



Ordinance

OFFICE OF THE
MAYOR
CITY OF SAN LUIS

NO. 346

AN ORDINANCE OF THE CITY OF SAN LUIS, ARIZONA, RELATING TO SAN LUIS CODE OF ORDINANCES AS IT PERTAINS TO TRAFFIC CONTROL BY AMENDING TITLE VII, TRAFFIC CODE, AND TITLE XI, BUSINESS REGULATIONS, OF THE CODE OF ORDINANCES OF THE CITY OF SAN LUIS BY AMENDING CHAPTER 70 GENERAL PROVISIONS, CHAPTER 71 TRAFFIC CONTROL, CHAPTER 72 PARKING, AND CHAPTER 112 TRANSPORTATION BUSINESS REGULATIONS, BY AMENDING SECTION 71.04 TRAFFIC CONTROL DEVICES TO AUTHORITY TO INSTALL TRAFFIC CONTROL DEVICES, SIGNS, SIGNALS, CROSSWALKS, SAFETY ZONES, AND MARK TRAFFIC LANES; AMENDING SECTION 71.05 TO BE UNIFORM TRAFFIC CONTROL DEVICES; AMENDING SUBSECTION 71.07 (A) REGARDING AUTHORITY TO PLACE RESTRICTED TURN SIGNS; ADDING SECTION 71.10 OBEDIENCE TO TRAFFIC CONTROL DEVICES; ADDING SECTION 71.11 UNAUTHORIZED PAINTING OF CURBS, SIDEWALKS, OR STREETS, HIGHWAYS AND FREEWAYS; AMENDING 72.04 TO BE PARKING UPON PUBLIC PROPERTY; AMENDING SUBSECTIONS 72.07(A) AND 72.07(B), REPEALING SUBSECTION 72.07(C) AND RENUMBERING SUBSECTIONS 72.07 (D) AND 72.07(E) REGARDING BUSES AND TAXIS; AMENDING SECTION 72.10 TO BE ESTABLISHMENT OF RATES FOR PARKING CONTROL DEVICES OR PARKING METERS; AMENDING THE DEFINITIONS OF BUS STAND, TAXI STAND, AND TAXI WAITING STAND AS CONTAINED AT SECTION 112.02; AMENDING SUBSECTION 112.03.B TO PROVIDE FOR LIVERIES; AMENDING SECTION 112.07 TO PROVIDE FOR LIVERIES; PROVIDING PENALTIES FOR VIOLATIONS BY AMENDING SECTION 70.99 TRAFFIC CODE PENALTY AND AMENDING SECTION 72.99 PENALTY; REPEALING ANY CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY

Whereas the City of San Luis has, over time, within Title VII Traffic Code, established different procedures and protocols for the authority to establish and create traffic control devices, signs, crosswalks, lane markings, parking, and similar methods of maintaining safe traffic flows and traffic control;

Whereas, the City of San Luis regulates the parking of taxis, liveries, and buses on the public streets of San Luis in Chapter 112, Transportation Business Regulations, of the Code of Ordinances of the City of San Luis;

Whereas, the City Council desires to establish a uniform system of establishment of traffic control devices, signs, crosswalks, lane markings, parking, and similar methods of maintaining safe traffic flows and traffic control;

Whereas, it is desired to eliminate any conflicting provisions contained in Title VII Traffic Code; and

Whereas, proper regulation of traffic is important to public safety, and traffic during the fall and winter is materially heavier in volume than spring or summer, the Council finds that the changes contained herein are immediately necessary for traffic safety within the City of San Luis;

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF SAN LUIS, ARIZONA as follows:

Section 1: Section 71.04 of the Code of Ordinances of the City of San Luis is hereby amended to read as follows:

§71.04 - Authority to install traffic control devices, signs, signals, crosswalks, safety zones, and mark traffic lanes.

The Chief of Police, with the concurrence of the City Engineer, the Public Works Director, and the Fire Chief shall have the power and duty to place and maintain or cause to be placed and maintained official traffic control signs, signals, and devices when and as required under the traffic ordinances of this city to make effective the provisions of said ordinances, and may place and maintain such additional traffic control devices, designate crosswalks, establish safety zones, or mark traffic lanes as he or she may deem necessary to regulate, warn or guide traffic under the traffic ordinances of this city or under State law.

Section 2: Section 71.05 of the Code of Ordinances of the City of San Luis is hereby amended to read as follows:

§71.05 - Uniform traffic control devices.

(A) All traffic control devices, signs, signals, crosswalks, safety zones, lanes, or markings shall conform to the manual and specifications prescribed in A.R.S. §28-641.

(B) There shall be a rebuttable presumption that any traffic control device(s), signs, signals, crosswalks, safety zones, lanes, or markings have been placed by the official act or direction of lawful authority unless the contrary is established by competent evidence.

(C) There shall be a rebuttable presumption that any traffic control

device(s), signs, signals, crosswalks, safety zones, lanes, or markings comply with the requirements of this chapter and Arizona Revised Statutes section 28-643 unless the contrary is established by competent evidence.

Section 3: Subsection 71.07.A of the Code of Ordinances of the City of San Luis is hereby amended to read as follows:

(A) The Chief of Police, with the concurrence of the City Engineer, the Public Works Director, and the Fire Chief is hereby authorized to determine those intersections in which drivers of vehicles shall not make a right, left, or U-turn and shall place proper signs at such intersections. The making of turns may be prohibited between certain hours of any day and permitted in other hours.

Section 4 Section 71.10 Obedience to Official Traffic Control Devices is hereby adopted to read as follows:

§71.10 - Obedience to official traffic control devices.

No person shall intentionally disobey the instructions of any official traffic control device, sign, signal, crosswalk, safety zone, lane, marking, turning marker, button, or other indication placed or established in accordance with the provisions of this chapter, unless otherwise directed by a police officer or other authorized person, subject to the exceptions granted the driver of an authorized emergency vehicle.

Section 5: Section 71.11 Unauthorized Painting of Curbs, Sidewalks, or Streets, Highways and Freeways is hereby adopted to read as follows:

§71.11 - Unauthorized painting of curbs, sidewalks, or streets, highways and freeways.

It shall be unlawful for any person, unless authorized by the Chief of Police and the Public Works Director to paint or deface any curb, sidewalk, street, highway or freeway within the jurisdiction of this city, provided, however, that this section shall not apply to the painting of numbers on a curb surface by any person who has complied with the provisions of any resolution or ordinances of this city pertaining thereto.

Section 6: Section 72.04 of the Code of Ordinances of the City of San Luis is hereby amended to read as follows:

§72.04 - Parking upon public property.

(A) The Chief of Police, with the concurrence of the City Engineer, the Public Works Director, and the Fire Chief is hereby authorized to determine and designate No Stopping, No Standing, and No Parking areas on publicly owned property. In addition, the Chief of Police, with the concurrence of the City Engineer, the Public Works Director, and the Fire Chief is hereby authorized to restrict parking, stopping or standing in zones on publicly owned property for the public welfare. The above authority shall include, but not be limited to, creating the following zones:

(1) No parking zones which prohibit parking and standing altogether;

(2) Zones where parking or standing is prohibited or allowed only during specified hours and/or during specified days;

(3) Zones where parking is prohibited for longer than the maximum time period specified at any time;

(4) Reserved parking zones where a person is only allowed to park or stand a vehicle where such person is a member of a designated group of persons;

(5) Permit parking zones where a person may only park or stand a vehicle which displays a clearly visible permit issued by the city;

(6) Motorcycle only zones which allow only motorcycles to park or stand therein;

(7) Compact vehicle only zones which only allow compact vehicles to park or stand therein (for purposes of this subsection, a "compact vehicle" is any vehicle not exceeding one hundred eighty (180) inches in length);

(8) Zones in front of any driveway or entrance-way or within ten (10) feet of any driveway or entrance area to any publicly owned property where parking or standing is prohibited;

(9) Zones controlling parking through the use of parking meters; and

(10) Handicapped parking zones on publicly owned property in accordance with state law and as more specifically described in this Code.

The Chief of Police, with the concurrence of the City Engineer, the Public Works Director, and the Fire Chief shall place and

maintain appropriate signs, parking control devices, parking meters, and/or markings indicating such zones. No person shall park a vehicle in violation of the restrictions of such a zone. Any person parking his vehicle in a parking zone in violation of restrictions of such zone shall be subject to the penalties specified in §10.99 of this Code. Such a vehicle shall be subject to tow away and impoundment by order of the Chief of Police or his designee.

(B) No person shall park a vehicle on publicly owned property marked for parking, except as designated by lines or markings upon the pavement or ground, or in conformance with a parking control device or parking meter. No person shall park a vehicle in diagonal or at an angle parking on publicly owned property except with the front of the vehicle headed into the curb, cement block, wall, etc., which indicates the front of the parking area.

(C) For purposes of this section, "publicly owned property" shall mean any lands which the city owns either in fee simple or in which it has acquired a beneficial interest by virtue of an agreement of sale or conveyance and it shall include specifically parks and other recreation property including those parks and recreation properties which are leased to private parties and all publicly owned rights-of-way for streets and alleys. For purposes of this section, "parking" shall include stopping, standing and/or parking as such terms are defined in Title 28 of the Arizona Revised Statutes.

Section 7: Subsection 72.07 of the Code of Ordinances of the City of San Luis is hereby amended to read as follows:

§ 72.07 BUSES, TAXES AND LIVERY

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUS. A motor vehicle designed to carry 11 or more passengers and used in the commercial business of transporting persons for hire by a business duly licensed as a commercial business by the city which is properly registered/licensed with the State Department of Revenue.

TAXI. A motor vehicle designed to carry ten or less passengers and used in the commercial business of transporting persons for hire by a business duly licensed as a commercial business by the city which is properly registered/licensed with the State Department of Revenue, and properly approved as a taxi by the State of Arizona.

LIVERY. A motor vehicle designed to carry ten or less passengers and used in the commercial business of transporting persons for hire by a business duly licensed as a commercial business by the city which is properly registered/licensed with the State Department of Revenue and properly approved as a livery by the State of Arizona.

(B) Establishment of stands. The Chief of Police, with the concurrence of the City Engineer, the Public Works Director, and the Fire Chief shall establish bus stands, taxi stands, and taxi waiting stands within publicly owned property as defined by §72.04(C). All taxis, liveries, and buses shall park in the same direction as the flow of traffic with their wheels no more than eight inches from the curb. No vehicle shall stop, stand, or park in a bus stand other than a bus, and no vehicle shall stop, stand, or park in a taxi stand or taxi waiting stand other than a taxi or livery.

Section 8: Existing subsection 72.07 (C) of the Code of Ordinances of the City of San Luis is hereby repealed. Existing subsection 72.07 (D) of the Code of Ordinances of the City of San Luis is hereby renumbered to be subsection 72.07(C) and existing subsection 72.07 (E) is hereby renumbered to be subsection 72.07(D).

Section 9: Section 72.10 of the Code of Ordinances of the City of San Luis is hereby amended to read as follows:

§72.10 Establishment of Rates for Parking Control Devices or Parking Meters

For any parking control device or parking meter which charges a fee, the fee for parking in a space controlled by such device or meter shall be established by resolution of the City Council.

Section 10: The definitions of “Bus Stand”, “Taxi Stand”, and “Taxi Waiting Stand” as contained in Section 112.02 of the Code of Ordinances of the City of San Luis are hereby amended to read as follows:

BUS STAND. Such portions of publicly owned property designated as a bus stand pursuant to §72.07(B).

TAXI STAND. Such portions of publicly owned property designated as a taxi stand pursuant to §72.07(B).

TAXI WAITING STAND. Such portions of publicly owned property designated as a taxi waiting stand pursuant to §72.07(B).

Section 11: Subsection 112.03.B of Code of Ordinances of the City of San Luis is hereby amended to read as follows:

(B) No taxicab, livery, or bus business or operator of a taxicab, livery, or bus shall operate without the following:

(1) A city business license;

(2) Proper Arizona registration;

(3) Insurance as required for taxicabs, liveries, and buses by state law; and

(4) It shall be properly registered with the state and if a bus, the United States Department of Transportation.

Section 12: Section 112.07 of the Code of Ordinances of the City of San Luis is hereby amended to read as follows:

§ 112.07 TAXI STAND AND TAXI WAITING STAND REGULATIONS.

(A) All taxicabs and liveries shall wait in line at the taxi stand in the order which they arrive; the taxicab located at the front of the line shall have priority when soliciting; taxicabs shall move forward as the taxicab at the front of the line departs. Only three taxicabs will be allowed at the taxi stand.

(B) All taxicabs and liveries wanting to advance to the taxi stand shall wait in line at the taxi waiting stand; the taxicab at the front of the line shall have priority to advance to the taxi stand.

(C) No taxicab or livery operator shall solicit business three feet away from their taxicab; at no time shall a taxicab or livery be left unattended while in line.

(D) No taxicab or livery business, or operator of a taxicab or livery, shall obstruct the flow of foot traffic of any sidewalk.

Section 13: Section 70.99 of the Code of Ordinances of the City of San Luis is hereby amended to read as follows:

§70.99 TRAFFIC CODE PENALTY

(A) Any violation of or failure to do or refusal to do or perform any act required by this Title, for which no penalty is otherwise specifically provided, constitutes a civil traffic violation punishable pursuant to the provisions of §10.99. Each day a violation

continues shall be a separate offense.

(B) In addition to any civil sanction imposed, the municipal court shall assess a default fee of not less than \$75 for a failure to pay any civil sanction imposed by the court.

(C) A judge or hearing officer may waive all or part of the default fee if the payment of the fee would cause a financial hardship to the defendant.

(D) If the court refers any delinquent fines, fees, sanctions, penalties or restitution for collection, any collection or attorney costs are recoverable from the defendant and may be added to any balance due from the defendant to the court.

(E) The imposition of a penalty does not prevent revocation or suspension of a license, permit or franchise.

(F) Violations that are continuous with respect to time may be abated by injunctive or other equitable relief. The imposition of a penalty does not prevent injunctive or equitable relief.

Section 14: Section 72.99 Penalty of the Code of Ordinances of the City of San Luis is hereby amended to read as follows:

(A) **General.** Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the civil traffic violation provisions of § 70.99.

(B) **Buses, Taxis and Livery.** Any person found guilty of violating any provision of § 72.07 shall be guilty of a class one misdemeanor. Each time a person shall stop, stand or park a vehicle, and/or each day that a violation continues, shall be a separate offense punishable as hereinabove described.

Section 15: If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of any code or amendments thereto adopted herein 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 16: In the event of a conflict between the provisions of this Ordinance, or any code or amendment adopted hereby, and any other ordinance, code, resolution, regulation, or policy of the City of San Luis, the conflicting provisions are hereby repealed, superseded, and replaced.

Section 17: It is necessary for the preservation of the peace, health and

safety of the City of San Luis, Arizona, that an emergency is declared to exist, and this ordinance shall become immediately operative and in force from and after the date of posting hereof.

PASSED AND ADOPTED by the Mayor and Council of the City of San Luis, Arizona, this _____ day of _____, 2015.

Gerardo Sanchez, Mayor

ATTEST:

Sonia Cornelio, City Clerk

APPROVED AS TO FORM:

Kay Macuil, City Attorney