

## ORDINANCE NO. 5067

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE CODE OF THE CITY OF CHANDLER, CHAPTER 31 BY AMENDING SECTIONS 31-3 AND 31-5; AND ADDING A SECTION 31-5.1, RELATING TO ENFORCEMENT OF COMMUNITY SERVICES CODE PROVISIONS; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR SEVERABILITY.

WHEREAS, in accordance with Ariz. Rev. Stat. § 9-240, the City Council may adopt by ordinance any change or amendment to the regulations and provisions set forth in the Chandler City Code; and

WHEREAS, the City Council wishes to amend the Chandler City Code to permit civil enforcement of violations and to correct an error in the prohibition on fireworks.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Chandler, Arizona, as follows:

Section 1. That the Chandler City Code Sections 31-3 and 31-5 are hereby amended and Section 31-5.1 is hereby added, to read as follows (additions in ALL CAPS, deletions in ~~strike through~~, omitted text indicated by ellipses as "..."):

I. 31-3. Community Services Director.

In addition to those functions, powers and duties given to the Community Services Director elsewhere in this chapter and/or in other provisions of the Chandler City Code, the Community Services Director shall:

...

H. ADMINISTER AND ENFORCE THE PROVISIONS, RULES AND REGULATIONS OF THIS CHAPTER BY CIVIL INFRACTION PURSUANT TO CODE SECTION 1-8.7.

II. 31-5. Prohibited uses and activities.

Except where such use is conducted by the City or by others pursuant to a City organized program or Community Services Department issued permit, for maintenance or as specifically authorized in this chapter, the following activities are prohibited in parks and facilities:

A. *Fireworks.* Discharging any ~~firearm~~, firecracker, bomb, torpedo, rocket, or other fireworks PURSUANT TO ARIZONA REVISED STATUTES, SECTION 36-1601, ET SEQ.

...

III. 31-5.1. ENFORCEMENT AND PENALTY.

A. THE COMMUNITY SERVICES DIRECTOR, DESIGNEE, POLICE OFFICERS AND PARK RANGERS SHALL, IN CONNECTION WITH THEIR DUTIES IMPOSED BY LAW, ENFORCE THE PROVISIONS OF THIS CHAPTER.

B. ANY PERSON VIOLATING ANY OF THE PROVISIONS OF THIS CHAPTER SHALL BE GUILTY OF A CIVIL INFRACTION PUNISHABLE AS SET FORTH IN SECTION 1-8.7A OF CHAPTER 1 OF THIS CODE UNLESS SUCH VIOLATION CAUSES SUCH PERSON TO MEET THE DEFINITION OF A "HABITUAL OFFENDER" SET FORTH IN SECTION 1-8.7B OF CHAPTER 1 IN WHICH CASE THEY SHALL BE GUILTY OF A CLASS I MISDEMEANOR.

Section 2. Providing for Repeal of Conflicting Ordinances.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance, or any parts hereof, are hereby repealed.

Section 3. Providing for Severability.

If any section, subsection, sentence, clause, phrase, or portion of this ordinance 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.

INTRODUCED AND TENTATIVELY APPROVED by the City Council of the City of Chandler, Arizona, this 17 day of August, 2023.

ATTEST:

 _____ CITY CLERK	 _____ MAYOR
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PASSED AND ADOPTED by the City Council of the City of Chandler, Arizona, this 18 day of September, 2023.

ATTEST:

 _____ CITY CLERK	 _____ MAYOR
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CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. 5067 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the 18 day of September, 2023, and that a quorum was present thereat.

Dana R. D'Long

CITY CLERK



APPROVED AS TO FORM:

Dana M. Ginter for

CITY ATTORNEY

DMG

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\*REFERENCED EXHIBIT(S) AND/OR ATTACHMENT(S) ON FILE AT THE CITY CLERK'S OFFICE. \*