

ORDINANCE NO. 17-833

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, DECLARING THE DOCUMENT ENTITLED "CHAPTER 72 PARKING RULES AMENDMENTS, DATED SEPTEMBER 12, 2017," TO BE A PUBIC RECORD; ADOPTING "CHAPTER 72 PARKING RULES AMENDMENTS, DATED SEPTEMBER 12, 2107," BY REFERENCE; AMENDING THE TOWN CODE OF THE TOWN OF CHINO VALLEY, ARIZONA, TITLE VII TRAFFIC CODE, CHAPTER 72 PARKING RULES AS FOLLOWS: DELETING §§ 72.02 BLOCKING TRAFFIC, 72.03 PARKING ADJACENT TO SCHOOLS, 72.05 PARKING VEHICLES ON SIDEWALKS, AND 72.07 RESTRICTED PARKING AREAS FOR THE HANDICAPPED; AMENDING §§ 72.01 METHOD OF PARKING; 72.04 AUTHORITY TO ERECT SIGNS; AND 72.06 ABANDONED VEHICLES; AND ADDING NEW §§ 72.02 PRESUMPTION IN REFERENCE TO ILLEGAL PARKING, 72.03 PARKING, STANDING, STOPPING PROHIBITIONS, 72.05 REMOVAL OF VEHICLES IN VIOLATION OF PARKING RESTRICTIONS, ALL RELATED TO CLARIFYING THE TOWN'S PARKING RESTRICTIONS, ADDING A PRESUMPTION THAT THE OWNER OF THE VEHICLE IS RESPONSIBLE FOR PARKING VIOLATIONS, PROVIDING FOR DESIGNATION AND ENFORCEMENT OF FIRE ZONE RESTRICTIONS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING PENALTIES

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

Section 1. In General.

1. That certain document entitled "Chapter 72 Parking Rules Amendments, dated September 12, 2017" is hereby declared to be a public record and three paper copies or one paper copy and one electronic copy maintained in compliance with Arizona Revised Statutes § 44-7041, are filed in the office of the Town Clerk and kept available for public use and inspection.

2. The Town Code of Chino Valley, Arizona, Title VII Traffic Code, Chapter 72 Parking Rules is hereby amended as follows: (1) Deleting Sections 72.02 Blocking Traffic, 72.03 Parking Adjacent to Schools, 72.05 Parking Vehicles on Sidewalks, and 72.07 Restricted Parking Areas for the Handicapped; (2) Amending Sections 72.01 Method of Parking; 72.04 Authority to Erect Signs, and 72.06 Abandoned Vehicles; and (3) Adding new Sections 72.02 Presumption in Reference to Illegal Parking, 72.03 Parking, Standing, Stopping Prohibitions, 72.05 Removal of Vehicles in Violation of Parking Restrictions, all as set forth in that document entitled "Chapter 72 Parking Rules Amendments, dated September 12, 2017", which document is hereby adopted and incorporated into this ordinance by reference.

Section 2. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference are hereby repealed.

Section 3. Providing for Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference, 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. Providing for Penalties

Any person found responsible for violating any provision of this Ordinance section shall be subject to the civil sanctions and habitual offender provisions set forth in Section 10.99(B) of the Town Code of the Town of Chino Valley, Arizona.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona, this 12th day of September, 2017 by the following vote:

AYES: 7

ABSENT: 0

NAYS: 0

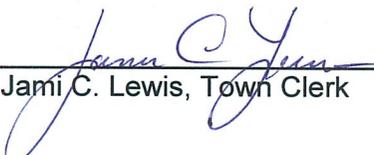
ABSTAINED: 0

APPROVED this 12th day of September, 2017.



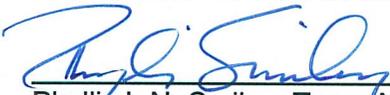
Darryl L. Croft, Mayor

ATTEST:



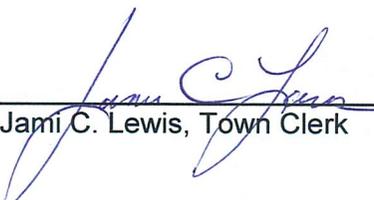
Jami C. Lewis, Town Clerk

APPROVED AS TO FORM:



Phyllis L.N. Smiley, Town Attorney
Gust Rosenfeld, PLC

I, JAMI LEWIS, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 17-833 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF CHINO VALLEY ON THE 12TH DAY OF SEPTEMBER, 2017, WAS POSTED IN THREE PLACES ON THE 14TH DAY OF SEPTEMBER, 2017.



Jami C. Lewis, Town Clerk

Chapter 72 Parking Rules Amendments

September 12, 2017

The Town Code of the Town of Chino Valley, Arizona, Title VII Traffic Code, Chapter 72 Parking Rules, is amended by deleting Sections 72.02 Blocking Traffic, 72.03 Parking Adjacent to Schools, 72.05 Parking Vehicles on Sidewalks, and 72.07 Restricted Parking Areas for the Handicapped in their entirety.

The Town Code of the Town of Chino Valley, Arizona, Title VII Traffic Code, Chapter 72 Parking Rules, is amended by amending Sections 72.01 Method of Parking, 72.04 Authority to Erect Signs, and 72.06 Abandoned Vehicles; and adding new Sections 72.02 Presumption in Reference to Illegal Parking, 72.03 Parking, Standing, Stopping Prohibitions, 72.05 Removal of Vehicles in Violation of Parking Restrictions to read as follows (additions shown in ALL CAPS, deletions shown in ~~strikethrough~~):

§ 72.01 Method of Parking.

(A) ~~Except as otherwise provided by resolution of the Council,~~ Every vehicle stopped or parked upon a ~~roadway~~-PUBLIC STREET where there are adjacent curbs shall be so stopped or parked ~~with~~-SUCH THAT the right hand wheels of the vehicle ARE parallel to and within 18 inches of the right hand curb.

~~Penalty, see §10.99~~

(B) UPON RECOMMENDATION OF THE POLICE CHIEF AND APPROVAL BY TOWN COUNCIL, THE FOLLOWING ALTERNATIVE METHODS OF PARKING MAY BE PERMITTED:

(1) ON THE LEFT HAND SIDE OF A ONE-WAY STREET. IF PERMITTED, ANY VEHICLE PARKED ALONG THE LEFT HAND SIDE OF THE STREET SHALL BE PARKED SO THAT THE LEFT HAND WHEELS ARE PARALLEL TO AND WITHIN 18 INCHES OF THE LEFT HAND CURB.

(2) PARKING AT AN ANGLE TO THE CURB.

§ 72.02 PRESUMPTION IN REFERENCE TO ILLEGAL PARKING.

IN ANY PROSECUTION CHARGING A VIOLATION OF THIS CHAPTER, PROOF THAT THE PARTICULAR VEHICLE DESCRIBED IN THE COMPLAINT WAS PARKED IN VIOLATION OF THIS CHAPTER, TOGETHER WITH PROOF THAT THE DEFENDANT NAMED IN THE COMPLAINT WAS THE REGISTERED OWNER OF THE VEHICLE AT THE TIME OF SUCH PARKING, SHALL CONSTITUTE IN EVIDENCE A PRIMA FACIE PRESUMPTION THAT THE REGISTERED OWNER OF SUCH VEHICLE WAS THE PERSON WHO PARKED OR PLACED THE VEHICLE AT THE POINT WHERE, AND FOR THE TIME DURING WHICH, SUCH VIOLATION OCCURRED.

§ 72.03 PARKING, STANDING, STOPPING PROHIBITIONS.

(A) IT SHALL BE UNLAWFUL FOR ANY PERSON TO PARK, STOP, STAND, OR UNLOAD A VEHICLE IN VIOLATION OF ANY SIGN, CURB MARKING, OR OTHER NOTICE ERECTED ON GOVERNMENT OWNED PROPERTY THAT INDICATES NO PARKING, STOPPING, STANDING, OR UNLOADING, OR ANY COMBINATION THEREOF, EXCEPT WHEN NECESSARY TO AVOID CONFLICT WITH OTHER TRAFFIC.

(B) IN ADDITION TO THE RESTRICTIONS ON PARKING SET FORTH IN A.R.S. § 28-873, IT SHALL BE UNLAWFUL FOR ANY PERSON TO STOP, STAND, OR PARK ANY VEHICLE IN ANY OF THE FOLLOWING MANNERS OR PLACES:

- (1) SO AS TO LEAVE AVAILABLE LESS THAN 20 FEET OF THE WIDTH OF THE ROADWAY FOR THE FREE MOVEMENT OF VEHICULAR TRAFFIC.
- (2) SO AS TO BLOCK OR OBSTRUCT ANY ALLEYWAY.
- (3) UPON OR IN FRONT OF ANOTHER PERSON'S PRIVATE ROAD OR DRIVEWAY.
- (4) ON THE SIDE OF THE STREET ADJACENT TO ANY SCHOOL PROPERTY WHERE MARKED FOR NO PARKING, STANDING OR STOPPING.
- (5) ON A SIDEWALK.
- (6) UPON ANY AREA, PARKING LOT, ROADWAY, OR PORTION THEREOF, WHETHER PUBLIC OR PRIVATE PROPERTY, DESIGNATED BY SIGNS OR CURB PAINTING AS A FIRE ZONE.
- (7) WITHIN AN INTERSECTION.
- (8) WITHIN 15 FEET OF A FIRE HYDRANT.
- (9) ON A CROSSWALK.
- (10) WITHIN 20 FEET OF A CROSSWALK AT AN INTERSECTION.
- (11) WITHIN 30 FEET ON THE APPROACH TO ANY FLASHING BEACON, STOP SIGN, YIELD SIGN OR TRAFFIC CONTROL SIGNAL LOCATED AT THE SIDE OF A STREET.
- (12) BETWEEN A SAFETY ZONE AND THE ADJACENT CURB OR WITHIN 30 FEET OF POINTS ON THE CURB IMMEDIATELY OPPOSITE THE ENDS OF A SAFETY ZONE.

(13) WITHIN 50 FEET OF THE NEAREST RAIL OR RAILROAD CROSSING OR WITHIN EIGHT FEET SIX INCHES OF THE CENTER OF ANY RAILROAD TRACK, EXCEPT WHILE A MOTOR VEHICLE WITH A MOTIVE POWER ATTACHED IS LOADING OR UNLOADING RAILROAD CARS.

(14) WITHIN 20 FEET OF THE DRIVEWAY ENTRANCE TO A FIRE STATION AND ON THE SIDE OF A STREET OPPOSITE THE ENTRANCE TO ANY FIRE STATION WITHIN 75 FEET OF THE ENTRANCE WHEN PROPERLY POSTED.

(15) ALONGSIDE OR OPPOSITE A STREET EXCAVATION OR OBSTRUCTION WHEN STOPPING, STANDING OR PARKING WOULD OBSTRUCT TRAFFIC.

(16) ON THE ROADWAY SIDE OF A VEHICLE STOPPED OR PARKED AT THE EDGE OR CURB OF A STREET.

(17) ON A BRIDGE OR OTHER ELEVATED STRUCTURE ON A HIGHWAY OR WITHIN A HIGHWAY TUNNEL.

(18) IN A PARKING SPACE DESIGNATED AND MARKED FOR USE BY PERSONS WITH PHYSICAL DISABILITIES, UNLESS THE VEHICLE IS TRANSPORTING A PERSON WHO HAS BEEN ISSUED A VALID PLACARD OR INTERNATIONAL SYMBOL OF ACCESS SPECIAL PLATES AND EITHER (1) THE VEHICLE DISPLAYS THE VALID PERMANENT DISABILITY OR TEMPORARY DISABILITY REMOVABLE WINDSHIELD PLACARD; OR (2) THE VEHICLE DISPLAYS INTERNATIONAL SYMBOL OF ACCESS SPECIAL PLATES CURRENTLY REGISTERED TO THE VEHICLE, AS PROVIDED IN A.R.S. § 28-884.

(C) THE STOPPING, STANDING, AND PARKING RESTRICTIONS PROVIDED IN THIS CHAPTER DO NOT APPLY TO A POLICE OR PEACE OFFICER OR EMERGENCY VEHICLES WHEN SUCH ACTION IS FOR THE PURPOSE OF THE PERFORMANCE OF A LAW ENFORCEMENT DUTY OR PUBLIC SAFETY EMERGENCY ACTIVITY.

§ 72.04 Authority To Erect Signs AND PROVIDE OTHER MARKINGS TO INDICATE ~~Restricting~~ Parking RESTRICTIONS.

The Public Works Department AFTER CONSULTATION with ~~input from the~~ Police Chief, ~~upon approval by the Council,~~ may erect signs, PAINT CURBS, AND PROVIDE SUCH OTHER NOTICE AS MAY BE APPROPRIATE AND EXPEDIENT TO INDICATE RESTRICTIONS, LIMITATIONS, AND PROHIBITIONS ON THE PARKING, STANDING, STOPPING, LOADING AND UNLOADING OF VEHICLES ON STREETS WITHIN THE TOWN. ~~requiring parking at an angle to the curb, allowing parking on the left hand curb on 1-way streets, notifying drivers that parking is prohibited and restricting parking in any way that may be necessary. Parking restrictions shall not become effective until such restricted parking area is specifically designated by resolution of the Council and signs have been erected as~~

~~authorized by this section. No person shall stop or stand a vehicle in disobedience to such parking restrictions.~~

§ 72.05 _____ REMOVAL OF VEHICLES IN VIOLATION OF PARKING RESTRICTIONS.

ANY VEHICLE PARKED IN VIOLATION OF THE PROVISIONS OF THIS CHAPTER MAY BE MOVED BY AND UNDER THE DIRECTION OF AN OFFICER AND AT THE EXPENSE OF THE OWNER INTO A PLACE WHERE PARKING IS PERMITTED.

§ 72.06 Abandoned Vehicles.

Any vehicle left unattended for more than 48 hours within the right-of-way of a ~~highway, road, street or other public STREET thoroughfare or on any sidewalk~~ is declared to be an abandoned vehicle and the police ~~shall forthwith~~ MAY remove THE VEHICLE OR CAUSE IT TO BE REMOVED ~~the same from the sidewalks or streets of the town~~ at the expense of the owner of the vehicle.

~~Penalty, see § 10.99~~