

**ORDINANCE NO. 197**

**AN ORDINANCE OF THE TOWN OF MAMMOTH, PINAL COUNTY, ARIZONA, RELATING TO THE REGULATION OFF ROAD AND UNLICENSED VEHICLES ON TOWN ROADWAYS, VACANT OR PRIVATE PROPERTY WITHIN THE TOWN LIMITS; ADDING MAMMOTH TOWN CODE SECTION 10-05 ; PROVIDING FOR PENALTIES FOR VIOLATIONS, PROVIDING FOR SEPARABILITY; AND DESIGNATING AN EFFECTIVE DATE.**

**WHEREAS**, the Town has protected neighborhoods against all nuisances, blight and deterioration. By establishing these requirements for the maintenance and security of all vacated lands and;

**WHEREAS**, to promote the health, safety, economic and general welfare of the citizens in the Town of Mammoth and;

**WHEREAS**, the Mayor and Council have concluded that it would be in the best interest of the Town and citizens of Mammoth to adopt regulations for the use of off road vehicles within the Town limits.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF MAMMOTH, ARIZONA, AS FOLLOWS:**

**Section 1: Section 10.05 is hereby added to the Mammoth Town Code:**

**10.05 OFF ROAD AND UNLICENSED VEHICLES**

**10.05.010 INTENT**

It is the intent of this chapter to prevent the unauthorized use of Town streets or roads, vacant lots or other privately-owned areas by motor vehicles which unauthorized use results in the creation of excessive dust, noise, or other annoyances to such an extent as to interfere with the comfortable enjoyment of life or property by the surrounding property owners.

**10.05.020 PERMIT REQUIRED FOR USE ON PRIVATE LANDE - SPECIFICATIONS.**

**A.** It is unlawful for any person to operate, drive or leave any motor vehicle, motorcycle, motor scooter, minibike, trail-bike, all-terrain vehicle, dune buggy, jeep or other form of transportation propelled by an internal combustion engine, on Town streets roads or right of ways or upon the private property of another without a written permit issued by the owner of

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the property or the person entitled to immediate possession thereof, or the authorized agent of either.

**B.** The permit shall specify the period for which permission is granted, and shall set forth the name of the grantee, shall be signed by the grantor, shall state the grantor's interest in the property and, if the grantor is not the owner thereof, the owner's name.

#### **10.05.030 DISPLAY OF PERMIT UPON REQUEST REQUIRED.**

Any person operating, driving or leaving a vehicle described in **Section 10.05.020** on private property shall, upon request of any peace officer, display the permit issued under terms of this article.

#### **10.05.040 IMPOUNDING OF VEHICLES WHEN**

**A.** The police department may take in charge, remove and keep in custody, under the direction of the chief of police, any unoccupied vehicle of any kind or description found violating any of the provisions of this code, or of any of the ordinances of the city or the laws of the state of Arizona regulating the standing or parking of vehicles.

**B.** If the vehicle has been issued five unpaid parking tickets, the vehicle shall be towed and impound.

#### **10.05.050 RELEASE OF IMPOUNDED VEHICLE WHEN**

The police department shall return to the owner of the impounded vehicle when the owner has furnished evidence of his identity and ownership and signed a receipt. The owner shall be requested to pay any towing and storage fee when the payment from the owner is legally permissible. The towing and storage fee shall be that fee set forth in the applicable current tow service contract between the city and the towing contractor providing the tow service. The payment of the towing and storage fee shall not release the owner or driver of the vehicle from any other penalty imposed for the violation of this chapter.

#### **10.05.060 VIOLATION – PENATLY**

Any person, firm or corporation violating any provision of this chapter is guilty of a misdemeanor and each person shall be deemed guilty of a separate offense for each day or portion thereof during which any violation of any provision of this chapter is committed, continued or permitted, and upon conviction, the person shall be punished by a fine of not to exceed three hundred dollars, imprisonment for not to exceed ninety days, or both such fine and imprisonment.

**Section 2.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

**Section 3.** The provisions of this Ordinance shall become effective on July 1, 2015.

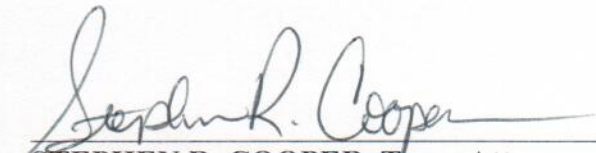
**PASSED and ADOPTED** by the Town Council of the Town of Mammoth, Arizona, this 18th day of June, 2015.

  
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**DON JONES, Mayor**

**ATTEST:**

**APPROVED AS TO FORM:**

  
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**ERICA M. GARCIA, Interim Town Clerk**

  
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**STEPHEN R. COOPER, Town Attorney**