

WHEN RECORDED RETURN TO:

City of Buckeye
ATTN: City Clerk, Lucinda J. Aja
530 East Monroe Avenue
Buckeye, Arizona 85326

ORDINANCE NO. 03-21

AN ORDINANCE BY THE MAYOR AND COUNCIL OF THE CITY OF BUCKEYE, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT ON FILE WITH THE CITY CLERK ENTITLED THE “CITY OF BUCKEYE NOISE AND COMMERCIAL VEHICLE AMENDMENTS, JANUARY 2021”; ADOPTING THE “CITY OF BUCKEYE NOISE AND COMMERCIAL VEHICLE AMENDMENTS, JANUARY 2021” BY REFERENCE; AND AMENDING THE CITY OF BUCKEYE CODE, CHAPTER 10, MISCELLANEOUS OFFENSES REGULATION, ARTICLE 10-1 GENERAL OFFENSES BY AMENDING SECTIONS 10-1-1 GENERAL PROVISIONS AND 10-1-2 DISTURBING AND UNNECESSARY NOISE PROHIBITED; AND CHAPTER 12 TRAFFIC CODE, ARTICLE 12-2 TRAFFIC REGULATIONS, BY AMENDING SECTION 12-2-8 COMMERCIAL VEHICLE RESTRICTIONS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR PENALTIES; AND DECLARING AN EMERGENCY.

WHEREAS, that certain document entitled the “City of Buckeye Noise and Commercial Vehicle Amendments, January 2021,” of which at least three paper copies or one paper copy and one electronic copy are on file in the Office of the City Clerk and open for public inspection during normal business hours, is hereby declared to be a public record and said copies are ordered to remain on file with the City Clerk; and

WHEREAS, the Mayor and City Council of the City of Buckeye, Arizona, believe that it is in the best interest of the City to amend various sections of the City Code of the City of Buckeye related to noise restrictions and commercial vehicle restrictions to promote the health, safety and welfare of the City’s residents.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BUCKEYE, ARIZONA, as follows:

Section 1. The recitals set forth above are hereby incorporated as if fully set forth herein.

Section 2. That certain document entitled the “City of Buckeye Noise and Commercial Vehicle Amendments, January 2021,” is hereby referred to, adopted and made a part hereof as if fully set out in this Ordinance.

Section 3. The City Code is hereby amended by amending the sections referenced in the “City of Buckeye Noise and Commercial Vehicle Amendments, January 2021,” as provided therein in Chapter 10, Miscellaneous Offenses Regulation, Article 10-1 General Offenses by amending Sections 10-1-1 General Provisions and 10-1-2 Disturbing and Unnecessary Noise Prohibited; and Chapter 12 Traffic Code, Article 12-2 Traffic Regulations, by amending Section 12-2-8 Commercial Vehicle Restrictions.

Section 4. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the City Code are hereby repealed.

Section 5. If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the City Code adopted herein by reference, 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 6. Violations of any provision of Chapter 10, Article 10-1 of the “City of Buckeye Noise and Commercial Vehicle Amendments, January 2021,” adopted herein shall be subject to the enforcement provisions of Chapter 10, Article 10-1, and may be subject to civil and/or criminal penalties as follows:

Section 10-1-1 – General Provisions.

A. Whenever in this article of the city code any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful or a misdemeanor, where no specific penalty is provided therefor, the violation of any such provision of this code or any ordinance shall be subject to civil and criminal penalties as set forth in Article 1-7 of the city code.

B. Whenever any fees, assessments, surcharges, costs and/or expenses are imposed against any person as a condition, requirement or penalty of any provision of this section, such fees, assessments, surcharges, costs and/or expenses shall be in amounts as determined by the council and adopted by ordinance, resolution or annual budget.

Section 7. Violations of any provision of Chapter 12, Article 12-2, Section 12-2-8 of the “City of Buckeye Noise and Commercial Vehicle Amendments, January 2021,” adopted herein shall be subject to the enforcement provisions below:

G. A person in violation of the provisions of this section shall be

1. Subject to a civil sanction unless the ordinance defining the offense provides for a different classification.
2. Notwithstanding the provisions of subsection (3) of this section, a conviction for a violation of this section in which the weight is two thousand five hundred one pounds or greater is a class 1 misdemeanor.

3. A person who violates any provision of this section which is declared to be a civil traffic violation is subject to the civil sanction set forth in the following table. A second violation of any such provision within six months of a preceding civil judgment is a class 2 misdemeanor. A second conviction for a criminal violation of said section within one year of the preceding conviction is a class 1 misdemeanor. In addition to any other penalties which the court may impose, in all cases the court shall impose the fine or civil sanction in the amount set forth in the following table:

IF THE EXCESS WEIGHT IS:	THE MINIMUM FINE OR CIVIL SANCTION IS:		
	SANCTION	CLASS 2	CLASS 1
1,001 to 1,250 pounds	\$ 50.00	\$ 75.00	\$ 100.00
1,251 to 1,500 pounds	100.00	150.00	200.00
1,501 to 2,000 pounds	150.00	225.00	300.00
2,001 to 2,500 pounds	200.00	300.00	400.00
2,501 to 3,000 pounds			500.00
3,001 to 3,500 pounds			600.00
3,501 to 4,000 pounds			700.00
4,001 to 4,500 pounds			800.00
4,501 to 4,750 pounds			900.00
4,751 pounds and over			1,000.00

Section 8. The Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to take all steps and to execute all documents necessary to carry out the purpose and intent of this Ordinance.

Section 9. The immediate operation of the provisions of this Ordinance is necessary for the preservation of the public peace, health and safety of the City of Buckeye and an emergency is hereby declared to exist. This Ordinance shall be in full force and effect from and after its passage, adoption and approval by the City Council of the City of Buckeye.

PASSED AND ADOPTED by the Mayor and City Council of the City of Buckeye, Arizona,
this 19th day of January, 2021.

Eric W. Orsborn, Mayor

ATTEST:

Lucinda J. Aja, City Clerk

APPROVED AS TO FORM:

City Attorney