

CHAPTER 11 TRAFFIC as amended 12/12/12

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Section 11 - 1 - 1 Duty of Marshal

- A. It shall be the duty of the Marshal to provide for the enforcement of the street traffic regulations of the town and all of the state vehicle laws applicable to street traffic in the town, 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 upon the Marshal by this chapter.
- B. Any peace officer of the town may be authorized by the Marshal to perform any of the duties of the Marshal included in this chapter.

Sec. 11 - 1 - 2 Records of Traffic Violations

The Marshal shall keep a record of all violations of the traffic laws of the town or of the state vehicle laws of which any person has been charged. Such record shall accumulate during at least a five-year period and from that time on the record shall be maintained complete for at least the most recent five-year period.

Sec. 11 - 1 - 3 Marshal to Investigate Accidents

It shall be the duty of the Marshal 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.

Sec. 11 - 1 - 4 Traffic Accident Studies

Whenever the accidents at any particular location become numerous, the Marshal shall conduct studies of such accidents and determine remedial measures.

Sec. 11 - 1 - 5 Traffic Accident Reports

- A. The Marshal shall maintain a suitable system of filing traffic accident reports.

Article 11 - 2 TRAFFIC CONTROL

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Section 11 - 2 - 1 Directing Traffic

- A. The Marshal is hereby authorized to direct all traffic by voice, hand or signal.
- B. Officers of the fire department, when on the scene of a fire, may direct or assist the Marshal in directing traffic thereat or in the immediate vicinity.

Sec. 11 - 2 - 2 Obedience to Traffic Regulations

It is unlawful for any person to do any act forbidden or fail to perform any act required by this chapter. It shall also be unlawful for any person to willfully fail or refuse to comply with any lawful order or direction of the Marshal or of any fire department official or an authority of the fire department.

Sec. 11 - 2 - 3 Traffic Control Devices

- A. The Marshal, with the approval of the council, shall place and maintain traffic control devices, signs and signals when and as required under the traffic regulations of the town to make effective the provisions of said regulations, and may place and maintain such additional traffic control devices as s/he may deem necessary to regulate traffic under the traffic laws of the town or under state law or 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 town unless otherwise directed by the Marshal, subject to the exceptions granted in this chapter or by state law.

Sec. 11 - 2 - 4 Authority to Designate Crosswalks, Establish Safety Zones and Mark Traffic Lanes

The Marshal is hereby authorized, on approval by the council:

- A. To designate and maintain, by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections where in his/her opinion there is particular danger to pedestrians crossing the roadway, and at such other places as s/he may deem necessary.
- B. To establish safety zones of such kind and character and at such places as s/he may deem necessary for the protection of pedestrians.
- C. To mark lanes for traffic on street pavement at such places as s/he may deem advisable, consistent with the traffic laws of the town.

Sec. 11 - 2 - 5 Authority to Place, and Obedience to, Turning Markers

- A. The Marshal is 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.

Sec. 11 - 2 - 6 Authority to Place, and Obedience to, Restricted Turn Signs

- A. The Marshal, on approval by the council, 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 permitted, no driver of a vehicle shall disobey the directions of any such sign.

Sec. 11 - 2 - 7 Limitations on Turning Around

The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction upon any street in a business district and shall not upon any other street so turn a vehicle unless such movement can be made in safety and without interfering with other traffic.

Sec. 11 - 2 - 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, the Marshal shall place and maintain signs 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.

Sec. 11 - 2 - 9 Regulation of Traffic at Intersections

- A. The council shall by resolution designate through streets, intersections where stops are required, and intersections where vehicles shall yield the right of way.
- B. When any resolution of the council shall designate any through street or intersection where vehicles are to stop or yield the right of way, the Marshal shall erect and maintain the appropriate signs at every location where a vehicle must stop or yield the right of way.

Sec. 11 - 2 - 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 Marshal 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.

Sec. 11 - 2 - 11 Processions

- A. No procession or parade, except funeral processions, shall be held without first securing a permit from the Marshal, and all such requests for permits shall state the time, place of formation, proposed line of march, destination and such other regulations as the Marshal 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 Marshal.
- C. No driver of a vehicle shall drive between the vehicles comprising a funeral or other 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 a police officer.
- 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.

Article 11 - 3 PARKING

- 11 - 3 - 1 Definitions
- 11 - 3 - 2 Parking Regulations
- 11 - 3 - 3 Authorized Removal
- 11 - 3 - 4 Handicapped Parking Zones
- 11 - 3 - 5 Penalties

Section 11 - 3 - 1 Definitions

In this article unless the context otherwise requires:

- A. "Authorized emergency vehicle" means any vehicles of the fire department, police vehicles and such ambulances and emergency vehicles of municipal departments or public service corporations as are designated or authorized by the state or local authorities
- B. "Inoperative vehicle" means any vehicle not immediately functional or in such a state of condition as to render said vehicle unsafe for use upon public highways.
- C. "Operator" means a person who drives or is in actual physical control over a vehicle upon a highway or who is exercising control over or steering a vehicle being towed by a motor vehicle.
- D. "Owner" means a person who holds the legal title of a vehicle or, if a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, the conditional vendee or lessee, or if a mortgagor of a vehicle is entitled to possession, the mortgagor.
- E. "Public property" means any real property owned by the town which is open to the use of the public for purposes of vehicular travel or vehicular parking.
- F. "Street" or "highway" means the entire width between the boundary lines of every way when any part thereof is open to the use of the public for purposes of vehicular travel.
- G. "Vehicle" means a device in, upon or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

Sec. 11 - 3 - 2 Parking Regulations

- A. Except as otherwise provided by this article, every vehicle stopped or parked upon a street shall be so stopped or parked with the right hand wheels of such vehicle parallel to and within eighteen inches of the right hand boundary line of the street.
- B. Right-angle and forty-five degree angle parking shall be permitted where practicable upon streets, provided that no portion of any vehicle shall extend upon the paved or main-traveled part of the street.
- C. It is unlawful for any operator or owner to park or leave standing any vehicle, whether attended or unattended, upon any public property, except where signs have been posted designating parking regulations or when special permission has been granted by the mayor and council issued in writing.
- D. It is unlawful for any operator or owner to park or leave standing any inoperative vehicle upon any street or public property including any vehicle of which the registration has lapsed.
- E. It is unlawful for any operator or owner to park or leave standing any vehicle in such a manner as to constitute a vision obscurement for other vehicular traffic or as to constitute any other hazard to other vehicular traffic.
- F. It is unlawful for any operator or owner to park or leave standing any vehicle upon any street or public property for a period of time in excess of twenty four hours.
- G. Nothing in this section shall apply to authorized emergency vehicles deployed in an official capacity.
- H. It is unlawful for any operator or owner to leave any motorized vehicle with running engines, generators or compressors between 8:00 P. M. and 6:00 A. M.

Sec. 11 - 3 - 3 Authorized Removal

- A. Any police officer of the town is authorized to remove or cause to be removed to the nearest garage or other place of safety any vehicle found to be in violation of this article.
- B. Any and all towing, impound or storage fees incurred subsequent to any such authorized removal shall be the sole responsibility of the owner or operator.

Sec. 11 - 3 - 4 Handicapped Parking Zone

- A. Handicapped parking zones may be designated within the town limits pursuant to A.R.S. 28-883 and related provisions of Arizona law in addition to the conditions herein specified. In order to designate a handicapped parking zone as defined in

the Arizona law, the owner of the property upon which the designation shall apply shall:

1. Submit specific drawings of the exact location thereof to the town planning and zoning commission for their official approval.
 2. Adequately post, designate and sign same so that the public can reasonably identify and observe said notices.
 3. Obtain said designation by resolution of the town council.
- B. The designation on public rights of way shall follow steps 2 and 3 of subsection A of this section only.
- C. Omission of any of the above steps shall leave the designated area in question and unenforceable under this section.

Sec. 11 - 3 - 5 Penalties

An operator or owner who violates any of the provisions of this article shall be punishable upon conviction by a fine of not less than ten dollars nor more than five hundred dollars.

Article 11-4 Vehicle Weight and Noise Restrictions on Public Roads

Sec. 11-4-1 Weight Restrictions Within Residential Areas and Other Roads

It is unlawful for any person, partnership, association or company to operate a vehicle with a gross vehicle weight rating ("GVWR") in excess of 17,500 pounds on the public streets in the corporate limits of the Town of Patagonia, except as otherwise exempted pursuant to Sec. 11-4-2 or as permissible pursuant to Sec. 11-4-3.

Sec. 11-4-2 Exemptions

- A. Users of highways within the Town limits that 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 division.
- B. This article shall not apply to fire apparatus operated anywhere in Town or to implements of husbandry, including farm tractors and cattle tractor-trailers, temporarily moved upon designated Truck Routes.
- C. So long as they use the shortest and most direct route to accomplish the purpose, users may operate an overweight vehicle on any street in the Town, in addition to those designated a Truck Route in Sec. 11-4-4, for the following purposes only:

1. to park on a private parcel within the Town as a final destination;

2. to pick up or deliver commercial goods or services at a final destination within the Town;

3. to deliver building materials to a temporary construction site, or to deliver prefabricated structures to the site of permanent installation.

4. to access services for the vehicle.

D. Emergency vehicles, school buses, pickups, recreational vehicles, and vehicles owned by a public or private utility and used in the operation, construction or repair of any utility or cable television shall be exempt from the provisions of this article unless otherwise specified.

Sec. 11-4-3 Permissible Truck Routes

A. Vehicles in excess of the weight restriction of Sec. 11-4-1 may apply for a permit pursuant to Sec. 11-4-4 to transit through the Town upon designated Truck Routes or as otherwise specified in the terms of the permit.

B. Following routes are hereby designated Truck Routes:

1. Harshaw Road

2. McKeown Avenue from Taylor Avenue to Harshaw Road

3. First Avenue/Temporal Road

4. Taylor Avenue

Sec. 11-4-4 Permits for movement of overweight vehicles

A. The Town Council, upon application in writing and good cause being shown therefor at a public meeting properly noticed pursuant to law, and after hearing from all interested parties desiring to be heard thereon, may issue a special permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified in Sec. 11-4-1 relating to size, weight and load regulations, upon any Truck Route or other street under the jurisdiction of the Town.

B. The permit provided for in subsection (a) of this section shall be issued for no more than one year, and in substantial conformity to the procedures adopted by ADOT pursuant to A.R.S. § 28-1104.

C. Each permit shall include the following conditions and restrictions:

(1) Designation of specific routes to be used;

(2) Times during which hauling or movement may occur;

(3) Limitations on maximum number of trips per day or week, but under no circumstance shall any single person or firm be permitted to transit upon Town streets more than fifty times per week with an overweight vehicle;

- (4) Limitation on acceptable level of noise emitted from the overweight vehicle, but in no event greater than 90 dB at a five-foot distance;
- (5) Designation of specific locations and times of day access will be made to and from Town public rights-of-way;
- (6) Provision for safety precautions, such as the use of barricades, warning or traffic signs, flagmen or police officers for traffic control;
- (7) Payment of a cash bond in the amount of five hundred dollars per vehicle in order to secure the cost of the removal of any spillage of hauled materials or the cleaning of the right-of-way by the Town. Such bond shall be returned to the applicant if no spillage occurs or if any spillage is removed and the right-of-way cleaned by the applicant to the satisfaction of the Town Manager;

D. The permit limitations and conditions as provided in this section shall have the force and effect of law when submitted to and approved by the Council.

E. If the permit as provided for in subsection (a) is issued, the Town Council may establish seasonal or other time limitations within which the vehicles described may be operated upon the Town's Truck Routes or otherwise limit and prescribe conditions of operation of the vehicle or vehicles when necessary to assure against undue damage to the road foundations, surfaces or structures, and may require such undertaking or other security as may be deemed necessary to compensate for any risk of damage to any roadway or road structure or to public safety.

F. A permit issued pursuant to this section shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any peace officer or agent of the Town and no person shall violate any of the terms and conditions of the special permit.

G. A one-hundred dollar fee shall be assessed for each permit issued in accordance with the provisions of this section, except as provided in subsection (f) of this section.

H. A thirty-day permit may be issued for the movement of overweight vehicles as long as any load to be carried within the thirty-day period does not exceed the permitted weight and the same equipment will be used for the same type load during the thirty-day period. A fee of forty-five dollars shall be assessed for each thirty-day permit.

I. Any violation of the terms or conditions of the permit issued pursuant to this section may be prosecuted as a violation of Section 11-4-1. In addition, any such violation or written notification from the Town Marshal as to nuisance or safety concerns regarding the haul operation shall be sufficient grounds for the Town Manager to notice a public hearing with the Town Council at which the permit may be revoked.

Sec. 11-4-5 Liability for damage

A. Any person driving any overweight vehicle upon any street under the jurisdiction of the Town shall be liable for all damage to any street, light or sign of the Town, whether such transit was permitted, lawful or unlawful.

B. Any person who causes or allows fill, excavation, ore, construction debris, mud, dirt, rock, sand, gravel, concrete or asphalt to be spilled, dumped or tracked onto public streets, alleys or sidewalks is responsible for all clean-up costs.

C. 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.

D. The costs to mitigate all such damage described herein may be recovered in a civil action brought by the Town.

Sec. 11-4-6 Weighing of Vehicles

Any police or peace officer employed in the State of Arizona, having reason to believe that the weight of the vehicle and load does not conform to the provisions of this article is authorized to require the driver to stop and submit to a weighing of the vehicle by means of either portable or stationary scales and may require the vehicle to be driven to the nearest public scales, provided that the scales are within two miles.

Sec. 11-4-7 Penalties

A. A person who violates any of the provisions of this article, including exceeding the conditions of a permit issued pursuant to Section 11-4-4, is subject to a civil sanction unless the ordinance defining the offense provides for a different classification.

B. Notwithstanding the provisions of subsection (c) of this section, a conviction for a violation of section 11-4-1 in which the excess weight is two thousand five hundred one pounds or greater is a Class 1 misdemeanor.

C. A person who violates any provision of section 11-4-1 in which the excess weight of the vehicle is less than two thousand five hundred pounds is declared to be a civil traffic violation subject to the civil sanction set forth in the following table. A second violation of any such provision within six months of a preceding civil judgment is a Class 2 misdemeanor. A second conviction for a criminal violation of said section within one year of the preceding conviction is a Class 1 misdemeanor. In addition to any other penalties which the court may impose, in all cases the court shall impose the fine or civil sanction in the amount set forth in the following table:

If the excess weight is:	The minimum fine or civil sanction is:		
	Sanction	Class 2	Class 1
1,001 to 1,250 pounds	\$ 50.00	\$ 75.00	\$ 100.00
1,251 to 1,500 pounds	100.00	150.00	200.00
1,501 to 2,000 pounds	150.00	225.00	300.00
2,001 to 2,500 pounds	200.00	300.00	400.00
2,501 to 3,000 pounds			500.00
3,001 to 3,500 pounds			600.00

If the excess weight is:	The minimum fine or civil sanction is:		
	Sanction	Class 2	Class 1
3,501 to 4,000 pounds			700.00
4,001 to 4,500 pounds			800.00
4,501 to 4,750 pounds			900.00
4,751 pounds and over			1,000.00

Sec. 11-4-8 Disturbing the public peace and welfare; penalty

A. Vehicles shall not be operated on any street within the Town of Patagonia at any time in such a manner as to disturb the public peace and welfare by loud or unusual noise, or noise of such character, intensity or duration as to arise to a disturbance of the peace of a reasonable person, without requiring a showing that the peace of any particular person was actually disturbed. Noises proscribed in this section include, but are not limited to, blowing horns, exhaust noises and the use of loudspeakers or amplifiers.

B. Any person who violates the provision of section (a) is subject to a civil sanction for which the court shall impose a sanction in the amount of two hundred fifty dollars.