



Ordinance

OFFICE OF THE
MAYOR
CITY OF SAN LUIS

Number 189

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SAN LUIS, ARIZONA, AMENDING THE CITY CODE BY MODIFYING ARTICLE 10-3, PARKING, BY ADDING NEW PARKING REGULATIONS FOR THE CITY OF SAN LUIS FOR BOTH COMMERCIAL AND RESIDENTIAL AREAS; REPEALING ANY CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF SAN LUIS, ARIZONA, AS FOLLOWS:

Section 1 That Article 10-3, PARKING, is hereby modified and shall become a part of the San Luis City Code as follows:

- 10-3 Parking Regulations
- 10-3-1 Purpose.
- 10-3-2 Presumption in reference to illegal parking.
- 10-3-3 Unattended motor vehicles
- 10-3-4 Impounding of vehicles.
- 10-3-5 Towing; Notice to police.
- 10-3-6 Parking so as to impede traffic.
- 10-3-7 Parking in, on or adjacent to median dividers.
- 10-3-8 Parking in alleys.
- 10-3-9 Stopping, standing or parking prohibited in specified places.
- 10-3-10 Stopping, standing or parking outside of business or residence district.
- 10-3-11 Parking of commercial vehicles in residential areas.
- 10-3-12 Parking trucks and trailers on residential streets.
- 10-3-13 Parking in residential areas or in business districts.
- 10-3-14 Parking at roadside
- 10-3-15 Parallel parking
- 10-3-16 Angle parking
- 10-3-17 Parking in driveway or private property
- 10-3-18 Time limit
- 10-3-19 Fuel trucks in residential area.

- 10-3-20 Parking on private property
- 10-3-21 Parking in space reserved for handicapped persons.
- 10-3-22 Penalties for Violation

10-3-1 Purpose

The purpose of this ordinance is to promote the safety and welfare of the visitors and residents of the City of San Luis by regulating the parking of vehicles in both residential and commercial areas.

10-3-2 Presumption in reference to illegal parking.

In any civil proceeding alleging or in any prosecution charging a violation of any law or regulation governing the standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such law or regulation, together with proof that the defendant named in the complaint was at the time of such parking the registered owner of such vehicle, shall constitute in evidence prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during such violation occurred.

10-3-3 Unattended motor vehicle.

A. No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition and removing the key, or when standing upon any perceptible grade without effectively setting the brake thereon and turning the front wheels to the curb or side of the highway.

B. Whenever any police officer shall find a motor vehicle standing unattended with the ignition key in the vehicle, in violation of this section, such police officer is authorized to remove the key from such vehicle and to deliver such key to the police department.

10-3-4 Impound of vehicle.

The police department may take charge, remove and keep in custody, under the direction of the chief of police, any unoccupied vehicle of any kind or description found violating any of the provisions of this code, or of any of the ordinances of the city or the laws of the state regulating the standing or parking of vehicles.

10-3-5 Towing; Notice to police

No person shall tow or transport any vehicle without the express permission of the owner, unless he shall first have notified the police department of his intent to do so, and provide the following information:

- A. Name and address of the owner of the vehicle, if known.
- B. The vehicle license number and description.
- C. The reason the vehicle is being moved without the permission of the owner.
- D. The location where the vehicle is being taken.
- E. The name and address of the tow company who is to tow the vehicle.

10-3-6 Parking as to impede traffic.

No person shall stop, stand or park any vehicle upon a street in such manner or under such conditions as to impede the free movement of vehicular traffic.

10-3-7 Parking in, on or adjacent to median dividers.

In the event a highway is divided into two or more separate roadways, and traffic is restricted to one direction upon each roadway, no person shall stand or park a vehicle other than on the right-hand side of such one-way roadway unless signs are erected to permit such standing or parking elsewhere.

10-3-8 Parking in alleys

A. No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten feet of the width of roadway for the free movement of vehicular traffic, and no person shall stop, stand or park a vehicle within an alley in such position as to block the driveway entrance to any abutting property.

B. No person shall park any vehicle in any alley, except commercial cars, trucks or wagons for the purpose of loading and unloading, then not for a period longer than is actually necessary to load or unload. Vehicle displaying state "disabled parking" identifying insignia may stand or park in an alley while loading or unloading persons for a period not to exceed five minutes.

C. At no time shall a vehicle parked in an alley be left unattended during the time of loading and unloading.

10-3-9

Stopping, standing or parking prohibited in specified places.

No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the direction of a police officer or traffic control device, in any of the following places:

- A. On a sidewalk
- B. In front of a public or private driveway or the entrance to an alley.
- C. Within an intersection.
- D. Where prohibited by official signs or where the curb is painted red.
- E. Within 15 feet of a fire hydrant.
- F. On a crosswalk.
- G. Within 20 feet of a crosswalk at an intersection.
- H. Within 30 feet upon the approach to any flashing beacon, stop sign or traffic control signal located at the side of a roadway.
- I. Within a designated bus stop.
- J. Within 50 feet of the nearest rail of a railroad crossing or within eight feet, six inches of the center of any railroad track, except while a motor vehicle with motive power attached is loading or unloading railroad cars.
- K. Within 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 75 feet of the entrance when properly posted.
- L. Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would impede traffic.
- M. On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
- N. Upon any bridge or other elevated structure upon a street or within a street tunnel.
- O. In that area between the curb and sidewalk. On those roadways without curbs no person shall park a vehicle so as to force a pedestrian to walk in the traveled portion of the roadway.
- P. Upon any lot or area prohibiting such parking.

10-3-10

Stopping, standing or parking outside a residence or business district.

Upon any street outside of a business or residence district, no person shall stop, park or leave standing any vehicle, whether attended or unattended, upon the paved or main-traveled part of the roadway when it is practicable to stop, park or so leave the vehicle off that part of the roadway.

10-3-11

Parking of commercial vehicles in residential areas.

No person shall stand or park a vehicle with a rated chassis capacity in excess of three-fourths of a ton or a tractor, semitrailer, trailer or bus on a local street in a residential area except during the process of loading or unloading such vehicle.

10-3-13 Parking in residential or business districts.

A. In any residential area or business district, all required parking spaces shall be set back from adjoining street right-of-way lines to conform with required front and side street setback lines of such residential area or business district. In addition, if any of the required parking spaces have direct access and are perpendicular to the side as measured between the side street property lines and the near end of the parking space(s).

B. The parking of any commercial vehicle of more than one and one-half (1 ½) tons capacity on any lot in any residential area shall be considered a commercial use and is prohibited.

D. The parking of any vehicle on any lot in any residential or business district which is inoperable and is characterized by dents, breaks, cracking, peeling, rusting, or lack of maintenance is prohibited.

E. The parking and/or storage of boats, campers, travel trailers, and motor homes are permitted in any residential or business areas, provided that said vehicle does not extend beyond the property line into the street right-of-way, that said vehicle shall not be used for living, sleeping or housekeeping purposes. In addition, the site clearance requirements of this code shall be applicable.

F. No person shall stop, stand, park, or store a vehicle or vehicles in residential or commercial areas of the City for the purpose of exporting the vehicle or vehicles outside the boundaries of Yuma County, Arizona. Said vehicles may only be parked or stored in industrial areas of the City.

10-3-14 Parking at roadside.

No person shall park any vehicle at any time in that area between the curb and the sidewalk. On those roadways without curbs no person shall park a vehicle so as to force a pedestrian to walk in the traveled portion of the roadway.

10-3-15 Parallel parking.

Except as otherwise provided in this chapter, no person shall stand or park a vehicle on a roadway other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the curbside wheels of the vehicle within 18 inches of the curb or edge of the roadway.

10-3-16 Angle parking.

No person shall park or stand a vehicle upon those streets which have been signed or marked by the City of San Luis for angle parking, other than at the angle to the curb or edge of the roadway indicated by such signs or markings.

10-3-17 Parking in driveway or private property.

A. No person shall park a vehicle in any private driveway or on private property or private parking area without the express or implied consent of the owner or person in lawful possession of such property.

B. The owner or person in lawful possession of any private parking area shall be deemed to have given consent to unrestricted parking by the general public in such parking area unless such parking area is posted with signs as prescribed by this section which are clearly visible and readable from any point within the parking area and at each entrance thereto. Such signs shall contain, as a minimum, the following information:

1. Restrictions on parking
2. Disposition of vehicles found in violation of parking restrictions.
3. Maximum cost to the violator, including storage fees and any other charges that could result from the disposition of a vehicle parked in violation of parking restrictions.
4. Telephone number and address where the violator can locate his vehicle.
5. Each sign shall state "San Luis City Code 10-3-17."

10-3-18 Time limit.

No person may park a vehicle upon any roadway for a consecutive period of time longer than indicated by official signs installed to limit such parking.

10-3-19 Fuel trucks in residential areas.

No person shall park or allow a fuel truck to remain parked in a residential area

unless involved in a retail or wholesale delivery to the particular property involved.

10-3-20 Parking on property of another.

No person shall operate, drive or leave any motor vehicle, motorcycle, minibike, trail bike, dune buggy, motor scooter, jeep, or any other form of transportation propelled by an internal combustion engine, upon the property of another, without the written permission of the owner thereof or the person entitled to immediate possession thereof, or the authorized agent of either.

10-3-21 Parking in space reserved for handicapped persons.

A. It shall be unlawful to stop, stand, or park any motor vehicle in a parking space reserved for use by physically disabled persons, whether on public property or private property available for public use, when such space is designated as described in subsection "C" of this section, unless:

1. The motor vehicle displays one of the following:
 - a. A distinguishing insignia placard issued under state law for this purpose; or
 - b. License plates bearing the international wheelchair symbol; or
 - c. Any other distinguishing insignia for physically disabled persons recognized under the laws of the State of Arizona;
2. The motor vehicle is transporting a person eligible for the placard, license plates, or permit.

B. Any person who is chauffeuring a physically disabled person shall be allowed, without a distinguishing placard, license plate, or permit to park momentarily in any such parking space for the purpose of loading or unloading such disabled person. Such momentary parking shall not constitute a violation of subsection "A" of this section.

C. All parking spaces reserved for use by physically disabled persons pursuant to the San Luis City Code, A.R.S. 28-883, A or B, or any successor of the foregoing, shall be designated as reserved for the disabled by a sign showing the symbol of accessibility. Signing which meets the requirements of this section includes:

1. Permanent signs bearing the internationally accepted symbol of access located at least three feet but not more than six feet above the grade.
2. Signing which complies with A.R.S. 882.C or any successor thereto.

D. The posting of such sign or signs shall authorized police and police volunteers to enforce the provisions of this section and shall constitute a waiver of any objection by the owner of the property to enforcement by the Police Department.

E. "Physically Disabled Person" shall be as defined by Title 28 of the Arizona Revised Statutes, or any successor thereto.

10-3-22 Penalties for Violations

A. A person who violates any section of this ordinance is guilty of a civil traffic infraction. Violations of this ordinance or Code for which a civil sanction is imposed shall be treated as a civil offense and hearings and appeals shall be conducted in accordance with the rules of procedure in civil traffic violation cases as set forth in the Arizona Revised Statutes, Volume 17b.

B. Any person violating any of the provisions of this ordinance or Code which are designated as subject to civil sanction or penalty shall be punished by imposition of a civil sanction not to exceed \$500.00, unless another penalty is specified.

(1) Any person who fails to comply with payment of a civil sanction shall be guilty of violating A.R.S. § 13-2810, interference with judicial proceedings. Such conviction shall not preclude the imposition of the assessment of a default fee and/or other fees as set forth below.

(2) In addition to any civil sanction imposed, the municipal court shall assess a default fee of not less than \$75.00 for a failure to pay any civil sanction imposed by the court.

(3) A judge or hearing officer may waive all or part of the default fee if the payment of the fee would cause a financial hardship to the defendant.

(4) If the court refers any delinquent fines, fees, sanctions, penalties or restitution for collection, any collection or attorney costs are recoverable from the defendant and may be added to any balance due from the defendant to the court.

(5) The imposition of a penalty does not prevent revocation or suspension of a license, permit or franchise.

(6) Violations of this ordinance or Code that are continuous with respect to time may be abated by injunctive or other equitable relief. The imposition of a penalty

does not prevent injunctive or equitable relief.

10-3-23 Severability

If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of the code adopted herein by reference 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 thereof.

10-3-24 Conflicts

All ordinances and parts of ordinances, in conflict with the provisions of this ordinance or any part of the section of code adopted herein, are hereby repealed.

Section 2: Whereas, it is immediately necessary for the preservation of the peace, health, safety and welfare of the City of San Luis, Arizona, an emergency is declared to exist, and this ordinance shall become immediately operative and in force and effect from and after its passage, adoption, and posting thereof.

PASSED AND ADOPTED by the Mayor and City Council of the City of San Luis, Arizona this 11 day of AUGUST, 2004.



Guillermina Fuentes, Mayor

ATTEST:



Rosalicia Cordova, City Clerk

APPROVE AS TO FORM



Glenn Gimbut
City Attorney