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MEMORANDUM

Date: February 6, 2014

To: Mayor and Council Members

From: Tim Wright, Town Attorney 

Re: Systematic Town Code Review – Title VII: TRAFFIC CODE (Ordinance)

This is part 9 of the Systematic Town Code Review. Title VII: Traffic Code was reviewed and input for the changes was obtained from the Town Manager, the Assistant Town Manager, and the Deputy Town Manager over Public Safety. Title VII contains 4 Chapters. Two overarching themes in this update are (1) deletions based on coverage in other parts of the Town Code; and (2) deletions based upon coverage by State Law. Of all the sections that are recommended for deletion, staff is unaware of any citations or enforcement actions involving such sections for the last 10+ years. (insertions are noted with a double underline and deletions are noted by ~~strikeout~~)

CHAPTER 70: GENERAL PROVISIONS

Sections 70.01 through 70.05 were reviewed and it was determined that these sections are no longer necessary because they are already addressed by Section 32.04, Section 32.30, and/or state law. Because of this, it is recommended that these sections be repealed.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 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.~~

Sections 70.20 through 70.23 (all addressing traffic control devices, signs, and markings) have been consolidated into one Section. This new section has three parts - (A) Public Works may install non regulatory signs and replace and/or supplement existing regulatory signs without Council approval; (B) Public Works may install regulatory signs with Council approval; and (C) drivers must obey such signs unless an exception exists. Regulatory signs include such signs as stop signs and speed limits. Non regulatory signs include advisory signs such as 'curve ahead,' or 'stop ahead.'

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.~~

~~§ 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 70.99 is amended to simplify and clarify that any violation of Title VII is a civil violation (as opposed to a criminal violation).

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.~~

CHAPTER 71: TRAFFIC RULES

Section 71.01 (Obedience to Signs) – The restrictions contained in this Section are already addressed in Section 70.20(C) and State law. Therefore this Section is recommended for repeal.

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 71.02 (Limitations on Turning Around) – Redundant language is removed.

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 71.03 (Unlawful Entry/Exit by Backing into and from a Residential Property) – This Code section was added 20+ years ago to address access/safety issue for two specific lots. According to the Assistant Town Manager, these issues have since been resolved and this section is no longer necessary.

~~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 71.04 (One-Way Streets and Alleys) – no changes recommended.

Section 71.05 (Stop or Yield Intersections) – This section directs the Council to designate various regulatory traffic control devices and upon Council designation for the Public Works Department to install signs. This is already addressed by 70.20 and is therefore unnecessary and recommended for repeal.

~~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 71.06 (Processions) – no changes recommended.

Section 71.07 (School Speed Zones) – This Section was enacted before the installation of permanent lighted school zone signs. It contemplates the old style portable signs that are rolled into and out of the street each morning and each afternoon. Because such signs are no longer used, this Section is unnecessary and recommended for repeal.

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 71.08 (Town Roadway Work Zones) – no changes recommended.

Section 71.09 (Temporary Street Closures; Signage) – no changes recommended.

CHAPTER 72: PARKING REGULATIONS

Section 72.01 (Method of Parking) – This section is duplicative of A.R.S. 28-874 and is therefore recommended to be removed.

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 72.02 (Blocking Traffic) – Subsection (A) has some grammatical clean up. Subsection (B) is duplicative of A.R.S. 28-873(A)(2) and is therefore recommended for removal.

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.~~

72.03 (Parking Adjacent to Schools) - no changes recommended.

72.04 (Parking Restrictions; Signage) - no changes recommended.

72.05 (Parking Vehicles on Sidewalks) – This section is duplicative of A.R.S. 28-873(A)(1) and is recommended to be removed.

~~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.~~

72.06 (Restricted Parking areas for the Physically Disabled) – Subsections (C) and (D) are duplicative of A.R.S. 28-884; and subsections (F) and (G) are duplicative of A.R.S. 28-885. Therefore these four subsections are recommended for removal.

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.~~

~~(CE) 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.~~

72.07 (Parking or Displaying Vehicle for Sale) - no changes recommended.

72.04 (Abandoned Vehicles) - no changes recommended.

CHAPTER 73: ELECTRIC AND MOTORIZED PLAY VEHICLES

Chapter 73 of the Code was added in 2004 because of a trend involving ‘motorized skateboards.’ This Chapter has been reviewed and although it is not often used, no changes are recommended.