

MARICOPA COUNTY

P-27

VEHICLE PARKING AND USE ON UNSTABILIZED VACANT LOTS

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Draft Ordinance P- 27 Vehicle Parking and Use On Unstabilized Vacant Lots
for Public Workshop on September 30, 2008 at 9:00 a.m.
at Maricopa County Air Quality Department, 1001 N. Central Ave. - Suite 560, Phoenix, AZ 85004
Comments due October 17, 2008 by 5:00 p.m. Contact Kathleen Sommer at (602) 506-6706

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Adopted 08/02/08

**MARICOPA COUNTY
AIR POLLUTION CONTROL REGULATIONS**

P-27

VEHICLE PARKING AND USE ON UNSTABILIZED VACANT LOTS

SECTION 1 - GENERAL

- A. PURPOSE:** This Ordinance restricts all vehicle parking and use on unstabilized vacant lots.
- B. APPLICABILITY:** This Ordinance applies to vehicle parking and use in the unincorporated sections of Area A that are within Maricopa County.

SECTION 2 - DEFINITIONS: For the purpose of this Ordinance, the following definitions shall apply:

- A. AREA A -** The part of the greater Phoenix metropolitan area where specific pollution control programs are in place for ozone, carbon monoxide, and particulate matter. As defined in Arizona Revised Statutes (ARS) §49-541(1), the area in Maricopa County delineated as follows:

Township 8 North, Range 2 East and Range 3 East
Township 7 North, Range 2 West through Range 5 East
Township 6 North, Range 5 West through Range 6 East
Township 5 North, Range 5 West through Range 7 East
Township 4 North, Range 5 West through Range 8 East
Township 3 North, Range 5 West through Range 8 East
Township 2 North, Range 5 West through Range 8 East
Township 1 North, Range 5 West through Range 7 East
Township 1 South, Range 5 West through Range 7 East
Township 2 South, Range 5 West through Range 7 East
Township 3 South, Range 5 West through Range 1 East
Township 4 South, Range 5 West through Range 1 East

- B. DESIGNATED OR OPENED TRAIL SYSTEM -** Roads or routes that are part of a system of trails and that are designated or opened by a government land management agency by order, sign, and/or map approved by such agency.
- C. ROAD OR HIGHWAY -** The entire width between the boundary lines of every way publicly maintained by the federal government, a city, a town or a county if any part of the way is generally open to the use of the public for purposes of vehicular travel. For purposes of this ordinance, the term “road or highway” also includes designated

or opened trail systems and service roads regardless of surface composition, and any ~~other~~ private property dedicated or otherwise reserved for public or private street uses, as evidenced by a recorded document, or having thereon a public easement for such use.

D. VACANT LOTS - Any of the following described in Section 2(D)(1) through Section 2(D)(4) of this ordinance:

1. An unsubdivided or undeveloped tract of land.
2. A subdivided residential, industrial, institutional, governmental, or commercial lot that contains no approved or permitted buildings, structures, or uses of a temporary or permanent nature.
3. A partially developed residential, industrial, institutional, governmental, or commercial lot.
4. For the purposes of this ordinance, a vacant lot is not a road or highway.

E. VEHICLE - A self propelled device and its appurtenances, excluding devices moved by human power or used exclusively on stationary rails or tracks.

SECTION 3 - REQUIREMENTS

A. RESTRICTED VEHICLE PARKING AND USE: A person shall not park or use a vehicle on an unstabilized vacant lot within the unincorporated sections of Area A in Maricopa County.

SECTION 4 - VIOLATIONS, NOTICES, AND PENALTIES

A. A person who violates this ordinance is ~~guilty of a class 3 misdemeanor~~ subject to a civil penalty of \$50. A second violation of this ordinance within three years is subject to a civil penalty of \$100 and a third violation within a three year period is subject to a civil penalty of \$250.

B. ~~In addition to or in lieu of a fine pursuant to this section, a judge may order the person to perform at least eight but not more than twenty four hours of a community restitution course related to the off-highway operation of motor vehicles.~~

C. B. For violations of this Ordinance, the Enforcement Officer shall use a uniform traffic ticket and complaint prescribed by the rules of procedure in civil traffic cases adopted by the Supreme Court. The Enforcement Officer may issue a citation to persons in violation of this Ordinance.

SECTION 5 - EXEMPTIONS

Draft Ordinance P- 27 Vehicle Parking and Use On Unstabilized Vacant Lots
for Public Workshop on September 30, 2008 at 9:00 a.m.
at Maricopa County Air Quality Department, 1001 N. Central Ave. - Suite 560, Phoenix, AZ 85004
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- A.** The property owner, person entitled to immediate possession of the property, or invitee who has lawful authority may operate such vehicles if such use does not violate any other applicable laws.

- B.** Any site that has been issued a permit by the Control Officer for the control of fugitive dust from dust generating operations.

MARICOPA COUNTY

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OFF ROAD VEHICLE USE IN UNINCORPORATED AREAS OF MARICOPA COUNTY

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- B. ROAD OR HIGHWAY
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SECTION 3 - RESTRICTIONS

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SECTION 5 - EXEMPTION

Draft P- 28 Off Road Vehicle Use in Unincorporated Areas of Maricopa County
for Public Workshop on September 30, 2008 at 9:00 a.m.
at Maricopa County Air Quality Department, 1001 N. Central Ave. - Suite 560, Phoenix, AZ 85004
Comments due October 17, 2008 by 5:00 p.m. Contact Kathleen Sommer at (602) 506-6706

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Adopted 02/20/08

**MARICOPA COUNTY
AIR POLLUTION CONTROL REGULATIONS**

P-28

OFF ROAD VEHICLE USE IN UNINCORPORATED AREAS OF MARICOPA COUNTY

SECTION 1 - GENERAL

- A. PURPOSE:** This Ordinance restricts the operation of any vehicle on unpaved property.
- B. APPLICABILITY:** This Ordinance applies to the operation of any vehicle in unincorporated sections within Maricopa County.

SECTION 2 - DEFINITIONS: For the purpose of this Ordinance, the following definitions shall apply:

- A. DESIGNATED OR OPENED TRAIL SYSTEM -** Roads or routes that are part of a system of trails and that are designated or opened by a government land management agency by order, sign, and/or map approved by such agency.
- B. ROAD OR HIGHWAY -** The entire width between the boundary lines of every way publicly maintained by the federal government, a city, a town or a county if any part of the way is generally open to the use of the public for purposes of vehicular travel. For purposes of this ordinance, the term "road or highway" also includes designated or opened trail systems, service roads regardless of surface composition, and any ~~other~~ private property dedicated or otherwise reserved for public or private street uses, as evidenced by a recorded document, or having thereon a public easement for such use.
- C. VEHICLE -** A self propelled device and its appurtenances, excluding devices moved by human power or used exclusively on stationary rails or tracks.

SECTION 3 – RESTRICTIONS:

- A.** A person shall not access unpaved public property with any vehicle within the unincorporated areas of Maricopa County without lawful authority. Lawful authority shall consist of rules, regulations, or orders of a federal agency, this state, a county or municipality which shall be made available to the public by any one of the following:

1. A sign to designate the property is/as open. Such sign shall be in compliance with the standard travel management signing protocol used by Southwest Land Management Agencies and shall at a minimum be conspicuously placed at all points of vehicular access and contain the following information: "Travel Must Remain On Designated Routes". Copies of the standard travel management signing protocol are available for review at the Maricopa County Air Quality Department, 1001 North Central Avenue, Phoenix, AZ, 85004
 2. Through orders of a government land management agency.
 3. Through most current maps approved by such government land management agency.
 4. Virtual posting from a government land management agency.
- B.** A person shall not operate any vehicle on unpaved private property within the unincorporated areas of Maricopa County without the consent of the lawful owner. Consent of the lawful owner consists of either or both of the following:
1. A sign to designate the property is/as open. Such sign shall be in compliance with the standard travel management signing protocol used by Southwest Land Management Agencies and shall at a minimum be conspicuously placed at all points of vehicular access and contain the following information: "Travel Must Remain On Designated Routes". Copies of the standard travel management signing protocol are available for review at the Maricopa County Air Quality Department, 1001 North Central Avenue, Phoenix, AZ, 85004.
 2. Prior written permission which contains the following:
 - (a) The name, address, and telephone number of the person granting permission for the use of the property;
 - (b) A description of the interest the person granting permission has in the property (i.e., property owner, lessee, or agent);
 - (c) If the person granting permission is not the owner of the property, the written permission shall also contain the name, address, and telephone number of the property owner;
 - (d) Specify the period of time for which permission for the use of the property is being granted; and
 - (e) The signature of the person granting permission for the use of the property.

- C. Whenever any person is stopped by an Enforcement Officer for a violation of Section (3) of this Ordinance, he/she shall, upon the request of the Enforcement Officer identify or present the lawful authority required in this section.

SECTION 4 - VIOLATIONS, NOTICES, AND PENALTIES: Violations of this ordinance shall be punishable by civil or criminal penalties.

- A. ~~A person who violates this Ordinance is guilty of a class 3 misdemeanor.~~ **Violations:** A person who violates this ordinance is subject to a civil penalty of \$100. A second violation within a three year period is subject to a civil penalty of \$250. A person who violates this ordinance three times within a three year period is subject to a class 3 misdemeanor.
- B. **Alternative Penalty:** In addition to or in lieu of a fine pursuant to ~~this~~ section 4(A) of this ordinance, a judge may order the person to perform at least eight but not more than twenty-four hours of a community ~~restitution course~~ service or to complete a MCAQD approved safety course related to the off-highway operation of motor vehicles, or both.
- C. **Notices:** For violations of this Ordinance, the Enforcement Officer shall use a uniform traffic ticket and complaint prescribed by the rules of procedure in civil traffic cases adopted by the Supreme Court. The Enforcement Officer may issue a citation to persons in violation of this Ordinance.

SECTION 5 - EXEMPTION:

- A. This Ordinance shall not apply during a period of emergency or if the operation is directed by a peace officer or other public authority.
- B. The property owner, person entitled to immediate possession of the property, or invitee who has lawful authority may operate such vehicles on the property if such use does not violate any other applicable laws.
- C. For the purposes of this ordinance, unpaved public or unpaved private property does not include roads or highways.
- D. This Ordinance shall not apply to operations directed by utilities for operation, distribution, and transmission systems provided that both of the following conditions are met:
 - 1. Operations are performed in a / using a marked company vehicle; and
 - 2. If operations are performed in a / using a personal vehicle, then identification of the company shall be visible and readable by the public without having to be asked by the public (e.g., included/posted in a sign that is visible on the vehicle or included/posted in a sign that is visible in the window of the vehicle).