



OFFICIAL RECORDS OF
PINAL COUNTY RECORDER
LAURA DEAN-LYTLE

When recorded return to:
Clerk of the Board
Pinal County
P.O. Box 827
Florence, Arizona 85232

DATE/TIME: 05/16/08 1134
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ORDINANCE No. 051408-AQ1

AN ORDINANCE APPLICABLE THROUGHOUT INCORPORATED AND UNINCORPORATED PORTIONS OF PINAL COUNTY LYING WITHIN AREA A AS DEFINED IN A.R.S. §49-541, RESTRICTING THE USE OF LEAF BLOWERS.

WHEREAS, the 2007 Arizona Legislature adopted Laws 2007, Chapter 292, commonly known as Senate Bill 1552, and Section 5 of that Bill mandated adoption of revised county ordinances more stringently regulating the use of leaf blowers in incorporated and unincorporated areas of Pinal County lying within Area A as defined in A.R.S. §49-541;

WHEREAS, A.R.S. §11-251.05 establishes the procedural requisites for the Board's adoption of ordinances, and, in context, those requisites have been met;

THEREFORE, for the purposes of:

1. Protecting and preserving the quality of air within Pinal County in a sensible and orderly manner;
2. Committing for purposes of the Phoenix Planning Area PM₁₀ serious nonattainment area "5% SIP" to the definition and enforcement of control measures to achieve reductions from PM₁₀ sources in Township 1 north, Range 8 east; and
3. Responding to the statutory mandates of Senate Bill 1552;

BE IT ORDAINED by the Board of Supervisors of Pinal County, Arizona, as follows:

(Remainder of page intentionally left blank.)

Ordinance No. 051408-AQ1

PINAL COUNTY LEAF BLOWER ORDINANCE FOR AREA A

1. Title.

Pursuant to the mandate of A.R.S. §11-877, this Ordinance shall be known as the "Pinal County Leaf Blower Ordinance for Area A."

2. Applicability

- A. Geographic Applicability. Subject to any additional applicability limitations set forth below, the prohibitions under this ordinance apply to incorporated and unincorporated regions within the Pinal-County-portion of Area A as defined at A.R.S. §49-541 (2007).
- B. Exemption for Permitted Sources. This ordinance shall not apply to any site, persons and activities covered by a permit or registration issued by the Pinal County Control Officer pertaining to the control of fugitive dust from earth moving or other dust generating operations

3. Prohibition on Blowing Material into Roadways.

In the unincorporated portions of Pinal-County-portion of Area A, no person shall cause, suffer or allow the use of a leaf blower to blow material into public roadways at any time.

4. Prohibition on Using Leaf Blowers on Un-stabilized Surfaces.

No person shall cause, suffer or allow the operation of a leaf blower 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.

5. Effective Date

The Ordinance shall take effect thirty days after adoption by the Board of Supervisors.

6. Enforcement

- A. Violation - Any person who violates a prohibition under this Ordinance shall be guilty of a violation of the Ordinance.
- B. Limitations on Defenses. Actions that violate this ordinance shall be *malum prohibitum*, and a lack of knowledge shall not constitute a defense.

- C. Penalty for Violation - The punishment or imprisonment for a violation of this ordinance shall not exceed the maximum limitations for a class 1 misdemeanor.

7. Definitions

- A. "Control Officer" as used in this ordinance, means the director and executive head of the Pinal County Air Quality Control District responsible for performing duties and exercising powers prescribed by law.

IN WITNESS WHEREOF, the undersigned, in accord with the vote of the Pinal County Board of Supervisors as duly reflected in the minutes of the Board meeting, have executed this document on behalf of the Board of Supervisors on this 14th day of May, 2008.

PINAL COUNTY, a political subdivision of the State of Arizona,

By: David Snider
Chairman of the Board of Supervisors

ATTEST: Shari Clegg
Clerk of the Board of Supervisors



APPROVED AS TO FORM:

James P. Walsh
Pinal County Attorney

By: Seymour H. Frankel
Deputy County Attorney