

ORDINANCE NO. 2023-1586

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, AMENDING CHAPTER 13 (TRAFFIC) SECTION 13-3-19 OF GOODYEAR CITY CODE RELATED TO VEHICLE IMMOBILIZATION AND IMPOUND REQUIREMENTS; PROVIDING FOR CORRECTIONS, SEVERABILITY, PENALTIES, AND AN EFFECTIVE DATE.

WHEREAS, the Mayor and Council of the City of Goodyear, Arizona revised Article 13-3 (Standing and Parking) of Chapter 13 of Goodyear City Code with the adoption of Ordinance No. 14-1304 on July 7, 2014, to provide updated parking regulations and related penalties and fees; and

WHEREAS, in addition to updating provisions of Article 13-3, the July 7, 2014 revision also reorganized and renumbered the entire Article 13-3 to allow for the new sections and for ease of use and reference; and

WHEREAS, shortly after the adoption of the code provisions, staff discovered the consequences of renumbering Article 13-3 would now require the replacement of numerous City signs to reflect new Goodyear City Code Section number references, which would result in substantial time labor and cost to the City, in addition to several required changes in court's computer system; and

WHEREAS, on September 22, 2014, Council adopted Ordinance 14-1312 revising Article 13-3 to correct the renumbering of sections to align with City signs already in existence, thereby saving the cost of replacing numerous City signs; and

WHEREAS, the September 22, 2014 revision inadvertently removed the provision related to Vehicle Immobilization and Impound Requirements intended for Section 13-3-19; and

WHEREAS, the revision proposed in this Ordinance No. 2023-1586 seeks to add the provisions of Section 13-3-19 Vehicle Immobilization and Impound Requirements back into City Code as originally placed and intended; and

WHEREAS, the Mayor and Council of the City of Goodyear have determined it is in the best interest of the public health, safety, and welfare of the City of Goodyear and its citizens to amend Goodyear City Code Section 13-3-19 to add the aforementioned provisions.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

SECTION 1. AMENDING GOODYEAR CITY CODE

Chapter 13 (Traffic) Section 13-3-19 (Vehicle Immobilization and Impound) of Goodyear City Code is hereby amended by replacing Section 13-3-19 in its entirety to read as follows:

SECTION 13-3-19 VEHICLE IMMOBILIZATION AND IMPOUND

(A) Authority to Immobilize or Remove Vehicles. Law Enforcement Officers are authorized to immobilize or remove any motor vehicle from any street, road or roadway to the nearest garage or towing company lot designated by or

contracting with the City or otherwise maintained by the City, under the following circumstances:

- 1) Unattended Motor Vehicle. When any motor vehicle is left unattended upon a public or private street, road, or roadway in an unlawful manner and is parked in such a manner as to constitute a hazard, obstruction, or impediment to the normal movement of traffic or is parked in a manner which obstructs a public or private driveway or in parked in violation of Section 13-3-5.
- 2) Attended Motor Vehicle. When any motor vehicle is parked upon a public street, road, or roadway in a manner that constitutes a hazard, obstruction, or impediment to the normal movement of traffic or in violation of Section 13-3-5 and the person in charge of the vehicle is incapacitated to such an extent as to be unable to provide for its custody or removal.

(B) Unoccupied Vehicle Violating Laws Declared Nuisance. Any unoccupied vehicle of any kind or description found under the circumstances provided in subsection (A) of this section is hereby declared to be a nuisance and a menace to the safe and proper regulation of traffic. Such vehicle may be taken in charge by any Law Enforcement Officer and removed from its location and kept in custody upon the direction of the Chief of Police. Such vehicle may be recovered by the owner after the owner provides government-issued identification establishing his/her identity, and proof of ownership of the vehicle. The owner of such vehicle shall be liable for all towing and storage charges in connection with the removal and storage thereof. The payment of the removal and storage charges shall not release the owner or driver of such vehicle from any other penalty imposed for violation of Goodyear City Code.

SECTION 2. CORRECTIONS

The City Attorney, City Clerk, the codifiers of the ordinance, and their respective designees are authorized to make necessary clerical corrections to this ordinance, including but not limited to, the correction of scrivener's/clerical errors, references, numbers, sections/subsection numbers and any references thereto.

SECTION 3. SEVERABILITY

If any section, subsection, clause, phrase, or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

SECTION 4. PENALTIES

The penalties for violation of any section of this article are subject to the criminal penalties provided in Article 1-8.

SECTION 4. EFFECTIVE DATE

This ordinance shall become effective as prescribed by law. The provisions of the ordinance, regulation, or requirement of the city of Goodyear being amended by this ordinance shall remain in full force and effect until the effective date of this ordinance.

PASSED AND ADOPTED by the Mayor and Council of the City of Goodyear, Maricopa County, Arizona, by a _____ vote, this _____ day of _____, 20____.

Joe Pizzillo, Mayor

Date: _____

ATTEST:

APPROVED AS TO FORM:

Darcie McCracken, City Clerk

Roric Massey, City Attorney