

TITLE 9
TRAFFIC

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**CHAPTER 9-01
TRAFFIC CODE**

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SECTION 9-01-001-0001 TRAFFIC LAWS ADOPTED:

- A. The Uniform Act Regulating Traffic on Highways, as set out in the Arizona Revised Statutes, in particular sections 28.601 et seq., are hereby adopted as the traffic rules and regulations for the City and are hereby incorporated by reference thereto. Said laws shall be kept on file in the office of the City Clerk at all times for public inspection.

- B. Definitions: Whenever any words and phrases used in this chapter are not defined herein but are defined in the state laws regulating the operation of vehicles, the definitions therein shall be deemed to apply to such words and phrases used herein.

In this chapter, unless the context otherwise requires:

- (1) "Alley" and "alleyways" mean lanes or passageways for use as a means of access to the rear of lots or buildings. Alleys and alleyways are not in any way to be considered thoroughfares.

- (2) "Loading zone" means a space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

- C. The Manual of Uniform Traffic Control Devices, as amended and adopted by the Arizona Highway Commission, in conformance with Title 28, chapter 6, article 3, of the Arizona Revised Statutes, 1971, together with all subsequent official rulings on requests for interpretations, changes and experimentation, is hereby adopted as the official document governing all aspects of the installation and operation of traffic-control devices on public ways within the City.

- D. All violations of this Title shall be adjudicated as civil traffic violation cases as provided in title 28, Arizona Revised Statutes, as amended.
- E. Any person found responsible for a civil traffic violation shall be penalized by a civil sanction not to exceed two hundred fifty dollars(\$250.00).
- F. Any peace officer or duly authorized agent of the City may stop and detain a person as is reasonably necessary to investigate an actual or suspected violation of this Title, and to serve a copy of the traffic complaint for any alleged violation of said Title, and make appropriate court appearances in the prosecution of said offense. (Ord. 1512, 5-3-88) (Ord. 1995, 05/18/99)

SECTION 9-01-001-0002 SPECIFIC SPEED LIMITS

The speed limits of the City shall be as set forth under section 28.701 of the Arizona Revised Statutes, with the following exceptions:

- A. No person shall drive a motor vehicle in excess of fifteen (15) miles per hour on the following streets:
 - 1. Bonito Street between Elm Avenue and Thorpe Road;
 - 2. Kendrick Street between Elm Avenue and Hunt Avenue;
 - 3. Izabel Street between Felice Avenue and Cedar Avenue. (Ord. 962, 11-18-75)
- B. Based on an engineering and traffic investigation, the City Council retains the authority to determine a reasonable and safe maximum speed limit at other locations.¹ (1978 Code)

¹A.R.S. Sec. 28-703

SECTION 9-01-001-0003 STOPPING, STANDING AND PARKING RESTRICTIONS

- A. Applicability: The provisions of this chapter prohibiting the standing, stopping or parking of a vehicle shall apply at all times or at those times herein specified or as indicated on official signs or parking meters, except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with directions of a police officer or official traffic-control devices.

The provisions of this chapter imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the standing, stopping or parking of vehicles in specified places or at specified times.

- B. Persons Liable: Whenever any vehicle shall be parked in violation of

any of the provisions of any ordinance prohibiting or restricting parking, the person in whose name such vehicle is registered shall be responsible for such violation and is subject to the penalties therefor.

- C. Defense to Liability: Paragraph (B) of this chapter shall not prevent a person from presenting evidence in any prosecution of a parking violation that a vehicle was not illegally parked or that said vehicle was not registered to said person at the time of the offense, or that said vehicle had been stolen at the time of the alleged offense. Proof that a person other than the registered owner was operating the vehicle at the time of the violation shall not constitute a valid defense to the substantive offense.
- D. Duty to Report: It is the duty of the Chief of Police and his authorized agents to account for the issuance of all parking violations enumerated in this chapter and to take the following actions:
 - 1. Report the date, time and location of the parking violation.
 - 2. Report the state license number of any vehicle which is in violation of this chapter.
 - 3. Report any other acts, knowledge of which is necessary to a thorough understanding of the violation of this chapter, and to issue a notice of violation in accordance with the provisions of paragraph (G).

(Amended, Ord. No. 2007-42, 11/20/2007)

E. Parking Meters

- 1. Establishment: The Council may, by official action, establish portions of streets as parking meter zones, which zones shall become effective on the installation of metering devices.
- 2. Authority to Install Meters: The superintendent of streets is hereby authorized and directed to install meters in all parking meter zones hereby established or hereinafter established by the Council for the purpose of and in such numbers and at such places as may be necessary to the regulation, control and inspection of the parking of vehicles therein.
- 3. Location: Parking meters installed in parking meter zones shall be installed upon the curb immediately adjacent to individual parking spaces or at every other space or centrally located on the curb. Each parking meter shall be so constructed and adjusted as to show when properly operated a signal indicating that the space which that meter controls is or is not legally in use.

4. Legal Parking Fees: Parking meters, when installed and properly operated, shall be so adjusted as to show a legal parking period. Only the amount and form of legal tender as indicated on the meters may be inserted in the meters.
5. Collections: It shall be the duty of the Chief of Police to designate some person or persons to make regular collections of the legal tender deposited in the parking meters and deliver it to the City Treasurer for accounting and depositing.

(Amended, Ord. No. 2007-42, 11/20/2007)

F. Violations

1. Separate and Distinct Violations: Violations of this chapter regulating the time, place or method of parking which are continuous in nature shall constitute a separate and distinct violation for each full hour thereof.
2. Parking Prohibited:

Parking is prohibited or limited at any place where official signs or markings authorized by the City Council prohibit or limit parking or stopping.
3. Limited Time Parking Areas: Except on Sundays or holidays, it is unlawful to park any vehicle for a longer consecutive period of time than that designated between the hours of eight o'clock (8:00) a.m. to six o'clock (6:00) p.m. in any area designated by the City Council as a limited time parking area and so marked.
4. Seasonal Parking Restriction: No person shall park, or permit to be parked, on any street between midnight and 7:00 A.M., from November 1 to April 1, any vehicle owned or controlled by that person.

The Seasonal Parking Restriction does not apply to the following areas:

- a. The north side of the westerly one thousand (1000) feet of Coconino Avenue.
- b. Both sides of Pine Cliff Drive for a distance of nine hundred (900) feet south of the south curb line of Ponderosa Parkway.
- c. Both sides of Locust Street (formerly Cottonwood Street) for a distance of three hundred fifty (350) feet south of the south curb line of Ponderosa Parkway.
- d. All public streets in the Aspen Place at the Sawmill development.
- e. Streets in those areas of the City that have been zoned to the Traditional Neighborhood District zoning designation.

The Seasonal Parking Restriction shall be from 3:00 A.M. until 7:00 A.M. for the following areas:

- a. Both sides of Leroux Street from Benton Avenue to Phoenix Avenue, and from Route 66 to Cherry Avenue.
- b. Both sides of Benton Avenue, Cottage Avenue, and Phoenix Avenue from Leroux Street to Agassiz Street.
- c. Both sides of Aspen Avenue from Beaver Street to Agassiz Street.
- d. Both sides of Birch Avenue and Cherry Avenue from Beaver Street to San Francisco Street.
- e. The north side of Route 66 from Beaver Street to Agassiz Street.
- f. Both sides of Agassiz Street from Route 66 to Birch Avenue.

(Ord. 1265, 3-15-83; Revised Ord. No. 2005-26, 11-01-2005).

5. Reparking Prohibited: If a vehicle has been parked in an area on any street where parking is limited or restricted to a specified maximum period of time by official signs posted at that location, it is prohibited and a violation of this section to repark said vehicle within three hundred feet (300') of the location where it was first parked within the following four (4) hour period.
6. Parking Within Lines or Markings: It is unlawful to park any vehicle across lines or markings painted upon the curb or street to designate a parking space or to park a vehicle in such a position that it shall not be entirely within the space designated by such lines or markings. (ord 1185, 11-17-81).
7. Large Vehicle Parking Prohibited: It is unlawful for anyone to park a vehicle, trailer or semi-trailer or more than fourteen thousand (14,000) pounds gross vehicle weight on that side of any public street which is on the boundary of or is within a land use zoning district of RR, RS, R1, RMM, RML, MH or PLO as designated on the current official zoning map except for the purpose of loading or unloading said vehicle or equipment.
8. Expired Meter Parking Prohibited: It is unlawful for any person to cause, allow, permit or suffer any vehicle registered in his/her name, or operated or controlled by him/her to be upon any street in a parking space controlled by a parking meter at any time during which the meter is showing a signal indicating that the time has expired and that such space is illegally in use at such times as restricted parking is in effect.
9. Slugs Prohibited: It is unlawful to deposit or cause to be deposited in any parking meter any slug, device or substitute for the legal tender required by said meter.

10. Damaging Meters Prohibited: It is unlawful for any unauthorized person to open, or for any person to deface, injure, tamper with or willfully break, destroy or impair the usefulness of any parking meter installed pursuant to this section, or to hitch any animal thereto.

(Amended, Ord. No. 2007-42, 11/20/2007)

G. Notice of Violation:

1. In an action involving unlawful parking, a copy of the notice need not be personally served upon the owner or operator of the vehicle but may be served by conspicuously attaching a copy to the vehicle.
2. The notice shall include the date, time and location of the violation, the state license number of the vehicle unlawfully parked, reference to the city ordinance or code provision violated, the sanction for the violation, and notice that within fifteen (15) calendar days from the day on which the notice was issued the sanction for the violation must be paid and received by the Flagstaff City Court or a written request for a hearing to contest the alleged violation must be made and received by the Flagstaff City Court.

H. Response to Notice of Violation, Review and Hearing

1. Within fifteen (15) calendar days from the day on which the notice was issued, the person or persons liable for the parking violation shall respond to the notice by:
 - a. Paying the civil sanction prescribed for the violation to the Flagstaff City Court; or
 - b. Submitting a written request for a hearing to contest the alleged parking violation to the Flagstaff City Court.

In the event the fifteenth day from the day on which the notice was issued falls on a Saturday, Sunday or legal holiday, then the person or persons liable for the parking violation shall respond by the next regular business day following the fifteenth day.

2. A civil traffic hearing for a parking violation may be heard by a civil traffic hearing officer pursuant to applicable state statutes and the Arizona Supreme Court Rules of Procedure in Civil Traffic Violation Cases. The hearing officer may make such orders as may be necessary and proper to dispose of such cases.

I. Penalties and Enforcement

1. Minimum fine: If payment of the fine is received or notice to contest is filed within fifteen (15) days of issuance of the notice of violation, the sanction for a violation of this chapter upon payment of the sanction or upon conviction shall be not less than ten dollars (\$10.00) plus state surcharges.
2. Maximum fine: Every person held responsible for a violation of any provision of this chapter shall be penalized by a civil sanction not to exceed two hundred fifty dollars (\$250.00).
3. Default Judgment and Penalty Assessment: If the person or persons liable for a parking violation fail to respond by one of the methods prescribed in paragraph (H)(1), a default judgment shall be entered against the registered owner of the vehicle and the sanction for the violation shall automatically increase by the amount of a time-payment fee as provided for in A.R.S. § 12-116. If the sanction is not paid within thirty (30) days after the date of the violation and a timely request for hearing has not been made, the sanction shall be increased by a twenty dollar (\$20.00) administrative fee.
4. Disposition of Fines: The amount of the funds collected from fines on parking violations shall be turned over to the City Treasurer who shall account for the same and place same in the City general fund.

J. Immobilizing and Impounding of Vehicles

1. The Police Department may remove and impound any unoccupied vehicle of any kind or description found violating any of the provisions of this chapter, or of any of the ordinances of the City of Flagstaff or the laws of the State of Arizona regulating the standing or parking of vehicles.
2. The Police Department may immobilize by placement of a restraint in such a manner as to prevent a vehicle's operation, and may remove and impound any eligible vehicle upon a street, highway, public right-of-way, or city-owned or leased parking lot. A vehicle shall be eligible for immobilization and/or impoundment as provided herein any time after inclusion of its registered owner on an immobilization and impoundment list. The Flagstaff City Court shall include a registered owner on the immobilization and impoundment list only if:
 - a. The registered owner has accumulated in the Flagstaff City Court three or more parking violation complaints on which the court has entered judgment for the state,

whether by default or after an admission or finding of responsibility, and on which full payment has not been made; and

- b. Notice of impending vehicle immobilization and impoundment has been personally served or sent to the registered owner via certified mail, return receipt requested. Notice via certified mail shall be sent to the address of the registered owner provided to the Arizona Department of Motor Vehicles or at the last known address of the registered owner as indicated in the City Court's records. The notice shall state the name and address of the registered owner, the license plate number of the vehicle, the nature of the ordinances violated, the violation dates, the numbers of the complaints, and the amount of the unpaid sanctions and surcharges. The notice shall advise that the registered owner may prevent his/her inclusion on the immobilization and impoundment list by paying, within fifteen (15) calendar days of the date of receiving said notice, all sanctions and surcharges, and shall also advise that a person may challenge the validity of the notice of impending vehicle immobilization and impoundment by requesting a hearing in the City Court, appearing and submitting evidence which would conclusively disprove liability for immobilization and impoundment, such as the sanctions for the violations cited in the notice were paid, or the registered owner has not accumulated three or more unpaid parking violation complaints on which the City Court has entered judgment for the state. A hearing provided by this subsection shall not determine the validity of or set aside any judgment entered on a parking complaint issued to the registered owner. The hearing shall be conducted informally before a judge or hearing officer and the technical Rules of Evidence shall not apply, provided that the decision of the City Court shall in all cases be based upon substantial and reliable evidence.
3. A registered owner shall be removed from the immobilization and impoundment list by:
 - a. Satisfying all of the judgments entered on the three or more parking violation complaints that caused the registered owner to be included on the list and paying, if applicable, all immobilization, towing and storage fees;
 - b. The City Court upon a finding that the registered owner was not properly included on the immobilization and impoundment list.

4. Upon immobilization of an eligible vehicle, a notice shall be affixed to the vehicle in a conspicuous place. The notice shall warn that the vehicle is immobilized and that any attempt to move the vehicle may result in its damage. The notice shall state that the unauthorized removal of or damage to the immobilizing restraint is a criminal violation. The notice shall also state that unless arrangements are made for release of the vehicle within twenty-four (24) hours of immobilization, the vehicle may be towed and impounded. The notice shall also specify how release of the immobilizing restraint may be had.
5. The Police Department may remove and impound any vehicle upon which an immobilizing restraint has been placed if no arrangements have been made for the release of the vehicle within twenty-four (24) hours of immobilization.
6. It is unlawful for any person, without Police Department authority, to remove or attempt to remove, or for any person to damage, tamper with or deface an immobilizing restraint device that has been attached to a vehicle pursuant to this section, or to relocate or tow any vehicle so restrained.
7. If any unoccupied vehicle is in violation of any of the provisions of this code, or of any of the ordinances of the City of Flagstaff or the laws of the State of Arizona regulating the standing or parking of vehicles, or if the registered owner of any vehicle is included on an immobilization and impoundment list, then such vehicle shall be deemed to constitute a nuisance and the registered owner of the vehicle consents to immobilization and impoundment as provided herein.

K. Immobilized and Impounded Vehicles--Release

1. Prior to a hearing on the validity of an immobilization or impoundment authorized by paragraph (J)(2), the registered owner of the immobilized or impounded vehicle or other person entitled to possession of the vehicle shall be permitted to secure release of the vehicle by furnishing evidence of his or her identity and ownership or right to possession and:
 - a. Paying the immobilization and, if applicable, towing and storage fees and paying all the sanctions, surcharges and fees on the parking violation complaints for which notice had been sent and hearing has been held or waived as provided by paragraph (J)(2)(b);
 - b. Posting a bond, or any other undertaking approved by the Chief Presiding Judge of the Flagstaff City Court, in an amount equal to the immobilization and, if applicable, towing and storage fees, and all the sanctions,

surcharges and fees on the parking violation complaints for which notice had been sent and a hearing has been held or waived as provided by paragraph (J)(2)(b).

2. Within five (5) business days after a vehicle has been impounded, notice of impoundment shall be sent by certified mail, return receipt requested, to the registered owner of the vehicle at the address of the registered owner provided to the Arizona Department of Motor Vehicles or at the last known address of the registered owner as indicated in the City Court's records. The notice shall state that the registered owner has the right to a post-immobilization and/or post-impoundment hearing as provided in paragraph K (1)(b)(3) or paragraph K (6)(c).
3. The registered owner of a vehicle immobilized or impounded under paragraph (J)(2) shall have the right to a hearing to determine whether there was a sufficient factual and legal basis for the immobilization or impoundment or whether the owner was properly included on an immobilization and impoundment list, if the owner files a written request for a hearing with the City Court within fourteen (14) calendar days after issuance of the notice specified in subsection (2) or within fourteen (14) calendar days of the immobilization or impoundment, whichever is later. A hearing shall be conducted within forty-eight (48) hours, excluding weekends and holidays, of receipt of a written request for hearing, unless otherwise waived by the registered owner. Failure to request or attend a scheduled hearing shall be deemed a waiver of the right to a hearing. In event of such failure, any bond or other undertaking deposited pursuant to paragraph (P)(1)(b) shall be forfeited. If the court determines that there were insufficient grounds for the immobilization or impoundment, the bond or other undertaking shall be exonerated. A hearing provided by this section shall not determine the validity of or set aside any judgment entered on a parking complaint issued to the registered owner. The hearing shall be conducted informally before a judge or hearing officer and the technical Rules of Evidence shall not apply, provided that the decision of the City Court shall in all cases be based upon substantial and reliable evidence.
4. A lienholder asserting its right to possession of an immobilized or impounded vehicle pursuant to its conditional sales agreement may obtain immediate release of such vehicle by paying the immobilization and, if applicable, towing and storage fees and submitting a photocopy of the conditional sales agreement and title certificate, an affidavit stating that the purchaser is in default of the agreement and an indemnification certificate executed by an authorized agent of the lienholder. The requirements of subsection (1) of this paragraph K shall not apply to a lienholder asserting

its right to possession of an immobilized or impounded vehicle as provided herein.

5. The immobilization fee shall be \$40.00. The towing and storage fees shall be those fees set forth in the applicable current tow service contract between the City and the tow contractor providing the tow service. No fees shall be assessed for any immobilization or impoundment which has been determined to be without a sufficient factual or legal basis. The City shall be responsible to the tow contractor for any towing and storage fees incurred as a result of an impoundment determined to be without a sufficient factual or legal basis.
6. The registered owner or other person entitled to possession of a vehicle removed and impounded pursuant to paragraph (J)(1) may:
 - a. Recover possession of the vehicle by paying to the tow contractor having custody of the vehicle the towing and any storage fees that may have accrued.
 - b. Recover possession of the vehicle by posting a bond, or any other undertaking approved by the Chief Presiding Judge of the City Court, in the amount of the towing and storage fees that have accrued to the tow contractor. Within 30 days of the posting of the bond, a hearing before a magistrate or hearing officer shall be conducted in the Flagstaff City Court to determine the propriety of the tow. If the court determines that there were sufficient factual and legal grounds for the tow, the bond or other undertaking shall be forfeited as payment thereof; if the court determines that there were insufficient grounds for the tow, the bond or other undertaking shall be exonerated.
 - c. Demand on a form provided by the City Court a hearing as to whether there was a sufficient factual and legal basis for removing and impounding the vehicle. The hearing may take place before a judge or a hearing officer. To be entitled to a hearing, a written demand must be filed with the City Court within either five (5) days after Petitioner learned that the vehicle was impounded or missing, or within fourteen (14) days after the City sent notice of impoundment, whichever occurs first. The hearing must be held within 48 hours after the filing of the written demand. A determination that there was an insufficient factual or legal basis for impounding the vehicle will require the tow contractor to release the vehicle without the payment of the towing and storage fees. In that event, the City shall be responsible for payment of the towing and storage fees.

A hearing may be demanded by filing the appropriate form with the City Court during regular business hours. The payment of towing and storage fees shall not release the owner or driver of such vehicle of any other penalty imposed for the violation of this code or the laws of the state of Arizona regulating the standing or parking of vehicles.

- L. Impounded Vehicles--Record: The Police Department shall maintain a record of all vehicles impounded. Such records shall show the location from which the vehicle was removed, the date and time of removal, the name of the individual authorizing the removal, the reason for such removal and impounding, and the location at which the vehicle is presently stored.
- M. The Chief of Police may appoint unarmed police aides as employees of the Police Department. These aides shall be empowered to commence an action or proceedings before a court or judge or a hearing officer for any violation of this code regulating the standing or parking of vehicles. (Ord. 1995, 05/18/99)(Ord. No. 1995, Amended, 05/18/99)

SECTION 9-01-001-0004 OPERATION OF MOTOR VEHICLES RESTRICTED

- A. No person shall operate a motor vehicle on any publicly owned property, park or public easement other than on an established roadway.
- B. No person shall operate a motor vehicle on any property reserved for or used for surface water drainage channel purposes.
- C. No person shall operate a motor vehicle upon, across or over vacant real property without first obtaining the written consent of the owner thereof.

(Ord. 883, 6-12-73)

SECTION 9-01-001-0005 ABANDONED, INOPERABLE VEHICLES

- A. Authorization: The Police Department may take charge, remove and keep in custody, under the direction of the Chief of Police, his officers or designated agents, any unoccupied vehicle of any kind or description violating any of the provisions of this Title or any of the ordinances of the City or the laws of the State of Arizona regulating the standing and parking of vehicles.
- B. Impounded Vehicles; Release: The Police Department shall cause return to be made to the owner of an impounded vehicle when the owner has furnished evidence of his identity and ownership, signed a receipt and paid the cost for towing and storage fees set forth by the commercial towing service authorized and designated to carry out such function under the direction of the Police Department. The

payment of such removal and storage fees shall not release the owner or driver of such vehicles of any other penalty imposed for a violation of this Title or any of the ordinances of the City or the laws of the State of Arizona.

- C. Impounded Vehicles; Record; Towing Service: The Police Department shall maintain a record of all vehicles impounded. Such records shall show the date and the location from which the vehicle was removed, the reason for such removal and impounding, and location of which the vehicle is presently stored. The Police Department shall further provide for adequate towing service to implement the provisions of this Title. The Police Department is authorized to use a commercial towing service for the towing and storage of any impounded vehicles. (Ord. 1154, 4-7-81)

SECTION 9-01-001-0006 PARKING AREAS RESERVED FOR PERSONS WITH PHYSICAL DISABILITIES:

- A. Except as otherwise provided in subsection (D.), no person may stop, stand or park a motor vehicle within any specially designated and marked parking space provided for an individual with physical disabilities, including the hash marks painted adjacent to each such space, in accordance with Arizona Revised Statutes § 28-882.C, whether on public or private property, unless the motor vehicle is transporting a person who has been issued a valid placard or international symbol of access special plates and either:
- (1) The motor vehicle displays the valid permanently disabled or temporarily disabled removable windshield placard; or
 - (2) The motor vehicle displays international symbol of access special plates that are currently registered to the vehicle.
- B. Parking spaces subject to this section shall be clearly and conspicuously designated as being reserved for individuals with physical disabilities in accordance with Arizona Revised Statutes § 28-882.C.
- C. The owner or a person having control of a parking lot or parking area on private property may designate areas reserved for disabled parking by complying with the posting requirements of A.R.S. §28-882.C. The designation of reserved parking in accordance with that Section shall authorize a City of Flagstaff Police Department officer, parking control officer or a volunteer disabled parking enforcement specialist appointed under the provisions of A.R.S. §28-886- to enforce the provisions of this Section upon that parking lot or parking area; and the designation of that reserved parking shall constitute a request to both the Department to enforce the disabled parking provisions and a waiver of any objection by the owner or person having control of the parking lot or parking area to the enforcement of this Section by the Police Department.

- D. Any person who is chauffeuring an individual with physical disabilities shall be allowed, without a distinguishing windshield placard or number plate bearing the international symbol of access special plates, to park momentarily in any such parking space for the purpose of loading or unloading an individual with physical disabilities. No complaint shall be issued to the driver for such momentary parking.
- E. A violation of this section shall constitute a civil traffic violation and be punishable by the imposition of at least the minimum fine specified in A.R.S. §28-885 plus the penalty assessments prescribed by other statute, upon the operator, person in charge, or owner of a vehicle parked in violation of that Section. A second offense that occurs within 90 days of the date of the first offense shall be punishable of a fine equal to two times the minimum fine, plus the penalty assessments prescribed by statute. The ninety day period shall be determined by the date of citation for the respective offenses. (Ord. 1769, 08/18/92)

(Ord. No. 1769, Amended, 08/18/92; Ord. No. 2008-13, Amended 04/15/2008)

SECTION 9-01-001-0007 OFFICE OF TRAFFIC ENGINEER CREATED

- A. General Powers, Duties: The office of Traffic Engineer is hereby established with the Engineering Division. The duties of the Traffic Engineer shall be to regulate traffic under the provisions of this Chapter and the traffic ordinances of the City. It shall be the duty of the Traffic Engineer to establish, change, remove, or prohibit as conditions may require, boulevard stops, rights of way at intersections, speed limits, school crossings, pedestrian and bicycle lanes and routes, parking, and parking time limits, safety and loading zone, U-turns, left and right hand turns, traffic lanes, public carrier stands, construction traffic control and other necessities of traffic subject to the approval of the City Engineer and City Manager; and to order installation of traffic-control devices to implement such regulations.
- B. Requests for Modification of Traffic Regulations: Requests for modifications of traffic regulations shall be made to the office of the Traffic Engineer. The office shall respond to the applicant within ten (10) working days as to the disposition of the request. (Ord. 1349, 2-19-85)
- C. Appeal Procedure: Traffic regulation decisions of the Traffic Engineer may be appealed by any aggrieved party through either or both of the following steps:
 - 1. Administrative Review: The aggrieved party may appeal a decision of the Traffic Engineer to the City Engineer by requesting an appointment to discuss the matter. This appointment shall be established by the Traffic Engineer at a

mutually agreed upon time to occur within ten (10) working days of the request. The City Engineer shall review the Traffic Engineer's decision and make a determination supporting, overriding or modifying that decision.

2. Appeal to Transportation Commission: Decisions of either the Traffic Engineer or City Engineer in the Administrative Review outlined in subsection (C)1 above may be appealed to the City Transportation Commission by presentation of a written request for such an appeal to the office of the Traffic Engineer. The appeal shall be placed on the currently open agenda for the next regularly scheduled Transportation Commission meeting. The Commission may hear arguments and decide the matter as set forth in Title 2, Chapter 12, Section 6, subsection (A) of the City Code, 2-12-6(A).

Administrative review or appeal of a regulation shall not stay the enforcement of violation notices issued prior to the date of any change in the regulation. (Ord. 1512, 5-3-88)

- D. The Traffic Engineer shall report periodically to the Transportation Commission and City Council on the traffic regulation activities of the office. (Ord. 1349, 2-19-85)

SECTION 9-01-001-0008 MUNICIPAL PARKING LOTS

- (A) The municipal parking lots now or hereafter acquired or established by the City shall be under the supervision and regulation of the Traffic Engineer, pursuant to Section 9-01-001-0007 of the Flagstaff City Code. Regulation by the Traffic Engineer of traffic and public parking at Flagstaff Pulliam Airport shall be subject to the approval of the Airport Manager and Public Works Director.
- (B) The City Traffic Engineer is hereby authorized to post signs regulating the use of municipal parking lots. The signage or regulation may be reviewed by an aggrieved party pursuant to Section 9-01-001-0007 (C) of the Flagstaff City Code.
- (C) It shall be unlawful to park any vehicle in any municipal parking lot in violation of this title, or to park contrary to the signs or regulation established by the City Traffic Engineer pursuant to paragraph B above.
- (D) The penalty for violating Section C above shall be that prescribed in Section 9-01-001-0003 (N) or as provided in Section 9-01-001-0006 (E), whichever is applicable. (Ord. 1564, 6/7/88)

SECTION 9-01-001-0009 DAMAGE TO SIDEWALKS

No proprietor of any garage or other service station or any employee thereof or any other person shall service or permit to be serviced any vehicle with gasoline or oil, or make repairs, or perform any other

service in connection with any vehicle while the same is standing upon any part of any sidewalk of the City. (Ord. 343, 4-8-46; Ord. 2010-22, 09/07/10)

SECTION 9-01-001-0010 UNNECESSARY VEHICLE NOISE

- A. No person shall intentionally operate any vehicle at such a speed on a curb or turn or accelerate or decelerate such a vehicle in such a manner as to create loud and unnecessary noise through the squealing of tires upon the pavement or to cause damage to the roadway. (Ord 703, 3-28-67)
- B. No person shall use engine compression braking while operating a vehicle on a City street except in the case of an emergency. "Engine compression braking" means the action taken by the operator of a diesel truck or bus to reduce speed by activating a device in order to secure compression braking of the engine. (Ord. 2001-24, 10/02/01; Ord. 2010-22, 09/07/10))

(Ord. 2001-24, Amended, 10/02/2001; Ord. 2010-22, 09/07/10))

SECTION 9-01-001-0011 RESTRICTION OF TRUCKS AND HEAVY VEHICULAR TRAFFIC

A. ESTABLISHMENT:

The Transportation Commission of the City of Flagstaff may designate by means of Traffic Regulations certain public streets upon which it shall be illegal for anyone to operate a truck except as noted below.

B. DEFINITIONS:

Truck - any vehicle whose registration shows a GVW of 26,000 pounds or more.

C. EXCEPTIONS:

1. This restriction shall not apply to anyone operating a truck for deliveries or pickups along a restricted street, provided that the operator shall use the shortest and most direct route to and from the nearest unrestricted street for such a trip and shall not park longer than required to load or unload the truck expeditiously.
2. This restriction shall not apply to anyone operating a truck on a restricted street if the origin or destination of the trip is not accessible from an unrestricted street. In this case, the operator shall use the shortest and most direct route between the origin or destination and the nearest unrestricted street.

3. This restriction shall not apply to the operation of emergency vehicles.

D. RESPONSIBILITY:

Whenever any truck is operated in violation of the provisions of this Ordinance, the person operating the truck at the time of the violation shall be responsible for such violation and is subject to the penalty therefore.

E. PENALTY:

Violation of a posted traffic regulation created under the provisions of this Section shall be punishable by a fine of not more than three hundred dollars (\$300.00).

F. POSTING:

The City Engineer shall cause truck restriction signs to be posted as necessary to regulate the entrance of trucks onto restricted streets. (Ord. 1603, 1/17/89; Ord. 2010-22, 09/07/10)

(Ord. No. 1564, Enacted, 06/07/88) (Ord. 2010-22, 09/07/10)

CHAPTER 9-02
REPEALED

(Ord. 2010-22, 09/07/10)

**CHAPTER 9-03
LOADING ZONES**

SECTIONS:

9-03-001-0001 **LOADING ZONES ESTABLISHED:**

SECTION 9-03-001-0001 LOADING ZONES ESTABLISHED:

The City Council shall designate and regulate truck, hotel and other loading zones on parts of streets in the City. (1978 Code)

- A. **COMMERCIAL LOADING ZONES:** It shall be unlawful for any person to stop or park any vehicle in any loading zone between the hours of nine o'clock (9:00) A.M. and six o'clock (6:00) P.M. of any day, excepting Sunday, for any period longer than forty five (45) minutes, and for other than the exclusive purpose of the expeditious loading or unloading of goods, wares and merchandise to or from such vehicle. (Ords. 352, 391)

- B. **HOTEL LOADING ZONES:** It shall be unlawful for any person to stop or park any vehicle in any hotel loading zone at any hour of the day or night for other than the exclusive purpose of expeditious loading or unloading of goods, wares and merchandise to or from such vehicles and the expeditious loading or unloading of persons and luggage by bona fide guests of the hotel immediately adjacent to such hotel loading zone, and in any case shall not exceed forty five (45) minutes. (1978 Code)

- C. **OTHER LOADING ZONES:** It shall be unlawful for any person to stop or park any vehicle in any alley within the City limits, excepting for the exclusive purpose of the expeditious loading and unloading of goods, wares and merchandise to and from such vehicles, and the parking for such purposes shall not be for a longer period than forty five (45) minutes. (Ord. 504, 7-26-60)

**CHAPTER 9-05
BICYCLES**

SECTIONS:

<u>9-05-001-0001</u>	APPLICATION OF PROVISIONS AND DEFINITIONS
<u>9-05-001-0002</u>	TRAFFIC LAWS APPLY
<u>9-05-001-0003</u>	RIDING ON BICYCLES
<u>9-05-001-0004</u>	CLINGING TO VEHICLES
<u>9-05-001-0005</u>	RIDING ON ROADWAYS, BICYCLE LANES AND BICYCLE PATHS
<u>9-05-001-0006</u>	CARRYING ARTICLES
<u>9-05-001-0007</u>	LAMPS AND OTHER EQUIPMENT
<u>9-05-001-0008</u>	BICYCLE LICENSE
<u>9-05-001-0009</u>	CLERK TO ISSUE LICENSE
<u>9-05-001-0010</u>	LICENSE TAGS
<u>9-05-001-0011</u>	LICENSE FEE
<u>9-05-001-0012</u>	ENFORCEMENT
<u>9-05-001-0013</u>	RIDING ON SIDEWALKS
<u>9-05-001-0014</u>	RIGHT-HAND SIDE OF ROADWAY DEFINED
<u>9-05-001-0015</u>	RIGHT OF WAY AT INTERSECTION
<u>9-05-001-0016</u>	LEAVING LANE
<u>9-05-001-0017</u>	DRIVING VEHICLES ACROSS BICYCLE PATHS OR BICYCLE LANES
<u>9-05-001-0018</u>	BICYCLE HELMETS/PROTECTIVE EQUIPMENT

SECTION 9-05-001-0001 APPLICATION OF PROVISIONS AND DEFINITIONS:

- A. The parent of a child and the guardian of a ward shall not authorize or knowingly permit the child or ward to violate any of the provisions of this Chapter.
- B. The regulations of this Chapter in their application to bicycles shall apply when a bicycle is operated upon any highway or upon any path set aside for the exclusive use of bicycles subject to those exceptions stated in this Chapter.
- C. The regulations of this Chapter shall not apply to exempt vehicles when they are used for the purposes for which they are intended.
- D. Definitions. For the purposes of this Chapter:

A "bicycle" is defined as any two (2) wheeled vehicle having a tandem arrangement of the wheels and having cranks, levers or pedals for its propulsion by the feet.

A "skateboard" is defined as a platform mounted on wheels that is propelled by human power.

A "play vehicle" is defined as a coaster, rollerskates, scooter, roller ski, tricycle, unicycle, sled, toboggan, or any other non-motorized device with wheels, rollers or rails upon which a person may ride.

"Exempt vehicles", when used for the purposes for which they are intended, are defined as wagons, wheelchairs, and strollers or other devices designed and used for the purpose of transporting children, infants, physically challenged, or incapacitated persons, or carts or other devices intended and used for transporting merchandise or materials.

Ride or riding" is defined as either wholly or partially sitting, standing or lying upon a bicycle, skateboard or play vehicle by a person whether such bicycle, " skateboard or play vehicle is in motion or stationary. (Ord. 1848, 12/06/94)

(Ord. No. 1848, Amended, 13/06/94)

SECTION 9-05-001-0002 TRAFFIC LAWS APPLY:

Every person riding a bicycle upon a roadway shall be granted all the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this Chapter, except as to special regulations in this Chapter and except as to those provisions of this Chapter which by their nature can have no application.

SECTION 9-05-001-0003 RIDING ON BICYCLES:

- A. A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto.
- B. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

SECTION 9-05-001-0004 CLINGING TO VEHICLES:

No person riding upon any bicycle, skateboard or play vehicle shall attach the same or himself or herself to any vehicle upon a roadway. (Ord. 1848, 12/06/94)

(Ord. No. 1848, Amended, 12/06/94)

SECTION 9-05-001-0005 RIDING ON ROADWAYS, BICYCLE LANES AND BICYCLE PATHS:

- A. Definitions:

ROADWAY shall mean all of the improved portion of a street which is intended for vehicular travel or parking.

BICYCLE LANE shall mean that portion of a roadway set aside for the use of bicycles.

BICYCLE PATH shall mean a pathway for bicycles and pedestrians separate from other roadways.

- B. Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.
- C. Persons riding bicycles upon a roadway shall not ride more than two (2) abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.
- D. Wherever one or more lanes of a roadway have been designated and marked as bicycle lanes, bicycle riders shall use those lanes and shall not use the roadway.
- E. Wherever a path has been provided and designated as a bicycle path adjacent to or near a roadway, bicycle riders shall use that path and shall not use the roadway. (Ord. 903, 11-9-73)

SECTION 9-05-001-0006 CARRYING ARTICLES:

No person operating a bicycle shall carry any package or article which prevents the driver from keeping at least one hand upon the handlebars.

SECTION 9-05-001-0007 LAMPS AND OTHER EQUIPMENT:

- A. Every bicycle when in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred feet (500') to the front and with a red reflector on the rear of a type approved by the Arizona Department of Transportation, which shall be visible from all distances from fifty feet (50') to three hundred feet (300') to the rear, when directly in front of lawful upper beams of headlamps on motor vehicles. A lamp emitting a red light visible from a distance of five hundred feet (500') to the rear may be used in addition to the red reflector.
- B. No person shall operate a bicycle equipped with a siren or whistle.
- C. Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement.

(Ord. 903, 11-9-73)

SECTION 9-05-001-0008 BICYCLE LICENSE:

It shall be a civil traffic violation for any person to operate or use a bicycle propelled by muscular power upon any of the streets, alleys, or public highways of the City without first obtaining from the Clerk a license therefor; and the Clerk may designate any member of his office to receive applications and issue licenses. (Ord. 1296, 2-7-84)

SECTION 9-05-001-0009 CLERK TO ISSUE LICENSE:

The Clerk is hereby authorized and directed to issue upon written application bicycle licenses, which licenses shall bear the date of such issuance, and when issued shall entitle the licensee to operate the bicycle for which the same is issued upon all streets, alleys and public ways.

SECTION 9-05-001-0010 LICENSE TAGS:

The Clerk shall designate and provide tags for the use of the licensee and direct the manner of placing such tags on the bicycles by the licensee, which tag shall at all times be attached to the bicycles, and the Clerk shall keep a record of the name of the licensee and the number of the tag and the day and date of the issuance of the same.

SECTION 9-05-001-0011 LICENSE FEE:

The license fee for bicycles shall be the sum of one dollar (\$1.00) and shall be paid in advance to the Clerk, which shall entitle the licensee to a permanent license for the bicycle so licensed and said license may be transferred whenever the ownership of said bicycle is transferred, but a fee of fifty cents (.50) shall be paid to the Clerk for such transfer. All license fees collected under this Chapter shall be paid by the Clerk into the City Treasury.

SECTION 9-05-001-0012 ENFORCEMENT:

The Chief of Police is hereby authorized and empowered to administer the provisions of this Chapter, and all policemen are hereby charged with the duty of seeing that all bicycles operated in the City are operated under license as required by this Chapter, and the Chief of Police is hereby empowered and authorized to revoke any license issued under the provisions hereof for any violation of this Chapter. (Ord. 903, 11-9-73)

SECTION 9-05-001-0013 RIDING ON SIDEWALKS:

A. Where signs are erected giving notice thereof, no person shall ride a bicycle, skateboard, or play vehicle upon a sidewalk. This

prohibition shall also apply to any bicycle, skateboard or play vehicle which is equipped with or assisted by a motor. Signs prohibiting such activity shall be installed at locations as directed by the Office of the Traffic Engineer.

B. Unless otherwise posted pursuant to subsection A, a person may ride a bicycle, skateboard, or play vehicle upon any public sidewalk. This section does not permit a motor-equipped or assisted bicycle, skateboard or play vehicle to be ridden on the sidewalk where otherwise unlawful. When doing so, such person shall be subject to the following additional provisions:

1. Such person shall yield the right-of-way to all pedestrians and exempt vehicles.
2. Such person shall yield the right-of-way to all traffic on the roadway when entering a roadway or intersection from the sidewalk.
3. Such person shall yield the right-of-way to all traffic crossing the sidewalk at a driveway or alley.
4. Such person shall ride with the flow of the pedestrian traffic on the sidewalk.

C. Penalty. Violation of any of the provisions of 9-05-001-0013 by any person shall be a civil traffic offense punishable by a fine of not less than twenty-five dollars (\$25.00) nor more than seventy-five dollars (\$75.00) for each offense. (Ord. 1848, 12/06/94)

(Ord. No. 1848, Amended, 12/06/94)

SECTION 9-05-001-0014 RIGHT-HAND SIDE OF ROADWAY DEFINED:

If a bicycle lane is separated from the traffic lane by a clearly visible distinguishing line, then the edge of the bicycle lane nearest the center of the roadway shall be deemed the equivalent of the "curb" or the "right-hand side of the roadway" or the "shoulder of the roadway" or any other word or phrase in this Code, or in the State law, which word or phrase references the extreme right-hand side of the roadway with respect to motor vehicles. It is the intent of this Section that a substitute right-hand side of the roadway be created for purposes of compliance with local and State laws which reference the right-hand side of the roadway for parking, emergency parking, driving and all other purposes, except to yield the right of way to an approaching authorized emergency vehicle. (Ord. 928, 7-22-74)

SECTION 9-05-001-0015 RIGHT OF WAY AT INTERSECTION:

Upon approaching an intersection, any person riding or operating a bicycle in a bicycle lane shall yield the right of way to all vehicles within or approaching such intersection; except, that all vehicles which must stop or yield before entering an intersection because of a stop or yield sign and all vehicles making a left-hand turn at an intersection shall not proceed into such intersection nor make such a turn without first yielding the right of way to all bicycles within or approaching such intersection, and shall proceed only when it is safe so to do.

SECTION 9-05-001-0016 LEAVING LANE:

Once having entered a bicycle lane, no person riding or operating a bicycle shall leave such lane except at intersections; provided, that such person may leave a bicycle lane upon dismounting from a bicycle, walking the same, and being subject then to all laws applicable to pedestrians; provided, further, that such person may leave the bicycle lane between intersections in order to make a U-turn, where such a turn is permissible for vehicular traffic or to turn into driveways on the right or left hand sides of the bicycle lane. Upon leaving a bicycle lane, the rider or operator of such bicycle shall yield the right of way to all vehicles and shall not leave the bicycle lane until it is safe so to do. (Ord. 903, 11-9-73)

SECTION 9-05-001-0017 DRIVING VEHICLES ACROSS BICYCLE PATHS OR BICYCLE LANES

No person shall drive a motor vehicle upon or across a bicycle path or lane except to yield the right of way to an approaching authorized emergency vehicle or to enter a driveway and except to park such vehicle or leave a parking space. No person shall drive upon or across a bicycle lane as permitted by this Section except after giving the right of way to all bicycles within the lane. (Ord. 928, 7-22-74)

(Amended Ord. No. 2009-13, 09/01/2009)

9-04-001-0018 BICYCLE HELMETS/PROTECTIVE EQUIPMENT

- A. It shall be unlawful for any person under eighteen (18) years of age to operate or ride upon a bicycle on any highway, street, road, sidewalk, bike-way or trail, unless that person wears a protective helmet that is properly fitted and fastened.
- B. No parent or guardian of any unemancipated minor under eighteen (18) years of age shall knowingly allow the minor to violate this section.
- C. Violation of this section shall constitute a civil traffic offense and shall be punishable by a fine of not less than twenty-five dollars (\$25.00) nor more than seventy-five dollars (\$75.00) for each offense.

- D. The first time a person is charged with a violation of this section the Court may dismiss the charge upon presentation of evidence that the person has purchased or obtained a protective helmet.
- E. For purposes of this section "protective bicycle helmet" means a helmet containing a manufacturer's certification that it meets the standards of either the American National Standards Institute (ANSI), the American Society for Testing and Materials (ASTM), or the United States Consumer Product Safety Commission (CPSC).
- F. Except as authorized by A.R.S. § 28-1599, a violation of this ordinance cannot be used as evidence of negligence or comparative negligence in a subsequent civil or criminal proceeding.

(Amended Ord. No. 2009-13, 06/02/2009; Amended Ord. 2010-22, 09/07/10)