



SAFETY, HEALTH, SANITATION AND NUISANCE

The keeping or maintaining by any person of any animal or animals which by any frequent or long-continued noise causes annoyance or discomfort to a reasonable person of normal sensitiveness in the vicinity is prohibited.

2. Prima Facie Violations

The noise from any such animal or animals that disturbs two or more residents residing in separate residences adjacent to any part of the property on which the subject animal or animals are kept or maintained, or three or more residents residing in separate residences in close proximity to the property on which the subject animal or animals are kept or maintained shall be prima facie evidence of a violation of this section.

B. Yard/Landscape Maintenance Equipment

1. Definition

- a. "Summer" shall mean those months from May through September, inclusive.
- b. "Yard/Landscape Maintenance Device" as used in this section, shall mean any portable, hand-held or propelled, ridden, carried, or pushed device, which is capable of and intended for landscape and yard maintenance purposes. This includes, but is not limited to, leaf blowers, chain saws, lawn mowers, edgers, or weed or string cutters.

2. Violations.

Except for those properties where a special use permit provides for a more specific set of noise restrictions, it shall be unlawful for any person to operate, or cause to be operated, a Yard/Landscape Maintenance Device, except between 7 AM and 5 PM on Monday through Friday and between 9 AM and 5 PM on Saturdays and Sundays and on the legal holidays defined in Section 10-7-2 (10) of this Code. Summer hours of operation may start one (1) hour earlier.

C. Burglar alarms

1. Prohibitions.

Audible burglar alarms for structures or motor vehicles are prohibited unless the operation of such burglar alarms can be terminated within 10 minutes of being activated, and remain silent unless another security breach occurs.

SAFETY, HEALTH, SANITATION AND NUISANCE

2. Emergency disconnections.

Notwithstanding the requirements of this provision, any member of the Police Department of the Town of Paradise Valley shall have the right to take such steps as may be reasonable and necessary to disconnect any such alarm installed in any building, dwelling, or motor vehicle at any time during the period of its activation.

3. Emergency Contact Information.

On or after thirty (30) days from the effective date of this article, any building or dwelling upon which an audible, unmonitored burglar alarm has been installed shall prominently display the telephone number at which communication may be made with the owner of such building or dwelling.

D. Construction and Related Activities

1. Definitions.

- a. "Decibel" shall mean a logarithmic unit of measurement which indicates the ratio between two quantities commonly referred to as electric or sound energy levels, or pressure levels. One decibel on the A-weighted scale is abbreviated "dB (A)."
- b. "Emergency" means a sudden or unforeseen situation that requires immediate work to prevent or mitigate injury or damage to persons or property. An Emergency exists only for the time necessary to remedy the immediate risk of harm.
- c. "Heavy Equipment" means mechanical equipment that typically generates significant and offensive noise, such as, but not limited to, a loader or backhoe.
- d. "Summer" shall mean those months from May through September, inclusive.

2. Except for those properties where a special use permit provides for a more specific set of noise restrictions it shall be unlawful for any person to operate or permit to be operated any Heavy Equipment in any construction, demolition, land clearing, excavation or similar outside construction activity, except between 7 AM and 5 PM on Monday through Friday. Operation of Heavy Equipment is unlawful at all times on Saturdays, Sundays and legal holidays (as defined in Section 10-7-2(10) of this Code). Summer hours of operation may start one (1) hour earlier.

SAFETY, HEALTH, SANITATION AND NUISANCE

The Town Manager, or his designee, may grant exceptions upon written request.

3. It shall be unlawful for any person to deliver or cause to be delivered construction equipment or materials to a construction site except between 7 AM and 5 PM Monday through Saturday. Delivery of construction equipment or materials to a construction site is unlawful on Sundays and legal holidays (as defined in Section 10-7-2 (10) of this Code), except that sprayed termite prevention material may be applied at any time. Summer delivery hours may start one (1) hour earlier. The Town Manager, or his designee, may grant exceptions upon written request.
4. It shall be unlawful for any person to operate or permit to be operated any other device or equipment (that is, equipment that is not already subject to the Heavy Equipment restriction in Section D.1 above) in any building, construction, demolition, land clearing, excavation or similar outside construction activity, alteration, or repair work on any buildings, structures or projects, except between 7 AM and 5 PM Monday through Friday, and between 9 AM and 5 PM on Saturdays, Sundays and legal holidays, (as defined in Section 10-7-2 (10) of this Code). The noise level created on Sundays shall not exceed 75 Decibels measured at the nearest property line. Summer hours may start one (1) hour earlier. The Town Manager, or his designee, may grant exceptions upon written request.

Section 8-10-3 Exemptions

The following uses and activities shall be exempt from the regulations of this Article:

1. Noises resulting from any authorized emergency or public safety vehicle.
2. Noises resulting from the operation of any Heavy Equipment, equipment other than Heavy Equipment, or a Yard/Landscape Maintenance Device during an Emergency.
3. Noise resulting from activities of a temporary duration for which a license or permit has been granted by the Town.
4. Vehicle back up warning alarms.

Section 8-10-4 Penalty

Any person who violates any provision of this article may be prosecuted for such a violation in accordance with the provisions of article 1-9 of the Paradise Valley Town Code.

SAFETY, HEALTH, SANITATION AND NUISANCE

Article 8-11 AIR QUALITY AND FUGITIVE DUST ⁵⁹⁸

Section 8-11-1	Purpose/Intent
Section 8-11-2	Definitions
Section 8-11-3	Responsibility for Administration
Section 8-11-4	Parking Restriction on Vacant Lots
Section 8-11-5	Operation of Vehicles on Public and Private Property
Section 8-11-6	Unpaved Parking Lots
Section 8-11-7	Leaf Blower Restrictions
Section 8-11-8	Compliance Monitoring
Section 8-11-9	Violations, Enforcement, and Penalties
Section 8-11-10	Violations Deemed a Public Nuisance
Section 8-11-11	Remedies Not Exclusive
Section 8-11-12	Compatibility with Other Regulations
Section 8-11-13	Severability

Section 8-11-1. PURPOSE/INTENT

The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of the Town of Paradise Valley by improving air quality through the regulation of Fugitive Dust and PM-10 particles to the maximum extent practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of Fugitive Dust and PM-10 into the air. The objectives of this ordinance are:

- A. To regulate the contribution of Fugitive Dust and PM-10 from any Town resident, developer or visitor.
- B. To establish legal authority to carry out all inspection, surveillance, monitoring, and enforcement procedures necessary to ensure compliance with this ordinance.

Section 8-11-2. DEFINITIONS

For the purposes of this ordinance, the following shall mean:

“County Dust Control Permit” – means a permit issued by Maricopa County evidencing that a dust generating operation has a satisfactory dust control plan in place approved by the Maricopa County Air Quality Department.

“Designated Or Opened Trail System” – means 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.

SAFETY, HEALTH, SANITATION AND NUISANCE

“Fugitive Dust” - means the particulate matter not collected by a capture system, that is entrained in the ambient air and is caused from human and/or natural activities, such as, but not limited to, movement of soil, vehicles, equipment, blasting, and wind. For the purpose of this ordinance, fugitive dust does not include particulate matter emitted directly from the exhaust of motor vehicles and other internal combustion engines, from portable brazing, soldering, or welding equipment, or from piledrivers.

“Leaf Blower” - means any air blowing machine which uses a concentrated stream of air to blow leaves, grass cuttings, trash, or other debris.

“Off-Road Vehicle” – means any self-propelled conveyance specifically designed for off-road use, including, but not limited to, off-road or all-terrain equipment, trucks, cars, motorcycles, motorbikes, or motorbuggies.

“PM-10” - means the standard adopted by the Environmental Protection Agency that focuses on smaller particulates in the air that are likely responsible for adverse health effects because of their ability to reach the lower regions of the respiratory tract. The PM-10 standard includes particles with a diameter of 10 micrometers or less (0.0004 inches or one-seventh the width of a human hair).

“Person” - means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner’s agent.

“Premises” - means any building, lot parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

“Road or Highway” – means 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” includes designated or opened trail systems and service roads regardless of surface composition.

“Town” - means the Town of Paradise Valley, Arizona.

“Unpaved Parking Lot” - Any area larger than 3,000 square feet that is not paved and that is used for parking, maneuvering, or storing motor vehicles.

“Vacant Lot” – means any of the following: (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; or (3) a partially developed residential, industrial, institutional, governmental, or commercial lot. For the purposes of this ordinance, a vacant lot is not a road or highway.

“Vehicle” – means a self propelled device and its appurtenances, excluding devices moved by human power or used exclusively on stationary rails or tracks.

SAFETY, HEALTH, SANITATION AND NUISANCE

Section 8-11-3. RESPONSIBILITY FOR ADMINISTRATION

The Town shall administer, implement, and enforce the provisions of this ordinance. Any powers granted or duties imposed upon the Town may be delegated in writing by the Town Manager to persons or entities acting in the beneficial interest of or in the employ of the Town.

Section 8-11-4. PARKING RESTRICTION ON VACANT LOTS

It shall be unlawful to park or use a vehicle on a vacant lot within the Town. If a vacant lot is in excess of five acres, the owner of the vacant lot shall either erect a split rail-type fence or ditch and berm the perimeter of the lot to prevent vehicular access, including, but not limited to, preventing access to off-road vehicles. Owners of vacant lots less than 5 acres may be required to erect a split rail-type fence or take other actions to prohibit vehicular access to the vacant lot if more than one complaint is received about unauthorized vehicular access on the property. This section does not apply to sites that have been issued a County Dust Control Permit.

Section 8-11-5. OPERATION OF VEHICLES ON PUBLIC AND PRIVATE PROPERTY

- A. A person shall not operate any vehicle on unpaved public property within the Town 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 sign 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 sign protocol are available for review at the Maricopa County Air Quality Department, 1001 North Central Avenue, Phoenix, AZ, 85004.
 2. Orders of a government land management agency.
 3. 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 Town without the consent of the lawful owner. Consent of the lawful owner consists of either or both of the following:

SAFETY, HEALTH, SANITATION AND NUISANCE

1. A sign to designate the property is/as open. Such sign shall be in compliance with the standard travel management sign 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 sign 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 8-11-5 of this Ordinance, he/she shall, upon the request of the Enforcement Officer identify or present the lawful authority or consent of the lawful owner required in this section.
- D. 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.
- E. For the purposes of this section, unpaved public or unpaved private property does not include roads or highways.

SAFETY, HEALTH, SANITATION AND NUISANCE

Section 8-11-6. UNPAVED PARKING LOTS

- A. All owners/operators of an existing unpaved commercial parking lot shall stabilize the surface area(s) of the lot on which vehicles enter and park by implementing one of the following measures after first obtaining approval of the Town Engineer or designee: (1) pave; (2) apply chemical/organic stabilizers in sufficient concentration and frequency to maintain a stabilized surface; or (3) apply and maintain surface gravel uniformly to stabilize the surface.

- B. All owners/operators shall maintain parking, maneuvering, ingress and egress areas at developments other than residential buildings with four or fewer units with one or more of the following dustproof paving methods:
 - 1. asphaltic concrete
 - 2. cement concrete
 - 3. penetration treatment of bituminous material and seal coat of bituminous binder and a mineral aggregate
 - 4. a stabilization method approved by the Town

- C. All owners/operators shall maintain parking, maneuvering, ingress and egress areas that are three thousand square feet or more in size at residential buildings with four or fewer units with a paving or stabilization method authorized by the Town Code or permit.

Section 8-11-7. LEAF BLOWER RESTRICTIONS

It shall be unlawful to blow landscape debris into public roadways at any time by any person.

Section 8-11-8. COMPLIANCE MONITORING

- A. Right of Entry: Inspection

The Town shall be permitted to enter and inspect property subject to regulation under this ordinance as often as may be necessary to determine compliance with this ordinance.

SAFETY, HEALTH, SANITATION AND NUISANCE

1. If a property owner has security measures in force, which require proper identification and clearance before entry into its premises, the property owner shall make the necessary arrangements to allow access to representatives of the Town.
2. Any temporary or permanent obstruction to safe and easy access to the property to be inspected shall be promptly removed by the property owner at the written or oral request of the Town and shall not be replaced. The costs of such access shall be borne by the property owner.

B. Search Warrants

If the Town has been refused access to any part of the premises found to be in violation of this ordinance, and he/she is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to verify compliance with this ordinance or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, the Town may seek issuance of a search warrant from any court of competent jurisdiction.

C. Exemption

This Ordinance shall not apply during a period of emergency or if the operation is directed by a peace officer or other public authority.

Section 8-11-9. VIOLATIONS, ENFORCEMENT, AND PENALTIES

- A. A person who violates this Ordinance is guilty of a class 3 misdemeanor.
- 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 community restitution or to complete an approved safety course related to the off-highway operation of motor vehicles, or both.
- 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 8-11-10. VIOLATIONS DEEMED A PUBLIC NUISANCE

In addition to the enforcement process and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be

SAFETY, HEALTH, SANITATION AND NUISANCE

summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

Section 8-11-11. REMEDIES NOT EXCLUSIVE

The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the Town to seek cumulative remedies.

The Town may recover all attorney's fees, court costs and other expenses associated with enforcement of this ordinance, including monitoring expenses.

Section 8-11-12. COMPATIBILITY WITH OTHER REGULATIONS

This ordinance is not intended to modify or repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this ordinance are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

Section 8-11-13. SEVERABILITY

The provisions of this ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this ordinance.