

**CHAPTER 11.**

**TRAFFIC**

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**Article 11-01      ADMINISTRATION**

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**11-01-010      Duty of Chief of Police.**

- A.      The Chief of Police shall:
  - 1.      Enforce the street traffic regulations of the Town and all of the State vehicle laws applicable to street traffic in the Town.
  - 2.      Make arrests for criminal traffic violations.
  - 3.      Investigate accidents.
  - 4.      Assist in developing ways and means to improve traffic conditions.
  - 5.      Carry out all duties specially imposed upon the Chief of Police by this Chapter.
- B.      Any duty imposed on the Chief of Police may be performed by any certified Peace Officer of the Town.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Ren&Amd, 05/26/88, 9-01-010)

**11-01-020      Records of Traffic Violations.**

- A.      The Chief of Police 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 such alleged offenses. Such record shall accumulate during at least a five (5) year period and from that time the record shall be maintained complete for at least the most recent five (5) year period.
- B.      All forms for records of violations and notices shall be serially numbered. For each month and year, a written record shall be kept available to the public showing the disposal of all such forms.
- C.      All records and reports shall be public records.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Ren&Amd, 05/26/88, 9-01-020)

**11-01-030 Chief of Police to Investigate Accidents.**

It shall be the duty of the Chief of Police to investigate traffic accidents and to arrest and assist in the prosecution of those persons charged with violations of law causing or contributing to such accidents.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Ren&Amd, 05/26/88, 9-01-030)

**11-01-040 Traffic Accident Studies.**

Whenever the accidents at any particular location become numerous, the Chief of Police is hereby authorized to recommend to the Town Engineer traffic studies of such locations in order to determine remedial measures.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Renumbered, 05/26/88, 9-01-040: Ord. No. 757, Amended, 04/28/11)

**11-01-050 Traffic Accident Reports.**

The Chief of Police shall receive and properly file all accident reports made to him under State law or under any law of the Town.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Ren&Amd, 05/26/88, 9-01-050)

**11-01-060 Authority to Detain Persons to Serve Traffic Complaints.**

Any Peace Officer or duly authorized agent of the Town may stop and detain a person as is reasonably necessary to investigate an actual or suspected violation of this Chapter and to serve a copy of the traffic complaint for any alleged civil or criminal violation of this Chapter.

(Ord. No. 178, Enacted, 05/26/88)

**Article 11-02      TRAFFIC CONTROL**

- 11-02-010      Authority of Police and Fire Officials to Direct Traffic.
- 11-02-020      Obedience to Traffic Regulations.
- 11-02-030      Traffic Control Devices.
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- 11-02-070      Authority to Place and Obedience to Turning Markers.
- 11-02-080      Authority to Place and Obedience to Restricted Turn Signs.
- 11-02-090      Limitations on Turning Around.
- 11-02-100      One-Way Streets and Alleys.
- 11-02-110      Regulation of Traffic at Intersections.
- 11-02-120      Drivers to Obey Signs.
- 11-02-130      Operation of Any Vehicle.
- 11-02-140      Stop Signs.
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- 11-02-160      Use of Coasters, Rollers Skated, Motorized Play Vehicles and Similar Devices Restricted.
- 11-02-170      Street Closures and Processions.
- 11-02-180      Use of Handheld Devices While Operating a Motor Vehicle

**11-02-010      Authority of Police and Fire Officials to Direct Traffic.**

- A.      Officers of the Police Department, or other such Town Officers as assigned by the Chief of Police, are hereby authorized to direct all traffic by voice, hand or signal in conformance with the traffic laws. Provided that, in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, such officer may direct traffic as conditions may require notwithstanding the provisions of the traffic regulations.
- B.      Officers of the Fire Department, when at the scene of a fire, may direct or assist the Chief of Police in directing traffic thereat or in the immediate vicinity.
- C.      The Chief of Police, Town Engineer, Public Works Director or their designees may authorize temporary signs to control traffic during special events or emergency situations.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Ren&Amd, 05/26/88, 9-02-010; Ord. No. 757, Rep&ReEn, 04/28/11)

**11-02-020      Obedience to Traffic Regulations.**

- A.      No person may do any act forbidden or fail to perform any act required by this Chapter. No person may willfully fail or refuse to comply with any lawful order or direction of a Peace Officer or of any Fire Department official.

- B. A person who violates this section is guilty of a Class 2 Misdemeanor.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Ren&Amd, 05/26/88, 9-02-020; Ord. No. 757, Rep&ReEn, 04/28/11)

**11-02-030 Traffic Control Devices.**

- A. The Town 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 said regulations, and may place and maintain such additional traffic control devices as deemed necessary to regulate traffic under the traffic laws of the Town or under State law or to guide or warn traffic.
- B. All traffic control devices erected within the Town shall conform to the Manual on Uniform Traffic Control Devices as adopted by the Arizona Highway Commission as prescribed in A.R.S. § 28-641 (as amended).
- C. The driver of any vehicle shall obey the instructions of any official traffic control device placed in accordance with the traffic regulations of the Town subject to the exceptions granted in this Chapter or by State law.
- D. When approval of the Town Council is required by this Chapter, the Town Council shall indicate approval by resolution unless otherwise required by this Chapter.
- E. It shall be the duty of the Public Works Department, under the direction of the Town Engineer or his designee, to install, inspect and ascertain, and maintain the condition of traffic control devices of every description within the jurisdiction of the Town.
- F. The installation and location of all official traffic control devices, signs and signals, as of April 28, 2011, is hereby confirmed and ratified. The Town shall maintain current records of the locations of all official traffic control signs, signals and markings.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Ren&Amd, 05/26/88, 9-02-040; Ord. No. 224, Amended, 01/25/90; Ord. No. 757, Rep&ReEn, 04/28/11)

**11-02-040 Speed Limits, Generally.**

- A. The State traffic laws regulating the speed of vehicles shall be applicable upon all roadways within the Town, except when altered by resolution of the Town Council. Any speed in excess of the speed so declared, when signs are in place giving notice thereof, is prima facie evidence that the speed is too great and therefore unreasonable.
- B. The Town Council may alter by resolution speed limits within the Town upon the recommendation of the Town Engineer or his designee, and as based upon an engineering and traffic study as authorized by A.R.S. § 28-703 (as amended) and this Chapter.

(Ord. No. 757, Enacted, 04/28/11)

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**11-02-050 Installation of Traffic Signals.**

- A. The Town may install and maintain official traffic signals at those intersections and other places where traffic conditions are such that the flow of traffic must be alternately interrupted and released in order to prevent or relieve traffic congestion
- B. The Town hereby authorizes the Town Engineer or his designee to ascertain and determine the locations where such signals are required through field investigation, traffic counts, traffic signal warrant studies, and other traffic information as may be pertinent. The determination shall be made in accordance with Town-wide traffic operational concerns and those traffic engineering and safety standards and instructions as are set forth in the Manual of Uniform Traffic Control Devices.

(Ord. No. 757, Enacted, 04/28/11)

**11-02-060 Authority to Designate Crosswalks, Establish Safety Zones, and Mark Traffic Lanes.**

The Town Engineer or his designee is hereby authorized:

- A. To designate and maintain, by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections where there is particular danger to pedestrians crossing the roadway, and at such other places as deemed necessary.
- B. To establish safety zones of such kind and character and at such places as deemed necessary for the protection of pedestrians.
- C. To mark lanes for traffic on street pavement at such places as deemed advisable, consistent with the traffic laws of the Town.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Renumbered, 05/26/88, 9-02-050; Ord. No. 757, Rep&ReEn, 04/28/11)

**11-02-070 Authority to Place and Obedience to Turning Markers.**

- A. The Town Engineer or his designee is hereby authorized to place markers, buttons or signs within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections, and such 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 an intersection indicating the course to be traveled by vehicles turning thereat, no driver of a vehicle shall disobey the directions of such indications.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Renumbered, 05/26/88, 9-02-060; Ord. No. 757, Rep&ReEn, 04/28/11)

**11-02-080 Authority to Place and Obedience to Restricted Turn Signs.**

- A. The Town Engineer or his designee 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 such intersections. 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 such signs may be removed when such 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.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Renumbered, 05/26/88, 9-02-070; Ord. No. 757, Rep&ReEn, 04/28/11)

#### **11-02-090 Limitations on Turning Around.**

The driver of any vehicle shall not turn such 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.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Renumbered, 05/26/88, 9-02-080; Ord. No. 757, Rep&ReEn, 04/28/11)

#### **11-02-100 One-Way Streets and Alleys.**

- A. The Town Council shall by ordinance designate any streets or alleys which are to be limited to one-way traffic.
- B. When any ordinance of the Council designates any one-way street or alley, the Public Works Department shall place and maintain signs giving notice thereof, and no such regulation shall be effective unless such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.
- C. It shall be unlawful for any person to operate a motor vehicle through an alley or any part thereof at a speed greater than fifteen (15) miles per hour

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Ren&Amd, 05/26/88, 9-02-090; Ord. No. 757, Rep&ReEn, 04/28/11)

#### **11-02-110 Regulation of Traffic at Intersections.**

- A. The Town Council hereby authorizes the Town Engineer or his designee, to designate through streets, intersections where stops are required, and intersections where vehicles shall yield the right-of-way.
- B. When the Town Engineer has designated any through street or intersection where vehicles are to stop or yield the right-of-way, the Town Engineer or his designee shall designate the placement and maintenance of appropriate signs at every location

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where a vehicle must stop or yield the right-of-way.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Ren&Amd, 05/26/88, 9-02-100; Ord. No. 224, Amended, 01/25/90; Ord. No. 757, Rep&ReEn, 04/28/11)

### 11-02-120 Drivers to Obey Signs.

Whenever traffic signs are erected as provided for in this Chapter, every driver of a vehicle shall obey such signs unless otherwise directed to proceed by a Peace Officer.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Ren&Amd, 05/26/88, 9-02-110; Ord. No. 757, Rep&ReEn, 04/28/11)

### 11-02-130 Operation of Any Vehicle.

- A. All vehicles which are motorized in any way must be operated on the designated roadways, streets, highways and rights-of-way of the Town.
- B. No person shall operate or drive any motor vehicle, motorcycle, minibike, dune buggy, all-terrain vehicle, motor scooter, or other form of transportation propelled by an internal-combustion engine, upon the private property of another, or upon public property which is not held open for public use, except as to those areas which are owned or leased by the vehicle operator, or with the written permission of the property owner or his authorized agent. Whenever any such person is stopped by a Peace Officer of the Town for violations of this section, the person shall, upon request of the Peace Officer, provide proof of the property owner's permission.
- C. No driver shall drive upon or through private property, such as a vehicle service station, vacant lot or similar property to avoid obedience to traffic regulations or traffic control device.
- D. No parent or legal guardian may allow, or by reason of the failure to adequately supervise, permit a minor to violate the terms of Subsections A and B of this Section.
- E. The following vehicles are exempt from this Section when operated for the purposes indicated below:
  - 1. Law enforcement vehicles such as animal control vehicle or police patrol cars.
  - 2. Emergency vehicles such as fire trucks and ambulances.
  - 3. Utility service vehicles such as telephone, gas, electric or cable television repair or installation trucks.
  - 4. Vehicles of the U. S. Postal Service operated for the delivery or pickup of mail.

(Ord. No. 60, Enacted, 10/08/81; Ord. No. 178, Ren&Amd, 05/26/88, 9-02-130; Ord. No. 757, Rep&ReEn, 04/28/11)



**11-02-140 Stop Signs.**

The installation and location of all stop signs as of April 28, 2011 are hereby ratified and confirmed. The Town shall maintain current records of the locations of all traffic control signs, signals, devices and marking.

(Ord. No. 101, Enacted, 06/21/84; Ord. No. 111, Amended, 04/25/85; Ord. No. 113, Amended, 05/02/85; Ord. No. 118, Amended, 09/26/85; Ord. No. 122, Amended, 12/05/85; Ord. No. 169, Amended, 01/14/88; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 184, Amended, 09/29/88; Ord. No. 188, Amended, 10/13/88; Ord. No. 190, Amended, 10/27/88; Ord. No. 201, Amended, 02/23/89; Ord. No. 202, Amended, 03/23/89; Ord. No. 218, Amended, 11/09/89; Ord. No. 222, Amended, 01/11/90; Ord. No. 757, Rep&ReEn, 04/28/11)

**11-02-150 Yield Signs.**

The installation and location of all yield signs as of April 28, 2011 of this Code are hereby ratified and confirmed. The Town shall maintain current records of the locations of all official traffic control signs, devices and markings.

(Ord. No. 202, Enacted, 03/23/89; Ord. No. 757, Rep&ReEn, 04/28/11)

**11-02-160 Use of Coasters, Roller Skates, Motorized Play Vehicles and Similar Devices Restricted.**

No person upon roller skates or riding any coaster, skateboard, motorized skateboard, play vehicle, motorized play vehicle, or similar device may go upon any roadway except while crossing a street on a crosswalk and, when crossing, such person shall be granted all of the rights and shall be subject to all of the duties applicable to pedestrians. For the purpose of this Chapter, Motorized Play Vehicle is defined as a coaster, scooter, or any other alternatively fueled device or other motorized vehicle that is self-propelled by a motor or engine and is not otherwise defined in Arizona Revised Statutes, Title 28 (as amended) as a "motor vehicle," "motor-driven cycle" or "motorized wheelchair."

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Ren&Amd, 05/26/88, 9-02-030; Ord. No. 757, Rep&ReEn, 04/28/11)

**11-02-170 Street Closures and Processions.**

**A. Definitions.**

1. "Parade" means any organized march or procession consisting of people, animals or vehicles, or any combination thereof, except funeral processions, upon any public street, sidewalk or alley, which requires the closure of streets or the regulation of vehicular traffic to prevent a conflict with the regular flow of vehicular traffic.
2. "Motorcade" means any organized procession, except funeral processions, containing ten (10) or more vehicles, upon any public street, sidewalk or alley.

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### B. Permit Required.

1. It is unlawful for any person to conduct a parade or motorcade or other event (other than lawful maintenance or construction) which closes a public street to normal vehicular travel in the Town, or knowingly participate in any such parade or motorcade or other event without first having obtained a permit from the Chief of Police.
2. The Permit Requirement does not apply to the following:
  - a. Funeral Processions;
  - b. Students going to and from school classes or participating in educational activities, provided that such conduct is under the immediate direction and supervision of the proper school authorities;
  - c. A governmental agency acting within the scope of its functions; and
  - d. Spontaneous events occasioned by news or affairs activities that are an exercise of rights protected by the First and Fourteenth Amendment to the United States Constitution, or the Arizona Constitution, coming into public knowledge within two (2) days of such public assembly; provided that the organizer thereof gives written notice to the Town at least twenty-four (24) hours prior to such event.

### C. Prohibitions.

1. It shall be unlawful for any person to stage, present or conduct any parade without first having obtained a permit unless otherwise exempted under this Chapter.
2. It shall be unlawful for any person in charge of, or responsible for the conduct of a duly licensed parade to knowingly fail to comply with any condition of the permit.
3. No person shall knowingly join or participate in any parade, motorcade or other event closing a public street as permitted herein, in violation of any of the terms of the permit, nor knowingly join or participate in any permitted parade or motorcade without the consent of the permittee or over his objections, nor in any manner interfere with its progress or orderly conduct as prohibited by ARS §13-2904(A)(4) (as amended).

### D. Application for Permit.

1. Any person who wishes to conduct a parade, motorcade, or other event (other than lawful maintenance or construction) which closes a public street to normal vehicular travel, shall complete an application for a permit to the Chief of Police at least thirty (30) days in advance. The Chief of Police may waive the minimum thirty (30) day filing period and accept an application filed within a shorter period if, after due consideration of the date, time, place and nature

of the parade, the anticipated number of participants, and the Town services required in connection with the event, the Chief of Police determines that the waiver will not present a hazard to public safety.

2. The application shall set forth the following:
  - a. The name, address and telephone number of the parade or motorcade organizer.
  - b. A certification that the organizer shall be financially responsible for any Town fees, departmental services or costs that may lawfully be imposed for the event.
  - c. If the parade or motorcade is designed to be held by, on behalf of, or for any organization other than the event organizer, the names, addresses and telephone numbers of the headquarters of the organization for which the parade or motorcade is to be conducted, and the authorized and responsible heads of the organization.
  - d. Written authorization from the organization stating that the event organizer may apply for the permit on behalf of the organization and certification that the organization accepts responsibility for any Town fees, departmental services or costs that may lawfully be imposed for the event.
  - e. The proposed date and times that the parade or motorcade will begin and end.
  - f. The proposed route of the parade, including the starting point and the termination point.
  - g. The approximate number of participants, animals, and or vehicles which will make up the parade or motorcade. The kinds of animals and, types of vehicles anticipated to be part of the parade or motorcade.
  - h. The number of bands or other musical units and the nature of any equipment to be used to produce sounds or noise.

E. Issuance of Permit.

1. The Chief of Police shall issue a permit conditioned on the applicant's payment of any fee established from time to time by resolution of the Town Council, and on the applicant's written agreement to comply with the terms of such permit, unless he finds reasons for denial as set forth in this Chapter
2. Except as otherwise prohibited by law or an exemption is obtained as provided by this Chapter, the permittee shall procure and maintain in full force and effect during the term of the permit a policy of insurance which includes the Town, its boards, officers, agents, employees, and volunteers as named

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insured's or additional named insured and which provides the coverage that the Town's Risk Manager determines to be necessary and adequate under the circumstances. Proof of insurance shall be submitted to the Chief of Police prior to the issuance of the permit and maintenance of this insurance shall be a condition of the permit.

3. If the Chief of Police determines, after consultation with the Risk Manager and the Town Attorney, that a particular use, event or activity does not present a substantial or significant public liability or property damage exposure for the Town or its officers, agents and employees, the Chief of Police may give a written waiver of the insurance requirements of this section.
4. When a parade or motorcade will include activities that are an exercise of rights protected by the First and Fourteenth Amendment to the United States Constitution, or the Arizona Constitution, the application shall be processed promptly, without charging a fee or requiring insurance for the constitutionally protected activities or imposing terms or conditions that impermissibly infringe on constitutional freedoms.
5. The Chief of Police shall issue a permit if, after considering factors relating to pedestrian and vehicular safety (including, but not limited to the following) he finds that the parade or motorcade will not substantially interrupt the safe and orderly movement of other pedestrian or vehicular traffic contiguous to its route or location.
  - a. The width of streets, traffic lanes and sidewalks along the proposed route;
  - b. The vehicular speed limits and the known customary vehicle speeds along the route;
  - c. Known traffic hazards or dangerous conditions along the route, including previously scheduled or ongoing construction or maintenance work in the immediate vicinity;
  - d. Normal anticipated vehicular and pedestrian traffic volume at the date, time and place of the proposed parade;
  - e. The number and direction of traffic lanes;
  - f. The number and location of traffic control devices along the route;
  - g. Whether access to or for emergency vehicles will be obstructed;
  - h. The number of qualified police personnel necessary to control traffic in the surrounding area in order to prevent accidents or injury because of congestion caused by the closure of the street, and whether such qualified police personnel are available without unduly hindering the ability of the Department to provide other necessary police services.

- i. No parade or motorcade permit application for the same date, time and location is already granted or has been received and will be granted.
- j. The availability of alternate parade routes, date or times.

F. Denial and modification of specific requests within an application.

1. The Chief of Police shall act promptly upon a timely submitted parade application, and may deny or modify specific requests contained therein, relating to time, place and manner restrictions, including the date of a parade, if it is determined that the proposed parade or motorcade will cause substantial disruption to pedestrian and vehicular traffic and unreasonably hinder the resources and operations of emergency services to the public such as ambulance, fire or police.
2. If the Chief of Police modifies the application he shall issue a permit with alternative terms or conditions that are consistent with this Chapter. The Chief shall state in writing the reasons for denying or modifying the requested terms.
3. If the Chief of Police denies or modifies the application in part or in its entirety, the applicant shall be notified either by personal delivery or certified mail at least forty-eight (48) hours prior to the proposed event and state the reasons for the denial.
4. No permit shall be denied, revoked or modified, and no permit restrictions imposed, due in whole or in part, to the contents of statements or viewpoints expressed by the parade participants.

G. Appeal Procedure.

Any applicant shall have the right to appeal the denial or modification of a permit to the Town Manager. The denied applicant shall make the appeal within five (5) days after receipt of the denial by filing a written notice with the Chief of Police.

H. Modification of a previously issued permit.

The Chief of Police may modify a parade or motorcade permit already issued if:

1. Conditions that could not have been anticipated at the time the permit was issued require the modification of the event in order to avoid an unreasonable traffic hazard or would unduly compromise the safety of persons, property and vehicular and pedestrian traffic;
2. An unreasonable traffic hazard exists or the safety of persons, property and vehicular and pedestrian traffic is unduly compromised because the applicant unreasonably fails to comply with the terms of the permit;
3. Seasonal weather conditions create unforeseen hazardous roadway or traffic conditions.

- I. Nothing herein shall authorize the Chief of Police to permit closure of any part of State or Federal highways or rights-of-way within the Town limits.
- J. Funeral Processions.

In addition to the rules and regulations related to funeral processions found in ARS §28-776 (as amended), each driver in a funeral procession shall drive as near to the right hand edge of the roadway as is practical, and shall follow the vehicle ahead as close as is practical and safe.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Ren&Amd, 05/26/88, 9-02-120; Ord. No. 275, Amended, 05/28/92; Ord. No. 757, Rep&ReEn, 04/28/11)

#### **11-02-180 Use of Handheld Mobile Communication Devices While Operating a Motor Vehicle.**

- A. In this Section, unless the context otherwise requires:
  - 1. "Hands-free use" means the use of a mobile communication device without the use of either hand.
  - 2. "Mobile communication device" means a wireless communication device or portable electronic device that is designed to engage in calls, and/or receive and transmit text, images and/or data and includes (without limitation) mobile telephones, personal digital assistants, laptops, tablets, computers, pagers, electronic games, and computing devices.
  - 3. "Operating a motor vehicle" means (as defined in Title 28, Arizona Revised Statutes) being in actual physical control of a motor vehicle on a highway or street (including being temporarily stopped because of traffic or an official traffic control device, but excluding being stopped at the side or off of the highway or street at a location where the vehicle can safely remain stationary).
- B. No person shall, except as otherwise provided in this Section, use a mobile communication device while operating a motor vehicle upon a highway or street unless that device is specifically designed or configured to allow hands-free use and is used in that manner while operating the motor vehicle. A law enforcement officer may stop a motor vehicle if the officer has reasonable suspicion to believe a violation of this Section is occurring.
- C. Exemptions. This Section shall not apply to:
  - 1. Use of a mobile communication device for the sole purpose of communicating with public safety, law enforcement, fire, rescue, or medical personnel

regarding immediate criminal activity, safety hazards, or other emergency situations.

2. Use of a mobile communication device by public safety, law enforcement, fire, rescue, or medical personnel operating authorized emergency vehicles for the purpose of communicating regarding their official duties.
  3. Initiation, activation or deactivation of hands-free use of a mobile communication device.
- D. It is an affirmative defense to a prosecution under this Section that the driver was not operating the motor vehicle in a careless manner and:
1. possessed a commercial vehicle license or was operating fleet vehicles and was using a two-way radio or a private Land Mobile Radio System within the meaning of Title 47 Code of Federal Regulations Part 90 while in the performance and scope of their work-related duties; or
  2. held a valid amateur radio operator license issued by the federal communications commission and was using a half-duplex two-way radio under that license.
- E. Penalty. In accordance with Town Code §1-08-010(C), a person who violates this Section commits a civil traffic violation and is subject to a civil penalty of one hundred dollars (\$100) for a first offense and up to two thousand five hundred dollars (\$2,500) for any subsequent violations occurring within twelve (12) months of a prior offense.

(Ord. No. 853, Enacted, 12/20/18)

**Article 11-03      *PARKING***

- 11-03-010    Method of Parking.
- 11-03-020    Blocking Traffic.
- 11-03-030    Parking Adjacent to Schools.
- 11-03-040    Authority to Erect Signs Restricting Parking.
- 11-03-050    Parking Vehicles on Sidewalks.
- 11-03-060    Restricted Parking Areas for the Handicapped.
- 11-03-070    Repealed.

**11-03-010    Method of Parking.**

Except as otherwise provided by this Chapter, 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 such vehicles parallel to and within eighteen (18) inches of the right hand curb.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Ren&Amd, 05/26/88, 9-03-010; Ord. No. 224, Amended, 01/25/90)

**11-03-020    Blocking Traffic.**

- A.    No person may stop, stand or park any motor vehicle, or other vehicle, upon a street in the Town in such a manner or under such conditions as to inhibit 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 a Police Officer.
- B.    No person may 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.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Ren&Amd, 05/26/88, 9-03-020)

**11-03-030    Parking Adjacent to Schools.**

When signs are erected indicating no parking on that side of the street adjacent to any school property, no person shall park a vehicle in any such designated place for one (1) hour before school opens until one (1) hour after school closes on any school day.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Renumbered, 05/26/88, 9-03-030)

**11-03-040    Authority to Erect Signs Restricting Parking.**



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The Town Engineer or his designee, upon approval by the Town Council, may erect signs requiring parking at an angle to the curb, allowing parking on the left hand curb on one-way streets, notifying drivers that parking is prohibited, and restricting parking in any way that may be necessary. No parking restrictions shall become effective until such restricted parking area is specifically designated by resolution of the Town Council, and signs have been erected as authorized by this Section. No person may stop or stand a vehicle in disobedience to such parking restrictions.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Ren&Amd, 05/26/88, 9-03-040)

### **11-03-050 Parking Vehicles on Sidewalks.**

No person may park any vehicle, whether in usable condition or not, nor may any owner permit his vehicle to be parked upon any sidewalk.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Ren&Amd, 05/26/88, 9-03-050)

### **11-03-060 Restricted Parking Areas for the Handicapped.**

- A. No person may stop, stand or park a vehicle within any handicapped accessible parking space set aside and identified pursuant to Subsection 13-24-020(H) of this Code, unless the vehicle is transporting a person who has been issued a valid placard or number plates bearing the international symbol of access, and either:
1. The vehicle displays the valid permanently disabled or temporarily disabled removable windshield placard; or
  2. The vehicle displays number plates bearing the international symbol of access which are currently registered to the vehicle.
- B. Any person who is chauffeuring a physically disabled person may, without a placard or number plates bearing the international symbol of access, stop, stand or park a vehicle momentarily in such handicapped accessible parking spaces for the sole purpose of loading or unloading the disabled person.
- C. Either a law enforcement officer or a parking enforcement specialist appointed by the Chief of Police pursuant to ARS §28-886 may issue a civil traffic complaint for a violation of this Section to the operator of the vehicle, another person in charge of the vehicle, or, if an operator or person in charge is not present, to the registered owner of the vehicle. The civil sanction and penalties for such violation shall be those set forth in ARS §28-885(A).

(Ord. No. 75, Enacted, 12/09/82; Ord. No. 178, Ren&Amd, 05/26/88, 9-03-070; Ord. No. 285, Amended, 10/22/92; Ord. No. 614, Amended, 02/10/05)

### **11-03-070 Repealed.**

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Ren&Amd, 05/26/88, 9-03-060; Ord. No. 295, Repealed, 07/22/93)

**Article 11-04      VEHICLES ABANDONED ON PUBLIC PROPERTY**

- 11-04-010      Definitions.
- 11-04-020      Removal of Abandoned Vehicles.
- 11-04-030      Reserved.
- 11-04-040      Article is Non-Exclusive.
- 11-04-050      Administration and Enforcement.
- 11-04-060      Reserved.
- 11-04-070      Administrative Costs.
- 11-04-080      Reserved.
- 11-04-090      Notice of Intention.
- 11-04-100      Request for Public Hearing.
- 11-04-110      Hearing Procedures.
- 11-04-120      Reserved.
- 11-04-130      Removal.
- 11-04-140      Reserved.
- 11-04-150      Assessment of Costs.

**11-04-010      Definitions.**

In this Article, unless the context otherwise requires:

"Abandoned Motor Vehicle" means any vehicle, trailer, semi-trailer, machine, truck, tractor, motorcycle, automobile or any other type of motor vehicle defined as such by the Arizona Revised Statutes, Title 28, Chapter 1, Article 1, whether lost, stolen, abandoned, or otherwise unclaimed, which has been abandoned on a public highway, public street, or other public property. Evidence that a vehicle has been left unattended for a period of seventy-two (72) hours within the public right-of-way or within the boundaries of public property is prima facie evidence of abandonment.

(Ord. No. 126, Enacted, 02/27/86; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 295, Amended, 07/22/93)

**11-04-020      Removal of Abandoned Vehicles.**

Any abandoned vehicle may be removed from the public rights-of-way or other public property of the Town by the authorized Town officials at the expense of the owner of such vehicle or, where appropriate, at the expense of the owner or occupant of the adjacent real property.

(Ord. No. 126, Enacted, 02/27/86; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 295, Rep&ReEn, 07/22/93)

**11-04-030      Reserved.**

(Ord. No. 126, Enacted, 02/27/86; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 295, Repealed, 07/22/93)

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**11-04-040 Article is Non-Exclusive.**

This Article shall not be the exclusive regulation governing abandoned vehicles within the Town. It shall be supplemental and in addition to any other regulatory codes, statutes and ordinances enacted by the Town, the State, or any other legal entity or agency having jurisdiction.

(Ord. No. 126, Enacted, 02/27/86; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 295, Amended, 07/22/93)

**11-04-050 Administration and Enforcement.**

Except as otherwise provided herein, the provisions of this Article shall be administered and enforced by any authorized Town official. In the enforcement of this Article, such persons may examine a vehicle or parts thereof, or obtain information as to the identity of a vehicle and remove or cause the removal of an abandoned vehicle declared to be a nuisance pursuant to this Article.

(Ord. No. 126, Enacted, 02/27/86; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 295, Amended, 07/22/93)

**11-04-060 Reserved.**

(Ord. No. 126, Enacted, 02/27/86; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 295, Repealed, 07/22/93)

**11-04-070 Administrative Costs.**

In determining the costs for the removal of an abandoned motor vehicle determined to be a nuisance pursuant to this Article, ten percent (10%) shall be added to removal or storage costs to cover administrative costs. When collected, these shall be placed in the Town's general fund.

(Ord. No. 126, Enacted, 02/27/86; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 295, Amended, 07/22/93)

**11-04-080 Reserved.**

(Ord. No. 126, Enacted, 02/27/86; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 295, Repealed, 07/22/93)

**11-04-090 Notice of Intention.**

Upon detection of an abandoned motor vehicle, the authorized Town official shall issue a notice of his intention to abate the nuisance and remove the vehicle. He shall serve or shall cause notice to be served upon the owner of the vehicle, his legal representative or, in the case of a corporation, the statutory agent if ownership can be determined, or the owner or person in lawful control of the adjacent real property where appropriate. Notice shall be made pursuant to Rules 4, 4.1 and 4.2 of the Arizona Rules of Civil Procedure, or mailed via

certified mail. If the vehicle is in such a condition that identification numbers are not available to determine ownership, notice to the vehicle owner is considered waived. The notice shall advise the recipient of the right to appeal in writing to the Town Manager for a hearing before the Board of Adjustment, within ten (10) calendar days.

(Ord. No. 126, Enacted, 02/27/86; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 295, Amended, 07/22/93)

#### **11-04-100 Request for Public Hearing.**

- A. Upon a written request being filed with the Town Manager by the owner of the vehicle or the owner or the lawful controller of the adjacent real property, within ten (10) calendar days after the mailing or service of the notice of intention to abate and remove the nuisance, a public hearing shall be held on said notice by the Board of Adjustment. The Board shall determine whether a nuisance exists, and the manner of abatement, if any.
- B. Notice of the hearing shall be mailed via certified mail according to the requirements of Section 13-29-060 to the owner of the vehicle and/or the owner or lawful controller of the adjacent real property, unless the vehicle is in such condition that identification numbers are not available to determine ownership, in which case notice to the vehicle owner is considered waived.
- C. If such a request for a public hearing is not received within ten (10) calendar days after serving the notice of intention to abate the nuisance and remove the vehicle, the Town shall have authority to abate the nuisance by removing the vehicle giving rise to the public nuisance without such a hearing being held, pursuant to Section 11-04-130 herein.

(Ord. No. 126, Enacted, 02/27/86; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 295, Amended, 07/22/93)

#### **11-04-110 Hearing Procedures.**

- A. All hearings under this Article shall be held before the Board of Adjustment. In addition to the procedures set forth in §13-29-060, the Board shall hear all facts and testimony it deems pertinent. Facts and testimony may include testimony on the condition of the vehicle, and the circumstances surrounding its present location. The Board shall not be limited by the technical rules of evidence. The owner of the vehicle and/or the owner or lawful occupant of the adjacent real property may appear in person at the time of the hearing and present relevant evidence or testimony as to these issues. Other interested third parties may also present relevant evidence or testimony, at the discretion of the Board.
- B. The Board may impose such conditions and take such other action as it deems appropriate under the circumstances to carry out the purpose of this Article. It may delay the time for removal of the vehicle if, in its opinion, circumstances so justify. At the conclusion of the public hearing, the Board may find that the vehicle is abandoned, and is a public nuisance. The Board may then order the vehicle removed from the public right-of-way or other public property and disposed of as provided in

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this Article. The order requiring removal shall include a description of the vehicle and the correct identification number and license number of the vehicle, if available at the site.

- C. The owner of the vehicle and/or the owner or lawful occupant of the adjacent real property, if known, or any other interested party who makes a presentation to the Board, shall be notified in writing of the Board's decision.

(Ord. No. 126, Enacted, 02/27/86; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 295, Amended, 07/22/93)

### **11-04-120 Reserved.**

(Ord. No. 126, Enacted, 02/27/86; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 295, Repealed, 07/22/93)

### **11-04-130 Removal.**

In the event of a request for a public hearing before the Board of Adjustment, ten (10) calendar days from the date of mailing of the notice of the decision of the Board, the vehicle may be removed and disposed of pursuant to Article 2, Chapter 11, Title 28 of the Arizona Revised Statutes.

(Ord. No. 126, Enacted, 02/27/86; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 295, Amended, 07/22/93; Ord. No. 614, Amended, 02/10/05)

### **11-04-140 Reserved.**

(Ord. No. 126, Enacted, 02/27/86; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 295, Repealed, 07/22/93)

### **11-04-150 Assessment of Costs.**

- A. In addition to the disposal procedures set forth in Article 2, Chapter 11, Title 28 of the Arizona Revised Statutes, following the removal of the abandoned motor vehicle, the Town Manager, or his authorized representative, may prepare a verified statement of account of the actual costs of such removal and abatement (including storage), the date the work was completed, and the street address and the legal description of the immediately adjacent real property [including ten percent (10%) as provided in Section 11-04-070], and serve a duplicate copy of such verified statement upon the owner or occupant of said adjacent real property in the manner prescribed in Section 11-04-090. This procedure may only be used where the owner or occupant of the adjacent real property is also the owner of the abandoned vehicle.
- B. The owner or person controlling the adjacent real property shall have thirty (30) calendar days from the date of service upon him to pay the assessment as contained in the verified statement or appeal in writing to the Town Council (through the Town Manager) from the amount of the assessment. If an appeal is not so filed with the Town Council, then the amount of the assessment as determined by the Town Manager

shall become final and binding. If an appeal is taken, the Town Council shall, at its next regular meeting, hear and determine the appeal and may affirm the amount of the assessment, modify the amount thereof, or determine that no assessment shall be made.

- C. If the assessment is not paid and no appeal is taken from the amount of the assessment, or if an appeal is taken and the Town Council affirms or modifies the amount of the assessment [and said amount is not paid within five (5) calendar days of the Council decision], the original assessment or the assessment as so modified shall be recorded in the Office of the Yavapai County Recorder, and from the date of its recording it shall become a lien on the lot or tract of adjacent land until paid. Such liens shall be subject and inferior to the lien for general taxes and to all prior recorded mortgages and encumbrances of record. No assessment shall be made and no lien shall be recorded unless it was determined (either at the public hearing before the Board of Adjustment or at a Council hearing on the assessment) that the owner or occupant of the adjacent real property was responsible for the nuisance.
  
- D. A sale of the property to satisfy a lien obtained under the provisions of this Section shall be made upon judgment of foreclosure and order of sale. The Town shall have the right to bring action to enforce the lien in the Superior Court of Yavapai County at any time after the recording of the assessment, but failure to enforce the lien by such action shall not affect its validity. The recorded assessment shall be prime facie evidence of the truth of all matters recited therein, and of the regularity of all proceedings prior to the recording thereof. Failure to record a lien against the real property does not in any way prohibit the Town from utilizing any and all other remedies it may have against the person adjudged responsible for the nuisance, and the Town may pursue any remedies in law or equity to recover its costs, including administrative costs, involved in abating the nuisance along with reasonable attorney fees and investigative costs incurred.

(Ord. No. 126, Enacted, 02/27/86; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 295, Amended, 07/22/93; Ord. No. 614, Amended, 02/10/05)

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*Article 11-05 GROSS WEIGHT RESTRICTION ON THROUGH TRAFFIC*

- 11-05-010 Definitions.
- 11-05-020 Gross Weight Restriction.
- 11-05-030 Exemptions.

11-05-010 Definitions.

In this Article, unless the context otherwise requires:

- A. "Bus" means a motor vehicle designed for carrying more than fifteen (15) passengers and used for the transportation of persons for compensation.
- B. "Gross weight" means the weight of a truck without load plus the weight of any load thereon.
- C. "Through traffic" means any traffic traveling within the Town for the primary purpose of reaching a destination not within the Town, but excluding all traffic where no other route to the primary destination is possible.
- D. "Traffic" means vehicles and other conveyances using any street, road or highway for purposes of travel.
- E. "Truck" means every motor vehicle designed, used or maintained primarily for either the transportation of property or the transportation of more than fifteen passengers. "Truck" includes but is not limited to the examples indicated on the attached Exhibit "A", made a part hereof by reference, entitled "Illustration of Commercial Vehicle Types".

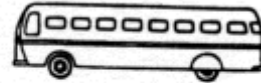
# ILLUSTRATION OF COMMERCIAL VEHICLE TYPES



Length - 11.5  
Empty Weight - 4,900  
Gross Weight - 7,500



Length - 26.5  
Empty Weight - 9,300  
Gross Weight - 18,200



Length - No data available  
Empty Weight - No data available  
Gross Weight - No data available



Length - 26.9  
Empty Weight - 17,100  
Gross Weight - 38,700



Length - 45.6  
Empty Weight - 20,800  
Gross Weight - 48,100



Length - 51.8  
Empty Weight - 28,000  
Gross Weight - 69,100



Length - 52.7  
Empty Weight - 25,400  
Gross Weight - 56,200



Length - 57.0  
Empty Weight - 28,900  
Gross Weight - 77,700



Length - 57.0  
Empty Weight - 28,900  
Gross Weight - 77,700



Length - 61.2  
Empty Weight - 28,300  
Gross Weight - 77,500



Length - 61.2  
Empty Weight - 28,300  
Gross Weight - 77,500



Length - 61.2  
Empty Weight - 28,300  
Gross Weight - 77,500



Length - 64.3  
Empty Weight - 30,800  
Gross Weight - 79,400



Length - No data available  
Empty Weight - No data available  
Gross Weight - No data available



Length - No data available  
Empty Weight - No data available  
Gross Weight - No data available



Length - No data available  
Empty Weight - No data available  
Gross Weight - No data available

(Ord. No. 31, Enacted, 06/26/80; Ord. No. 178, Rep&ReEn, 05/26/88)

11-05-020 Gross Weight Restriction.

No bus or truck, as defined herein, which exceeds the gross weight of ten thousand (10,000)



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pounds shall use any road, street or highway within the Town for through traffic except that State Highway 69, County Highway 48 (a.k.a. Fain Road), U.S. 89A, and Glassford Hill Road will not be affected by this restriction.

(Ord. No. 31, Enacted, 06/26/80; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 531, Amended, 10/10/02)

### **11-05-030 Exemptions.**

The following motor vehicles shall be exempt from this Article:

- A. School buses transporting students to or from school.
- B. Garbage and refuse collection vehicles authorized to do and doing business within the Town.
- C. All emergency and fire control vehicles.

(Ord. No. 31, Enacted, 06/26/80; Ord. No. 178, Rep&ReEn, 05/26/88)

*Article 11-06      Reserved.*

11-06-010    Reserved.

11-06-10     Reserved.

(Ord. No. 64A, Enacted, 12/17/81; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Renumbered, 12/28/95, 11-06; Ord. No. 756, Rep&ReEn, 04/28/11)