

CHAPTER 13 – MISCELLANEOUS PROVISIONS AND OFFENSES

Sec. 13-25. Criminal Nuisances; use of vehicles on vacant property.

(a) It is unlawful to operate, drive or park any motor vehicle, motorcycle, motor scooter, mini-bike, trail bike, dune buggy, jeep or other form of transportation, propelled by an internal combustion engine, upon the vacant unimproved private property of another unless the property has been improved or treated in such a manner as to prevent the release of fugitive dust. It shall be presumed that all vacant unimproved land owned by the State of Arizona or any agency of the United States is closed for operation of any motor vehicle, motorcycle, motor scooter, mini-bike, trail bike, dune buggy, jeep, all terrain vehicle, Rhino or other form of transportation, propelled by an internal combustion engine, except those of the state or the agency of the United States or of a peace officer of this state or an emergency vehicle, or of a public service corporation or telecommunications corporation, unless designated for such purpose on the official maps issued by the State of Arizona or an agency of the United States and posted as open to the public for this purpose. It shall be the burden of the Defendant/Respondent in any violation of this section to rebut the presumption

(b) A person shall have a written license issued by the owner of the property or the person entitle to immediate possession thereof or their authorized agent

(c) A person who operates a vehicle in the manner for which a license is required shall immediately display such license to any peace officer upon request of such peace officer.

(d) Each license shall:

(1) Specify the period of time for which permission is granted.

(2) Set forth the name of the licensee.

(3) Be signed by the licensor.

(4) State the licensor's interest in the property.

(5) If the licensor is not the owner of the property, state the owner's name.

(e) Violations of this section shall be punishable by Criminal or Civil Penalties.

(1) A civil penalty of not less than One Hundred and Fifty (\$150.00) Dollars. A second or subsequent offense within three (3) years of the date of the first offense shall be punished by minimum sanction of not less than Three Hundred (\$300.00) Dollars. Such penalties are not inclusive of surcharges imposed by the City or State The Court may for a first offense and shall for a second or subsequent offense order not less than eight hours of community service and completion of an approved safety course related to the off-road operation of motor vehicles.

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- (2) In the alternative, the City may elect to punish a violation of this section by a class three misdemeanor with a minimum fine of not less than One Hundred and Fifty (\$150.00 Dollars). A second or subsequent offense within three (3) years of the date of the first offense shall be punished by minimum sanction of not less than Three Hundred (\$300.00) Dollars. Such penalties are not inclusive of surcharges imposed by the City or State. The Court may for a first offense and shall for a second or subsequent offense order not less than eight hours of community service and completion of an approved safety course related to the off-road operation of motor vehicles.

(f) The City may expend such funds as appropriate to post signage adjacent to such private and public property indicating this ordinance and the criminal trespassing statutes contained in Title 13, Arizona Revised Statutes and the minimum fines.

Cross reference(s)--Parking on private property, §14-112.
(Code 1977, §5-1-20)
(Ord. No. 07-41, 12/18/07, amended) SUPP 2007-4
(Ord. No. 08-05, 3/18/08, amended) SUPP 2008-2