



**Chandler • Arizona**  
*Where Values Make The Difference*

# 90  
JUN 28 2007

MEMORANDUM

City Manager – Council Memo MC07-068

**DATE:** JUNE 19, 2007

**TO:** MAYOR AND COUNCIL

**FROM:** W. MARK PENTZ, CITY MANAGER 

**SUBJECT:** RESOLUTION NO. 4091 APPROVING BUDGET AMENDMENTS AND SCOPE OF COMPLIANCE MEASURES FOR PM-10 EMISSION REDUCTIONS

**RECOMMENDATION:** Staff recommends Council approve and adopt Resolution No. 4091 which provides that the City of Chandler will take action to reduce emissions of PM-10 in accordance with the recommendations of the Maricopa Association of Governments Regional Council in order to achieve a 5% reduction in PM-10 emissions as mandated by the U.S. Environmental Protection Agency.

**BACKGROUND/DISCUSSION:** In 2006 there were twenty-one days in which the Phoenix metropolitan area violated the PM-10 twenty-four hour ambient air standard. Because of these violations of the ambient air standard, the U.S. Environmental Protection Agency has imposed a requirement to reduce PM-10 emissions by 5% each year until the area has demonstrated three years of compliance with the standard.

To accomplish this 5% reduction in PM-10 emissions the Maricopa Association of Governments, acting as the regional planning agency, has identified measures to reduce PM-10 emissions. Nine of these measures require action on the part of municipalities. The additional cost to implement these new measures over a three-year period is \$5,181,500.

Failure to submit an approvable 5% plan with adopted control measures by the December 31, 2007 deadline could result in the imposition of federal sanctions by the U.S. Environmental Protection Agency. Such sanctions include withholding of Federal Highway Funds and tighter controls on major industrial sources (two to one offset requirements for stationary sources). The U. S. Environmental Protection Agency could also impose their own Federal Implementation Plan which would require emission reductions.

**FINANCIAL IMPLICATIONS:** Compliance measures include road paving, road shoulder improvement, alley stabilization and paving/stabilization of parking areas plus enforcement of existing trespass and vacant lot access restrictions. Implementation of mandated measures over a three-year period will cost \$74,494,500. Currently the approved CIP budget includes \$69,313,000 of these measures. This resolution would commit to implement \$5,181,500 in additional measures not currently budgeted. This expenditure would be made over a three-year period requiring the following budget commitments.

FY 2007-08 --- \$2,013,500  
FY 2008-09 --- \$1,668,500  
FY 2009-10 --- \$1,499,500

**PROPOSED MOTION:** Move to approve and adopt Resolution No. 4091 which provides that the City of Chandler will take action to reduce emissions of PM-10 in accordance with the recommendations of the Maricopa Association of Governments Regional Council in order to achieve a 5% reduction in PM-10 emissions as mandated by the U.S. Environmental Protection Agency.

Attachment: PM-10 Compliance Measures Estimated Costs  
Resolution No. 4091

RESOLUTION NO. 4091

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, TO IMPLEMENT MEASURES IN THE MAG 2007 FIVE PERCENT PLAN FOR PM-10 FOR THE MARICOPA COUNTY NON-ATTAINMENT AREA.

WHEREAS, the Maricopa Association of Governments (MAG) has been designated by the Governor of Arizona, as the regional air quality planning agency in Maricopa County; and

WHEREAS, the Maricopa County non-attainment area is classified as a Serious Area for PM-10 particulate matter according to the Clean Air Act; and

WHEREAS, the Five Percent Plan for PM-10 is required by the Clean Air Act since the Maricopa County non-attainment area failed to attain the PM-10 standard by December 31, 2006; and

WHEREAS, the plan is required to reduce PM-10 emissions by five percent per year until the standard is met; and

WHEREAS, Arizona Revised Statutes § 49-406.G requires that each agency that commits to implement a control measure describe that commitment in a resolution adopted by the governing body which specifies its authority for implementing the measure as provided in statute, ordinance or rule; a program for enforcement of the measures; and the level of personnel and funding allocated to the implementation of the measure.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Chandler, Arizona as follows:

SECTION 1. That the City Council of the City of Chandler agrees to proceed with a good faith effort to implement the measures identified in Exhibits "A" through "I", which are attached hereto and made a part of this Resolution No. 4091.

SECTION 2. That the City Council of the City of Chandler commits to implement the measures as scheduled and with the funding sources identified in Exhibits "A" through "I". Recognizing, however, that the availability of necessary funding may depend on the funding programs or processes of various state and federal agencies, the City Council of the City of Chandler agrees to consider modifications of the funding or schedules for implementation actions, if necessary.

SECTION 3. That City staff is directed to undertake those activities and execute those documents necessary to implement the provisions of this Resolution.

PASSED AND ADOPTED by the City Council of the City of Chandler, Arizona, this  
\_\_\_\_ day of \_\_\_\_\_, 2007.

ATTEST:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Resolution No. 4091 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2007, and that a quorum was present thereat.

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY

## EXHIBIT A

### CITY OF CHANDLER MEASURES FOR IMPLEMENTATION OF MAG FIVE PERCENT PLAN FOR PM-10

Measure Title: (1) Public education and outreach with assistance from local governments.

Measure Description: This measure would involve a public information and education campaign to increase public awareness of the PM-10 issue and discourage citizens from participating in activities that generate airborne dust.

Responsible Agency and Authority for Implementation: The City of Chandler through the actions of the Communications and Public Affairs Department will develop public information materials, i.e., brochures, newsletter and newspaper articles, columns, video segments that deal with dust control that will air on Chandler's regular-running programs (Chandler Public Works at Work and CityScope, etc.), to inform the citizens of Chandler of the health risks associated with PM-10 pollution and ways in which they can participate in reducing such pollution. Such public information materials will be disseminated to the community via the City's Web site, monthly citizen newsletters, Cable Channel 11, and through the media. Progress of this project will be managed by the Department Director or his designee.

Implementation Schedule: Public information materials will be developed by the end of 2007 and will be distributed through 2007 and 2008 during the months of stagnation and high dust conditions.

Level of Personnel and Funding Allocated for Implementation: These public information materials will be developed using in-house resources. This effort will be accomplished with City staff. Supplies and other resources including production, printing and distribution are estimated to cost \$1900.

Enforcement Program: The program will be designed to encourage the citizens of Chandler to voluntarily make life style changes that will benefit the environment and reduce PM-10 pollution levels.

Monitoring Program: Progress with production and dissemination of the information will be overseen by Communication and Public Affairs Director or designee and will be reported to the City Manager's Office by the end of each fiscal year. Specific metrics will be tracked as to the amount of public information materials that are produced and how much media placement – both internal (to City employees) and external (to our citizens) is logged. A copy of this report will be submitted by the City Manager to Maricopa County annually. Maricopa County is responsible for reporting reasonable further progress to the U.S. Environmental Protection Agency.

## **EXHIBIT B**

### **CITY OF CHANDLER MEASURES FOR IMPLEMENTATION OF MAG FIVE PERCENT PLAN FOR PM-10**

Measure Title: (22) Reduce off-road vehicle use in areas of high off-road vehicle activity.

Measure Description: Existing City Code provisions prohibit use of off-road vehicles on unimproved surfaces that generate emissions of PM-10. Legal authority for this action is provided under A.R.S. Section 9-240 General powers of common council, Section 1.03, Charter of the City of Chandler and Sections 12-3.1 and 12-3.2 Code of City of Chandler.

Responsible Agency and Authority for Implementation: The City of Chandler through the Police Department is currently enforcing this ordinance as part of their normal duties. The Chief of Police will designate a project manager to track implementation of this measure.

Implementation Schedule: This measure is currently being enforced.

Level of Personnel and Funding Allocated for Implementation: Enforcement of the ordinance is currently part of the normal enforcement duties of the Police Department and is included in current budgets.

Enforcement Program: This measure is enforced by the Police Department with the support of the Neighborhood Resources Division.

Monitoring Program: Progress of enforcement will be presented in metrics as number of citations issued for violations. The Police Project Manager will report these metrics to the City Manager's Office on an annual basis. The City Manager will forward reports to Maricopa County within 30 days of the end of the Fiscal Year. Maricopa County will report reasonable further progress to the U.S. Environmental Protection Agency.

Copy of Ordinance: A copy of the applicable Code Sections is attached. No Code changes are required to implement this measure.

## APPENDIX C

### CITY OF CHANDLER MEASURES FOR IMPLEMENTATION OF MAG FIVE PERCENT PLAN FOR PM-10

Measure Title: (29) Sweep streets with PM-10 street sweepers.

Measure Description: City of Chandler will sweep high dust roadway sections, arterial, collector and distribution streets using only PM-10 certified street sweepers. The City of Chandler has eleven (11) street sweepers (see note below), all of which are PM-10 Compliant, and most of which have been purchased through the Maricopa County CMAQ grant process. The City has increased the sweeping frequency for non-attainment areas as part of the revised State Implementation Plan for the Phoenix metropolitan area in the manner detailed below. The City's sweeping schedule /commitment is as follows:

- a. Arterial Roadways: Once every two weeks.
- b. Collectors and Residential Streets: Once every month
- c. Downtown Area: Once per week
- d. Special Non Attainment Areas (See Below).
- e. Airport: Runways, Taxiways, and Parking Aprons are swept at least once every two weeks.

Note: The City airport has one (1) PM-10 certified street sweeper; Streets Division has nine (9) sweepers, and one additional sweeper that will be delivered in June/July of 2007 (total of 11 sweepers).

City of Chandler Resolution No. 3782 Approved by Council on 10-14-2004		
Road Classification	Street Name	From/To
High Dust Arterials <sup>1</sup>	Arizona Avenue	Willis Road to Ryan Road
	Germann Road	Arizona Avenue to McQueen Road
	McQueen Road	Queen Creek Road to Ocotillo Road
	Price Road	Germann Road to the Santan Freeway
	56th Street	Chandler Boulevard South to City Limits
High Dust Collectors <sup>2</sup>	Summit Place	Alma School Road to Dobson Road
	Doral Drive	Lindsay Road to Val Vista Drive
	Hunt Highway	City Limits East of McQueen Road to Val Vista Drive

- Notes: 1. Identified Arterials That are Swept three (3) times per month  
 2. Identified Collectors That are Swept two (2) times per month

The City of Chandler is a rapidly growing City and the effort necessary to maintain the above listed schedule is an ever-increasing task. The Public Works Director will identify a Project Manager who will track the progress of this measure.

Responsible Agency and Authority for Implementation: The City of Chandler through the Public Works Department will perform systematic sweeping of the streets in accordance with the specified schedule. The Public Works Department performs this task under the general legal authority as provided under A.R.S. Section 9-240, General powers of common council and Section 1.03, Charter of the City of Chandler.

Implementation Schedule: It is anticipated that an additional street sweeper will be added in FY 2008-09. The sweeper will be a PM-10 certified street sweeper and one additional operator will also be added.

Level of Personnel and Funding Allocated for Implementation: Administration and implementation of this measure will require staff time of eleven (11) full time employees and sweeping equipment/sweeping equipment maintenance costs of approximately \$1,500,000 per year. To stay in compliance, it is anticipated that one additional staff member and one additional street sweeper will be added each year starting in FY 2008-09. Street sweepers are anticipated to be purchased in conjunction with CMAQ funding. In other fiscal years the Public Works Department will analyze the need for additional sweepers as new streets are added to the City's street system. Sweepers will be added as the demand requires to conform to the specified schedule.

Enforcement Program: the Public Works Department will implement the program.

Monitoring Program: Street sweeping will be tracked by GPS monitoring to verify that sweeping schedules are achieved. The Public Works Director's Project Manager will supply the City Manager with a progress report documenting implementation of the measure annually by the end of the fiscal year. The City Manager will submit a copy of the annual report to Maricopa County within 30 days of the end of the fiscal year. Maricopa County will be responsible for reporting reasonable further progress to the U.S. Environmental Protection Agency.

Copy of Ordinance: A copy of the applicable Code Sections is attached. No Code changes are required to implement this measure.

## EXHIBIT D

### CITY OF CHANDLER MEASURES FOR IMPLEMENTATION OF MAG FIVE PERCENT PLAN FOR PM-10

Measure Title: (31) Pave or stabilize existing unpaved parking lots – strengthen enforcement.

Measure Description: It is estimated that in Fiscal Years 2007-08 through 2009-2010 the City will Pave or stabilize 100 acres of existing City parking lots or maneuvering areas. Legal authority for this action is provided under A.R.S. Section 9-240, General powers of common council, Section 1.03 Code of the City of Chandler.

Since 1999 the City of Chandler has required all commercial development to pave all parking and maneuvering areas when they were constructed (Chandler City Code Section 35-1802 requires pavement). All residential development after 1982 was required to provide paved parking and maneuvering areas (Chandler City Code Section 35-1802 requires pavement). In 1982, when the City of Chandler enacted these provisions, the City had a population of approximately 43,000 people. The City's current population is 246,000 people. As such most of the residential and commercial/industrial development, has been constructed since these provisions were put in place. The impact of having these requirement in place early is that most of the current parking and maneuvering areas are paved.

Responsible Agency and Authority for Implementation: The City of Chandler Public Works Department Director will oversee the paving/stabilization of these parking lots with support from the Downtown Redevelopment Division. The Public Works Director will appoint a Project Manager to track compliance and report such progress to the City Manager.

Implementation Schedule: These unpaved parking areas will be paved/stabilized in FY 2007-08.

Level of Personnel and Funding Allocated for Implementation: Stabilization or paving of the additional parking lots will require a commitment of \$600,000 for City owned parking lots.

Enforcement Program: The program will be enforced by the Public Works Director.

Monitoring Program: Progress of enforcement will be presented as the number of acres of existing City parking area stabilized or paved. The Public Works Project Manager will report to the City Manager the acres of parking lots paved or stabilized by the end of FY 2007-08. The City Manager's Office will forward this report to Maricopa County within 30 days of the end of the fiscal year. Maricopa County will report reasonable further progress to the U.S. Environmental Protection Agency.

Copy of Ordinance: A copy of the applicable Code Sections is attached. No Code changes are required to implement this measure.

## EXHIBIT E

### CITY OF CHANDLER MEASURES FOR IMPLEMENTATION OF MAG FIVE PERCENT PLAN FOR PM-10

Measure Title: (32) Pave or stabilize existing public dirt roads and alleys.

Measure Description: This measure would require paving or stabilizing of City owned public dirt roads and alleys that carry more than 50 vehicles per day. The City of Chandler has 129 miles of alleyways and over 1875 lane miles of City streets. There are currently 30 miles of unstabilized alleys and 0.95 miles of City owned unpaved roads. This means that 77% of the City alleys are already paved or stabilized, and over 99.95% of the City streets are paved. During fiscal year 2007-2008, 10 miles of alley will be stabilized, 0.7 miles of public roadway will be paved, and 0.25 miles of roadway will be stabilized. During the next two fiscal years the remaining 20 miles of alley will be stabilized and the 0.25 miles of roadway that was stabilized the year before will be paved. Legal authority for this action is provided under A.R.S. Section 9-240, General powers of common council and Section 1.03 Code of the City of Chandler.

Responsible Agency and Authority for Implementation: The City of Chandler through the Public Works Department will pave or stabilize existing City owned dirt roads and alleys. The Public Works Director will identify a Project Manager who will oversee this work and report progress to the City Manager.

Implementation Schedule: The schedule for implementing this measure is as follows.

- FY 2007-08 - 10 miles of alley stabilized, 0.7 miles of road paved, and 0.25 miles of road stabilized.
- FY 2008-09 - 10 miles of alley stabilized and 0.25 miles of road paved,
- FY 2009-10 - 10 miles of alley stabilized.

Level of Personnel and Funding Allocated for Implementation: Paving of the 0.95 miles of unpaved streets will cost \$1,069,000. Stabilization of the 30 miles of alleys will cost \$2,817,000. These projects will be spread over three years for completion.

Enforcement Program: The program will be implemented by the Public Works Department.

Monitoring Program: Progress of enforcement will be presented in metrics as the amount of roadway and alley stabilized and paved. The Public Works Project Manager will report to the City Manager annually as to the work completed. The City Manager's Office will submit the annual report to Maricopa County within 30 days of the end of the Fiscal Year. Maricopa County will be responsible for reporting reasonable further progress to the U.S. Environmental Protection Agency.

Copy of Ordinance: A copy of the applicable Code Sections is attached. No Code changes are required to implement this measure.

## **EXHIBIT F**

### **CITY OF CHANDLER MEASURES FOR IMPLEMENTATION OF MAG FIVE PERCENT PLAN FOR PM-10**

Measure Title: (33) Limit speeds to 15 miles per hour on high traffic roads.

Measure Description: This measure would require 15 mph speed limit signs to be posted on City owned dirt roads in the PM-10 nonattainment area that carry high traffic (e.g. 50-150 vehicles per day). It is estimated that there are 1.2 miles of City owned dirt roads that carry high traffic. Legal authority for this action is provided under A.R.S. Section 9-240, General powers of common council, and Section 1.03, Charter of the City of Chandler.

Responsible Agency and Authority for Implementation: The City of Chandler through the Public Works Department will post speed limit signs on public dirt roads receiving more than 50 vehicles per day and the Police Department will enforce such speed limits as it does in other speed limit zones.

Implementation Schedule: The traffic control signs will be posted by July 1, 2007.

Level of Personnel and Funding Allocated for Implementation: Fabrication and erecting speed limit signs will cost \$500. This will be done by July 1, 2007.

Enforcement Program: The program will be enforced by the Police Department.

Monitoring Program: Speed limits will be enforced as other speed limits are enforced through the City by random patrols. Completion of the installation of the traffic speed limit signs will be reported by the Director of Public Works to the City Manager by August 1, 2007. The City Manager will submit the report to Maricopa County along with the annual report within 30 days of completion of the fiscal year. Maricopa County will be responsible for reporting reasonable further progress to the U.S. Environmental Protection Agency.

Copy of Ordinance: A copy of the applicable Code Sections is attached. No Code changes are required to implement this measure.

## EXHIBIT G

### CITY OF CHANDLER MEASURES FOR IMPLEMENTATION OF MAG FIVE PERCENT PLAN FOR PM-10

Measure Title: (35) Pave or stabilize unpaved shoulders.

Measure Description: This measure will pave or stabilize dirt shoulders on paved public roads that carry a high level of traffic (e.g. more than 2,000 vehicles or 50 heavy trucks per average weekday). Legal authority for this action is provided under A.R.S. Section 9-240, General powers of common council, and Section 1.03 Charter of the City of Chandler.

Responsible Agency and Authority for Implementation: The City of Chandler through its Public Works Department recently developed an inventory of streets with more than 2,000 vehicles or 50 heavy trucks per average weekday. The City currently has approximately 1566 miles of shoulder, or approximately 97% of all City shoulders, that are currently paved or stabilized. The remaining roadway edges include approximately 57 miles of shoulders without curb and gutter. About seven (7) miles of shoulder are already paved or stabilized but without curb and gutter. Of the 50 remaining miles of unimproved shoulders, the City will be constructing 14.7 linear miles with full curb and gutter and improving the shoulder of the remaining 35 miles with an eight foot wide stabilized shoulder constructed of aggregate or asphalt millings. This will be accomplished over a three-year period. The Public Works Director will identify a Project Manager who will oversee construction of these measures and will report progress to the City Manager.

Implementation Schedule:

1. June 30, 2008 12 miles of shoulder stabilized and 5 miles of curb and gutter constructed.
2. June 30, 2009 12 miles of shoulder stabilized and 5 miles of curb and gutter constructed.
3. June 30, 2010 11 miles of shoulder stabilized and 4.7 miles of curb and gutter constructed.

Level of Personnel and Funding Allocated for Implementation: Road improvements for the 14.7 miles of road to be fully improved including design and construction for paving the full 6 lanes with improvements totals \$69,313,000. Road improvements for shoulders that include applying aggregate or asphalt millings eight feet wide to the remaining 36 miles of unimproved shoulders will cost approximately \$1,311,000.

Enforcement Program: The program will be implemented by the Public Works Department.

Monitoring Program: Progress of construction will be reported by the Public Works Project Manager to the City Manager as to the number of miles of shoulders improved by applying aggregate or asphalt millings and the number of miles of curb and gutter improvement made to existing roads. This report will be sent to the City Manager by the end of the fiscal year. The City Manager's Office will forward this report to Maricopa County within 30 days of completion of the fiscal year. Maricopa County will be responsible for reporting reasonable further progress to the U.S. Environmental Protection Agency

Copy of Ordinance: A copy of the applicable Code Sections is attached. No Code changes are required to implement this measure.

## EXHIBIT H

### CITY OF CHANDLER MEASURES FOR IMPLEMENTATION OF MAG FIVE PERCENT PLAN FOR PM-10

Measure Title: ( 38) Restrict vehicular use and parking on vacant lots.

Measure Description: This measure prohibits vehicle trespass on vacant land. Legal authority for this action is provided under A.R.S. Section 9-240, General powers of common council, Section 1.03 Charter of the City of Chandler and Sections 12-3.1, 12-3.2, 30-3.2G, and 35-1802, Code of the City of Chandler.

Responsible Agency and Authority for Implementation: The City Police Department and Neighborhood Resources Division is currently enforces this measure as part of their normal duties.

Implementation Schedule: This measure is currently being enforced.

Level of Personnel and Funding Allocated for Implementation: Enforcement of the ordinance is currently part of the normal enforcement duties of the Police Department and is included in current budgets.

Enforcement Program: The program will be enforced by the Police Department with support from the Neighborhood Resources Division through Code Section 1.8.

Monitoring Program: Progress of enforcement will be reported by the number of citations issued for this violation. Such metrics will be reported by the Chief of Police to the City Manager's Office by the end of each fiscal year. The City Manager will forward the annual report to Maricopa County within 30 days of completion of the fiscal year. Maricopa County will be responsible to report reasonable further progress to the U.S. Environmental Protection Agency.

Copy of Ordinance: A copy of the applicable Code Sections is attached. No Code changes are required to implement this measure.

**EXHIBIT I**

**CITY OF CHANDLER  
MEASURES FOR IMPLEMENTATION OF MAG FIVE  
PERCENT PLAN FOR PM-10**

Measure Title: ( 39) Enforcement of trespass ordinances and codes.

Measure Description: This measure would provide enforcement of vehicular trespass ordinances and codes for vacant lots. Legal authority for this action is provided under A.R.S. Section 9-240, General powers of common council, Section 1.03 Charter of the City of Chandler, and Sections 12-3.1, 12-3.2 and 30-3.2 G.

Responsible Agency and Authority for Implementation: The City of Chandler through the Police Department and Neighborhood Services Division is currently enforcing this measure as part of their normal duties.

Implementation Schedule: This measure is currently being enforced.

Level of Personnel and Funding Allocated for Implementation: Enforcement of the ordinance is currently part of the normal enforcement duties of the Police Department and is included in current budgets.

Enforcement Program: The program will be enforced by the Police Department with support from the Neighborhood Services Division through Code Section 1.8.

Monitoring Program: Progress of enforcement will be reported by the number of citations issued for this violation. Such metrics will be reported by the Chief of Police to the City Manager's Office by the end of each fiscal year. The City Manager will forward the annual report to Maricopa County within 30 days of completion of the fiscal year. Maricopa County will be responsible to report reasonable further progress to the U.S. Environmental Protection Agency.

Copy of Ordinance: A copy of the applicable Code Sections is attached. No Code changes are required to implement this measure.

## APPENDIX

### Section 1.03. Powers.

The city may acquire property within or without its corporate limits for any city purpose in fee simple or any lesser interest or estate, by purchase, gift, devise, lease or condemnation, and may sell, mortgage, hold, manage and control such property as its interests may require. Except as prohibited by the constitution of this state or restricted by this charter, the city shall have and may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever, and especially to enter into contracts, cooperative and otherwise, with the government of the United States, the State of Arizona, Maricopa County, quasi-municipalities, or any other municipal corporation of this state for the construction, maintenance and operation of roads, highways, parks, sewers, waterworks, public utilities, and buildings (when used for public purposes), all when deemed for the best interest of the city. The enumeration of particular powers by this charter shall not be deemed to be exclusive, and in addition to the exercise of such powers it is intended that the city shall have and may exercise all powers which under the constitution of this state it would be competent for this charter specifically to enumerate.

### **1-8. General penalty; continuing violations.**

*1-8.1.* "Violation of this Code" means any of the following:

- A. Doing an act that is prohibited or made or declared unlawful, an offense, a violation or a misdemeanor by ordinance or by rule or regulation authorized by ordinance.
- B. Failure to perform an act that is required to be performed by ordinance or by rule or regulation authorized by ordinance.
- C. Failure to perform an act if the failure is prohibited or is made or declared unlawful, an offense, a violation or a misdemeanor by ordinance or by rule or regulation authorized by ordinance.

*1-8.2.* "Violation of this Code" does not include the failure of a City Officer or City Employee to perform an official duty unless it is specifically provided that the failure to perform the duty is to be punished as provided in this section.

*1-8.3.* Except as otherwise provided by law or ordinance, a person convicted of a violation of this Code shall be guilty of a Class 1 misdemeanor, punishable by a fine not exceeding two thousand five hundred dollars (\$2,500.00), by imprisonment for a term not exceeding six (6) months, by probation for a term not exceeding three (3) years, or by any combination thereof. Except as otherwise provided by law or ordinance, with respect to violations of this Code that are continuous with respect to time, each day that the violation continues is a separate offense.

*1-8.4.* The sentence to pay a fine, imposed on an enterprise convicted of a Class 1 misdemeanor shall be an amount not more than twenty thousand dollars (\$20,000.00) and

on an enterprise convicted of a class 2 misdemeanor shall be an amount not more than ten thousand dollars (\$10,000.00).

1-8.5. Violations of Chapters 12 and 13 of this Code are civil traffic violations punishable as provided in A.R.S. tit. 28, ch 5.

1-8.6. The imposition of a penalty does not prevent suspension or revocation of a license, permit or franchise or other administrative sanctions.

1-8.7.

A. *Civil infractions.* Except as otherwise provided by law or ordinance, a violation of Chapters 28, 30, 31, 44 and 58 shall be a civil infraction which will be charged, filed and prosecuted in accordance with Chapter 26 of this Code.

B. *Habitual offender.* Any person who commits a violation of any one of the above listed Chapters after previously having been found responsible for committing two (2) or more civil infractions of the same Chapter within any thirty-six-month period, whether by admission, by payment of the fine, by default, or by judgment after hearing, shall be guilty of a criminal misdemeanor punishable as set forth in Subsection 1-8.3 of this Code. The Chandler City Prosecutor is authorized to file a criminal misdemeanor complaint in the Chandler Municipal Court against such habitual offenders who violate this Section. For purposes of calculating the thirty-six-month period under this paragraph, the dates of the commission of the offenses are the determining factor.

1-8.8. Violations of this Code that are continuous with respect to time are a public nuisance and may be abated through the civil infractions enforcement and abatement procedures in Chapter 26 of this Code or by injunctive or other equitable relief. The imposition of civil or criminal penalties does not prevent enforcement and abatement nor injunctive relief.

1-8.9. Enforcement of City Code. The City Manager/Designee is hereby authorized and directed to enforce all the provisions of the City Code. Such enforcement shall be in accordance with the following:

A. By criminal complaint (either by citation issued by a Police Officer pursuant to A.R.S. § 13-3903 or by a long form criminal complaint filed in the Chandler Municipal Court pursuant to Rule 2.3 Arizona Rules of Criminal Procedure);

B. By civil action in the Superior Court seeking an injunction and order for abatement;

C. By the procedures for civil infraction citations set forth in Chapter 26 of this Code;

D. By the abatement procedures authorized in A.R.S. 9-499 and established in Chapter 26 of this Code; or

E. By any other enforcement remedies provided by State law, including but not limited to the provisions relating to slum properties.

(Ord. No. 1346, § I, 5-21-84; Ord. No. 2532, § 1, 2-9-95; Ord. No. 3048, § 2, 11-4-99; Ord. No. 3496, § 1, 12-18-03; Ord. No. 3602, 11-15-04; Ord. No. 3621, 10-28-04; Ord. No. 3730, § 1, 11- 14-05)

**Cross references:** Posting of penal ordinances, § 2-8; City Court, § 20-1 et seq.

**State law references:** Limits of fines and imprisonment for cities operating under Council form of government, A.R.S. § 9-240; disposition of fines, etc., for violations of City Ordinances, A.R.

S., § 13-1675; working prisoners, A.R.S., § 31-144.

12-3. Vehicles on private property.

*12-3.1. Written permission required.* No person shall operate or drive any motor vehicle, motorcycle, minibike, dune buggy, motor scooter, 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. The property owner, lessee or invitee may operate such vehicles if the use is incidental to the enjoyment of the property rights and does not violate any other applicable laws. Whenever any such person is stopped by a Police Officer of the City for violations of this section, the person shall, upon request of the Police Officer, display written permission.

*12-3.2. Display grant of permission.* No person shall park or leave any motor vehicle, motorcycle, minibike, trail bike, dune buggy, motor scooter, motor home, travel trailer, camper, boat or other form of recreational vehicle or form of transportation upon the private property of another without displaying in public view the written permission of the property owner or the person entitled to immediate possession thereof or the authorized agent of either.

(Ord. No. 395, § 3, 2-21-68; Ord. No. 687, § 1, 9-23-76; Ord. No. 701, § 1, 3-10-77; Ord. No. 1346, § 3, 5-21-84; Ord. No. 2969, § 3, 8-26-99)

30-3.2. *Exterior premises and vacant land.*

*G. Vacant lots and parcels.*

1. The owners and responsible parties of vacant parcels five thousand (5,000) square feet or larger which have been disturbed by motor vehicles shall either:
  - a. Erect signs, fencing, shrubs, trees or other barriers to prevent motor vehicle trespass or parking; or
  - b. Apply surface gravel or chemical/organic stabilizers to all disturbed surface areas.
2. The owners and responsible parties of vacant lots or parcels where more than one-half ( 1/2) acre of the surface has been disturbed shall either:
  - a. Establish ground cover;
  - b. Apply a dust suppressant;
  - c. Restore to a natural state; or
  - d. Apply gravel to the disturbed area.
3. The owners and responsible parties of properties on which weed abatement disturbs more than one-half ( 1/2) acre of vacant land shall:
  - a. Apply a dust suppressant immediately prior to or during such weed abatement;
  - b. Take reasonable precautions to prevent or eliminate cut plant material from being tracked out onto paved surfaces or onto access points adjoining paved surfaces; and
  - c. Apply a dust suppressant, gravel, use compaction or take other dust control measures immediately following weed abatement.
4. Paragraphs 2 and 3 do not apply to vacant lots located on an industrial facility or construction or earth-moving activity on-sites that have an approved permit issued by the City or by Maricopa County.

5. Property which is part of a subdivision or planned area development (PAD) shall be maintained in conformance with the exhibits, conditions and stipulations approved and imposed by the City Council at the time the approval for rezoning or developments was granted.

**35-1802. General requirements.**

(5) All parking areas and driveways shall have a surface of masonry, concrete or asphalt except in an AG-1 District and SF-33 District, where a dustfree surface is permitted.

Within any residential district, the parking of motor homes, travel trailers, and boats on trailers shall be permitted on an unimproved surface when located behind the required front yard setback, and screened from the street by a solid six-foot wall or fence.

(10) Motor vehicles may be parked in the front yard only when on an improved driveway (as defined in (5) above) leading to required off-street parking.

PM-10 Compliance Measures  
Estimated Costs

Description	Miles	Already in CIP Program	FY 2007-2008	FY 2008-2009	FY 2009-2010	Total Cost
<b>Unpaved Roads</b>						
Ryan Road <sup>1</sup>	0.7	Yes		\$226,000		\$226,000
Commonwealth Avenue: Hamilton towards McQueen <sup>1</sup>	0.25	Yes	\$842,000			\$842,000
<b>Shoulders</b>						
Work Underway or Programmed Through 5 Year CIP <sup>2</sup>	56.3	Yes	\$25,265,000	\$21,420,000	\$21,560,000	\$68,245,000
Shoulders Already Reconditioned	14.7					
	6.7					
<b>Untreated Shoulders<sup>3</sup></b>	<b>34.9</b>	<b>No</b>	<b>\$437,000</b>	<b>\$437,000</b>	<b>\$437,000</b>	<b>\$1,311,000</b>
<b>Alley Ways</b>						
Alley Ways That Are Paved or Recently Reconditioned	129					
Alley Ways That Currently Have Millings	8					
	91					
<b>Alley Ways That Currently Do Not Have Millings<sup>4,5</sup></b>	<b>30</b>	<b>No</b>	<b>\$939,000</b>	<b>\$939,000</b>	<b>\$939,000</b>	<b>\$2,817,000</b>
<b>Dirt Road 15 mph Signage</b>						
Signage Installed-Dirt Roads	0.7		\$500			\$500
<b>Unpaved or Untreated Parking Lots</b>						
Potential Parking/Driving Treatment Areas <sup>6</sup>	100 acre	No	\$600,000			\$600,000
Additional manpower for sweepers <sup>6</sup>		Ongoing	\$0	\$79,000	\$83,000	
Additional sweepers <sup>6</sup>			0	\$175,000		
<b>Additional Cost to Maintain Sweeping Schedule<sup>6</sup></b>			<b>\$0</b>	<b>\$254,000</b>	<b>\$83,000</b>	<b>\$337,000</b>
<b>Compliance Tracking and Reporting of Compliance<sup>7</sup></b>		Ongoing	<b>\$37,000</b>	<b>\$38,500</b>	<b>\$40,500</b>	<b>\$116,000</b>
Already Included in CIP			\$26,107,000	\$21,646,000	\$21,560,000	\$69,313,000
Not Included in Current Funding			\$2,013,500	\$1,668,500	\$1,499,500	\$5,181,500
			\$28,120,500	\$23,314,500	\$23,059,500	\$74,494,500

Notes:

1. CMAQ funding approved/granted in the amount of \$325,000 for Commonwealth Ave. and \$180,000 to cap Ryan Road (These are only funded project to date.)
2. 0.7 miles remain to be paved; 0.3 miles already surfaced/paved.
3. CIP Portion Constructed: Approximately \$5 million/mile for complete 6 lane arterial roadway projects.
4. Assume Full 16' Alley Way Width Work Limits, Use 8' shoulder reconditioning.
5. Random vehicle count resulted in projected daily use at 3 alley ways at 7, 8, and 43 vehicles per day.
6. Parks-1.5 acres; Water Production-0 acres; Fire Department-2 acres; Wastewater-30 acres; Airport-\$42,000 Dust Palliative; Downtown-Var.; Airport Reclamation Facility-2; Water Treatment Plant-0.
7. Street Sweeper additions would be \$175,000 per year for each street sweeper and \$79,000(+/-) per year for operators each year we added a sweeper. This represents one half of a full time employee to track compliance with these measures and other associated State and County regulations.