

ARTICLE IX. FUGITIVE DUST

Sec. 25-100. Purpose.

The purpose of this article is to promote public health, general welfare and safety by reducing particulate matter generated by fugitive dust particulates that contribute to air pollution and to comply with state legislation directing certain local actions pursuant to Arizona Revised Statutes §§ 9-500.04 and 9-500.27, as may be amended.

(Ord. No. 2627, § 2, 3-25-08)

Sec. 25-101. Definitions.

The following words, terms and phrases, when used in this article shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Dustproof method: Asphalt concrete, cement concrete, penetration treatment of bituminous material and seal coat of bituminous binder and mineral aggregate, pavers designed for vehicular travel, crushed rock or gravel no smaller than one-quarter (1/4) inch and no larger than three-quarters (3/4) of an inch permanently maintained to a depth of two (2) inches and contained within a permanent border.

Excepted property: An unpaved surface that is a public or private road, street or lawful easement.

Landscape materials: As defined under Glendale City Code, chapter 19, article I, section 19-2 and any dust, debris or trash connected with the processing or maintenance of landscape materials.

Leaf blower: Any device that generates a stream of air that is designed or used to move landscape materials.

Parking area: A public or private lot or other property provided for parking of vehicles.

Vacant lot: Includes open area or lot, un-subdivided or an undeveloped tract of land or a subdivided lot, developed or partially developed, that contains no approved or permitted buildings or structures.

Vehicle: A motorized device on or by which a person or property is or may be transported on either a public highway or on off highway all-terrain surfaces, excluding devices moved by human power or used exclusively on stationary rails or tracks.

(Ord. No. 2627, § 2, 3-25-08)

Sec. 25-102. Prohibited acts.

- (a) No person shall utilize a leaf blower to move landscape materials into a public roadway.
- (b) No property owner shall allow parking, maneuvering, ingress and egress areas that serve commercial, industrial or more than four (4) residential units unless the surface is permanently maintained with a dustproof method.
- (c) No property owner shall allow parking, maneuvering, ingress and egress areas that are three thousand square feet (3,000 sq. ft.) or greater in size and that serve residential buildings with four (4) or less units unless the surface is permanently maintained with a dustproof method.
- (d) No person shall park or use a vehicle on an unpaved vacant lot unless the surface actually utilized is excepted property or is permanently maintained with a dustproof method.
- (e) No person shall operate a vehicle on any unpaved surface that is closed by the landowner by rule or regulation of a federal agency, the State of Arizona, Maricopa County, the city or by proper posting of a private land owner.

(Ord. No. 2627, § 2, 3-25-08)

Sec. 25-103. Penalties.

(a) Any person who knowingly violates any provision of this article is guilty of a class 3 misdemeanor, or as an alternative law enforcement penalty, the person may be issued a civil violation and be subject to enforcement under Glendale City Code, Chapter 13, Article II.

(b) In addition to or in lieu of a fine pursuant to this article, a judge may order the person to perform at least eight (8) but not more than twenty-four (24) hours of community restitution or to complete an approved safety course related to the off-highway operation of vehicles, or both.

(Ord. No. 2627, § 2, 3-25-08)

Sec. 25-104. Exemptions.

(a) Glendale City Code Section 25-102(e) does not apply to vehicles used in the normal course of business or normal course of governmental operations.

(b) This article shall not apply during a period of emergency or if the operation is directed by a peace officer or other public authority.

(Ord. No. 2627, § 2, 3-25-08)

Sec. 25-105. Effective dates.

(a) Glendale City Code Section 25-102(b) shall be effective October 1, 2008.

(b) Glendale City Code Section 25-102(c) shall be effective October 1, 2009.

(c) All remaining provisions of this article shall be effective March 31, 2008.

(Ord. No. 2627, § 2, 3-25-08)