

Chapter 12

TRAFFIC AND MOTOR VEHICLES

Articles:

- 12-1 Applicability of State Law**
- 12-2 Administration**
- 12-3 Traffic Control**
- 12-4 Parking**
- 12-5 Inoperable or Unregistered Vehicles**
- 12-6 Restriction of Truck Travel upon City Streets**

Article 12-1 Applicability of State Law

All of the provisions and requirements of the Uniform Act Regulating Traffic on Highways, codifies as Arizona Revised Statutes, Title 28, Chapter 6 and in particular Sections 28-601 to 28-1062, inclusive, in regard to the regulation of traffic and the use and operation of vehicles and amendments or additions thereto hereinafter enacted, insofar as such provisions have application within the city, are hereby adopted and made a part of this chapter as though fully set out herein. Copies of such sections shall be on file in the office of the city clerk and the office of the magistrate court of the city.

Article 12-2 Administration

Sections:

- 12-2-1 Duty of Police Department**
- 12-2-2 Records of Traffic Violations**
- 12-2-3 Police Department to Investigate Accidents**
- 12-2-4 Traffic Accident Studies**
- 12-2-5 Traffic Accident Reports**
- 12-2-6 Authority to Detain Persons to Serve Traffic Complaint**

Section 12-2-1 Duty of Police Department

It shall be the duty of the police department, under the direction of the police chief, to provide for the enforcement of the street traffic regulations of the city and all of the state vehicle laws applicable to street traffic in the city, to make arrests for traffic violations, to investigate accidents and to assist in developing ways and means to improve traffic conditions, and to carry out all duties specially imposed by this chapter. If police protection services are obtained through contract with an outside entity, the contract shall require the contractor to provide the services set forth in this chapter and shall identify the person responsible to carry out the functions set forth in the city code for the police chief.

Section 12-2-2 Records of Traffic Violations

A. The police department, under the direction of the police chief, shall keep a record of all violations of the traffic laws of the city or of the state vehicle laws of which any person has been charged, together with a record of the final disposition of all such alleged violations. Such record shall be maintained in accordance with the "Arizona Justice Planning Guidelines of 1977" and amendments thereto hereinafter enacted.

B. All forms for records of violations and notices shall be serially numbered. For each month and year a written record shall be kept available to the public showing the disposal of all such forms.

C. All records and reports shall be public records.

Section 12-2-3 Police Department to Investigate Accidents

It shall be the duty of the police department, under the direction of the police chief, to investigate traffic accidents and to arrest and assist in the prosecution of those persons charged with

violations of law causing or contributing to such accidents.

Section 12-2-4 Traffic Accident Studies

Whenever the accidents at any particular location become numerous, the city engineer in cooperation with the police chief shall conduct studies of such accident and determine remedial measures.

Section 12-2-5 Traffic Accident Reports

A. The police department, under the direction of the police chief, shall maintain a suitable system of filing traffic accident reports. Accident reports or cards referring to them shall be filed alphabetically by location in the same manner as other department reports.

B. The police department, under the direction of the police chief, shall receive and properly file all accident reports made to it under state law or under any law of the city. All such accident reports made by drivers shall be for the confidential use of the city. No such report shall be admissible in any civil or criminal proceeding other than upon request of any person making such report or upon request of the court having jurisdiction, to prove compliance with the laws requiring the making of any such report.

Section 12-2-6 Authority to Detain Persons to Serve Traffic Complaint

Any peace officer of 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 code, and to serve a copy of the traffic complaint for any alleged civil or criminal violation of said code.

Article 12-3 Traffic Control

Sections:

- 12-3-1 Directing Traffic
- 12-3-2 Obedience to Traffic Regulations
- 12-3-3 Traffic Control Devices
- 12-3-4 Speed Limits
- 12-3-5 Authority to Designate Crosswalks, Establish Safety Zones and Mark Traffic Lanes
- 12-3-6 Authority to Place and Obedience to Turning Markers
- 12-3-7 Authority to Place and Obedience to Restricted Turn Signs
- 12-3-8 One-way Streets and Alleys
- 12-3-9 Regulation of Traffic at Intersections
- 12-3-10 Drivers to Obey Signs
- 12-3-11 Processions
- 12-3-12 Impounding Vehicles
- 12-3-13 Council Review of Traffic Control

Section 12-3-1 Directing Traffic

A. The police chief is hereby authorized to direct all traffic by voice, hand or signal.

B. Officers of the fire fighting agency, when at the scene of a fire, may direct or assist the police chief in directing traffic thereat or in the immediate vicinity.

Section 12-3-2 Obedience to Traffic Regulations

It is a civil traffic violation for any person to do any act forbidden or fail to perform any act required by this chapter. It is a civil traffic violation for any person to willfully fail or refuse to comply with any lawful order or direction of the police chief or a police officer.

Section 12-3-3 Traffic Control Devices

A. The city manager or manager’s designee, after consultation with the city engineer, shall place and maintain traffic control devices, signs and signals in accordance with the Manual of Uniform Traffic Control Devices, and may place and maintain such additional traffic control devices as he may deem necessary to regulate traffic under the traffic laws of the city or under state law to guide or warn traffic.

B. The driver of any vehicle shall obey the instructions of any official traffic control device applicable thereto placed in accordance with the traffic regulations of the city unless otherwise directed by the police chief, subject to the exceptions granted in this chapter or by state law.

Section 12-3-4 Speed Limits

Pursuant to the provisions of A.R.S. 28-703, the established speed on all roads and streets and other areas accommodating motor vehicular traffic within the confines and boundaries of the city shall be noted below. Further, this section shall not apply to the regulation of any speed of traffic upon any state or federal highway.

A. The speed limit on Litchfield Road from Indian School to Camelback: 40 miles per hour.

B. All other streets, roads and areas: 25 miles per hour.

C. Approaching school crossing, when signs so indicate: 15 miles per hour. (Ord. 96-34)

Section 12-3-5 Authority to Designate Crosswalks, Establish Safety Zones and Mark Traffic Lanes

The city manager or the manager’s designee, after consultation with the city engineer, is hereby authorized:

A. To designate and maintain, by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections where

in his opinion there is particular danger to pedestrians crossing the roadway, and at such other places as he may deem necessary.

B. To establish safety zones of such kind and character and at such places as he may deem necessary for the protection of pedestrians.

C. To mark lanes for traffic on street pavement at such places as he may deem advisable, consistent with the traffic laws of the city.

Section 12-3-6 Authority to Place and Obedience to Turning Markers

A. The city manager or the manager’s designee, after consultation with the city engineer, is hereby authorized to place markers, buttons or signs within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections, and such course to be traveled as so indicated may conform to or be other than as prescribed by law.

B. When authorized markers, buttons or other indications are placed within an intersection indicating the course to be traveled by vehicles turning thereat, no driver of a vehicle shall disobey the directions of such indications.

Section 12-3-7 Authority to Place and Obedience to Restricted Turn Signs

A. The city manager or the manager’s designee, after consultation with the city engineer, is hereby authorized to determine those intersections at which drivers of vehicles shall not make a right, left or U-turn and shall place proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the signs, or such signs may be removed when such turns are permitted.

B. Whenever authorized signs are erected indicating that no right or left or U-turn is per-

mitted, no driver of a vehicle shall disobey the directions of any such sign.

Section 12-3-8 One-way Streets and Alleys

A. The council shall by resolution designate any streets or alleys which are to be limited to one-way traffic.

B. When any resolution of the council designates any one-way street or alley, signs shall be placed and maintained giving notice thereof, and no such regulation shall be effective unless such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

Section 12-3-9 Regulation of Traffic at Intersections

The city manager or the manager's designee, after consultation with the city engineer, shall designate through streets, intersections where stops are required and intersections where vehicles shall yield the right-of-way and shall erect and maintain the appropriate signs at every location where a vehicle must stop or yield the right-of-way.

Section 12-3-10 Drivers to Obey Signs

Whenever traffic signs are erected as provided in this chapter, every driver of a vehicle shall obey such signs unless directed to proceed by the police chief or a traffic control signal. No driver shall drive upon or through any private property such as an oil station, vacant lot or similar property to avoid obedience to any regulation included in this chapter.

Section 12-3-11 Processions

A. No procession or parade, except funeral processions, shall be held without first securing a permit from the police chief, and all such requests for permits shall state the time, place of formation, proposed line of march, destination

and such other regulations as the police chief may set forth therein.

B. A funeral procession composed of a procession of vehicles shall be identified by such methods as may be determined and designated by the police chief.

C. No driver of vehicle shall drive between the vehicles comprising a funeral or there authorized procession while they are in motion and when such vehicles are conspicuously designated. This provision shall not apply at intersections where traffic is controlled by traffic control signals or the police chief.

D. Each driver in a funeral or other procession shall drive as near to the right hand edge of the roadway as practical and shall follow the vehicle ahead as close as is practical and safe.

Section 12-3-12 Impounding Vehicles

A. When Permitted. Members of the police department are hereby authorized to remove a vehicle from a street or highway to the nearest garage or other place of safety, or to a garage designated or maintained by the police department, or otherwise maintained by the city under the circumstances enumerated in this section:

1. When any vehicle is left unattended upon any bridge, viaduct, street or highway and constitutes a definite hazard or obstruction to the normal movement of traffic.

2. When a vehicle upon a highway or street is so disabled as to constitute an obstruction to traffic and the person in charge of the vehicle is by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal.

3. When any vehicle is left unattended upon a street for a period in excess of seventy-two hours.

4. When any person is arrested while in possession of a motor vehicle and taken into custody.

B. Notice.

1. If Owner Known. Whenever an officer removes a vehicle from a street as authorized in

subsection (A) of this section, and the officer knows or is able to ascertain from the registration records in the vehicle the name and address of the owner thereof, such officer shall immediately give or cause to be given notice in writing to such owner of the fact of such removal and the reasons therefor and of place to which such vehicle has been removed. In the event any such vehicle is stored in a public garage, a copy of such notice shall be given to the proprietor of the garage.

2. If Owner Unknown. Whenever the police department removes a vehicle from a street under subsection (A) of this section and does not know and is not able to ascertain the name of the owner, or for any other reason is unable to give the notice to the owner as hereinbefore provided, in the event the vehicle is not returned to the owner within a period of three days, then the officer shall immediately send or cause to be sent a written report of such removal by mail to the Motor Vehicle Division, State Highway Department, whose duty it is to register motor vehicles, and shall file a copy of such notice with the proprietor of any public garage in which the vehicle may be stored. Such notice shall include a complete description of the vehicle, the date, time and place from which removed, the reasons for such removal, and name of the garage or place where the vehicle is stored.

C. Redemption or Sale. Application for redemption of a vehicle impounded under the provisions of subsection (A) of this section shall be made by the owner or his duly authorized agent, who shall be entitled to the possession thereof upon payment to the city of the sum of five dollars, together with all other costs of removal and storage that may have accrued thereon. In the event the vehicle impounded shall not be redeemed by its owner or agent within thirty days, then such vehicle shall be sold for such penalty, charges and costs, in the manner provided by A.R.S. Title 28 (A.R.S. § 28-1405, et seq.). This remedy

shall be cumulative of any and all other penalties provided by this chapter.

Section 12-3-13 Council Review of Traffic Control

The council shall have the authority to review and amend any decision made by the city manager or the city manager's designee pursuant to this article.

Article 12-4 Parking

Sections:

- 12-4-1 Method of Parking**
- 12-4-2 Blocking Traffic**
- 12-4-3 Authority to Erect Signs Restricting Parking**
- 12-4-4 Parking Vehicles on Sidewalks and in Alleys**
- 12-4-5 Restricted Parking Areas for the Physically Disabled**
- 12-4-6 Council Review of Parking**
- 12-4-7 Residential Parking**
- 12-4-8 Parking for Purpose of Vehicle Sales**
- 12-4-9 Parking Trucks, Tractors, Trailers, Buses, and Recreational Vehicles on Public Streets in Residential Zones**
- 12-4-10 Violation; Penalty**

Section 12-4-1 Method of Parking

Except as otherwise provided in this section and Section 12-4-3, every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be so stopped or parked with the right-hand wheels of such vehicle parallel to and within eighteen inches of the right-hand curb. A vehicle may be stopped or parked with the left-hand wheels parallel to and within eighteen inches of the left-hand curb on streets divided by a raised median if there are designated parking spaces. (Ord. 10-155 § 1)

Section 12-4-2 Blocking Traffic

A. It is a civil traffic violation for any person to stop, stand by or park any motor vehicle,

or other vehicle, upon a street in the city in such a manner or manner or under such conditions as to leave available less than twenty feet of the width of the roadway for the free movement of vehicular traffic, except that a person may stop temporarily, in the actual loading or unloading of passengers or, when necessary, in the observance of traffic signs or signals of the police chief.

B. It is a civil traffic violation for any person to park a motor vehicle, or other vehicle, within an alley or entrance to a private driveway except for the loading or unloading of materials, and not then unless such loading or unloading can be accomplished without blocking the alley to the free movement of vehicular traffic.

Section 12-4-3 Authority to Erect Signs Restricting Parking

The city manager or the manager's designee, after consultation with the city engineer, may erect signs requiring parking at an angle to the curb, allowing parking on the left hand curb on one-way streets, notifying drivers that parking is prohibited and restricting parking. No parking restrictions shall become effective until such restricted parking area is specifically designated by the city manager or the manager's designee, after consultation with the city engineer, and signs have been erected as authorized by this section. It is a civil traffic violation for any person to stop or stand a vehicle in disobedience to such parking restrictions.

Section 12-4-4 Parking Vehicles on Sidewalks and in Alleys

It is a civil traffic violation for any person to park any vehicle or for an owner to permit his vehicle to be parked upon any sidewalk or in any alley in the city, whether such vehicle is operable or not. (Ord. 07-124 § 1)

Section 12-4-5 Restricted Parking Areas for the Physically Disabled

A. No person shall park a vehicle in a parking space set aside and identified for use only by persons with physical disabilities, unless the vehicle has displayed thereon a distinguishing insignia or numbered plates bearing the international wheelchair symbol as provided in A.R.S. § 28-881.

B. Subsection (A) of this section shall apply only to those parking spaces that are identified with standard signs or other markers, as approved by the city.

Section 12-4-6 Council Review of Parking

The council shall have the authority to review and amend any decision made by the city manager or the city manager's designee pursuant to this article.

Section 12-4-7 Residential Parking

A. Residential Parking Permit Area. The city manager or manager's designee may, after consultation with the city engineer and upon petition by two-thirds of the immediately adjacent residents, designate residential areas within the city consisting of streets or portions of streets upon which the parking of motor vehicles shall be restricted in whole or in part to motor vehicles bearing a valid parking permit issued pursuant to this section.

B. Designation of Residential Parking Permit Areas. A residential area shall be eligible for designation as a residential parking permit area when field studies conducted by the city engineer determine that parking in the area is significantly impacted by motor vehicles owned by nonresidents. In arriving at such findings, the city manager or manager's designee, in consultation with the city engineer, shall consider the following factors:

1. The extent during any peak parking period during any normal day, except holi-

days, the number of parked motor vehicles approaches the legal on-street parking capacity of the area;

2. The extent, during the same period described in subsection (B)(1) of this section, the number of parked motor vehicles in the area is comprised of motor vehicles not registered to persons residing in the area;

3. The extent parking by motor vehicles registered to nonresidents during the same period described in subsection (B)(1) of this section, the number of parked motor vehicles in the area is comprised of motor vehicles not registered to persons residing in the area;

4. The extent the residential parking permit area and adjacent areas are served by public transportation; and

5. The extent designation of a residential parking permit area will help to alleviate traffic congestion, illegal parking, hazards to pedestrians, and related health and safety dangers.

C. Parking within Residential Parking Permit Areas.

1. In each residential parking permit area, the city manager shall provide for the issuance of permits and cause parking signs to be erected in the area, indicating the times and conditions under which parking shall be by permit only.

2. Upon application, any person who resides on property immediately adjacent to a street within a residential parking permit area shall be entitled to receive a residential parking permit for each vehicle registered to such person.

3. Each residential household within a residential parking permit area shall be entitled to be issued five annual visitor parking permits for use by visitors to such residential household. Additional annual visitor parking permits may be issued at the discretion of the city manager, or his designee.

4. Upon application and payment of a one dollar fee for each permit, temporary permits

for up to seventy-two hours may be issued by the city manager or his designee, to any property holder immediately adjacent to a street within a residential parking permit area, for special events.

5. The council may designate open parking in these residential areas for a specific time for special events. In such case all signs related to restricted permit parking in the area shall be covered.

D. Display of Permits. All permits shall be displayed in the front windshield in a manner that is readily visible to law enforcement officials.

E. Exceptions. This section shall not apply to public or private emergency vehicles, public vehicles parked temporarily for the purpose of conducting public business or public utility vehicles performing operations for a utility. In addition, this section shall not apply to commercial vehicles such as landscape maintenance or pool maintenance vehicles servicing the residences within the residential parking permit area.

Section 12-4-8 Parking for Purpose of Vehicle Sales

It shall be unlawful for any person to park a vehicle on the public streets with a “for sale” or similar sign, where the primary purpose of such parking is the displaying the vehicle for sale. This section shall not prevent the casual or occasional parking of a vehicle on a public street for periods of less than one hour when the owner is carrying out other business in the area.

**Section 12-4-9 Parking Trucks,
Tractors, Trailers,
Buses, and Recreational
Vehicles on Public
Streets in Residential
Zones; Exceptions**

A. Idling. No person shall stand or park a motor vehicle used for commercial purposes with its engine operating for more than twenty minutes in any twenty-four-hour period on a public street in a residential zone, except when engine operation is necessary for private fire or emergency vehicles, or to power mechanical equipment being utilized in performance of work, or to maintain refrigeration of perishable goods.

B. Parking. No person shall stand or park a motor vehicle with a gross weight rating in excess of eleven thousand five hundred pounds and exceeding one ton chassis rating, or a tractor, semi-trailer, trailer, bus or recreational vehicle on a public street in a residential zone, unless exempt under subsection (C) of this section.

C. Exemptions. Subsection (B) of this section shall not apply to: (1) police, fire and other public or private emergency vehicles; (2) public vehicles parked temporarily for the purpose of conducting public business or public utility vehicles performing operations for a utility; (3) service vehicles such as landscape maintenance or pool maintenance vehicles servicing the residence; (4) vehicles engaged in the process of loading or unloading; and (5) moving vans, for the purpose of loading or unloading, for a period up to seventy-two hours. (Ord. 07-124 § 1)

Section 12-4-10 Violation; Penalty

Any person found in violation of any provision of Section 12-4-9 shall be responsible for a civil traffic violation, punishable by a fine as set forth in Article 1-8(C) of the city code. Each day that a violation continues shall be a

separate offense punishable as herein described. (Ord. 07-124 § 4(A))

**Article 12-5 Inoperable or Unregistered
Vehicles**

A. No person shall park or permit to be parked on any residential property any vehicle which is inoperable and is visible from beyond the boundary of the lot.

B. Except as permitted in Section 31.04 of the zoning code, no person shall park or permit to be parked on any residential lot any vehicle which does not display current registration and is visible from beyond the boundary of the lot.

C. The owner of record of the property upon which a vehicle is parked in violation of subsection (A) or (B) of this section shall be prima facie responsible for any violation of this section. If more than one person shall be recorded as the owner of the property, said persons shall be jointly and severally prima facie responsible for the violation and subject to sanction therefor.

D. Defenses.

1. It is an affirmative defense to a violation of this section that the residential property is located in a zoning district wherein outside storage of unlicensed or inoperable vehicles visible beyond the boundary of the lot is a permitted use or that such outside storage of such vehicles has been established on the property as a nonconforming use pursuant to the zoning ordinance. No defense shall be asserted pursuant to this provision, unless notice thereof is filed with the court and provided to the city at least twenty days in advance of the date set for trial.

2. It is an affirmative defense to a violation of subsection (A) of this section that the vehicle was registered to a resident of the property, that the vehicle was undergoing repair, and that the total period during which the vehicle was inoperable did not exceed fifteen days.

3. It is an affirmative defense to a violation of this section that the vehicle was placed

on the property without the consent of any owner or agent of any owner of the property and that the vehicle was removed from the property within twenty days of its placement on the property.

E. No vehicle in violation of this section shall be impounded pursuant to Section 12-3-12 except with the consent of the lawful owner of the vehicle or with the consent of a person in lawful control of the property when said consent is permitted by law.

F. Violation of this section shall constitute a civil traffic violation, and the violator shall be subject to a civil sanction of not less than fifty dollars nor more than two hundred fifty dollars.

Section 12-5-1 Inoperable or Unregistered Vehicle on Right-of-Way

A. No person shall park any vehicle which is inoperable on any street or public right-of-way. It is an affirmative defense to a violation of this subsection that the vehicle was removed from the street or public right-of-way within twenty-four hours of becoming inoperable.

B. No person shall park any vehicle which does not display current registration on any street or public right-of-way.

C. Violation of this section shall constitute a civil traffic violation, and the violator shall be subject to a civil sanction of not less than fifty dollars nor more than two hundred fifty dollars.

Article 12-6 Restriction of Truck Travel upon City Streets

Sections:

- 12-6-1 Applicability**
- 12-6-2 Definitions**
- 12-6-3 Permissible Routes; Exceptions**
- 12-6-4 Gross Weight of Trucks**

12-6-5 Liability for Damages

12-6-6 Violation; Penalty

Section 12-6-1 Applicability

This article shall apply solely to users of streets, roads and other public ways within the city boundaries and under the jurisdiction of the city of Litchfield Park. Users of highways within the city limits which are within the state highway system and under the jurisdiction of the state of Arizona shall comply with the requirements of state law and upon such compliance are exempt from this section.

Section 12-6-2 Definitions

“Restricted street” shall mean all streets, alleys, roads and other public ways not designated as a truck route.

“Truck” shall mean vehicles with motive power, other than buses and recreational vehicles, designed or used primarily for the carrying of property other than the effects of the driver or passengers, and includes a motor vehicle to which has been added a box platform or other equipment for such carrying.

“Truck route” shall mean the following streets, roads and other public ways in the city designated by the city: Litchfield Road.

Section 12-6-3 Permissible Routes; Exceptions

A. Except as provided in subsection (B) of this section, trucks shall operate only on truck routes.

B. Exceptions:

1. Fire apparatus, road machinery, or implements of husbandry including farm tractors temporarily moved upon a city street.

2. Trucks’ delivering of merchandise, materials or equipment going to a specific location on a restricted street. In such cases, said vehicles shall use the restricted streets for as short a distance as possible.

3. Trucks having a base of operations on a city street may enter or leave its base of operations at any time by the most direct route.

4. Trucks picking up or delivering to businesses or addresses on said streets. In such cases, said vehicles shall use said city streets for as short a distance as possible.

Section 12-6-4 Gross Weight of Trucks

A. The axle loads and the gross weight and loads of any truck or truck and load driven upon city streets shall not exceed the loads and weights set forth in A.R.S. §§ 28-1099, 28-1100, and 28-1101, the provisions of which are adopted by reference as though fully contained in this article.

B. A first time violation of A.R.S. § 28-1099 or 28-1100 is subject to a civil penalty; a second violation within six months of a preceding judgment is subject to a Class 3 misdemeanor; and a second conviction for either of these sections within one year of the preceding conviction is subject to a Class 2 misdemeanor as set forth in A.R.S. § 28-1101 which may be amended from time to time. Violation of A.R.S. § 28-1101c related to axle weight limitations is subject to penalties pursuant to that statutory provision, as may be amended from time to time. (Ord. 07-124 § 1)

Section 12-6-5 Liability for Damages

Any person driving any truck upon any restricted street shall be liable for all damage to any restricted street, light or sign of the city which may result from a violation of this article. When the driver is not the owner of the truck but is so operating, driving or moving the same with the express or implied permission of the owner, then the owner and driver shall be jointly and severally liable for any damage. Such damage may be recovered in a civil action brought by the city.

Section 12-6-6 Violation; Penalty

Any person found guilty of violating Section 12-6-4 shall be punishable as set forth in Section 12-6-4. Each day that a violation continues shall be a separate offense punishable as herein described. (Ord. 07-124 § 4(B))