

ORDINANCE 2019-003

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; ADOPTING AMENDMENTS TO THE CITY CODE OF ORDINANCES, BY REFERENCE, REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE. NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, AS FOLLOWS:

WHEREAS, the City of Sierra Vista is proposing text amendments to Chapter 71, Parking, of the City Code of Ordinances; and

WHEREAS, the City Manager, and Director of Community Development recommend that the amendments to the City Code of Ordinances, as shown on Exhibit A, be adopted; and

WHEREAS, the Planning & Zoning Commission recommended approval of the amendments to City Council; and

WHEREAS, the Mayor and City Council held a public hearing on the amendments after proper notice had been given; and

WHEREAS, the amendments have gone through the 30-day public comment period and all comments have been received are attached herelo;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA, AS FOLLOWS:

SECTION 1

That Resolution 2019-020 is hereby reaffirmed and that the text amendments to the City Code of Ordinances, as shown on Exhibit A, are hereby adopted.

SECTION 2

All other ordinances and parts of ordinances in conflict with the provisions of this provision are hereby repealed.

SECTION 3

Should any section, clause or provision of this Ordinance be declared by the courts to be invalid, such invalidity shall not affect other provisions which can be given effect without the invalid provision, and to this end, the provisions of this Ordinance are declared to be severable.

SECTION 4

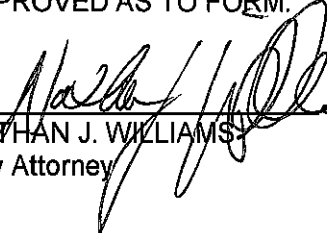
This Ordinance shall become effective on August 1, 2019.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, THIS 9TH DAY OF MAY 2019.




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FREDERICK W. MUELLER  
Mayor

APPROVED AS TO FORM:



\_\_\_\_\_  
NATHAN J. WILLIAMS  
City Attorney

ATTEST:



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JILL ADAMS  
City Clerk

PREPARED BY:

Jeff Pregler, AICP  
Senior Planner

## CHAPTER 71: PARKING

### § 71.01 – DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

*Permanently Disabled Removable Windshield Placard.* A two-sided, hooked placard that includes on each side all of the following:

- (1) The international symbol of access that is at least three inches in height, that is centered on the placard and that is white on a blue shield.
- (2) An identification number.
- (3) A date of expiration.
- (4) The seal or other identification of the issuing authority.

*Physically Disabled Person.* A person who, as determined by a hospital administrator or authorized physician, meets any of the following conditions:

- (1) Cannot walk 200 feet without stopping to rest.
- (2) Cannot walk without the use of assistance from any brace, cane, crutch, other person, prosthetic device, wheelchair, or other assistive device.
- (3) Is restricted by lung disease to an extent that the person's forced respiratory volume for one second, if measured by spirometry, is less than one liter, or the arterial oxygen tension is less than 60 mm/hg on room air at rest.
- (4) Uses portable oxygen.
- (5) Has a cardiac condition to the extent that the person's functional limitations are classified in severity as Class III or Class IV according to standards set by the American Heart Association.
- (6) Is severely limited in his or her ability to walk due to an arthritic, neurological, or orthopedic condition.

*Recreational Vehicle.* A vehicular-type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle.

*Temporarily Disabled Removable Windshield Placard.* A two-sided, hooked placard that includes on each side all of the following:

- (1) The international symbol of access that is at least three inches in height, that is centered on the placard and that is white on a red shield.

- (2) An identification number.
- (3) A date of expiration.
- (4) The seal or other identification of the issuing authority.

Trailer. A structure standing on wheels, towed or hauled by another vehicle, and used for carrying materials, goods, or objects.

#### § 71.02 VIOLATIONS.

(A) Disabled Parking. It shall be unlawful for any person to stop, stand, or park a motor vehicle within any specially designated and marked parking space reserved for use by physically disabled persons, whether on public or privately-owned property available for public use, unless the motor vehicle is transporting a person eligible for the distinguishing insignia placard or number plates bearing the international wheelchair symbol, and either:

- (1) The motor vehicle displays the valid permanently disabled or temporarily disabled removable windshield placard; or
- (2) The motor vehicle displays international symbol of access special plates which are currently registered to the vehicle.

~~(B) Exception.~~ Provided, however, any person who is chauffeuring a physically disabled person shall be allowed, without a placard or international symbol of access special plates, to park momentarily in any parking space for the purpose of loading or unloading the disabled person. No complaint shall be issued to the driver for such momentary parking.

(B) Parking, Standing, Stopping in Public Rights-of-Way. Except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a law enforcement officer or official traffic control device, it shall be unlawful to stop, stand or park a vehicle:

- (1) Upon a sidewalk in such a manner as to block or impair the passage of pedestrian traffic on such sidewalk, either completely or partially. This shall not be construed to prohibit temporary parking of delivery vehicles either in commercial zones or residential neighborhoods.
- (2) In front of a public or private driveway;
- (3) Within an intersection;
- (4) Within fifteen (15) feet of a fire hydrant;
- (5) On a crosswalk;
- (6) Within twenty (20) feet of a crosswalk at an intersection; except where approved designated parking spaces are located at a lesser distance from the intersection.

- (7) Within thirty (30) feet upon the approach to any flashing beacon, stop sign or traffic control signal located at the side of a street;
- (8) Within twenty (20) 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 (75) feet of such entrance;
- (9) On the side of any vehicle stopped or parked at the edge of curb or street, or what is commonly known as double parking;
- (10) At any place where official signs prohibit stopping, standing or parking;
- (11) Upon or within a designated bicycle path or bicycle lane unless allowed via signs or markings;
- (12) When signs are erected giving notice thereof, to park a vehicle for longer than such time as is prescribed by such signs in such areas designated in such signs. For purposes of this regulation, the changing of the position of a vehicle from one point directly to another point within the same block shall be deemed one (1) continuous parking period;
- (13) Within a bus stop when such stop or stand has been officially designated and appropriately marked;
- (14) To park, stand or stop a vehicle in such a manner as to impede, hinder or restrain the normal flow of traffic on a street. This provision shall not apply to emergency vehicles and city or commercially owned vehicles engaged in the collection of solid waste or recyclable materials;
- (15) To park or stand a vehicle in a street other than parallel with the edge of the street headed in the direction of traffic, and with the curbside wheels of the vehicle within eighteen (18) inches of the edge of the street or curb, except upon those streets which have been marked or signed for angle parking where such vehicles shall be parked at the angle to the curb indicated by such mark or signs;
- (16) To park or stand a vehicle upon any street or right-of-way for the primary purpose of displaying it for sale and/or washing, greasing or repairing such vehicle, except repairs necessitated by an emergency. An exception may be permitted, subject to compliance with any other applicable requirements of the City Code, in those cases where a vehicle is parked on a street immediately adjacent to the vehicle owner's principal place of residence and access to any form of off-street parking is not available; or

(17) To park, stand or stop a vehicle in such a manner as to impede the curbside delivery of mail when notice has been given by a postal carrier to discontinue the blocking of access to a mailbox to allow the delivery of mail.

(C) Recreational Vehicles/Trailers. It shall be unlawful to park any recreational vehicle or a trailer on a public street in any residential zoning district for any portion of any five (5) cumulative days in any thirty (30) day period unless signs are posted prohibiting on-street parking or identifying a different period of time. For purposes of this provision, the changing of the position of a vehicle from one point directly to another point within the same block shall be deemed one (1) continuous parking period.

Penalty, see § 70.99

#### § 71.03 ISSUANCE OF COMPLAINT.

If a law enforcement officer or a parking enforcement specialist employed by the city finds a motor vehicle in violation of this chapter, the person shall issue a complaint to the operator or other person in charge of the motor vehicle or, if an operator or person in charge is not present, to the registered owner of the vehicle for a civil traffic violation.

#### § 71.04 DISABLED PARKING SPACE REQUIREMENTS.

(A) Each parking space prescribed in this section shall be prominently outlined with paint and posted with a permanent sign that is located at least three feet but not more than six feet above the grade. The sign should be conspicuously designated as being reserved for the physically disabled, to include a depiction of the internationally accepted symbol of access and the caption "reserved parking."

(B) Such designations shall authorize law enforcement officers and parking enforcement specialists employed by the City of Sierra Vista to enforce the provisions of this section and shall thereby constitute a waiver of any objection by the owner of the property to enforcement of this section by the Police Department.

#### § 71.05 - PARKING OR MOVING VEHICLES IN VIOLATION; REMOVAL AND IMPOUNDMENT BY LAW ENFORCEMENT AGENCY.

(A) Any police officer or other duly authorized agent who has reasonable grounds to believe that a vehicle has been parked in violation of this chapter may remove or cause the removal of such vehicle from any public street.

(B) Written notice shall be placed upon the vehicle in a conspicuous place. The notice shall state:

(1) That if the vehicle is not moved from its location within three (3) days from the date and time recorded by the officer or other duly authorized agent at the time of preparation of the notice, it will be in violation of this section..

(2) That if the vehicle is not moved from its location within six (6) days from the date and time recorded by the officer or other duly authorized agent at the time of preparation of the notice, it will be removed from its location and impounded pursuant to this section.

(C) Parking any vehicle in violation of this chapter shall constitute a presumption that the last registered owner of record is responsible for such unlawful parking and shall be subject to the provisions of this section, unless an affidavit has been filed pursuant to Arizona Revised Statutes, section 28-4844, reporting the vehicle as being stolen, or a stolen report has been accepted by a local law enforcement agency, or written notification of the transfer of title has been filed pursuant to Arizona Revised Statutes, section 28-2058; this presumption shall apply in any adjudication of the issue that may occur. The registered owner of the parked vehicle shall be responsible for the payment of any and all charges incurred in the removal and subsequent storage of the vehicle, unless it is shown that the registered owner was not the legal owner at the time of the offense, or if the registered owner proves by a preponderance of the evidence that the city lacked probable cause to remove the vehicle. The provisions of Arizona Revised Statutes, sections 28-4801 et seq., shall apply in all respects to the removal, towing, storage, transfer of title, and sale of vehicles impounded under this chapter.