

ORDINANCE NO. 845

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING TITLE VII (TRAFFIC CODE), CHAPTERS 70 (GENERAL PROVISIONS), CHAPTER 71, (TRAFFIC RULES), AND CHAPTER 72 (PARKING REGULATIONS) OF THE TOWN CODE.

(PART 6 OF THE SYSTEMATIC CODE REVIEW AND UPDATE)

WHEREAS, on June 6, 2013, the Town Council directed the Town Attorney, working with the Town's Departments to systematically review the Town Code and to bring to the Council any recommended amendments to ensure consistency with State Law, internal consistency with other Town Ordinances/Code sections, and efficiency of Town operations; and

WHEREAS, Chapters 70 through 73 of Title VII of the Town Code have been reviewed by the Town Attorney, Town Manager, Assistant Town Manager and Deputy Town Manager over Public Safety; and

WHEREAS, the Town desires to amend Chapters 70, 71, and 72,

NOW, THEREFORE, THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, DO HEREBY ORDAIN AS FOLLOWS:

Section 1. Section 70.01 through 70.05 of the Town Code are repealed.

~~70.01 ENFORCEMENT DUTIES OF POLICE CHIEF.~~

~~——— (A) It shall be the duty of the Police Chief to provide for the enforcement of the street traffic regulations of the town and all of the state vehicle laws applicable to street traffic in the town, to make arrests for traffic violations, to investigate accidents and to assist in developing ways and means to improve traffic conditions, and to carry out all duties specially imposed upon the Police Chief by this title.~~

~~——— (B) Any peace officer of the town may be authorized by the Police Chief to perform any of the duties of the Police Chief included in this title.~~

~~70.02 RECORDS.—~~

~~——— The Police Chief shall keep a record of all violations of the traffic laws of the town or of the state vehicle laws of which any person has been charged, together with a record of the final disposition of all alleged offenses. The record shall accumulate during at least a five-year period and from that time on the record shall be maintained complete for at least the most recent five-year period.~~

~~70.03 ACCIDENTS:~~

~~——— (A) Police Chief to investigate. It shall be the duty of the Police Chief to~~

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~~investigate traffic accidents and to arrest and assist in the prosecution of those persons charged with violations of law causing or contributing to accidents.~~

~~(B) Accident studies. Whenever the accidents at any particular location become numerous, the Police Chief shall conduct studies of the accidents and determine remedial measures.~~

~~(C) Accident reports.~~

~~(1) The Police Chief shall maintain a suitable system of filing traffic accident reports. Accident reports or cards referring to them shall be filed alphabetically by location.~~

~~(2) The Police Chief shall receive and properly file all accident reports made to him under state law or under any law of the town. All accident reports made by drivers shall be for the confidential use of the town.~~

~~70.04 DIRECTING TRAFFIC.~~

~~(A) The Police Chief is hereby authorized to direct all traffic by voice, hand or signal.~~

~~(B) Officers of the Fire Department, when at the scene of a fire, may direct or assist the Police Chief in directing traffic thereat or in the immediate vicinity.~~

~~70.05 OBEDIENCE TO TRAFFIC REGULATIONS REQUIRED.~~

~~It is a violation for any person to do any act that is forbidden or to fail to perform any act required by this title. It shall also be a violation for any person to willfully fail or refuse to comply with any lawful order or direction of the Police Chief or of any Fire Department official.~~

Section 2. Section 70.20 of the Town Code is amended and shall read as follows:

70.20 PLACEMENT OF TRAFFIC CONTROL DEVICES; OBEDIENCE REQUIRED.

(A) The Public Works Department may install warning signs, directional signs, roadway centerline striping, and directional pavement markings as deemed appropriate. It may also replace or install additional regulatory signs to improve safety and clarity.

(B) The Public Works Department, upon approval of the Council, may install new regulatory signs, crosswalks, and other traffic control devices as may be necessary.

(C) The driver of any vehicle shall obey all traffic control devices unless
(1) otherwise directed by a law enforcement officer, a fire department employee, or a police volunteer or public works employee authorized to direct traffic; or
(2) subject to any exception granted in this Code or in State law.

~~70.20 PLACEMENT AND MAINTENANCE OF DEVICES, OBEDIENCE
REQUIRED.~~

~~—— (A) — From time to time, with the approval of the Council, the Public Works Department shall place and maintain traffic control devices, signs and signals when and as required under the traffic regulations of the town to make effective the provisions of those regulations, and may place and maintain any additional traffic control devices as may be deemed necessary to regulate traffic under the traffic laws of the town or of the State of Arizona, or to guide or warn traffic. Prior to the placement of any traffic control devices, signs or signals, a plan or design shall be prepared for placement and the plan or design shall be prepared in conformance with generally accepted engineering or design standards in effect at the time of the preparation of the plan or design.~~

~~—— (B) — The driver of any vehicle shall obey the instructions of any official traffic control device applicable thereto placed in accordance with the traffic regulations of the town unless otherwise directed by a law enforcement officer acting in accordance with state or local law and subject to any exceptions granted in this chapter or by the laws of the State of Arizona.~~

Section 3. Sections 70.21, 70.22, and 70.23 of the Town Code are repealed.

~~§ 70.21 CROSSWALKS, SAFETY ZONES, TRAFFIC LANES.~~

~~The Public Works Department, after consultation with the Chief of Police, is hereby authorized, on approval of the Council:~~

~~—— (A) — To designate and maintain, by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections where, in conformance with generally accepted engineering or design standards in effect at the time, there is particular danger to pedestrians crossing the roadway, and at other places as may be deemed necessary by the town.~~

~~—— (B) — To establish safety zones of such kind and character and at such places as may be deemed necessary for the protection of pedestrians in conformance with generally accepted engineering or design standards in effect at the time.~~

~~—— (C) — To mark lanes for traffic on street pavement at such places as may be deemed advisable, consistent with traffic laws of the town and in conformance with generally accepted engineering or design standards in effect at the time.~~

~~§ 70.22 TURNING MARKERS.~~

~~—— (A) — The Chief of Police or any peace officers duly authorized by the Chief of Police are authorized to place markers, buttons or signs within or adjacent to intersections indicating the course to be traveled by vehicles turning at the intersections, and the course to be traveled as so indicated may conform to or be other than as prescribed by law.~~

~~—— (B) — When authorized markers, buttons or other indications are placed within or adjacent to an intersection indicating the course to be traveled by vehicles turning thereat,~~

~~no driver of a vehicle shall disobey the directions of such indications.~~

~~§ 70.23 RESTRICTED SIGNS:~~

~~(A) The Public Works Department, after consultation with the Chief of Police, on approval by the Council, is hereby authorized to determine those intersections at which drivers of vehicles shall not make a right, left or U-turn and shall place proper signs at the intersections in conformance with generally accepted engineering or design standards in effect at the time. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the signs, or the signs may be removed when the turns are permitted.~~

~~(B) Whenever authorized signs are erected indicating that no right or left or U-turn is permitted, no driver of a vehicle shall disobey the directions of any such sign.~~

Section 4. Section 70.99 of the Town Code is amended and shall read as follows:

70.99 PENALTY.

Any violation of ~~or failure or refusal to do or perform any act required by~~ Title VII of this code constitutes a civil traffic violation and is punishable as a civil traffic violation under Title 28 of the Arizona Revised Statutes. ~~which shall result in a civil penalty not to exceed \$250. In addition, the court shall levy penalty assessments pursuant to A.R.S. §§ 12-116.01 and 12-116.02. Civil traffic violations are subject to the provisions of A.R.S. §§ 28-1591 et seq., as amended.~~

Section 5. Section 71.01 of the Town Code is amended and shall read as follows:

71.01 RESERVED. OBEDIENCE TO SIGNS:

~~Whenever traffic signs are erected as provided in this chapter, every driver of a vehicle shall obey the signs unless directed to proceed by the Police Chief or a traffic control signal. No driver shall drive upon or through any private property such as an oil station, vacant lot or similar property to avoid obedience to any regulation included in this chapter.~~

Section 6. Section 71.02 of the Town Code is amended and shall read as follows:

71.02 LIMITATIONS ON TURNING AROUND.

The driver of any vehicle shall not turn the vehicle so as to proceed in the opposite direction ~~upon any street in a business district and shall not upon any other street so~~ turn a vehicle unless such movement can be made in safety and without interfering with other traffic.

Section 7. Section 71.03 of the Town Code is amended and shall read as follows:

71.03 ~~UNLAWFUL ENTRY/EXIT BY BACKING INTO AND FROM A RESIDENTIAL PROPERTY.~~ RESERVED.

~~(A) It is unlawful for any operator of a motor vehicle to back into or from a residential property as listed in division (B) of this section, from a public right of way, except for the commercial delivery of goods and services, when a backing movement is required to accomplish a delivery to the affected property.~~

~~(B) The listed properties herein are the affected parcels per division (A) of this section:~~

~~———— (1) Lot 200 of Woodland Meadows Subdivision, Phase III, Gila County Recorder's Map No. 602, as to the portion of the lot adjoining to and accessing West Longhorn Road.~~

~~———— (2) Lot 202 of Alpine Village, Unit 1, Gila County Recorder's Map No. 610A, as to the portion of the lot adjoining to and accessing Airport Road.~~

Section 8. Section 71.05 of the Town Code is amended and shall read as follows:

71.05 RESERVED. STOP OR YIELD INTERSECTIONS.

~~———— (A) The Council shall by resolution designate through streets, intersections where stops are required, and intersections where vehicles shall yield the right of way.~~

~~———— (B) When any resolution of the Council shall designate any through street or intersection where vehicles are to stop or yield the right of way, the Public Works Department shall erect and maintain the appropriate signs at every location where a vehicle must stop or yield the right of way.~~

Section 9. Section 71.07 of the Town Code is amended and shall read as follows:

71.07 RESERVED. SCHOOL SPEED ZONES.

~~———— (A) School speed zones are established upon the following roadways at the locations stated:~~

~~———— (1) West Wade Lane. Commencing at a point on West Wade Lane, 500 feet from the intersection of South Meadow Street and West Wade Lane and continuing westerly along West Wade to a second point 300 feet due west of the first point.~~

~~———— (2) West Summit Street. Commencing at the point of intersection of West Summit Street and South Oak Street on West Summit Street and continuing westerly on West Summit Street to a second point 150 feet due west of the first point.~~

~~———— (3) West Main Street. Commencing at a point on West Main Street 175 feet west of the intersection of South Oak Street and West Main Street in a northwesterly direction along West Main Street to a second point 600 feet from the first point.~~

~~—— (B) — Portable signs indicating that school is in session and that the speed limit in the school speed zone is 15 miles per hour shall be placed in the roadway at the point of commencement of the school speed zone from either direction by the school authorities. School authorities shall maintain these signs when school is in session and shall cause them to be removed immediately thereafter.~~

~~—— (C) — No vehicle shall proceed at a speed to exceed 15 miles per hour between the portable signs placed upon the roadway in accordance with division (B) of this section.~~

Section 10. Section 72.01 of the Town Code is amended and shall read as follows:

72.01 ~~METHOD OF PARKING.~~ RESERVED.

~~Except as otherwise provided by resolution of the Council, every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be so stopped or parked with the right hand wheels of the vehicle parallel to and within 18 inches of the right hand curb.~~

Section 11. Section 71.02 of the Town Code is amended and shall read as follows:

72.02 ~~BLOCKING TRAFFIC.~~

~~(A) — It is a violation for any No person shall to stop, stand or park any motor vehicle, or other vehicle, upon a street in the town in such manner or under such conditions as to leave available less than 20 feet of the width of the roadway for the free movement of vehicular traffic, except that a person may stop temporarily, in the actual loading or unloading of passengers, or when necessary, in the observance of traffic signs or signals of the Police Chief.~~

~~(B) — It is a violation for any person to park a motor vehicle, or other vehicle, within an alley or entrance to a private driveway, except for the loading or unloading of materials, and not then unless such loading or unloading can be accomplished without blocking the alley to the free movement of vehicular traffic.~~

Section 12. Section 71.05 of the Town Code is amended and shall read as follows:

72.05 ~~PARKING VEHICLES ON SIDEWALKS.~~ RESERVED.

~~It is a violation for any person to park any vehicle, whether in usable condition or not, or for an owner to permit his vehicle to be parked upon any sidewalk in the town.~~

Section 13. Section 71.06 of the Town Code is amended and shall read as follows:

72.06 RESTRICTED PARKING AREAS FOR THE PHYSICALLY DISABLED.

(A) For purposes of this section and its enforcement, the term "Restricted Parking Area for Physically Disabled Persons" shall refer to those spaces designated by a sign stating, "Reserved Parking" and bearing the internationally accepted symbol of access in accordance with A.R.S. § 28-882(C). Additionally, such a restricted parking area shall include any loading/unloading zone directly adjacent to the parking space designated by painted stripes.

(B) Those persons or businesses required by law or otherwise electing to provide Restricted Parking Areas for Physically Disabled Persons shall maintain such parking so that its designation as parking restricted to such persons is readily obvious. Maintenance shall include the repainting of the lines delineating the area as needed to insure adequate visibility and the upkeep of the sign designating the space as restricted in accordance with A.R.S. § 28-882(C).

~~—(C) No person shall park in a Restricted Parking Area for Physically Disabled Persons unless the vehicle has displayed thereon a distinguishing insignia complying with A.R.S. § 28-884(A)(1) or numbered plates bearing the international symbol of access complying with A.R.S. § 28-884(A)(2).~~

~~—(D) No person shall park in a restricted parking area adjacent to a Restricted Parking Area for Physically Disabled Persons designated by painted stripes.~~

(E) Any person or business which causes a parking space to be set aside as a Restricted Parking Area for Physically Disabled Persons shall be deemed to have given consent to the Payson Police Department to enforce a violation of this section when such violation occurs on the private property of such person or business.

~~—(F) Subject to the provisions of division (G) of this section, upon adjudication that any person has violated any portion of this section, the court may order the person to pay a civil sanction of not less than \$50 and not more than \$300. In addition, the court may collect court costs in the sum of \$78. Any sign required or otherwise erected pursuant to this section shall, in addition to all other required information, have displayed thereon a notice that the maximum penalty for a violation is \$300.~~

~~—(G) Notwithstanding the provisions of subdivision (F) above, upon determination that any person or business is in non-compliance with subdivision (B) of this section, a written warning shall first be either mailed or hand-delivered to the person or business, giving ten days to such person or business to come into compliance. After the expiration of such ten-day period and after an adjudication that such person or business has violated subdivision (B), the court may order the person or business to pay a civil sanction in an amount of not less than \$50 nor more than \$300, in accordance with subdivision (F) of this~~

~~section, together with court costs as provided therein. The civil sanction as is set forth in subdivision (F) of this section may be imposed anew for each day the person or business fails to come into compliance, and each day that such person or business fails to come into compliance shall constitute a separate violation.~~

Section 14. If any portion of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions.

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON this ____ day of February, 2014, by the following vote:

AYES _____ NOES _____ ABSTENTIONS _____ ABSENT _____

Kenny J. Evans, Mayor

ATTEST:

APPROVED AS TO FORM:

Silvia Smith, Town Clerk



Timothy M. Wright, Town Attorney