

ORDINANCE NO. 2017-28

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA AMENDING CHAPTER 14 OF THE PEORIA CITY CODE (1992) BY AMENDING SECTION 14-3 PERTAINING TO VIOLATIONS; BY AMENDING SECTION 14-8 PERTAINING TO MOTOR VEHICLES; TRAFFIC SAFETY MAINTENANCE FUND; ASSESSMENTS, FUND DEPOSITS; BY AMENDING SECTION 14-21 PERTAINING TO MOTOR VEHICLES; AUTHORITY TO DIRECT TRAFFIC; VIOLATIONS; PENALTIES; BY AMENDING SECTION 14-23 PERTAINING TO AUTHORITY TO INSTALL TRAFFIC CONTROL SIGNS, SIGNALS DEVICES, ETC., ONE WAY STREETS AND ALLEYS; BY AMENDING SECTION 14-24 PERTAINING TO AUTHORITY OF CHIEF OF POLICE TO TEMPORARILY CONTROL TRAFFIC; BY AMENDING SECTION 14-26 PERTAINING TO POLICE DEPARTMENT; ACCIDENTS AND ACCIDENT REPORTS; BY AMENDING SECTION 14-27 PERTAINING TO POLICE DEPARTMENT; ANNUAL TRAFFIC SAFETY REPORT; BY REPEALING SECTION 14-29 IN ITS ENTIRETY PERTAINING TO VIOLATIONS AND IDENTIFYING IT AS RESERVED SECTION 14-29; BY REPEALING SECTION 14-50 IN ITS ENTIRETY PERTAINING TO SPEED; DESIGNATED SCHOOL ZONES, FINES DOUBLED AND IDENTIFYING IT AS RESERVED SECTION 14-50; BY AMENDING SECTION 14-53 PERTAINING TO UNNECESSARY VEHICLE NOISE; VEHICLES DAMAGING RIGHT-OF-WAY; ENGINE BRAKING; PENALTIES; EXCEPTIONS; BY AMENDING SECTION 14-54 PERTAINING TO EXCESSIVE NOISE; SOUND AMPLIFICATION SYSTEMS IN VEHICLES; LIMITATION ON USE; BY AMENDING SECTION 14-66 PERTAINING TO SCOPE AND JURISDICTION; DEFINITION; BY AMENDING SECTION 14-67 PERTAINING TO MAJOR STREETS, LOCAL STREETS; DEFINITION; BY AMENDING SECTION 14-68 PERTAINING TO PERMISSIBLE ROUTES, UNLAWFUL ACTS; BY AMENDING SECTION 14-70 PERTAINING TO LIABILITY FOR DAMAGES AND VIOLATIONS; REGISTERED OWNER RESPONSIBILITY; BY AMENDING SECTION 14-71 PERTAINING TO DEFINITION; GROSS WEIGHT OF TRUCKS AND LOAD; BY AMENDING SECTION 14-72 PERTAINING TO PERMITS FOR THE MOVEMENT OF OVER DIMENSIONAL LOADS; BY AMENDING SECTION 14-73 PERTAINING TO TRUCKS; VIOLATIONS; PENALTIES; BY AMENDING SECTION 14-74 PERTAINING TO WEIGHING OF VEHICLES AND

LOADS; VIOLATION; CLASSIFICATION; CIVIL PENALTY; BY AMENDING SECTION 14-76 PERTAINING TO TRUCKS; NOISE, TRUCK ROUTES; DESIGNATIONS; RESTRICTIONS ON OPERATION DURING DESIGNATED HOURS; VIOLATIONS; BY REPEALING SECTION 14-77 IN ITS ENTIRETY PERTAINING TO NEIGHBORHOOD TRAFFIC MANAGEMENT PROGRAM; DEFINITIONS; BY REPEALING SECTION 14-78 IN ITS ENTIRETY PERTAINING TO RESIDENTIAL TRAFFIC CONTROL AREAS; DESIGNATION; BY AMENDING SECTION 14-80 PERTAINING TO LOCAL SPEED LIMITS; BY AMENDING SECTION 14-100 PERTAINING TO PRESUMPTION IN REFERENCE TO ILLEGAL PARKING; JOINT REGISTRATION; FAILURE TO PAY CIVIL SANCTION; BY AMENDING SECTION 14-101 PERTAINING TO EMERGENCY PARKING RESTRICTIONS, VIOLATIONS; BY AMENDING SECTION 14-102 PERTAINING TO AUTHORITY TO ERECT SIGNS; VIOLATIONS; BY AMENDING SECTION 14-103 PERTAINING TO METHOD OF PARKING; VIOLATIONS; BY AMENDING SECTION 14-104 PERTAINING TO PARKING; IMPEDING TRAFFIC; BY AMENDING SECTION 14-105 PERTAINING TO PARKING ADJACENT TO SCHOOLS; BY AMENDING SECTION 14-106 PERTAINING TO PARKING RESTRICTIONS; GENERALLY; BY AMENDING SECTION 14-107 PERTAINING TO PARKING; MOTOR VEHICLES USED FOR COMMERCIAL PURPOSES; SPECIAL PARKING PROVISIONS; BY AMENDING SECTION 14-110 PERTAINING TO PARKING; RECREATIONAL VEHICLES; UTILITY TRAILERS; PRIVATE PROPERTY PARKING; BY AMENDING SECTION 14-113 PERTAINING TO PARKING IN RESIDENTIAL AREAS; DRIVEWAYS OR PRIVATE PROPERTY; BY AMENDING SECTION 14-114 PERTAINING TO PARKING ON DRIVEWAY OR PRIVATE PROPERTY; REMOVAL BY TOW TRUCK OPERATORS; BY AMENDING SECTION 14-116 PERTAINING TO ABANDONED VEHICLES; FEES; BY AMENDING SECTION 14-118 PERTAINING TO ABANDONED VEHICLES; ABANDONMENT PROHIBITED; VIOLATIONS; BY AMENDING SECTION 14-122 PERTAINING TO ABANDONED AND TOWED VEHICLES; NOTIFICATION; VIOLATION; CLASSIFICATION; BY AMENDING SECTION 14-124 PERTAINING TO ABANDONED AND SEIZED VEHICLES; REPORT; VIOLATION; CLASSIFICATION; BY AMENDING SECTION 14-140 PERTAINING TO DEFINITIONS; BICYCLES; MOTORIZED PLAY VEHICLES; BY AMENDING SECTION 14-145 PERTAINING TO

BICYCLES; MANNER OF PARKING; BY AMENDING SECTION 14-148 PERTAINING TO BICYCLES, MOTORIZED PLAY VEHICLES; REQUIRED EQUIPMENT; PROHIBITED EQUIPMENT; HOURS OF OPERATION; PERMITTING VIOLATIONS BY OTHERS PROHIBITED; BY AMENDING SECTION 14-149 PERTAINING TO BICYCLES; MOTORIZED PLAY VEHICLES; OPERATIONS, VIOLATION; AND PROVIDING FOR SEVERABILITY AND FOR AN EFFECTIVE DATE.

THEREFORE, it is ordained by the Mayor and Council of the City of Peoria as follows:

SECTION 1. Chapter 14 of the Peoria City Code (1992) is amended by amending Section 14-3 pertaining to Violations and which shall read as follows:

Sec. 14-3. Violations.

Except as otherwise stated in this chapter, violations of this chapter are a civil traffic violation. Civil traffic violations are subject to the provisions of A.R.S. tit. 28, ch. 6, arts. 20 and 21 [A.R.S. § 28-1051 et seq. and 28-1071 et seq.]. Unless otherwise stated, criminal violations are class one misdemeanors.

SECTION 2. Chapter 14 of the Peoria City Code (1992) is amended by amending Section 14-8 pertaining to Motor Vehicles; traffic safety maintenance fund; assessments, fund deposits and which shall read as follows:

Sec. 14-8. Motor Vehicles; traffic safety maintenance fund; assessments, fund deposits.

(a) In addition to any other penalty assessment provided by law, there shall be levied a penalty assessment in the amount of Twenty Dollars (\$20.00), on every fine, forfeiture and penalty imposed and collected by the municipal court for a violation of this Chapter or Title 28 of the Arizona Revised Statutes ~~civil sanction imposed and collected for a civil traffic violation and fine, penalty or forfeiture for a violation of the Arizona Motor Vehicle Code (Title 28) or for any violation of this Chapter.~~ If multiple offenses are involved, the penalty assessment shall be based upon the total civil sanction, fine, bail or bond for all offenses. If a fine or civil sanction is suspended in whole or in part, the penalty assessment shall be reduced in proportion to the suspension.

(b) If any deposit or bail or bond or deposit for an alleged civil traffic violation is to be made for a violation, the court shall require a sufficient amount to include the assessment prescribed in this section for forfeited bail, bond or deposit. If bail or bond or deposit is forfeited, the amount of such assessment shall be deposited to this fund. If bail or bond or deposit is returned, the amount of assessment made pursuant to this article shall be returned.

(c) The court may waive all or any part of the penalty assessment ~~if~~the payment of ~~which~~the assessment would ~~work~~cause a financial hardship on the person convicted or adjudicated or ~~their~~-immediate family residing with the person convicted or adjudicated.

(d) Notwithstanding the provisions of this section, the penalty assessment provided for in this section shall not be imposed ~~upon~~for violations of A.R.S. §§28-871, 28-873 and 28-874; and violations of §§14-103 - 14-105, 14-106, and 14-107 of this code.

SECTION 3. Chapter 14 of the Peoria City Code (1992) is amended by amending Section 14-21 pertaining Motor Vehicles; authority to direct traffic; violations; penalties and which shall read as follows:

Sec. 14-21. Motor Vehicles; authority to direct traffic; violations; penalties.

(a) Peace officers, traffic investigators or unarmed police aides may direct all traffic by voice, hand or signal. Fire-Medical Department personnel when at the scene of a fire, may direct or assist peace officers, traffic investigators or unarmed police aides in directing traffic. For purposes of this section, the scene of a fire is defined as those areas adjacent to a fire where traffic must be restricted in the judgment of the Fire Chief in order to permit an adequate response.

(b) A person shall not ~~willfully~~knowingly fail or refuse to comply with any lawful order or direction of a peace officer, traffic investigator, unarmed police aide or Fire-Medical Department personnel when invested by law with authority to direct, control or regulate traffic.

(c) A person who violates this section is guilty of a class 2 misdemeanor.

State law reference(s) -- Obedience to police, A.R.S. §28-622; authority to regulate traffic by means of police officers, A.R.S. §28-627(A)(2).

SECTION 4. Chapter 14 of the Peoria City Code (1992) is amended by amending Section 14-23 pertaining to Authority to install traffic control signs, signals devices, etc., one way streets and alleys and which shall read as follows:

Sec. 14-23. Authority to install traffic control signs, signals devices, etc., one way streets and alleys.

(a) The Development and Engineering Department may erect or install such traffic-control signs, signals, devices and markings at such locations as are necessary to properly regulate, guide or warn traffic and preserve the public safety.

(b) ~~The city engineer~~City Engineer may request the council to designate by ordinance any streets or alleys within the city which are to be limited to one-way traffic and to provide penalties for the violation of such designation.

(c) The Public Works Director shall place such signs necessary to indicate one way traffic on any street or alley so designated as may be necessary for the proper and efficient movement of traffic in accordance with acceptable traffic standards.

(d) Unless otherwise provided by State Law or this code, violation of any sign placed pursuant to this section shall be punished as a Civil Traffic Violation.

SECTION 5. Chapter 14 of the Peoria City Code (1992) is amended by amending Section 14-24 pertaining to Authority of chief of police to temporarily control traffic and which shall read as follows:

Sec. 14-24. Authority of chief of police to temporarily control traffic.

The Chief of Police or his or her designee may place temporary signs or otherwise direct roadway use to control traffic flow during special events or emergency situations.

SECTION 6. Chapter 14 of the Peoria City Code (1992) is amended by amending Section 14-26 pertaining to Police Department; accidents and accident reports and which shall read as follows:

Sec. 14-26. Police Department; accidents and accident reports.

(a) A law enforcement officer or public employee who, in the regular course of duty, investigates a motor vehicle accident resulting in bodily injury, death or damage to the property of any person in excess of one thousand dollars or the issuance of a citation shall complete a ~~written report~~ in accessible or retrievable format of the accident as follows:

(1) Either at the time of and at the scene of the accident or after the accident by collecting information from participants or witnesses.

(2) Within ~~twenty-four hours~~ a reasonable amount of time after completing the investigation.

(b) Every law enforcement officer or public employee who, in the regular course of duty, investigates a motor vehicle accident that results in damage to the property of any person in an amount of one thousand dollars or less, ~~but that~~ and does not result in the issuance of a citation or bodily injury or death, shall complete ~~an accident portion of the written report~~ in an accessible or retrievable format of the accident. The accident ~~portion of the written report~~ shall:

- (1) Be completed either at the time of and at the scene of the accident or after the accident by collecting information from participants or witnesses.
- (2) Be completed within twenty-four hours after completing the investigation.
- (3) Include the following minimum information:
  - a. The time, day, month and year of the accident.
  - b. Information adequate to identify the location of the accident.
  - c. Identifying information for all involved parties and witnesses, including name, age, sex, address, telephone number, vehicle ownership and registration and proof of insurance.
  - d. A narrative description of the facts of the accident, a simple diagram of the scene of the accident and the investigating officer's name, agency and identification number.
- (c) The agency employing the officer or public employee:
  - (1) Shall not allow a person to examine the accident report or any related investigation report or a reproduction of the accident report or a related investigation report if the request is for a commercial solicitation purpose.
  - (2) May require a person requesting the accident or related investigative report to state under penalty of perjury that the report is not examined or copied for a commercial solicitation purpose.
  - (3) May retain the original report.
  - (4) Shall maintain an electronic copy of the original report if the agency elects not to retain the original report pursuant to paragraph 3 of this subsection.
  - (5) Shall immediately forward a copy of the report to the Police Department for its use.
- (d) The Police Department may place notes, date stamps, identifying numbers, marks or other information on the copies as needed, if they do not alter the original information reported by the investigating officer or public employee.
- (e) For the purposes of this section, "commercial solicitation purpose" means a request for an accident report if there is neither:

- (1) A relationship between the person or the principal of the person requesting the accident report and any party involved in the accident.
- (2) A reason for the person to request the report other than for the purposes of soliciting a business or commercial relationship.

State law reference(s) -- Accidents and accident reports, A.R.S. § 28-661 et seq.

SECTION 7. Chapter 14 of the Peoria City Code (1992) is amended by amending Section 14-27 pertaining to Police Department; annual traffic safety report and which shall read as follows:

Sec. 14-27. Police Department; annual traffic safety report.

(a) The Police Department shall annually prepare a traffic report which shall be filed with the City Manager. Such report shall contain information on traffic matters in the city as follows:

- (1) The number of traffic ~~accidents~~collisions, the number of fatalities, the number of persons injured and other pertinent traffic accident data.
- (2) The number of traffic ~~accidents~~collisions investigated and other pertinent data on the safety activities of the police chief.
- (3) The plans and recommendations of the Police Department for future traffic safety activities.

(b) Whenever the ~~accidents~~traffic collisions at any particular location become numerous the chief of police shall refer the location and matter to the City Engineer who may conduct studies of such accidents and determine remedial measures.

SECTION 8. Chapter 14 of the Peoria City Code (1992) is amended by repealing Section 14-29 in its entirety pertaining to Violations and identifying it as reserved Section 14-29 and which shall read as follows:

Sec. 14-29. ~~Violations.~~ Reserved.

~~Any person found guilty of violating any of the provisions of Section 14-28 of this Code shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed \$1,000 or imprisonment for a term not to exceed six months, or by both such fine and imprisonment. Each day that a violation continues shall be a separate offense punishable as described.~~

SECTION 9. Chapter 14 of the Peoria City Code (1992) is amended by repealing Section 14-50 in its entirety pertaining to Speed; designated school

zones, fines doubled and identifying it as reserved Section 14-29 and which shall read as follows:

Sec. 14-50. ~~Speed; designated school zones, fines doubled.~~ Reserved.

~~(a) The following terms shall have the meanings set forth in this section. *Designated School Crossing* means a school crossing established by the City of Peoria in the manner provided by A.R.S. §28-797.~~

~~*Portable Signs* means the portable signs required by A.R.S. §28-797.~~

~~(b) The speed limit between the Portable Signs indicating that “school is in session” and “stop when children in cross walk” shall be fifteen miles per hour, unless otherwise provided by state law.~~

~~(c) The caution sign indicating the existence of a Designated School Crossing that is posted by the city sign shall also contain a notation in upper case lettering “FINES DOUBLED IN SCHOOL ZONES.”~~

~~(d) In any case where an individual is found responsible for a civil traffic violation under this section or for a violation of A.R.S. §28-797, the Municipal Court shall double the fine.~~

SECTION 10. Chapter 14 of the Peoria City Code (1992) is amended by amending Section 14-53 pertaining to Unnecessary vehicle noise; vehicles damaging right-of-way; engine braking; penalties; exceptions and which shall read as follows:

Sec. 14-53. Unnecessary vehicle noise; vehicles damaging right-of-way; engine braking; penalties; exceptions.

(a) No person shall intentionally operate any vehicle:

(1) At such a speed on a curve or turn as to create loud and unnecessary noise through the squealing of tires upon the public right-of-way; or

(2) So to accelerate or decelerate in such a manner as to create loud and unnecessary noise through the squealing of tires upon the public right-of-way; or

(3) So as to cause damage to the public right-of-way.

(b) A person commits the offense of engine braking if the person is operating a motor vehicle on any public street, roadway or highway in this City and uses an unmuffled engine brake.



(1) ~~Reckless and Negligent violations of this subsection (b) shall constitute a violation and~~This is a strict liability offense; no proof of intent or knowledge of such violation is required.

(2) A person is not in violation of this section if the person uses an unmuffled engine brake in an emergency situation to avoid imminent danger to a person or to property.

(3) Violation of subsection (b) of this section shall be a class three misdemeanor. ~~The Court shall impose a mandatory minimum fine of Five Hundred (\$500.00) Dollars, inclusive of surcharges.~~

(c) It shall be unlawful for any individual to operate a motor vehicle on any public street, roadway or highway in this city having removed a noise control system or having a noise control system rendered inoperative or without a noise control system that is required by the United States Environmental Protection Agency or any other United States agency having jurisdiction.

(1) Violation of subsection (c) of this section shall be a class three misdemeanor. ~~The Court shall impose a mandatory minimum fine of Five Hundred (\$500.00) Dollars, inclusive of surcharges and shall place any individual person convicted of a violation on probation for a period not to exceed six months or until such vehicle has been brought into compliance with requirements imposed by any agency of the United States having jurisdiction.~~

SECTION 11. Chapter 14 of the Peoria City Code (1992) is amended by amending Section 14-54 pertaining to Excessive Noise; sound amplification systems in vehicles; limitation on use and which shall read as follows:

Sec. 14-54. Excessive Noise; sound amplification systems in vehicles; limitation on use.

(a) It is unlawful, with the intent to or with reckless disregard disturb the peace and quiet of a neighborhood, family or person, or with knowledge of doing so, to play, operate, or use any sound track, loudspeaker or sound amplifier, radio or phonograph with loudspeaker or sound amplifier or any instrument of any kind or character that emits loud and raucous noises and is attached to any vehicle in violation of this section.

(b) Except as authorized by law, no person shall operate or permit the operation of any sound amplification system in or on a vehicle which:

(1) Can be heard outside the vehicle from fifty (50) or more feet; or

(2) Annoys or disturbs the quiet, comfort or repose of any person in the vicinity; unless the system is being operated to request assistance of an emergency nature or to warn of a hazardous situation.

(c) In addition to other specific exemptions authorized by this chapter, subsection (b) of this section shall not apply to:

(1) An authorized emergency vehicle;

(2) A vehicle operated by a public service corporation, cable or telecommunications corporation or the United States, this state and any political subdivision of this state; or

(3) A vehicle used for advertising in a parade or in a political or other special event permitted by the city.

(d) For the purpose of this section, "sound amplification system" means any device, instrument or system, whether electrical or mechanical or otherwise, for amplifying sound or for producing or reproducing sound, including but not limited to any radio, stereo, musical instrument, phonograph, or sound or musical recorder or player.

(e) Violation of this Section shall be a civil traffic violation, ~~punishable by a minimum fine of not less than Two Hundred and Fifty (\$250.00) Dollars.~~

SECTION 12. Chapter 14 of the Peoria City Code (1992) is amended by amending Section 14-66 pertaining to Scope and jurisdiction; definition and which shall read as follows:

Sec. 14-66. Scope and jurisdiction; definition.

This chapter shall apply solely to:

(a) Users of streets within the city boundaries and under the jurisdiction of the City of Peoria, and

(b) Truck shall mean the definition of "commercial motor vehicle" provided in A.R.S. Section 28-5201. ~~any of the following:~~

~~1. A semi trailer when used in combination with a truck tractor.~~

~~2. A motor vehicle or vehicle combination designed, used or maintained primarily for the transportation of property with a gross vehicle weight rating or gross combination weight rating of 18,001 pounds or more.~~

~~3. Transports a hazardous material in an amount requiring marking or placarding as prescribed in Arizona Administrative Code R-17-5-209~~

~~4. Trucks shall not include buses and recreational vehicles used primarily for the transportation of passengers.  
State law reference(s) -- Weighing of vehicles, A.R.S. §§ 28-1010, 28-1014.~~

SECTION 13. Chapter 14 of the Peoria City Code (1992) is amended by amending Section 14-67 pertaining to Major streets, local streets and designation of truck routes; definition and which shall read as follows:

Sec. 14-67. Major streets, local streets; definition.

(a) Whenever any words or phrases used in this chapter are not defined, but are defined in Title 28, Arizona Revised Statutes, as amended, such definitions shall apply. The following terms are defined:

(1) *Local Streets* - All those streets designated as local streets on the Street classification map, on file in the Development and Engineering Department. Local streets provide for access to those properties that are adjacent to the collector street network and serve travel needs over relatively short distances and connections to higher classification streets. Such streets are not designated on the circulation element of the City's general plan.

(2) *Collector Streets* - all those streets designated as collector streets on the street classification map, on file in the Development and Engineering Department. Collector streets provide for both land access, service and traffic circulation within residential neighborhoods and commercial and industrial areas and collect traffic from residential neighborhoods and channel it into the arterial street system. Such streets are not designated on the circulation element of the City's general plan.

(3) *Arterial Streets* - All those streets designated as arterial streets on the street classification map, on file in the Development and Engineering Department. Arterial streets provide for traffic movement from one area of the city to another, and are primarily designed to accommodate through traffic; provision of access to abutting property is a secondary consideration. Arterial Streets are designated on the circulation element of the City's general plan.

(4) *Principal Arterial Roadway* – Those streets, including but not limited to Lake Pleasant Parkway, designated on the City's circulation element as a Principal Arterial Roadway, or which may be shown on the City's street classification map as a parkway and proposed to have a right of way not less than that for an arterial street and that shall have controlled points of access. These streets are designated on the circulation element of the

City's general plan. Such streets shall be designated as Truck Routes for the purpose of regulating truck traffic under this code.

(5) Limited Access Parkways – A major arterial that serves high volumes of traffic traveling relatively long distances and is managed to reduce conflict between through traffic and traffic entering, leaving, and crossing the facility. By limiting access to intersections and interchanges, Limited Access Parkways regulate and control the spacing and design of driveways, medians, median openings, traffic signals and intersections to improve safe and efficient through traffic flow. Limited Access Parkways typically have up to three lanes in each direction.

(56) National Highway Network - Those portions of the following State Routes or State Highways located in the City of Peoria:

- a. US Highway 60 – Phoenix – Wickenburg Highway, also known as Grand Avenue.
- b. Arizona 74 – Phoenix – Morristown Highway.
- c. State Route 101L – Agua Fria Freeway.
- d. State Route 303L – Estrella Freeway.

(b). Trucks shall limit operations to Truck Routes as defined below, unless the City Engineer or designee authorizes otherwise. The following roadways within the city limits of the City of Peoria, Arizona shall be designated as Truck Routes for the purpose of this chapter.

(1) Northern Avenue from the West boundary of the City at approximately 115<sup>th</sup> Avenue, east to 71<sup>st</sup> Avenue on the east boundary of the City.

(2) Olive Avenue from the West boundary of the City of Peoria at approximately 115<sup>th</sup> Avenue, east to 67<sup>th</sup> Avenue on the east boundary of the City.

(3) That portion of Peoria Avenue commencing at the interchange with State Route 101 L, east to 83<sup>rd</sup> Avenue.

(4) That portion of Cactus Road commencing at 91<sup>st</sup> Avenue east to 67<sup>th</sup> Avenue on the east boundary of the City.

(5) That portion of Thunderbird Road commencing at the west boundary of the City east to 67<sup>th</sup> Avenue.

(6) Bell Road from the West boundary of the City of Peoria at Approximately 93<sup>rd</sup> Avenue east to State Route 101L 83<sup>rd</sup> Avenue on the east boundary of the City.

~~(7)~~ Union Hills Road from the ~~intersection of 83<sup>rd</sup> Avenue to the East~~ Boundary of the City to intersection of 83<sup>rd</sup> Avenue.

(8) That portion of Beardsley Road commencing at Lake Pleasant Road west to the Peoria City Limit boundary at approximately 112<sup>th</sup> Avenue .

~~(9) That portion of Rose Garden Lane from 112<sup>th</sup> Avenue West to the Peoria City Limit boundary.~~

~~(10)~~ (9) That portion of Happy Valley Parkway ~~which is currently designated as Interim S.R. 303L~~ from the intersection with S.R. State Route 303L to Lake Pleasant Parkway. That portion of Happy Valley Road from Lake Pleasant Parkway to 67<sup>th</sup> 91st Avenue.

~~(11) That portion of Jomax Road West of Lake Pleasant Parkway to the Peoria City Limit boundary~~

~~(12)~~ (10) That portion of 112th Avenue from Rose Garden Lane to Beardsley Road.

~~(13)~~ (11) That portion of 107<sup>th</sup> Avenue north from Pinnacle Peak Road to the Avenida Del Sol alignment and from Hatfield Road to Happy Valley Parkway. ~~Jomax Road, which is also known as Tierra Del Rio, Boulevard.~~

(14) (12) That portion of Lake Pleasant Road commencing at Beardsley Road north to the intersection with Lake Pleasant Parkway.

(15) (13) That portion of 91st Avenue commencing at Northern Avenue the southern boundary of the City of Peoria north to Cactus Road, which is also known as the its interchange with State Route 101L (Agua-Fria Freeway).

~~(16)~~ (14) That portion of 83<sup>rd</sup> Avenue commencing at the southern boundary of the City of Peoria, north to Cotton Crossing and following Cotton Crossing North to Peoria Avenue. That portion of 83<sup>rd</sup> Avenue North from Peoria Avenue to Bell Road. That portion of 83<sup>rd</sup> Avenue North from Union Hills Drive to its intersection with Lake Pleasant Parkway.

~~(16)~~ ~~(15)~~ That portion of New River Road commencing at State Route 74 and proceeding north to the Peoria City Limits Boundary.

(16) That portion of 112<sup>th</sup> Avenue from Beardsley Road to Rose Garden Lane.

(17) That portion of Tessmer Road commencing at Rose Garden Lane and proceeding north to 107<sup>th</sup> Avenue.

(18) That portion of 67<sup>th</sup> Avenue from Pinnacle Peak Road to Happy Valley Road

(19) That portion of Lake Pleasant Parkway from Beardsley Road to State Route 74

- (c) Truck routes and through truck routes are established for designated arterial streets and all Principal Arterial roadways. Truck Routes include all highways in National Highway Network within ~~in~~ the City of Peoria.
- (d) All trucks within the city shall be operated only over and along the designated truck routes established in this section.
- (e) Notwithstanding subsection above, the driver of a truck may travel over and along a street not designated as a truck route only as necessary to perform its business or in a manner that minimizes the distance traveled over and along the non-truck route street.
- (f) Upon leaving its first destination point, a truck shall proceed to any other destination points only over truck routes insofar as possible, using that routing which minimizes the distance traveled over non-truck routes. Upon leaving its last destination point, a truck shall return to a truck route by the shortest possible route.
- (dg) Truck Routes are illustrated on the City's Truck Route Brochure on file in the City Clerk's Office and on the City's webpage.

SECTION 14. Chapter 14 of the Peoria City Code (1992) is amended by amending Section 14-68 pertaining ~~Permissible routes to Truck Routes~~, unlawful acts and which shall read as follows:

Sec. 14-68. ~~Permissible routes~~ Truck Routes, unlawful acts.

(a) Trucks must operate only on truck routes or through truck routes except as provided by this code.

(b) It shall be unlawful to:

(1) Operate any truck on any street in the City of Peoria in violation of the provisions of this code.

(2) To instruct any person, employee or agent to operate a truck on any street in the City of Peoria in violation of the provisions of this code.

(c) It shall be presumed that any truck indicating ownership by a commercial enterprise is being operated with the consent of the registered owner as set forth on the motor vehicle registration.

(d) Any person violating the provisions of this article section shall be guilty of a class one misdemeanor. ~~The Court shall impose a minimum sanction, not including surcharges of not less than three hundred and fifty (\$350.00) dollars. The sanction shall not be waived or reduced.~~ Notwithstanding the above, for a first violation of this section within a one year period, the City Attorney may amend any citation or complaint filed in a matter under this section to a civil traffic violation.

SECTION 15. Chapter 14 of the Peoria City Code (1992) is amended by amending Section 14-70 pertaining to Liability for damages and violations; registered owner responsibility and which shall read as follows:

Sec. 14-70. Liability for damages and violations; registered owner responsibility.

(a) Any person driving, operating or parking any truck upon any street under the jurisdiction of the City of Peoria shall be liable for actual amount of damage, together with the civil penalty provided under Section 14-74 of this code, to any street, light or sign of the City of Peoria as a result of any unlawful operation, driving, moving or parking of the truck, or as a result of operating, driving, moving or parking any truck weighing or measuring in excess of the maximum weight or as a result of operating any truck containing safety violations for which a citation could be issued.

(b) When the driver is not the owner of the truck, but is operating, driving, moving or parking the truck with the express or implied permission of the owner, then the owner and the driver shall be jointly and severally liable for any damage and civil penalties. Notwithstanding the foregoing, the court shall have the jurisdiction to apportion the damage and civil penalties between the operator of the truck and the owner.

(c) The registered owner of a Truck pursuant to Title 28, Arizona Revised Statutes shall have a duty to ensure that any truck registered to them is not driven on a public roadway within the City of Peoria in excess of the maximum weight restrictions under this Chapter or Title 28, Arizona Revised Statutes or in violation of the truck route restrictions of this Chapter or containing any safety violations prohibited by this Chapter or Title 28, Arizona Revised Statute or any state or federal statute or regulation. It shall be presumed that any truck operated upon the public roadways in excess of the maximum weight permitted by this Chapter or containing any safety violations prohibited by this Chapter or Title 28, Arizona Revised Statutes or any state or federal statute or regulation is done with the consent and on behalf of the registered owner.

(1) The burden of proof shall be upon the registered owner to introduce evidence to rebut the presumption provided for under this Section.

(d) Damages, under this section, shall may be ordered as restitution to the City of Peoria by the magistrate court upon any conviction for violation of this code. ~~The city magistrate shall not waive or reduce the amount of restitution provided for by this section.~~

(e) The city attorney may bring a civil action on behalf of the city against either the driver and/or the registered owner of the truck to recover such damages and civil penalties in full. Any party ~~such~~ subject to a judgment for such damages and civil penalties may file an action for contribution from other parties that they determine to be at fault.

State law reference(s) -- Adoption by reference, A.R.S. § 9-801 et seq.

SECTION 16. Chapter 14 of the Peoria City Code (1992) is amended by amending Section 14-71 pertaining to Definition; gross weight of trucks and load and which shall read as follows:

Sec. 14-71. Definition; gross weight of trucks and load.

(a) ~~Unless the term is otherwise defined in this chapter, t~~The use of the term "Truck" in this chapter shall mean the definition of "commercial motor vehicle" provided in A.R.S. Section 28-5201, ~~a self-propelled, motor driven vehicle or vehicle combination, used on a public roadway in this City in the furtherance a commercial enterprise, that has a gross vehicle weight rating as a single vehicle or gross combination weight rating (GCWR), or a gross weight or gross combination 18,001 or more pounds or transports a hazardous material in an amount requiring marking or placarding as prescribed in Arizona Administrative Code R-17-5-209~~

(b) 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 Arizona Revised Statutes Sections 28-1099, 28-1100, the provisions of which are adopted by reference as though fully contained in this code.

(c) The prohibitions of this section shall not apply to trucks operating pursuant to a permit for the movement of over-dimensional vehicles as provided in this code.

SECTION 17. Chapter 14 of the Peoria City Code (1992) is amended by amending Section 14-72 pertaining Permits for the movement of Over Dimensional Loads and which shall read as follows:

Sec. 14-72. Permits for the movement of Over Dimensional Loads

(a) ~~The Chief of Police or his~~City Engineer or designee, upon written



application and with good cause being shown, may issue an oversized or overweight permit, authorizing the applicant to operate or move a vehicle, or combination of vehicles, of a size, weight, or load exceeding the maximum specified in this Chapter, or otherwise not in conformity with the provisions of Title 28, Chapter 6, Article 18, of the Arizona Revised Statutes, relating to size, weight, and load regulation upon any street under the jurisdiction of the City.

(b) The permit provided for in this section shall be one adopted by the ~~Chief of Police or his~~City Engineer or designee, and shall be issued pursuant to and in conformity with the provisions of Title 28, Chapter 6, Article 18, of the Arizona Revised Statutes.

(c) The ~~Chief of Police or his~~City Engineer or designee may establish seasonal or other time limitations on such permits within which the vehicles described may be operated on the highways indicated, or otherwise limit and prescribe conditions of operation of the vehicles when necessary, to ensure against undue damage on the road infrastructure and/or surfaces, and may require other security as he deems necessary to compensate for any damage to a roadway or road structure. The person for whom a permit is issued is liable for any damage caused by his/her actions, and for the actions of parties carrying out the work covered under the permit.

(d) 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 for inspection by any peace officer or agent of the City. Any Envelope Permit (Envelope Permits are issued by the State of Arizona) shall be carried in the vehicle, or vehicle combination, and shall be open for inspection by any peace officer or agent of the City.

(e) ~~A fee shall be assessed for each permit issued as provided for in section 2-222.B of this Code.~~The applicant shall pay all applicable fees as listed in the City Code.

(f) A thirty day permit may be issued for the movement of over dimensional and/or overweight loads as long as any load to be carried within the thirty day period does not exceed the specifications listed on the permit. ~~A fee shall be assessed in the amount provided in section 2-222.B of this City Code for each thirty day period.~~ A single trip permit may be issued under the same premise as is a thirty day permit, but is valid for only three days from the date of issuance. ~~A fee for this permit shall also be assessed in accordance with section 2-222.B of this City Code.~~

(g) Applications for permits described in this section must be submitted

to the ~~police department~~Development and Engineering Department not less than five working days prior to the time that work, described on the permit, is to commence.

(h) At the discretion of the ~~Chief of Police or his~~City Engineer or designee, a permit holder may be required to have escorts and/or certified peace officers to accompany loads. Non-police escorts shall be trained in traffic direction and control by the permit holder and shall utilize vehicle markings that are visible from a minimum of 200 feet in daylight. The ~~Chief of Police or his~~City Engineer designee may establish permitted times during the day for such loads. Such restrictions shall be stated on the permit.

(i) Loads with widths wider than 25 feet and/or with heights greater than 15 feet will require the review of the City Engineer ~~and the Public Works Director,~~ or designees, before a permit can be issued.

(j) The ~~Chief of Police, Public Works Director,~~City Engineer or their designee may suspend permits for reasons of public safety concerns and/or negligence.

SECTION 18. Chapter 14 of the Peoria City Code (1992) is amended by amending Section 14-73 pertaining to Trucks; violations; penalties and which shall read as follows:

Sec. 14-73. Trucks; violations; penalties.

(a) In addition to any other penalties provided for the violation ~~of any of this division~~Sections 14-66 through 14-72, violations may also be charged and fines sanctions imposed as provided by law or other applicable provisions. any person convicted of violating the provisions of this division shall be punished by a fine as set forth in the following table:

————— SEE TABLE 14-73 as amended.

(b) For any violation of Title 28, Arizona Revised Statutes, Sections 28-5231 through 28-5244 and any regulation issued pursuant to these sections, upon a finding of responsibility or a conviction, the Court ~~shall~~ may impose a ~~minimum sanction as allowed by law of not less than three hundred and fifty dollars per citation. Such sanctions shall not be waived or suspended.~~

SECTION 19. Chapter 14 of the Peoria City Code (1992) is amended by amending Section 14-74 pertaining to Weighing of vehicles and loads; violation; classification; civil penalty and which shall read as follows:

Sec. 14-74. Weighing of vehicles and loads; violation; classification; civil penalty.

(a) A police or peace officer having reason to believe that the weight of a vehicle and load does not conform to this chapter or Title 28, Arizona Revised Statutes may require the driver to:

(1) Stop and submit to a weighing of the vehicle and load by means of either portable or stationary scales.

(2) Drive the vehicle to the nearest public scales, if the scales are within two miles.

(b) If on weighing a vehicle and load pursuant to subsection (a) of this section an officer determines that the weight does not conform to this chapter, the officer may require the driver to stop the vehicle in a suitable place and remain standing until the portion of the load is removed as necessary to reduce the gross weight of the vehicle to the limit permitted under this chapter or Title 28, Arizona Revised Statutes. The owner or operator shall care for the material unloaded at the risk of the owner or operator.

(c) A driver of a vehicle is guilty of a class 2 misdemeanor who either:

(1) Knowingly fails or refuses to stop and submit the vehicle and load to a weighing.

(2) Knowingly fails or refuses when directed by an officer on a weighing of the vehicle to stop the vehicle and otherwise comply with subsections (a) and (b) of this section.

(d) The Court shall may impose a minimum fine of not less than three hundred and fifty (\$350.00) dollars, not inclusive of any surcharge and any civil penalty for excess weight. A second or subsequent offense within a five year period from the date of the first violation shall be a class one misdemeanor; ~~the Court shall impose a minimum fine of not less than five hundred (\$500.00) dollars, not inclusive of any surcharge and any civil penalty for excess weight.~~

~~(d-e)~~ A peace officer may require the weighing of a commercial vehicle by means of portable scales at any time. Failure to submit to weighing as required by this subsection is punishable by a civil penalty. The Court shall not waive, reduce or fail to impose the Civil Penalty.

~~(e-f)~~ The City may use photo traffic weight monitoring systems to enforce weight limits required by this Code or Title 28, Arizona Revised Statutes.

~~If the excess weight is: \_\_\_\_\_ The minimum civil penalty is:~~

<del>0 to 1,000 pounds</del>	<del>\$50.00</del>
<del>1,001 to 1,250 pounds</del>	<del>\$100.00</del>
<del>1,251 to 1,500</del>	<del>\$200.00</del>
<del>1,501 to 2,000</del>	<del>\$300.00</del>
<del>2,001 to 2,500</del>	<del>\$400.00</del>
<del>2,501 to 3,000</del>	<del>\$500.00</del>
<del>3,001 to 3,500</del>	<del>\$840.00</del>
<del>3,501 to 4,000</del>	<del>\$980.00</del>
<del>4,001 to 4,500</del>	<del>\$1,120.00</del>
<del>4,501 to 4,750</del>	<del>\$1,260.00</del>
<del>4,751 to 5,000</del>	<del>\$1,400.00</del>

~~5,001 and over 1400.00 plus an additional \$100.00 for each 1000 pounds of excess weight.~~

(~~f~~ g) If a person is arrested for violating this chapter or sections 28-1099 or 28-1100, Arizona Revised Statutes, the arresting officer may take the person immediately before the municipal court or any magistrate who is within the county who has jurisdiction of the offense.

(~~g~~ h) The officer or court collecting or receiving a civil penalty, fee, fine or forfeiture for a violation of this Chapter or section 28-1099 or 28-1100 Arizona Revised Statutes shall deposit, pursuant to sections 35-146 and 35-147, the amount in the Arizona highway user revenue fund if for a violation occurring on a highway under the jurisdiction of the state of Arizona, or in the City's general fund if for a violation of this Chapter on a roadway under the jurisdiction of the City. If a civil penalty, fee or fine is collected, ten dollars of the civil penalty, fee or fine is deductible as reimbursement of costs from the amount collected.

(~~h~~ i) A weight certificate or any other document that evidences the receipt of goods for shipment, that is issued by a person engaged in the business of transporting or forwarding goods and that states the gross weight of the vehicle with load that is in excess of the prescribed maximum weight limitation permitted by section 28-1099 or 28-1100 is prima facie evidence that the weight of a vehicle and load is unlawful.

(~~i~~ j) If the commodity being carried is sold by weight, a weight certificate or any other document that evidences the receipt of goods for shipment, that is issued by a person engaged in the business of transporting or forwarding goods and that states the gross weight of the vehicle with load that is not in excess of the prescribed maximum weight limitation permitted by section 28-1100 is prima facie evidence that the gross weight of a vehicle and load is lawful. The presumption that the weight of the vehicle and load is lawful may be rebutted by the weight of the vehicle and load as shown by means of the department's stationary scale or a public weighmaster scale.

SECTION 20. Chapter 14 of the Peoria City Code (1992) is amended by amending Section 14-76 pertaining to Trucks; noise, truck routes; designations; restrictions on operation during designated hours; violations and which shall read as follows:

Sec. 14-76. Trucks; noise, truck routes; designations; restrictions on operation during designated hours; violations.

(a) The City Council finds that:

(1) There are arterial and collector roadways in the City of Peoria, as defined in the ~~Peoria General Plan and Transportation Plan~~ Circulation Element of the General Plan and that have been designated under this code as Truck Routes that traverse through residential areas to intense industrial and commercial zones (hereinafter, designated roadways).

(2) That traffic on these Designated Roadways late at night and early morning results in excessive noise, excessive vibration and dust that degrades the environment of the City to a degree that:

a. Is harmful and detrimental to the health, welfare and safety of the City's inhabitants;

b. Interferes with the comfortable enjoyment of life, property and recreation and with the conduct of business and industry;

c. Creates nuisances;

d. Creates incompatibility between residential uses and commercial uses;

(3) No one has the right to create excessive noise or excessive vibration.

(4) Effective control and elimination of excessive noise and excessive vibration is essential to the furtherance of the health and welfare of the city's inhabitants and to the conduct of the normal pursuits of life, recreation, commerce and industrial activity.

(b) It is the intent and purpose of this section to prevent excessive noise and excessive vibration and to limit, control and eliminate excessive noise and excessive vibration in general from whatever source, while minimizing any burdens on interstate or intrastate commerce in accordance with the United States Constitution and the Constitution of Arizona. Nothing in this section shall be interpreted to restrict the movement of interstate commerce under the United States Constitution and in the event any court of competent jurisdiction finds that

a provision of this section constitutes a restriction upon interstate commerce under the United States Constitution, such provision shall be severed from the remainder of the section.

(c) Definitions: As used in this section, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

(1) City: ~~means~~ City of Peoria, Arizona.

(2) Designated Roadway: ~~means a~~ public street of the City that has been designated in accordance with this section for restrictions on the operations of trucks during certain specified hours.

(3) Excessive Noise: Any noise prohibited by Subsection (d) of this section.

(4) Person: Any individual, natural person, syndicate, association, partnership, firm, corporation, institution, or other entity recognized by law as a subject of rights and duties.

(5) Truck: ~~sA~~ shall have the definition set forth in ~~Sec. 14-66 of the Peoria City Code (1992)~~ A.R.S. Section 28-5201 for "commercial motor vehicle."

(6) Vibration: an oscillatory motion of solid bodies of deterministic or random nature described by displacement, velocity or acceleration with respect to a given reference point.

(7) Excessive Vibrations: ~~t~~he presence of a vibration or vibrations of such intensity, duration, frequency or character as to which annoy, disturb, or cause or tend to cause adverse psychological or physiological effects on persons, or damage or tend to damage personal or real property.

(d) Excessive Noise. It shall be unlawful for any person to willfully make or continue, or cause to be made or continued, any loud, unnecessary, and unusual noise by operating a truck on a roadway designated in accordance with this Section for Restricted Truck Hours Operation, that disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitivity ~~ness~~ residing in the area.

(e) Excessive Vibration. No person shall discharge, or allow the escape of sounds or vibrations of a nature which are prohibited by or are in excess of that permitted by this section, or which result in or cause noise or excessive vibration on a Roadway designated in accordance with this section for Restricted Truck Hours Operation.

(f) **Strict Liability.** It shall be unlawful for any person to cause to operate or operate any truck on a roadway designated in accordance with this section for Restricted Truck Hours Operation during the hours of 9:00 p.m. and 5:00 a.m.

(g) **Other Remedies.** Nothing in this ordinance shall be construed as limiting the rights of any person to redress in a court of law for any injury to person or damage to property caused by noise or excessive vibration.

(h) **Powers and Duties of the Development and Engineering Department.** The Development and Engineering Department shall have the following powers and duties:

(1) The Development and Engineering Department shall be responsible for the administration and enforcement of this ordinance in cooperation with the Police Department.

(2) After posting notices every 300 feet along the roadway at least 11" x 17" in size providing not less than fifteen (15) days notice of the intent to designate any designated truck route for restrictive truck hours regardless of its designation as a arterial or collector roadway. Truck operation shall be prohibited from 9:00 p.m. to 5:00 a.m.

(3) No roadway designated as a state route or state highway shall be subject to the designation process.

(4) No public street of the City having bridged crossings over both the New River and the Agua Fria River shall be subject to the designation ~~Process~~process.

(5) No roadway shall be designated if the designation would preclude Truck Access in all four directions at a section line intersection.

(i) The standard that shall be used by the ~~Director of Engineering~~City Engineer in designating a roadway for restrictive truck hours that may be considered in determining whether a violation of the provisions of this section exists may include, but not be limited to, the following:

(1) The level of the noise in accordance with recognized engineering standards adopted by the ~~Director of Engineering~~City Engineer and whether such standards are exceeded;

(2) Whether the nature of the noise is usual or unusual;

(3) Whether the origin of the noise is natural or unnatural;

(4) The level and intensity of the background noise, if any;

- (5) The proximity of the noise to residential sleeping facilities;
- (6) The nature and zoning of the area within which the noise emanates and whether the area is predominantly residential in character;
- (7) The density of the inhabitation of the area within which the noise emanates;
- (8) The time of the day and night the noise occurs;
- (9) The duration of the noise; and whether the noise is recurrent, intermittent, or constant.

If the ~~Director of Engineering~~City Engineer determines that four or more of these factors are impacted, he shall have the jurisdiction to designate the roadway in accordance with this section.

(j) Any owner of real property fronting a roadway proposed to be designated for restrictive truck hours may file an appeal of the proposed designation within fifteen (15) days from the date of the posted notice. The Appeal shall be filed with the ~~Director of Engineering~~City Engineer and shall be heard by the City exactions hearing officer appointed for such purposes pursuant to A.R.S. §9-500.16. The hearing officer shall decide the ~~matter~~ within 20 days of the appeal. The standard of review shall be whether the Engineering Director~~City Engineer~~ had a reasonable basis to determine that four or more of the factors in subsection (i~~h~~) were impacted. If the standard is deemed met, the designation shall be upheld.

(k) Violations of this section by operation of a truck on a designated roadway in violation of restrictive truck hours shall be a civil traffic violation. The Court or hearing officer shall impose a mandatory fine of Two Hundred and Fifty Dollars (\$250.00) for each cited violation of this section, or any other section of this code or any provision of Title 28, Arizona Revised Statutes, that is determined responsible, together with applicable surcharges. The Court shall not reduce the amount of the mandatory fine, but may provide for time payment.

**SECTION 21. Chapter 14 of the Peoria City Code (1992) is amended by repealing Section 14-77 pertaining Neighborhood Traffic Management Program; definitions in its entirety and designating it as Reserved Section 14-77 which shall read as follows :**

~~Sec. 14-77. Neighborhood Traffic Management Program; definitions.~~ Reserved

~~(a) Neighborhood shall mean any residential area in the City that is zoned R1-6, R1-8, R1-10, R1-12, R1-18, R1-35, RM-1, RMH-1, RMH-2 or PAD with residential standards.~~



~~(b) Residential Traffic Control Area shall mean an area of not less than 160 acres, unless the City Engineer or their designee determines that a lesser area is appropriate, that has been designated by resolution of the City Council for neighborhood traffic management measures.~~

~~(c) Residential street shall mean any publicly accepted and maintained roadway that is designated a local or collector street within a residential area. Residential street shall not include minor arterial, major arterial and parkways.~~

~~(d) The Neighborhood Traffic Management Program shall be governed by a Policy adopted by the City that includes rules and guidelines for the program. Additionally, such Policy shall be updated when, in the opinion of the City Engineer or their designee, the conditions of the current Policy have changed so as to necessitate such update. The Policy shall be available at the City Clerk's office and the City Engineering Department during normal business hours.~~

SECTION 22. Chapter 14 of the Peoria City Code (1992) is amended by repealing Section 14-78 pertaining Residential Traffic Control Areas; designation in its entirety and designating it as Reserved Section 14-78 which shall read as follows:

Sec. 14-78. Residential Traffic Control Areas; designation. Reserved

~~(a) Upon recommendation of the City Engineer or their designee, the City Council may designate by resolution residential traffic control areas.~~

~~(b) The following factors shall be considered in designating a residential area a residential traffic control area~~

~~(1) The volume of motor vehicle traffic in the area;~~

~~(2) The extent to which motor vehicle traffic is transiting the area for other than local use or to avoid congested intersections within or in any area adjacent to the residential area for which designation is requested;~~

~~(3) The extent to which designations of the residential traffic control area will help alleviate traffic congestion, hazards to pedestrians, and related health and safety dangers.~~

~~(c) Upon a finding of all of the above factors, the City Council by resolution may designate the area as a residential traffic control area.~~

~~(d) Upon designation of a residential area as a residential traffic control area, the City Engineer or their designee may install traffic management~~

~~measures, structures and improvements to regulate and restrict the flow of traffic into, through and out of the area so as to reduce volume, reduce non-local use, reduce speeding or promote health and safety in the area. The City Engineer or their designee will determine the appropriate traffic management measures in the residential traffic control area.~~

~~(e) Failure to obey a traffic management measure erected in accordance with sections 14-77 through 14-78 of this code, is a civil traffic violation subject to a civil sanction of \$75.00. Notwithstanding any provision of Sections 14-77 through 14-78, if an offense in violation of these sections constitutes a violation of Title 28, Arizona Revised Statutes, the person may be cited under Title 28, Arizona Revised Statutes. No person shall be cited under both Sections 14-77 through 14-78 and Title 28, Arizona Revised Statutes for the same violation.~~

SECTION 23. Chapter 14 of the Peoria City Code (1992) is amended by amending Section 14-80 pertaining to Local Speed Limits and which shall read as follows:

Sec. 14-80. Local Speed Limits.

(a) ~~It is hereby determined upon the basis of an engineering and traffic investigations by the Engineering Director that the speed limit permitted by state law on the following streets and/or intersections is greater than, or less than, the speed which is reasonable and prudent under existing conditions, and it is declared that the maximum speed limit on the streets set forth in sub-sections 1, 2, 3, 4, 5, 6, 7 and 8 shall be set forth in this ordinance.~~ On the basis of engineering and traffic investigations that conform to the requirements and specifications of state and federal law regarding use, operation, movement of traffic and any other user of highways, roads, streets, driveways, entrances, dirt roads, and other paths of use or travel, the Peoria city council may establish local speed limits by appropriate signs, postings, notices or as stated by Arizona revised statutes.

(1) ~~The following streets shall have a prima facie speed limit at twenty-five (25) miles per hour at all times:~~

<del>Arrowhead Fountain Center Drive</del>	<del>Stadium Way to Bell Road</del>
<del>Avenida Del Sol</del>	<del>81<sup>st</sup> Avenue to 83<sup>rd</sup> Avenue</del>
<del>Butler Drive</del>	<del>83<sup>rd</sup> Avenue to 91<sup>st</sup> Avenue</del>
<del>Cheryl Drive</del>	<del>67<sup>th</sup> Avenue to 79<sup>th</sup> Avenue</del>
<del>Country Club Parkway</del>	<del>Grovers Avenue to Union Hills Dr.</del>
<del>Fletcher Way</del>	<del>Lake Pleasant Parkway to Pontiac Dr.</del>
<del>Golden Lane</del>	<del>75<sup>th</sup> Avenue to 79<sup>th</sup> Avenue</del>
<del>Grovers Avenue</del>	<del>89<sup>th</sup> Avenue to Country Club Parkway</del>
<del>Irma Lane</del>	<del>101<sup>st</sup> Avenue to Lake Pleasant Road</del>
<del>Mariners Way</del>	<del>83<sup>rd</sup> Avenue to Arrowhead Fountain Center Dr.</del>
<del>Monroe Street</del>	<del>91<sup>st</sup> Avenue to Grand Avenue</del>

Mountain View Road	83 <sup>rd</sup> Avenue to 91 <sup>st</sup> Avenue
Paradise Lane	83 <sup>rd</sup> Avenue to Private Street
Peoria Avenue	83 <sup>rd</sup> Avenue to 85 <sup>th</sup> Avenue
Plaza Del Rio Boulevard	94 <sup>th</sup> Drive to Thunderbird Road
Stadium Way	83 <sup>rd</sup> Avenue to Arrowhead Fountain Center Dr.
Sunnyside Drive	67 <sup>th</sup> Avenue to 76 <sup>th</sup> Lane
Tierra Buena Lane	75 <sup>th</sup> Avenue to 79 <sup>th</sup> Avenue
Varney Road	83 <sup>rd</sup> Avenue to 87 <sup>th</sup> Avenue
Washington Street	83 <sup>rd</sup> Avenue to 85 <sup>th</sup> Avenue
69 <sup>th</sup> Avenue	Olive Avenue to Peoria Avenue
69 <sup>th</sup> Avenue	Cholla Street to Cactus Road
73 <sup>rd</sup> Avenue	Desert Cove Road to Sweetwater Avenue
77 <sup>th</sup> Avenue	Mountain View Road to Cholla Street
79 <sup>th</sup> Avenue	Seldon Lane to Olive Avenue
81 <sup>st</sup> Avenue	Olive Avenue to Mountain View Road
81 <sup>st</sup> Avenue	Peoria Avenue to Sweetwater Avenue
81 <sup>st</sup> Avenue	Pinnacle Peak Road to Hatfield Road
83 <sup>rd</sup> Avenue	Monroe Street to Peoria Avenue
84 <sup>th</sup> Avenue	Bell Road to Country Club Parkway
85 <sup>th</sup> Avenue	Cactus Road to Rue de Lamour
85 <sup>th</sup> Avenue	Las Palmaritas to Olive Avenue
87 <sup>th</sup> Avenue	Sweetwater Avenue to Joan De Arc Avenue
87 <sup>th</sup> Avenue	Betty Elyse Lane to Tumblewood Drive
88 <sup>th</sup> Drive	Kelton Lane to Bell Road
89 <sup>th</sup> Avenue	Northern Avenue to Peoria Avenue
89 <sup>th</sup> Avenue	Bell Road to Union Hills Drive
94 <sup>th</sup> Drive	Plaza Del Rio Boulevard to Thunderbird Road
95 <sup>th</sup> Avenue	Las Palmaritas Drive to Olive Avenue
95 <sup>th</sup> Avenue	Peoria Avenue north to 96 <sup>th</sup> Avenue
99 <sup>th</sup> Avenue (Section Line)	Beardsley Road to Potter Drive
101 <sup>st</sup> Avenue	Beardsley Road to Irma Lane
105 <sup>th</sup> Avenue	Deer Valley Road to Robin Lane

(2) — The following streets shall have a prima facie speed limit set at thirty (30) miles per hour at all times:

Black Rock Boulevard	Jomax Road to Westwing Parkway
Butler Drive	104 <sup>th</sup> Avenue to 114 <sup>th</sup> Avenue
Cactus Road	91 <sup>st</sup> Avenue to 92 <sup>nd</sup> Drive
Galle Lejos	79 <sup>th</sup> Avenue to 83 <sup>rd</sup> Avenue
Cholla Street	67 <sup>th</sup> Avenue to 83 <sup>rd</sup> Avenue
Country Club Parkway	91 <sup>st</sup> Avenue to Union Hills Drive
Deer Valley Road	107 <sup>th</sup> Avenue to 109 <sup>th</sup> Avenue
Desert Harbor Drive	91 <sup>st</sup> Avenue to 91 <sup>st</sup> Avenue
Desert Moon Way	67 <sup>th</sup> Avenue to Terramar Boulevard
Dove Valley Ranch Drive	91 <sup>st</sup> Avenue to 95 <sup>th</sup> Avenue
Edgewater Road	Westbrook Parkway to Westbrook Parkway

Greenway Road	72 <sup>nd</sup> Drive to 81 <sup>st</sup> Avenue
High Desert Drive ( North Loop)	Westwing Parkway to Westwing Parkway
High Desert Drive (South Loop)	Westwing Parkway to Westwing Parkway
Hillcrest Boulevard	83 <sup>rd</sup> Avenue to Deer Valley Road
Kelton Lane	84 <sup>th</sup> Avenue to 91 <sup>st</sup> Avenue
Lakeview Road	Westbrook Parkway to Westbrook Parkway
Lone Cactus Drive	81 <sup>st</sup> Avenue to 87 <sup>th</sup> Avenue
Mountain View Road	67 <sup>th</sup> Avenue to 79 <sup>th</sup> Avenue
Olive Avenue Frontage Road (C)	73 <sup>rd</sup> Avenue to 75 <sup>th</sup> Avenue
Olive Avenue Frontage Road (A)	75 <sup>th</sup> Avenue to 7600 West Olive Avenue
Oraibi Drive	81 <sup>st</sup> Avenue to 83 <sup>rd</sup> Avenue
Paradise Lane	87 <sup>th</sup> Avenue to 91 <sup>st</sup> Avenue
Peoria Avenue	79 <sup>th</sup> Avenue to 83 <sup>rd</sup> Avenue
Pinnacle Peak Road	81 <sup>st</sup> Avenue to 83 <sup>rd</sup> Avenue
Pontebella Drive	129 <sup>th</sup> Avenue to 130 <sup>th</sup> Lane
Sonoran Mountain Ranch Road	Pyramid Peak Parkway to north of Montgomery Road
Sunrise Point	Town Center Drive to Lone Mountain Parkway
Sunset Point	Sunrise Point to Lone Mountain Parkway
Sweetwater Avenue	71 <sup>st</sup> Avenue to 87 <sup>th</sup> Avenue
Terramar Boulevard	Happy Valley Road to Jomax Road
Tumblewood Drive	87 <sup>th</sup> Avenue to 91 <sup>st</sup> Avenue
Union Hills Drive	107 <sup>th</sup> Avenue to 111 <sup>th</sup> Avenue
Village Parkway	Country Club Parkway to 83 <sup>rd</sup> Avenue
Westbrook Drive	Country Club Parkway to Village Parkway
Westbrook Parkway	91 <sup>st</sup> Avenue to Union Hills Dr.
Whispering Ridge	Sunrise Point to Vistancia Boulevard
Whitney Drive	79 <sup>th</sup> Avenue to Cotton Crossing
71 <sup>st</sup> Avenue	Olive Avenue to Acoma Drive
79 <sup>th</sup> Avenue	Mountain View Road to Acoma Drive
79 <sup>th</sup> Avenue	Country Gables Dr. to Tierra Buena Lane
79 <sup>th</sup> Avenue	Olive Avenue to Whitney Drive
81 <sup>st</sup> Avenue	Deer Valley Road to Oraibi Drive
83 <sup>rd</sup> Avenue	Peoria Avenue to Cholla Street / Varney Road
84 <sup>th</sup> Avenue	Kelton Lane to Bell Road
85 <sup>th</sup> Avenue	Olive Avenue to Grand Avenue
87 <sup>th</sup> Avenue	Beardsley Road to Deer Valley Road
87 <sup>th</sup> Avenue	Grand Avenue to Northern Avenue
87 <sup>th</sup> Avenue	Tumblewood Drive to Union Hills Dr.
87 <sup>th</sup> Avenue	Varney Road to Sweetwater Avenue
91 <sup>st</sup> Avenue	Thunderbird Road to Kelton Lane
91 <sup>st</sup> Avenue	Villa Lindo to Happy Valley Road
95 <sup>th</sup> Avenue	Olive Avenue to Peoria Avenue
104 <sup>th</sup> Avenue	Butler Drive to Olive Avenue
112 <sup>th</sup> Avenue	Beardsley Road to Rose Garden Lane

(3) ~~The following streets shall have a prima facie speed limit set at thirty-~~

five (35) miles per hour at all times:

Beardsley Road	Loop 101 to 83 <sup>rd</sup> Avenue
Beardsley Road	Lake Pleasant Road to the west City Limits
Cibola Vista Drive	Jomax Road to Lake Pleasant Parkway
Cotton Crossing	Cinnabar Avenue to Peoria Avenue
Jomax Road	Lake Pleasant Parkway to the west City Limits
Jomax Road	El Mirage Road to 12900 West Jomax Road
Paradise Lane	75 <sup>th</sup> Avenue to 83 <sup>rd</sup> Avenue
Peoria Avenue	85 <sup>th</sup> Avenue to 87 <sup>th</sup> Avenue
Peoria Avenue	95 <sup>th</sup> Avenue to 99 <sup>th</sup> Avenue
Ridgeline Road	Vistancia Boulevard to 119 <sup>th</sup> Lane
Rose Garden Lane	Lake Pleasant Parkway to 112 <sup>th</sup> Avenue
Tierra Del Rio	Happy Valley Parkway to Jomax Parkway
Williams Road	Lake Pleasant Parkway to 109 <sup>th</sup> Avenue
77 <sup>th</sup> Avenue	Paradise Lane to Bell Road
83 <sup>rd</sup> Avenue	Las Palmaritas to Cinnabar Avenue
91 <sup>st</sup> Avenue	Grand Avenue to Cactus Road
91 <sup>st</sup> Avenue	Kelton Lane to Bell Road
95 <sup>th</sup> Avenue	Beardsley Road to Deer Valley Road
99 <sup>th</sup> Avenue	Northern Avenue to Olive Avenue
103 <sup>rd</sup> Avenue	Northern Avenue to Olive Avenue
107 <sup>th</sup> Avenue	Northern Avenue to Olive Avenue
111 <sup>th</sup> Avenue	Northern Avenue to Olive Avenue
111 <sup>th</sup> Avenue	Union Hills Drive to Beardsley Road

The following streets shall have a prima facie speed limit set at forty (40) miles per hour at all times:

Beardsley Road	Lake Pleasant Road to 83 <sup>rd</sup> Avenue
Bell Road	The west City Limits to Loop 101 Freeway
Cactus Road	67 <sup>th</sup> Avenue to 91 <sup>st</sup> Avenue
Deer Valley	75 <sup>th</sup> Avenue to 107 <sup>th</sup> Avenue
El Mirage Road	Jomax Road to Vistancia Boulevard
Happy Valley Road	67 <sup>th</sup> Avenue to Terramar Boulevard
Jomax Road	67 <sup>th</sup> Avenue to Westwing Parkway
Lake Pleasant Parkway	Beardsley Road to 95 <sup>th</sup> Avenue
Lake Pleasant Road	Beardsley Road to Lake Pleasant Parkway
Northern Avenue	71 <sup>st</sup> Avenue to 115 <sup>th</sup> Avenue
Olive Avenue	67 <sup>th</sup> Avenue to 99 <sup>th</sup> Avenue (Section Line)
Peoria Avenue	87 <sup>th</sup> Avenue to 95 <sup>th</sup> Avenue
Peoria Avenue	67 <sup>th</sup> Avenue to 79 <sup>th</sup> Avenue
Pinnacle Peak Road	99 <sup>th</sup> Avenue to Lake Pleasant Parkway
Thunderbird Road	67 <sup>th</sup> Avenue to 94 <sup>th</sup> Drive
Union Hills Drive	83 <sup>rd</sup> Avenue to the west City Limits
Westwing Parkway	Jomax Road to Lake Pleasant Parkway
67 <sup>th</sup> Avenue	Pinnacle Peak Road to Happy Valley Road

<del>75<sup>th</sup> Avenue</del>	<del>Northern Avenue to Bell Road</del>
<del>83<sup>rd</sup> Avenue</del>	<del>Cholla Street to Bell Road</del>
<del>83<sup>rd</sup> Avenue</del>	<del>Calle Lejos to Jomax Road</del>
<del>83<sup>rd</sup> Avenue</del>	<del>Union Hills Drive to Beardsley Road</del>
<del>83<sup>rd</sup> Avenue</del>	<del>Lake Pleasant Pkwy to Williams Road</del>
<del>91<sup>st</sup> Avenue</del>	<del>Bell Road to Pinnacle Peak Road</del>
<del>91<sup>st</sup> Avenue</del>	<del>Northern Avenue to Grand Avenue</del>
<del>107<sup>th</sup> Avenue</del>	<del>Union Hills Drive to 23,200 North 107<sup>th</sup> Avenue</del>

~~(41) The following streets shall have a prima facie speed limit set at forty-five (45) miles per hour at all times:~~

<del>Happy Valley Road</del>	<del>Terramar Boulevard to Lake Pleasant Parkway</del>
<del>Happy Valley Parkway</del>	<del>Lake Pleasant Parkway to 107<sup>th</sup> Avenue</del>
<del>Lake Pleasant Parkway</del>	<del>95<sup>th</sup> Avenue to Westwing Parkway</del>
<del>Lone Mountain Parkway</del>	<del>El Mirage Road to Vistancia Boulevard</del>
<del>Vistancia Boulevard</del>	<del>Loop 303 to Whispering Ridge</del>
<del>87<sup>th</sup> Avenue</del>	<del>Carefree Hwy to Joy Ranch Road</del>
<del>107<sup>th</sup> Avenue</del>	<del>Hatfield Road to Happy Valley Parkway</del>

~~(62) The following streets shall have a prima facie speed limit set at fifty (50) miles per hour at all times:~~

<del>Castle Hot Springs Road</del>	<del>Carefree Hwy (SR74) to north Lake Pleasant Park entrance</del>
<del>Happy Valley Parkway</del>	<del>107<sup>th</sup> Avenue to west City Limits</del>
<del>Lake Pleasant Parkway</del>	<del>Westwing Parkway to Carefree Highway (SR 74)</del>
<del>New River Road</del>	<del>Carefree Highway (SR 74) to the north City Limits</del>

~~(7) The following type of street shall have a prima facie speed limit set at fifteen (15) miles per hour at all times:~~

~~(a) All public dirt streets or gravel roads within the corporate limits of the City of Peoria, unless posted otherwise.~~

~~(b) The Engineering Director may determine that a different speed limit is appropriate for the specific dirt streets. If so, the Public Works Director is empowered to post the appropriate speed limit signs.~~

~~(8) The following type of streets shall have a prima facie speed limit set at twenty-five (25) miles per hour at all times, unless posted otherwise.~~

~~(a) Collector and residential streets adjacent to all Public Schools (with the exception of High Schools) shall be designated as a School Zone with a prima facie speed limit of twenty-five (25) miles per hour. Arterial streets adjacent to Public Schools and other designated arterial streets may have a~~

~~School Zone with a prima facie speed limit deemed appropriate by the Engineering Director.~~

~~(b) All PM 10 roads, unless posted otherwise.~~

~~(c) All residential local streets, unless posted otherwise.~~

~~State law reference(s) — Speed generally, A.R.S. § 28-701 et seq.; authority to alter speed limits, A.R.S. §§28-627(A)(10), 28-703.~~

SECTION 24. Chapter 14 of the Peoria City Code (1992) is amended by amending Section 14-100 pertaining to Presumption in reference to illegal parking; joint registration; failure to pay civil sanction and which shall read as follows:

Sec. 14-100. Presumption in reference to illegal parking; joint registration; failure to pay civil sanction.

(a) In any proceeding alleging a violation of any of the provisions of this Chapter or the city fire code governing the standing or parking of a vehicle, the person in whose name such vehicle is registered shall ~~be prima facie~~ responsible for such violation and subject to a civil sanction therefor.

(b) The provisions of subsection (a) of this section shall apply to those persons in whose names such vehicle is jointly registered. Said persons shall be jointly and severally ~~prima facie~~ responsible for such a violation and subject to a civil sanction therefor.

(c) Any person who fails to pay a civil sanction imposed under this Chapter within thirty days after the date for final payment is set by the Municipal Court shall ~~shall~~ may be subject to an additional- penalty for non-payment in an amount imposed by this code.

(Ord. No. 98-08, 2/3/98, enacted)

SECTION 25. Chapter 14 of the Peoria City Code (1992) is amended by amending Section 14-101 pertaining to Emergency parking restrictions, violations and which shall read as follows:

Sec. 14-101. Emergency parking restrictions, violations.

(a) Upon recommendation of the Police Chief or the ~~Engineering Director~~ City Engineer or their designees, the Public Works Director may place temporary signs to control parking during special events or in emergency situations.

(b) It shall be unlawful for any person to stop, stand or park a vehicle in violation of any temporary sign placed to control parking under this section. Violation of this section shall be a civil traffic violation and shall be punished by a civil sanction.

(c) It shall be unlawful for any person to remove or deface any temporary sign placed pursuant to this section. Violation of this subsection shall be a class three ~~(3)~~ misdemeanor.

SECTION 26. Chapter 14 of the Peoria City Code (1992) is amended by amending Section 14-102 pertaining to Authority to erect signs; violations and which shall read as follows:

Sec. 14-102. Authority to erect signs; violations.

(a) The ~~Engineering Director~~City Engineer shall establish and the public works director or his designee is authorized to erect signs to restrict or limit parking on any street, roadway, right of way, city, property or facilities, park or other property of the city in accordance with the provisions of this section.

(1) The ~~engineering director~~City Engineer may establish certain time zones on any street, roadway, right of way, city property or facilities, during which parking may be limited to certain time limits or prohibited.

(b) It shall be unlawful to stop, stand or park any motor vehicle in violation of any sign erected by the ~~public works director~~Public Works Director or his designee pursuant to subsection (a). Violation of this section shall be designated a civil traffic violation and ~~shall~~may be punished by imposition of a civil sanction.

State law reference(s) -- Obedience to traffic-control signs, signals, etc., A.R.S. § 28-644.

SECTION 27. Chapter 14 of the Peoria City Code (1992) is amended by amending Section 14-103 pertaining to Method of parking: violations and which shall read as follows:

Sec. 14-103. Method of parking: violations.

(a) Except as otherwise provided, 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 (18) inches of the right-hand or cul de sac curb.

(b) No person shall park or stand a vehicle upon those streets which have ~~be signed or marked by the city~~city signs or markings for angle parking other than at the angle to the curb or edge of the roadway indicated by such signs or markings.

(c) It shall be unlawful for any person to stop, stand or park a vehicle in violation of any sign or marking placed to control parking under this section or in



violation of the requirements of this section. Violation of this section shall be a civil traffic violation and shall be punished by a civil sanction.

(d) It shall be unlawful for any person to stop, stand or park a vehicle in such a manner as to use two or more designated parking spaces in any parking lot owned, leased, or operated by the City or a political subdivision of this state.

(e) Violations of this section shall be punished as a civil traffic violation ~~and shall be punished by a civil sanction.~~

State law reference(s) -- Similar provisions, A.R.S. § 28-874.

SECTION 28. Chapter 14 of the Peoria City Code (1992) is amended by amending Section 14-104 pertaining to Parking; impeding traffic and which shall read as follows:

Sec. 14-104. Parking; impeding traffic.

(a) No person shall stop, stand or park any vehicle upon a street or upon a crosswalk in such a manner or under such conditions as to impede the free movement of vehicular traffic or pedestrian traffic crossing the street at a designated crossing point. It shall be presumed that if a vehicle is parked under such conditions that less than twenty feet of the roadway is available for vehicular traffic that the free movement of traffic is impeded.

(b) It is unlawful to park a motor vehicle, or other vehicle, within an alley or entrance to a private driveway except for the loading or unloading of physically disabled persons, goods or materials. Such loading or unloading shall be accomplished without blocking the alley to the free movement of vehicular traffic and without interfering with or obstruction the use of a fire escape or fire access. A vehicle displaying valid "Disabled Parking" identification may stop, stand or park in an alley while loading or unloading physically disabled persons for a period not to exceed five minutes. A stop for unloading goods or materials shall not exceed thirty minutes, unless an approved extended loading permit is obtained from the police department and prominently displayed in the windshield of the vehicle.

(c) Subsection (a) or (b) of this section does not apply to:

(1) Construction work that has been approved by the ~~Engineering Director~~City Engineer or his designee.

(d) Subsection (b) of this section does not apply to:

(1) Loading or unloading any truck trailer or tanker being used as an emergency vehicle for any governmental entity or any entity under the jurisdiction of the Arizona Corporation Commission or as a Fire-Medical Department vehicle, when such vehicle is actually being used in or preparing

for an emergency.

(2) Any vehicles owned or operated by the Ccity.

(e) It shall be unlawful for any person to stop, stand or park a vehicle in violation of any sign or marking placed to control parking under this section or in violation of the requirements of this section. Violation of this section shall be a civil traffic violation and shall be punished by a civil sanction.

SECTION 29. Chapter 14 of the Peoria City Code (1992) is amended by amending Section 14-105 pertaining to Parking adjacent to schools and which shall read as follows:

Sec. 14-105. Parking adjacent to schools.

(a) The ~~engineering director~~City Engineer shall designate and the ~~public works director~~Public Works-Utilities Director or his designee may erect signs indicating no parking of a vehicle is permitted on that side of the street adjacent to any school property; ~~no person shall park a vehicle in any such designated place for one (1) hour before school opens until one (1) hour after school closes on any school day.~~

(b) It shall be unlawful for any person to stop, stand or park a vehicle in violation of any sign or marking placed to control parking under this section or in violation of the requirements of this section. Violation of this section shall be a civil traffic violation ~~and shall be punished by a civil sanction.~~

SECTION 30. Chapter 14 of the Peoria City Code (1992) is amended by amending Section 14-106 pertaining to Parking restrictions; generally and which shall read as follows:

Sec. 14-106. Parking restrictions; generally.

(a) It is unlawful for any person to stop, stand or park any vehicle, recreational vehicle, hobby vehicle or utility trailer, whether in usable condition or not, for any of the following purposes:

(1) Displaying such vehicle for sale upon any right of way.

(2) Upon any right of way, washing, greasing, painting or repairing any vehicle, except for emergency and immediate repairs resulting from an unforeseen event which occurs during the operation of a vehicle, and such emergency and immediate repairs are necessary for the vehicle to be moved.

(3) Displaying advertising, upon any right of way.

- (4) Displaying items for retail or wholesale sale, commercial items or property, upon any right of way.
  - (5) On a sidewalk or in front of a public or private driveway or the entrance to an alley or within five feet of the entrance of a public or private driveway or alley.
  - (6) On a cross walk or within twenty feet of a cross walk at an intersection.
  - (7) Within a designated bus stop.
  - (8) Alongside or opposite any street excavation of r obstruction when stopping, standing or parking would impede traffic in the reasonable judgment of a peace officer, traffic investigator or unarmed police aide.
  - (9) Where prohibited by official signs or designations, or where the curb is painted red (fire) or yellow (restricted) ~~or~~ within the right of way or in city owned or maintained parking lots.
  - (10) Within twenty feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five feet of the entrance
  - (11) On the median of any roadway.
  - (12) Upon the paved or main-traveled part of any roadway of any street without a curb where it is practicable to stop, park or leave the vehicle off that part of the roadway.
  - (13) Upon any roadway or designated lot for a consecutive period of time longer than that indicated by official signs installed to limit such parking.
  - (14) Within fifteen feet of a fire hydrant.
  - (15) Within a designated bicycle lane, unless otherwise posted.
  - (16) Upon any space designated as a high occupancy vehicle, car pool, alternative fuel vehicle parking space.
- (b) No person shall park, or permit to be parked, any motor vehicle, trailer, boat, camper, recreational vehicle, hobby vehicle or utility trailer (hereafter "vehicle") for the purpose of sale upon any lot or area within the City. This section shall not apply to:
- (1) The display of one vehicle for sale when the vehicle is owned by the resident of the property and is not being sold in connection with a vehicle

sales business.

(2) Property which has a zoning classification which permits the sale of vehicles and the sale of vehicles is by the property owner, his lessee or tenants.

~~(c) Violation of subsection (b) shall constitute a civil traffic violation and the violator shall be subject to a civil sanction of not more than Two Hundred Fifty Dollars (\$250.00), plus any applicable surcharges.~~

~~(c1)~~ No person shall be charged with a violation of subsection (b) unless either:

~~(12)~~ A sign(s) visible from all entrances to the lot or from the parking space prohibits unauthorized parking, or

~~(23)~~ The person parking on such private parking area has been warned orally or in writing to refrain from parking there.

(d) It is unlawful to park a recreational vehicle or a trailer on any public street, except for the purposes of loading and unloading the recreational vehicle or trailer. It shall be conclusively presumed that the recreational vehicle or trailer is not being parked for the purposes of loading and unloading if a recreational vehicle or trailer is parked on a public street for more than 24 consecutive hours.

(e) ~~A violation of any subsection other than (b)~~ this section shall be a civil traffic violation ~~and shall be punished by a civil sanction.~~

(f) Right of way for purposes of this Chapter is defined as the actual street, curb, sidewalk or any other real property contained in the right of way, roadway easement or alley's dedicated, conveyed, granted or transferred to the City of Peoria. Right of way also includes all real property dedicated, conveyed, granted or transferred to any other political subdivision of this state or the state and which is used for roadway, utility, irrigation or any other public purpose.

State law reference(s) -- Similar provisions, A.R.S. §28-873(A)(1).

SECTION 31. Chapter 14 of the Peoria City Code (1992) is amended by amending Section 14-107 pertaining to Parking; motor vehicles used for commercial purposes; special parking provisions and which shall read as follows:

Sec. 14-107. Parking; motor vehicles used for commercial purposes; special parking provisions.

(a) It is unlawful to park a motor vehicle, utility trailer, hobby vehicle or any other trailer used for commercial purposes with any motor or engine operating for more than twenty (20) minutes in a twenty-four hour period

commencing each day at 12:00 a.m., in any residential zoning district of the city, or within three hundred (300) feet of any occupied residence in a nonresidential area.

(b) Except as otherwise provided in this section, it is unlawful to park any motor vehicle used for commercial purposes upon any lot, parcel or property within the city, except on a lot with proper zoning and site plan approvals from the City for such parking.

(c) No person shall stand or park a ~~vehicle with a gross vehicle weight rating in excess of ten thousand (10,000) pounds and exceeding a one (1) ton chassis rating, or a~~ commercial motor vehicle as defined in A.R.S. Section 28-3001, tractor, semi-trailer, trailer, or bus on a street in a residential zone, or adjoining a residential zone, except during the process of loading or unloading such vehicle.

(d) No person shall stand or park a tractor, semi-trailer, trailer, or bus, on any real property within a residential zoning district within the City.

(e) No person shall stand or park a ~~vehicle having: (i) a gross vehicle weight rating in excess of ten thousand (10,000) pounds or (ii) exceeding a one (1) ton chassis rating~~ commercial motor vehicle as defined in A.R.S. Section 28-3001 on any real property within a residential zoning district within the City, except during the process of loading or unloading the vehicle, or unless parked or placed within a side or rear yard that shall be screened by a minimum six foot high block wall, wood fence or gate. All screen walls, fences or gates shall be erected and maintained in conformance with provisions of the zoning ordinance.

(f) It shall be unlawful to park or stand a commercial vehicle for the purposes or retail sales of food for human consumption from the vehicle on any parcel without permission of the property owner or person in lawful possession of such property or on any lot designated as a Park and Ride Lot by the City for use by the operators of motor vehicles as a parking area to facilitate car pooling and/or use of mass transit systems.

(g) Notwithstanding the provisions of subsection (d) of this section, vehicles driven by employees of a public service corporation as defined in Title 40, Arizona Revised Statutes, a telecommunications provider as defined in Title 9, Arizona Revised Statutes, a cable communications provider as defined in this code or a special taxing district organized under Title 48, Arizona Revised Statutes or a political subdivision of this state may be parked on any real property within a residential zoning district.

(h) Violation of this section shall constitute a civil traffic violation ~~and the violator shall be subject to a civil sanction of not less than one hundred and fifty (\$150.00) dollars.~~

SECTION 32. Chapter 14 of the Peoria City Code (1992) is amended by amending Section 14-110 pertaining to Parking; recreational vehicles; utility trailers; private property parking and which shall read as follows:

Sec. 14-110. Parking; recreational vehicles; utility trailers; private property parking.

(a) Recreational vehicles and Utility trailers, as defined above, shall be allowed to be parked within the garage or carport in the single family residential zoning districts. Recreational vehicles and Utility trailers shall also be permitted to be parked within a side or rear yard when located within a single family residential zoning district and appropriately screened in accordance with the provisions of the zoning ordinance and section 14-111 of this code.

(b) Recreational vehicles located on properties zoned for single family residential uses may not be utilized for living purposes by any person.

(c) Properties located within a single family residential zoning district and used primarily for commercial agricultural purposes and boats anchored or docked on water shall be exempt from the regulations contained in sections 14-110 through 14-111 of this code.

(d) Recreational vehicles and Utility trailers used for a non-commercial purpose and located on properties zoned for single family residential uses may be parked in public view for a period of twenty-four consecutive hours.

(e) Utility trailers used for a commercial purpose shall not be parked in the front yard or upon any public right of way, street, alley or easement between the hours of 6:00 p.m. and 8:00 a.m. Notwithstanding the foregoing, such utility trailers that are the property of the state, a political subdivision of this state, the City, a public service corporation regulated by the Arizona Corporation Commission or a telecommunications corporation may be parked upon a public right of way, street, alley or easement for the purposes of street and utility repair.

(f) There shall be no limit on the number of Recreational vehicles or Utility trailers lawfully permitted on any parcel of land and where not otherwise prohibited.

(g) All Recreational vehicles and Utility trailers shall be maintained in good repair as required by this code and all parking areas shall be maintained in accordance with this code; zoning ordinances and the city's subdivision regulations as applicable.

(h) The regulations contained within this chapter are not intended to supersede any lawfully established covenants, conditions and restrictions relating to the parking of Recreational vehicles and Utility trailers nor shall the granting of any special permit supersede any lawfully established covenants, conditions and restrictions applicable to the subject property.

(i) For purposes of sections 14-107 through 14-113 of this code, the terms:

(1) "Park, parked, parking" shall include attaching a utility trailer or other trailer to a motor vehicle for the purpose of towing.

(2) "Single family residential zoning district" shall include all residential zoning districts that currently or have previously permitted single family or two-family residential dwelling units.

SECTION 33. Chapter 14 of the Peoria City Code (1992) is amended by amending Section 14-113 pertaining to Parking in residential areas; driveways or private property and which shall read as follows:

Sec. 25-83. Wastewater; liability for damage.

Any expense incurred by the City for the repair or replacement of damaged, stolen, tampered with or misused wastewater facilities, including administrative and processing charges, shall be charged against and collected from the customer or person who caused the expense in an amount as established in this Code. Unless authorized by the Public Works-Utilities Director, all work (i.e., restoration, repair, etc.) shall be performed by City personnel.

SECTION 34. Chapter 14 of the Peoria City Code (1992) is amended by amending Section 14-113 pertaining to Parking in residential areas; driveways or private property and which shall read as follows:

Sec. 14-113. Parking in residential areas; driveways or private property.

(a) No person shall park, or permit to be parked, any motor vehicle, trailer, boat or camper (hereafter "vehicle") for the purpose of sale upon any lot or area within the City. This section shall not apply to:

(1) The display of one vehicle for sale when the vehicle is owned by the resident of the property and is not being sold in connection with a vehicle sales business.

(2) Property which has a zoning classification which permits the sale of vehicles and the sale of vehicles is by the property owner, his lessee or tenants.

~~(b) Violation of subsection (b) shall constitute a civil traffic violation and the violator shall be subject to a civil sanction of not more than Two Hundred Fifty Dollars (\$250.00), plus any applicable surcharges.~~

(b4) No person shall be charged with a violation of subsection (a) unless

either:

(12) A sign(s) visible from all entrances to the lot or from the parking space prohibits unauthorized parking, or

(23) The person parking on such private parking area has been warned orally or in writing to refrain from parking there.

(c) ~~Unless otherwise provided, a~~ violation of this section shall be a civil traffic violation ~~and shall be subject to a civil sanction of not more than One Hundred Dollars (\$100.00), plus any applicable surcharges.~~

Cross reference(s) -- Use of vehicles on vacant property, §13-125.

State law reference(s) -- Authority to regulate rates for towing of vehicles from private property without permission of owner or operator of vehicle, A.R.S. § 9-499.05.

SECTION 35. Chapter 14 of the Peoria City Code (1992) is amended by amending Section 14-114 pertaining to Parking on driveway or private property; removal by tow truck operators and which shall read as follows:

Sec. 14-114. Parking on driveway or private property; removal by tow truck operators.

(a) Any owner or person in lawful possession of property shall comply with the provisions of this section prior to authorizing the towing of vehicles improperly parked. The owner or person shall place signs clearly visible which state:

- (1) Restrictions on the parking.
- (2) The disposition of vehicles found in violation of parking restrictions.
- (3) Maximum cost to the violator, including daily storage fees and other charges that could result from the disposition of his/her unlawfully parked vehicle.
- (4) Cite conspicuously Peoria City Code (1992) Section 14-114.

(b) No tow truck operator acting under the authority of this section shall tow a vehicle from private property or a private driveway unless the sign(s) is/are posted as required by subsection (a) and contain all the information specified in subsection (a), nor shall he/she charge fees in excess of the amount specified on the signs.

(c) In addition to any other restrictions imposed by this section, a tow truck operator shall not tow or transport a motor vehicle from any private property or



private driveway without the permission of the owner or operator of the vehicle unless such tow truck operator receives the request from a law enforcement agency or a written towing order from the real property owner or his agent. A tow truck operator shall not act as the agent of the real property owner. The real property owner or his agent shall sign the towing order, which shall specify each vehicle to be towed and shall not authorize the towing of an unknown vehicle at a future date. A tow truck operator shall not tow or transport the vehicle unless the towing order is in his/her possession.

(d) No person shall hold or attempt to hold any vehicle towed without the consent of the owner of the vehicle as security for accrued towing or other charges. Nor shall any person require the owner of such a vehicle to give any security as a condition precedent for the release of such vehicle. A person may require the display of a driver's license or other reliable means of identification from the person claiming such vehicle to assist in the billing and collections of towing and storage charges.

(e) The owner or any person authorized to represent the owner of a vehicle being towed or transported pursuant to this section may demand the release of the vehicle at any time prior to the transportation of the vehicle to a storage area. Upon such demand, the towing or transportation of the vehicle shall be considered complete and the tow truck operator shall release the vehicle pursuant to the requirements of Subsection (d) of this Section. Notwithstanding any provisions of this chapter, the provisions of Title 28, Arizona Revised Statutes, Article 8, Chapter 9 shall govern in such cases where those provisions are inconsistent with this chapter.

(f) Any costs of towing and storage shall be reasonable in amount; any costs paid to the extent that they are determined to be unreasonable shall be ordered refunded by a court or other entity of competent jurisdiction if its jurisdiction is invoked.

(g) A violation of this section shall constitute a class one misdemeanor ~~Class 1 Misdemeanor~~.

SECTION 36. Chapter 14 of the Peoria City Code (1992) is amended by amending Section 14-116 pertaining to Abandoned vehicles; fees and which shall read as follows:

Sec. 14-116. Abandoned vehicles; fees.

(a) Except as provided in subsection B of this section, the owner of record of a vehicle at the time of abandonment of the vehicle is liable to the Police Department ~~of~~ for the transfer of ownership or disposal in an amount prescribed by the Department director by rule if the vehicle was:

(1) Abandoned and junked pursuant to this chapter on private property or public land or on or within the right-of-way of a street or highway.

(2) Abandoned on private property or public land or on or within the right-of-way of a street or highway and the department issues a transfer of ownership pursuant to the procedures prescribed by this chapter.

(3) Abandoned and junked pursuant to Article 3 of this chapter and towed with the written permission of the state land commissioner from state trust land located within the boundaries of an incorporated city or town.

(b) The owner of record of a vehicle at the time of abandonment is liable to the Department for the transfer of ownership or disposal in an amount prescribed by the Department director by rule if the vehicle was:

~~(1)~~ Abandoned and junked pursuant to article 3 of this chapter and towed with the written permission of the governing authority of national forest, state park, bureau of land management or state trust land located outside the boundaries of an incorporated city or town.

~~(2)~~ Abandoned and towed with the written permission of the governing authority of national forest, state park, bureau of land management or state trust land located outside the boundaries of an incorporated city or town and the department issues a transfer of ownership pursuant to the procedures prescribed by this chapter.

SECTION 37. Chapter 14 of the Peoria City Code (1992) is amended by amending Section 14-118 pertaining to Abandoned vehicles; abandonment prohibited; violations and which shall read as follows:

Sec. 14-118. Abandoned vehicles; abandonment prohibited; violations.

(a) It shall be a civil violation for any person ~~shall not~~ to abandon a vehicle on any street or highway or on any other public, federal, state trust, national forest, state park, bureau of land management land, land owned by a political subdivision of this state or private property.

(b) Violation of this section shall be a civil infraction ~~with a fine of not less than two hundred and fifty dollars~~. The Court shall may impose as surcharges to the civil sanction ~~the costs of restitution~~ all ~~charges~~ costs incurred by the City or a tow truck operator in removing the vehicle from the location, together with all storage charges up to a maximum of thirty days. Such ~~restitutions~~ surcharges shall be handled by the court in the same manner as restitution pursuant to Title 13, Arizona Revised Statutes.

SECTION 38. Chapter 14 of the Peoria City Code (1992) is amended by amending Section 14-122 pertaining Abandoned and towed vehicles; notification; violation; classification and which shall read as follows:

Sec. 14-122. Abandoned and towed vehicles; notification; violation; classification.

(a) Except if acting under the direction of a peace officer, licensed city police aide or licensed city traffic investigator, a person who moves or tows a vehicle into a public garage, parking lot, storage yard or automotive recycling yard or on private property without the consent of the vehicle owner or the owner's agent shall notify the law enforcement agency of the jurisdiction where the vehicle was located before the moving or towing. The notification shall be by telephone within one hour of the time the vehicle is moved or towed.

(b) A person who fails to comply with this section forfeits all claims for towing and storing the vehicle and is guilty of a class one misdemeanor ~~Class 4 Misdemeanor~~.

SECTION 39. Chapter 14 of the Peoria City Code (1992) is amended by amending Section 14-124 pertaining to Abandoned and seized vehicles; report; violation; classification and which shall read as follows:

Sec. 14-124 Abandoned and seized vehicles; report; violation; classification.

(a) A person who has knowledge and custody of a vehicle that is either lost, stolen, abandoned or otherwise unclaimed, that has been seized pursuant to law or removed from the right-of-way of any highway, road, street or other public thoroughfare or other public property by order of an officer of the department of public safety, sheriff's office or city or town police officer, city police aide or city traffic investigator, and that has been held for a period of ten days and a claim has not been made for the return or possession of the vehicle by a person legally entitled to the vehicle, shall do all of the following within five days after the expiration of the ten day retention period:

(1) Submit an electronic abandoned vehicle report to the Department director that is on a form prescribed by the Department director and that contains all of the following:

- a. A complete description of the vehicle.
- b. The vehicle license or registration number, if any.
- c. The circumstances of the person's or officer's removal or custody.
- d. Other information the Department director requires.

- e. Provide a completed electronic application for transfer of ownership on a form prescribed by the Department director.
- f. Submit a vehicle identification form as prescribed by the Department director.
- g. If applicable, submit the authorization form signed by the private property owner as prescribed in Arizona Revised Statutes Section 28-4834.
- h. Pay all fees prescribed by Title 28, Arizona Revised Statutes and any regulations issued thereto.

(b) Except if the vehicle inspection as prescribed in Arizona Revised Statutes Section 28-4834 is not completed within the time prescribed in subsection a of this section due to no fault of the person, a person who fails to submit the documents for the purpose of transferring ownership by the time specified in Subsection (a) of this section:

- (1) Forfeits all claims for towing and storing the vehicle.
- (2) Is guilty of a Class 2 Misdemeanor.

SECTION 40. Chapter 14 of the Peoria City Code (1992) is amended by amending Section 14-140 pertaining to Definitions; bicycles; motorized play vehicles and which shall read as follows:

Sec. 14-140. Definitions; bicycles; motorized play vehicles.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(a) ~~Bicycle--A pedal-powered vehicle upon which a human operator sits. device propelled by human power upon which a person may ride, having two wheels either of which is more than sixteen inches in diameter and including any device generally recognized as a bicycle though equipped with two front or two rear wheels.~~

(b) ~~Bicycle Lane--That portion of a roadway set aside by the city City for the exclusive use of bicycles or other modes of travel where permitted by statute or city code, and so designated by appropriate signs and markings pavement markings and, if used, signs.~~

(c) ~~In Line Skates--A shoe or boot with a blade like series of wheels arranged in a straight line and commonly known and marketed as "roller blades" or "in line skates".~~

(d) Motorized Play Vehicle--A coaster, skateboard, scooter or other motorized vehicle that is self propelled by a motor and which is not defined in Title 28, Arizona Revised Statutes as a motor driven cycle, motorized wheelchair or motor vehicle.

(e) Operator--A person who operates or is in actual physical control of a bicycle or motorized play vehicle upon a public roadway, sidewalk, right of way, park, bicycle path or any other public property used for the operation of motor vehicles.

(f) Owner--A person who holds the legal title to a bicycle or motorized play vehicle, or if the bicycle or motorized play vehicle is the subject of a lease or an agreement for the conditional sale 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, or if a mortgagor of a vehicle is entitled to possession, then such lessee, conditional vendee or mortgagor shall be deemed the owner.

State Law Reference. A.R.S. §28-101

SECTION 41. Chapter 14 of the Peoria City Code (1992) is amended by amending Section 14-145 pertaining to Bicycles; manner of parking and which shall read as follows:

Sec. 14-145. Bicycles; manner of parking.

It is unlawful to park a bicycle upon a street or upon a roadway against the curb in a residential area, or upon any sidewalk in a residential area or in the business district; ~~provided, except~~ that a bicycle may be parked in a bicycle rack or on the sidewalk in a business district next to the curb in an upright position in such manner as to afford the least obstruction to pedestrian traffic.

SECTION 42. Chapter 14 of the Peoria City Code (1992) is amended by amending Section 14-148 pertaining to Bicycles, motorized play vehicles; required equipment; prohibited equipment; hours of operation; permitting violations by others prohibited and which shall read as follows:

Sec. 14-148. Bicycles, motorized play vehicles; required equipment; prohibited equipment; hours of operation; permitting violations by others prohibited.

(a) No person shall operate upon a public roadway, ~~bicycle path~~ or on any right of way under the jurisdiction or control of the Ccity, a motorized play vehicle which requires the operator to physically attach to their person the fuel pack providing fuel for the motorized play vehicle.

(b) The parent, guardian or legal custodian of a minor shall not authorize

or knowingly permit the minor to violate this section.

(c) No person under the age of eighteen years shall operate upon a public roadway, ~~bicycle path~~ or upon any right of way under the jurisdiction or control of the City, a motorized play vehicle without wearing a helmet designed for bicycle or in line skate use.

(d) No person shall operate a motorized play vehicle upon a public roadway, ~~bicycle path~~ or upon any right of way under the jurisdiction or control of the City or open to access by the general public for its benefit between the hours of Sundown and 8:00 a.m.

(e) Every Motorized Play Vehicle operated upon any street or highway within the City shall be equipped with the following:

(1) Except as provided in section (4) of this subsection, a lamp emitting a white light which, while the Motorized Play Vehicle is in motion, illuminates the roadway in ~~from front~~ of the operator and is visible from a distance of Three Hundred (300) Feet in front of and from the sides of the Motorized Play Vehicle.

(2) Except as provided in Section (5) of this subsection, a red reflector on the rear that is visible from a distance of 500 feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle.

(3) A white or yellow reflector on each side visible from the front and rear of the motorized play vehicle from a distance of Two Hundred (200) feet upon a public roadway, bicycle path or upon any right of way under the jurisdiction or control of the City, ~~a A motorized play vehicle without such vehicle being~~ shall not be required to be equipped with a reflector ~~that if that vehicle~~ is visible at night from all distances from fifty to three hundred feet when directly in front of lawful upper beams of headlamps.

(4) A lamp or lamp combination, emitting a white light attached to the operator and visible from a distance of Three Hundred (300) Feet in front and from the sides of the Motorized Play Vehicle, may be used in lieu of the lamp required by Section (1) of this subsection.

(5) A red reflector or reflectorized material attached to the operator and visible from a distance of 500 feet to the rear when directly in front of the lawful upper beams of headlamps on a motor vehicle may be used in lieu of the reflector required by Section (2) of this subsection.

(f) It is unlawful for any person to operate a motorized play vehicle upon any street ~~of or~~ highway within the City while under the influence of an alcoholic beverage or any drug or under the combined influence of an alcoholic beverage or drug as defined by A.R.S. Title 28 Chapter 4. A person by operating such

motorized play vehicle upon the street or highway within the City is deemed to have impliedly consented to the administration of a chemical test of the person's blood or breath for the purpose of determining the alcoholic or drug content of that person's blood, and upon request of the arresting office shall have the test performed. A violation of this subsection shall be a class one misdemeanor ~~and shall be punished by a fine not to exceed Five Hundred (\$500.00) Dollars.~~

(g) No person shall operate a Motorized Play Vehicle at any time upon any street or highway within the City without a muffler being installed to reduce engine noise.

(h) No person shall operate a Motorized Play Vehicle at any time upon any street or highway within the City having installed a "high performance exhaust", filter and carburation kit or any modification of the air inflow system for the purpose or having the result of increasing the maximum speed of the Motorized Play Vehicle.

(i) No person shall operate a Motorized Play Vehicle at any time upon any street or roadway of the City unless it is equipped with a brake that will enable the operator to make a braked wheel skid on dry, level, clean pavement.

(j) No person shall operate a Motorized Play Vehicle with any passengers in addition to the operator.

(k) No person shall operate a Motorized Play Vehicle carrying any package, bundle, article or item that prevents the operator from keeping at least one hand upon the handlebars at all times while the vehicle is being operated.

SECTION 43. Chapter 14 of the Peoria City Code (1992) is amended by amending Section 14-149 pertaining to Bicycles; Motorized Play Vehicles; operations, violation and which shall read as follows:

Sec. 14-149. Bicycles; Motorized Play Vehicles; operations, violation.

(a) It is unlawful to ride a bicycle upon a sidewalk within a business district that is designated in some manner indicating that bicycles are prohibited.

(b) It is unlawful to operate a motorized play vehicle upon any sidewalk within the Ccity.

(c) No person shall operate a motorized play vehicle on the property of political subdivisions of this state other than the eCity if the political subdivision has posted upon its property notice that such violations are prohibited.

(d) No person shall operate a motorized play vehicle in any city park, Peoria sports complex or Peoria municipal complex or in any parking structure owned by the eCity.

(e) No person shall operate a motorized play vehicle upon any public street in the ~~City's consisting of four or more marked traffic lanes or having a~~ speed limit established greater than thirty (30) miles per hour or upon any local or collector street that the ~~Engineering Director of the city~~City Engineer has determined to be unsuitable for motorized play vehicle operation due to traffic, speed, visibility, and access concerns and has been duly posted. ~~However, motorized play vehicles may be operated in a designated bicycle lane, unless the street has been posted in accordance with this subsection.~~

(f) No person shall operate a motorized play vehicle on any private property unless permission shall ~~have~~has been granted by the owner of the property.

(g) Violations of sections 14-142 - 14-149 of this code shall be designated a civil traffic violation unless otherwise designated and shall be prosecuted in the same manner as provided by law for other civil traffic violations.


State Law Reference. A.R.S. §28-1071. Civil Traffic Violations.

SECTION 44. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 45. This Ordinance shall become effective in the manner provided by law.



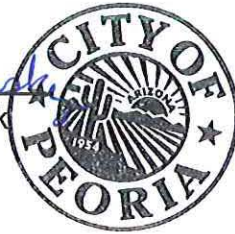
PASSED AND ADOPTED by the Mayor and Council of the City of Peoria,  
Arizona, this 13<sup>th</sup> day of June, 2017.

  
\_\_\_\_\_  
Cathy Carlant, Mayor

  
\_\_\_\_\_  
Date Signed

ATTEST:

  
\_\_\_\_\_  
Rhonda Geriminsky, City Clerk



APPROVED AS TO FORM:

  
\_\_\_\_\_  
Stephen Burg,

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