

**ORDINANCE NO. O2015.52**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AMENDING CHAPTER 19, MOTOR VEHICLES AND TRAFFIC, ARTICLE I, RELATING TO DEFINITIONS, PENALTIES, LIABILITY, BY AMENDING SECTIONS 19-1 AND 19-2; AMENDING CHAPTER 19 ARTICLE VII, RELATING TO METHODS OF PARKING BY AMENDING SECTIONS 19-81 AND 19-82; AMENDING CHAPTER 19 ARTICLE VIII, RELATING TO PARKING PROHIBITED IN SPECIFIED PLACES BY AMENDING SECTION 19-99; AMENDING CHAPTER 19 ARTICLE XII, RELATING TO PARKING METERS BY AMENDING SECTIONS 19-142 AND 19-143.**

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, as follows:

**Section 1.** That Chapter 19, Article I, Section 19-1 of the Tempe City Code is hereby amended to read as follows:

**Sec. 19-1. Definitions.**

(a) 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.

(b) In this chapter, unless the context otherwise requires:

- (1) *Alley and alleyways* means 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) *Central business district* means all streets and portions of streets within the area described as follows. All that area bounded by the salt river on the north, to 10<sup>th</sup> Street on the south and from Myrtle Avenue on the east to Maple Avenue on the west.

- (3) *Commercial vehicle* means every vehicle designed, maintained or used primarily for transportation of property— AND DISPLAYING THE COMPANY NAME, OR LOGO, OR OTHER IDENTIFYING FEATURE AFFIXED ON THE VEHICLE.
- (4) *Curb loading zone* means a space adjacent to a curb reserved for the exclusive use OF vehicles during the loading or unloading passengers or materials.
- (5) *DOWNTOWN DISTRICT* MEANS ALL STREETS AND PORTIONS OF STREETS WITHIN THE AREA DESCRIBED AS FOLLOWS: ALL THAT AREA BOUNDED BY TEMPE TOWN LAKE ON THE NORTH, TO UNIVERSITY DRIVE ON THE SOUTH AND FROM COLLEGE AVENUE ON THE EAST TO FARMER AVENUE ON THE WEST.
- ~~(5)~~(6) *Motorcade* means an organized procession containing twenty-five (25) or more vehicles, except funeral processions, upon any public street, sidewalk or alley.
- ~~(6)~~(7) *Motorized play vehicle* means a coaster, scooter, any other alternatively fueled device or other motorized vehicle that is self-propelled by a motor or engine and which is not otherwise defined in Arizona Revised Statutes, Title 28, as a “motor vehicle,” “motor-driven cycle” or “motorized wheelchair.”
- ~~(7)~~(8) *Motorized skateboard* means a self-propelled device which has a motor or engine, a deck on which a person may ride and at least two (2) wheels in contact with the ground and which is not otherwise defined in Arizona Revised Statutes, Title 28, as amended, as a “motor vehicle,” “motor-driven cycle” or “motorized wheelchair.”
- ~~(8)~~(9) *Operator* means a person who operates or is in actual physical control of a motorized play vehicle or a motorized skateboard upon a public roadway, sidewalk, right-of-way, park, bicycle path or any other public property used for the operation of motor vehicles.
- ~~(9)~~(10) *Owner* means a person who holds the legal title to a motorized play vehicle or motorized skateboard, or any person who is a lessee, conditional vendee or mortgagor of a motorized play vehicle or motorized skateboard with a right to immediate possession.
- ~~(10)~~(11) *Parade* means any march or procession consisting of people, animals or vehicles, or combination thereof, except funeral processions, upon any public street, sidewalk or alley, which does not comply with normal and usual traffic regulations or controls.

- ~~(11)~~(12) *Parkway* means that portion of a street between the curb lines of a roadway and the adjacent property lines.
- ~~(12)~~(13) *Rights-of-way* means all the property used as a public thoroughfare and lying between the exterior boundary lines of any area granted to or received by the city by grant, gift, easement, deed, dedications or operations of law for street, alley, walk or utility purposes.
- ~~(13)~~(14) *Sidewalk* means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use of pedestrians.
- ~~(14)~~(15) *Stand* or standing means the halting of a vehicle, whether occupied or not, otherwise than for the purpose of and while actually engaged in receiving or discharging passengers.
- ~~(15)~~(16) *Stop*, when required, means complete cessation from movement.
- ~~(16)~~(17) *Stop* or *stopping*, when prohibited, means any halting, even momentarily, of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.
- ~~(17)~~(18) *Traffic division* means the traffic division of the police department of this city, or in the event a traffic division is not established, then such term, whenever used herein, shall be deemed to refer to the police department of this city.
- ~~(18)~~(19) *Traffic engineer* means the public works director of the city or his designee.

**Section 2.** That Chapter 19, Article I, Section 19-2 of the Tempe City Code is hereby amended to read as follows:

**Sec. 19-2. Civil sanctions.**

(a) Any person violating any of the provisions of this chapter shall be liable for the imposition of a civil sanction not to exceed two hundred fifty dollars (\$250), unless another penalty is specified.

(b) ANY PERSON VIOLATING THE PROVISIONS OF § 19-122 SHALL BE LIABLE FOR THE IMPOSITION OF A MINIMUM CIVIL SANCTION OF SEVENTY TWO DOLLARS (\$72).

(c) ANY PERSON VIOLATING THE PROVISIONS OF § 19-92 SHALL BE LIABLE FOR THE IMPOSITION OF A MINIMUM CIVIL SANCTION OF ONE HUNDRED FOUR DOLLARS (\$104).

**Section 3.** That Chapter 19, Article VII, Section 19-81 of the Tempe City Code is hereby amended to read as follows:

**Sec. 19-81. Standing or parking close to curb.**

No person shall stand or park a vehicle in a roadway other than parallel with the edge of roadway headed in the direction of lawful traffic movement and with the right-hand wheels within eighteen (18) inches of the curb or edge of the roadway, except upon a one-way roadway or where angle or diagonal parking is required. In the case of angle or diagonal parking, no person shall stand or park a vehicle other than with the front of such vehicle directed toward the front of curb of such angle or diagonal parking space, UNLESS OTHERWISE DESIGNATED ON THE STREET SIGN.

**Section 4.** That Chapter 19, Article VII, Section 19-82 of the Tempe City Code is hereby amended to read as follows:

**Sec. 19-82. Signs or markings indicating angle parking.**

The traffic engineer, with council approval, shall determine upon what streets angle parking AND BACK-IN ANGLED PARKING shall be permitted and shall mark or sign such streets.

**Section 5.** That Chapter 19, Article VIII, Section 19-99 of the Tempe City Code is hereby amended to read as follows:

**Sec 19-99. Riding or parking upon publicly owned property.**

(a) No person shall drive, ride, stop, stand or park any vehicle upon publicly owned property or any portion thereof in violation of any restriction posted on signs, markings, traffic control signals or gates.

(b) For the purposes of this section, “publicly owned property” shall mean any lands which the city owns either in fee simple or in which it has acquired a beneficial interest by virtue of an agreement for sale or conveyance.

(c) IN THE DOWNTOWN DISTRICT BETWEEN THE HOURS OF 0500 AND 1000 (5AM TO 10AM) WHERE INDICATED, COMMERCIAL VEHICLES MAY UTILIZE MARKED METERED SPACES, AT NO COST, FOR EXPEDITIOUS LOADING AND UNLOADING OF COMMERCIAL GOODS. IN NO CASE SHALL THE STOP FOR

LOADING AND UNLOADING OF COMMERCIAL GOODS EXCEED THIRTY (30) MINUTES. A COMMERCIAL VEHICLE WHILE LOADING AND UNLOADING IS NOT RESTRICTED TO SPACE MARKINGS DUE TO THE TYPICAL SIZE OF A TRANSPORT VEHICLE, BUT CANNOT PARK IN ANY MANNER THAT WOULD CAUSE A TRAFFIC HAZARD OR IMPEDE THE FLOW OF TRAFFIC.

**Section 6.** That Chapter 19, Article XII, Section 19-142 of the Tempe City Code is hereby amended to read as follows:

**Sec 19-142. Parking without paying designated meter prohibited.**

(a) Each person parking a vehicle or motor-driven cycle within a designated parking area or lot which contains a pay ~~and display~~ BY SPACE station or a designated parking meter shall immediately deposit in said ~~display~~ PAY BY SPACE station or parking meter one or more of the legal United States coins indicated upon the meter. OR INSERT AN ACCEPTED ALTERNATIVE FORM OF PAYMENT AS ALSO INDICATED ON THE METER.

(b) No person shall permit a vehicle to remain in a space with a designated parking meter, or in a space within a designated parking area or lot which contains a pay ~~and display~~ BY SPACE station when said parking meter, or ~~display~~ PAY BY SPACE station displays a red signal or printed message indicating it is unlawful to do so, except during those hours and days indicated upon said parking meter, ~~or display~~ PAY BY SPACE station, OR SIGN. No person shall permit a vehicle to remain in a space with a designated parking meter in which the designated parking meter displays fail or is otherwise malfunctioning. This subsection shall not apply to a vehicle displaying a state “disabled parking” identifying insignia.

(c) No person shall permit a motor-driven cycle to remain within a space with a designated parking meter, or in a space within a designated parking area or lot which contains a pay ~~and display~~ BY SPACE station when said parking meter, or ~~display~~ PAY BY SPACE station displays a red signal or printed message indicating it is unlawful to do so, except during those hours and days indicated upon said parking meter, ~~or display~~ PAY BY SPACE station, OR SIGN. All motor-driven cycles so parked within said parking space shall each be unlawfully parked.

**Section 7.** That Chapter 19, Article XII, Section 19-143 of the Tempe City Code is hereby amended to read as follows:

**Sec. 19-143. Parking overtime at metered parking areas or lots prohibited.**

No person shall permit a vehicle or motor-driven cycle to be parked or remain in a parking space with a designated parking meter, or in a space within a designated parking area or lot which contains a pay ~~and display~~ BY SPACE station for a period of time longer than that time limit stated on the printed message for said parking space, UNLESS OTHERWISE

DESIGNATED UPON SAID PARKING METER, PAY BY SPACE STATION, OR SIGN. This section shall not apply to a vehicle displaying a state “disabled parking” identification insignia.

**Section 8.** Pursuant to City Charter, Section 2.12, ordinances are effective thirty (30) days after adoption.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Mark W. Mitchell, Mayor

ATTEST:

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Brigitta M. Kuiper, City Clerk

APPROVED AS TO FORM:

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Judith R. Baumann, City Attorney