

ORDINANCE NO. 201

AN ORDINANCE OF THE TOWN OF MAMMOTH, PINAL COUNTY, ARIZONA, RELATING TO THE REGULATION OF VEHICLES ON TOWN ROADWAYS, VACANT OR PRIVATE PROPERTY WITHIN THE TOWN LIMITS; ADDING MAMMOTH TOWN CODE SECTION 10-06 VEHICULAR NOISE ; PROVIDING FOR PENALTIES FOR VIOLATIONS, PROVIDING FOR SEPARABILITY; AND DESIGNATING AN EFFECTIVE DATE.

WHEREAS, the Town has protected neighborhoods against all nuisances, blight, deterioration and excessive noise;

WHEREAS, the 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 vehicles which cause excessive noise 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 10.06 is hereby added to the Mammoth Town Code:

10.06 VEHICULAR NOISE

10.06.010 Vehicular noise.

A. It shall be unlawful for any person within any residential area of the Town to repair, rebuild or test any motor vehicle between the hours of 9:00 p.m. and 6:00 a.m. in such a manner as to create any excessive, unnecessary or offensive noise, such that a reasonable person or normal sensitivity residing in the area is caused discomfort or annoyance.

B. No person shall operate, or cause to be operated, any motor vehicle within the Town unless the **exhaust** system of such vehicle:

1. Is free from defects which may cause sound level magnification;
2. Is equipped with a functioning muffler;

Handicapped individuals with special accessibility needs may contact the ADA Coordinator for the Town of Mammoth, at (520) 487-2331 (V/TDD)

3. Has not been modified in such a manner which will amplify or increase the sound level emitted by the motor vehicle above that emitted by a muffler originally installed on the vehicle as manufactured for initial sale.

C. The use of any and all **exhaust** brakes, engine brakes, engine retarders, or similar devices shall be prohibited within the Town; provided, however, that it shall be an affirmative defense to a violation of this paragraph that such device was used by the operator as a result of a bona fide emergency, and was reasonably necessary for the protection of persons and/or property


10.06.020 VIOLATION – PENALTY

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.

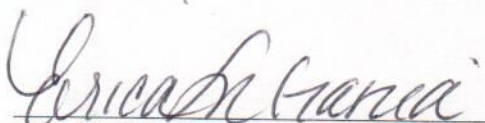
Section 2. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 3. The provisions of this Ordinance shall become effective on January 1, 2016.

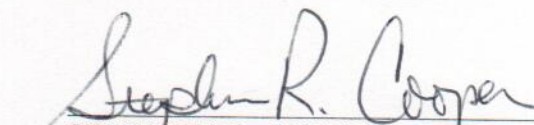
PASSED and ADOPTED by the Town Council of the Town of Mammoth, Arizona, this 19th day of November, 2016.


DON JONES, Mayor

ATTEST:


ERICA M. GARCIA, Interim Town Clerk

APPROVED AS TO FORM:


STEPHEN R. COOPER, Town Attorney