-09

MAYOR AND COUNCIL

MAYOR AND COUNCIL

Section 2-6-4 Sample Ballots and Publicity Pamphlets*

The following procedures relating to sample ballots and publicity pamphlets are hereby adopted for conducting elections at which an initiative or referendum is to be voted upon:

- A. One sample ballot form, containing the entire text of the official ballot, shall be mailed by the town clerk to each household within the town in which a registered voter resides, not less than ten days prior to the election to which the sample ballot pertains.
- B. The pamphlet shall contain the proposition as it will appear on the ballot together with a summary of each proposition. Each summary shall be followed by any arguments supporting the proposition followed by any arguments opposing the proposition. Arguments submitted by the person filing the initiative or referendum shall appear first. The remaining arguments shall be placed in the order in which they were filed.
- C. Arguments supporting and opposing propositions appearing on the ballot shall be filed with the office of the town clerk by 5:00 p.m. not less than ninety days prior to the election at which the propositions are to be voted upon. If time does not permit compliance with the ninety day deadline, the town clerk may establish a separate deadline for filing referendum ballot arguments. Arguments supporting or opposing propositions appearing on the ballot shall meet the following requirements:
 - 1. Arguments must relate to the propositions proposed by initiative or referred by referendum which will appear on the ballot.
 - 2. Arguments must identify the proposition to which they refer and indicate whether the argument is in support of or opposition to the proposition.
 - 3. Arguments may not exceed three hundred words in length.
 - 4. Arguments must contain the original signature of each person sponsoring it. Arguments submitted by organizations shall be signed by two executive officers of the organization, or if the argument is sponsored by a political committee, it must be signed by the committee's chairman or treasurer. All persons signing documents shall indicate their residence or post office address and a telephone number, which information shall not appear in the publicity pamphlet.
 - 5. No person or organization shall submit more than one argument for each proposition to be voted upon.
 - 6. Each argument shall be accompanied by a deposit in the amount of \$100 to offset proportional costs of printing. This requirement shall not be waived on any account. If the proportional costs of printing are less than the amount deposited, the excess shall be refunded to the depositor at such time as final costs are determined.

*Amended by Ordinances 2009-01, 2010-13

MAYOR AND COUNCIL

Article 2-7 INDEMNIFICATION OF OFFICERS AND EMPLOYEES*

- 2-7-1 Persons Covered
- 2-7-2 Indemnification and Protection of Town Officials
- 2-7-3 Insurance Coverage
- 2-7-4 Notice of Claims
- 2-7-5 Effective Date

Section 2-7-1 Persons Covered

All of the protections and benefits conferred by this article shall be enjoyed by any present or former mayor, vice mayor and each and all of the present or former members of the council, town officers, town magistrates and town employees and every one of the members of all town boards and commissions, subcommittees and advisory committees, which protected parties are hereinafter referred to individually as a "town officer" and collectively or jointly as "town officials".

Section 2-7-2 Indemnification and Protection of Town Officials**

- A. Any town officer and all town officials shall be exonerated, indemnified and held harmless by the town from and against any liability or loss arising from a civil complaint filed in federal or state court naming the town officer or official or arising from a criminal investigation or criminal proceeding of the town officer or official in which the civil liability of such individual is alleged to arise from acts or omissions of such individual acting in the course and scope of employment or duties performed on behalf of the town, provided such officer or official acted, or failed to act lawfully, in good faith and in a manner he or she reasonably believed to be lawful and in, or not opposed to, the best interests of the town. The town shall not provide legal defense or indemnification or exoneration in any civil litigation or criminal investigation or criminal proceedings for or on behalf of any town officer or official against whom a claim is filed or made where the actual activities of such individual giving rise to the claim were outside the course and scope of employment of such individual as an officer or official of the town, or beyond the duties of such individual as an officer or official of the town.
- B. The right to indemnification provided for in subsection A of this section shall extend as well to any civil complaint filed in federal or state court naming the town officer or official and to any criminal investigation or criminal proceeding of the town officer or official filed or instituted by, or on behalf of, the town to recover damages alleged to have been occasioned to it, or any of its property, by any act or failure to act of any town officer or official, except that no indemnification or exoneration shall be made in respect of any claim, issue or matter as to which such town officer or official shall have been adjudged to be liable to the town unless and only to the extent that the court in rendering such judgment shall determine upon

*Ordinances 86-12; 89-10 and 04-13

** Amended by Ordinance 2010-10

MAYOR AND COUNCIL

application that, despite the adjudication of liability but in view of all circumstances of the case, such officer or official is fairly and reasonably entitled to indemnity for such expenses as such court may deem proper. The court in which any such action or suit was brought may determine upon application that, in view of all of the circumstances of the case, indemnity for amounts paid in settlement is proper and may order indemnity for the amount so paid in settlement.

- C. In any case where indemnification is required under the provisions of subsections A or B of this section, the town treasurer shall pay, on behalf of such town officer or official, any money judgment and shall perform the onerous provisions of any court order which may be entered against him when such judgment or order has become final and no longer appealable, or has not been stayed pending appeal.
- D. In any case where any town officer or official is or may be entitled to be exonerated, indemnified and held harmless pursuant to the provisions of subsection A of this section, the town shall protect and defend him or her from and against any such civil litigation or criminal investigation or criminal proceeding commenced against him or her, by engaging and compensating competent legal counsel to conduct his or her defense, and by paying all court costs, and any fees of opposing legal counsel, taxed or imposed by the court having jurisdiction.
- E. In any case where any town officer or official is or may be entitled to be exonerated, indemnified and held harmless pursuant to the provisions of subsection B of this section, the town shall pay the expenses, including attorneys' fees and the cost of a bond or other security pending appeal, incurred in defending the civil complaint filed in federal or state court naming the town officer or official or the criminal investigation or criminal proceeding of the town officer or official in advance of the final disposition of such action, suit, investigation or proceeding upon receipt of an undertaking by or on behalf of such town officer or official to repay such amount if it is ultimately determined that he is not entitled to be indemnified by the town as authorized in subsection B of this section.

Section 2-7-3 Insurance Coverage

The town shall at all times procure insurance policies providing the maximum coverages and limits procurable at reasonable rates to protect its interests and to indemnify and protect all town officials and any town officer entitled to indemnification and protection pursuant to this article. Acceptance of coverage and undertaking of protection by any such insurance carrier shall be deemed to satisfy the requirements of this article on the part of the town. However, in any case or instance where an insurance carrier does not in fact accept coverage and defend any town officer or officials, or where the insurance policy limits are insufficient to cover any judgment entered against any town officer or officials, the town shall be bound by the provisions of this article to protect and indemnify pursuant to the provisions of Section 2-7-2.

MAYOR AND COUNCIL

Section 2-7-4 Notice of Claims*

It shall be a precondition to the assertion of any claim for protection and indemnity under this article that any town officer or officials, after having been served with process commencing civil litigation against him or her or them or after having notice of a criminal investigation or criminal proceeding alleged to be covered under the provisions of subsections A or B of Section 2-7-2, shall promptly give notice thereof to the town clerk, who shall in turn present such claim to the council, together with such town officer's or officials' request for indemnity and protection hereunder, for a decision by the council whether indemnification is required under Section 2-7-2. It shall further be a precondition to coverage hereunder that a town officer or officials claiming the protection and benefits conferred by this article shall at all times, and in every way, cooperate fully with legal counsel appointed by the town to defend against any pending civil litigation or criminal investigation or criminal proceeding under the provisions of subsection D of Section 2-7-2. In all matters involving notice of a criminal investigation or criminal proceeding alleged to be covered under the provisions of subsections A or B of Section 2-7-2, the town officer or official in addition to giving notice thereof to the town clerk shall promptly give notice thereof and consult with the town attorney until such time as a decision is made by the council on whether to grant the town officer or official's request for indemnification.

Section 2-7-5 Effective Date

This article shall be effective with regard to any and all claims and lawsuits brought against town officials or any town officer arising out of any act or omission by the town or any town officer since the date of the town's incorporation on December 3, 1984.

* Amended by Ordinance 2010-10

CHAPTER 3 ADMINISTRATION

Article 3-1 OFFICERS IN GENERAL

- 3-1-1 Officers
- 3-1-2 Additional Officers
- 3-1-3 Bond
- 3-1-4 Vacancies; Holding More Than One Office
- 3-1-5 Additional Powers and Duties

Section 3-1-1 Officers*

There are hereby created the offices of town administrator, town clerk, town marshal, town engineer, town prosecutor, town attorney, town building official and town judge all of who shall be appointed by the council and who shall serve, with the exception of the judge, at the pleasure of the council. The judge shall be appointed for a term of office as provided in Section 4-2-1. The positions of town prosecutor and town judge will be addressed in a separate section of this town code.

Section 3-1-2 Additional Officers

The council may appoint and remove from time to time such other officers as it may deem necessary and that are not provided for in this code or state statute.

Section 3-1-3 Bond

The council shall require each officer of the town to give bond for the due discharge of his duties in such sums and with such security as it may direct and approve. The town shall pay the costs of such bond.

Section 3-1-4 Vacancies; Holding More Than One Office*

Any vacancy that shall occur in any town officer position shall be filled by appointment by the council. A person may hold more than one office. At the discretion of the council, the functions of

*Ordinance 2016-01

ADMINISTRATION

a town officer may be validly performed and discharged by a deputy or another town officer, or an otherwise qualified individual not holding office but employed at the pleasure of the council.

Section 3-1-5 Additional Powers and Duties

In addition to any powers and duties prescribed in this code, each officer shall have such further powers, perform such further duties and hold such other office as may be provided by the council through ordinance, resolution or order.

Article 3-2 OFFICERS

- 3-2-1 Town Administrator
- 3-2-2 Town Clerk
- 3-2-3 Town Marshal
- 3-2-4 Town Engineer
- 3-2-5 Town Attorney
- 3-2-6 Town Prosecutor
- 3-2-7 Town Building Official

Section 3-2-1 Town Administrator*

The town administrator shall oversee the day-to-day conduct of town business in accordance with the directions of the mayor and council.

A. Office.

1. The town administrator (hereinafter called "administrator") shall be appointed by a majority of the council for an indefinite term. The administrator shall be chosen on the basis of their operational and administrative qualifications and their knowledge of accepted practice with respect to the duties of this office. The administrator shall hold office at the pleasure of the council.
2. The administrator shall function as the chief administrator and manage the town's business. No town business shall be conducted without the prior and continuing involvement of the administrator. The administrator shall be responsible for the operation of all town functions in keeping with the best practices within their respective functions.

*Ordinance 2016-01

ADMINISTRATION

3. The administrator shall provide a primary element of continuity to any business being conducted by the town in addition to addressing the short-term considerations inherent within each town officer's position; the administrator shall also be responsible for safeguarding the long-term interest of the town. The town administrator should have a familiarity with the Town of Carefree zoning, planning, codes, ordinances, and history as well as experience in town administration or management.
- B. Absence. During a temporary absence or disability of the permanent administrator the council may designate a qualified administrative officer to perform the administrator's duties.
- C. Removal. The administrator may be removed only by a majority vote of the council at a regular council meeting. In such event, the administrator shall have been furnished with a written notice stating the council's intention to remove him, and the reasons therefore, at least 30 days in advance of the regular council meeting at which a vote on the removal will take place. If the removal becomes final, the town shall pay the administrator's salary according to their employment contract with the town.
- D. Resignation. The town administrator shall give such notice as set forth in the employment contract prior to resigning the office of town administrator.
- E. Compensation. The town administrator shall receive compensation in accordance with the terms of their employment agreement.
- F. Responsibilities. The administrator shall act in the capacity of the chief administrative officer of the town government and shall be responsible to the council for the proper handling and implementation of all affairs of the town under the specific direction and control of the council. In addition to the general powers as the chief administrative officer and not as a limitation thereon, it shall be the administrator's responsibility and authority to:
1. Manage the administration and operation of the town staff:
 - a. The council, and individual council members, shall deal with the town and the town staff and the administrative services they provide only through the administrator, except for the purposes of inquiry.
 - b. Appoint and, when necessary, suspend or terminate all employees of the town, except those officers appointed by the council.
 - c. Coordinate the administrative functions and operations of the various departments, boards, divisions, and services of the town government and, on its behalf, carry out policies, rules, regulations, ordinances, and provisions of the town code relating to the administration of the affairs of such departments, boards, divisions, or services.

ADMINISTRATION

- d. Analyze the functions, duties, and activities of the various departments, boards, and services of the town government and of all employees, and recommend to the council any changes which, in the administrator's judgment, would result in a more efficient or more effective town government.
- 2. Manage the administrative functions of the town:
 - a. Attend all meetings of the council, unless excused therefrom, and report on any matter concerning activities, departments, and services under his or her supervision about which, in his or her judgment, the council should be informed; attend, or designate a representative to attend, all board and commission meetings.
 - b. Prepare, or cause to be prepared, all required regulatory and other filings or reports as required from a town government entity.
- 3. Manage the development and implementation of the annual town budget:
 - a. Prepare, or cause to be prepared, the annual operations budgets estimates and submit them to council. Be responsible for the administration of the operation budget after adoption.
 - b. Recommend to the council the purchase of machinery, equipment, and supplies along with the means by which these items will be obtained.
 - c. Supervise the expenditures of all departments, divisions, or services of the town government.
 - d. Monitor the implementation of the approved annual town budget to maintain coordination with changes in anticipated tax receipts, cash flow and income to the town.
- 4. Serve as the purchasing agent for the town:
 - a. All town expenditures of any kind or expenditure level shall first involve and secure the concurrence of the administrator before being committed.
 - b. Manage, supervise and control the expenditures for all goods and/or services purchased by the town by all departments, divisions, or other aspects of the town government.
 - c. Acquire and maintain inventory of the town's personal property and recommend to the council the purchase of machinery, equipment, and supplies along with the means by which these will be obtained.

ADMINISTRATION

- d. Supervise the use, maintenance, upkeep and safe keeping of all town physical assets.
- e. Acquire and maintain inventory of the town's personal property.
- 5. Other responsibilities:
 - a. Work with the mayor and council in resolving town priorities.
 - b. Work with the mayor and council in evaluating alternatives under consideration by the council.
 - c. Work with the mayor, council and others regarding supervising the implementation of town projects.
 - d. Assist in the scheduling, managing and/or coordination all activities (e.g., proprietary town events, fairs, festivals, performances, etc.) in the town center and Carefree Desert Gardens.
 - e. Work with the town attorney on all matters requiring legal review and action.
 - f. Ensure that all laws and ordinances of the town are enforced, and recommend that the council adopt such measures or ordinances as may contribute to the health, safety, or welfare of the community or improve administrative services.
 - g. Investigate all complaints concerning the administration of the government and any contract and/or service maintained by the town, and report all findings to the council, and confirm that all franchises, permits, and privileges granted by the town are faithfully observed.
 - h. Perform such other duties as may be required by the council not inconsistent with the laws of the state or the provisions of the ordinances of the town, and devote full time to the discharge of official duties.

Section 3-2-2 Town Clerk

- A. Records. The clerk shall keep a true and correct record of all business transacted by the council and any other records that either pertain to the business of the town or that the council directs.
- B. Public Inspection of Records. The clerk shall keep convenient for public inspection all public records and public documents under his control, as provided by state statute.

ADMINISTRATION

C. Monthly Reports. The clerk shall prepare and collect from town officers and employees such monthly reports prepared in such manner and to include such information as may be directed by the council.

D. Minutes. The clerk shall prepare or cause to be prepared all minutes of council proceedings and ensure their correctness and accuracy.

E. Ordinances, Resolutions, Budgets and Notices. The clerk shall process, record, file, publish and, if required by state statute, post all ordinances, resolutions, motions, budgets and notices that may be passed by the council.

F. Duties as Treasurer. The clerk shall hold the office of town treasurer and receive and safely keep all monies that shall come to the town and pay out the same when authorized by the council. He shall keep a separate record and account of each different fund provided by the council, apportion the monies received among the different funds as prescribed by the council, and keep a complete set of books showing: every money transaction of the town, the state of each fund, from what source the money in each fund was derived and for what purpose expended, and he shall make monthly reports to the council of all receipts and disbursements. At the end of the fiscal year he shall make a full and detailed statement of the receipts and expenditures of the town during the year, specifying the different sources of revenue and the amount received from each, all appropriations made by the mayor and council, and the object for which they were made, and the amount of money expended under each, the evidences of indebtedness issued, and what portion remains thereof outstanding, with the rate and amount of interest due thereon, and the amount of cash on hand.

G. Budget. Cause to be prepared and submitted to him by each department, board, division or service of the town government, itemized annual estimates of expenditures required by them for capital outlay, salaries, wages and miscellaneous operating costs, to tabulate the same into a preliminary consolidated municipal budget and submit the same to the council annually on the date specified by them, with his recommendations as to any increases, decreases, cancellations, transfers or changes in any of the items included in the preliminary budget.

H. Election Official. The clerk shall be the town election official and perform those duties required by state statute.

I. Licenses. Except where such duty is cast upon some other officer by this code, the clerk shall issue or cause to be issued all licenses that may be prescribed by this code or state statute.

J. Administrative Duties. The clerk shall perform such administrative responsibilities and duties as may be assigned to him by the council in addition to those specified in this code.

Section 3-2-3 Town Marshal*

The town administrator or designee shall serve as the town marshal and law enforcement agent and shall provide enforcement of town ordinances. The town administrator with the approval of the

* Amended by Ordinance 2010-07

ADMINISTRATION

town council shall have the authority to enter into an intergovernmental agreement or contract for the provision of law enforcement services. Enforcement will be effected by either issuance of citations or summons and complaint to persons accused of violating town ordinances.

Section 3-2-4 Town Engineer

The engineer shall have charge of the town streets and public works and shall perform such duties as may be required of him by law and such other duties as the council may deem necessary.

Section 3-2-5 Town Attorney

The town attorney shall act as the legal counselor and advisor of the council and other town officials and, as such, shall give his opinion orally or in writing when requested to do so. He shall draft such deeds, contracts, conveyances, ordinances, resolutions and other legal instruments and shall approve as to form all drafts of contracts and all official or other bonds, as may be required by the council or any town official. He shall review all ordinances and resolutions submitted to him for consideration and give to the council his comments or advice regarding the form and substance thereof, together with his reasons therefor, when so requested. He shall arrange for the prosecution and defense of all suits, actions or causes where the town is a party and shall report to the council on the condition of any suit or action to which the town is a party, when required to do so.

Section 3-2-6 Town Prosecutor*

The council may appoint a chief prosecutor and one or more associate prosecutors to serve at the pleasure of the council, and the compensation of each prosecutor shall be as determined by the council. The prosecutor's duties will be to represent the state or the town in contested matters where the defendant is represented by counsel or in cases where the prosecutor's participation is requested by the council or one of the town officers, and to assist the presiding judge and the court clerk in the proper functioning of the town's municipal court, as requested by the presiding magistrate judge with the approval of council.

Section 3-2-7 Town Building Official

The town building official shall be charged with the general administration and enforcement of the town's building codes referenced in Chapter 10 hereof and for all plan review, issuance of all permits, the conduct of inspections and granting of all approvals required thereby.

ADMINISTRATION

CHAPTER 4 MUNICIPAL COURT*

Article 4-1 MUNICIPAL COURT ESTABLISHED; JURISDICTION

There is hereby established in the town a municipal court which shall have jurisdiction of all cases arising under town ordinance and violations of this code, and jurisdiction concurrently with justices of the peace of precincts in which the town is located of violation of laws of the state committed within the limits of the town to the extent provided by state statute.

Article 4-2 OFFICERS, POWERS AND DUTIES**

- 4-2-1 Presiding Judge
- 4-2-2 Associate Judges
- 4-2-3 Filling of Vacancies
- 4-2-4 Powers and Duties of Town Judge
- 4-2-5 Relationship of Municipal Court with Appointed and Funding Authority
- 4-2-6 Court Revenue
- 4-2-7 Temporary Judge

Section 4-2-1 Presiding Judge

The Presiding Judge of the municipal court shall be appointed by the council. The length of the term of office for the presiding judge shall be a minimum of two years as determined by the council. The presiding judge shall control the calendar, supervise the activities of the court clerk and make all sitting assignments for judges. The presiding judge shall serve for such salary or other compensation as the council may determine at the time of his or her appointment.

Section 4-2-2 Associate Judges

The office of associate judges is hereby created. The associate judges shall be appointed by the council for terms of a minimum of two years from the date of their respective appointments and serve at the will of the council. During such terms of office, the associate judges shall serve for such salary or other compensation as the council may determine.

*Ordinances 85-14, 85-15, 85-21, 94-09, 95-08, 96-15, 97-10, 98-01, 98-05, 99-09, 01-01, 2016-01

**Ordinance 2016-01

MUNICIPAL COURT

Section 4-2-3 Filling of Vacancies

In the event of the death, resignation, suspension, or removal of a judge, such vacancy may be filled for the unexpired term of office by the town council. The council may suspend or remove a judge:

- A. For any reason authorized by law;
- B. Whenever a judge is unable to perform the duties of the office as determined by the council; or
- C. For failure to meet the minimum qualifications of the position.

Section 4-2-4 Powers and Duties of Town Judge

The powers and duties of the town municipal court shall include:

- A. The powers and duties set forth and conferred upon it under the provisions of the state constitution and statutes, this code and all ordinances and resolutions of the town.
- B. The keeping of a docket in which shall be entered each action and the proceedings of the court therein.
- C. The responsibility for setting and receiving all bonds and bails and receiving all fines, penalties, fees, forfeitures and other monies as provided by law.
- D. Payment of all fees, fines, penalties, forfeitures and other monies collected by the court to the treasurer and payment of all surcharges levied thereon by the state to the state treasurer, as required by law.
- E. Issuance of execution against the property of any defendant failing to pay any fine imposed for violation of this code or of a town ordinance. Such execution shall be in favor of the town and shall be issued and enforced like executions in civil actions.
- F. The hearing and determination of any civil action brought by the town to recover a penalty or forfeiture provided for the violation of any town ordinance or this code. Such action shall be brought and conducted like civil actions in justice of the peace courts.
- G. Submitting a monthly report to the council summarizing court activities for that month, as well as a monthly statistical report to the administrative director of the courts, as required by supreme court order.

MUNICIPAL COURT

- H. Preparation of the schedules of traffic violations not involving the death of a person, and civil traffic violations, listing specific bail or deposit payable for each such traffic or civil traffic violation.
- I. Serve as a juvenile hearing officer.

Section 4-2-5 Relationship of Municipal Court with Appointed and Funding Authority

Because of the relationship between the town and the municipal court, town judges must exercise care to ensure that the adjudication process remains free from the influence of any person or institution having responsibility for judicial appointments or funding. While any judge may listen to the counsel of others, decisions regarding the resolution of a particular case must be made by the judge in the exercise of a free and unfettered judgment. Decisions regarding the overall function of the court are the sole responsibility of the presiding judge. The authority of the presiding judge for making decisions regarding the overall function of the court applies to decisions concerning handling of court mail and records, hiring, supervision, discipline and dismissal of court personnel. Decisions regarding hiring, supervision and dismissal of court personnel must be consistent with municipal Employee Management Guidelines. Personnel rules adopted by the town for employment, grievance procedures, termination, sick leave, overtime, vacation time and other items are applicable to employees of the town municipal court. In employing additional personnel, town personnel guidelines shall be followed. The presiding judge shall have exclusive supervisory authority over all court personnel. However, non-judicial functions, such as custodial and maintenance services assigned to the town municipal court may be performed by employees or contractors working under the supervision and authority designated by the town council.

Section 4-2-6 Court Revenue

It is the responsibility of the presiding judge to ensure that he does not allow anyone to control or influence the discretionary amount of any fine, penalty or sanction imposed. Under the direction of the presiding judge, the court shall collect all fines, sanctions, restitution and bond payments imposed by the court. Because all monies coming into the possessions of the town municipal court are public monies, these funds shall be handled and accounted for in accordance with state law and procedures adopted by the town council.

MUNICIPAL COURT

Section 4-2-7 Temporary Judge

Notwithstanding anything contrary in this chapter, the presiding judge of the municipal court may appoint judges to serve on a temporary or "pro tempore" basis. Such judges shall be compensated on a contractual or hourly basis, shall not be eligible for any benefits as full-time employees and shall be appointed for a term as set forth by the presiding judge of the municipal court. Part-time and temporary magistrates pro tempore shall serve for such salary or other compensation as the council may determine.

Article 4-3 PROCEEDINGS OF COURT

- 4-3-1 Proceedings
- 4-3-2 Admission to Bail
- 4-3-3 Jury Trials

Section 4-3-1 Proceedings*

- A. The proceedings of the town municipal court shall be conducted in accordance with the state constitution, the applicable state statutes and rules of the state supreme court pertaining to justice of the peace or town courts. The proceedings shall also be conducted in accordance with the rules of procedure in civil traffic cases and the rules of criminal procedure including the provisions thereof regarding bail, issuance of subpoenas, summons and warrants, and punishment for disobedience thereof, so far as applicable and when not otherwise prescribed.
- B. Town municipal court proceedings for criminal violations of town ordinances shall be commenced by complaint under oath and in the name of the state setting forth the offense charged, with such particulars of time, place, person and property as to enable the defendant to understand distinctly the character of the offense complained of and to answer the complaint.
- C. If the judge is satisfied that there exists probable cause to believe that the offense complained of has been committed by the person charged, he shall issue a summons or a warrant of arrest. Before issuing a summons or warrant of arrest on a complaint, the judge may subpoena and examine witnesses as to the truth of the complaint.
- D. Proceedings to enforce and collect sanctions for civil offenses or to obtain any other remedy allowed by the town code shall be initiated and prosecuted in accordance with the provisions of Article 1-9 or Section 6-3-3 or as otherwise herein provided.

*Ordinance 2016-01

MUNICIPAL COURT

Section 4-3-2 Admission to Bail

Defendants, after arrest and before conviction, shall be admitted to bail, if bailable; and the rules of criminal procedure shall govern the release of all defendants, wherever applicable.

Section 4-3-3 Jury Trials*

- A. The right of trial by jury shall be granted in all cases of such a nature as are triable by a jury under the constitution and laws of the state, but not for violation of ordinances of such a nature as by common law were not triable by a jury.
- B. Each juror for every day's attendance in the town magistrate's court shall be paid a sum fixed by council.
- C. Juries in the town municipal court shall be formed and summoned in the same manner as is provided under Arizona law for juries in courts of record, as authorized by A.R.S. Section 22-426(A).

Article 4-4 PUBLIC DEFENDER*

The public defender shall be appointed by the presiding judge and be compensated as determined by the judge. The defendant shall reimburse the cost of the public defender unless there is a finding of indigence by the court.

Article 4-5 COURT EMPLOYEES*

- 4-5-1 Appointment and Compensation
- 4-5-2 Duties of Court Administrator
- 4-5-3 Duties of Deputy Court Clerk

*Ordinance 2016-01

MUNICIPAL COURT

Section 4-5-1 Appointment and Compensation

The municipal court shall have a court administrator appointed by the presiding judge. The court administrator shall be an employee of the town and shall serve at the pleasure of the presiding judge. Compensation of the court administrator shall be established by the town council.

Section 4-5-2 Duties of Court Administrator

The duties of the court administrator are the following, subject to the overall supervision of the presiding judge with regard to their performance:

- A. Accept and file all summons, complaints, pleadings, motions, records, judgments and other documents presented to, or issued by, the court in the exercise of its jurisdiction.
- B. Prepare and maintain the court's dockets, calendar and other records of its proceedings.
- C. Issue any court process.
- D. Receive and collect all funds in payment of fines, bail and costs, and to deposit, disburse and account for the same as required by state statute or court rules.
- E. Prepare all statistical and other reports required to be maintained or filed by the court.
- F. Perform such other services as may be directed by the judge in the exercise of the court's jurisdiction.
- G. Furnish all administrative services required in the exercise of the jurisdiction of the court.

Section 4-5-3 Duties of Deputy Court Clerk

The presiding judge may appoint one or more deputy court clerks, who, subject to the supervision of the presiding judge and court administrator, will assist in the duties of the court administrator.

MUNICIPAL COURT

Article 4-6 JAIL SERVICES RECOVERY FEE*

- 4-6-1 Payment of Costs of Confinement
- 4-6-2 Collection of Fee
- 4-6-3 Consequences of Nonpayment of Fee

Section 4-6-1 Payment of Costs of Confinement**

Any person who is convicted of a misdemeanor offense within the corporate limits of the town and who is sentenced to a term of incarceration in the Maricopa County Jail or other facility may be required by the Carefree Municipal Court to reimburse the town for the incarceration costs pursuant to state law.

Section 4-6-2 Collection of Fee

The town attorney is authorized to institute any appropriate civil suit in a court of competent jurisdiction for recovery of the fee referred to hereinabove.

Section 4-6-3 Consequences of Nonpayment of Fee

The provisions of A.R.S. § 13-810 governing nonpayment of fines or restitution apply to nonpayment of jail services recovery fees.

Article 4-7 COURT ENHANCEMENT FUND***

- 4-7-1 Court Enhancement Fund****
- 4-7-2 Collection of Fees and Costs

*Ordinance 91-06 and 2016-01.

**Amended by Ordinance 2007-07 and 2016-01.

***Amended by Ordinance 00-06

****Amended by Ordinances 02-12, 03-05, 2010-03, 2013-08 and 2016-01

MUNICIPAL COURT

Section 4-7-1 Court Enhancement Fund

- A. There is hereby created a court enhancement fund, which shall be used exclusively to enhance the technological, operational, and security capabilities of the municipal court.
- B. The court enhancement fund shall be funded by:
 - 1. An enhancement fee in the amount of twenty-five dollars (\$25.00) which excludes applicable state and/or county surcharges, shall be charged by the municipal court to each person against whom a fine, penalty, and forfeiture is imposed by court order and shall be in addition to fees assessable by statute.
 - 2. A civil traffic default judgment fee in the amount of twenty-five (\$25.00) dollars, which shall be charged by the municipal court to each person (in addition to any civil sanction imposed) for which a default judgment is entered for failure to appear on a civil traffic violation case, unless such default judgement is set aside pursuant to Rule 28 of Arizona Rules of Court Procedure in Civil Traffic Cases. The municipal judge may waive all or any part of the fee if the payment of the fee would cause undue hardship to the defendant.
 - 3. A suspension fee in the amount of twenty-five (\$25.00) dollars, which shall be charged by the municipal court to each person (in addition to any civil sanction and default judgement fees imposed) for which an MVD eligible suspension is entered for failure to appear or failure to pay on a civil traffic violation case.
 - 4. An administrative fee not to exceed two hundred (\$200) dollars for the issuance of a warrant due to the failure of a defendant to appear or to pay any fine, fee, or restitution imposed by the court or the failure of a defendant to comply with any other sanction or any other order regarding probation, counseling, or diversion programs.
 - 5. An administrative fee not to exceed one hundred (\$100) dollars to any defendant who is permitted and elects to participate in any counseling or diversionary programs as an alternative to a judicial resolution of any charge against the defendant.
- C. The court enhancement fund shall be established as a designated fund account of the town. The municipal court shall collect the “court enhancement fee”, “default judgment fee”, “suspension fee”, and “warrant fee” and deposit them in the court enhancement fund account. The monies in the fund shall be invested in the same manner as other town funds. Interest earned on fund monies shall be deposited in the fund.

MUNICIPAL COURT

Section 4-7-2 Collection of Fees and Costs

Any fee or cost assessed pursuant to the procedures specified in this article may be collected as any other court ordered fine, penalty and forfeiture.

Article 4-8 PRIVATE COLLECTION AGENCY TRANSACTION FEES (COSTS)*

- A. A defendant who defaults in his or her obligation for the payment of monies owed or due to the municipal court, including but not limited to restitution, fines, sanctions, surcharges, assessments, penalties, bonds, costs and/or fees, is liable for any and all fees and charges assessed by a private collection agency that is licensed pursuant to Title 32, Chapter 9, Article 2, Arizona Revised Statutes, and that is engaged by the magistrate court to collect and enforce such payment. The collection fees and charges assessed by the private collection agency shall be added to the sum due from and chargeable against the defendant.
- B. A defendant who defaults in his or her obligation for the payment of monies owed or due to the municipal court, including but not limited to restitution, fines, sanctions, surcharges, assessments, penalties, bonds, costs and/or fees, is liable for any and all fees and charges assessed by a duly licensed attorney, and who is engaged by the municipal court to collect and enforce such payment. The private collection agency fees and charges assessed by the attorney shall be added to the sum due from and chargeable against the defendant.

* Added by Ordinance 99-06, amended by Ordinance 2016-01

MUNICIPAL COURT

CHAPTER 5 HEALTH AND SAFETY

Article 5-1 ANIMAL RULES AND REGULATIONS*

- 5-1-1 Definitions
- 5-1-2 Dangerous Animals
- 5-1-3 Dogs Not Permitted at Large
- 5-1-4 Noises and Sanitary Requirements
- 5-1-5 Strays
- 5-1-6 Housing
- 5-1-7 Swine
- 5-1-8 Violations and Penalties

Section 5-1-1 Definitions

In this article, unless the context otherwise requires:

- A. "Animal" means any animal of a species that is susceptible to rabies, except man.
- B. "At large" means on or off the premises of the owner and not under the physical control of the owner or other person acting for the owner. A dog shall not be deemed at large for the purposes of this Section if it is restrained by a leash, chain, rope or cord not to exceed six feet in length and of sufficient strength to control the action of the dog, or if the dog is in a suitable enclosure that actually confines the dog.
- C. "County pound" means any establishment authorized by the Maricopa County Board of Supervisors for the confinement, maintenance, safekeeping and control of dogs and other animals that come into the custody of the enforcement agent.
- D. "Dog" means a member of the canis familiaris family.
- E. "Enforcement agent" means the town marshal or designee who is responsible for the enforcement of this article and the regulations promulgated thereunder, or any officer of the Maricopa County Animal Control services.
- F. "Impound" means the act of taking or receiving into custody by the enforcement agent any dog or other animal for the purpose of confinement in a county pound in accordance with the provisions of this article.
- G. "Livestock" means any horses, mules, cattle, burrow, goats, sheep, swine or poultry.

*Amended by Ordinance 01-01

HEALTH AND SAFETY

- H. "Owner" means any person keeping an animal other than livestock for more than five consecutive days.
- I. "Rabies quarantine area" means any area in which a state of emergency has been declared to exist due to the occurrence of rabies in animals in or adjacent to this area.
- J. "Vicious animal" means any animal of the order carnivora that has a propensity to attack, to cause injury to or to otherwise endanger the safety of human beings without provocation or that has been so declared after a hearing before a justice of the peace or a city or town magistrate.

Section 5-1-2 Dangerous Animals

No person shall keep or harbor any dangerous or vicious animal of any kind within the town, and such animals shall be immediately impounded by the town enforcement agent. Exhibitions or parades of animals which are ferae naturae may be conducted only upon securing a permit from the town.

Section 5-1-3 Dogs Not Permitted at Large

- A. No person shall allow or cause a dog to be at large within the town boundaries. Each dog shall be confined within an enclosure on the owner's property, or secured so that a dog is confined entirely to the owner's property, or on a leash not to exceed six feet in length and directly under the owner's physical control when not on the owner's property.
- B. No person shall allow or cause a vicious dog, or a dog in a rabies quarantine area to be at large.
- C. Any dog at large may be apprehended and impounded by the enforcement agent.
 - 1. Said agent shall have the right to enter upon private property when it is necessary to do so in order to apprehend any dog that is at large. Such entrance upon private property shall be in reasonable pursuit of such dog and shall not include entry into a domicile or enclosure which confines the dog unless it be at the invitation of a person residing thereon.
 - 2. In the judgment of the enforcement agent, if any dog at large or other animal that is dangerous or fierce and a threat to human safety cannot be safely impounded, it may be slain.

HEALTH AND SAFETY

- D. The enforcement agent may issue a citation to the dog owner, person acting for the dog owner, custodian, or other person whom said agent may reasonably believe permitted, allowed or caused a dog to be at large.
- E. Notwithstanding any other provision of this article, any dog owner, person acting for the dog owner, custodian, or other person who permits, allows or causes a dog to be at large in violation of:
 - 1. Subsection A of this Section is responsible for a civil violation, punishable by a civil sanction not to exceed three hundred dollars.
 - 2. Subsection B of this Section is guilty of a misdemeanor, punishable by a fine of not to exceed two thousand five hundred dollars, by imprisonment for a period not to exceed six months, by a term of probation not to exceed three years, or by any combination of such fine, imprisonment and probation.

Section 5-1-4 Noises and Sanitary Requirements*

- A. It is unlawful to harbor or keep any animal or fowl which by frequent or habitual howling, yelping, barking, crowing or the making of other noises disturbs the peace of a neighborhood or any two or more persons not residing in the same household, one of which may be an animal control officer or other law enforcement officer.
- B. Any person owning, possessing, harboring or having the care, charge, control or custody of any dog shall immediately remove and thereafter dispose of any fecal matter deposited by the dog on public or private property located within the area bounded by the Town limits of the Town of Carefree, Arizona, unless the property owner has given prior approval to use the property for this purpose. The dog fecal matter shall be immediately placed in a closed or sealed container and thereafter disposed of by depositing said matter in a trash receptacle, sanitary disposal unit or other closed or sealed container. This section shall not apply to handicapped persons accompanied by a dog used for their assistance.

Section 5-1-5 Strays

Any person who keeps or causes to be kept any horses, mules, cattle, burrow, goats, sheep, or other livestock or poultry shall keep such livestock or poultry in a pen or similar enclosure to prevent

*Ordinance 92-04 and 01-01 and 02-08

HEALTH AND SAFETY

their roaming at large within the corporate limits of the town. Any such livestock or poultry running at large may be impounded.

Section 5-1-6 Housing

No person shall cause or allow any stable or place where any animal is or may be kept to become a threat to the health or safety of any person.

Section 5-1-7 Swine

No person shall keep any live swine or pigs in the town.

Section 5-1-8 Violations and Penalties*

Except where otherwise provided, 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 judicial determination thereof be responsible for a civil offense and shall be subject to imposition of a civil sanction of up to seven hundred fifty dollars.

Article 5-2 PUBLIC AND SEMI-PUBLIC POOLS CODE**

- 5-2-1 Definitions
- 5-2-2 Persons Prohibited from Using
- 5-2-3 Commission of Acts Prejudicial to Life and Health of Others
- 5-2-4 Glass Containers
- 5-2-5 Pets and Animals
- 5-2-6 Violations and Penalties

Section 5-2-1 Definitions

In this article unless the context otherwise requires:

*Ordinances 89-26 and 01-01 in part

**Ordinances 86-03, 89-26 in part

HEALTH AND SAFETY

- A. "Public pool" means a swimming pool, admission to which may be gained by the general public with or without payment of a fee.
- B. "Semi-public pool" means a swimming pool on the premises of, or part of, but not limited to, a hotel, motel, trailer court, apartment house, country club, camp, health club, condominium, home owners association or similar establishment, where the primary business of the establishment is not the operation of swimming facilities and where the admission to the use of the pool is included in the fee or consideration paid or given for the primary use of the premises.

Section 5-2-2 Persons Prohibited from Using

No person with sore or inflamed eyes, colds, nasal or ear discharges, boils or other acute or obvious skin or body infections, or cuts shall enter any public or semi-public pool within the town.

Section 5-2-3 Commission of Acts Prejudicial to Life and Health of Others

No person in the use of a public or semi-public pool shall commit or permit anyone else to commit any act such as running, jumping or throwing objects which are prejudicial to the life or health of any other person using the pool.

Section 5-2-4 Glass Containers

No person shall bring into any public pool or semi-public area any glass or other breakable articles such as, but not limited to, bottles, glasses or other glass containers.

Section 5-2-5 Pets and Animals

No person shall bring or permit any pet or animal to enter or remain within any public or semi-public pool area.

HEALTH AND SAFETY

Section 5-2-6 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 judicial determination thereof be responsible for a civil offense and shall be subject to imposition of a civil sanction of up to seven hundred fifty dollars.

Article 5-3 PRIVATE POOLS BARRIER CODE*

- 5-3-1 Definition
- 5-3-2 Pool Enclosures
- 5-3-3 Barrier Details
- 5-3-4 Violations and Penalties

Section 5-3-1 Definition

In this article, unless the context otherwise requires: "swimming pool" means a contained body of water, that contains water eighteen inches or more in depth at any point and that is wider than eight feet at any point and is intended, designed, or suitable for swimming.

Section 5-3-2 Pool Enclosures

- A. Every swimming pool shall be protected by an enclosure surrounding the pool area, as provided in this article.
- B. It is the responsibility of the property owner and any other person in responsible charge of a swimming pool to ensure that the required swimming pool enclosure including all gates, doors, locks, latches and other portions of the barrier are maintained safe and in good working order at all times. No person shall alter or remove any portion of a swimming pool enclosure except to repair, reconstruct or replace the enclosure in compliance with the provisions of this article.
- C. The requirements of this article apply to all new swimming pools installed on or after June 6, 1991, and to all additions, alterations, repairs or replacements made to existing swimming pool enclosures.

*Ordinances 91-04 and 01-01

HEALTH AND SAFETY

Section 5-3-3 Barrier Details

Every swimming pool required to be enclosed by this article, whether below ground or above ground, shall meet the following requirements:

- A. Be entirely enclosed by a masonry wall or ornamental iron fence or combination thereof not less than fifty-four inches in height above finished grade as measured on the exterior side of the wall or fence.
- B. Have no openings in the wall or fence through which a spherical object four inches in diameter can pass. The horizontal components of any wall or fence shall be spaced not less than forty-five inches apart measured vertically or shall be placed on the poolside of a wall or fence which shall not have any opening greater than one and three quarter inches measured horizontally.
- C. No wire mesh or chain link fences shall be permitted.
- D. Gates for the enclosure shall:
 - 1. Be self-enclosing and self-latching with the latch located at least forty-eight inches above the underlying ground or on the poolside of the gate with a release mechanism at least five inches below the top of the gate.
 - 2. Have no opening greater than one-half inch within twenty-four inches of the release mechanism or be secured by a padlock or similar device which requires a key, electric opener or integral combination which can have the latch at any height.
 - 3. Open outward from the pool.
- E. The wall or fence shall not contain openings, hand holds or foot holds accessible from the exterior side of the enclosure that can be used to climb the wall or fence.

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 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, 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.

*Ordinance 01-01 in part

HEALTH AND SAFETY

Article 5-4 REGULATING THE ACTIVITIES AND RESPONSIBILITIES OF THOSE PERSONS WHO PURCHASE, RENT, OR USE ALARM SYSTEM DEVICES OR SERVICES*

- 5-4-1 Definitions
- 5-4-2 Alarm User Responsibilities
- 5-4-3 Regulations
- 5-4-4 Penalty
- 5-4-5 Penalty Assessment Appeal
- 5-4-6 Grace Period
- 5-4-7 Exemptions
- 5-4-8 Liability of the Town

Section 5-4-1 Definitions

The following words and phrases, whenever used in this article, shall be construed as defined in this section:

- A. "Act of nature" means an unusual, extraordinary, sudden and unexpected manifestation of the forces of nature, the effects of which cannot be prevented by reasonable human care, skill or foresight.
- B. "Alarm system" means any mechanical or electrical device which is used for the detection of smoke, fire or unauthorized entry into a building or other facility or for alerting others to the occurrence of fire or a medical emergency or the commission of an unlawful act within a building or other facility and which is designed to emit an outside audible alarm or transmit a signal or message when actuated. "Alarm systems" include direct dial telephone devices, audible alarms and proprietor alarms.
- C. "Alarm user" means any person who purchases, leases, contracts for, otherwise obtains or uses an alarm system.
- D. "Burglar alarm system" means an alarm system signaling an entry or attempted entry to the area protected by a system.
- E. "Common cause" means a technical difficulty or malfunction which causes an alarm system to generate a series of false alarms.

HEALTH AND SAFETY

- F. "False alarm" means any activation of an alarm not caused by or as a result of a criminal act, fire, unauthorized entry or act of nature except for activation when the fire or sheriff's departments have been given advance notice of such testing or activation caused by the fire or sheriff's departments.
- G. "Fire alarm system" means an alarm system designed to detect, and cause to be reported to the fire department or emergency communications center, a fire alarm condition. "Fire alarm system" does not include single station detectors or outside audible alarm-sounding devices not connected to a central monitoring station.
- H. "Panic alarm" means any device or system designed to be victim activated to alert others of the existence of an emergency.
- I. "Robbery alarm system" means an alarm system signaling a robbery or holdup or attempted robbery wherein a personal confrontation is occurring. Such a system may include the use of a panic button activation device.

Section 5-4-2 Alarm User Responsibilities

- A. The user of any alarm system, whether at a business or residence, shall be responsible for instructing all persons who are authorized to place the device or system into operation in the appropriate method of operation, advising them of the provisions of this article; and emphasizing the importance of avoiding false alarms. The operator shall maintain the alarm equipment in proper working order at all times so as to minimize the occurrence of false alarms.
- B. The alarm system operation instructions shall be maintained on the premises.
- C. The user shall post or provide to persons authorized to place the alarm system or device, into operation the phone numbers for:
 - 1. Town sheriff's department and fire department.
 - 2. The alarm business twenty-four hour service number.
- D. The user shall inactivate or cause to be inactivated the alarm system within fifteen minutes of notification of its activation.

HEALTH AND SAFETY

Section 5-4-3 Regulations

- A. It shall be unlawful for any person to intentionally activate any burglar, robbery, fire or panic alarm; except to warn of a fire, criminal act or unauthorized entry in or into an alarm protected premises. This subsection shall not apply to the testing of an alarm system when the fire or sheriff's departments have been given advance notice of such testing.
- B. No person shall install, use, or cause to be used, any telephone device or telephone attachment that automatically selects or dials the Emergency 911 telephone number, or any Town of Carefree telephone number and then reproduces any pre-recorded message or signal.

Section 5-4-4 Penalty

- A. When an alarm system generates two false alarms within a calendar year, the code enforcement officer shall send a warning notice to the alarm user that two subsequent false alarms within said period will subject the notified party to the sanctions as provided herein.
- B. Any alarm system which has four or more false alarms within a calendar year shall be subject to penalty assessments as hereinafter provided:
 - 1. If the code enforcement officer records four false alarms within a calendar year for any alarm system, the code enforcement officer or a designee shall notify the alarm user by certified mail of such fact. The code enforcement officer or a designee shall direct that the alarm user within ten days of receipt of the notice of excessive false alarms, to pay a penalty assessment to the town in the sum of one hundred (\$100) dollars. The alarm user shall be required to pay a penalty assessment of two hundred fifty (\$250) dollars for each subsequent false alarm within the same calendar year.
 - 2. In the event the assessment is not tendered within ten days of receipt of notice, the unpaid balance will be subject to a charge of one and one half percent (1.5%) interest per month, in addition to the assessment.
- C. A report from the fire or sheriff's departments documenting a response to an alarm which revealed no evidence of a fire, criminal act or unlawful entry shall constitute prima facie evidence of a false alarm.
- D. Evidence that a false alarm was caused by an act of nature, common cause or action of the telephone company may be presented as a defense to the counting of such an alarm as a false alarm.

HEALTH AND SAFETY

Section 5-4-5 Penalty Assessment Appeal

- A. Any party, aggrieved by the decision resulting in a penalty assessment, may request a hearing on the penalty assessment by filing a written request for a hearing within ten days of receipt of such penalty. The request shall be filed, in writing, with the town code enforcement officer or designee.
- B. The request for hearing shall include a statement of the reason or reasons that the alarm user believes justify reduction or waiver of the penalty assessment. The alarm user shall describe, if applicable, what actions have been taken to discover and eliminate such alarm activation in the future.
- C. In the event that the town code enforcement officer or designee finds that grounds exist justifying relief from the penalty assessment, the alarm user shall not be responsible for payment.

Section 5-4-6 Grace Period

- A. Newly installed and reinstalled alarm systems shall not be subject to the provision of this article relating to counting and assessment of false alarms for a period of thirty days from the date the alarm system becomes operational if the alarm owner notifies the code enforcement officer in writing within ten days of the completion of the installation or reinstallation. The written notice shall specify the date the system was installed or reinstalled, and, if reinstalled, the notice shall also describe the nature and extent of the reinstallation.
- B. Alarm installation companies shall provide written notice to owner of the requirement to give the town written notice of installation and reinstallation.

Section 5-4-7 Exemptions.

The provisions of this article shall not be applicable to audible alarms affixed to automobiles and audible fire or burglar alarms which are not connected to a central monitoring station.

Section 5-4-8 Liability of the Town

The Town of Carefree shall not be liable for any failure or neglect of an appropriate or timely response by any fire, sheriff or emergency personnel or their assigns.

HEALTH AND SAFETY

Article 5-5 GARBAGE COLLECTION

5-5-1 Garbage Collection

Section 5-5-1 Garbage Collection

- A. The purpose of this section is to ensure the protection of public health by preventing or controlling the breeding of flies and other vectors in solid waste collection containers.
- B. Garbage haulers shall do the following:
 - 1. Provide reliable service.
 - 2. Provide fly tight containers that are in good condition.
 - 3. Completely empty the containers on each visit to the residence and immediately clean up any refuse spilled during the collection process. If any fly larvae are found in the container, the container must be immediately removed and replaced by the hauler.
- C. Residents shall do the following:
 - 1. Keep their garbage containers reasonably clean and free from fly larvae, other vectors and intense odors.
 - 2. Bag and tie all garbage, including grass, to prevent fly breeding and control offensive odors. (Brush trimmings do not have to be bagged.)
 - 3. Place the container at a convenient location for collection not more than twelve (12) hours prior to the scheduled refuse collection. The containers shall be returned to the storage area within twelve (12) hours after collection.

CHAPTER 6 OFFENSES

Article 6-1 REMOVAL OF DEBRIS*

- 6-1-1 Definition
- 6-1-2 Owner to Maintain Premises
- 6-1-3 Notice to Remove
- 6-1-4 Appeal to Council
- 6-1-5 Removal by Town
- 6-1-6 Lien for Removal
- 6-1-7 Violations and Penalties

Section 6-1-1 Definition**

For purposes of this Article, the term "debris" shall mean rubbish, trash, garbage or other accumulation of filth, refuse or debris, and shall include, without limitation, ashes, street cleanings, dead animals, abandon, wrecked, junked or inoperable vehicles, machinery, tanks, or parts of any of the foregoing, brush, tree limbs, yard clippings and other similar materials, and market and industrial wastes.

Section 6-1-2 Owner to Maintain Premises

No owner, occupant or lessee of any property within the limits of the town, including buildings, grounds, lots, or contiguous sidewalks, streets and alleys, shall permit debris to accumulate or remain on such property if such material constitutes or may constitute a blight on the appearance of the neighborhood, a threat to surrounding property values or a hazard to public health and safety.

Section 6-1-3 Notice to Remove

In the event that the chief building official shall determine that any owner, occupant or lessee of property is violating the provisions of Section 6-1-2, he shall cause written notice of such violation to be given to such person. If such person is not the owner of the property, notice shall also be given to the owner. The notice shall be either personally served or mailed by registered or certified mail. If notice is mailed to the owner or lessee of the property, it shall be sent to its last known address, or at the address to which the tax bill for the property was last mailed. If the owner does not reside

*Ordinances 87-04 and 89-26 in part

**Ordinance 01-01 in part

OFFENSES

on the property, a duplicate copy of the notice shall be sent to him at his last known address. The notice shall specify the nature of the violation and shall also state the estimated cost to be assessed in the event that the debris causing the violation is to be removed by the town. The notice shall advise the person to whom it is sent that in the event that the violation shall not be corrected within thirty days from the date upon which the notice is given, the town will cause the violation to be corrected at the expense of the owner.

Section 6-1-4 Appeal to Council

Within ten days after the giving of the notice described in Section 6-1-3, the owner, occupant or lessee may appeal to the council the determination of the chief building official as to the violation of this article, as to the cost to be assessed for removal of the debris by the town, or as to both such matters. Such appeal shall be taken by filing with the town clerk a written notice of appeal, setting forth the basis upon which the council is requested to reverse the determination of the chief building official. The appeal shall be heard by the council, which after hearing shall enter in its minutes an appropriate notation affirming, modifying or reversing the determination of the chief building official. In the event of affirmance or modification, the owner, occupant or lessee affected by the notice shall have an additional ten days from the date of the action by the council in which to remove the matter referred to in the notice as originally given or as modified by the council. The notice sent by the chief building official shall advise the recipient in general terms of the right of appeal to the council.

Section 6-1-5 Removal by Town

If a violation of Section 6-1-2 shall continue for more than the periods specified in this article, the chief building official or his designee may abate or remove the debris specified in the notice. The expense of such removal or abatement, together with an additional sum equal to five percent of such cost, shall be a debt which may be collected by the town from any person to whom notice of the violation was sent as provided in Section 6-1-3.

Section 6-1-6 Lien for Removal

In the event that the town shall, after the expiration of the periods of time specified in this article, cause the abatement or removal of the debris, specified in the notice, pursuant to Section 6-1-5, the cost incurred by the town for such removal, together with an additional sum equal to five percent of that cost, shall be assessed, and may be enforced, as a lien against the lot or tract of land from which

OFFENSES

the debris was removed pursuant to the provisions of Section 9-499, Arizona Revised Statutes. Written notice of such assessment, reciting the proceedings theretofore taken under this article shall be delivered to the Maricopa County Recorder for recordation.

Section 6-1-7 Violations and Penalties

- A. Every person who shall violate Section 6-1-2 and who shall not correct or cure such violation within the time specified herein, shall upon admission or judicial determination thereof, be responsible for a civil offense, and shall be subject to imposition of a civil sanction of up to seven hundred fifty dollars.
- B. Any person who shall place any debris upon any private or public property not owned by him or under his control shall, upon admission or judicial determination thereof, be responsible for a civil offense, and shall be subject to imposition of a civil sanction of up to seven hundred fifty dollars. In addition to such penalty such person shall be liable for all costs which may be assessed pursuant to this article for the removal of such debris.

Article 6-2 NUISANCES; ALL TERRAIN VEHICLES*

- 6-2-1 Definition; Nuisance Prohibited
- 6-2-2 Abatement
- 6-2-3 Littering
- 6-2-4 Noise
- 6-2-5 All Terrain Vehicles
- 6-2-6 Violations and Penalties

Section 6-2-1 Definition; Nuisance Prohibited

A public nuisance is anything which is injurious to health, or is indecent, or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property or which unlawfully obstructs the free passage or use, in the customary manner, of any park, square, street or highway and is hereby declared a violation of this code.

*Ordinances 86-02, 89-24, 89-26, 90-07 in part, 92-07, 98-16 and 01-01.

OFFENSES

Section 6-2-2 Abatement

- A. No person shall refuse or neglect to remove, abate or destroy any public nuisance caused by him or located on real property of which he is the owner, lessee or occupant.
- B. Any thing, act, occupation, condition or use of property which has been declared as a nuisance by this article may be summarily abated by order of the town court upon the verified petition for such an order filed by the town marshal.
- 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 misdemeanor, punishable by a fine of not to exceed two thousand five hundred dollars, by imprisonment for a period not to exceed six months, by a term of probation not to exceed three years, or by any combination of such fine, imprisonment or probation.

Section 6-2-3 Littering*

- A. The purpose of this section is to accomplish litter control in the town. It is intended to place upon all persons within the town the duty of contributing to the public cleanliness and appearance of the town in order to promote the public health, safety and welfare, and to protect the economic interests of the people of the town against unsanitary and unsightly conditions. It is further the intent of this section to protect the people against the health and safety menace and the expense incident to littering.
- B. It is hereby declared a nuisance and unlawful for any person to throw, drop, deposit or otherwise dispose of any litter which shall include but not be limited to any garbage, paper, refuse, glass, debris or any other unsightly waste material, upon any public place in the town or any private property not owned by him within the jurisdiction of the town, whether from a vehicle or otherwise, including but no limited to any sidewalk, street, highway or park.
- C. No person shall own or operate any business or activity in respect to the service of transient habitation such as gasoline service stations, taverns, grocery store parking lots, shopping centers, drive-in restaurants and other such public places without providing litter receptacles in number appropriate to need. It shall be the responsibility of the person required to provide litter receptacles to remove and dispose of the litter deposited in such receptacles at appropriate time intervals.
- D. No person shall throw or discard any handbill upon any public place or private property within the town, including placing handbills on windshields or other portions of vehicles parked upon

*Amended by Ordinance 01-01

OFFENSES

any public or private place, provided, however, that it is not a violation for any person to hand out, without charge to the receiver thereof, any handbill to any occupant of a vehicle, or to any other person who is willing to accept such handbill.

- E. No person shall drive a vehicle on any street unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, leaking or otherwise escaping therefrom. Any person owning or operating a vehicle from which any litter has fallen, leaked or escaped shall be guilty of littering and shall immediately cause such street to be cleaned of all such litter and shall bear any cost therefor in addition to any sanctions provided in this article.
- F. Debris resulting from the construction, reconstruction or repair of premises shall be disposed of or properly contained in a dumpster approved by the town building official within twenty four hours by the contractor or the person owning, occupying or leasing the premises where such debris is accumulated.

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.

*Amended by Ordinance 02-14; Ordinance 04-04; Ordinance 2007-06

OFFENSES

- 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.

OFFENSES

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:

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

- a. The noise limits established by this section shall be based on measurements taken at a distance of fifty (50) feet from the center of the lane of travel within the specified speed limit. Noise measurements can be made at distances other than fifty (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 fifty (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.

OFFENSES

- 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 6-2-5 All Terrain Vehicles*

- A. No person shall operate an all terrain vehicle in such a manner as to be injurious to health by reason of excessive dust or noise and so as to interfere with the comfortable enjoyment of life and property by persons in the vicinity of such vehicle's operations.
- B. It shall be unlawful for any person to operate or drive or leave any motor vehicle, motorcycle, mini-bike, trailbike, dune buggy, motor scooter, jeep or other form of transportation propelled by an internal combustion engine, upon the private property of another or upon public property which is not held open to the public for vehicle use, without the written permission of the owner thereof or the person entitled to immediate possession thereof, or the authorized agent of either. Whenever any person is stopped by a police officer of the town for violation of this subsection, he/she shall, upon request of the police officer, display written permission.

Section 6-2-6 Violations and Penalties**

- A. 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:
 - 1. A first offense shall be deemed a civil infraction, punishable by a fine of not more than one hundred seventy-five dollars (\$175.00).
 - 2. 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).

*Ordinances 86-02, 86-04 and 02-07

**Modified by Ordinances 01-01 and 02-14

OFFENSES

3. 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.
 4. The dates of violation shall control.
- B. Except where otherwise provided, 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 judicial determination thereof be responsible for a civil offense and shall be subject to imposition of a civil sanction of up to seven hundred fifty dollars.

Article 6-3 NO SHOOTING*

- 6-3-1 Firing or Discharge of Weapons
- 6-3-2 Exceptions
- 6-3-3 Violations and Penalties

Section 6-3-1 Firing or Discharge of Weapons

Except as provided by Section 6-3-2, no person shall, within the town limits, fire, discharge or shoot any firearm or bow and arrow, including but not limited to, a pistol, revolver, rifle, shotgun, air gun, BB gun, pellet gun, dart gun, gas operated gun, crossbow or other similar gun or instrument.

*Ordinance 87-02 and 89-26 in part

OFFENSES

OFFENSES

Section 6-3-2 Exceptions*

- A. The provisions of Section 6-3-1 shall not apply to the use of any gun or instrument by:
1. A law enforcement officer or other duly authorized public official or employee in performance of any official duty.
 2. Any person on a properly supervised range.
 3. Any person to whom a special permit is issued by the town marshal for use of such gun or instrument for a valid and proper purpose and for use in a manner not likely to harm any person, animal or property.
 4. Any person when used only for the necessary protection of property, habitation or person in a manner authorized by the laws of the State or under or within rights guaranteed by the Constitution of the State or the United States.
- B. A properly supervised range for the purposes of this section means a range designed, maintained and operated in a manner that insures that any projectile from a weapon at all times remains within the range, operated by a club affiliated with the National Rifle Association of America, the Amateur Trapshooting Association, the National Skeet Association or any other nationally recognized bow and arrow or firearm shooting organization, any agency of the federal government, State of Arizona, county or city within which the range is located, or any public or private school, and in the case of air or carbon dioxide gas operated guns, or underground ranges on private or public property, such ranges may be operated with adult supervision.

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 misdemeanor and shall be punished by imposition of a fine of up to two thousand five hundred dollars by imprisonment for a period not to exceed six months, by a term of probation not to exceed three years, or by any combination of such fine, imprisonment or probation for such violation.

* Amended by Ordinance 01-01

** Amended by Ordinance 01-01

OFFENSES

Article 6-4 PUBLIC PLACES*

- 6-4-1 Trespassing on Town Property
- 6-4-2 Vehicles in Parks
- 6-4-3 Camping In Public Places
- 6-4-4 Congregating or Loitering on Street or Sidewalk
- 6-4-5 Violations and Penalties

Section 6-4-1 Trespassing on Town Property

No person shall enter or remain unlawfully in or upon any property, whether real or personal, or any structure of the town which has been posted with a sign or other notice stating that trespassing is prohibited pursuant to this article. For purposes of this article, "enter" means the intrusion of any part of a person's body inside the external boundaries of real property or upon any personal property or structure.

Section 6-4-2 Vehicles in Parks**

No person shall ride or drive at any time any automobile, truck, motorcycle, motor scooter, or other motor vehicle, horse or animal upon the grounds of any municipal park, playground or recreation area, except in public streets running through such premises or within designated parking areas located upon the premises.

Section 6-4-3 Camping In Public Places***

- A. The following words, terms and phrases, when used in this section shall have the meanings ascribed to them below:
1. "Camp" means to reside in or use a park, street, or other public place for living accommodation purposes, including, but not limited to, activities such as erecting tents or any other structure providing shelter, digging or breaking earth, laying down bedding for the purpose of sleeping, using camp paraphernalia, storing personal belongings, starting a fire, regularly cooking or preparing meals, or living in a parked vehicle.

*Ordinance 91-01; Amended by Ordinance 02-07

**Ordinance 02-07

***Amended by Ordinance 01-01 and Ordinance 02-07

OFFENSES

2. "Camp paraphernalia" includes, but is not limited to, tarpaulins, cots, beds, sleeping bags, hammocks or non-town designed cooking facilities and similar equipment.
 3. "Public park" means all town parks and playgrounds.
 4. "Public street" means all public streets and highways, public sidewalks, public benches, public parking lots and public parking structures.
 5. "Public place" means public plazas including the Carefree Town Center, transportation facilities, schools, attractions, monuments and any improved or unimproved public area.
- B. No person shall camp in any public park, street or place, except when specifically authorized by a permit issued by the town.

Section 6-4-4 Congregating or Loitering on Street or Sidewalk*

It shall be unlawful for any persons to congregate or loiter upon any public street, sidewalk, alley or thoroughfare in the town in such manner as to interfere with pedestrian or vehicular traffic.

Section 6-4-5 Violations and Penalties

Any person who violates, disobeys, or refuses to comply with, or who resists the enforcement of, any provision of this article shall upon admission or judicial determination thereof be responsible for a civil offense and shall be subject to imposition of a civil sanction of up to seven hundred fifty dollars.

Article 6-5 CURFEW HOURS FOR MINORS**

- | | |
|-------|--------------------------|
| 6-5-1 | Definitions |
| 6-5-2 | Offenses |
| 6-5-3 | Defenses/Exceptions |
| 6-5-4 | Enforcement |
| 6-5-5 | Violations and Penalties |

* Amended by Ordinance 01-01 and Ordinance 02-07

** Ordinance 96-13. Amended by Ordinance 01-01

OFFENSES

Section 6-5-1 Definitions

In this article, unless the context otherwise requires:

- A. "Adult" means any person eighteen years of age or over.
- B. "Emergency" means an unforeseen combination of circumstances or the resulting state that reasonably calls for immediate action.
- C. "Guardian" means a person who, under court order, is the guardian of the person of a minor or a public or private agency with whom a minor has been placed by an authorized agency or court; of at least 21 years of age and authorized by a parent or guardian to have the care and custody of a minor.
- D. "Insufficient control" means failure to exercise reasonable care and diligence in the supervision of the juvenile.
- E. "Minor" means any person under eighteen years of age.
- F. "Parent" means a person who is a natural parent, adoptive parent or step-parent of another person.

Section 6-5-2 Offenses

- A. It is unlawful for any minor under the age of sixteen years to be in, about or upon any place in the town away from the property where the youth resides between the hours of 10:00 p.m. and 5:00 a.m. of the following day.
- B. It is unlawful for any minor sixteen years of age or older and under the age of eighteen years, to be in, about or upon any place in the town away from the property where the child resides between the hours of 12:00 a.m. and 5:00 a.m.
- C. It is unlawful for a parent or guardian of a minor to knowingly permit, or by insufficient control, allow a minor to violate subsections A or B of this section.
- D. It is unlawful for a parent, guardian or other person having the care, custody or supervision of the minor to fail or refuse to take custody of the minor after such demand is made upon him by a law enforcement officer who cites the minor for violation of subsection A or B of Section 6-5-2.

OFFENSES

Section 6-5-3 Defenses/Exceptions*

It is a defense to prosecution under Section 6-5-2 that the minor was:

- A. Accompanied by the minor's parent or guardian.
- B. With prior permission of the parent or guardian, in a motor vehicle involved in interstate travel.
- C. With prior permission of the parent or guardian, in an employment activity or going to or returning home from an employment activity without any detour or stop by the most direct route.
- D. Involved in an emergency.
- E. With prior permission of the parent or guardian, was engaged in reasonable legitimate and specific business or activity supervised by one or more adults who take responsibility for the minor. Examples include, but are not limited to, a juvenile with prior permission of the parent or guardian, attending an official school, religious or other recreational activity supervised by adults who take responsibility for the minor.
- F. With prior permission of the parent or guardian, engaged in a reasonable and legitimate exercise of First Amendment rights protected by the United States Constitution supervised by one or more adults who take responsibility for the minor.
- G. Married and 16 years of age or over, or in the military.

Section 6-5-4 Enforcement

- A. Before taking any enforcement action under this section, a police officer shall attempt to ascertain the apparent offender's age and reason for being in the place. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that, based upon the circumstances, the minor's responses and minor's conduct, no defense as provided in Section 6-5-3 is probably present.
- B. In addition to any other powers he/she may have, any law enforcement officer who arrests a minor for violating any of the provisions of subsections A or B of Section 6-5-2 is also hereby empowered to demand of the parent, guardian or other person to come and take the minor into

*Amended by Ordinance 01-01

OFFENSES

custody. The law enforcement officer is also empowered to take the minor to a designated location where arrangements can be made for a parent, guardian or other appropriate party to take the minor into custody. Should there be a failure of the parent, guardian or other person to take custody of such minor, the officer may then be empowered to take the minor home.

Section 6-5-5 Violations and Penalties*

- A. Each violation of the provisions of Sections 6-5-2 shall constitute a separate offense.
- B. Any adult 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 judicial determination thereof be responsible for a civil offense and shall be subject to imposition of a civil sanction of up to seven hundred fifty dollars.
- C. Any minor who violates the provisions of this article shall upon admission or judicial determination thereof be responsible for a civil offense and shall be subject to imposition of a civil sanction of up to five hundred dollars.

Article 6-6 LANDSCAPING DEBRIS**

- 6-6-1 Offenses
- 6-6-2 Violations and Penalties

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 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.

* Amended by Ordinance 01-01

** Ordinance 2008-02

*** Ordinance 2016-01

OFFENSES

Section 6-6-2 Violations and Penalties

Any person who violates, disobeys or refuses to comply with, or who resists the enforcement of any provision of this article shall upon admission or judicial determination thereof be responsible for a civil offense and shall be subject to imposition of a civil sanction of up to seven hundred fifty dollars.

Article 6-7 FIREWORKS*

- 6-7-1 Definitions
- 6-7-2 Fireworks Prohibited; Exceptions
- 6-7-3 Sale of Fireworks
- 6-7-4 Posting of Signs By Persons Engaged in the Sale of Fireworks; Civil Penalty
- 6-7-5 Authority to Enforce Violations of this Article; Means of Enforcement
- 6-7-6 Liability for Emergency Responses Related to Use of Fireworks; Definitions
- 6-7-7 Penalty

Section 6-7-1 Definitions

- A. The following words, terms and phrases, when used in this article, have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
- 1. "Consumer firework" means those fireworks defined by Section 36-1601, Arizona Revised Statutes.
 - 2. "Display firework" means those fireworks defined by Section 36-1601, Arizona Revised Statutes.
 - 3. "Fireworks" means any combustible or explosive composition, substance or combination of substances, or any article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, that is a consumer firework, display firework or permissible consumer firework as defined by Section 36-1601, Arizona Revised Statutes.
 - 4. "Novelty items" means federally deregulated novelty items that are known as glow worms, snakes, toy smoke devices, sparklers, and certain toys as defined in Section 36-1601, Arizona Revised Statutes.

*Ordinance 2010-08

OFFENSES

5. "Permissible consumer fireworks" means those fireworks as defined by Section 36-1601, Arizona Revised Statutes that may be sold within the town even where the use of those items has been prohibited.
6. "Supervised public display" means a monitored performance of display fireworks open to the public and authorized by permit by the town's fire chief or his or her designee.

Section 6-7-2 Fireworks Prohibited; Exceptions*

- A. The use, discharge or ignition of fireworks within the town is prohibited except for June 24 through July 6 and December 24 through January 3 or other town event between the hours of 5:00 p.m. and 10:00 p.m. and with a permit issued by the town's fire chief or his or her designee.
- B. The use, discharge or ignition of novelty items defined in Section 6-7-1(A)(4) shall be strictly prohibited.
- C. Permits may be granted by the town's fire chief or designee for conducting a properly supervised public display of fireworks. Every such public display of fireworks shall be of such character and so located, discharged or fired, only after proper inspection and in a manner that does not endanger persons, animals, or property. A permit shall not be issued, and may be revoked, during time periods of high fire danger warnings. The town's fire chief or designee has authority to impose conditions on any permits granted.
- D. Failure to comply with any permit requirements issued by the town's fire chief or designee is punishable by a civil penalty of one thousand (\$1,000) dollars for each violation.

Section 6-7-3 Sale of Fireworks**

- A. No person shall sell or permit or authorize the sale of permissible consumer fireworks to a person who is under sixteen years of age.
- B. No person shall sell or permit or authorize the sale of permissible consumer fireworks in conflict with state law.
- C. The sale of permissible consumer fireworks shall be allowed from May 20 through July 6 and December 10 through January 3 each year.

* Amended by Ordinance 2014-04

** Amended by Ordinance 2014-04

OFFENSES

Section 6-7-4 Posting of Sign By Persons Engaged in the Sale of Fireworks; Civil Penalty*

- A. Prior to the sale of permissible consumer fireworks, every person engaged in such sales shall prominently display signs indicating the following:
 - 1. The use of fireworks, including novelty items as defined by town code, is prohibited.
 - 2. Consumer fireworks authorized for sale under state law may not be sold to persons under the age of sixteen.
- B. Signs required under this section shall be placed at each cash register and in each area where fireworks are displayed for sale.
- C. The town's fire chief or designee shall develop regulations concerning the size and color of the required signs and shall develop a model sign. The required sign regulations and model sign shall be filed with the town clerk's office.
- D. Failure to comply with subsections A and B of this section is a civil offense punishable by fine of one thousand (\$1,000) dollars.

Section 6-7-5 Authority to Enforce Violations of This Article; Means of Enforcement

- A. The town's fire chief or designee, a police officer, town code enforcement officer, or the town attorney may issue civil complaints to enforce violations of this article designated as civil offenses.
- B. Any person authorized pursuant to this section to issue a civil complaint may also issue a notice of violation specifying actions to be taken and the time in which they are to be taken to avoid issuance of a civil or criminal complaint.
- C. A police officer, town code enforcement officer or town attorney may issue criminal complaints to enforce this article.

Section 6-7-6 Liability for Emergency Responses Related to Use of Fireworks; Definitions

- A. A person who uses, discharges or ignites permissible consumer fireworks, fireworks or anything that is designed or intended to rise into the air and explode or to detonate in the air

* Amended by Ordinance 2014-04

OFFENSES

or to fly above the ground, is liable for the expenses of any emergency response that is required by such use, discharge or ignition. The fact that a person is convicted or found responsible for a violation(s) of this article is prima facie evidence of liability under this section.

- B. The expenses of an emergency response are a charge against the person liable for those expenses pursuant to subsection A of this section. The charge constitutes a debt of that person and may be collected proportionately by the public agencies, for-profit entities or not-for-profit entities that incurred the expenses. The liability imposed under this section is in addition to and not in limitation of any other liability that may be imposed.
- C. For the purposes of this section:
 - 1. "Expenses of an emergency response" means reasonable costs directly incurred by public agencies, for-profit entities or not-for-profit entities that make an appropriate emergency response to an incident.
 - 2. "Reasonable costs" includes the costs of providing police, fire fighting, rescue and emergency medical services at the scene of an incident and the salaries of the persons who respond to the incident.

Section 6-7-7 Penalty*

The penalty for violating any prohibition or requirement imposed by this article shall be subject to a civil penalty of one thousand (\$1,000) dollars unless another penalty is specifically provided for.

* Amended by Ordinance 2014-04

CHAPTER 7 TRAFFIC; PARKING

Article 7-1 GENERAL PROVISIONS*

- 7-1-1 Streets Regulated
- 7-1-2 Duty of Marshal
- 7-1-3 Investigation of Accidents
- 7-1-4 Records of Traffic Accidents
- 7-1-5 Directing Traffic

Section 7-1-1 Streets Regulated

The provisions of this article and Articles 7-2 and 7-3 shall apply to all traffic and parking on streets of the town, which shall be defined to include all streets, roads, drives, passes, paths, ways, parking lots and other rights-of-way, within the town's corporate limits, which are open to, and used by, the general public for vehicular traffic, whether such streets are on private property or along roadways dedicated for public use. The shoulders on either side of any roadway shall fall within the definition of street as used herein. All streets of the town are hereby declared to be highways for purposes of the application of the Uniform Act Regulating Traffic on Highways of the State of Arizona, A.R.S. 28-601 et seq.

Section 7-1-2 Duty of Marshal

It shall be the duty of the town marshal to provide within the town for the enforcement of the street regulations of the town and the Arizona laws regarding traffic and vehicles, to issue citations or make arrests for violations thereof, to investigate accidents, to recommend ways to improve traffic conditions and to perform all duties specifically provided herein.

Section 7-1-3 Investigation of Accidents

The town marshal shall investigate traffic accidents resulting in bodily injury, death or property damage of more than five hundred dollars and shall serve in the prosecution of persons charged with violations of the law.

*Ordinance 85-18

TRAFFIC; PARKING

Section 7-1-4 Records of Traffic Accidents

The town marshal shall maintain records of all accidents within the town for the previous three years wherein personal injuries required medical services or property damage was in excess of five hundred dollars.

Section 7-1-5 Directing Traffic

- A. The town marshal and his deputies, when they deem necessary, are authorized to direct all traffic by signal, hand or voice.
- B. Persons associated with fire departments, when at the scene of a fire, may assist and direct traffic where deemed necessary.

Article 7-2 TRAFFIC CONTROL

- 7-2-1 Speed Limits
- 7-2-2 Through Streets
- 7-2-3 One-Way Street
- 7-2-4 Four-Way Stops
- 7-2-5 Manual on Uniform Traffic Control Devices
- 7-2-6 Parades and Processions
- 7-2-7 Commercial Trucks and Truck Routes
- 7-2-8 Vacant Lots

Section 7-2-1 Speed Limits*

It is hereby determined, upon the basis of an engineering and traffic investigation, that the speed limit permitted by state law on streets hereinafter referred to in this section is greater than or less than is reasonable under existing conditions; and it is hereby declared that the maximum speed limit shall be as hereinafter provided on those streets or parts of streets hereinafter designated when speed signs are erected giving notice of such maximum speed limits:

- A. On Cave Creek Road from the town limits north to Stagecoach Pass, except as posted, the maximum speed limit shall be forty-five miles per hour.

*Ordinances 88-01, 93-05, 99-01, 02-05, 03-07, and 2011-06.

TRAFFIC; PARKING

- B. On Cave Creek Road from Scopa Trail to Bloody Basin Drive the maximum speed limit shall be thirty miles per hour and from Bloody Basin Drive to Pima Road, except at stop intersections and as posted, the maximum speed limit shall be thirty-five miles per hour.
- C. On Tom Darlington Drive from Cave Creek Road to Bloody Basin the maximum speed limit shall be thirty miles per hour and on Tom Darlington from Bloody Basin to its southern end, except as posted, the maximum speed shall be thirty-five miles per hour.
- D. Along Easy Street, Sundial Circle and the rights-of-way encircled thereby, and also along Wampum Way and Lucky, Ho, Hum and Ho Hum Roads between Tom Darlington Drive and Cave Creek Road, the maximum speed limit shall be fifteen miles per hour.
- E. Along all other streets of the town, the maximum speed limit shall be twenty-five miles per hour.
- F. On Cave Creek Road from Pima Road easterly to 4/10 of a mile west of the city limits of Scottsdale, the maximum speed limit shall be thirty-five miles per hour.
- G. On Mule Train Road from Rambling Road to Carefree Drive, except as posted, the maximum speed limit shall be twenty miles per hour.

Section 7-2-2 Through Streets*

The following streets in town are designated as through streets. Stop signs shall be installed at each street intersecting a through street, except where yield right-of-way signs are provided instead:

- A. Cave Creek Road from the town limits north to Stagecoach Pass and from Scopa Trail to its easterly end, except for the stop intersections at Tom Darlington Drive and Pima Road.
- B. Tom Darlington Drive from its northern end to its southern end.
- C. Pima Road from its northern end to its southern end, except at its stop intersection at Cave Creek Road.
- D. Carefree Drive from Pima Road to Cave Creek Road, except at its stop intersection at Mule Train Road.
- E. Sidewinder Road from Stagecoach Pass to Carefree Drive.

*Ordinance 87-03, 96-11, 96-12, 97-11, 98-11, 99-02, 00-07, 01-02, 06-01, 2010-04

TRAFFIC; PARKING

- F. Stagecoach Pass from Tom Darlington to its easterly terminus, except at its stop intersection at Mule Train Road.
- G. Mule Train Road from Stagecoach Pass to Carefree Drive, except at its stop intersection at Cave Creek Road.
- H. Long Rifle Road from Lazy Lane to Cave Creek Road, except for its stop intersection at Sidewinder Road.
- I. Tranquil Trail from Cave Creek Road to Rising Sun Road, except for its stop intersection at Carefree Drive.
- J. Nonchalant Avenue from Easy Street to Lazy Lane, except for its stop intersection at Elbow Bend.
- K. Easy Street from Sundial Circle to Sundial Circle, except for its stop intersection at Hum Street and Wampum Way.
- L. Primrose Path from Cave Creek Road to Long Rifle Road.
- M. Double Eagle Drive, except at its stop intersection at Dog Leg.
- N. Old Paint Trail except at its stop intersection (east and west) at Ridgeway Drive.
- O. Rising Sun Road from Tranquil Trail to Stevens Road.
- P. Auto Plane Drive except for its stop intersection at Cave Creek Road.
- Q. Sky Ranch Airport Terminal Entrance except for its stop intersection at Cave Creek Road.
- R. Sky Ranch at Carefree residential private driveway except for its stop intersection at Cave Creek Road.
- S. Serene Street except for a stop intersection at Mule Train Road.
- T. Never Mind Trail except for a stop intersection at Carefree Drive.
- U. 58th Street except for its stop intersection at Leisure Lane at all four approaches.
- V. 58th Street except for its stop intersection at Sentinel Rock Road eastbound.
- W. 61st Street except for its stop intersection (east and west) at Restin Road.
- X. K.T. Palmer Sundial Circle from Easy Street to Carefree Drive.

TRAFFIC; PARKING

Section 7-2-3 One-Way Street*

Section 7-2-4 Four-Way Stops and Three-Way Stops**

The following intersections are designated as 4-way stops:

- A. Tom Darlington Drive and Cave Creek Road.
- B. Easy Street and Wampum Way.
- C. Easy Street and Ho Hum Road.
- D. Mule Train Road and Stage Coach Pass.
- E. Cave Creek Road and Pima Road.
- F. Sidewinder and Stagecoach Pass.
- G. Mule Train Road and Cave Creek Road.
- H. Tranquil Trail and Rising Sun Road.
- I. Rising Sun Road and Cow Track Drive as a three-way stop.
- J. Carefree Drive and Tranquil Trail.
- K. Twilight Trail and Stardust Lane.
- L. Bloody Basin Road and Sidewinder Road.
- M. Paint Pony Drive and Sombrero Road as a three-way stop.

*Repealed by Ordinance 2010-04

**Ordinances 85-18, 90-08, 94-13, 96-11, 97-09, 98-13, 99-10, 02-11, 05-02

TRAFFIC; PARKING

Section 7-2-5 Manual on Uniform Traffic Control Devices*

That certain document entitled "Manual on Uniform Traffic Control Devices for Streets and Highways," 1978 Edition, published by the National Advisory Committee on Traffic Control, is hereby adopted by the Town of Carefree and made a part of this chapter as though said document were set forth in full herein; and three copies thereof shall be kept on file in the office of the town clerk and kept available for public use and inspection during office hours.

Section 7-2-6 Parades and Processions**

- A. No parade or procession, except a funeral, shall be held in town without first obtaining a parade permit ten days in advance from the town marshal. The application for a permit shall state the time, date, place of formation, destination, line of march, purpose and any other pertinent information requested.
- B. Funeral processions shall be identified by vehicles traveling with headlights illuminated and the vehicles will travel as near to the right edge of the street as practical and in close proximity to each other.
- C. Operators of other vehicles shall not drive or cut into any funeral procession.

Section 7-2-7 Commercial Trucks and Truck Routes***

- A. No person shall operate a commercial vehicle that exceeds seven thousand pounds empty weight, at any time upon a street in Carefree except along designated truck routes.
- B. In the event a pickup or delivery point within the town is not located on a designated truck route, the operator of the commercial vehicle may leave the designated truck route by the nearest route to make deliveries or pickups after which the commercial vehicle must return immediately to the nearest designated truck route.
- C. The following streets are designated truck routes:
 - 1. Tom Darlington Drive from the Scottsdale city limits north to Cave Creek Road.
 - 2. Cave Creek Road from the town limits of Cave Creek (just west of Tom Darlington Drive) east to the Scottsdale city limits.

*Ordinance 85-10

**Ordinance 85-18

***Ordinance 95-06

TRAFFIC; PARKING

3. Pima Road between Cave Creek Road and Stagecoach Pass.
 4. Cave Creek Road from Carefree Highway north to the town limits of Cave Creek (just north of Sentinel Rock Road).
- D. The following vehicles are exempt from the meaning of "commercial vehicle":
1. Passenger buses, including school buses.
 2. Vehicles used in the construction, installation, maintenance or repair of public utilities and streets located within the town.
 3. Vehicles used for residential or business refuse collection located within the town.
 4. Fire engines and emergency vehicles.
 5. Vehicles of other municipalities, the state, or the county and their political subdivisions as authorized by the town marshal.

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.

*Ordinance 2016-01

TRAFFIC; PARKING

Article 7-3 PARKING*

- A. No parking shall be permitted on any portion of Tom Darlington Drive or Cave Creek Road, except on the extreme outer sides for emergency purposes only. Special exceptions may be allowed by the town marshal on such terms as he may determine for temporary periods in connection with construction projects, parades or other special occasions.
- B. Where parking is allowed, all vehicles shall be parked at the extreme right side of the road, facing in the direction of the flow of traffic, unless designated to park otherwise.
- C. Parking at marked spaces shall be wholly within the indicated lines.
- D. No parking shall be permitted on any public street in town from 12:00 midnight to 5:00 a.m.
- E. No parking shall be permitted on or beside any street of the town regulated by Section 7-1-1 at any place where, or time or period during which, such parking is prohibited by a No Parking sign erected by the town marshal, in his discretion, to protect the health, safety and welfare of the inhabitants of, and visitors to, the town.

Article 7-4 MOTORIZED SKATEBOARDS, SKATEBOARDS, MOTORIZED GOPED SCOOTERS, AND BICYCLES**

- 7-4-1 Definition
- 7-4-2 Operation of Motorized Skateboard or Motorized Goped Scooter on Public Sidewalk, Public Parking Lot, or Public Area
- 7-4-3 Operation of Skateboard, Motorized Goped Scooter and/or Bicycle on Public Sidewalk, Public Parking Lot, or Public Area
- 7-4-4 Responsibilities of Parent, Guardian or Custodian

Section 7-4-1 Definition

For the purpose of this article, the term "motorized skateboard" or "motorized goped scooter" means a self-propelled device which has a motor, a surface on which a person may ride, and at least two wheels in contact with the ground which is not otherwise defined in Title 28 of the Arizona Revised Statutes.

*Ordinance 87-06

**Ordinance 97-04 and amended by Ordinance 2007-08 and 2016-01

TRAFFIC; PARKING

For the purpose of this article, the term "bicycle" includes any vehicle propelled by human power which is not otherwise defined in Title 28 of the Arizona Revised Statutes.

Section 7-4-2 Operation of Motorized Skateboard or Motorized Goped Scooter on Public Sidewalk, Public Parking Lot, or Public Area

No person shall operate a motorized skateboard or motorized goped scooter on any public sidewalk, public parking lot, or public area within the town.

Section 7-4-3 Operation of Skateboard, Motorized Goped Scooter and/or Bicycle on Public Sidewalk, Street, Public Parking Lot, or Public Area

No person shall operate a skateboard, motorized goped, scooter, skateboard, or bicycle on any public sidewalk, public parking lot, or public area within the town center Desert Gardens.

Section 7-4-4 Responsibilities of Parent, Guardian or Custodian

No parent, guardian or custodian of a child shall allow or permit any child to operate a skateboard, motorized goped scooter, skateboard, or bicycle on any public sidewalk, public parking lot, or public area within the town center Desert Gardens.

No parent, guardian or custodian of a child shall allow or permit any child to use a skateboard on any sidewalk, street, parking lot, or public area within the town center bounded by Cave Creek Road on the east, Tom Darlington Road on the west and Bloody Basin Road on the south.

Article 7-5 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 chapter shall upon admission or judicial determination thereof be responsible for a civil offense and shall be subject to imposition of a civil sanction of up to seven hundred fifty dollars (\$750.00).

*Ordinance 85-18 and 89-26 in part and amended by Ordinance 01-01 and 2016-01

TRAFFIC; PARKING

CHAPTER 8 BUSINESS REGULATIONS

Article 8-1 SOLICITATION CODE*

- 8-1-1 License Required
- 8-1-2 Signs to be Observed
- 8-1-3 Application to Marshal
- 8-1-4 Charitable, Religious, Civic and Educational Organizations
- 8-1-5 Fees
- 8-1-6 Peddling Without License Prohibited
- 8-1-7 Revocation of License
- 8-1-8 Appeals
- 8-1-9 Violations and Penalties

Section 8-1-1 License Required

No person shall sell or offer for sale or solicit the purchase of, or gift of, any goods, wares, merchandise or other articles of value, or offer any services for hire or commission, either in any place in, upon or along any public or private street or other public place, or by going from door-to-door, within the town, unless such person be the holder of a license issued pursuant to the provisions of this article or be a business invitee upon the premises.

Section 8-1-2 Signs to be Observed

No person while engaged in any business licensed by this article shall knock at the door or ring the bell of any home, apartment, apartment building, condominium unit or other dwelling in the town where there is displayed at the entrance a notice which reads "No Peddlers or Solicitors Allowed", or which otherwise clearly purports to prohibit peddlers, solicitors or vendors on the premises, unless such person is or has been invited upon the premises by the owner, lessee or occupant thereof.

Section 8-1-3 Application to Marshal

- A. Any person desiring to sell or offer for sale or to solicit the purchase of, or gift of, any goods, wares, merchandise, other articles of value, or any services for hire or commission, either in any place in, upon or along the streets or other public places, or by going from door-to-door, within the town, shall make application to the town marshal or his authorized representative for a license.

*Ordinances 86-01, 89-11, 89-26 in part and 93-02

BUSINESS REGULATIONS

- B. The application shall be sworn to by the applicant and shall give the following information:
 - 1. Name and description of the applicant.
 - 2. Permanent and local addresses of the applicant.
 - 3. A brief description of the business and the goods or services to be sold.
 - 4. If employed, the name and address of the employer, together with credentials establishing the exact relationship.
 - 5. The length of time for which the right to do business is desired, which shall not be more than one hundred eighty consecutive days.
 - 6. If a vehicle is to be used, a description of the vehicle together with license plate number.
- C. The application shall be filed not less than seven days before the applicant intends to engage in any activity for which a license is required under this article.
- D. An applicant shall be issued a license not more than seven days after the application is filed if the town marshal is satisfied as to:
 - 1. The truth of all statements made in the application.
 - 2. The fact that the solicitation will not obstruct traffic, distract drivers on the town streets or interfere with public safety.
 - 3. The fact that the applicant or his employer holds a current valid transaction privilege permit from the town, if required.
- E. If the town marshal or his authorized representative is satisfied with the facts set forth in any application for a solicitation license, he shall cause the license to be issued to the applicant upon such conditions as he may impose in said license and upon payment of the fee hereinafter required.

Section 8-1-4 Charitable, Religious, Civic and Educational Organizations

Any recognized religious, educational, civic or charitable organization may obtain a blanket permit to cover all of its members when the town marshal determines that the standards set forth in subsection D of Section 8-1-3 have been satisfied.

BUSINESS REGULATIONS

Section 8-1-5 Fees

- A. The fee for a license issued under this article shall be: \$25.00 per week of seven consecutive calendar days; \$50.00 per period of more than seven, but less than thirty-one consecutive calendar days; \$100.00 per period of more than thirty, but less than one hundred eighty consecutive calendar days. No license shall be issued for more than one hundred eighty consecutive calendar days.
- B. No license fee shall be charged to any recognized religious, educational, civic or charitable organizations or recognized emergency service businesses.

Section 8-1-6 Possession and Display of License

- A. Any person licensed pursuant to this article shall have the license on his person at all times while engaging in the activity for which the license has been issued. Such person shall exhibit the license, upon demand, to any police officer, town official or occupant of any residence or business establishment being solicited.
- B. This section shall not apply to the individual members of any recognized religious, educational, civic or charitable organization to which a blanket license has been issued under Section 8-1-4.

Section 8-1-7 Revocation of License

Any license issued pursuant to this article may be revoked by the town marshal at any time should any of the facts set forth in the application, or the standards pursuant to which such license was granted, set forth in Section 8-1-3, become untrue or cease to exist. Notice of such revocation shall be delivered to the licensee by the town marshal or a deputy sheriff as soon as practicable.

Section 8-1-8 Appeals

Any person or organization denied a permit, or whose permit is revoked, or is required to pay a fee for a permit shall have the right to appeal such denial, revocation or demand for a fee to the council. Such appeal shall be filed with the town clerk within ten days of such denial, revocation or demand.

BUSINESS REGULATIONS

Section 8-1-9 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 judicial determination thereof be responsible for a civil offense and shall be subject to imposition of a civil sanction of up to seven hundred fifty dollars.

Article 8-2 ESTATE SALES/CARPORT SALES**

- 8-2-1 Permit Application; Issuance
- 8-2-2 Permit Fee
- 8-2-3 Number of Sales Allowed Per Year
- 8-2-4 Traffic Control
- 8-2-5 Signage
- 8-2-6 Violations and Penalties

Section 8-2-1 Permit Application; Issuance

- A. Any person desiring to hold an estate sale or carport sale shall make application to the town marshal or his authorized representative for a permit.
- B. The permit application shall be sworn to by the applicant and shall give the following information:

Name of applicant.

- 1. Permanent and local address of applicant.
 - 2. Brief description of items to be sold.
 - 3. Address where sale is to take place.
 - 4. Dates the sale will take place.
 - 5. Where signage will be placed.
- C. The permit application shall be filed not less than fourteen days before the applicant intends to engage in the sale.

*Modified by Ordinance 01-01

**Ordinance 97-08; modified by Ordinance 03-08 and Ordinance 2011-04

BUSINESS REGULATIONS

- D. If the sale is on property within a community that has a Homeowners Association, the applicant shall hand deliver or mail a copy of the permit application to the Homeowners Association at least three (3) days after the permit application is filed with the Town.
- E. The applicant shall be issued a permit not more than fourteen days after the application is filed if the town marshal is satisfied to:
 - 1. The truth of the statements made in the application.
 - 2. The fact that traffic will be controlled in and around the sale location to keep streets open to normal traffic.
- F. If the town marshal or his authorized representative is satisfied with the facts set forth in the permit to hold an estate or carport sale, he shall cause the permit to be issued to the applicant upon such conditions as he may impose on said permit and upon payment of the fee hereinafter required.

Section 8-2-2 Permit Fee

The fee for a permit issued under this article shall be \$25 for a two day sale.

Section 8-2-3 Number of Sales Allowed Per Year

There shall be no more than two sales per property allowed per calendar year.

Section 8-2-4 Traffic Control

The property owner or sales representative shall be required to control traffic in and around the sale location to keep streets open for normal traffic.

Section 8-2-5 Signage

Two signs per sale shall be posted on the days of the sale and will be removed on the afternoon of the completion of the sale.

BUSINESS REGULATIONS

Section 8-2-6 Violations and Penalties

- A. Violations shall consist of failure to apply for a permit or failure to remove signs when the sale is completed or causing a traffic hazard.
- B. Penalties shall consist of a \$200 fine for any one or more violations set above.

Article 8-3 ANNUAL BUSINESS LICENSE*

- 8-3-1 License Requirements
- 8-3-2 License Procedures
- 8-3-3 Exemptions
- 8-3-4 Signage
- 8-3-5 Compliance and Violations
- 8-3-6 Revocation or Suspension of License
- 8-3-7 Appeals

Section 8-3-1 License Requirements

- A. No person shall engage in any business in the town without first having:
 - 1. Procured an annual business license from the town;
 - 2. Paid the prescribed fees; and
 - 3. Complied with the provisions of this article.
- B. The annual business license shall be valid for a period not to exceed one calendar year and will expire on June 30 of the year in which it is obtained.

Section 8-3-2 License Procedures**

- A. Application verification. It shall be the duty of the zoning administrator or designee upon receipt and verification of a properly completed application for an annual business license, to

*Ordinance 2010-05

**Amended by Ordinance 2014-02

BUSINESS REGULATIONS

prepare and issue an annual business license under this article. Prior to the issuance of an annual business license, each applicant shall provide evidence to the town clerk or designee that at a minimum, it has made application to the Arizona Department of Revenue to include Carefree under their state sales tax identification number (privilege tax).

- B. License form. The annual business license shall include but shall not necessarily be limited to the name of the person, corporation, partnership or business organization for whom the annual business license is procured; the amount charged; the state sales tax license number; the expiration date of the annual business license; the location of the business; and the type of business.
- C. Fee schedule. The fee for the annual business license shall be \$40, and shall be paid by the applicant at the time the application is filed with the town. The annual renewal fee in the amount of \$40 for each annual business license shall become due and payable by July 1 of each calendar year.
- D. Number of licenses. If one business entity is operating multiple businesses in one fixed location, only one annual business license shall be required. A "fixed location" shall mean a building which has a physical address assigned by the Town of Carefree. If multiple businesses are operated by separate entities in one fixed location which sublease or have a contractual agreement to operate at such fixed location, a separate annual business license shall be required for each business. An annual business license shall be obtained for each branch establishment or location of a business within the town. Any business providing products and/or services within the town but based outside of the Town of Carefree shall be required to obtain an annual business license.
- E. Placement of license. The annual business license shall be placed within the business in a fixed, conspicuous location.
- F. Transfer of license. No annual business license issued pursuant to this article shall be transferable, provided that where an annual business license is issued authorizing a person to transact and carry on a business at a fixed location, the zoning administrator or designee may upon application authorize the person to engage in business under the same annual business license at another location to which the business is to be moved.

Section 8-3-3 Exemptions

The following shall be exempt from all annual business license requirements:

- A. Any federally exempt organization which has received determination of exemption under 26 U.S.C. Section 501 (c) and rules and regulations of the Commissioner of the Internal Revenue Service.

BUSINESS REGULATIONS

- B. The federal government, the State of Arizona, and any political subdivision, department, or agency of any of the foregoing.
- C. Any public education entity operated pursuant to any provisions of Title 15, Arizona Revised Statutes.
- D. Any service oriented home occupation.
- E. Any temporary or transient business operating with a vendor's certificate administered through a special event permit.

Section 8-3-4 Signage

No person shall install and/or modify any exterior sign which is associated with their business and otherwise permitted by the town zoning ordinance without first obtaining an annual business license pursuant to the provisions of this article.

Section 8-3-5 Compliance and Violations

- A. The code enforcement officer or designee shall have the authority to enter (without charge) and inspect any business for compliance with the provisions of this article.
- B. Any business operating without an annual business license under the provisions of this article shall be given a 30 calendar day notice for corrective action. The 30 calendar day period for corrective action shall begin to run from the date the written notice is served by the code enforcement officer or designee upon the business.
- C. If upon the expiration of the 30 calendar day period for corrective action an annual business license is not obtained by the business owner, the business shall immediately cease operations at such location until an annual business license is obtained, the business owner is subject to the doubling of all fees owed in the discretion of the zoning administrator, and a complaint shall be filed with the town magistrate.
- D. 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 judicial determination thereof be liable for a civil offense and shall be subject to imposition of a civil sanction of up to \$750.

BUSINESS REGULATIONS

Section 8-3-6 Revocation or Suspension of License

Any annual business license issued pursuant to this article may be revoked or suspended by the zoning administrator or designee at any time if any material fact set forth in the application is or becomes untrue or ceases to exist or if the business is conducted in violation of any town code provision or any town ordinance. Notice of such revocation or suspension shall be served upon the business by the town code enforcement officer or designee as soon as practicable.

Section 8-3-7 Appeals

Any person aggrieved by the denial of an application, suspension or revocation for an annual business license shall have the right to appeal to the town council. The appeal shall be filed with the town clerk within ten calendar days after a written statement of denial, revocation or suspension has been served by the town code enforcement officer or designee. The town council shall set a time and a place for the hearing of the appeal and the notice of the hearing shall be given to the appellant. The decision and order of the town council on the appeal shall be final.

BUSINESS REGULATIONS

CHAPTER 9 TRANSACTION PRIVILEGE TAX

Article 9-1 ADOPTION OF TAX CODE

- A. That certain code entitled the Town Privilege and Excise Tax Code of the Town of Carefree adopted by Ordinance 87-07 and including but not limited to the amendments thereto pursuant to Ordinances 88-03, 90-05, 92-06, 94-17, 96-07, 96-17, 98-02, 98-03, 98-04, 98-07, 05-01, 06-04, 06-12, 2008-03, 2009-05, 2011-05, and 2016-03 is hereby ratified and made a part of this code the same as if specifically reenacted hereby. At least three copies of said code and amendment shall be kept on file in the office of the town clerk.
- B. That certain document known as Town of Carefree Use Tax, three copies of which are on file in the office of the town clerk, which document was made a public record by Resolution No. 2013-08 of the Town of Carefree, Arizona, is hereby referred to, adopted and made a part of this code as if fully set out in this Article.

TRANSACTION PRIVILEGE TAX

CHAPTER 10 BUILDING

Article 10-1 COMPREHENSIVE BUILDING SAFETY CODE

- 10-1-1 Adoption
- 10-1-2 Amendments
- 10-1-3 Conformance with Zoning Ordinance
- 10-1-4 Enforcement
- 10-1-5 Violations and Penalties

Section 10-1-1 Adoption*

The following described documents including amendments thereto are hereby adopted by reference as the code for regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment use, height, area and maintenance of buildings, structures and improvements in the Town of Carefree and for regulating conditions, hazards to life and property from fire or explosions. Each and all of the following regulations, provisions, conditions and terms of the following described documents and amendments thereto are hereby referred to, adopted and made a part of this chapter as though fully set forth therein unless any portion thereof is in conflict with the Town of Carefree Zoning Ordinance which shall take precedence:

- A. "2003 International Building Code and Amendments" (collectively "IBC"); published by International Code Council, Inc.
- B. "2003 International Residential Code and Amendments" (collectively "IRC"); published by International Code Council, Inc.
- C. "1994 Uniform Plumbing Code, State Amendments and Additional Amendments" (collectively "UPC"); published by International Association of Plumbing and Mechanical Officials.
- D. "2002 National Electrical Code and Amendments" (collectively "NEC"); published by National Fire Protection Association, Inc.
- E. "2003 International Mechanical Code and Amendments" (collectively "IMC"); published by International Code Council, Inc.
- F. "2003 International Fire Code and Amendments" (collectively "IFC"); published by International Code Council, Inc.

*Ordinance 06-02

BUILDING

- G. "Uniform Abatement of Dangerous Buildings," 1994 edition, published by the International Conference of Building Officials, and amendments (collectively "UADB").
- H. "Uniform Swimming Pool, Spa and Hot Tub Code," 1994 edition, published by the IAMPO, and amendments (collectively "USP").
- I. That certain document entitled, "The Town of Carefree Adobe Code," dated April 1985 and amendments.
- J. That certain document entitled, "Conducting Blasting Operations Code," dated November 1998 and amendments.

The IBC, IRC, UPC, NEC, IMC, IFC, UADB and USP are "codes" within the meaning of A.R.S. section 9-801. The Town of Carefree Adobe Code and Conducting Blasting Operations Code are hereby declared to be a public record of the Town of Carefree. Three copies of each of the foregoing documents have been and shall remain on file in the office of the town clerk and kept available for use and inspection by the public during office hours.

Section 10-1-2 Amendments*

A. Amendments to 2003 International Building Code.

Effective July 1, 2006, there is herewith adopted, by reference, the International Building Code, 2003 Edition, by ordinance of the Mayor and Council of the Town of Carefree by reference thereto, as fully and completely as if the terms thereof were fully set forth herein, in total, except as modified or changed as follows:

- (1) Chapter 1, "Administration", is hereby amended as follows:

101.1 Title. Insert the words "Town of Carefree" as the name of jurisdiction. Also add, "The fees and administrative provisions of Chapter 1 of this Code shall apply to all the adopted technical codes. When there is a conflict between these provisions and those of another technical code, these provisions shall apply. Where there is an administrative provision contained in another technical code and not in this code, then the administrative provision of the technical code shall apply."

101.4 Referenced codes. Shall be deleted in its entirety and revised to read as follows:

* Ordinance 06-02; Amended by Ordinance 07-01

BUILDING

101.4 Referenced codes. The other codes listed in Sections 101.4.1 through 101.4.6 and referenced elsewhere in this code shall be considered part of the requirements of this code to the prescribed extent of each reference. If another code is referenced elsewhere in this code and has not been adopted, then that section shall be considered invalid. The administrative requirements and fees specified in this Code shall supersede those in other adopted codes when there is a conflict.

Any references to the ICC Electrical Code shall be deleted and the words "2002 Electrical Code adopted by the Town of Carefree and amended from time to time" shall be inserted in lieu thereof.

Any references to the International Fuel Gas Code shall be deleted and the words "1994 Uniform Plumbing Code with State amendments adopted by the Town of Carefree and amended from time to time" shall be inserted in lieu thereof.

Any references to the International Plumbing Code shall be deleted and the words "1994 uniform Plumbing Code with State amendments adopted by the Town of Carefree and amended from time to time" shall be inserted in lieu thereof.

Any references to the International Fire Code shall be deleted and the words "2003 International Fire Code adopted by the Town of Carefree and amended from time to time" shall be inserted in lieu thereof.

Any references to the International Zoning Code shall be deleted and the words "Zoning Code adopted by the Town of Carefree and amended from time to time" shall be inserted in lieu thereof.

Any references to the International Existing Building Code, International Private Sewage Disposal Code or International Energy Conservation Code shall be deleted except that the requirements of the 2003 International Energy Conservation Code shall only apply to all buildings regulated by the 2003 International Residential Code as adopted by the Town of Carefree.

101.4.1 Electrical. The provisions of the 2002 International Electrical Code adopted by the Town of Carefree and amended from time to time shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

101.4.2 Plumbing and Gas. The provisions of the 1994 Uniform Plumbing Code with State amendments adopted by the Town of Carefree and amended from time to time shall apply to the installation alterations, repairs and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all applicable aspects of a medical gas

BUILDING

system. The provisions shall also apply to the installation of gas piping from the point of delivery, gas appliances and related accessories.

101.4.3 Mechanical. The provisions of the 2003 International Mechanical Code adopted by the Town of Carefree and amended from time to time shall apply to the installation, alterations, repairs, and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air conditioning and refrigeration systems, incinerators, and other energy-related systems.

101.4.5 Fire prevention. The provisions of the 2003 International Fire Code adopted by the Town of Carefree and amended from time to time shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire or explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

101.4.6 International Energy Conservation Code. The provisions of the 2003 International Energy Conservation Code shall apply to all matters governing the design and construction of those structures regulated by the International Residential Code as adopted by the Town of Carefree.

103.3 Deputies. Delete the last sentence.

105.2 Work exempt from permit. Delete this section.

105.3.2 Time limitation of application. Amend to read as follows:

An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application had been pursued in good faith or a permit has been issued; except that the Building Official is authorized to grant one extension of time for a period not to exceed 90 days. The extension shall be requested in writing and justifiable cause demonstrated.

105.5 Expiration. Amend to read as follows:

Every permit issued shall become invalid unless the work authorized by such permit is commenced and required inspections are requested by the permittee and approved by the Building Official within 180 days after its issuance, or if more than 180 days elapses between approval of required inspections. The Building Official shall be authorized to grant one extension of time for a period not to exceed 180 days. Permits shall not be

BUILDING

extended more than once and all requests for extensions shall be in writing. In order to renew action on a permit after expiration, a new full permit fee shall be paid based on the current fee schedule adopted by the Town.

105.5.1 Expiration of additions and remodels. Amend to read as follows:

Every remodel and addition shall be completed within 180 days from the date the permit is issued, or the permit will expire. The Building Official shall be authorized to grant one extension of time for a period not to exceed 180 days so long as the request is made before expiration of the permit. Permits shall not be extended more than once and all requests for extensions shall be in writing. In order to renew action on a permit after expiration, a new permit fee in the full amount shall be paid based on the current fee schedule adopted by the Town.

108.3 Building permit valuations. The following paragraphs shall be added after the last sentence:

For the purposes of determining valuations, the most current building valuation data as published by the International Code Council in Building Safety Journal magazine, as such data is published from time to time, shall be used. The valuation for any shell-only buildings shall be permitted to be reduced by 20 percent. The valuation for any foundation-only permit shall be permitted to be reduced by 75 percent. When a foundation-only permit authorized by the Building Official, it shall be permitted to include the foundation, interior underground utilities and any interior slab-work when so specified. Any valuation not specifically provided for shall be determined by the Building Official and shall be classified in the use and construction type it most nearly resembles.

For the purposes of determining the fire permit valuation, the most current building valuation data as published by the International Code Council in Building Safety Journal magazine, as such data is published from time to time, shall be used to determine fire permit fee from Table 1-E, Section A. Any valuation not specifically provided for shall be determined by the Building Official and shall be classified in the use and construction type it most nearly resembles.

108.4 Work commencing before permit issuance. Add the following to the end of this subsection:

This fee shall be equal to the amount of the plan review and permit fee required by the adopted fees of the Town. The payment of such fee shall not exempt an applicant from nor from the penalty prescribed by law.

108.6 Refunds. This subsection shall be revised in its entirety to read as follows:

BUILDING

108.6 Refunds. The Building Official shall be permitted to authorize refunding of a fee paid hereunder which was erroneously paid or collected.

The Building Official shall be permitted to authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.

The Building Official shall be permitted to authorize refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any examination time has been expended.

The Building Official shall not be permitted to authorize refunding of any fee paid except upon written application filed by the original permittee not later than 90 days after the date of fee payment.

Add the following two subsections:

108.7 Plan review fees. Said plan review fee shall be 65 percent of the permit fee as shown in Tables 1-A through 1-D in subsection 108.8. When a plan review for compliance with the Fire Code (exclusive of fire/smoke detection and/or suppressions systems) is required, a plan review fee of 35 percent of the previously stated 65 percent plan review fee shall be charged. Any submittals that require three or more reviews shall be charged an hourly rate of \$100.00 per review with a minimum rate of \$100.00. Fire systems plan review fee shall be 65 percent of the permit fee as shown in Tables 1- E, Section A.

In no case shall any plan review fee be less than \$35.00 except as stated otherwise in subsection 108.8.

108.8 Fee schedule. Unless otherwise indicated, the following fees will be applicable to residential and non-residential projects. Fire protection/suppression permits for new structures and modifications for fire protection/suppression systems shall be as listed in Table 1-E, Section B.

Permits for Existing Residential (R-3) Buildings, swimming pools, including but not limited to, interior alterations, detached garages, carports, storage sheds, patio covers and gazebos, shall be charged a building permit fee based on Table 1-A and a plan review fee of 65% of the building permit fee. For habitable room additions, the permit fee shall be based on Table 1-A and the plan review fee shall be 65% of the building permit fee. Revisions to any of the above types of plans shall be charged a \$50.00 plan review fee per hour.

BUILDING

TABLE 1-A BUILDING PERMIT & PLAN REVIEW FEES

TOTAL VALUATION	BUILDING PERMIT FEES
\$1.00 to \$500.00	\$25.00
\$501.00 to \$2,000.00	\$25.00 for the first \$500.00 plus \$3.00 for each additional \$100.00 or fraction thereof, to and including \$2,000.00
\$2,001.00 to \$25,000.00	\$65.00 for the first \$2,000.00 plus \$15.00 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00
\$25,001.00 to \$50,000.00	\$410.00 for the first \$25,000.00 plus \$13.00 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$735.00 for the first \$50,000.00 plus \$10.00 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$1,250.00 for the first \$100,000.00 plus \$9.00 for each additional \$1,000.00 or fraction thereof, to and including \$500,000.00
\$500,001.00 to \$1,000,000.00	\$4,850.00 for the first \$500,000.00 plus \$14.00 for each additional \$1,000.00 or fraction thereof, to and including \$1,000,000.00
\$1,000,001.00 and up	\$11,850.00 for the first \$1,000,000.00 plus \$5.00 for each additional \$1,000.00 or fraction thereof

BUILDING

Other Inspections and Fees:

(Applies to building, structural, electrical, mechanical and plumbing).

1. Inspections outside of normal business hours (minimum charge - 4 hours, collected prior to conducting inspection(s)) \$100.00 per hour
2. Reinspection fees \$100.00 per hour*
3. Inspections or administrative services for which no fee is specifically indicated \$100.00 per hour*
4. Additional review required by changes, additions, or lost plans or plan review comment sheets (minimum charge 1 hour) \$100.00 per hour
5. For use of outside consultants for plan checking and/or inspections Actual Cost**
6. Site plan review (or revision) for residential standard plan submittals \$50.00 each
7. Review of deferred submittals (submitted after initial plan review) \$175.00 per submittal
8. Certificate of Occupancy permit (except R-3 single-family accessory uses) \$50.00 per building or "shell" plus \$25.00 for each additional non-residential tenant improvement. \$25.00 per building for R-3 single-family. All Certificate of Occupancy permit fees (except those in #9 below) shall be collected at time of permit issuance.
9. Temporary, partial or conditional Certificate of Occupancy....Same as for Certificate of Occupancy in #8 above and shall be collected prior to conducting inspection.
10. Replication of plans (when legally authorized) Actual replication cost plus \$100.00
11. Annual renewal of standard residential plans (per plan) \$30.00
12. Annual renewal of standard swimming pool plans (per plan) \$30.00
13. Expedited plan review of commercial/industrial/multifamily projects . . . Double plan review fee
14. Preliminary fee for standard residential plans \$500.00 per standard plan, due at submittal
15. Written response to request for bldg. code or bldg. safety division policy issues \$50.00
16. Stamping of additional approved plans (after the 2 initially submitted sets) \$50.00 each
17. Fee for annual permit per section 105.1.1 \$500.00
18. Public schools will only be charged the actual costs incurred from plan review and/or inspection by consultants as well as any reinspection fees as specified in #2 above and section 108.8.

* Or the total hourly cost to the jurisdiction, whichever is greater. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.

Minimum charge: one hour.

** Actual costs include consultant's fees and town administration and overhead costs at the rate of \$100.00 per hour with a minimum charge of one hour, or normal plan review fees, whichever is greater.

109.3.3 Lowest floor elevation. Amend to read as follows:

The elevation certificate required in Section 1612.5 shall be submitted when required by the Building Official.

110 Certificate of Occupancy. Amend to read as follows:

No building or structure shall be used, occupied, or furnished in whole or in part, and no change in the existing occupancy classification of a building or structure occupancy

BUILDING

there for as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction.

Certificates presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid.

112 Board of Appeals. Amend as follows:

112.3 The Board of Adjustment to serve as the Board of Appeals.

In order to determine the suitability of alternate materials and methods of construction and to provide for reasonable interpretation of the provisions of this code, there shall be and is hereby created a Board of Appeals. The Building Official shall be an ex-officio member of and shall act as secretary to said Board. The members of the Board of Adjustments from time to time in office shall constitute the Board of Appeals. Appeals to the Board shall be processed in accordance with the provisions of this code. Copies of all rules or regulations adopted by the Board shall be delivered to the Building Official, who shall make them freely accessible to the public.

Add the following subsections:

112.4 Application. The application shall be filed in writing and submitted to the Building Official within 20 calendar days after the notice was served.

112.5 Notice of meeting. The board shall meet upon notice from the Building Official, Fire Official or Code Enforcement Manager within ten calendar days of the filing of an appeal.

112.5.1 Open hearing. All hearings before the board shall be open to the public. The appellant, the appellant's representative, the Building Official, the Fire Official, the Code Enforcement Manager and any person whose interests are affected shall be given an opportunity to be heard.

112.5.2 Postponed hearing. When five members are not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

112.5.3 Board decision. The board shall modify or reverse the decision of the Building Official, Fire Official or Code Enforcement Manager by a majority vote of its members.

112.5.4 Administration. The Building Official, Fire Official and Code Enforcement Manager shall take immediate action in accordance with the decision of the board.

BUILDING

- (2) Chapter 2, "Definitions", is hereby amended to read as follows:

201.3 Terms defined in other codes. Delete this section in its entirety.

- (3) Chapter 3, "Use and Occupancy Classification", is hereby amended as follows:

Sections 308.2, 308.3, 310.1, 310.1.1, 310.1.2 and 310.2 of Section 308, "Institutional Group I", to read as follows:

308.2 Group I-1. This occupancy shall include buildings, structures or parts thereof housing more than 10 persons on a 24 hour basis who because of age, mental disability or other reasons, live in a residential environment that provides supervisory care services. The occupants are capable of responding to an emergency situation without physical assistance from staff. This group shall include, but not be limited to, the following:

- Residential board and care facilities
- Assisted living centers
- Halfway houses
- Group homes
- Congregate care facilities
- Social rehabilitation facilities
- Alcohol and drug abuse centers
- Convalescent facilities

A facility such as the above with 10 or fewer persons shall be classified as a Group R-4 Condition 1 or shall comply with the *International Residential Code* in accordance with Section 101.2 where the building is in compliance with Section 419 of this code.

308.3 Group I-2. This occupancy shall include buildings and structures used for medical, surgical, psychiatric, nursing, custodial, personal, or directed care on a 24-hour basis of more than five persons who are not capable of self-preservation by responding to an emergency situation without physical assistance from staff. This group shall include, but not be limited to, the following:

- Hospitals
- Nursing homes (both intermediate-care facilities and skilled nursing facilities)
- Mental hospitals
- Detoxification facilities

A facility such as the above with five or fewer persons shall be classified as Group R-3 or shall comply with the *International Residential Code* in accordance with Section 101.2.

BUILDING

This occupancy shall also include buildings and structures used for assisted living homes providing supervisory, personal, or direct care on 24-hr basis of more than 10 persons who are not capable of self preservation by responding to an emergency situation without physical assistance from staff. A facility such as the above with ten or fewer persons shall be classified as R-4 Condition 2.

310.1 R-4 Residential occupancies shall include buildings arranged for occupancy as residential care/assisted living homes including not more than 10 occupants, excluding staff.

310.1.1 Condition 1. This occupancy condition shall include facilities licensed to provide supervisory care services, in which occupants are capable of self-preservation by responding to an emergency situation without physical assistance from staff. Condition 1 facilities housing more than 10 persons shall be classified as a Group I-1.

310.1.2 Condition 2. This occupancy condition shall include facilities licensed to provide personal or directed care services, in which occupants are incapable of self-preservation by responding to an emergency without physical assistance from staff. Condition 2 facilities housing more than 10 persons shall be classified as Group I-2.

R-4 occupancies shall meet the requirements for construction as defined in Group R-3 except as otherwise provided for in this code, and Section 419 or shall comply with the International Residential Code in accordance with section 101.2 where the building is in compliance with Section 419 of this code,

310.2 Definitions

PERSONAL CARE SERVICE.

Assistance with activities of daily living that can be performed by persons without professional skills or professional training and includes the coordination or provision of intermittent nursing services and the administration of medications and treatments.

DIRECTED CARE SERVICE.

Care of residents, including personal care services, who are incapable of recognizing danger, summoning assistance, expressing need, or making basic care decisions.

SUPERVISORY CARE SERVICE.

General supervision, including daily awareness of resident functioning and continuing needs.

BUILDING

RESIDENTIAL CARE/ASSISTED LIVING HOME.

A building or part thereof housing a maximum of 10 persons, excluding staff, on a 24 hour basis, who because of age, mental disability or other reasons, live in a supervised residential environment which provides supervisory, personal, or directed services. This classification shall include, but not be limited to, the following: residential board and care facilities, assisted living homes, halfway houses, group homes, congregate care facilities, social rehabilitation facilities, alcohol and drug abuse centers and convalescent facilities.

- (4) Chapter 4, "Special Detailed Requirements Based on Use and Occupancy", is hereby amended as follows:

Section 406.1.4 (1), "Separation", to read as follows:

1. The private garage shall be separated from the dwelling unit and its attic area by means of a minimum 1/2 inch (12.7 mm) gypsum board applied to the garage side. Garages beneath habitable rooms shall be separated from all habitable rooms above by not less than 5/8-inch Type X gypsum board or equivalent. Door openings between a private garage and the dwelling unit shall be equipped with either solid wood doors or solid or honeycomb core steel doors not less than 1-3/8 inches (34.9 mm) thick, or doors in compliance with Section 715.3.3. Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Doors shall be self-closing and self-latching.

In buildings protected with an automatic fire sprinkler system, including the private garage, the room finish materials shall be permitted to be a minimum 1/2-inch (12.7 mm) gypsum board applied to the garage side.

Add new section 419, Residential Care/Assisted Living Homes", to read as follows:

419 RESIDENTIAL CARE/ASSISTED LIVING HOMES

419.1 Applicability. The provisions of this section shall apply to a building or part thereof housing not more than 10 persons, excluding staff, on a 24-hour basis, who because of age, mental disability or other reasons, live in a supervised residential environment which provides licensed care services. Except as specifically required by this division, R-4 occupancies shall meet all applicable provisions of Group R-3.

419.2 General. Buildings or portions of buildings classified as R-4 occupancies shall meet all the applicable provisions of Group R-3, may be constructed of any materials allowed by this code, shall not exceed two stories in height nor be located above the second story in any building, and shall not exceed 2000 square feet above the first story except as provided in Section 506.

BUILDING

419.3 Special Provisions. R-4 occupancies having more than 2000 square feet of floor area above the first floor shall be of not less than one-hour fire-resistive construction throughout.

419.3.1 Mixed Uses. R-4 occupancies shall be separated from other uses as provided in Table 302.3.2.

419.4 Access and Means of Egress Facilities.

419.4.1 Accessibility. R-4 occupancies shall be provided with at least one accessible route per the Arizonans with disabilities act. Sleeping rooms and associated toilets shall be accessible.

Exception: Existing buildings shall comply with Section 3409. Bathing and toilet facilities need not be made accessible, but shall be provided with grab bars in accordance with ICC/ANSI A 117.1.

419.4.2 Exits

419.4.2.1 Number of Exits. Every story, basement, or portion thereof shall have not less than two exits.

Exception: Basements and stories above the first floor containing no sleeping rooms may have one means of egress as provided in Chapter 10.

419.4.2.2 Distance to Exits. The maximum travel distance shall comply with Section 1004, except that the maximum travel distance from the center point of any sleeping room to an exit shall not exceed 75 feet.

419.4.2.3 Emergency Exit Illumination. In the event of a power failure, exit illumination shall be automatically provided from an emergency system powered by storage batteries or an onsite generator set installed in accordance with the ICC Electric Code.

419.4.2.4 Emergency Escape and Rescue. R-4 occupancies shall comply with the requirements of Section 1025, except that Exception 1 to Section 1025.1 does not apply to R-4 occupancies.

419.4.2.5 Delayed egress locks. In R-4 Condition 2 occupancies, delayed egress locks shall be permitted in accordance with Sections 1008.1.3.4 and 1008.1.8.6, items 1, 2, 4, 5 and 6.

419.5 Smoke Detectors and Sprinkler Systems

BUILDING

419.5.1 Smoke Alarms. All habitable rooms and hallways in R-4 occupancies shall be provided with smoke alarms installed in accordance with Section 907.2.10.

419.5.2 Sprinkler Systems. R-4 occupancies shall be provided with a sprinkler system installed in accordance with the Fire Code. Sprinkler systems installed under this Section shall be installed throughout, including attached garages, and in Condition 2 facilities shall include attics and concealed spaces of or containing combustible materials. Such systems may not contain unsupervised valves between the domestic water riser control valve and the sprinklers. In R-4 Condition 2 occupancies, such systems shall contain water-flow switches electrically supervised by an approved supervising station, and shall sound an audible signal at a constantly attended location.

- (5) Chapter 5, "General Building Heights and Areas", is hereby amended as follows:

Section 507, "Unlimited Area Buildings", is hereby amended, in part, to read as follows:

507.2 Sprinklered, one story. The area of a one-story, Group B, F, M or S building or a one-story Group A-4 building of other than Type V construction shall not be limited when the building is provided with an automatic sprinkler system throughout in accordance with Section 903.3.1.1, and is surrounded and adjoined by public ways or yards not less than 60 feet (18 288 mm) in width.

Exceptions:

1. (No change)
2. (No change)

Such buildings may contain other occupancies, without H fire areas, provided that such occupancies do not occupy more than 10 percent of the area of any floor of a building, nor more than the tabular values permitted in the occupancy by Table 503 for such occupancy.

Exception: Group H fire areas as permitted by Section 507.6.

507.3 Two story. The area of a two-story, Group B, F, M or S building shall not be limited when the building is provided with an automatic sprinkler system in accordance with Section 903.3.1.1 throughout, and is surrounded and adjoined by public ways or yards not less than 60 feet (18 288 mm) in width.

Such buildings may contain other occupancies, without H fire areas, provided that such occupancies do not occupy more than 10 percent of the area of any floor of a building, nor more than the tabular values permitted in the occupancy by Table 503 for such occupancy.

BUILDING

Exception: Group H fire areas as permitted by Section 507.6.

- (6) Chapter 9, "Fire Protection Systems", is hereby amended as follows: 901.1 Scope. Add the following sentences:

Wherever the words "Building Official" appear in Sections 901 through 904 they shall be deleted and the words "Fire Official" shall be inserted in lieu thereof. Where there is a conflict regarding fire suppression systems and/or alarms between this code and the Fire Code, the Fire Code shall prevail.

901.5 Acceptance tests. Amend to read as follows:

901.5 Acceptance tests. Fire protection systems shall be tested in accordance with the Fire Code adopted by the Town of Carefree. It shall be unlawful to use, occupy or furnish any portion of a structure until the fire protection systems of the structure have been tested and approved.

903 Automatic Sprinkler Systems is hereby deleted in its entirety and the following inserted in lieu thereof:

903.1 Approved automatic fire extinguishing systems shall be provided and installed in accordance with the Fire Code adopted by the Town of Carefree and amended from time to time.

- (7) Chapter 10, "Means of Egress", is hereby amended as follows:

Section 1008.1.2, Door swing, Exception 3, to read as follows:

3. Doors within or serving a single dwelling unit in Groups R-2, R-3 as applicable in Section 101.2, and R-4.

Section 1008.1.9 is hereby amended to read as follows:

1008.1.9 Panic and fire exit hardware. Where panic and fire exit hardware is installed, it shall comply with the following:

1. The actuating portion of the releasing device shall extend at least one-half of the door leaf width.
2. A maximum unlatching force of 15 pounds (67 N): Each door in a means of egress from an occupancy of Group A or E having an occupant load of 100 or more and any occupancy of Group H-1, H-2, H-3 or H-5 shall not be provided with a latch or lock unless it is panic hardware or fire exit hardware.

BUILDING

Exception. A main exit of a Group A use, in compliance with Section 1008.1.8.3 Exception 2.

If balanced doors are used and panic hardware is required, the panic hardware shall be of the push-pad type and the pad shall not extend more than one-half the width of the door measured from the latch side.

Section 1024.3 is hereby amended to read as follows:

1024.3 Assembly other exits. In addition to having access to a main exit, each level of an occupancy in Group A having an occupant load of greater than 300 shall be provided with additional means of egress that shall provide an egress capacity for at least one-half of the total occupant load served by that level and comply with Section 1014.2.

(Exception to remain.)

- (8) Delete Chapter 11, "Accessibility", in its entirety and insert, in lieu thereof, the following:

"Arizonans with Disabilities Act" (Arizona Revised Statutes, Title 41, Chapter 9, Article 8), and the "Arizonans with Disabilities Act Implementing Rules" (Arizona Administrative Code, Title 10, chapter 3, Article 4), which rules incorporate the federal "Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities," be and the same is hereby adopted as the Arizonans with Disabilities Act of the Town, and shall apply to new construction and alterations and are not required in buildings or portions of existing buildings that do not meet the standards and specifications and this act is hereby referred to, adopted and made a part hereof as though fully set forth in this section.

Add new subsection 1207.4 to section 1207, "Sound Attenuation", to read as follows:

- (9) 1207.4 Sound attenuation. All residential buildings or portions of buildings where the public is received, office areas and where normal noise level is low for first occupancy, including libraries, schools and churches, pursuant to building permits issued after December 31, 2001 in order to achieve a maximum interior noise level of forty-five (45) decibels in areas within the noise contours described in ARS section 28-8461, paragraph 8, subdivision (a), (b) or (c), as applicable.

These sound attenuation requirements do not apply to ancillary buildings used in agricultural land use.

If the gross floor area of a structure or project is expanded by less than fifty (50) percent, the requirements of this section apply only to the area of expansion. If the gross

BUILDING

area of a structure or project is expanded by fifty (50) percent or more, the requirements of this section apply to the entire structure, except for single family, mobile home, manufactured housing unit or duplex dwellings or any multifamily property used for residential purposes.

The Building Official may approve as an alternative, a certification by an architect or engineer registered pursuant to Title 32, Chapter 1 to achieve a maximum interior noise level of forty-five (45) decibels at time of final construction."

- (10) Chapter 15, "Roof Assemblies and Rooftop Structures", is hereby amended to read as follows:

[P] 1503.4 Roof drainage. Design and installation of roof drainage systems shall comply with Section 1503.4 and the Plumbing Code.

1503.4.1 Gutters. Gutters and leaders placed on the outside of buildings, other than Group R-3 as applicable in Section 101.2, private garages and buildings of Type V construction, shall be of noncombustible material or a minimum of Schedule 40 plastic pipe.

1503.4.2 Where required. All roofs, paved areas, yards, courts and courtyards shall drain into a separate storm sewer system, or a combined sewer system, or to an approved place of disposal.

1503.4.3 Roof design. Roofs shall be designed for the maximum possible depth of water that will pond thereon as determined by the relative levels of roof deck and overflow weirs, scuppers, edges or serviceable drains in combination with the deflected structural elements. In determining the maximum possible depth of water, all primary roof drainage means shall be assumed to be blocked.

1503.4.4 Overflow drainage required. Overflow (emergency) roof drains or scuppers shall be provided where the roof perimeter construction extend above the roof in such a manner that water will be entrapped if the primary drains allow buildup for any reason.

1503.4.4.1 Separate systems required. Overflow roof drain systems shall have the end point of discharge separate from the primary system. Discharge shall be above grade, in a location, which would normally be observed by the building occupants or maintenance personnel.

1503.4.4.2 Overflow drains and scuppers. Where roof drains are required overflow drains having the same size as the roof drains shall be installed with the inlet flow line located 2 inches (51 mm) above the low point of the roof, or overflow scuppers having three times the size of the roof drains may be installed in the adjacent parapet walls.

BUILDING

Scuppers shall be sized to prevent the depth of ponding water from exceeding that for which the roof was designed as determined by the plumbing code. Scuppers shall not have an opening dimension of less than 4 inches (102 mm). The flow through the primary system shall not be considered when sizing the secondary roof drain system.

(11) Chapter 16, "Structural Design", is hereby amended as follows:

Revise Item 27 in Table 1607.1 to read as follows:

OCCUPANCY OR USE	UNIFORM (psf)	CONCENTRATED (lbs.)
27. Residential		
One- and two-family dwellings		
Uninhabitable attics with storage ⁱ	40	
Habitable attics and sleeping areas	40	

i. For trussed systems, this live load need not be considered as acting simultaneously with other live loads imposed upon the ceiling framing or its supporting structure.

(12) Chapter 17, "Structural Tests and Special Inspections", is hereby amended as follows:

Section 1704.5, "Masonry construction", is modified by adding two additional exceptions to read as follows:

3. Masonry fences six feet or less in height above grade.
4. Masonry retaining walls four feet or less in height from bottom of footing to top of wall unless supporting a surcharge or impounding flammable liquids.

(13) Chapter 18, "Soils and Foundations", is hereby amended as follows:

Section 1804.2 and 1805.2 are to read as follows:

1804.2 Presumptive load-bearing values. The maximum allowable foundation pressure, lateral pressure or lateral sliding resistance values for supporting soils near the surface shall not exceed the values specified in Table 1804.2 unless data to substantiate the use of a higher value are submitted and approved. Presumptive load-bearing values shall apply to materials with similar physical characteristics and dispositions.

Mud, organic silt, organic clays, peat or unprepared fill shall not be assumed to have a presumptive load bearing capacity unless data to substantiate the use of such a value are submitted.

BUILDING

Exception: A presumptive load-bearing capacity is permitted to be used where the building official deems the load-bearing capacity of mud, organic silt or unprepared fill is adequate for the support of lightweight and temporary structures.

1805.2 Depth of footings. The minimum depth of footings below the undisturbed ground surface shall be 12 inches (305 mm). Where applicable, the depth of footings shall also conform to Sections 1805.2.1 through 1805.2.3.

(14) Chapter 29, "Plumbing Systems", is hereby amended to read as follows:

Revise Table 2902.1, "Minimum Number of Required Plumbing Facilities", Items 2 and 6, to read as follows:

TABLE 2902.1
MINIMUM NUMBER OF REQUIRED PLUMBING FACILITIES ^a

No.	CLASSIFI- CATION	USE GROUP	DESCRIPTION	WATER CLOSETS (SEE SECTION 419.2 OF THE INTERNA- TIONAL PLUMBING CODE FOR URINALS)		LAVATORIES		BATHTUBS OR SHOWERS	DRINKING FOUNTAINS (SEE SECTION 410.1 OF THE INTERNA- TIONAL PLUMBING CODE)	OTHER
				MALE	FEMALE	MALE	FEMALE			
2	Business (see Sections 2902.2, 2902.4, 2902.4.1 and 2902.6)	B	Buildings for the transaction of business, professional services, other services involving merchandise, office buildings, banks, light industrial and similar uses	1 per 25 for the first 50 and 1 per 50 for the remainder exceeding 50		1 per 40 for the first 50 and 1 per 80 for the remainder exceeding 50		-	1 per 100	
6	Mercantile (see Section 2902.2, 2902.5 and 2902.6)	M	Retail stores, service stations, shops, salesrooms, markets and shopping centers	1 per 500		1 per 750		-	1 per 1,000	

(15) Chapter 31, "Special Construction" is hereby amended by deleting section 3109, "Swimming Pool Enclosures". The Town of Carefree Zoning Code shall be used to determine barrier requirements for swimming pools.

BUILDING

- (16) Appendix A, "Employee Qualifications", is hereby deleted in its entirety.
- (17) Appendix B, "Board of Appeals", is hereby deleted in its entirety.
- (18) Appendix D, "Fire Districts", is hereby deleted in its entirety.
- (19) Appendix E, "Supplementary Accessibility Requirements", is hereby deleted in its entirety.
- (20) Appendix F, "Rodent Proofing", is hereby deleted in its entirety.
- (21) Appendix G, "Flood Resistant Construction", is hereby deleted in its entirety.
- (22) Appendix H, "Signs", is hereby deleted in its entirety.

B. Amendments to 2003 International Residential Code.

Effective July 1, 2006, there is herewith adopted, by reference, the International Residential Code, 2003 Edition, published by the International Code Council, be and the same are hereby adopted as the Code of the Town of Carefree for regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area, and maintenance of all buildings or structures as defined in this Code in the Town of Carefree providing for issuance of permits and collection of fees therefore and each and all of the regulations, provisions, conditions and terms of such International Residential Code, 2003 Edition, published by ordinance of the Mayor and Council of the Town of Carefree, by reference in total and as if each of the provisions thereof were set forth herein, except as amended or modified as follows:

- (1) Chapter 1, "Administration", is hereby amended as follows:

R101.1 Title. Insert the words "Town of Carefree" as the name jurisdiction.

R102.5 Appendices. Provisions in the appendices shall not apply unless specifically referenced in the adopting ordinance. The following appendices are adopted:

APPENDIX B SIZING OF VENTING SYSTEMS SERVING APPLIANCES
EQUIPPED WITH DRAFT HOODS, CATEGORY I APPLIANCES, AND
APPLIANCES LISTED FOR USE AND TYPE B VENTS APPENDIX C EXIT
TERMINALS OF MECHANICAL DRAFT AND DIRECTVENT VENTING
SYSTEMS APPENDIX D RECOMMENDED PROCEDURE FOR SAFETY
INSPECTION OF AN EXISTING APPLIANCE INSTALLATION APPENDIX H
PATIO COVERS APPENDIX K SOUND TRANSMISSION

BUILDING

R102.7 Existing structures. Delete the words "or the International Fire Code" and insert in lieu thereof, 'as adopted by the Town of Carefree.

105.3.2 Time limitation of application. Amend to read as follows:

An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application had been pursued in good faith or a permit has been issued; except that the Building Official is authorized to grant one extension of time for period not to exceed 90 days. The extension shall be requested in writing and justifiable cause demonstrated.

105.5 Expiration. Amend to read as follows:

Every permit issued shall become invalid unless the work authorized by such permit is commenced and required inspections are requested by the permittee and approved by the Building Official within 180 days after its issuance, or if more than 180 days elapses between approval of required inspections. The Building Official shall be authorized to grant one extension of time for period not to exceed 180 days. Permits shall not be extended more than once and all requests for extensions shall be in writing. In order to renew action on a permit after expiration, a new full permit fee shall be paid based on the current fee schedule adopted by the Town.

R107.3 Temporary power. Delete the words "ICC Electrical Code" and insert in lieu thereof, "Electrical Code adopted by the Town of Carefree and amended from time to time."

R110.1 Use and occupancy: Amend to read as follows:

No building or structure shall be used, occupied, or furnished in whole or in part, and no change in the existing occupancy classification of a building or structure or portion thereof be made until the Building Official has issued a certificate of occupancy therefore as provided herein.

Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Certificates presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction are invalid.

R110.2 Change in use. Add the following words to the end of the sentence:

"as adopted by the Town of Carefree and amended from time to time."

BUILDING

R113.3 Prosecution of violation. If the notice of violation is not complied with in the time prescribed by such notice, the Building Official is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

- (2) Chapter 2, "Definitions", is hereby amended by adding the following definition to read as follows:

EXTERIOR WALL: An above-grade wall that defines the exterior boundaries of a building. Includes between-floor spandrels, peripheral edges of floors, roofs and basement knee walls, dormer walls, gable end walls, walls enclosing a mansard roof, and basement walls with an average below grade wall area that is less than 50 percent of the total opaque and non-opaque area of that enclosing side.

- (3) Chapter 3, "Building Planning", is hereby amended to read as follows:

Table R301.2(1), insert the following:

'Roof Snow Load: N/A

Wind speed: 90 mph, Exposure B (Unless otherwise designated by the Building Official)

Seismic Design Category: B

Weathering: NEGLIGIBLE

Frost Line Depth: 12"

Termite: MODERATE TO HEAVY

Decay: NONE TO SLIGHT

Winter Design Temperature: 24 degrees F

Flood Hazards: (a) July 9, 1984, (b) July 19, 2001'

BUILDING

Modify Table R301.5, in part, to read as follows:

TABLE R301.5
MINIMUM UNIFORMLY DISTRIBUTED LIVE LOADS
(In pounds per square foot)

USE	LIVE LOAD
Attics with storage ^b	40
Attics without storage ^{b, g}	10
Sleeping Rooms	40

Footnotes a through f to remain unchanged.

g. For trussed systems, this load need not be considered as acting simultaneously with other live loads imposed upon the ceiling framing or its supporting structure.

R306.4 Water supply to fixtures. All plumbing fixtures shall be connected to an approved water supply. Kitchen sinks, lavatories, bathtubs, showers, bidets, laundry tubs and washing machine outlets shall be provided with hot and cold water. A 125-volt, 15-ampere-rated receptacle outlet shall be installed in an accessible location under each bathroom lavatory and kitchen sink to allow for the operation of a point-of-service hot water recirculating pump. If a central hot water re-circulating pump is installed at the time of final inspection, the outlets will not be required. All hot water lines shall be completely insulated with a minimum of R-4 insulation.

R309.1 Opening protection. Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Other openings between the garage and residence shall be equipped with solid wood doors not less than 1-3/8 inch (35 mm) in thickness, solid or honeycomb core steel doors not less than 1-3/8 inches (35 mm) thick, or 20-minute fire-rated doors. Doors providing opening protection shall be maintained self-closing and self-latching.

R309.2, "Separation required", add the following sentence:

R310.1, "Emergency rescue and escape openings", add the following additional sentence to end of section:

Such openings shall open directly into a public street, public alley, yard or court.

BUILDING

Revise Section 320.1, "Subterranean termite control", to read as follows:

R320.1 Subterranean termite control. In areas designated as "slight to moderate", "moderate to heavy" and "very heavy", as established by Table R301.2(1), methods of protection shall be by chemical soil treatment, pressure preservative treated wood in accordance with the AWPAs standards listed in Section R319.1, naturally termite-resistant wood, or physical barriers (such as metal or plastic termite shields), or any combination of these methods.

Add new section R328 to read as follows:

R328 Sound Attenuation: Buildings covered under the International Residential Code shall be subject to the following provisions:

- 1) Exterior wall penetrations by pipe ducts or conduits shall be caulked.
- 2) Mailboxes shall not be used through the door or wall.
- 3) Windows shall have two panes of glass and sound transmission rating of STC-22. All operable windows shall be weather stripped and airtight in accordance with ASTM R- 283-84-T Standard. Perimeter window frames shall be sealed to airtight specifications.
- 4) All non-glazed portions of exterior side-hinged doors shall be solid-core wood or insulated hollow metal or at least one and three-quarters inch thick and fully weather stripped. The perimeter doorframes shall be sealed to airtight specifications.
- 5) Fireplaces shall be provided with well fitting dampers, unless otherwise prohibited elsewhere in the Code.
- 6) Exterior walls shall be at least four inches in nominal depth and shall be finished on the outside with block, siding, sheathing, or stucco on one-inch Styrofoam. Fiberglass or cellulose insulation at least three and one-half inches thick shall be installed continuously throughout the cavity space behind the wall. Total insulation R-value of the exterior wall assembly shall be R-18.
- 7) Attics and roof rafter spaces shall be insulated with a minimum insulation R-value of at least R-30.

Any residential structure, addition or alteration constructed within the DNL noise contours established in the 1988 Maricopa Association of Governments (MAG) Westside Joint Land Use Study shall comply with the Sound Attenuation requirements adopted by the MAG Building Codes Committee on April 17, 1996 as listed in Resolution # R04-2003."

If the specified requirements of section R328 are not met, the Building Official may approve as an alternative, a certification by an architect or engineer registered pursuant to Title 32, Chapter 1 to achieve a maximum interior noise level of forty-five (45) decibels at time of final construction.

BUILDING

- (4) Chapter 4, "Foundations", is hereby amended to read as follows:

Delete section R401.5 and add new section R401.4.2:

R401.4.2 Compressible or shifting soils.: In lieu of a complete geotechnical evaluation, when top or sub-soils are compressible or shifting, such soils shall be removed to a depth and width sufficient to assure stable moisture content in each active zone and shall not be used as fill or nor stabilized within each active zone by chemical, dewatering, or pre-saturation.

- (5) Chapter 10, "Chimneys and Fireplaces", is hereby amended to read as follows:

TABLE R1003.1
SUMMARY OF REQUIREMENTS FOR MASONRY FIREPLACES AND CHIMNEYS

ITEM	LETTER '	REQUIREMENTS	SECTION
Hearth slab thickness	A	4"	R1003.9.1
Hearth extension (each side of opening)	B	8" fireplace opening < 6 sq. ft. 12" fireplace opening > 6 sq. ft.	R1003.10
Hearth extension (front of opening)	C	16" fireplace opening < 6 sq. ft. 20" fireplace opening > 6 sq. ft.	R1003.10
Hearth slab reinforcing	D	Reinforced to carry its own weight and all imposed loads.	R1003.9
Thickness of wall of firebox	E	10" solid brick or 8" where a firebrick lining is used. Joints in firebrick 1/4" max.	R1003.5
Distance from top of opening to throat	F	8"	R1003.7
Smoke chamber wall thickness	G	6" for lined walls 8" for unlined walls	R1003.8
Chimney Vertical reinforcing ^b	H	Four No. 4 full-length bars for chimney up to 40" wide. Add two No. 4 bars for each additional 40" or fraction of width or each additional flue	R1003.3.1
Horizontal reinforcing ^b	J	14-inch ties at each 18 inches and two ties at each bend in vertical steel	R1003.3.2
Bond beams	K	No specified requirement	

BUILDING

ITEM	LETTER ^a	REQUIREMENTS	SECTION
Fireplace lintel	L	Noncombustible material.	R1003.7
Chimney walls with flue lining	M	Solid masonry units or hollow masonry units grouted solid with at least 4 inch nominal thickness.	R1001.7
Walls with unlined flue	N	8" solid masonry.	
Distances between adjacent flues	-	See Section R1001.10.	
Effective flue area (based on area of Fireplace opening)	P	See Section R1001.12.	
Clearances: Combustible material Mantel and trim Above roof	R	R See Sections R1001.15 and R003.12. See Section R1001.13. 3' at roofline and 2' at 10'.	
Anchorage ^b Strap Number Embedment into chimney Fasten to Bolts	S	3/16" x 1" R1003.4.1 Two 12" hooked around outer bar with 6" extension 4 joists Two ½" diameter.	
Footing Thickness Width	T	12" min. R1003.2 6" each side of fireplace wall.	

For SI: 1 inch = 25.4 mm, 1 foot = 304.8 mm, 1 square foot = 0.0929 m².

NOTE: This table provides a summary of major requirements for the construction of masonry chimneys and fireplaces. Letter references are to Figure R 1003.1, which shows examples of typical construction. This table does not cover all requirements, nor does it cover all aspects of the indicated requirements. For the actual mandatory requirements of the code, see the indicated section of text.

- a. The letters refer to Figure R 1003.1.
- b. Not required in Seismic Design Category A, B or C.

(6) Chapter 14, "Heating and Cooling Equipment", is hereby amended to read as follows:

M1403.2 Foundations and supports: Supports and foundations for the outdoor mechanical systems shall be raised at least 3 inches (76 mm) above the finished grade, and shall conform to the manufacturer's installation instructions.

BUILDING

M1411.3.1 Auxiliary and secondary drain systems. In addition to the requirements of Section M1411.3, a secondary drain or auxiliary drain pan shall be required for each cooling or evaporator coil where damage to any building components will occur as a result of overflow from the equipment drain pan or stoppage in the condensate drain piping. Such piping shall maintain a minimum horizontal slope in the direction of discharge of not less than one-eighth unit vertical in 12 units horizontal (1-percent slope). Drain piping shall be a minimum of 3/4-inch (19.1 mm) nominal pipe size. One of the following methods shall be used:

(The remainder of the section to remain unchanged.)

- (7) Chapter 17, "Combustion Air", is hereby amended to read as follows:

M1703.2 Two openings or ducts. Outside combustion air shall be supplied through openings or ducts, as illustrated in Figures M1703.2(1), M1703.2(2), M1703.2(3) and M1703.2(4). One opening shall be within 12 inches (305mm) of the top of the enclosure, and one within 12 inches (305mm) of the bottom of the enclosure. For LPG appliances, any duct serving the lower opening shall be at the floor level and slope to the outdoors without traps or pockets. Openings are permitted to connect to spaces directly communicating with the outdoors, such as ventilated crawl spaces or ventilated attic spaces. The same duct or opening shall not serve both combustion air openings. The duct serving the upper opening shall be level or extend upward from the appliance.

- (8) Chapter 24, "Fuel Gas", is hereby amended to read as follows:

G2415.9 (404.9) Minimum burial depth: Underground piping systems shall be installed a minimum depth of 12 inches (305 mm) below grade for metal piping and 18 inches (457mm) for plastic piping.

- (9) Chapter 35, "Services", is hereby amended to read as follows:

Revise Table E3503.1 as follows (Minimum Grounding Electrode Conductor Size to remain the same)

BUILDING

CONDUCTOR TYPES AND SIZES-THHW, THW, THWN, USE, XHHW Service or Feeder (Parallel sets of 1/0 and larger conductors are permitted in either Rating (Amperes) a single raceway or in separate raceways)			
Copper (AWG)	Aluminum and copper-clad aluminum (AWG)	≤30°C (86°F)	> 30°C (86°F)
4	2	100	
3	1	110	
2	1/0	125	100
1	2/0	150	125
1/0	3/0	175	150
2/0	4/0 or two sets of 1/0	200	175
3/0	250 kcmil or two sets of 3/0	225	200
4/0 or two sets of 1/0	300 kcmil or two sets of 3/0	250	225
250 kcmil or two sets of 2/0	350 kcmil or two sets of 4/0	300	250
350 kcmil or two sets of 3/0	500 or two sets of 250 kcmil	350	300
400 kcmil or two sets of 4/0	600 or two sets of kcmil	400	350
500 kcmil	750 kcmil		400

(10) Chapter 38, "Power and Lighting Distribution" is hereby amended to read as follows:

E3802.7 Sink, wash basin, tub, or shower receptacles. All 125-volt, single-phase, 15- and 20- ampere convenience receptacles that are located within 6 feet (1829 mm) of the outside edge of any sink, wash basin, tub, or shower shall have ground-fault circuit-interrupter protection for personnel.

C. Amendments to 1994 Uniform Plumbing Code.

Effective July 1, 2006, there is herewith adopted, by reference, the Uniform Plumbing Code, 1994 Edition, including Appendix Chapters: A, B, D, E, F, and H and IAPMO Installation Standards published by the International Association of Plumbing and Mechanical Officials and as declared a public record by ordinance of the Mayor and Council of the Town of

BUILDING

Carefree, by reference in total and as if each of the provisions thereof were set forth herein, except as amended or modified as follows:

- (1) Move Section 101.4.1.3 to a new Section 301.1.5.
- (2) Move Section 101.5.2 to a new Section 301.1.6.
- (3) Move Section 101.5.4 to a new Section 301.1.7.
- (4) Move Section 101.5.5 to a new Section 301.1.8.
- (5) Delete Subsection 102.3.2, "Penalties."
- (6) Modify Subsection 103.4, "Fees" by deleting Subsections 103.4.1 through, and including, 103.4.5.3 and inserting, in lieu thereof, the following:

"103.4.1 Permit and Plan Review Fees. The fees for each plumbing permit shall be as set forth in the International Building Code adopted by the Town."
- (7) Move Section 103.5 to new Section 318.0.
- (8) Move Section 103.5.1 to new Section 318.1.
- (9) Move Section 103.5.1.1 to new Section 610.15.
- (10) Move Section 103.5.1.2 to a new Section 318.2.
- (11) Move Section 103.5.1.3 to a new Section 318.3.
- (12) Move Section 103.5.1.4 to a new Section 318.4.
- (13) Move Section 103.5.3 to a new Section 319.0.
- (14) Move Section 103.5.3.1 to a new Section 319.1.
- (15) Move Section 103.5.3.2 to a new Section 319.2.
- (16) Move Section 103.5.3.3 to a new Section 610.16.
- (17) Move Section 103.5.3.4 to a new Section 319.3.
- (18) Move Section 103.5.3.5 to a new Section 319.4.

BUILDING

- (19) Move Section 103.5.3.7 to a new Section 319.5.
- (20) Move Section 103.5.5 to a new Section 318.5.
- (21) Move Section 103.5.5.1 to a new Section 318.6.
- (22) Move Section 103.5.5.2 to a new Section 318.7.
- (23) Modify the fourth paragraph of Subsection 103.5.6, "Re-inspections", to read as follows:

"To obtain re-inspection, the applicant shall first pay the re-inspection fee as established in the International Building Code as adopted by the Town and then request an additional inspection."
- (24) Move Section 103.5.6.1 to a new Section 319.6.
- (25) Move Section 103.5.6.2 to a new Section 319.7.
- (26) Move Section 103.5.6.3 to a new Section 319.8.
- (27) Move Section 103.6 to a new Section 321.0.
- (28) Move Section 103.6.1 to a new Section 321.1.
- (29) Move Section 103.6.2 to a new Section 321.2.
- (30) Move Section 103.6.3 to a new Section 321.3.
- (31) Delete Table 1-1, "Plumbing Permit Fees".
- (32) Section 202.0, "Definitions", is hereby amended by modifying items (2) and (3) of the definition of "Unsanitary" to read as follows:
 - (2) Any opening in a drainage system, except where lawful, which is not provided with an approved liquid sealed trap.
 - (3) Any plumbing fixture or other waste discharging receptacle or device, which is not supplied with water sufficient to flush it and maintain it in a clean condition except those specifically designed to function without water."
- (33) Add the following definition to read as follows: "PEX - Cross linked Polyethylene"

BUILDING

- (34) Section 301.0, "Materials - Standard and Alternates", is hereby amended by adding the following Subsections:

"301.1.5 Existing Construction. No provision of this Code shall be deemed to require a change in any portion of a plumbing or drainage system or any other work regulated by this Code in or on an existing building or lot when such work was installed and is maintained in accordance with law in effect prior to effective date of this Code, except when any such plumbing or drainage system or other work regulated by this Code is determined by the Administrative Authority to be in fact dangerous, unsafe, unsanitary, or a nuisance and a menace to life, health, or property.

301.1.6 Health and Safety. Whenever compliance with all the provisions of this Code fails to eliminate or alleviate a nuisance or any other dangerous or unsanitary condition which may involve health or safety hazards, the owner or the owner's agent shall install such additional plumbing and drainage facilities or shall make such repairs or alterations as may be ordered by the Administrative Authority.

301.1.7 Changes in Building Occupancy. Plumbing systems which are a part of any building or structure undergoing a change in use or occupancy, as defined in the Building Code, shall comply to all requirements of this Code which may be applicable to the new use or occupancy.

301.1.8 Maintenance. All plumbing systems, materials and appurtenances, both existing and new, and all parts thereof shall be maintained in proper operating condition. All devices or safeguards required by this Code shall be maintained in conformance with the Code edition under which installed. The owner or the owner's designated agent shall be responsible for maintenance of plumbing systems. To determine compliance with this subsection, the Administrative Authority may cause any plumbing system to be reinspected."

- (35) Chapter 3, "General Regulations", is hereby amended by adding the following:

"318.0 Inspections

318.1 General. All plumbing systems for which a permit is required by this Code shall be inspected by the Administrative Authority. No portion of any plumbing system shall be concealed until inspected and approved. Neither the Administrative Authority nor the jurisdiction shall be liable for expense entailed in the removal or replacement of material required to permit inspection. When the installation of the plumbing system is complete, an additional and final inspection shall be made. Plumbing systems regulated by the Code shall not be connected to the water, energy fuel supply, or the sewer system until authorized by the Administrative Authority.

BUILDING

318.2 Scope. All new plumbing work and such portions of existing systems as may be affected by new work, or any changes, shall be inspected by the Administrative Authority to insure compliance with all the requirements of this Code and to assure that the installation and construction of the plumbing system is in accordance with approved plans.

318.3 Covering or Using. No plumbing or drainage system, building sewer, private sewer disposal system or part thereof, shall be covered, concealed, or put into use until it has been tested, inspected, and accepted as prescribed in this Code.

318.4 Uncovering. Any drainage or plumbing system, building sewer, private sewage disposal system or part thereof, which is installed, altered, or repaired is covered or concealed before being inspected, tested, and approved as prescribed in this Code, it shall be uncovered for inspection after notice to uncover the work has been issued to the responsible person by the Administrative Authority.

318.5 Other Inspections. In addition to the inspections required by this Code, the Administrative Authority may require other inspections of any plumbing work to ascertain compliance with the provisions of this Code and other laws which are enforced by the Administrative Authority.

318.6 Defective Systems. An air test shall be used in testing the sanitary condition of the drainage or plumbing system of any building premises when there is reason to believe that it has become defective. In buildings or premises condemned by the proper Administrative Authority because of an unsanitary condition of the plumbing system or part thereof, the alterations in such system shall conform to the requirements of this Code.

318.7 Moved Structures. All parts of the plumbing systems of any building or part thereof that is moved from one foundation to another, or from one location to another, shall be completely tested as prescribed elsewhere in this section for new work, except that walls or floors need not be removed during such test when other equivalent means of inspection acceptable to the Administrative Authority are provided.

319.0 Testing of Systems. All plumbing systems shall be tested and approved as required by this Code or the Administrative Authority.

319.1 Testing. Water piping shall be tested and approved as provided in Section 610.16.

319.2 Test. Tests shall be conducted in the presence of the Administrative Authority or the Administrative Authority's duly appointed representative.

BUILDING

319.3 Test Waived. No test or inspection shall be required where a plumbing system, or part thereof, is set up for exhibition purposes and has no connection with a water or drainage system.

319.4 Exception. In cases where it would be impractical to provide aforementioned water or air tests, or for minor installations and repairs, the Administrative Authority, at the Administrative Authority's discretion, may make such inspection as deemed advisable in order to be assured that the work has been performed in accordance with the intent of this Code.

319.5 Tightness. Joints and connections in the plumbing system shall be gastight and watertight for the pressures required by the test.

319.6 Corrections. Notices of correction or violation shall be written by the Administrative Authority and may be posted at the site of the work or mailed or delivered to the permittee or his authorized representative. Refusal, failure, or neglect to comply with any such notice or order within ten (10) days of receipt thereof, shall be considered a violation of this Code.

319.7 Retesting. If the Administrative Authority finds that the work will not pass the test, necessary corrections shall be made and the work shall then be resubmitted for test or inspection.

319.8 Approval. Upon the satisfactory completion and final test of the plumbing system, a certificate of approval shall be issued by the Administrative Authority to the permittee on demand.

320.0 Test Gages. Test required by this Code, which are performed utilizing dial gauges, shall be limited to gauges having the following pressure graduations or increments.

320.1 Required pressure tests of ten (10) pounds (69 kPa) or less shall be performed with gauges of 1/10 pound (0.7 kPa) increments or less.

320.2 Required pressure tests exceeding ten (10) pounds (69 kPa) but less than one hundred (100) pounds (689 kPa) shall be performed with gauges of one (1) pound (6.9 kPa) increments or less.

320.3 Required pressure tests exceeding ten (10) pounds (69 kPa) shall be performed with gauges incremented for two (2) percent or less of the required test pressure.

320.4 Test gauges shall have a pressure range not greater than twice the test pressure applied.

BUILDING

321.0 Connection Approval.

321.1 Energy Connections. No person shall make connection from a source of energy or fuel to any plumbing system or equipment regulated by this Code and for which a permit is required until approved by the Administrative Authority.

321.2 Other Connections. No person shall make connection from any water-supply line nor shall connect to any sewer system regulated by this Code and for which a permit is required until approved by the Administrative Authority.

321.3 Temporary Connections. The Administrative Authority may authorize temporary connection of the plumbing equipment to the source of energy or fuel for the purpose of testing the equipment."

- (36) Table 3-1 is modified to include the following:

Table 3-1

Materials	Type of Joints	Horizontal	Vertical
PEX	Mechanical	1 inch (25.4 mm) and smaller, 3 feet (0.9 m), 1-1/4 inch (31.8 mm) and larger 4 feet (1.2 m)	Base and each floor. Provide mid-story guides."

- (37) Subsection 402.1 of Section 402.0, "Water Conservation", of Chapter 4, "Plumbing Fixtures", is hereby amended to read as follows:

"The maximum flow rates and quantities for all plumbing fixture fittings shall be in consistent with A.R.S. § 45-1-12."

- (38) Subsection 402.2 of Section 402. 0, "Water Conservation", of Chapter 4, "Plumbing Fixtures", is hereby deleted.

- (39) Section 501.0, "General", of Chapter 5, "Water Heaters", is hereby amended to read as follows:

"General. The regulations of this chapter shall govern the construction, location, and installation of all fuel burning and other water heaters heating potable water, together with all chimneys, vents, and their connectors. All design, construction, and workmanship shall be in conformity with accepted engineering practices and shall be of such character as to secure the results sought to be obtained by this Code. No water heater shall be hereinafter installed which does not comply in all respects with the type and model of each size thereof approved by the Administrative Authority. A list of

BUILDING

generally accepted gas equipment standards is included in Table 14-1. A water heater (boiler) which exceeds any of the following limitations may not be placed in service until the vessel is separately inspected pursuant to A.R.S. § 32-2-11.

1. 120 gallon nominal water capacity.
2. 160 psi operating pressure.
3. 210 degree (F) operating temperature.
4. 200,000 BTU/h heat input."

- (40) Subsection 507.2 of Section 507.0, "Combustion Air", is modified to read as follows:

"In new construction, all enclosed buildings shall be provided with combustion air obtained from outside. In existing buildings of ordinary tightness insofar as infiltration is concerned, all or a portion of the combustion air for fuel-burning water heaters may be obtained from infiltration if the enclosure volume equals at least fifty (50) cubic feet per 1000 Btu/h (4.831 L/W) input of the water heater. Existing buildings of unusually tight construction shall also be provided with outside combustion air.

No change in combustion air is required when an existing fuel-burning water heater is replaced with a new water heater having the same or smaller Btu/h input capacity. When an existing fuel-burning water heater is replaced by a higher capacity water heater, or when one or more additional fuel-burning water heaters are installed in an existing building containing other fuel-burning appliances, the room or space shall be provided with combustion air as required for new construction."

- (41) Subsection 507.3.1 of Section 507.0, "Combustion Air", is hereby amended by adding the following exception to read as follows:

Combustion air openings may be provided in an outside door provided:

1. The door is not less than 2 feet 0 inches in width and 6 feet 8 inches in height; and,
2. The openings are spaced as far apart as possible or a full louvered door is provided; and,
3. The equipment room ceiling is not more than 16 inches above the top of the door."

- (42) Subsection 507.6, "Liquefied Petroleum Gas", is hereby added to Section 507.0, "Combustion Air", to read as follows:

507.6 Liquefied Petroleum Gas (LPG). All provisions of this chapter shall apply to combustion air for equipment using liquefied Petroleum gas.

BUILDING

Exceptions:

1. The bottom of the lower combustion air opening shall be located at or below the floor of the room containing LPG-fueled equipment.
2. The lower combustion air duct, when used, shall have the bottom installed level or with a downward slope starting from a point at or below the equipment room floor and continuing to the outside of the structure. The duct shall terminate above the finish grade and shall be provided with wire mesh screen to cover the opening.
3. No pockets or trapped sections shall be permitted in any lower combustion air duct.

(43) Table 5-1 is hereby modified to read as follows:

TABLE 5-1
Size of Combustion Air Openings or Ducts¹ for Gas- or Liquid-Burning Water Heaters

Column 1 Existing Buildings of Ordinary Tightness		Column 2 New Buildings and Unusually Tight Construction	
Condition	Size of Opening or Duct	Condition	Size of Opening or Duct
Appliance in unconfined ² space	May rely on infiltration alone.	Appliance in unconfined ² space: Obtain combustion air from outdoors or from space freely communicating with outdoors.	Provide 2 openings, minimum 50 sq. in. each opening ³ .
Appliance in confined ⁴ space 1. All air from inside building	Provide two openings into enclosure each having one sq. in. per one thousand Btu/h input freely communicating with other unconfined spaces ³ . Minimum one hundred sq. in. each opening.	Appliances in confined ⁴ space: Obtain combustion air from outdoors or from space freely communicating with outdoors.	Provide two openings into enclosure, minimum 50 sq. in. each opening. ³
2. All air from outdoors: Obtain from outdoors or from space freely communicating with outdoors.		Use the methods listed for confined space as indicated in Column 2.	

¹ For location of opening, see Section 507.3

² As defined in Chapter 2.

³ When the total Btu/h input rating of all enclosed appliances/equipment exceeds 100,000 Btu/h, the combined net free area of all combustion air openings shall be increased by not less than 1 additional sq. in. for each 1,000 Btu/h in excess of 100,000 Btu/h."

⁴ As defined in Section 202.0"

BUILDING

- (44) Subsection 517.6 of Section 517.0, "Vent Termination", is hereby amended to read as follows:

"No venting system shall terminate less than three (3) feet (0.9m) above any forced air inlet or evaporative cooler located within ten (10) feet (3.0m) or less than four (4) feet (1.2m) from any property line except a public way."

- (45) Subsection 601.1 of Section 601.0, "Running Water Required", is hereby amended by adding the following exception:

"Potable running water shall not be required for waterless urinals which have been approved by the Administrative Authority."

- (46) Add Subsection 603.4, "Secondary Backflow Protection", to Section 603.0, "General Requirements", to read as follows:

"603.4 Secondary Backflow Protection. The following occupancies shall have Reduced Pressure Principle Backflow Prevention Assemblies installed as near as practical to the water service meter connection: hospitals, surgical clinics, laboratories, morgues, mortuaries, veterinary hospitals, industrial occupancies, packing plants, slaughter houses, chemical plants, municipal waste treatment facilities, and construction water services. Note: Multiple water services which are interconnected onsite shall be provided with not less than a Double Check Valve Assembly at each service connection."

- (47) Subsection 604.1 of Section 604.0, "Materials", is hereby modified to read:

"Water pipe and fittings shall be of brass, copper, cast iron, galvanized wrought iron, galvanized steel, or other approved materials. Asbestos-cement, CPVC, PE, PEX, or PVC water pipe manufactured to recognized standards may be used for cold water distribution systems outside a building. CPVC or PEX water pipe and tubing may be used in the water supply system, except valves and similar devices shall be of a like material, except where otherwise approved by the Administrative Authority."

- (48) Section 604.0, "Materials", is hereby amended by adding Subsection 604.11 to read as follows:

"604.11 Cross-linked polyethylene (PEX) tubing shall be marked with appropriate designation or designations consistent with the fitting system or systems for which the tubing has been listed or approved. PEX tubing shall be installed with mechanical joints in compliance with the appropriate standards and the manufacturer's instructions."

BUILDING

- (49) Subsection 608.5 of Section 608.0 "Water Pressure, Pressure Regulators, and Pressure Relief Valves", is hereby amended to read as follows:

"All relief valves shall be provided with a drain, not smaller than the relief valve outlet, of galvanized steel, hard drawn copper piping and fittings, CPVC, PB, or listed relief valve drain tube with fittings which shall not reduce the internal bore of the pipe or tubing (straight lengths as opposed to coils) and shall extend from the valve to the outside of the building with the end of the pipe not more than two (2) feet (0.6m) nor less than six (6) inches (152.4mm) above the ground and pointing downward. Such drains may terminate at other approved locations. No part of such drain pipe shall be trapped and the terminal end of the drain pipe shall not be threaded."

- (50) Section 610.0, "Size of Potable Water Piping", is hereby amended by adding Subsection 610.15 to read as follows:

"610.15 Inspections. No water supply system or portion thereof, shall be covered or concealed until it first has been tested, inspected, and approved."

- (51) Section 610.0, "Size of Potable Water Piping", is hereby amended by adding Subsection 610.16 to read as follows:

"610.16 Water Piping. Upon completion of a section or of the entire hot and cold water supply system, it shall be tested and proved tight under a water pressure not less than the working pressure under which it will be used. The water used for tests shall be obtained from a potable source of supply. A fifty (50) pound per square inch (344.5 kPa) air pressure may be substituted for the water test. In either method of test, the piping shall withstand the test without leaking for a period of not less than fifteen (15) minutes."

- (52) Subsection 707.4 of Section 707.0, "Cleanouts", is hereby amended to read as follows:

"707.4 Each horizontal drainage pipe shall be provided with a cleanout at its upper terminal and each run of piping, which is more than one hundred (100) feet (30.4 m) in total developed length, shall be provided with a cleanout for each one hundred (100) feet (30.4 m), or fraction thereof, in length of such piping."

Exceptions:

1. Cleanouts may be omitted on a horizontal drain line less than five (5) feet (1.5 m) in length unless such line is serving sinks or urinals.
2. Cleanouts may be omitted on any horizontal drainage pipe installed on a slope of seventy-two (72) degrees or less from the vertical angle (angle of one-fifth (1/5) bend).

BUILDING

3. An approved type of two-way cleanout fitting, installed inside the building wall near the connection between the building drain and building sewer or installed outside of a building at the lower end of a building drain and extended to grade, may be substituted for an upper terminal cleanout.
- (53) Paragraph 1 of Subsection 710.6 of Section 710.0, "Drainage of Fixtures Located Below the Next Upstream Manhole or Below the Main Sewer Level", is modified to read as follows:

"Backwater valves, gate valves, motors, compressors, air tanks, and other mechanical devices required by this section shall be located where they will be accessible for inspection and repair at all times."
- (54) Section 712.0, "Testing", is hereby modified by deleting the following Subsections:

"712.4, 712.4.1, 712.4.2, 712.4.3, and 712.4.4."
- (55) Move Section 712.4 to a new Section 320.0.
- (56) Move Section 712.4.1 to a new Section 320.1.
- (57) Move Section 712.4.2 to a new Section 320.2.
- (58) Move Section 712.4.3 to a new Section 320.3.
- (59) Move Section 712.4.4 to a new Section 320.4.
- (60) Subsection 713.4 of Section 713.0, "Sewer Required", is hereby amended to read as follows:

"The public sewer may be considered as not being available only when so determined by the Administrative Authority (local, county or state)."
- (61) Section 723.0, "Building Sewer Test", is hereby modified to read as follows:

"Building sewers shall be tested by plugging the end of the building sewer at its points of connection with the public sewer or private sewage disposal system and completely filling the building sewer with water from the lowest to the highest point thereof, or by approved equivalent low pressure air test, or by such other test as may be prescribed by the Administrative Authority. The building sewer shall be watertight at all points.

Exception: Sewer tests may be waived at the discretion of the Administrative Authority.

BUILDING

- (62) Subsection 807.4 of section 807.0, "Appliances", is hereby amended to read as follows:

"The discharge pipe of a domestic dishwashing machine may be directly connected to the tailpiece of the sink drain, or into the 'boss' of a food waste disposer without installation of an air gap fitting. The dishwasher discharge line shall be securely fastened as high as possible but not lower than two (2) inches below the flood rim of the sink."

- (63) Section 1005.0, "Trap Seals," is hereby amended to read as follows:

"Trap Seals". Each fixture trap shall have a liquid seal of not less than two (2) inches (50.8 mm) and not more than four (4) inches (101.6 mm) except where a deeper seal is found necessary by the Administrative Authority for special conditions. Traps shall be set true with respect to their liquid seals and, where necessary, they shall be protected from freezing."

- (64) Section 1007.0, "Trap Seal Protection", is hereby amended to read as follows:

"Trap Seal Protection". Floor drain or similar traps directly connected to the drainage system and subject to infrequent use shall be provided with an approved means of maintaining their water seals, except where not deemed necessary for safety or sanitation by the Administrative Authority. When automatic trap priming devices are installed, they shall be accessible for maintenance."

- (65) Section 1007.0, "Trap Seal Protection", is hereby amended by adding Subsection 1007.1 to read as follows:

1007.1 "Approved Means of Maintaining Trap Seals". Approved means of maintaining trap seals include the following, but are not limited to the methods cited:

1. Listed trap seal primer.
2. A hose bib or bibs within the room. The maximum distance between the hose bib(s) and the trap seal shall be as determined by the Administrative Authority.
3. Drainage from untrapped lavatories discharging to the tailpiece of those fixture traps which require priming. All fixtures shall be in the same room and on the same floor level as the trap primer.

- (66) Subsection 1210.1 of Section 1210.0, "Materials for Gas Piping", is hereby modified to read as follows:

"All pipe used for the installation, extension, alteration, or repair of any gas piping shall be standard weight wrought iron or steel (galvanized or black) or yellow brass (containing not more than seventy-five (75) percent copper) or listed corrugated s t a i n l e s s

BUILDING

ALP 3/07 S-1

128

BUILDING

steel tubing systems for interior use only. Approved PE pipe may be used in exterior buried piping systems.

Exception: CSST piping installed outside a building shall be sleeved or shall be installed with protection from mechanical damage equivalent of that required for CSST piping within the building. When installed underground, CSST shall be sleeved and shall have a minimum burial depth of eighteen (18) inches (457.2mm)."

(67) Table 14-1 is hereby amended to include the following:

TABLE 14-1 - PLUMBING MATERIAL STANDARDS

Materials and Products	ANSI	ASTM	FS	IAPMO	Other Standards	Footnote Remarks
NON-METALLIC PIPE: Metal insert fittings utilizing a copper crimp ring for SDR9 cross-linked polyethylene tubing (PEX) PLUMBING FIXTURES: Waterless Urinals	Z124.9		F1807-97		C-3346"	

(68) The 3rd paragraph of Appendix C is added to read:

"Those jurisdictions which have not adopted a building code which stipulates minimum plumbing facilities shall utilize Appendix C of the 1994 UPC when establishing plumbing facility requirements."

(69) Subsection D1.1 (c) of Appendix D, "Rainwater Systems", is hereby modified to read as follows:

"Roof drains, overflow drains, and rainwater piping installed within the building shall be tested in conformity with the provisions of this Code for testing drain, waste, and vent systems."

(70) Subsection D3.3, "Horizontal Rainwater Piping", of Appendix D, "Rainwater Systems", is hereby modified to read as follows:

"Horizontal Rainwater Piping. Horizontal Rainwater Piping shall be sized in accordance with Table D-2. Exception: The potential head of water which may rise in the vertical drain pipe (tailpiece) may be used to reduce the horizontal pipe size and its slope if the head (rise) is sufficient when calculated as follows:

BUILDING

- a. If the head ['h'] is equal to or greater than three-eighths (3/8) inch for each foot (31.35 mm/m) of horizontal pipe length, the horizontal pipe may be pitched at one-eighth (1/8) inch slope (10.45 mm/m), but sized according to the one-half (1/2) inch slope (41.8 mm/m) table.
- b. If the head ['h'] is equal to or greater than one-eighth (1/8) inch for each foot (10.45 mm/m) of horizontal pipe length, the horizontal pipe may be pitched at one-eighth (1/8) inch slope (10.45 mm/m), but sized according to the one-fourth (1/4) inch slope (20.9 mm/m) table. (See Illustration A).

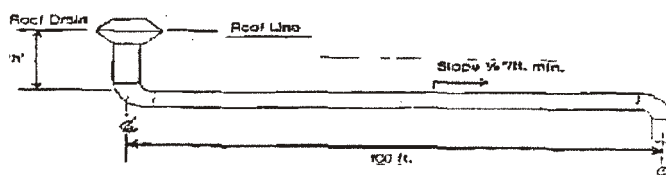


ILLUSTRATION A
Horizontal Rainwater Piping

- **EXAMPLE #1:** Roof Area - forty-eight hundred (4800) Square Feet (445.9 m²)
Maximum Rainfall/Hour - Six (6) Inches (152.4 mm/h)
Pipe laid at one-eighth (1/8) inch Slope (10.45 mm/m)
Using the one-half (1/2) inch slope (41.8 mm/m) table the horizontal pipe size will be six (6) inches. The available static head ['h'] needed to allow use of the one-half (1/2) inch (41.8 mm/m) table is calculated as follows: Three-eighths (3/8) inch of head pressure per foot (31.35 mm/m) of horizontal pipe run becomes 3/8-inch x 100 feet = 300/8ths, or 'h' = 37-1/2 inches (952.5 mm). NOTE: Sizing from the one-eighth (1/8) inch (10.45 mm per m) table would have required the horizontal pipe size to be eight (8) inches (203.2 mm), rather than the six (6) inches (152.4 mm) made possible by use of the one-half (1/2) inch (41.8 mm/m) slope table.
- **EXAMPLE #2:** Roof Area - Six Thousand (6000) Square Feet

Maximum Rainfall/Hour - Six (6) Inches (152.4 mm)
Pipe Laid at one-eighth (1/8) inch Slope (10.45 mm/m)
Using the one-fourth (1/4) inch slope (20.9 mm/m) table the horizontal pipe size will be eight (8) inches (203.3 mm). The available static head ['h'] needed to allow use of the one-fourth (1/4) inch (20.9 mm/m) table is calculated as follows: One-eighth (1/8) inch of head pressure per foot (10.45 mm per m) of horizontal pipe run becomes 1/8-inch x 100 feet = 100/8ths, or 'h' = 12-1/2 inches (317.5 mm). NOTE: Sizing from one-eighth (1/8) inch (10.45 mm per m) table would have required the horizontal pipe size to be ten (10) inches (254.0 mm), rather than the eight (8) inches (203.2 mm) made possible by use of the one-fourth (1/4) inch slope (20.9 mm/m) table.

BUILDING

c. If the head ['h'] is equal to or greater than ten (10) feet (3.05 m) (for example, base of a stack), all horizontal pipe downstream of any such vertical section may be the same size as the vertical pipe to which it is connected."

- (71) Appendix F, "Medical Gas Systems", is hereby deleted in its entirety and is replaced with the following sections of NFPA #99, Health Care Facilities (1996 Edition) as amended by this section, which are incorporated by reference. The incorporation by reference does not include any later amendments or editions. Copies of the incorporated material are available from the National Fire Protection Association, Batterymarch Park, Quincy, MA 02169, and are on file with the Office of the Secretary of State:

"F1 Scope

The provisions herein shall apply to the installation, testing, and certification of medical gas and vacuum piping for safe use inpatient care hospitals, clinics, and other health care facilities.

The purpose of this appendix is to provide minimum requirements for the installation, testing, and certification of medical gas and medical vacuum systems, from the point of supply to the user outlets or inlets. These provisions do not cover portable systems or cylinder storage requirements.

F2 All medical gas and vacuum piping systems are to be installed and inspected based upon applicable language found in the following chapters of NFPA #99, Health Care Facilities (1996 edition):

Chapter 1. Introduction.

1-1 Scope

1-2 Application. (Use first paragraph; delete second paragraph)

1-3 Intended Use

1-4 Discretionary Powers of Authority Having Jurisdiction

1-5 Interpretations

1-6 Organization of This Document (including subsections 1-6.1, 1-6.2 and 1-6.3)

1-7 Metric Units

1-8 Effective Date

1-9 Preface

Add Sec. 1-10 to read: "Sections of NFPA 99, 1996 edition, which are not referenced are not mandated by the Arizona Uniform Plumbing Code."

Chapter 2. Definitions.

2-1 Official NFPA Definitions

2-2 Definitions of Terms Used in the Standard

BUILDING

Chapter 4. Gas and Vacuum Systems.

- 4-3.1.1.2 Storage Requirements (Location, Construction, Arrangement)
- 4-3.5 Administration - Level 1
 - 4-3.5.1 Responsibility of Governing Body
 - 4-3.5.2 Gas System Policies - Level 1
 - 4-3.5.2.1 Gases in Cylinders and Liquefied Gases in Containers -Level 1
 - 4-3.5.2.2 Storage of Cylinders and Containers Level 1
 - 4-3.5.2.3 Patient Gas Systems - Level 1
 - 4-3.5.3 Gas Systems Recordkeeping - Level 1
 - 4-3.5.4 Gas Systems Information and Warning Signs - Level 1
 - 4-3.5.4.1 (No Heading)
 - 4-3.5.4.2 (No Heading)
 - 4-3.5.4.3 (No Heading)
 - 4-3.5.5 Gas System Transport and Delivery - Level 1
 - 4-3.5.5.1 (No Heading)
 - 4-3.5.5.2 (No Heading)
 - 4-3.5.6 Vacuum Systems Policies - Level 1
 - 4-3.5.6.1 Patient Vacuum Systems
 - 4-3.5.7 Vacuum System Recordkeeping - Level 1
 - 4-3.5.8 Vacuum System Information and Warning Signs - Level 1
 - 4-3.5.8.1 Piping Distribution System
 - 4-3.5.8.2 Gauge Identification
 - 4-3.5.9 WAGD System Policies - Level 1
 - 4-3.5.9.1 Maintenance
 - 4-3.5.9.2 Performance Tests
- 4-4 Level 2 Piped Systems
 - 4-4.1 Piped Gas Systems - Level 2
 - 4-4.2 Piped Vacuum Systems - Level 2
 - 4-4.3 Piped WAGD Systems - Level 2
 - 4-4.4 Performance Criteria and Testing - Level 2
 - 4-4.5 Administration - Level 2
- 4-5.5 Administration - Level 3
 - 4-5.5.1 Responsibility of Governing Body
 - 4-5.5.2 Gas System Policies - Level 3
 - 4-5.5.2.1 (No Heading)
 - 4-5.5.2.2 (No Heading)
 - 4-5.5.2.3 Patient Gas Systems - Level 3
 - 4-5.5.3 Gas System Recordkeeping - Level 3
 - 4-5.5.4 Gas System Information and Warning Signs - Level 3
 - 4-5.5.5 Gas System Transport and Delivery - Level 3
 - 4-5.5.6 Vacuum System Policies - Level 3
 - 4-5.5.7 Vacuum System Recordkeeping - Level 3
 - 4-5.5.8 Vacuum System Information and Warning Signs -Level 3

BUILDING

4-5.5.9 WAGD System Policies - Level 3

4-6.5 Administration - Level 4

Chapter 12. Hospital Requirements.

12-1 Scope

12-3.4 Gas and Vacuum System Requirements

12-3.4.1 (No Heading)

12-3.4.2 (No Heading)

12-3.4.3 (No Heading)

12-3.4.4 (No Heading)

12-3.4.5 (No Heading)

Chapter 13. Ambulatory Health Care Center Requirements.

13-1 Scope

13-3.4 Gas and Vacuum System Requirements

13-3.4.1 (No Heading)

13-3.4.2 (No Heading)

13-3.4.3 (No Heading)

13-3.4.4 (No Heading)

13-3.4.5 (No Heading)

Chapter 14. Clinical Requirements.

14-1 Scope

14-3.4 Gas and Vacuum System Requirements

14-3.4.1 (No Heading)

14-3.4.2 (No Heading)

14-3.4.3 (No Heading)

14-3.4.4 (No Heading)

14-3.4.5 (No Heading)

Chapter 15. Medical and Dental Office Requirements.

15-1 General

15-1.1 Scope

15-1.2 Applicability

15-3.4 Gas and Vacuum System Requirements

15-3.4.1 (No Heading)

15-3.4.2 (No Heading)

15-3.4.3 (No Heading)

15-3.4.4 (No Heading)

15-3.4.5 (No Heading)

15-3.4.6 (No Heading)

15-3.4.7 (No Heading)

15-3.4.8 (No Heading)

15-3.4.9 (No Heading)

BUILDING

Chapter 16. Nursing Home Requirements.

16-1 Scope

16-3.4 Gas and Vacuum System Requirements

16-3.4.1 (No Heading)

16-3.4.2 (No Heading)

Chapter 17. Limited Care Facility Requirements.

17-1 Scope

17-3.4 Gas and Vacuum System Requirements

17-3.4.1 (No Heading)

17-3.4.2 (No Heading)

Chapter 19. Hyperbaric Facilities.

19-1 Introduction and Scope

19-3.3.3 (No Heading)

19-3.3.5 (No Heading)

- (72) Subsection "(a)" of Section H 2, "Design", of Appendix H, "Recommended Procedures for Sizing Commercial Kitchen Grease Interceptors", is hereby modified to read as follows:

"Interceptors shall be constructed in accordance with the design approved by the Administrative Authority and shall have a minimum of 2 compartments with fittings designed for grease retention. Grease interceptors shall be constructed of solid durable materials, not subject to excessive corrosion or decay, and shall be watertight."

D. Amendments to 2002 National Electrical Code.

Effective July 1, 2006, there is herewith adopted, in total, by reference thereto The National Electrical Code, 2002 Edition, as published by the National Fire Protection Association and adopted as a public record by ordinance of the Mayor and Council of the Town of Carefree, as fully and completely as if set forth in full herein, except as may be hereafter or otherwise amended by this chapter and except as modified or changed as follows:

- (1) Article 80, Introduction, is hereby deleted in its entirety.
- (2) Chapter 2, Wiring and Protection, is hereby amended to read as follows:

210-8. Ground-Fault Circuit-Interrupter Protection for Personnel, is hereby amended as follows:

FPN: See 215-9 for ground-fault circuit-interrupter protection for personnel on feeders.

BUILDING

(No changes to Article with the exception of the following revisions):

(A) Dwelling Units. All 125-volt, single-phase, 15- and 20-ampere receptacles installed in the locations specified in (1) through (8) shall have ground-fault circuit-interrupter protection for personnel.

(7) Convenience receptacles located within 1.8 m (6 ft) of any sink, wash basin, tub, or shower.

(B) Other than Dwelling Units. All 125-volt, single-phase, 15- and 20-ampere receptacles installed in the locations specified in (1) through (5) shall have ground-fault circuit-interrupter protection for personnel.

(4) Convenience receptacles located within 1.8 m (6 ft) of any sink, wash basin, tub, or shower.

(5) Outdoors.

Add new Article 230-63 to read as follows:

230-63. Location. All service equipment rated 1000 amperes or more located inside a building shall be enclosed within a room or space separated from the rest of the building by not less than one-hour fire-resistive occupancy separation or fire barrier installed in compliance with the Building Code.

250.118. Types of Equipment Grounding Conductors, shall be amended to read as follows:

The equipment grounding conductor run with or enclosing the circuit conductors shall be one or more or a combination of the following:

1. A copper, aluminum, or copper-clad aluminum conductor. This conductor shall be solid or stranded; insulated, covered, or bare; and in the form of a wire or a busbar of any shape.
2. Threaded rigid metal conduit and fittings.
3. Threaded intermediate metal conduit and fittings.
4. Armor of Type AC cable as provided in Section 333-21.
5. The copper sheath of mineral-insulated, metal-sheathed cable.
6. The metallic sheath or the combined metallic sheath and grounding conductors of Type MC cable with an individual equipment grounding conductor.
7. Cable trays as permitted in Sections 318-3(c) and 318-7.
8. Cablebus framework as permitted in Section 365-2(a).
9. Other electrically continuous metal raceways listed for grounding.

BUILDING

(3) Chapter 3, Wiring Methods and Materials, is hereby amended as follows:

310-15(b)(6), is hereby amended to read as follows:

(6) 0120/240-Volt and 120/208-Volt, 3-Wire, Single-Phase Dwelling Services and Feeders. For dwelling units, conductors, as listed in Table 310-15(b)(6), shall be permitted as 120/240-volt and 120/208 volt, 3-wire, single-phase service-entrance conductors, service lateral conductors, and feeder conductors that serve as the main power feeder to a dwelling unit and are installed in raceway or cable with or without an equipment grounding conductor. For application of this section, the main power feeder shall be the feeder(s) between the main disconnect and the lighting and appliance branch-circuit panel board(s), and the feeder conductors to a dwelling unit shall not be required to be larger than their service-entrance conductors. The grounded conductor shall be permitted to be smaller than the ungrounded conductors, provided the requirements of Sections 215-2, 220-22, and 230-42 are met.

Table 310-15(b)(6). Conductor Types and Sizes for 120/240-Volt and 120/208- Volt, 3-Wire, Single-Phase-Dwelling Services and Feeders. Conductor Types RH, RHH, RHW, RHW-2, THHN, THHW, THW, THW-2, THWN, THWN-2, XHHW, XHHW-2, SE, USE, USE-2.

Conductor (AWG or kcmil)

Copper	Aluminum or Copper-Clad Aluminum	Service or Feeder ≤ 30°C (86°F)	Rating (Amperes) > 30°C (86°F)
4	2	100	-----
3	1	110	-----
2	1/0	125	100
1	2/0	150	125
1/0	3/0	175	150
2/0	4/0	200	175
3/0	250	225	200
4/0	300	250	225
250	350	300	250
350	500	350	300
400	600	400	350
500	750	-----	400

FPN: For single-phase panels feed from a 3-phase system, the grounded conductor cannot be reduced in size for a 120/208-volt system, see 220.22.

BUILDING

334.10, Uses Permitted, is hereby modified as follows:

334.10 Uses Permitted. Type NM, Type NMC, and Type NMS cables shall be permitted to be used in the following:

1. One- and two-family dwellings, multifamily dwellings, and other residential accessory structures
2. Multifamily dwellings permitted to be Types III, IV and V construction except as prohibited in 334.

(Items 3 and 4 and A, B, and C to remain the same.)

334.12. Uses Not Permitted, shall be modified as follows:

334.12. Uses Not Permitted.

(A) Types NM, NMC, and NMS. Types NM, NMC, and NMS cables shall not be used as follows:

(All items except 1 and 10 to be deleted).

(4) Chapter 5, Special Occupancies, is hereby amended as follows:

501.16 (B) Types of Equipment Grounding Conductors: (Article remains the same, delete exception).

502.16 (B) Types of Equipment Grounding Conductors: (Article remains the same, delete exception).

503.16 (B) Types of Equipment Grounding Conductors: (Article remains the same, delete exception).

E. Amendments to 2003 International Mechanical Code.

Effective July 1, 2006, there is herewith adopted, by reference, the International Mechanical Code, 2003 Edition published by the International Code Council and as declared a public record by ordinance of the Mayor and Council of the Town of Carefree, by reference in total and as if each of the provisions thereof were set forth herein, except as modified or changed as follows:

(1) Chapter 1, "Administration", is hereby amended as follows:

101.1 Title. Insert the words "Town of Carefree" as the name of jurisdiction.

BUILDING

106.4.3 Expiration. Amend to read as follows:

Every permit issued shall become invalid unless the work authorized by such permit is commenced and required inspections are requested by the permittee and approved by the code official within 180 days after its issuance, or if more than 180 days elapses between approval of required inspections. The code official shall be authorized to grant one extension of time for a period not to exceed 180 days. Permits shall not be extended more than once and all requests for extensions shall be in writing. In order to renew action on a permit after expiration, a new full permit fee shall be paid based on the current fee schedule adopted by the Town.

106.4.4 Extensions. Amend to read as follows:

An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application had been pursued in good faith or a permit has been issued; except that the Building Official is authorized to grant one extension of time for a period not to exceed 90 days. The extension shall be requested in writing and justifiable cause demonstrated.

106.5.2 Fee schedule. Amend to read as follows:

All fees shall be in accordance with Chapter One of the International Building Code as adopted by the Town of Carefree and amended from time to time.

106.5.3 Fee refunds. Amend to read as follows:

The code official shall be permitted to authorize refunding of a fee paid hereunder which was erroneously paid or collected.

The code official shall be permitted to authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.

The code official shall be permitted to authorize refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any examination time has been expended.

The code official shall not be permitted to authorize refunding of any fee paid except upon written application filed by the original permittee not later than 90 days after the date of fee payment.

BUILDING

108.4 Violation penalties. Delete in its entirety.

108.5 Stop work order. Amend the last sentence to read as follows:

Any person who shall continue any work on the system after having been served by a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine as established by the Town of Carefree.

109 Means of Appeal. Delete this section in its entirety.

(2) Chapter 2, "Definitions", is hereby amended as follows:

201.4 Terms not defined. Where terms are not defined through the methods authorized by this chapter, such terms shall have ordinarily accepted meanings such as the context implies.

F. Amendments to 2003 International Fire Code.

Effective July 1, 2006, there is herewith adopted, by reference, the International Fire Code, 2003 Edition published by the International Code Council and as declared a public record by ordinance of the Mayor and Council of the Town of Carefree, by reference in total and as if each of the provisions thereof were set forth herein, except as modified or changed as follows:

Section 10-1-1. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Chief means the chief of the Rural/Metro Fire Department.

Duly authorized agent shall mean an individual employed by Rural/Metro Fire Department who has been appointed by the fire chief, in writing, to have the authority to issue civil fire code violations. Such authorization shall be filed with the Town Clerk.

Fire department means the Rural/Metro Fire Department or, in the event that the town shall provide its own fire protection service, that organization.

Hillside landform area. Any parcel of land or portion thereof with a surface slope that can easily exceed fifteen (15) percent where major collector streets have a maximum grade of nine (9) percent, and minor and local collector streets have a maximum grade twelve (12) percent and local residential streets have a maximum grade of fifteen (15) percent.

BUILDING

NICET means the National Institute for the Certification of Engineering Technologies, 1420 King Street, Alexandria, VA. 22314-2915.

Town Code means the Town Code of the Town of Carefree, Arizona.

International Fire Code means the International Fire Code, 2003 Edition.

Section 1. Section 10-1-1 F of the Town Code is hereby repealed and replaced by a new section 10-1-1 F 2003 IFC , which shall read as follows:

Section 10-1-1 .1 Assumption of Jurisdiction; adoption.

(a) Pursuant to the provisions of A.R.S. §34-461 and §41-2163(A)(2), the Town of Carefree, having in effect a nationally recognized fire code, does hereby assume jurisdiction from the State Fire Safety Committee for prescribing and enforcing minimum Fire Prevention Codes and Standards within the Town of Carefree.

(b) The International Fire Code, 2003 edition, as published jointly by the International Code Council, Inc., and all appendices are adopted by reference and shall be the fire code of the town. Three (3) copies of the same shall at all times remain in the Office of the Town Clerk and be open to inspection.

Exceptions:

1. I.F.C. appendices B, E, F, and G are adopted as code.
2. I.F.C. appendices A deleted from adoption.
3. I.F.C. appendix A and C are adopted as references

Section 10-1-1.2 Amendments.

The International Fire Code (I.F.C.), 2003 Edition, is amended in the following respects:

Section 102 is amended by adding *subsection 101.9.1* as follows:

"102.9.1 Conflicting references. When a provision of the 2003 International Fire Code, is in conflict with a provision of the National Fire Protection Association (NFPA) Standards, and the conflict relates to life and building safety performance requirements, the chief shall have the discretion to determine which provision shall apply."

Section 108, Subsection 108.1 is amended to read:

"108.1 Board of Appeals "Reference to the "board" or "the board of appeals" in this code shall mean the Board of Adjustments as established and referred to in Chapter 10, Section 10-1-2 of the

T o w n o f C a r e f r e e , A r i z o n a

BUILDING

Code. The formation, term of office, qualifications of board members, removal, jurisdiction, procedure, quorum, and appeals procedure are hereby adopted and incorporated by reference as though fully set forth herein."

Section 202, Institutional Group I-1, Residential Group R, R-3, R-4 are amended to read:

Group I-1. This occupancy shall include a building or part thereof housing more than 10 persons, on a 24-hour basis, who because of age, mental disability or other reasons, live in a supervised residential environment but which provides personal care services. The occupants are capable of responding to an emergency situation without physical assistance from staff. This group shall include, but not be limited to, the following: residential board and care facilities, assisted living facilities, half-way houses, group homes, congregate care facilities, social rehabilitation facilities, alcohol and drug centers and convalescent facilities. A facility such as the above with five or less persons shall be classified as Group R-3. A facility such as above, housing at least six and not more than 10 persons shall be classified as Group R-4.

Residential Group R-3

R3 Residential occupancies where the occupants are primarily permanent in nature not classified as **R-1, R-2, R-3, or I** and buildings do not contain more than two dwellings units or adult and child care facilities that provide accommodations for five or fewer persons of any age less than 24 hours. Adult and childcare facilities that are within a single-family home are permitted to comply with the *International Residential Code*.

Group R-3 residential Care/Assisted Living Facilities occupancies in existing Structures with one (1) to five (5) client shall meet the following requirements:

- a. Interconnected smoke detectors shall be installed in all livable areas in accordance with the Town of Carefree Code.
- b. Posted evacuation map and emergency procedures per fire department.
- c. Portable fire extinguishers in accordance with the Town of Carefree's Fire Code.

Residential Group R-4

R-4 Residential occupancies shall include buildings arranged for occupancy as Residential Care/Assisted Living Facilities including more than five but not more than 10 occupants, excluding staff.

Group R-4 occupancies in existing structures with six (6) to (10) clients shall meet the following requirements for constructions as defined for Group R-3 except for the height and area limitations provided in Section 503 of the International Building Code.

BUILDING

Group R-4 occupancies in existing structures with six (6) to ten (10) clients and all new structures clients shall meet the following requirements:

- a. Interconnected smoke detector shall be installed in all livable areas in accordance with the Town of Carefree building code.
- b. Posted evacuation map and emergency procedures, per fire department.
- c. Portable fire extinguishers in accordance with the Town of Carefree Fire Code.
- d. An automatic fire sprinkle system in accordance Town of Carefree Fire Code.

Section 308, subsection 308.3.1 and 308.3.1.1. is amended and 308.3.1.2 is added to read as follows:

308.3.1 Open-Flame cooking devises. Charcoal burners, portable barbecues, and other open flame devises shall not be operated on combustible balconies or within 10 feet (3048mm) of combustible construction.

"308.1.1 Liquefied- petroleum-gas-fueled cooking devises. No person shall use individual fixed or portable LP-gas burners or barbecues under any attached cover patios, balconies, covered walkways stair or roof overhang shall not be located within 10 feet (3048mm) of combustible construction."

"Exceptions:

1. One- and two-family dwellings

"308.3.1.2 Storage of open-flame cooking devises and barbecues. Storage of barbecues on or under balconies will be allowed in accordance with the written Town Fire Department Interpretation and Applications Manual.

"Exception:

If the fire department receives complaints or suspect the cooking devises or barbecue is being used, the fire department will require the cooking devise or barbecue to be removed from the premises."

Section 503., subsection 503.1.4 and 503.1.4.1 is added as follows:

"503.1.4 Town of Carefree Design Standards. For road construction details see Town of Carefree for Standards."

"503.1.4.1 Temporary fire department access. Temporary fire department access roadway prior to and during construction of every facility, building or portion of a building shall install and maintain a roadway 16'-0" (4,877mm) wide, with minimum 0'-4" (101.6mm) thickness of aggregate

BUILDING

base course or decomposed granite compacted to a 90% density where natural soil will not meet compaction requirements."

Section 503.2., subsection 503.2.7 is amended and 503.2.8 is added as follows:

503.2.7 Grade. The grade of the fire apparatus access road shall be within the limits established by the code official based on the fire department's apparatus. Access roads shall comply with the following.

1. The grade for non-sprinklered properties shall not exceed 12%.
2. The grade for sprinklered properties shall not exceed 15%.
3. All grades in excess of 15% require approval by the Fire Department.

"503.2.8 Fire apparatus access roads. The chief may establish fire lanes on public and private property for access and setup for fire-fighting equipment apparatus and vehicles. See Fire Department Interpretation and Applications Manual. All fire lanes shall be marked in the following manner:"

"1. Fire lane signs Design Procedures and Criteria per Town Traffic Standards and/or Fire department interpretation and applications.

"2. Curb and/or street or driveway painted red to indicate fire lane and labeled "FIRE LANE NO PARKING" in white block letters 3 inches (76.2mm) in height, 3/4 in. (19.5 mm) stroke, on the vertical face of the curb to indicate "fire lane."

"3. Lettering shall not be greater than 50'-0" (15.24m) apart and shall be posted at the beginning and end of the fire lane."

"It shall be unlawful for any vehicle, equipment or device to park in or block the fire lane. Any vehicle, equipment or device found parked in or blocking a fire lane shall be cited by police or the fire department."

Section 506, subsections 506.1.2 and 506.1.3 are added as follows:

"506.1.2 Key box location. A key box shall be required on all commercial structures that contain off-site monitored fire systems or when required by the chief. The key box shall be installed in a location adjacent to the main entrance of the structure, 4'-0" (1.219 m) to 6'-0" (1.829 m) above finished grade."

"506.1.3 Key switch and sensor pre-emption location. A key switch and preemption sensor shall be required on all electric entry control gates.

BUILDING

The key switch shall be installed in a location on the gate control panel that is readily visible and accessible. The pre-emption sensor shall be at or behind gate."

Section 508, subsections 508.5.1 Exceptions is amended and 508.5.1.1, 508.5.7, 508.5.8 are added as follows

Exceptions is amended to read:

"1. Fire Sprinklered R -3 Developments, the maximum distance is one thousand two hundred (1200) feet (366 m) on center."

"2. Fire Sprinklered commercial and R-1 multifamily developments, the maximum distance is seven hundred (700) feet (213.36 m) on center."

"3. For Group H occupancies, the distance requirement shall be one hundred-fifty (150) feet (45.72 m)."

"508.5.1.1 Dead ends. On cul-de-sacs in residential and commercial developments the maximum distance to a hydrant shall not exceed one half (1/2) of the maximum allowable distance between fire hydrants designated in *508.5.1 Exceptions*"

"508.5.7. Fire hydrants color. All fire hydrant barrels aboveground shall have a prime coat plus two (2) coats of OSHA yellow paint."

"508.5.8 Reflective markers. All fire protection equipment, fire department inlet connections and hydrants shall be clearly identified by installation of reflective blue markers. See Fire Department Interpretation and Applications."

Section 603, subsections 603.10 and 603.10.1 are added as follows:

Section 901, and subsections 901.2.2, 901.2.3, 901.2.4, 901.2.5 are added as follows:

"901.2.2 Plan certification for the fire alarm system and occupant notification. All fire alarm and occupant notification system plans submitted to the fire department for review and approval shall bear a review certification of a minimum of level III NICET in Fire Alarms, (National Institute for the Certification of Engineering Technologies) in accordance with Fire Department Interpretation and Applications Manual.

"901.2.3 Plan certification for fire sprinkler systems. All fire sprinkler plans submitted to the fire department for review and approval shall bear a review certification of a minimum level III NICET in sprinklers (National Institute for the Certification of Engineering Technologies) in accordance with Fire Department Interpretation and Applications Manual.

BUILDING

"901.2.4 Plan certification for all other fire protection systems. Plan certification for all other fire protection systems will be accompanied by a certification of competence when required."

"901.2.5 On-site plans. Plans and specifications shall be submitted to the fire department for review and approval prior to construction. One set of fire department approved plans shall be on the job site for each inspection."

Section 903, subsections 903.2, 903.2.1, 903.2.2, 903.2.3, 903.2.4, 903.2.5, 903.2.6, 903.2.7, 903.2.8, 903.2.9, 903.10, 903.2.10.1, 903.11, 903.2.11.1, and 903.2.12, 903.3, 903.3.6, 903.3.7, 903.4 exception 2. are amended as follows and subsections 903.1.3, 903.1.4, 903.1.5, 903.1.6, 903.7.2.1, 903.2.7.2, 903.2.8.1, 903.2.8.2, 903.2.8.3, 903.2.12.4, 903.2.12.4.1, 903.2.16, 903.3.7.1, 903.3.7.2, 903.3.7.3 are added:

"903.2 Where required. An automatic sprinkler system shall be installed throughout all levels of all new Group A, B, E, F, H, I, M, R, S and U occupancies of more than zero (0) square feet. In accordance with section 903, and with the Fire Department Interpretation and Applications Manual, and as set in this section."

"1. In every story or basement of all buildings. Fire-resistive substitutions in accordance with the provisions in the International Building Code, Chapter 6, footnote d are allowed for this subsection for Group R occupancies and for other occupancies, provided that automatic sprinkler is not otherwise required throughout the building by any other provision or section of the unamended building code."

"2. At the top of rubbish and linen chutes and in their terminal rooms. Chutes extending through three or more floors shall have additional sprinkler heads installed within such chutes at alternate floors. Sprinkler heads shall be accessible for servicing."

"3. In rooms where nitrate film is stored or handled. See also Section 306."

"4. In protected combustible fiber storage vaults."

"5. In any building that has a change in occupancy as defined in the building code."

"Exception: The following accessory structures shall be exempt from fire sprinkler requirements:

"1. Gazebos and ramadas for residential and public use."

"2. Independent rest room buildings that are associated with golf courses, parks and similar uses."

"3. Guardhouses for residential and commercial developments."

BUILDING

"4. Detached carports for residential developments."

"5. Barns and agricultural buildings for private, residential, non-commercial use, not exceeding 1,500 square feet (139.35m2)."

"6. Detached storage sheds for private, residential, non-commercial use, not exceeding 1,500 square feet (139.35m2)."

"7. Detached 1, 2 and 3 car garages (without habitable spaces) in existing R-3 developed parcels which contain existing non-sprinklered subdivision requirements (i.e. 700 foot (213.36m) hydrant spacing."

"8. For fuel dispensing canopies not exceeding 1500 square feet (139.35m2)."

"9. Open horse stalls of non-combustible construction for private, residential, non-commercial use, not exceeding 5,000 square feet (464.52 m2) and no storage of combustible products, vehicles, or agricultural equipment."

"10. Detached one story accessory building used as tool and storage shed of non-hazardous materials, and not exceeding 120 square feet (11.15m2)."

"11 Special use non-combustible structures as approved by the chief."

"903.2.1 Group A. An automatic sprinkler system shall be installed throughout all Group A occupancies in accordance with NFPA 13 sprinkler systems and with Fire Department Interpretation and Applications Manual."

"903.2.2 Group E. An automatic sprinkler system shall be installed throughout all Group E occupancies in accordance with NFPA 13 sprinkler systems and with Fire Department Interpretation and Applications Manual."

"903.2.3 Group F. An automatic sprinkler system shall be installed throughout all Group F occupancies in accordance with NFPA 13 sprinkler systems and with Fire Department Interpretation and Applications Manual."

"903.2.4 Group H. An automatic sprinkler system shall be installed throughout all Group H occupancies in accordance with NFPA 13 sprinkler systems and with Fire Department Interpretation and Applications Manual."

"903.2.5 Group I. An automatic sprinkler system shall be installed throughout all Group I occupancies in accordance with NFPA 13 sprinkler systems and with Fire Department Interpretation and Applications Manual."

BUILDING

"Exception : In jails, prisons and reformatories, the piping system may be dry, provided a manually operated valve is installed at a continuously monitored location. Opening of the valve will cause the piping system to be charged. Sprinkler heads in such systems shall be equipped with fusible elements or the system shall be designed as required for deluge systems in the Building Code."

"903.2.6 Group M. An automatic sprinkler system shall be installed throughout all Group M occupancies in accordance with NFPA 13 sprinkler systems and with Fire Department Interpretation and Applications Manual."

"903.2.7 Group R. An automatic sprinkler system shall be installed throughout all Group R occupancies in accordance with NFPA 13, 13D, or 13-R sprinkler systems and with Fire Department Interpretation and Applications Manual."

"903.2.10 Group S occupancies. An automatic sprinkler system shall be installed throughout all Group occupancies in accordance with NFPA 13 sprinkler systems and with Fire Department Interpretation and Applications Manual."

"903.2.10.1 Repair garages. An automatic sprinkler system shall be installed throughout all repair garages in accordance with NFPA 13 sprinkler systems as modified by the Fire Department Interpretation and Applications Manual."

"903.2.11 Group S-2 occupancies. An automatic sprinkler system shall be installed throughout all Group S-2 occupancies in accordance with NFPA 13 sprinkler systems as modified by the Fire Department Interpretation and Applications Manual."

"903.2.11.1 Commercial parking garages. An automatic sprinkler system shall be installed throughout all commercial parking garages in accordance with NFPA 13 sprinkler systems as modified by the Fire Department Interpretation and Applications Manual."

"903.2.12 All Group R-3 and U occupancies. An automatic sprinkler system shall be installed throughout all Group R-3 and U occupancies in accordance with NFPA 13 or 13-D sprinkler systems and with Fire Department Interpretation and Applications Manual."

"903.2.17 Group B occupancies. An automatic sprinkler system shall be installed throughout all Group B occupancies in accordance with NFPA 13 sprinkler systems as modified by the Fire Department Interpretation and Applications Manual."

"903.3 Installation requirements. Automatic sprinkler systems shall be installed in accordance with NFPA 13, 13-R, 13-D as modified by the Fire Department Interpretation and Applications Manual."

"903.3.6 Hose Threads. Fire hose threads used in connection with automatic sprinkler system shall be National Standard Treads."

BUILDING

"903.3.7 Fire Department Connections. Fire department connections shall be located within four (4) feet (1219.2mm) to eight (8) feet (2438.4mm) of the curb line of an access road or public street, or as otherwise specified, or as approved by the chief. The fire department connection line shall be a wet line with the check valve at the hose connection above grade. The access to the fire department connection shall be at curb grade. See the Fire Department Interpretation and Applications Manual."

"903.7.1 Wall mounted. Systems may have wall mounted fire department connections only on light and ordinary hazard Group 1 systems when there are no structural openings or combustible hangings within 15 feet (4572mm) horizontally or vertically from inlet connection. See the Fire Department Interpretation and Applications Manual."

"903.3.7.2 Additions, alterations and repairs. When additions, alterations or repairs within a twelve month period exceed fifty (50) percent of the value of an existing building or structure, such building or structure shall be made to conform to the requirements for new buildings or structures."

"903.3.7.3 Partial systems prohibited. In all new additions to existing buildings and structures an automatic sprinkler system shall be installed in accordance with this section. There shall be no partially sprinklered compartments. Sprinklered and unsprinklered parts of a structure shall be separated in accordance with all applicable codes and standards."

"903.4 Sprinkler system monitoring and alarms. All valves controlling the water supply for automatic sprinkler systems and water-flow switches on all sprinkler systems shall be electrically supervised." "See Fire Department Interpretation and Applications Manual".

Exceptions:

- "1. Automatic sprinkler systems protecting one- and two-family dwellings."
- "2. Limited area systems serving fewer than 20 sprinklers for E, H, and I occupancies, more than 100 sprinklers in all other occupancies."
- "3. Automatic sprinkler systems installed in accordance with 13R where a common supply main is used to supply both domestic and automatic sprinkler systems and a separate shutoff valve for the automatic sprinkler system is not provided."
- "4. Jockey pump control valves that are sealed or locked in the open position."
- "5. Valves controlling the fuel supply to fire pump engines that are sealed or locked in the open position."
- "6. Trim valves to pressure switches in dry, preaction and deluge sprinkler systems that are sealed or locked in the open position."

BUILDING

"7. Valves controlling the fuel supply to fire pump engines that are sealed or locked in the open position."

"903.4.2 Alarms. Approved audible devices shall be connected to every automatic sprinkler system. Such as water-flow alarm devices shall be activated by water-flow equivalent the flow of a single sprinkler of the smallest size or orifice size installed in the system. Alarm devices shall be provided on the exterior of the building in an approved location. An interior alarm to alert the occupant shall be provided in the interior of the building in a normally occupied location when off-site monitoring is required. Where a fire alarm system is installed, activation of the automatic sprinkler system shall actuate the building fire alarm system."

Section 905, subsection 905.2, 905.3.4.1, are amended and 905.3.1.1 is added to read as follows:

"905.2 Installation standards. Standpipe systems shall be installed in accordance with this section as modified by the Fire Department Interpretation and Applications Manual."

"905.3.2 Building area. In buildings exceeding 10,000 square feet (929 m²) in area per story, Class I automatic wet or manual wet standpipes shall be provided where any portion of the building's interior area is more than 200 feet (60.96 m) of travel, vertically and horizontally, from the nearest point of fire department vehicle access."

Exceptions:

"1. Single story structures are not required to have hose connections, except in those interior portions of the building that exceed 200 feet (60.96 m) of travel from an emergency access road."

"2. Required wet standpipes may be an integral part of an approved sprinkler system and may be connected to the sprinkler systems horizontal cross mains. Calculations for required fire flow shall be submitted with sprinkler plans."

"3. Unless required by the Fire Department Interpretation and Applications Manual hose connection is not required in Group R-3 occupancies."

"905.3.4 Stages. Stages greater than 1,000 square feet in area (93 m²) shall be equipped with a Class III wet standpipe system with 2.5 inch (64 mm) hose connections on each side of the stage supplied from the automatic fire sprinkler system and shall have a flow rate of not less than that required for class 1 standpipes."

"Exception:

Where the building or area is equipped throughout with an automatic sprinkler system, the hose connections are allowed to be supplied from the automatic sprinkler system and shall have a flow rate of not less than that required by NFPA 14 for Class III standpipes."

BUILDING

"905.3.4.1 Hose and cabinet. Hose and hose cabinets are deleted in their entirety."

Section 907, subsections 907.2., 907.7, are amended and 907.3.1.10, 907.3.1.11, 907.3.1.12, and 907.3.1.13 are added:

"907.2 Where required new buildings and structures. An approved manual, automatic, or manual and automatic fire alarm system shall be provided in new buildings and structures in accordance with Sections 907.2.1 through 907.2.23 and Fire Department Interpretation and Applications. Where automatic sprinkler protection installed in accordance with Section 903.3.1.1 or 903.3.1.2 and with Fire Department Interpretation and Applications Manual is provided and connected to the building fire alarm system, automatic heat detection required by this section shall not be required.

An approved automatic fire detection system shall be installed in accordance with the provisions of this code and NFPA 72. Devices, combinations of devices, appliances and equipment shall comply with Section 907.1.2. The automatic fire detectors shall be smoke detectors, except that an approved alternative type of detector shall be installed in spaces such as boiler rooms where, during normal operation, products of combustion are present in sufficient quantity to actuate a smoke detector."

"907.3.1.9 Owner landlord and occupant responsibilities. Devices provided and maintained. In a dwelling unit occupied under the terms of a rent agreement or under a month-to-month tenancy:

"1. At the time of each occupancy the landlord shall provide smoke detection devices in working condition and, after written notification by the tenant, shall be responsible for replacement; and

"2. The tenant shall keep the devices in working condition by keeping charged batteries in battery-operated devices, by testing the devices periodically, and by refraining from permanently disabling the devices."

"907.3.1.11 Definitions. In this section, 'dwelling unit,' 'landlord,' 'rental agreement,' and 'tenant' have the meanings given in Arizona Revised Statutes."

"907.3.1.12 Records and maintenance. The landlord or owner of any rental property shall inspect all smoke detection devices as required under NFPA 72 annually and a record of all inspections and maintenance activities shall be kept by the landlord or owner and available for inspection upon request by the chief. See the Fire Department Interpretation and Applications Manual."

"907.7 Activation. Where an alarm notification system is required by another section of this code, it shall be activated by:

1. Required automatic fire alarm system.

BUILDING

2. Sprinkler water-flow devices. a. Multilevel structures. All multilevel structures are required to have a flow switch and tampered control valve per floor. See Fire Department Interpretation and Applications.

Exception:

Group R1 and R-2, occupancies with a domestic water supply serving 6 units or less and Group R-3. See the Fire Department Interpretation and Applications Manual.

3. Required manual fire alarm boxes."

Section 2201, subsections 2201.4 is amended and 2201.7 is added as follows:

"2201.4 Indoor service stations. Motor vehicle fuel-dispensing stations located inside buildings is prohibited within the entire town."

"2201.7 Fire protection. Fire sprinkler protection shall be designed in accordance with the building code as required for Ordinary Hazard Group 2."

Section 2204, subsection 2204.3.1 Is amended as follows:

"2204.3.1 General. Unattended self-serve stations. Unattended self-serve stations are prohibited within the entire Town."

"Exception:

Unattended self-serve stations may be allowed by special permit by the Chief for private commercial use only. Written request and documentation shall be submitted showing compliance with 2204..3.1through 2204.3.7 and all other applicable codes and ordinances."

Section 2206, subsection 2206.2.2, 2206.2.3 are amended as follows

"2206.2.2 Above-ground tanks located inside building. Above ground tanks for the storage of Class I, II, IIIA liquid fuels are prohibited within the entire town."

"2206.2.3 Above-ground tanks located outside building. Above ground tanks for the storage of Class I, II, IIIA liquid fuels are prohibited within the entire town."

BUILDING

Section 2403, subsection 2403.8.2 Exceptions, is amended as follows:

Exception:

"2403.8.2. Membrane structures, tents or canopies need not be separated from buildings provided throughout with an automatic sprinkler system when all of the following conditions are met:

2403.8.2.1 The aggregated floor area of the membrane structure, tent, or canopy shall not exceed 10,000 feet (929m sq).

2403.8.2.2 The aggregate floor area of the building and membrane structure, tent or canopy shall not exceed the allowable floor area including travel distance.

2403.8.2.3 Fire apparatus roads are provided in accordance with 503"

Section 3301, subsection 3301.2.3 is amended as follows, and 3301.2.5 is added as follows:

"3301.2.3 Permit restrictions. The storage of explosives and blasting agents is prohibited within the entire town, except for temporary storage for use in connection with approved blasting operations provided. However, this prohibition shall not apply to wholesale and retail stocks of small arms ammunition, explosive bolts, explosive rivets or cartridges for explosive-actuated power tools in quantities involving less than 500 pounds (226.8kg) of explosive material."

Section 3404, subsection 3404.2.9, 3404.2.13.1.4 is amended to read:

"3404.2.9 Locations where aboveground tanks are prohibited. Storage of Class I and II liquids in aboveground tanks outside of buildings is prohibited within the entire town."

"Exception:

Installations of 2000 gallons (7,570.8L) or less aggregate quantity may be approved by special permit by the chief."

"3404.2.13.1.4 tanks abandoned in place. The abandonment of tanks in place shall be prohibited within the entire town."

Section 3804, table 3804-3, footnote e/5 is added as follows:

"Table 3804-A, Footnote e/5.

"e/5 a container less than 125 gallons (473.2l) may be located next to a block fence when the tank is not within 5 feet (1524mm) of a structure on adjoining property."

BUILDING

Section 3812, subsection 8212.1.1 is added as follows:

"3812.1. Consumer exchange of pre-filled containers. The storage of portable containers at exchange sites shall be limited to a maximum of 381.6 pounds (173.1 kg) or less, whether filled, partly filled or empty, at consumer exchange sites or distribution points. See Fire Department Interpretation and Applications Manual for installations."

Section 9003, Subsection n.2 is amended as follows:

"National Fire Protection Association NFPA National Fire Codes Battery Park, Quincy, MA 02269
NFPA, National Fire Codes, the most recent editions in publication at time of ordinance approval."

Section 10-1-1 F. Bureau of Fire Prevention.

"(a) The International Fire Code shall be enforced by the Bureau of Fire Prevention of the fire department which is hereby established and which shall be operated under the supervision of the chief of the fire department."

"(b) A report of the Bureau of Fire Prevention shall be made annually and transmitted to the town manager. The report shall contain all proceedings under this chapter, with such statistics as the chief of the fire department may wish to include therein. The chief of the fire department shall also recommend any amendments to this article which, in his judgment, are desirable.

DIVISION 2. Design criteria. New construction design criteria in fully sprinklered developments.

Control and Suppression of Hazard Fire Access

Section H101

General

H101.1 Scope. The unrestricted use of grass-, grain-, brush- or forest-covered land in hazardous fire areas is a potential menace to life and property from fire and resulting erosion. Safeguards to prevent the occurrence of fire and provide adequate fire protection facilities to control the spread of fire which might be caused by recreational, residential commercial, industrial or other activities conducted in hazardous fire areas shall be in accordance with Appendix H.

Section H102

Definitions

H102.1 Definitions. For the purpose of appendix H certain terms are defined as follows:

BUILDING

Tracer is any bullet or projectile incorporating features which mark or trace the flight of said bullet or projectile by flame, smoke, or other means which resulting fire or heat.

Tracer charge is any bullet or projectile incorporating a feature designed to create a visible or audible effect by means which results in fire or heat and shall include any incendiary bullets or projectiles.

Section H103 Permits

H103.1 Permits The Chief is authorized to stipulate conditions for permits. Permits shall not be issued when public safety would be at risk, as determined by the chief.

Section H104 Restricted Entry

H104.1 Restricted entry. The chief shall determine and publicly announce when hazardous fire areas shall be closed to entry and when such areas shall again be opened to entry. Entry on and occupation of hazardous areas, except public road ways, inhabited areas or established trails and camp sites which have not been closed during such timed when the hazardous fire is closed to entry, is prohibited.

Exception:

1. Residents and owners within hazardous fire areas and their invitees and guest going to being upon their land.
2. Entry to the course of duty, by Town Marshal, Sheriff's deputies, fire department personnel authorized public officers, and members of the United States Forest Service.

Section H105 Trespassing on Posted Property

H105.1 General When the chief determines that a specific area within a hazardous fire presents an exceptional and continuing fire danger because of the density of natural growth, difficult terrain, proximity to structures or accessibility to public, such area shall be closed until changed conditions warrant termination of closure. Such areas shall be posted as hereafter provided.

H105.2 Signs. Approved signs prohibiting entry by unauthorized persons and referring to appendix H shall be placed on every closed area.

BUILDING

3. Exception:

Owners or occupants within closed and posted areas, their guests or invitees, Town Marshal, Sheriff's deputies, fire department personnel authorized public officers, and members of the United States Forest Service acting in the course of their duties.

Section H106 Smoking

H106.1 General Lighting, or otherwise setting fire to smoking tobacco, cigarettes, pipes or cigars in hazardous fire areas is prohibited.

Exception:

Places of habitation or within the boundaries of established smoking areas or campsites as designated by the fire chief.

Section H107 Spark Arresters

H107.1 Spark Arresters. Chimneys in conjunction with fire places, barbecues, incinerators or heating appliances in which solid or liquid fuel used, upon buildings, structures or premises located within 200 feet (60 960mm) of hazardous fire areas shall be provided with spark arrester constructed with heavy wire mesh or other non-combustible material with openings not to exceed ½ inch (12.7mm).

Section H108 Tracer Bullets, Tracer Charges, Rockets and Model Aircraft.

H108.1 General. Tracer bullets and tracer charges shall not be used or possessed, fired or caused to be fired into or across hazardous fire areas. Rocket model airplanes gliders and balloons powered with an engine propellant or other feature liable to start or cause fire shall not be fired or projected into across hazardous fire areas.

Section H109 Blasting and Explosives

H109.1 Explosives and Blasting: Explosives shall not be possessed, kept or sold, offered for sale, given away, used, discharged, transported or disposed of within hazardous fire areas except by permit from the fire chief.

BUILDING

Section H110 Fireworks

H110.1 Fireworks. Fireworks shall not be used or discharged in hazardous areas. The Chief is authorized to seize, take, remove, or cause to be removed, fireworks in violation of section 10.

Section H111 Apiaries

H111.1 Apiaries. Lighted and smoldering material shall not be used in conjunction with smoking bees in or upon hazardous fire areas except by permit from the chief.

Section H112 Open-Flame Devices

H112.1 Open-flame devices. Welding torches, tar pots, decorative torches and other devices, machine or processes liable to start or cause fire shall not be used or operated in or upon hazardous fire areas, except from a permit from the chief.

EXCEPTION:

used within habited premises or designated campsites which are a minimum of 30 feet (9144 mm) from grass- grain-, brush-, or forest-covered areas.

Flame employing devices, such as of lanterns or kerosene road flares, shall not be operated or used as a signal or marker in or upon hazardous fire areas.

EXCEPTION:

The proper use of fuses at the scene of emergencies or as required by standard operating procedures.

Section H113 Outdoor Fires

H113.1 Outdoor fires. Outdoor fires shall not be built, ignited or maintained in or upon hazardous fire areas except by permits from the chief.

EXCEPTION:

Outdoor fires within inhabited premises or designated campsites where such fires are built in a permeate barbecue, portable barbecue, outdoor fireplaces, incinerator or grill and are a minimum of 30 feet (9144mm) from grass-, brush-, or forest-covered area.

BUILDING

Permits shall include such terms and conditions which will reasonably safeguard public safety and property. Outdoor fires shall not be built, ignited or maintained in or upon hazardous fire areas under the following conditions:

1. When High winds are blowing.
2. When a person age 17 or over is not present at all times to watch and tend fire, or
3. When the public announcement that open burning is prohibited.

Permanent barbeque, outdoor fire places or grills shall not be used for the disposal of rubbish, trash or combustible waste material.

Section H114 Incinerators and Fireplaces

H114.1 General: Incinerators, outdoor fireplaces, permanent barbeques and grills shall not be built, installed or maintained in hazardous fire areas without prior approval of the chief. Incinerators, outdoor fireplaces, permanent barbeques and grills shall be maintained in good repair in safe conditions at all times. Openings in such appliances shall be provided with an approved spark arrester, screen or door.

EXCEPTION:

When approved, unprotected openings in barbeque and grills necessary from proper functioning.

Section H115 Clearance of brush and Vegetative Growth From Electrical Transmission Lines

H115.1 General. Clearance of brush and vegetative growth from electrical transmission lines shall be in accordance with section 115.

EXCEPTION:

Section 115 does not authorize persons not having legal right of entry to enter upon or damage the property of others without the consent of the owner.

H115.2 Support tension lines clearance. Person owning, controlling, operating or maintaining electrical transmission lines upon hazardous fire areas shall maintain the clearance specified in Section 15.3 in all directions between vegetation and conductors carrying electrical current:

1. For lines operating at 2,400 volts and less than 68,000 volts, 4 feet (1219mm)

BUILDING

2. For lines operating 68,000 volts and less than 110,00 volts, 6 feet (1829)
3. For lines operating at 110,000 volts and over, 10 feet (3048 mm)

Such distance shall be sufficiently great to furnish the required distance from the particular wire or conductor to position of such wire or conductor at temperatures of 120 F (48.9C) or less. Forked, dead, old, decadent and rotten trees; trees weakened by cat faces, decay or disease; and trees leaning toward the line, which could contact the line from the side or fall on the line, shall be felled, cut or trimmed to remove the hazard.

H115.4 Self-supporting aerial cable. Line clearance is not required for self-supporting aerial cable, except that forked trees, leaning trees, and other growth which could fall across the cable and break it shall be removed.

Section H116 Clearance of Brush or Vegetation growth from Structures

H116.1 General. Persons owning leasing, controlling operating or maintaining buildings or structures in, upon, or adjoining hazardous fire areas and persons owning, leasing, or controlling land adjacent to such buildings or structures, shall at all times:

1. Maintain an effective firebreak by removing and clearing away flammable vegetation and combustible growth from areas with 30 feet of such buildings or structure;

Exception:

single specimens of trees, ornamental shrubbery or similar plants used as ground covers provided that they do not form a means of rapidly transmitting fire from the native growth to any structure,

H116.2 Corrective actions. The town council is authorized to instruct the chief to give notice to the owner of the property upon which conditions regulated by Section 116.1 exist to correct such conditions. If the owner fails to correct the conditions, the executive body is authorized to cause the same to be done and make the expense of such correction a lien upon the property where such conditions exist.

Section H117 Clearance of Brush or Vegetation growth from Roadways

H117.1 Clearance of brush or vegetation. The Chief is authorized to cause area within 10 feet (3048 mm) on each side of proportions of hi ways and private streets which are improved, designed or ordinarily used for vehicular traffic to be cleared of flammable vegetation and other combustible growth. The Chief is authorized to enter upon private property to do so.

BUILDING

EXCEPTION:

Single specimens of tree, ornamental shrubbery or cultivated ground such as green grass, ivy succulents or similar plants used as ground cover, provided that they do not form a means of readily transmitting fire.

Section H118 Unusual Circumstances

H118 Unusual circumstances. If the chief determines the difficult terrain, danger of erosion or other unusual circumstances make strict compliance with the clearance of vegetation provisions of Sections 115, 116, or 117 of Appendix H undesirable or impractical, enforcement thereof may be suspended and reasonable alternative measures shall be provided.

Section H119 Dumping

H119.1 Dumping Garbage, cans, bottles, papers, ashes, refuse, trash, or rubbish or combustible waste materials shall not be placed deposited or dumped in or upon hazardous fire areas or in upon or along trails roadways or highways in hazardous fire areas.

EXCEPTION:

Approved public and private dumping areas.

Section H120 Disposal of Ashes

H120.1 Disposal of ashes. Ashes and coals shall not be placed deposited or dumped upon hazardous fire areas.

Exceptions:

1. In the hearth of an established fire pit, camp stove or fire place.
2. In noncombustible containers with tight fitting lids, which are kept or maintained in a safe location not less than 10 feet from combustible vegetation or structures.
3. Where such ashes or coals are buried and covered with 1 foot of mineral earth not less than 25 feet from combustible vegetation or structures.

BUILDING

Section H121

Use of Fire Roads and Firebreaks

H121.1 Use of Fire Roads and Firebreaks: Motorcycles and motor vehicles shall not be driven or parked upon, and trespassing is prohibited upon fire roads or firebreaks beyond the point where travel is restricted by a cable gate or sign, without the permission of the property owners. Vehicles shall not be parked in a manner which obstructs the entrance to a fire road or firebreak.

EXCEPTION:

Public Officers acting in the scope of their duty.

Radio and television aerials guy wires thereof, and other obstructions shall not be installed or maintained on firebreaks or fire roads unless located 16 feet or more above such fire road or firebreak.

Section H122

Use of Motorcycles, Motor scooters and Motor Vehicles

H122.1 Use of Motorcycles, Motor scooters and Motor Vehicles shall not be operated within hazardous areas without a permit by the chief except on clearly established private or public roads. Permission from the property owner shall be presented when requesting a permit.

Section H123

Tampering with Fire Department Locks Barricades and Signs

H123 Tampering with Fire Department Locks, Barricades and Signs Seals, cables, signs and markers installed within hazardous fire areas, by or under the control of the fire chief, shall not be tampered with, mutilated, destroyed or removed.

Section H124

Liability for Damages

Section 124 Liability for Damages. The expense of fire fighting operations which is the result of violation of Appendix H shall be a charge against the person whose violation of appendix H caused the fire. Damages caused by such fires shall constitute a debt of such person or persons and are collectable by the fire chief in the same manner as in the case of an obligation under a contract, expressed, or implied.

BUILDING

Section 10-1-3 Conformance with Zoning Ordinance

Whenever a building permit is issued and a building inspection performed, such building must conform to the provisions of the zoning ordinance of the town in addition to the provisions of this chapter.

Section 10-1-4 Enforcement*

The town building official is hereby authorized and directed to administer and enforce this article. The town building official is further authorized and directed to make annual inspections of all commercial buildings within the town limits for the purpose of enforcing this article. All other town law enforcement officials and agencies shall, whenever requested by the town building official, participate in and assist the town building official in the enforcement of this article to the extent that they are lawfully authorized to do so.

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 misdemeanor and shall be punished by a fine not to exceed one thousand two hundred fifty dollars or by imprisonment for not more than ninety days, or by both such fine and imprisonment. Each day that a violation continues shall be a separate offense punishable as described herein.

Article 10-2 STANDARD SPECIFICATIONS AND DETAILS***

- A. That certain document entitled "Uniform Standard Specifications for Public Works Construction," sponsored and distributed by the Maricopa Association of Governments and all amendments and addenda thereto, is hereby adopted by the Town of Carefree and made a part of this chapter as though said document were set forth in full herein; and three copies thereof shall be kept on file in the office of the town clerk and kept available for public use and inspection during office hours.

*Ordinances 87-12 and 91-07 in part

**Ordinances 87-12 and 89-26 in part

***Ordinance 85-10 (Sections 1 and 2)

BUILDING

- B. That certain document entitled "Uniform Standard Details for Public Works Construction," sponsored and distributed by the Maricopa Association of Governments, and all amendments and addenda thereto, is hereby adopted by the Town of Carefree and made a part of this chapter as though said document were set forth in full herein; and three copies thereof shall be kept on file in the office of the town clerk and kept available for public use and inspection during office hours.

Article 10-3 ARIZONANS WITH DISABILITIES ACT*

- A. Standards and specifications set forth in Title 41, Chapter 9, Articles 8, Arizona Revised Statutes (Arizonans with Disabilities Act), and its implementing rules, including "Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities" declared a public record by Resolution No. 97-03, as applying to public entities, are hereby adopted and incorporated as an amendment to the Uniform Building Code adopted in Section 10-1-2 of the Town Code and made part thereof as though fully set forth therein. Such standards and specifications shall apply to new construction and alterations and are not required in buildings or portions of existing buildings that do not meet the standards and specifications.
- B. Standards and specifications set forth in Title 41, Chapter 9, Article 8, Arizona Revised Statutes (Arizonans with Disabilities Act), and its implementing rules, including "Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities" declared a public record by Resolution No. 97-03, as applying to public accommodations and commercial facilities, are hereby adopted and incorporated as an amendment to the Uniform Building Code adopted in Section 10-1-2 of the Town Code and made part thereof as though fully set forth therein. Such standards and specifications shall apply to new construction and alterations commenced after September 3, 1996.

Article 10-4 CLEAN-BURNING FIREPLACE STANDARDS**

- A. The purpose of this Article is to regulate fireplaces, wood stoves or other solid-fuel burning devices to reduce the amount of air pollution caused by particulate matter and carbon monoxide.
- B. For purposes of this Article, the following words and terms shall be defined as follows:

*Ordinance 97-01

**Ordinance 98-14

BUILDING

1. "Fireplace" means a built-in-place masonry hearth and fire chamber of a factory-built appliance, designed to burn solid fuel or to accommodate gas or electric log insert or similar device, and which is intended for occasional recreational or aesthetic use, not for cooking, heating or industrial processes.
 2. "Solid fuel" includes but is not limited to wood, coal or other nongaseous or nonliquid fuels, including those fuels defined by the Maricopa County Air Pollution Control Officer as "inappropriate fuel" to burn in residential woodburning devices.
 3. "Woodstove" means a solid-fuel burning heating appliance including a pellet stove, which is either freestanding or designed to be inserted into a fireplace.
- C. No person shall construct or install a fireplace or a wood stove unless the fireplace or woodstove complies with one of the following:
1. A fireplace which has a permanently installed gas or electric log insert.
 2. A fireplace, woodstove or other solid-fuel burning appliance which has been certified by the United States Environmental Protection Agency as conforming to 40 Code of Federal Regulations Part 60, Subpart AAA as in effect on July 1, 1990.
 3. A fireplace, woodstove or other solid-fuel burning appliance which has been tested and listed by a nationally recognized testing agency to meet performance standards equivalent to those adopted by 40 Code of Federal Regulations Part 60, Subpart AAA as in effect on July 1, 1990.
 4. A fireplace, woodstove or other solid-fuel burning appliance which has been determined by the Maricopa County Air Pollution Control Officer to meet performance standards equivalent to those adopted by 40 Code of Federal Regulations Part 60, Subpart AAA as in effect on July 1, 1990.
 5. A fireplace which has a permanently installed woodstove insert which complies with paragraphs 2, 3 or 4 above.
- D. The following installations are not regulated by this Article and are not prohibited by this Article:
1. Furnaces, boiler, incinerators, kilns and other similar space heating or industrial process equipment.
 2. Cookstoves, barbecue grills and similar appliances designed primarily for cooking.
 3. Fire pits, barbecue grills and other outdoor fireplaces.

BUILDING

- E. No person shall alter or remove a gas or electric log insert or a woodstove insert from a fireplace for purposes of converting the fireplaces to directly burn wood or other solid fuel. No person shall alter a fireplace, woodstove or other solid fuel-burning appliance in any manner that would void its certification or operational compliance with the provision of this Article.
- F. In addition to the provisions and restrictions of this Article, construction, installation or alteration of all fireplaces, wood stoves and other gas, electric or solid-fuel burning appliances and equipment shall be done in compliance with provisions of the Comprehensive Building Safety Code and shall be subject to the permits and inspections required by the Comprehensive Building Safety Code.

Article 10-5 BLASTING OPERATIONS

- 10-5-1 Scope
- 10-5-2 Definitions
- 10-5-3 Blasting Contractor Requirements
- 10-5-4 Licensing
- 10-5-5 Certification of Fitness
- 10-5-6 Blasting Site Permit
- 10-5-7 Certificate of Insurance
- 10-5-8 Hold Harmless
- 10-5-9 Documentation
- 10-5-10 Blasting Site Permit Renewal
- 10-5-11 Conducting Blasting Operations
- 10-5-12 One-Day Supply of Explosive Materials On-Site
- 10-5-13 Temporary On-Site Explosive Material Storage Permit
- 10-5-14 Temporary On-Site Explosive Material Storage Permit Renewal

Section 10-5-1 Scope

This Article applies to the possession, storage and use of explosive materials used in conjunction with permitted blasting operations conducted within the town.

BUILDING

Section 10-5-2 Definitions

- A. "Approved" as applied to a material device, or mode of construction, means approved by the town engineer.
- B. "Attended" shall mean an unobstructed view of the on-site explosive material storage.
- C. "Barricade" shall mean an artificial mound or wall of earth the thickness of three feet or any other approved barricade that offers equivalent protection.
- D. "Certification of fitness" shall mean the documentation and results of any examinations to prove the applicant has been found satisfactory to use or transport explosives.
- E. "Explosive materials" shall mean Class A, Class B and Class C explosives, including detonators, detonating cord and blasting agents, used in conjunction with blasting operations.
- F. "Temporary" shall mean thirty to ninety calendar days or fraction thereof, or length of a specific blasting operation permit, whichever is less.

Section 10-5-3 Blasting Contractor Requirements

Prior to applying for a permit to conduct blasting operations within the town limits, the blasting contractor shall submit the following documentation to the town engineer:

- A. A copy of a valid Federal Explosives User's Permit or Federal Explosives License.
- B. A copy of the license issued by the State of Arizona Registrar of Contractors for the type of blasting operations proposed to be conducted by the contractor as follows:
 - 1. A. General Engineering. Construction in connection with fixed works requiring specialized engineering knowledge and skill, including streets and roads, power and utilities plants, dams and hydroelectric plants, sewage and waste disposal plants, bridges, tunnels and over-passes. Also included are the scopes of work allowed by all other engineering classifications.
 - 2. A-3, Blasting. The use of explosive and explosive devices for the purposes of excavation, demolition, geological exploration, mining or any related blasting. Included is any drilling, boring or earthwork required for the placement of explosive charges, the erection of temporary shelters, barricades and associated protective devices, equipment and enclosures.

BUILDING

3. AE. (As restricted by Registrar.)
4. C-15, Blasting. Use of explosives for movement of earthen materials or for demolition (residential in accordance with State of Arizona Registrar of Contractor definition.)

Section 10-5-4 Licensing

The applicant shall be a minimum of 21 years of age and shall require a minimum of two years experience in the conduct of blasting operations. Experience shall include the understanding of blasting designs, drilling of holes, loading of holes, decking stemming and wiring methods.

Section 10-5-5 Certification of Fitness

Any person requesting to conduct blasting operations within the town shall first present a current and valid Certificate of Fitness Card issued by the City of Phoenix.

Section 10-5-6 Blasting Site Permit

A blasting site permit shall be applied for with the town engineer to conduct a blasting operation at a specific site. The permit shall be valid for a period not to exceed ninety calendar days and shall be applied for a minimum of five work days prior to the proposed blasting date.

Section 10-5-7 Certificate of Insurance

The applicant shall furnish the town with a valid Certificate of Insurance on a standard insurance industry ACORD form. The certificate shall be issued by an insurance company authorized to transact business in the State of Arizona, or be named on the listed Unauthorized Insurers maintained by the Arizona Department of Insurance. The following information shall be identified:

- A. The contractor shall be named as the insured. If the insurance is provided by an individual, company or partnership other than the contractor, the contractor shall be named as an additional insured.
- B. The Town of Carefree, a municipal corporation, shall be named as an additional insured and certificate holder.

BUILDING

- C. General liability limits, including contractual liability, in the amount of \$2,000,000 combined single limit.

Note: Greater amounts, than that stated above, may be required in certain cases as deemed necessary by the town engineer or his authorized representative.

- D. A description of the operations covered under the insurance, relating to the blasting operations and storage of explosive materials if applicable.

Section 10-5-8 Hold Harmless

The contractor shall submit a hold harmless agreement in favor of the town for each blasting site location or permit applied for.

Section 10-5-9 Documentation

The contractor shall submit to the town engineer an accurately scaled drawing (1" = 100 feet) of the proposed blasting area identifying:

- A. Property lines.
- B. Proposed blasting location.
- C. Structures within a 300-foot radius of the proposed blasting site and the structure(s)' owner and street address, if applicable. Greater distances may be required in certain areas or under certain circumstances, as determined by the town engineer or his authorized representative.
 - 1. Location of all aboveground and underground utilities, i.e., natural gas piping and lines, electric lines, phone lines, water lines.
 - 2. At the time of application for a blasting site permit, the contractor shall submit proof that a pre-blast survey has been conducted of any and all structures within a 300-foot radius of the proposed blasting area. Pre-blast surveys of the structures located at distances greater than a 300 foot radius may be required in certain areas or under certain circumstances, as determined by the town engineer or his authorized representative.
 - 3. The blasting contractor or his authorized representative shall document whether there are structures within a 300 foot radius of the blasting area, in what form the pre-blast survey was conducted, and where a copy of the pre-blast survey can be located.

BUILDING

4. The contractor shall make a minimum of four attempts to contact the owner/occupant of a structure in the pre-blast survey area. At least two of the contacts shall be made during the day and two of the contacts shall be made between 6 p.m. and 9 p.m. If unsuccessful, a notarized statement detailing the address, dates, times and the name of the person making the contacts shall be submitted to the town engineer as part of the permit application package.
5. The pre-blast survey shall identify all existing damage, including cracks in walls, floors and ceiling, cracks in and around windows, loose brick and other defects found inside of and outside of buildings.
6. In addition to the information specified above, the applicant may be required to furnish, at his own expense, such additional information as may be required to evaluate the permit application. This may include, but is not limited to, the submission of a report prepared by a geological or geophysical engineer registered in the State of Arizona if the proposed blasting is to occur in a geologically sensitive area.
7. Failure to provide the required information at the time of permit application may cause the application to be returned to the contractor for resubmittal.

Section 10-5-10 Blasting Site Permit Renewal

The contractor shall apply for blasting site permit renewal a minimum of two work days prior to current permit expiration and shall follow the requirements specified under "Blasting Site Permit," above. Permit fees for blasting permit renewal shall be in accordance with the Carefree Fee Schedule.

Section 10-5-11 Conducting Blasting Operations

- A. Any and all utility companies servicing the blasting area shall be advised of the blasting operation a minimum of twenty-four hours prior to conducting the blasting operation.
- B. Prior to conducting any blasting operations, the contractor shall request that the blasting area be blue-staked when buildings or structures are located within a 300-foot radius of the proposed blast site.
- C. Blasting operations shall be conducted on weekdays, between the hours of 8:00 a.m. and 5:00 p.m. No blasting operations shall be conducted at any time on Saturday, Sunday or legal

BUILDING

holidays, except by special written permission of the town engineer or his authorized representative. The special written permission shall be obtained by the contractor a minimum of two working days prior to the proposed blasting date.

- D. Explosive materials shall not be loaded into the ground until a valid blasting operations permit, issued by the town engineer, is on site. This does not, however, prohibit the drilling of holes.
- E. The contractor shall provide and install signs reading "BLASTING ZONE 1000 FEET" and "TURN OFF 2-WAY RADIOS" on all roads within 1,000 feet of blasting operations.
- F. The Certificate of Fitness cardholder shall be in attendance at the blast area when the explosive material is loaded into the ground and shall remain in attendance until the blasting operation is completed.
- G. Type II magazines shall be used for transporting explosive materials, except blasting agents, from storage magazines to the blasting area.
- H. The blasting contractor may be required to provide written notification to the owner/occupant of each building or structure within a 300-foot radius of the blast site. The notification shall be required a minimum of twenty-four hours prior to a blasting operation.
- I. Seismic and/or air blast monitoring shall be conducted when buildings are located within a 300-foot radius of the blasting site. Prior to blasting, contractor personnel monitoring seismic and/or air blasts, shall submit a letter to the town engineer or his authorized representative documenting the individuals who have received formal training on the equipment proposed to be used, the company name who provided the training and the specific machine and model number the personnel were trained on.
- J. An accurate blasting log shall be maintained by the individual holding the Certificate of Fitness to conduct blasting operations. The log shall contain the town engineer permit number, the location of the blasting operation, date and time of each blasting occurrence, the seismic and/or air blast readings received, if applicable, and the name of the individual who conducted the monitoring, if applicable, and any other pertinent information required by the town engineer.
- K. A current copy of the blasting log shall be available at the blast site and at the contractor's office. A copy of the blasting log shall be submitted to the town engineer within seven calendar days after the expiration of the blasting permit or when requested by the town engineer or his authorized representative.
- L. Failure to submit the blasting log within the required time frame may cause the town engineer or his authorized representative to discontinue permit issuance.

BUILDING

- M. Explosives materials shall not be left lying around or in unlocked magazines where they may be accessible to children or unauthorized persons.
- N. Empty containers which held explosive materials shall be removed from the site at the end of each work day and disposed of properly. Empty containers shall not be reused.
- O. No explosive materials shall be left in the ground overnight.
- P. After a blast, all wires shall be carefully traced and a search made for any unexploded explosive materials.
- Q. After waiting one hour, all misfires shall be investigated by the Certificate of Fitness cardholder who shall determine the safe method of disposal.
- R. Blasting wires and any items or devices marked EXPLOSIVE or BLASTING CAP shall be removed from the site at the end of each blasting day and disposed of according to the manufacturers recommendations.
- S. The mixing of blasting agent components is not permitted.
- T. No person under the influence of intoxicants, narcotics or controlled substances shall handle or use explosive materials in any manner.
- U. Prior to the disposal of any explosive material, the manufacturer of the product shall be consulted for most current product information and the recommended method of disposal and/or destruction.
- V. No explosive material shall be disposed of within the town limits.

Section 10-5-12 One-Day Supply of Explosive Materials On-Site

- A. One-day supply of explosive materials shall be the quantity required to conduct one day blasting operations only.
- B. No explosive materials shall be stored overnight.
- C. A one-day supply of explosive material shall be transported to the blasting site in approved magazine(s).
- D. Detonators shall not be stored with high explosives.

BUILDING

- E. Explosive material storage shall be located a minimum of a 300-foot radius from the blasting site.
- F. At no time shall the explosive be left unattended.

Section 10-5-13 Temporary On-Site Explosive Material Storage Permit

- A. A permit for temporary on-site explosive material storage shall be applied for with the town engineer ten days prior to storing any explosive material. Payment of the permit fee shall be made at time of application.
- B. When approved by the town engineer or his authorized representative, temporary storage of explosive materials may be permitted when in compliance with the following requirements:
 - 1. The maximum quantities of explosive materials permitted to be stored on-site on a temporary basis shall not exceed the following quantities:

High explosives	5,000 pounds
Detonators	500 each
Blasting agent	45,000 pounds or one semi trailer, whichever is less
Detonating Cord	2 spools; 1000 feet each spool
 - 2. No explosive material storage shall be permitted within 500 feet of an occupied building or structure, or in established residential zoning.
 - 3. The location of storage magazines or semi-trailers used for the storage of explosive materials shall be in accordance with the American Table of Distances.
 - 4. The location of storage magazines or semi-trailers used for the storage of explosive materials shall be a minimum of 300 feet from the blasting area.
 - 5. Vegetation, brush and other combustible materials shall be maintained clear for a distance of 50 feet from the storage magazines or semi-trailers used for the storage of explosive materials.
 - 6. Barricading shall be provided as specified in accordance with the American Table of Distances.
 - 7. An eight foot high security fence shall be installed around the perimeter of the approved magazine(s) and/or semi-trailer storage site. The fence shall be locked except when in the process of receiving or removing explosive materials.

BUILDING

8. Twenty-four hour security shall be provided at the on-site explosive material storage site at any time when blasting operations are not being conducted. Contractor personnel, who are at least 21 years of age, may constitute security when in attendance at the site. In the event of an emergency, security shall meet responding emergency vehicles at the entrance to the property.
- C. Ten work days prior to storing any explosive materials on-site, the contractor shall submit to the town engineer an accurate, to scale drawing (1" to 100 feet) of the proposed storage area identifying the location of storage and documenting compliance with the above requirements.

Section 10-5-14 Temporary On-Site Explosive Material Storage Permit Renewal

The contractor shall apply for temporary on-site explosive material storage permit renewal a minimum of two work days prior to current permit expiration and shall follow the requirements specified under "Temporary On-Site Explosive Material Storage" above. Failure to renew the permit in the specified time frame shall require that all explosive materials be removed to a pre-approved site. The permit fee shall be paid at the time the permit application is submitted to the town engineer.

CHAPTER 11 STREETS AND PUBLIC WAYS

Article 11-1 STREET EXCAVATION AND CONSTRUCTION IN PUBLIC RIGHTS-OF-WAY*

- 11-1-1 Permit Required
- 11-1-2 Applications
- 11-1-3 Work Performed Without Permit
- 11-1-4 Emergencies
- 11-1-5 Manner in Which Work Shall Be Done
- 11-1-6 Inspection by Town
- 11-1-7 Permit Fees
- 11-1-8 Bond
- 11-1-9 Indemnity Provision and Insurance Required
- 11-1-10 Exception
- 11-1-11 Conflicting Work
- 11-1-12 Duty to Repairs Street
- 11-1-13 Defective Repair; Liability
- 11-1-14 Violations and Penalties

Section 11-1-1 Permit Required

No person, corporation, firm or political subdivision (other than the Town of Carefree) shall enter upon any public road, street, alley or way (collectively referred to hereinafter as "public street") or upon the right-of-way of any public street within the corporate boundaries of the town for the purpose of:

- A. Performing any construction, reconstruction, installation, removal, repair, maintenance or alternation of any pavement, curbs, gutters, driveways, sidewalks, drainage or flood control facilities, water, gas, sewer or other pipelines, irrigation and wastewater facilities, electric, television, telephone, power and communication lines; temporary and permanent structures and signs; plantings, landscaping, water or drainage systems, or decorative placements; or
- B. Grading, oiling, graveling or other surfacing of any road, street, alley or way;

without first having received a written permit from the town engineer for such work.

*Ordinance 85-9 as amended by Ordinances 87-13, 89-12, 89-13 and 89-26 in part

STREETS AND PUBLIC WAYS

Section 11-1-2 Applications

- A. All applications for permits to perform the work described in Section 11-1-1 shall be in writing on such form as shall be prescribed by the town engineer, unless waived in writing by the town engineer. The application shall be submitted at least five working days prior to the start of construction, and shall be accompanied by at least three copies of a drawing, map, blueprint, diagram or similar exhibit sufficient to illustrate clearly the location, dimension, method and purpose of the proposed work.
- B. Applicants for such permit may be either an owner or a contractor. However, the work may be performed only by a contractor, utility company, governmental agency or, in situations where the property owner proposes to do work between his property line and the back curb line, a resident owner of residential property. If the improvement to be constructed under the permit is not to become the property of the town and if the applicant is someone other than the owner, the owner shall also sign the permit form indicating that he agrees to the conditions of the permit.
- C. Permits shall be issued only to the person, corporation, firm or political subdivision making application therefor and may not be assigned. If the permittee assigns or conveys his permit, the permit shall become void.
- D. A permit shall be valid for one year from the date of issue or as otherwise indicated on the permit, unless sooner cancelled. If work is not completed within one year of the allotted time period, a new permit must be obtained for all uncompleted work. If no work is performed after a permit is obtained, the permittee may apply for a cancellation of the permit. If approved, the fee, less a processing charge, shall be refunded to the permittee.

Section 11-1-3 Work Performed Without Permit

If any work is undertaken prior to securing a permit therefor as required by Section 11-1-1, the town engineer may require the public street to be restored to its original condition prior to granting a permit, or may charge a fee of \$500 for investigation, inspection and examination of the work done prior to the issuance of a permit, in addition to the permit. Upon order of the town engineer, all work shall cease until the town engineer determines whether the public street shall be restored to its original condition or a permit for all past and proposed work shall be granted.

STREETS AND PUBLIC WAYS

Section 11-1-4 Emergencies

This article shall not prevent any person, corporation, firm, association or political subdivision from maintaining any pipe or conduit lawfully on or under any public street, road, alley or right-of-way, or from making excavation as may be necessary for the preservation of life or property when an urgent necessity therefor arises during the hours during which the offices of the town engineer are closed, except that those making emergency use shall apply for a permit within one calendar day after said office is again open.

Section 11-1-5 Manner in Which Work Shall Be Done *

Work done in the public streets shall be done in accordance with the permit and the most recently approved Uniform Standard Specifications for Public Works Construction with revisions sponsored and distributed by the Maricopa Association of Governments and with all other ordinances, rules and regulations of the town applicable to such work. The town engineer may require, in the public interest, such additional structures as designated by him to control traffic properly, provide access to adjoining property and maintain other facilities in the area.

Section 11-1-6 Inspection by Town **

The town engineer shall furnish to the applicants such inspection services as will assure that the improvements are in accordance with the permits granted and the specifications and details mentioned in this article, except that the town engineer shall not be required to furnish inspection services with respect to any water, gas or sewer mains, pipelines and facilities, or electric, telephone, power or communications lines or facilities if, and to the extent that the State of Arizona, a public service corporation or a political subdivision of the State of Arizona other than the town is responsible under any federal or state statute or regulation for the proper installation or maintenance in safe operating condition of such mains, pipelines, lines or facilities. Nothing herein shall be deemed to preclude the town from providing such inspection services and taking such other action as is necessary to ensure compliance with Section 11-1-12 with respect to any damage to the public street that occurs in connection with the construction of such mains, pipelines, lines or facilities. Any permittee doing work under any permit as set forth in this article shall notify the town engineer at least one full working day in advance of the time and place where the work will begin.

* Amended by Ordinance 01-04

** Ordinance 89-12

STREETS AND PUBLIC WAYS

Section 11-1-7 Permit Fees

The applicant shall also deposit with the town engineer, before any permit shall be issued, a permit fee to cover the town's cost of inspection and clerical services. The permit fee is established to offset the town's expenses incurred in connection with processing permit applications and inspecting work performed under the permits. The permit fee shall be computed on the basis of the units of work or value of work and shall be in an amount to be determined from time to time by resolution of the council.

Section 11-1-8 Bond

- A. The town engineer shall require each applicant referred to in this article, before granting the permit, to deposit with his office an amount in cash or a performance bond equal to one hundred percent of the cost of the work (as determined by the town engineer) proposed in the application as a guarantee that the work will be completed in accordance with the permit and the town's adopted or approved details and specifications. The town engineer shall give the applicant a receipt for such a deposit. This bond or cash deposit shall not be required where the work proposed in the permit application is also covered by a bond posted pursuant to the provisions of the town of Carefree Subdivision Ordinance.
- B. The performance bond shall be in favor of the town. The bond shall be signed by the applicant or the property owner, if he is not the applicant, as principal, with a corporation duly authorized to transact surety business in the state. The condition of the bond shall be that the applicant will faithfully complete the work described in the application in accordance with the plans, specifications and conditions thereof. The bond shall be released upon satisfactory completion and acceptance of the work, or may be cancelled after the applicant has provided other security satisfactory to the town which will cover the obligations that remain.
- C. No deposit shall be less than fifty dollars on work done under this article.
- D. In instances where an applicant is issued numerous small permits throughout the year, he may post a continuing bond to cover work under more than one permit. However, this continuing bond provision is not intended for use on new subdivision type work. The continuing bond shall be of a value sufficient to cover all work under construction by the permittee at any time and shall be satisfactory to the town engineer.
- E. The bond is subject to cancellation as noted above, or may be terminated after all obligations are fulfilled which are "permitted" prior to the town engineer receiving cancellation notice from surety.
- F. Arizona public service corporations, as defined by A.R.S. Section 40-201 et seq., with assets of one hundred million dollars or more, as evidenced by the most recent annual report filed

STREETS AND PUBLIC WAYS

with the Arizona Corporation Commission, may deposit with the town engineer a Letter of Responsibility in lieu of the performance bond required in this section. The letter shall be to the town and signed by a duly authorized representative of the corporation. The letter shall obligate the applicant to complete faithfully the work described in the application in accordance with the plans, specifications and conditions thereof.

Section 11-1-9 Indemnity Provision and Insurance Required

- A. The permittee agrees to indemnify and save harmless the town and its elected or appointed officers, agents, boards, commissions, employees and representatives from all suits, including attorneys' fees and costs of litigation, actions, laws, damage, expense, cost or claims, of any character or of any nature arising out of or in connection with any act or omission of the permittee, his agents and employees, and of any subcontractor, his agents and employees, in the course of the performance of the work under permit which results directly or indirectly in the injury to or death of any person or persons or the damage of any property of any person or persons, or on account of any act, claim or amount arising or recovered under workers' compensation law, or arising out of any failure of the permittee or those acting under permittee to conform to any statutes, ordinances, regulations, laws or court decrees. It is the intent of the permittee and the town that the town shall, in all instances, be indemnified by the permittee against all liability, losses and damages of any nature whatever for or on account of any injuries to or death of persons or damages to or destruction of property belonging to any person arising out of or in any way connected with the performance of this permit, whether the liability, loss or damages caused by, or alleged to be caused in whole or in part by the negligence, gross negligence or fault of the town or of its officers, agents or employees.
- B. The permittee shall take out and maintain during the life of the permit workers' compensation insurance for all of his employees employed at the site of the project, and, in case any work is sublet, the permittee shall require the subcontractor similarly to provide workers' compensation insurance for all the latter's employees unless such employees are covered by the protection afforded by the permittee. In case any class of employees engaged in hazardous work under this contract at the site of the project is not protected under the workers' compensation statute, the permittee shall provide, and shall cause each subcontractor to provide, protection equal to that required by law for the protection of his employees not otherwise protected.
- C. Except as hereinafter provided, no applicant shall be entitled to a permit under this article unless and until he procures, maintains and delivers to the town engineer a certificate of insurance covering public liability and property damage issued by an insurance company authorized to transact business in the state, as shall protect the applicant or contractor and any subcontractor performing any work covered by the permit from claims for damages for personal injury, including death, as well as from claims for property damages which may arise from or be related to operations under the permit, or by anyone directly or indirectly employed

STREETS AND PUBLIC WAYS

by any of the foregoing. Such insurance shall contain coverage for explosions, collapse and underground operations. Such insurance shall be primary and provide coverage for all liability assumed by the applicant under this section. The policy limits of such liability insurance shall contain not less than the following limits of coverage:

1. Five hundred thousand dollars for death or bodily injury or loss sustained by any one person per occurrence;
 2. One million dollars for death or bodily injury or loss sustained by more than one person per occurrence;
 3. Five hundred thousand dollars for loss sustained by damage or loss to property occasioned per occurrence.
- D. Failure by the applicant to provide the town engineer with a certificate of insurance, and failure by the town engineer to demand the delivery by permittee of such a certificate before a permit is issued, shall not be deemed to waive permittee's obligation to provide the insurance specified in this section. The permittee shall maintain said insurance in full force and effect until all work is complete and the permit has been released. Where an encroachment involves a permanent obstruction, the insurance requirements shall remain in effect until such obstruction is removed. The insurance policy shall not be cancelled or changed without first providing fifteen days written notice of such action to the town engineer.

Section 11-1-10 Exception

No insurance policy or performance bond shall be required as a condition precedent to the issuance of a permit to a resident owner of a residential property where he proposes to perform construction in front of his own property or a federal, state, county or municipal agency or political subdivision.

Section 11-1-11 Conflicting Work

No permit shall be issued for work within a right-of-way in which a contractor is engaged in a town road project without written permission from the contractor accompanying the application for the permit.

STREETS AND PUBLIC WAYS

Section 11-1-12 Duty to Repair Street

It shall be the duty of every person, corporation, firm, association or political subdivision working in the public right-of-way to restore and repair the same in accordance with town standards and specifications and in such manner that it is returned as nearly as practicable to its original condition and to maintain such restoration and repair for a period of not less than one year after its completion.

Section 11-1-13 Defective Repair; Liability

- A. Any person, corporation, firm, association or political subdivision who fails, neglects or refuses to repair or maintain the repair to the public street as required by Section 11-1-12 shall be given a written notice by the town engineer to repair the public street. Such notice shall contain a brief statement of the violations and the name, address and phone number of a town representative who may be contacted for further information. The notice shall further inform such persons that failure to comply with the notice within the stated time will cause the town to perform such work with the costs of such work and related administrative charges being billed to the person notified at twice the town's out-of-pocket costs that will be incurred.
- B. The town engineer shall have the authority to determine the date of completion of the initial repair and whether or not the repair has been satisfactorily maintained for a period of one year. In determining whether or not a repair has been satisfactorily maintained, the town engineer shall apply normal engineering practice for the type of street, road, alley or way in question and such other applicable standards as are on file with the town engineer's office.
- C. When any person to whom notice has been given fails, neglects or refuses to repair or maintain the public street by the date set for compliance in the notice, the town engineer or his duly authorized representative shall repair or maintain the public street and do such other action as necessary to abate the failure to repair the public street. Upon completion of the work, the person who was given notice and failed to repair or maintain the public street within the time period set in the notice shall become liable to pay to the town, as liquidated damages and not as a penalty, a sum equal to twice the out-of-pocket costs incurred by the town for the repairs set forth in the notice. Such out-of-pocket costs shall include all materials, labor and tooling charges at the rates actually paid therefor, but not any amount for overhead or administration.

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 misdemeanor and shall be punished by a fine of not to exceed one thousand two hundred fifty

STREETS AND PUBLIC WAYS

dollars or by imprisonment for a period not to exceed ninety days, or both such fine and imprisonment. Each day that a violation continues shall be a separate offense punishable as hereinabove described.

Article 11-2 VACATING PUBLIC ROADS, ALLEYS AND WAYS*

- 11-2-1 Application; Fee
- 11-2-2 Notice of Hearing
- 11-2-3 Notice to Utilities and Abutters
- 11-2-4 Hearing and Recommendation of Planning and Zoning Commission
- 11-2-5 Vacation of Any Street, Alley or Public Easement
- 11-2-6 Disposition of Property Underlying Vacated Property

Section 11-2-1 Application; Fee

- A. The town engineer, on behalf of the town, or any other resident or land owner of the town, may apply to the council for the vacation by the town of all or any portion of any public street, alley or easement located within the town.
- B. All such applications for vacation shall be submitted to the town clerk and shall contain the following information:
 - 1. An accurate legal description of the street, alley or easement, or portion thereof, sought to be vacated.
 - 2. The names and addresses of all affected public utilities and of all residents and land owners abutting upon the roadway proposed to be vacated.
 - 3. A complete, written explanation by the applicant with regard to why the vacation is sought.
- C. At the time of filing an application for vacation of a public street, alley or easement, the applicant, if other than the town engineer on behalf of the town, shall pay a fee of five hundred dollars to cover the legal and administrative costs incurred by the town in processing the application for vacation.

*Ordinance 86-15

STREETS AND PUBLIC WAYS

Section 11-2-2 Notice of Hearing

- A. Upon receipt of a complete application for vacation, the town clerk shall cause to be published and posted a notice of public hearings upon said application to be held before the planning and zoning commission and the council. Publication shall be made at least once in any newspaper of general circulation within the town at least fifteen days prior to the hearing before the planning and zoning commission, and posting shall be made not later than the required date for publication. Notice shall be posted beside the roadway sought to be vacated at intervals of not less than every three hundred feet thereof.
- B. All of the notices shall contain the nature of the request, a legal description of the property to be vacated, the time and place of hearing and a statement that anyone wishing to protest the proposed vacation may do so at the hearing in person or by writing.
- C. Publication and posting of the notices of hearings before the planning and zoning commission and the council shall be made simultaneously.

Section 11-2-3 Notice to Utilities and Abutters

Prior to the required dates for publication and posting, the town clerk shall cause to be mailed copies of the notices required to be published and posted pursuant to Section 11-2-2 to all affected public utilities, residents and land owners identified in the application and referred to in subsection B, paragraph 2 of Section 11-2-1.

Section 11-2-4 Hearing and Recommendation of Planning and Zoning Commission

After its public hearing, noticed pursuant to Section 11-2-2, the planning and zoning commission shall make a recommendation to the council with respect to whether the application for vacation should be approved or disapproved, in whole or in part.

Section 11-2-5 Vacation of Any Street, Alley or Public Easement

After its public hearing, noticed pursuant to Section 11-2-2, the council may, by resolution duly adopted, vacate any street, alley or public easement located within the town and close it to public use upon the effective date of the resolution. Upon passage of the resolution of vacation, such vacation shall become final, and the town clerk shall be authorized to provide any one with a copy of said resolution.

STREETS AND PUBLIC WAYS

Section 11-2-6 Disposition of Property Underlying Vacated Property

In any resolution of vacation, the council shall provide for the disposition of any property underlying any vacated street, alley or public easement where any interest therein is owned by the town, in accordance with the requirements of Arizona law.

Article 11-3 POSTING OF SIGNS IN PUBLIC RIGHTS-OF-WAY; PERMITS*

- 11-3-1 Prohibition of Signs in Town Rights-of-Way except as Allowed by this Article
- 11-3-2 Posting of Political Signs in the Town Rights-of-Way Permitted
- 11-3-3 Regulations Pertaining to Posting of Other Signs
- 11-3-4 Forfeiture of Unauthorized Sign Discovered in Rights-of-Way
- 11-3-5 Violations and Penalties

Section 11-3-1 Prohibition of Signs in Town Rights-of-Way except as Allowed by this Article**

- A. No person or political subdivision (other than the Town of Carefree) shall erect, place or post any sign within any public right-of-way belonging to the town except as specifically authorized by this article.
- B. "Sign" for purposes of this article, shall mean any device providing identification, advertising or directional information for a business, service, product, person, organization, place, or building. Included in this definition of signs are graphic devices such as logos and attention-attracting items such as banners or logo sculptures, and obtrusive colored fascia.

Section 11-3-2 Posting of Political Signs in the Town Rights-of-Way Permitted***

- A. A political sign is allowed to be placed in the Town of Carefree public right-of-way if all of the following conditions are met:
 - 1. The sign supports or opposes a candidate for public office or supports or opposes a ballot measure.

*Ordinance 89-18

**Modified by Ordinance 01-01

***Repealed by Ordinance 2008-01, Ordinance 2012-01

STREETS AND PUBLIC WAYS

2. The sign shall be located in the public right-of-way only during the period commencing 60 days before a primary election and ending 15 days after the general election, except that, for a sign for a candidate in a primary election who does not advance to the general election, the period ends 15 days after the primary election. The person or political subdivision responsible for erecting the sign shall be liable for removal of the sign.
 3. The sign shall not be placed in a location that is hazardous to public safety, obstructs clear vision in the area and/or interferes with the requirements of the Americans with Disabilities Act (42 United States Code sections 12101 through 12213 and 47 United States Code sections 225 and 611).
 4. If the sign is located in an area zoned for residential use, the sign shall have a maximum area of 16 square feet. If the sign is located in any other area, the sign shall have a maximum area of 32 square feet.
 5. The sign shall contain the name and telephone number of the candidate and/or campaign committee contact person.
- B. If the town deems that the placement of a political sign constitutes an emergency, it may immediately relocate the sign. The town shall notify the candidate or campaign committee that placed the sign within 24 hours after the relocation. If a sign is placed in violation of subsection A and the placement is not deemed to constitute an emergency, the town may notify the candidate or campaign committee that placed the sign of the violation. If the sign remains in violation at least 24 hours after the town notified the candidate or campaign committee, the town may remove the sign. The town shall contact the candidate or campaign committee contact and shall retain the sign for at least ten business days to allow the candidate or campaign committee to retrieve the sign without penalty.
- C. A town employee acting within the scope of his/her employment is not liable for an injury caused by the failure to remove a sign pursuant to subsection B unless the employee intended to cause injury or was grossly negligent.
- D. No sign is allowed on any structure owned by the town.
- E. Subsection A does not apply to rights-of-way located within the commercial tourism and commercial resort sign free zones listed below and established in Carefree Resolution 2012-01:
1. Zone 1:
 - (a) Tom Darlington Drive from the southern town limits to Cave Creek Road
 - (b) Cave Creek Road from the western town limits to the eastern town limits

STREETS AND PUBLIC WAYS

- (c) Cave Creek Road from Carefree Highway to the northern town limits
 - (d) Pima Road from Stagecoach Pass to Cave Creek Road
 - (e) Stagecoach Pass from Tom Darlington Drive to Mule Train Road
 - (f) Mule Train Road from Stagecoach Pass to Carefree Drive
 - (g) Carefree Drive from Easy Street to Mule Train Road
 - (h) Tranquil Trail from Cave Creek Road to Carefree Drive
- (2) Zone 2: rights-of-way within the area bounded by and including Tom Darlington Drive, Cave Creek Road, and Bloody Basin Road.

Section 11-3-3 Regulations Pertaining to Posting of Other Signs*

A person may erect, place or post in the town rights-of-way temporary "Open House" signs subject to the following provisions:

- A. Such "Open House" signs conform with the format, content and posting requirements of Section 8.03(12)(K) of the 2004 Amended Zoning Ordinance for the Town of Carefree, or any successor provision.

Section 11-3-4 Forfeiture of Unauthorized Sign Discovered in Rights-of-Way

Any sign erected, posted or placed in any town right-of-way in contravention of this article is hereby declared to be contraband and upon discovery thereof shall be immediately seized by any town employee or official finding the same.

*Amended by Ordinance 2013-07 and 2016-01

STREETS AND PUBLIC WAYS

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 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, 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.

Article 11-4 Street Excavation and Construction in Private Streets and Public Utility Easements *

- A. All street excavation and construction in private streets and public utility easements including construction, reconstruction, installation, removal, repair, maintenance or alteration of any pavement, curbs, gutters, drainage or flood control devices, water, gas, sewer or other pipelines, irrigation and waste water facilities, electric, television, telephone, power and communication lines, shall be done in accordance with the most recently approved Uniform Standard Specifications for Public Works Construction with revisions sponsored and distributed by the Maricopa Association of Governments and with all other ordinances, rules and regulations of the Town applicable to such work.
- B. It shall be the duty of every person, corporation, firm, utility company, contractor, association or political subdivision working in private streets and public utility easements to restore and repair the same in such manner that it is returned as nearly as practicable to its original condition and to maintain such restoration and repair for a period of not less than one year after its completion. Except in cases of emergency and for single customer connections, prior to performing any street excavation and construction in private streets and public utility easements, the person or entity responsible for the work shall notify the owner of the property in writing at least sixty (60) days in advance of any work providing a reasonable description of the work to be accomplished, the estimated period of time to complete such work, and the name, address and telephone number of the person, corporation, firm or political subdivision performing the work.
- C. Prior to commencing any such work, the person or entity responsible for performing the work will procure and maintain a certificate of insurance covering liability and property damage issued by an insurance company authorized to transact business in the State of Arizona, as shall protect the person or entity responsible for performing the work from claims for damages for personal injury, including death, as well as from claims for property damages which may arise from or be related to the work or by anyone directly or indirectly employed by any of the foregoing. Such insurance shall contain coverage for explosions, collapse and underground

STREETS AND PUBLIC WAYS

operations. Such insurance shall be primary and shall provide coverage for all liability under this section. The policy limits of such liability and property damage insurance shall contain not less than the following limits of coverage: (1) \$1 million for death or bodily injury or loss sustained by anyone person per occurrence; (2) \$2 million for death or bodily injury or loss sustained by more than one person per occurrence; (3) \$1 million for loss sustained for damage to property occasioned per occurrence. Such insurance shall be maintained in full force and effect until all work is complete.

- D. Any person upon admission or conviction of violating any provision of this Article shall be guilty of a Class One misdemeanor and shall be punished by a fine not to exceed Two Thousand Five Hundred Dollars (\$2,500.00), by imprisonment for a period not to exceed six (6) months, by a term of probation not to exceed three (3) years, or by any combination of such fine, imprisonment and probation.

CHAPTER 12 ZONING AND SUBDIVISIONS

Article 12-1 PLANNING AND ZONING

That certain document entitled the Town of Carefree 1991 Amended Planning and Zoning Ordinance adopted by Ordinance 85-13 and the amendments thereto including but not limited to Ordinances 87-08, 88-12, 89-14, 89-17, 90-09, 91-05, 92-05, 95-10, 95-11, 96-04, 96-10, 98-12, 99-08, 05-03, 05-05, 05-06, 06-05, 2007-03, 2007-05, 2009-04, 2010-01, 2010-02, 2010-06, 2010-11, 2011-01, 2011-02, 2011-08, 2012-02, 2012-04, 2013-01, 2013-02, 2013-03, 2013-06, 2014-03, 2015-02, and 2016-04 is hereby ratified and made a part of this code the same as if specifically reenacted hereby. At least three copies of said code and amendments shall be kept on file in the office of the town clerk.

Article 12-2 SUBDIVISIONS

That certain document entitled the Town of Carefree 2011 Subdivision Ordinance adopted by Ordinance 2011-07 and the amendments thereto including but not limited to Ordinance 2012-03 and 2015-03 is hereby ratified and made a part of this code the same as if specifically reenacted hereby. At least three copies of said code and amendments shall be kept on file in the office of the town clerk.

ZONING AND SUBDIVISIONS

CHAPTER 13 CABLE TELEVISION

Article 13-1 CABLE TELEVISION CODE

That certain document known as the Cable Television Code for the Town of Carefree adopted by Ordinance 87-05 and the amendments thereto including but not limited to Ordinances 87-15 and 03-01 is hereby ratified and made a part of this code as if specifically reenacted hereby. At least three copies of said code and amendments shall be kept on file in the office of the town clerk.

CABLE TELEVISION

CHAPTER 14 FIRE PREVENTION

Article 14-1 GENERAL PROVISIONS*

14-1-1 Fire Protection Services

Section 14-1-1 Fire Protection Services

From and after the effective date of the adoption of Ordinance 2007-02, the Town of Carefree, Arizona shall provide fire protection and emergency medical services to all of its residents within its incorporated boundaries, as they exist now or as they may be amended from time to time by operation of law in the future.

FIRE PREVENTION

CHAPTER 15 TOWN PROPERTY TAX

Article 15-1 GENERAL PROVISIONS*

- 15-1-1 Property tax proposals
- 15-1-2 Property tax or increase

Section 15-1-1 Property tax proposals.

An affirmative vote of two-thirds of the members of the Carefree Common Council is required to present any property tax proposal to the registered voters of the town.

Section 15-1-2 Property tax or increase.

A majority vote of the registered voters of the Town of Carefree voting on the issue is required before any Carefree Town property tax or increase in existing Carefree Town property tax previously approved by the Carefree voters shall be enacted.

TOWN PROPERTY TAX

TOWN PROPERTY TAX

INDEX

Index

- A -

Abatement of Dangerous Buildings	10- 1- 1
Acts by Agents	1- 3- 2
Additional Rules of Construction	1- 4- 1
Administration	
Additional Officers	3- 1- 2
Additional Powers and Duties	3- 1- 5
Administrator	3- 2- 1
Attorney	3- 2- 5
Bond	3- 1- 3
Building Official	3- 2- 6
Clerk	3- 2- 2
Engineer	3- 2- 4
Marshal	3- 2- 3
Officers	3- 1- 1
Vacancies; Holding More Than One Office	3- 1- 4
Adobe Code	10- 1- 1
Alarm System Devices or Services, Regulating the Activities and Responsibilities of Those Persons Who Purchase, Rent, or Use	5- 4
All Terrain Vehicles	6- 2- 5
Animals	
Dangerous Animals	5- 1- 2
Definitions	5- 1- 1
Dogs Not Permitted at Large	5- 1- 3
Housing	5- 1- 6
Noises and Sanitary Requirements	5- 1- 4
Strays	5- 1- 5
Swine	5- 1- 7
Violations and Penalties	5- 1- 8
Arizonans with Disabilities Act	10- 3
Attorney	3- 2- 5

- B -

Blasting Operations	10- 5
Bond, Mayor and Council	2- 1- 7
Bond, Officers	3- 1- 3
Building Code	
Adoption	10- 1- 1
Amendments	10- 1- 2
Conformance to Zoning Code	10- 1- 3
Enforcement	10- 1- 4
Violations and Penalties	10- 1- 5
Building Official	3- 2- 6

Business License, Annual	
Appeals	8-3-7
Compliance and Violations	8-3-5
Exemptions	8-3-3
License Procedures	8-3-2
License Requirements	8-3-1
Revocation or Suspension	8-3-6
Signage	8-3-4

- C -

Cable Television Code	13- 1
Camping in Public Places	6- 4- 1
Carport Sales	8- 2
Civil Offenses; Enforcement of Sanctions	
Appearance by Defendant	1- 9- 4
Authority to Issue Citation	1- 9- 3
Collection of Civil Sanctions	1- 9- 7
Commencement of Proceedings	1- 9- 2
Default Judgment	1- 9- 5
Imposition of Civil Sanction	1- 9- 1
Payment of Alternative Sanction	1- 9- 8
Responsibility for Motor Vehicle Location Violations	1- 9- 9
Rules of Procedure	1- 9- 6
Clerk	3- 2- 2
Code	
Definition	1- 3- 4
Definitions, General	1- 3
Effective Date	1-11
How Designated and Cited	1- 1
Rules of Construction	1- 2
References to	1- 4- 2
Repeal - Effect of	1- 6
Severability of Parts of Code	1- 7
Commercial Trucks and Truck Routes	7- 2- 7
Conflicting Provisions	
Different Chapters	1- 4- 3
Same Chapter	1- 4- 4
Congregating or Loitering on Street or Sidewalk	6- 4- 4
Corporate Powers	2- 1- 2
Council	
Bond	2- 1- 7
Code of Conduct	2- 1- 5
Compensation	2- 1- 4
Corporate Powers	2- 1- 2
Defined	1- 3- 5

Financial Disclosure Statement	2- 1- 8
Gifts and Favors, Disclosure of Acceptance of	2- 1- 6
Limitation of Terms	2- 1- 9
Members	2- 1- 1
Oath of Office	2- 1- 5
Procedure	
Agenda	2- 4- 6
Committees and Commissions	2- 4- 8
Meetings to be Public	2- 4- 4
Notice and Cancellation of Meetings	2- 4- 2
Order of Business	2- 4- 7
Quorum	2- 4- 5
Regular Meetings	2- 4- 1
Special Meetings	2- 4- 3
Suspension of Rules	2- 4-10
Voting	2- 4- 9
Sanctions	2- 1- 11
Use of Staff	2- 1- 10
Vacancies	2- 1- 3
County	
Defined	1- 3- 6
Court Employees	4- 5
Court Enhancement Fund and Court Default Cost	
Collection of Fees and Costs	4- 7- 2
Court Enhancement Fund	4- 7- 1
Private Collection Agency Transaction Fees	4- 8
Curfew Hours for Minors	6- 5

- D -

Day	
Defined	1- 3- 7
Daytime, Nighttime	
Defined	1- 3- 8
Debris, Removal of	6- 1
Department, Board, Commission, Office, Officer or Employee	
Defined	1- 3- 9
Dogs	
See Animals	

- E -

Elected Officers	2- 1- 1
Election	
Candidate Financial Disclosure	2- 3- 4
General Election	2- 3- 3
Non-Partisan Ballot	2- 3- 2
Primary	2- 3- 1
Electrical Code	10- 1- 1

Engineer	3- 2- 4
Estate/Carport Sales	8- 2

- F -

Financial Disclosure Statement	2- 1- 8
Fire Code	10- 1- 1
Fire Protection Services	14-1-1
Fireplace Standards	10- 4
Fireworks	
Authority to Enforce Violations; Means of Enforcement	6-7-5
Definitions	6-7-1
Liability for Emergency Responses Related to; Definitions	6-7-6
Penalty	6-7-7
Prohibited; Exceptions	6-7-2
Sale	6-7-3
Signs, Posting of By Persons Engaged in Sale of	6-7-4

- G -

Garage Sales	8- 2
Garbage Collection	5- 5
Gender	
Defined	1- 3-10

- H -

Heretofore and Hereafter	
Defined	1- 3-11

- I -

Indemnification of Officers and Employees	2- 7
Initiative and Referendum	
Number of Signatures and Procedures for Verifying Signatures	2- 6- 2
Power Reserved; Time of Election	2- 6- 1
Sample Ballots and Publicity Pamphlets	2- 6- 4
Time of Filing	2- 6- 3
In the Town	
Defined	1- 3-12

- J -

Jail Services Recovery Fee	4- 6
Collection of Fee	4- 6- 2
Nonpayment of Fee	4- 6- 3
Payment of Costs	4- 6- 1
Joint Authority	
Defined	1- 3-13

Judge	
See Magistrate	
Jurisdiction	
of Magistrate Court	4- 1
- K -	
- L -	
Landscaping Debris	
Offenses	6 -6- 1
Violations and Penalties	6- 6- 2
Litter Removal	
Appeal to Council	6- 1- 4
Definition	6- 1- 1
Lien for Removal	6- 1- 6
Notice to Remove	6- 1- 3
Owner to Maintain Premises	6- 1- 2
Removal by City	6- 1- 5
Service of Notice	6- 1- 7
Loitering	6- 4- 4
- M -	
MAG Standard Specifications and Details	10- 2
Mayor	
Acting Mayor	2- 2- 3
Defined	1- 3-14
Failure to Sign Documents	2- 2- 5
Powers and Duties	2- 2- 4
Powers and Duties of Council Members	2- 2- 6
Selection of	2- 2- 1
Vacancy	2- 2- 1
Vice Mayor	2- 2- 2
Mechanical Code	10- 1- 1
Month	
Defined	1- 3-15
Municipal Court	
Court Employees	4- 5
Established; Jurisdiction	4- 1
Officers	
Associate Judges	4- 2- 2
Powers and Duties	4- 2- 4
Presiding Judge	4- 2- 1
Proceedings	4- 3
Public Defender	4- 4
Temporary Judge	4- 2- 7

Relationship with Appointed and Funding Authority	4- 2- 5
Revenues	4- 2- 6
Vacancies, Filling of	4- 2- 3

- N -

Noise	6- 2- 4
-------	---------

- O -

Oath	
Defined	1- 3-16
Oath of Office	2- 1- 6
Offenses	
All Terrain Vehicles	6- 2- 5
Debris, Removal of	6- 1
Fireworks	6-7
Littering	6- 2- 3
Noise	6- 2- 4
No Shooting	6- 3
Nuisances	6- 2
Trespassing	6- 4- 1
Officers	
Additional	3- 1- 2
Additional Powers and Duties	3- 1- 5
Administrator	3- 2- 1
Attorney	3- 2- 5
Bond	3- 1- 3
Building Official	3- 2- 7
Clerk	3- 2- 2
Engineer	3- 2- 4
In General	3- 1- 1
Magistrate	4- 2- 1
Marshal	3- 2- 3
Prosecutor	3- 2- 7
Vacancies; Holding More Than One Office	3- 1- 4
Ordinances	
Additional Rules	1- 4- 1
Conflicting Provisions--Different Chapters	1- 4- 3
Conflicting Provisions--Same Chapter	1- 4- 4
Construction of	1- 2
Effective Date of	2- 5- 3
Exempt from Repeal	1-10- 2
Introduction	2- 5- 1
Posting of	2- 5- 6
Publishing of	2- 5- 5
References to Code	1- 4- 2
Repeal of	1-10

Requirements for	2- 5- 2
Signatures Required	2- 5- 4
Owner	
Defined	1- 3-17

- P -

Parking	7- 3
Penalty for Violation of Code	1- 8
Person	
Defined	1- 3-18
Personal Property	
Defined	1- 3-19
Plumbing Code	10- 1- 1
Pools Code	5- 2
Preceding, Following	
Defined	1- 3-20
Private Pools Barrier Code	5- 3
Barrier Details	5- 3- 3
Definitions	5- 3- 1
Pool Enclosures	5- 3- 2
Violations and Penalties	5- 3- 4
Property	
Defined	1- 3-21
Property Tax	
Proposals	15-1-1
Tax or Increase	15-1-2
Publication of Ordinances	2- 5- 6
Public Roads, Vacating	11- 2

- Q -

- R -

Real Property	
Defined	1- 3-22
References to this Code	1- 4- 2
Repeal	
Effect of	1- 6
Effective Date	1-10- 1
Ordinance, Exemption From	1-10- 2

- S -

Sales Tax	
See Transaction Privilege Tax	
Section Headings	1- 5
Severability of Parts of Code	1- 7

Shall, May	
Defined	1- 3-23
Shall Have Been	
Defined	1- 3-24
Signature or Subscription by Mark	
Defined	1- 3-25
Signs - Town Right-of-Way	11- 3
Solicitation Code	
Appeals	8- 1- 8
Application to Marshal	8- 1- 3
Charitable Organizations	8- 1- 4
Fees	8- 1- 5
License Required	8- 1- 1
Possession and Display of License	8- 1- 6
Revocation of License	8- 1- 7
Signs to be Observed	8- 1- 2
Violations and Penalties	8- 1- 9
Speed Limits	7- 2- 1
State	
Defined	1- 3-26
Street Excavations; public	11- 1
Street Excavations; private	11- 4
Subdivisions	12- 2

- T -

Tax	
See Transaction Privilege Tax and Solicitation Code	
Tenant or Occupant	
Defined	1- 3-27
Tenses	
Defined	1- 3-28
Time	
Computation - Defined	1- 3-29
Reasonable - Defined	1- 3-30
Town	
Defined	1- 3-31
Traffic	
Bicycles	7- 4
Control	
Commercial Trucks and Truck Routes	7- 2- 7
Four Way Stops	7- 2- 4
Manual on Uniform Devices	7- 2- 5
One Way Street	7- 2- 3
Parades and Processions	7- 2- 6
Speed Limits	7- 2- 1
Through Streets	7- 2- 2
Vacant Lots	7- 2- 8

General Provisions	
Directing Traffic	7- 1- 5
Duty of Marshal	7- 1- 2
Investigation of Accidents	7- 1- 3
Records of Accidents	7- 1- 4
Streets Regulated	7- 1- 1
Motorized Goped Scooters	7- 4
Motorized Skateboards	7- 4
Parking	7- 3
Skateboards	7- 4
Violations and Penalties	7- 5
Transaction Privilege Tax	
Adoption of Model Tax Code	9- 1
	- U -
Uniform Building Codes	10- 1- 1
	- V -
Vacating Public Roads, Alleys and Ways	11- 2
Vehicles in Parks	6- 4- 2
Vice Mayor	2- 2- 2
	- W -
Week	
Defined	1- 3-32
Writing	
Defined	1- 3-33
	- X -
	- Y -
Year	
Defined	1- 3-34
	- Z -
Zoning	12- 1
(See also supplemental index on following page)	

Supplemental Zoning Ordinance Index:

<u>Topic</u>	<u>See Zoning Ordinance Page</u>
Accessory Buildings	20 & 56
Amendments to Zoning Ordinance	98-101
Boats and campers (location of)	64
Board of Adjustment	90-91
Carports	24
Color regulations	65
Dish Antenna	20-21
Drainage regulations	21-22
Fees	102-103
Fences	16 and 20
Flood control regulations	15
Garbage (storage of)	67
Garages	21 and 24
Grading regulations	21, 22 & 37
premature clearance	69
Guest house	82
Height regulations	21, 45, 58
Home occupations	20
Horses	16
Landscaping and restoration provisions	69-78
Lighting	46, 65-67
Loading and unloading regulations	62
Streets, major, local, collector	59
Lot area - see zoning district	
Neighborhood unit plan of development	82-84
Non-conforming uses	81 & 87
Open space regulations	57-58
Parking regulations	24, 39, 59-61
Planning and Zoning Commission	88
Principal Building (minimum size)	67
Private Road	67
Retaining walls	22-23
 SIGNS	

R190 - R1-10 zoning district:	
address	16-17
permanent directional	17
temporary directional	17-18
temporary real estate	18-19
temporary free standing	19
temporary free standing signs pertaining to the sale of a subdivision	19
crime prevention	19
R3 zoning district:	
permanent directional	35-36
temporary real estate	36
R5 zoning district: (same as those permitted R-3 zoning district)	
resort hotels	40-41
churches	41
Garden office zoning district	44-45
C1-C3 zoning districts:	
permanent directional signs	49
temporary real estate signs	49-50
on site advertising signs	50
Additional sign regulations	62
Solar collector regulations	65
Special uses	79-80
Street setback lines	59
Swimming pool (private)	20
Temporary buildings and uses	62-64
Temporary use permits	93-94
Tennis Court (private)	20
Underground storage tanks	67
Use regulations: see zoning districts	
Utility poles and wires	68-69
Variances	95
Yards: see zoning districts	