

3-23-88

Sec. 2. Title 9, chapter 4, article 8, Arizona Revised Statutes, is amended by adding section 9-500.03, to read:

9-500.03. Air quality control

~~A. THE GOVERNING BODY OF A CITY OR TOWN IN A NONATTAINMENT AREA AS DEFINED IN SECTION 49-541 SHALL:~~

1. IF THE CITY OR TOWN HAS A POPULATION EXCEEDING FIFTY THOUSAND PERSONS ACCORDING TO THE 1985 SPECIAL CENSUS, ADJUST THE WORK HOURS OF AT LEAST EIGHTY-FIVE PER CENT OF MUNICIPAL EMPLOYEES EACH YEAR BEGINNING OCTOBER 1 AND ENDING APRIL 1 IN ORDER TO REDUCE THE LEVEL OF CARBON MONOXIDE CONCENTRATIONS CAUSED BY VEHICULAR TRAVEL.

2. SYNCHRONIZE TRAFFIC CONTROL SIGNALS ON ALL ROADWAYS WHICH HAVE A TRAFFIC FLOW EXCEEDING FIFTEEN THOUSAND MOTOR VEHICLES PER DAY.

~~B. THE GOVERNING BODY OF A CITY OR TOWN MAY MAKE AND ENFORCE ORDINANCES TO REDUCE OR ENCOURAGE THE REDUCTION OF THE COMMUTER USE OF~~

held by the commission. A copy of the rules and regulations shall be certified by the commission to the county board of supervisors which shall hold a public hearing after notice of the time and place has been given by one publication fifteen days prior to the public hearing in a newspaper of general circulation in the county.

I. Approval of a plat shall not be deemed to constitute or effect an acceptance by the county for designation of any street, highway, BICYCLE FACILITY or other way or open space shown upon the plat into the county maintenance system except for hiking and equestrian trails which shall be constructed and maintained by the county. However, at such time as the streets, highways, BICYCLE FACILITIES or other ways are fully completed in accordance with the approved plat and written specifications made by the county board, the county shall accept such streets, highways, BICYCLE FACILITIES and other ways into the county maintenance system within one year of completion.

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Laws 1956, Chapter 129*

Volume 2B

Title 9
Cities and Towns

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ARTICLE 1. PURCHASE, SALE OR LEASE OF PROPERTY

Cross References

Powers and duties, cities and towns located in more than one county, see § 9-137.

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§ 9-500.04

Historical and Statutory Notes

Reviser's Notes:

1987 Note. Laws 1987, Ch. 365, § 2 added
another § 9-500.03 which was renumbered as

§ 9-500.04 pursuant to authority of § 41-
1304.02.

Library References

Municipal Corporations ¶210.
Westlaw Topic No. 268.

§ 9-500.04. Air quality control; definitions

A. The governing body of a city or town in area A or area B as defined in § 49-541 shall:

~~1. If the city has a population exceeding fifty thousand persons according to the 1995 special census, adjust the work hours of at least eighty-five per cent of municipal employees each year beginning October 1 and ending April 1 in order to reduce the level of carbon monoxide, ozone and particulate matter concentrations caused by vehicular travel.~~

~~2. In area A, in consultation with the designated metropolitan planning organization, synchronize traffic control signals on all existing and new roadways, within and across jurisdictional boundaries, that have average daily trips exceeding fifteen thousand motor vehicles per day.~~

3. In area A, beginning on January 1, 2008, develop and implement plans to stabilize targeted unpaved roads, alleys and unpaved shoulders on targeted arterials. The plans shall address the performance goals, the criteria for targeting the roads, alleys and shoulders, a schedule for implementation, funding options and reporting requirements. Priority shall be given to the following:

(a) Unpaved roads with more than one hundred average daily trips.

(b) Unpaved shoulders on arterial roads and other road segments where vehicle use on unpaved shoulders is evident or anticipated due to projected traffic volume.

~~4. In area A, acquire or utilize vacuum systems or other dust removal technology to reduce the particulates attributable to conventional crack sealing operations as existing equipment is retired.~~

5. In area A, in order to reduce particulate matter in ambient air:

(a) Beginning March 31, 2008, on any high pollution advisory day forecast by the department of environmental quality prohibit employees or contractors of that city or town from operating leaf blowers except while in vacuum mode and prohibit those employees or contractors from blowing landscape debris into public roadways at any time.

(b) No later than March 31, 2008, adopt, implement and enforce an ordinance that bans the blowing of landscape debris into public roadways at any time by any person.

6. In area A, no later than March 31, 2008, adopt or amend codes or ordinances and, no later than October 1, 2008, commence enforcement of those codes or ordinances as necessary to require that parking, maneuvering, ingress and egress areas at developments other than residential buildings with four or fewer units are maintained with one or more of the following dustproof paving methods:

- (a) Asphaltic concrete.
- (b) Cement concrete.
- (c) Penetration treatment of bituminous material and seal coat of bituminous binder and a mineral aggregate.
- (d) A stabilization method approved by the city or town.

7. In area A, no later than March 31, 2008, adopt or amend codes or ordinances and, no later than October 1, 2009, commence enforcement of those codes or ordinances as necessary to require that parking, maneuvering, ingress and egress areas that are three thousand square feet or more in size at residential buildings with four or fewer units are maintained with a paving or stabilization method authorized by the city or town by code, ordinance or permit.

8. In area A, no later than March 31, 2008, adopt or amend codes or ordinances as necessary to restrict vehicle parking and use on unpaved or unstabilized vacant lots.

9. In area A, no later than March 31, 2008, require that new or renewed contracts for street sweeping on city streets must be conducted with street sweepers that meet the south coast air quality management district rule 1186 street sweeper certification specifications for pick up efficiency and PM-10 emissions in effect on January 1, 2007.

~~10. In area B, synchronize traffic control signals on all roadways that have average daily trips exceeding fifteen thousand motor vehicles per day.~~

~~B. The governing body of a city or town in area B as defined in § 49-541 may make and enforce ordinances to reduce or encourage the reduction of the commuter use of motor vehicles by employees of the city or town and employees whose place of employment is within the city or town.~~

~~C. Except as provided in subsection F of this section, the governing body of a city or town in area A as defined in § 49-541 in a county with a population of more than one million two hundred thousand persons according to the most recent United States decennial census shall develop and implement a vehicle fleet plan for the purpose of encouraging and progressively increasing the use of alternative fuels and clean burning fuels in city or town owned vehicles. The plan shall include a timetable for increasing the use of alternative fuels and clean burning fuels in fleet vehicles either through purchase or conversion.~~

~~D. The timetable shall reflect the following schedule and percentage of vehicles that operate on alternative fuels and clean burning fuels:~~

- ~~1. At least eighteen per cent of the total fleet by December 31, 1995.~~

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~~2. At least twenty-five per cent of the total fleet by December 31, 1996.~~

3. At least fifty per cent of the total fleet by December 31, 1998.

4. At least seventy-five per cent of the total fleet by December 31, 2000 and each year thereafter.

E. The requirements of subsections C and D of this section may be waived on receipt of evidence acceptable to the city or town council that the city or town is unable to acquire or be provided equipment or refueling facilities necessary to operate vehicles using alternative fuels or clean burning fuels at a projected cost that is reasonably expected to result in net costs of no greater than ten per cent more than the net costs associated with the continued use of conventional gasoline or diesel fuels measured over the expected useful life of the equipment or facilities supplied. Applications for waivers shall be filed with the department of environmental quality pursuant to § 49-412. An entity that receives a waiver pursuant to this section shall retrofit fleet heavy-duty diesel vehicles with a gross vehicle weight of eight thousand five hundred pounds or more, that were manufactured in or before model year 1993 and that are the subject of the waiver with a technology that is effective at reducing particulate matter emissions at least twenty-five per cent or more and that has been approved by the United States environmental protection agency pursuant to the urban bus engine retrofit/rebuild program. The entity shall comply with the implementation schedule pursuant to § 49-555.

F. The plan prescribed by subsection C of this section shall include provisions for the use of alternative fuels and clean burning fuels in the bus fleet operated by that city or town or a regional public transportation authority, except that all newly purchased buses shall use alternative fuel or clean burning fuel. The bus fleet shall comply with the timetable prescribed by subsection D of this section, except that the requirements of subsections C and D of this section may be waived on receipt of certification supported by evidence acceptable to the department of environmental quality that the city or town is unable to acquire or be provided equipment or refueling facilities necessary to operate vehicles using alternative fuels or clean burning fuels at a projected cost that is reasonably expected to result in net costs of no greater than twenty per cent more than the net costs associated with the continued use of conventional gasoline or diesel fuels measured over the expected useful life of the equipment or facilities supplied.

G. If the requirements of subsections C, D and F of this section are met by the use of clean burning fuel, vehicle equivalents under those requirements shall be calculated as follows:

1. One vehicle equivalent for every four hundred fifty gallons of neat biodiesel or two thousand two hundred fifty gallons of a diesel fuel substitute prescribed in § 1-215, paragraph 7, subdivision (b).

2. One vehicle equivalent for every five hundred thirty gallons of the fuel prescribed in § 1-215, paragraph 7, subdivision (d).

H. Subsection A, paragraphs 5 through 8 of this section do not apply to any site that has a permit issued by a control officer as defined in § 49-471 for the control of fugitive dust from dust generating operations.

~~I. For the purposes of this section, "alternative fuel" and "clean burning fuel" have the same meanings prescribed in § 1-215.~~

Added as § 9-500.03 by Laws 1987, Ch. 365, § 2, eff. Jan. 1, 1989. Renumbered as § 9-500.04. Amended by Laws 1993, 6th S.S., Ch. 1, § 3; Laws 1994, Ch. 84, § 1; Laws 1994, Ch. 353, § 1, eff. April 26, 1994; Laws 1996, 7th S.S., Ch. 6, § 6; Laws 1997, Ch. 269, § 1; Laws 1998, Ch. 217, § 2; Laws 1999, Ch. 168, § 2, eff. May 5, 1999; Laws 2000, Ch. 148, § 2; Laws 2001, Ch. 70, § 1; Laws 2002, Ch. 260, § 2; Laws 2004, Ch. 95, § 2; Laws 2006, Ch. 349, § 2; Laws 2006, Ch. 388, § 1; Laws 2007, Ch. 292, § 1.

Historical and Statutory Notes

Laws 1987, Ch. 365, § 28, subsec. B provides:

"B. Sections 2 and 19 of this act are effective from and after December 31, 1988."

Laws 1998, Ch. 217, § 42, as amended by Laws 1999, Ch. 168, § 27, effective May 5, 1999, provides:

"Sec. 42. Area A expansion; compliance dates; air quality programs; Pinal county

"A. Notwithstanding § 41 as added by this act, and section 49-541, paragraph 1, Arizona Revised Statutes, as amended by this act, relating to the geographical definition of area A, all air quality measures and programs added or modified by this act which are not listed in subsection B of this section, shall be effective from and after December 31, 2000 in the portion of area A which includes Pinal county.

"B. Cities, counties and school districts that are located in Pinal county and that have been included within the boundaries of area A shall comply with the provisions of § 9-500.04, subsections C through G, § 15-349 and § 49-474.01, subsections C through E, Arizona Revised Statutes, relating to the conversions of fleet vehicles to alternative fuels according to the following schedule:

"1. At least eighteen per cent of the total fleet by December 31, 2000.

"2. At least twenty-five per cent of the total fleet by December 31, 2001.

"3. At least fifty per cent of the total fleet by December 31, 2003.

"4. At least seventy-five per cent of the total fleet by December 31, 2005."

Laws 1998, Ch. 217, § 42, as amended by Laws 1999, Ch. 295, § 51 provides:

"Sec. 42. Area A expansion; compliance dates; air quality programs; Pinal county

"A. Notwithstanding § 41 as added by this act, and § 49-541, paragraph 1, Arizona Revised Statutes, as amended by this act, relating to the geographical definition of area A, all air quality measures and programs added or modified by this act which are not listed in subsection B of this section, shall be effective from and after December 31, 2000 in the portion of area A which includes Pinal county.

"B. Cities, counties and school districts that are located in Pinal county and that have been included within the boundaries of area A shall comply with the provisions of § 9-500.04, subsections C through G, § 15-349 and § 49-474.01, subsections C through E, Arizona Revised Statutes, relating to the conversions of fleet vehicles to alternative fuels according to the following schedule:

"1. At least eighteen per cent of the total fleet by December 31, 2000.

"2. At least twenty-five per cent of the total fleet by December 31, 2001.

"3. At least fifty per cent of the total fleet by December 31, 2003.

"4. At least seventy-five per cent of the total fleet by December 31, 2005."

Laws 2001, Ch. 371, § 18, subsec. B, provides:

"Sec. 18. Area A expansion; compliance date; air quality programs"

"B. Cities, counties and school districts that have been included within the boundaries of area A shall comply with the provisions of § 9-500.04, subsections C through G, § 15-349 and § 49-474.01, subsections C through E, Arizona Revised Statutes, relating to the conversions of fleet vehicles to alternative fuels according to the following schedule:

"1. At least eighteen per cent of the total fleet by December 31, 2003.

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~~or town to prevent the entry from this state into the republic of Mexico at the border by any resident of this state who is under eighteen years of age if the minor is unaccompanied by a parent or guardian or does not have written consent for entry from a parent or guardian. The authority of the peace officer is only to prevent entry and not to otherwise detain the minor.~~

~~B. This section shall not be construed to limit the authority of a peace officer pursuant to any other law.~~

~~C. A city or town is not civilly or criminally liable for not adopting an ordinance pursuant to this section.~~

~~Added by Laws 2006, Ch. 174, § 1.~~

~~Section 9-901 et seq.~~

Library References

Infants ~~↔~~13.
Westlaw Topic No. 211.
C.J.S. Infants §§ 110 to 114, 118 to 121.

§ 9-500.27. Off-road vehicle ordinance; applicability; violation; classification

A. No later than March 31, 2008, in area A, as defined in § 49-541, a city or town shall adopt, implement and enforce an ordinance that prohibits the operation of any vehicle, including an off-highway vehicle, an all-terrain vehicle or an off-road recreational motor vehicle, on an unpaved surface that is not a public or private road, street or lawful easement and that is closed by the landowner by rule or regulation of a federal agency, this state, a county or a municipality or by proper posting if the land is private land.

B. This section does not apply to the operation of vehicles used in the normal course of business or the normal course of government operations.

C. This section does not prohibit or preempt the enforcement of any similar ordinance that is adopted by a city or town in area A, as defined in § 49-541, before March 31, 2008 for purposes of dust abatement.

~~D. A person who violates an ordinance adopted pursuant to subsection A of this section is guilty of a class 3 misdemeanor.~~

~~E. In addition to or in lieu of a fine pursuant to this section, a judge may order the person to perform at least eight but not more than twenty-four hours of community restitution or to complete an approved safety course related to the off-highway operation of motor vehicles, or both.~~

~~Added by Laws 2007, Ch. 292, § 2.~~

Library References

Automobiles ~~↔~~7.
Westlaw Topic No. 48A.

C.J.S. Motor Vehicles §§ 24, 26 to 27, 29 to 33.

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ARTICLE 1. COUNTY PLANNING

Article 1, County Planning, consisting of §§ 11-801 to 11-808, was added by Laws 2010, Ch. 244, § 7, effective October 1, 2011.

Former Article 1, Administration and Enforcement, consisting of §§ 11-801 to 11-812, was repealed by Laws 2010, Ch. 244, § 5, effective October 1, 2011.

Historical and Statutory Notes

Laws 2010, Ch. 244, § 43, provides:

Sec. 43. Effective date

"A. This act is effective from and after September 30, 2011 except as provided in subsection B of this section.

"B. Section 34-201, Arizona Revised Statutes, as amended by section 24 of this act, is effective from and after June 30, 2013."

11-801. Definitions

In this chapter, unless the context otherwise requires:

1. "Aggregate" means cinder, crushed rock or stone, decomposed granite, gravel, pumice, pumicite and sand.
2. "Area of jurisdiction" means that part of the county outside the corporate limits of any municipality.
3. "Board" means the board of supervisors.
4. "Commission" means the county planning and zoning commission.
5. "Indian reservation" means all lands that are held in trust by the United States for the exclusive use and occupancy of Indian tribes by treaty, law or executive order and that are currently recognized as Indian reservations by the United States department of the interior.

Historical and Statutory Notes

The 2010 amendment by Ch. 244 substituted "§ 11-815" for "§ 11-808"; and made a non-substantive change.

Laws 2010, Ch. 244, § 43, provides:

"Sec. 43. Effective date

"A. This act is effective from and after September 30, 2011 except as provided in subsection B of this section.

"B. Section 34-201, Arizona Revised Statutes, as amended by section 24 of this act, is effective from and after June 30, 2013."

Research References**Treatises and Practice Aids**

11 Arizona Practice A.R.S. § 11-808, Infrastructure Service Area Boundaries; Notice; Hearing; Adoption [Effective Oct. 1, 2011].

§ 11-867. Repealed by Laws 1980, 2nd S.S., Ch. 8, § 12, eff. July 1, 1981**Historical and Statutory Notes**

The repealed section, added by Laws 1973, Ch. 23, § 2, provided that expenditures for enforcement of certain building codes were ex-

empt from the ten per cent limitation in budget expenditures in § 42-304.

ARTICLE 6. AIR QUALITY

Article 4, Air Quality, consisting of §§ 11-871 to 11-877 was renumbered as Article 6 by Laws 2010, Ch. 244, § 6, effective October 1, 2011.

Article 4 (now, Article 6), consisting of §§ 11-871 to 11-874, was added by Laws 1993, 6th S.S., Ch. 1, § 4, effective February 10, 1994.

Historical and Statutory Notes

Laws 1993, 6th S.S., Ch. 1, § 1, provides:

"Section 1. Intent

"The Arizona legislature intends by this act to comply with the extremely strict air quality control measures mandated by the Clean Air Act Amendment of 1990. In order to achieve compliance and avoid sanctions, the Arizona legislature has, in good faith, attempted to comply

with the federal mandate by adopting costly air pollution control measures. The Arizona legislature expresses its concern regarding the underlying scientific and technological assumption of the federal mandate. This state intends to pursue other options available, either singly or in conjunction with other similarly affected states."

§ 11-871. Emissions control; no burn; exemptions; penalty

A. A county that contains any part of area A, as defined in § 49-541, shall develop, implement and enforce in area A, as defined in § 49-541, an ordinance relating to residential wood burning restrictions, including a no burn restriction when monitoring or forecasting by the department of environmental quality predicts the carbon monoxide standard is likely to be exceeded.

B. On or before October 31, 2007, a county that contains any part of area A, as defined in § 49-541, shall amend the ordinance prescribed by subsection A of this section to include a no burn restriction for any high pollution advisory day forecast by the department of environmental quality for particulate matter.

~~C. The ordinance shall provide an exemption for the use of residential wood stoves, wood fireplaces or gas-fired fireplaces that comply with any of the following:~~

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~~1. Provides the sole or primary source of heat or fuel for cooking for a residence.~~

2. Meets performance standards for new residential wood heaters manufactured on or after July 1, 1990 or sold at retail on or after July 1, 1992 as prescribed by 40 Code of Federal Regulations part 60, subpart AAA.

3. Burns gaseous fuels, including gas logs.

~~4. Meets rules adopted by the board of supervisors as prescribed in § 49-479 for burning wood in approved appliances.~~

~~D. The ordinance shall provide that a person who violates an ordinance adopted pursuant to this section is subject to:~~

~~1. A warning for the first violation.~~

~~2. The imposition of a civil penalty of fifty dollars for the second violation.~~

~~3. The imposition of a civil penalty of one hundred dollars for the third violation.~~

~~4. The imposition of a civil penalty of two hundred fifty dollars for the fourth or any subsequent violation.~~

~~E. For violations of ordinances adopted pursuant to this section, the control officer shall use a uniform civil ticket and complaint substantially similar to a uniform traffic ticket and complaint prescribed by the rules of procedure in civil traffic cases adopted by the supreme court. The control officer may issue citations to persons in violation of ordinances adopted pursuant to this section.~~

Added by Laws 1993, 6th S.S., Ch. 1, § 4. Amended by Laws 1994, Ch. 353, § 2, eff. April 26, 1994; Laws 1995, Ch. 293, § 1; Laws 1998, Ch. 217, § 4; Laws 2007, Ch. 292, § 3.

Historical and Statutory Notes

Laws 1993, 6th, S.S., House Concurrent Memorial 2001, urged Congress to review the national ambient air quality standards in the Federal Clean Air Act Amendments of 1990, 42 United States Code § 7401 et seq.

The 1994 amendment by Ch. 353, in subsec. A, deleted "in excess" following "population", substituted "or more" for "as determined in", inserted "according to", and inserted "in area A, as defined in § 49-541"; in subsec. B, in the introductory sentence, substituted "shall" for "may", inserted "fireplaces", and inserted "fired"; in subsec. B, par. 2, deleted "phase II" following "for", and inserted "manufactured on or after July 1, 1990, or sold at retail on or after July 1, 1992 as"; in subsec. B, par. 3, substituted "gaseous fuels" for "natural gas"; in subsec. B, par. 4, substituted "board of supervisors" for "control officer", substituted "prescribed" for "defined", and substituted "49-479" for "49-471"; in subsec. C, added the second sentence relating to tickets and complaints, and inserted the third sentence relating to issuance of cita-

tions; and made nonsubstantive changes throughout.

The 1995 amendment by Ch. 293 made a nonsubstantive change in subsec. B, par. 2; inserted paragraph designations and rewrote the first sentence of subsec. C; and designated the second and third sentences of subsec. C as subsec. D. Prior to amendment, the first sentence of subsec. C read: "The ordinance shall provide that a person who violates an ordinance adopted pursuant to this section is subject to the imposition of a civil penalty of one hundred dollars."

The 1998 amendment by Ch. 217 rewrote subsec. A, which had read:

"A. Not later than September 30, 1994, a county with a population of one million two hundred thousand persons or more according to the most recent United States decennial census shall develop, implement and enforce in area A, as defined in § 49-541, an ordinance relating to residential wood burning restrictions, including a no burn restriction when

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The 2002 amendment by Ch. 296, rewrote subsecs. D, E and F, which had read:

"D. A driver who violates this section is subject to:

"1. The imposition of a civil penalty of one hundred dollars for the first violation.

"2. The imposition of a civil penalty of three hundred dollars for a second or any subsequent violation.

"E. Ordinances adopted pursuant to this section may be enforced by a county control officer or any law enforcement officer who is authorized to enforce traffic laws. For violations of this section, a control officer shall use a uniform civil ticket and complaint substantially similar to a uniform traffic ticket and complaint

prescribed by the rules of procedure in civil traffic cases adopted by the supreme court. The control officer may issue citations to persons who violate this section.

"F. In enforcing the provisions of this section, a county control officer or authorized law enforcement officer shall only issue one citation per traffic stop or investigation of a driver whose vehicle exceeds the maximum idling limits established pursuant to this section."

Reviser's Notes:

2001 Note. Pursuant to authority of § 41-1304.02, this section, added by Laws 2001, Ch. 371, sec. 1 as § 11-877, was renumbered as § 11-876 and in subsection A, first sentence the spelling of "heavy-duty" was corrected.

Cross References

Inspections, see § 41-1009.

Library References

Environmental Law ⇨273.
Westlaw Topic No. 149E.

C.J.S. Health and Environment §§ 163 to 164.

§ 11-877. Air quality control measures

A. In order to reduce particulate matter in ambient air, the board of supervisors of any county that contains any portion of area A, as defined in § 49-541, shall develop, implement and enforce in area A the following air quality control measures:

1. Beginning on the effective date of this section, prohibit employees or contractors of that county from operating leaf blowers on any high pollution advisory day forecast by the department of environmental quality except while in vacuum mode and prohibit those employees or contractors from blowing landscape debris into public roadways at any time.

2. No later than March 31, 2008, adopt, implement and enforce an ordinance that bans the blowing of landscape debris into public roadways at any time by any person.

3. No later than March 31, 2008, adopt, implement and enforce an ordinance that prohibits the operation of leaf blowers except on surfaces that have been stabilized with asphaltic concrete, cement concrete, hardscape, penetration treatment of bituminous material and seal coat of bituminous binder and a mineral aggregate, decomposed granite cover, crushed granite cover, aggregate cover, gravel cover, or grass or other continuous vegetative cover, or any combination of those stabilizers.

B. This section does not apply to any site that has a permit issued by a control officer as defined in § 49-471 for the control of fugitive dust from dust generating operations.

Added by Laws 2007, Ch. 292, § 5.

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Former § 11-877 was renumbered as § 11-876.

Cross References

Inspections, see § 41-1009.

Library References

Environmental Law \Rightarrow 277.
Westlaw Topic No. 149E.

C.J.S. Health and Environment
164.

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- 28-1203. Photo enforcement system placement; speed limit change.
- 28-1204. Photo enforcement zones; signage; standards; citation dismissal.
- 28-1205. Red light running.

Chapter 3, Traffic and Vehicle Regulation, consisting of Article 1, §§ 28-601, 28-602, Article 2, §§ 28-621 to 28-628, Article 3, §§ 28-641 to 28-651, Article 4, §§ 28-661 to 28-671, Article 5, §§ 28-693, 28-694, Article 6, §§ 28-701 to 28-708, Article 7, §§ 28-721 to 28-734, Article 8, §§ 28-751 to 28-756, Article 9, §§ 28-771 to 28-776, Article 10, §§ 28-791 to 28-797, Article 11, §§ 28-811 to 28-818, Article 12, §§ 28-851 to 28-858, Article 13, §§ 28-871 to 28-875, Article 14, §§ 28-881 to 28-886, Article 15, §§ 28-891 to 28-910, Article 16, §§ 28-921 to 28-965, Article 17, §§ 28-981 to 28-984, Article 18, §§ 28-1091 to 28-1109, Article 19, §§ 28-1141 to 28-1151, and Article 20, §§ 28-1171 to 28-1177, was added by Laws 1996, Ch. 76, § 18, effective October 1, 1997.

Former Title 28, Transportation, consisting of Chapters 1 to 26, §§ 28-101 to 28-3075, was repealed by Laws 1995, Ch. 132, § 1, as amended by Laws 1996, Ch. 76, § 306, effective October 1, 1997. New Title 28, Transportation, consisting of Chapters 1 to 25, §§ 28-101 to 28-8536, was effective October 1, 1997.

For disposition of subject matter of former Title 28 and derivation of sections of new Title 28 see Disposition and Derivation Tables preceding § 28-101.

ARTICLE 1. DEFINITIONS AND POWERS OF GOVERNOR

Cross References

- Administrative procedure, inapplicable to state sign manual or motor vehicle operation rules, see § 41-1005.
- Vehicle permits, see § 28-1141 et seq.
- Violations as civil traffic violations, see § 28-121.

Law Review and Journal Commentaries

- Accident loss reparations systems. 3 Ariz.St. Arizona Uniform Jury instructions. Judge Irwin Cantor, 9 Ariz.B.J. No. 4, p. 13 (1974).

VEHICLE SIZE, WEIGHT AND LOAD
Ch. 3

§ 28-1098

Laws 1973, Ch. 146, § 50.
Laws 1982, Ch. 24, § 1.

The 1997 amendment of this section by Ch. 1 explicitly amended the addition of this section by Laws 1996, Ch. 76, § 18.

Library References

Automobiles ☞ 15, 324.
Westlaw Topic No. 48A.

C.J.S. Motor Vehicles §§ 43 to 44, 829 to 830,
1311 to 1313, 1315 to 1317, 1455, 1526 to
1527, 1543 to 1544.

§ 28-1098. Vehicle loads; restrictions; civil penalties

A. For the purpose of highway safety or air pollution prevention, a person shall not drive or move a vehicle on a highway unless the vehicle is constructed or loaded in a manner to prevent any of its load from dropping, sifting, leaking or otherwise escaping from the vehicle, except the following are permitted:

1. Sufficient sand may be dropped for the purpose of securing traction.
2. Water or another substance may be sprinkled on a roadway in cleaning or maintaining the roadway.
3. Minor pieces of agricultural materials such as leaves and stems from agricultural loads.

~~B. A person shall not operate a vehicle on a highway with a load unless the load and any covering on the load are securely fastened in a manner to prevent the covering or load from becoming loose, detached or in any manner a hazard to other users of the highway.~~

~~C. If a person is found in violation of this section and the violation:~~

1. Does not cause any damage or injury and is the person's:
 - (a) First violation in a sixty month period, the person is subject to a civil penalty of not more than two hundred fifty dollars.
 - (b) Second or subsequent violation in a sixty month period, the person is subject to a civil penalty of not more than three hundred fifty dollars.
- ~~2. Results in an accident causing serious physical injury as defined in § 13-105 to another person, the person is subject to a civil penalty of not more than five hundred dollars.~~
- ~~3. Results in an accident causing the death of another person, the person is subject to a civil penalty of not more than one thousand dollars.~~

Added by Laws 1996, Ch. 76, § 18, eff. Oct. 1, 1997. Amended by Laws 2003, Ch. 258, § 2; Laws 2007, Ch. 292, § 6.

Historical and Statutory Notes

Source:

Laws 1950, 1st S.S., Ch. 3, § 161.
Code 1939, Supp. 1952, § 66-185e.
A.R.S. former § 28-1006.

The 2003 amendment by Ch. 258 added sub-sec. C.

The 2007 amendment by Ch. 292 rewrote the section, which had read:

"A. A person shall not drive or move a vehicle on a highway unless the vehicle is constructed or loaded in a manner to prevent any of its load from dropping, sifting, leaking or otherwise escaping from the vehicle, except that either:

"1. Sand may be dropped for the purpose of securing traction.

§ 36-1776. Fleet emissions inspection stations; certificates of inspection; dealer's inventory; investigations; revocation of permit

A.e Any registered owner or lessee of a fleet of at least twenty-five vehicles may apply to the director for a permit to establish a fleet emissions inspection station. The director shall not issue any fleet emissions inspection station permit until he has found that the applicant:

1. Maintains an established place of business for the repair and maintenance of applicant's fleet of vehicles.
2. Has obtained approved machinery, tools and equipment to adequately conduct the required emissions inspections.
3. Employs properly trained and licensed personnel with which to perform the necessary labor.
4. Agrees to provide data as may be prescribed by the director.

B.e Any operator of a fleet emissions inspection station under a valid permit shall, upon filing an application in the manner and form prescribed by the director and paying the prescribed fee, receive a sufficient number of certificates of inspection for each vehicle in applicant's fleet. No certificate of inspection shall be placed on or affixed to any fleet vehicle until it has been inspected and found to comply with all the minimum standards that such vehicle would be required to meet at any official emissions inspection station.

C.e No holder of a fleet emissions inspection station permit shall inspect or certificate any vehicle for which such permittee is not the registered owner or lessee, unless authorized by the director.

D. Vehicles owned by a licensed vehicle dealer and which are held for resale as a part of the dealer's business inventory shall be deemed a part of such dealer's vehicle fleet for purposes of this section.

E. Every vehicle over eight thousand pounds subject to the provisions of this section and registered in this state shall be inspected in accordance with the provisions of this article at least once within each twelve-month period following any original registration or re-registration. A vehicle shall not be reregistered until such vehicle has passed inspection.

F. The director shall investigate the operation of each fleet emission inspection station as the condition and circumstances of such operation may indicate. He may require the holder of any fleet permit to submit such documentation required concerning the operation of such inspection station. The director may revoke and require the surrender and forfeiture of any fleet emissions inspection station permit and certificates of inspection of such permittee if he finds that such station is not operated in accordance with this article and the lawful rules and regulations adopted by the director or the holder of such permits has failed or refused to submit records or documentation required.

§ 36-1777. Authority of director to acquire enforcement equipment: random vehicle tests

A. The director may acquire in the name of the state by purchase, donation, dedication or other lawful means any special equipment, tools, materials or facilities needed to adequately administer, investigate or enforce the provisions of this article.

B. Any highway patrolman, any police officer or any peace officer may use any equipment, tools, materials or facilities, approved by the director, available to him for the purpose of conducting random investigative tests to check the compliance of any vehicle with the inspection standards. To facilitate such random investigative tests, any highway patrolman, any police officer or any peace officer may require the driver of any vehicle to stop and submit such vehicle to a test to check its compliance with any of the standards adopted pursuant to § 36-1717.

Added Laws 1974, Ch. 158, § 1.

§ 36-1778. Improper representation

A. A person shall not in any manner represent any place to be an official or fleet emissions inspection station unless such station has been established and is operated under a valid permit issued by the director.

B. A certificate of inspection shall not be issued or affixed to any vehicle except at an official or fleet emissions inspection station established and operating under a valid permit issued by the director. All certificates of inspection shall be serially numbered and shall be strictly accounted for.

Added Laws 1974, Ch. 158, § 1.

§ 36-1779. False certificates

A. A person shall not make, issue or knowingly use any imitation or counterfeit of an official certificate of inspection.

B. A person shall not display or cause or permit to be displayed upon any vehicle any certificate of inspection knowing it to be fictitious or issued for another vehicle or issued without an inspection having been made.

Added Laws 1974, Ch. 154, § 1.