

ORDINANCE NO. 11-744

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, AMENDING THE TOWN OF CHINO VALLEY, ARIZONA, CODE OF ORDINANCES, CHAPTER 71, "TRAFFIC RULES," SECTION 71.12, ENTITLED "SPEED LIMITS"

WHEREAS, Section 71.12 of the Town of Chino Valley, Arizona, Code of Ordinances ("Town Code"), entitled "Speed Limits," provides for establishing speed limits throughout Chino Valley; and

WHEREAS, it is appropriate and necessary to clarify this Section of the Town Code, while maintaining compliance and consistency with Arizona Revised Statutes;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Common Council of the Town of Chino Valley, Arizona, as follows:

Section 1. The text of Town Code, Chapter 71, "TRAFFIC RULES," Section 71.12, entitled "SPEED LIMITS," is hereby abrogated in its entirety and the following language substituted in its place:

§ 71.12 SPEED LIMITS.

~~(A) All residential collector streets in the town shall have a maximum speed limit of 35 mph. All other streets, except for federal, state or county highways where the posted speed limit is different, shall have a maximum speed limit of 25 mph.~~

~~(B) The Council may establish, if within state regulations, by resolution, different speed limits if 51% of the property owners in a given area petition the Council for a change, and if a public hearing on the proposed change is held and the required engineering and traffic study is conducted in accordance with A.R.S. 28-703.~~

THE TOWN COUNCIL MAY, BY WRITTEN RESOLUTION, ALTER THE PRIMA FACIE SPEED LIMITS WITHIN THE TOWN, AS AUTHORIZED BY ARIZONA REVISED STATUTES § 28-701 OR OTHER APPLICABLE STATE STATUTE, WHEN, BASED UPON AN ENGINEERING AND TRAFFIC INVESTIGATION PURSUANT TO ARIZONA REVISED STATUTES § 28-703 ("SPEED STUDY"), IT IS DETERMINED THAT THE MAXIMUM SPEED PERMITTED UNDER STATE LAW IS GREATER OR LESS THAN IS REASONABLE OR SAFE UNDER THE CONDITIONS FOUND TO EXIST UPON ANY PART OF A STREET OR HIGHWAY LOCATED WITHIN THE TOWN. A COPY OF THE SPEED STUDY AND SPEED LIMITS SO AFFECTED MUST BE MAINTAINED IN THE FILES OF THE PUBLIC WORKS DEPARTMENT. MAXIMUM SPEED LIMITS OF ALL OTHER STREETS WITHIN THE TOWN THAT

ARE NOT AFFECTED BY COUNCIL RESOLUTION AS A RESULT OF THE SPEED STUDY WILL BE AS ESTABLISHED BY STATE STATUTE.

Section 2. All other Chapters and Sections of the Town Code, not herein amended or abrogated, shall remain in full force and effect.

Section 3. If any provision of this Ordinance is held invalid by a Court of competent jurisdiction, the remaining provisions shall not be affected but shall continue in full force and effect.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona, this 22nd day of March, 2011.

Jim Bunker, Mayor

ATTEST:

APPROVED AS TO FORM:

Jami C. Lewis, Town Clerk

Musgrove Drutz & Kack, P.C.
Town Attorney