

ORDINANCE NO. G 4037

AN ORDINANCE AMENDING CHAPTER 39, ARTICLE 2, SECTION 39-7 OF THE PHOENIX CITY CODE BY ADDING SUBSECTION G RELATING TO DUST FREE PARKING AREAS; AND AMENDING CHAPTER 36, ARTICLE XI, DIVISION I, SECTION 36-145 OF THE PHOENIX CITY CODE RELATING TO PARKING ON NON DUST FREE LOTS.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PHOENIX as

follows:

SECTION 1. Section 39-7 of the Phoenix City Code is hereby amended as

follows:

Sec. 39-7. Exterior Premises and Vacant Land.

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G. *PARKING AREAS*. MOTOR VEHICLES SHALL NOT BE PARKED OR STORED UPON A LOT OR AREA WITHIN THE CITY WHICH IS NOT DUST FREE.

1. "DUST FREE" SHALL MEAN THAT A LOT OR AREA IS MAINTAINED BY PAVING WITH ONE OF THE FOLLOWING METHODS: ASPHALTIC CONCRETE, CEMENT CONCRETE, PENETRATION TREATMENT OF BITUMINOUS MATERIAL AND SEAL COAT OF BITUMINOUS BINDER AND A MINERAL

AGGREGATE, OR THE EQUIVALENT AS APPROVED BY THE ZONING ADMINISTRATOR.

2. AN AREA WHICH ENCOMPASSES ALL OR PART OF A RESIDENTIAL LOT WHICH CONTAINS ONE SINGLE FAMILY OR DUPLEX RESIDENTIAL UNIT IS ALSO DUST FREE IF COVERED BY A SMOOTH LAYER OF CRUSHED ROCK OR GRAVEL MAINTAINED TO A MINIMUM DEPTH OF THREE (3) INCHES AND CONTAINED WITHIN A PERMANENT BORDER OR AN ALTERNATIVE SURFACE TREATMENT AS APPROVED BY THE DEVELOPMENT SERVICES DEPARTMENT THAT WILL EQUAL OR EXCEED THE DUST FREE CHARACTERISTIC OF CONTAINED CRUSHED ROCK OR GRAVEL.

3. THIS SUBSECTION SHALL NOT BE APPLICABLE TO VEHICLES PARKED IN THE REAR YARD OF A RESIDENTIAL LOT WHICH CONTAINS ONE SINGLE FAMILY OR DUPLEX RESIDENTIAL UNIT.

4. IT SHALL BE AN AFFIRMATIVE DEFENSE TO A VIOLATION OF THIS SUBSECTION THAT THE CONDITION OF THE LOT WAS IN COMPLIANCE WITH A STIPULATION MADE BY THE ZONING ADMINISTRATOR PERMITTING TEMPORARY PARKING FOR CIVIC EVENTS AND THAT THE VEHICLE WAS PARKED BY OR ON BEHALF OF AN ATTENDEE OF SUCH AN EVENT.

5. THE ABATEMENT PROVISIONS OF THIS ORDINANCE ARE INAPPLICABLE TO THIS SUBSECTION. THE POLICE DEPARTMENT MAY REMOVE AND IMPOUND ANY VEHICLE PARKED OR STORED IN VIOLATION OF THIS SUBSECTION IN

ACCORDANCE WITH THE PROVISIONS OF SECTION
36-7 OF THIS CODE.

SECTION 2. Section 36-145 of the Phoenix City Code is hereby amended

as follows:

Sec. 36-145. Parking on unpavedNON DUST FREE lots.

A. No person shall park, or permit to be parked, any motor vehicle ~~for the purpose of sale upon~~ any lot or area within the city which is not DUST FREE paved, ~~except that one motor vehicle may be displayed for sale when the motor vehicle is owned by the resident of the property and is not being sold in connection with an automobile sales business.~~ Violation of this section shall constitute a civil traffic violation, and the violator shall be subject to a civil sanction of not less than \$65~~\$50~~ or more than \$250, ~~provided that effective October 1, 1992, the minimum civil sanction shall be \$65.~~

B. "DUST FREE" SHALL MEAN THAT A LOT OR AREA IS MAINTAINED BY PAVING WITH ONE OF THE FOLLOWING METHODS: ASPHALTIC CONCRETE, CEMENT CONCRETE, PENETRATION TREATMENT OF BITUMINOUS MATERIAL AND SEAL COAT OF BITUMINOUS BINDER AND A MINERAL AGGREGATE, OR THE EQUIVALENT AS APPROVED BY THE ZONING ADMINISTRATOR.

C. AN AREA WHICH ENCOMPASSES ALL OR PART OF A RESIDENTIAL LOT WHICH CONTAINS ONE SINGLE FAMILY OR DUPLEX RESIDENTIAL UNIT IS ALSO DUST FREE IF COVERED BY A SMOOTH LAYER OF CRUSHED ROCK OR GRAVEL MAINTAINED TO A MINIMUM DEPTH OF THREE (3) INCHES AND CONTAINED WITHIN A PERMANENT

BORDER OR AN ALTERNATIVE SURFACE TREATMENT AS APPROVED BY THE DEVELOPMENT SERVICES DEPARTMENT THAT WILL EQUAL OR EXCEED THE DUST FREE CHARACTERISTIC OF CONTAINED CRUSHED ROCK OR GRAVEL.

D. THIS SECTION SHALL NOT BE APPLICABLE TO VEHICLES PARKED IN THE REAR YARD OF A RESIDENTIAL LOT WHICH CONTAINS ONE SINGLE FAMILY OR DUPLEX RESIDENTIAL UNIT.

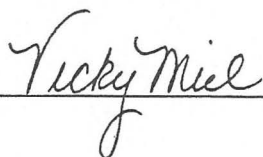
E. IT SHALL BE AN AFFIRMATIVE DEFENSE TO A VIOLATION OF THIS SECTION THAT THE CONDITION OF THE LOT WAS IN COMPLIANCE WITH A STIPULATION MADE BY THE ZONING ADMINISTRATOR PERMITTING TEMPORARY PARKING FOR CIVIC EVENTS AND THAT THE VEHICLE WAS PARKED BY OR ON BEHALF OF AN ATTENDEE OF SUCH AN EVENT.

PASSED by the Council of the City of Phoenix this 2 day of July,

1997.


MAYOR

ATTEST:


City Clerk

APPROVED AS TO FORM:

K. T. R... **ACTING**
City Attorney

REVIEWED BY:

[Signature]
City Manager

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