

Ordinance tabled
Indefinitely (3-10-10)



OFFICE OF THE
MAYOR
CITY OF SAN LUIS

Ordinance

ORDINANCE NO. 283

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SAN LUIS, ARIZONA AMENDING CHAPTER 12 PARKING OF THE CITY CODE OF THE CITY OF SAN LUIS BY ADDING ARTICLE 12-7 PORT OF ENTRY COMMERCIAL VEHICLE REGULATIONS; PROVIDING FOR PENALTIES; REPEALING ANY CONFLICTING PROVISIONS, PROVIDING FOR SEVERABILITY, AND DECLARING AN EMERGENCY

NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the City of San Luis, Arizona as follows:

Section 1: Chapter 12, Parking, of the City Code of the City of San Luis, Arizona, is hereby amended by adding Article 12-7, Port of Entry Commercial Parking Regulations, as follows:

ARTICLE 12-7 PORT OF ENTRY COMMERCIAL VEHICLE TRAFFIC REGULATIONS

Section 12-7-1 Findings and Intent

a) The City finds that commercial vehicular traffic waiting to cross from the United States into Mexico through the commercial port(s) of entry located in the City create unique challenges when waiting to enter the facilities of the United States with respect to parking, standing, stopping, waiting and smooth flow of traffic on the public roadways.

b) The City further finds that the United States has built a new commercial port of entry south of Ave. E in the municipal limits of the City and that the facilities of the federal government at San Luis Port of Entry II are insufficient to provide space for all commercial traffic waiting to cross the border. The City finds that waiting commercial traffic will impede the smooth flow of traffic on Ave. E.

c) Providing a waiting area where commercial traffic must enter, stop, stand, or park while waiting to enter the facilities of the United States to cross the border into Mexico on Ave. E, requiring that all commercial traffic be diverted into and use said facility, and requiring the payment of a fee for such usage is required to meet the objectives of: 1) the smooth flow of traffic on Ave E: 2) the promotion of the effective and efficient flow of traffic through San Luis Port of Entry II and the Federal and State facilities located therein: and 3) is needed to protect the public health, safety, and welfare of both drivers and pedestrians using the public right of way on Ave. E and San Luis Port of Entry II.

Section 12-7-2 Definitions

Commercial vehicle means an automobile, bus, truck, motorcycle, bicycle, or other motor driven or self-propelled form of transportation carrying either persons or property for hire.

Commercial Vehicle Port of Entry Queuing Facility means an area of land or right of way established or set aside for the purpose of being a place where commercial vehicles may stop, stand, or park while waiting to enter a federal port of entry for purposes of leaving the United States of America and entering Mexico.

Traffic control device means all signs, signals, markings and devices placed on, over, or adjacent to a street, highway, or public right of way by the authority of a public body or official having jurisdiction to regulate, warn, or guide traffic.

Vehicle means an automobile, bus, truck, motorcycle, bicycle, or other motor driven or self-propelled form of transportation.

Section 12-7-3 Restriction on Parking on Ave. E

No vehicle shall stop, stand, or park on Ave. E public right of way south of the County 24 alignment other than at an established Commercial Vehicle Port of Entry Queuing Facility. Stopping, standing or parking of any vehicle on Ave. E public right of way south of the County 24 alignment other than at an established Commercial Vehicle Port of Entry Queuing Facility is prohibited. The Police Chief shall post proper signs and/or establish other traffic control devices accordingly.

Section 12-7-4 Commercial Traffic to Use Vehicle Queuing Facility

a) The City shall establish a Commercial Vehicle Port of Entry Queuing Facility on the west side of Ave. E south of the County 24 ½ alignment for the purpose of having a place where commercial vehicles may stop, stand, or park while waiting to enter a federal port of entry for purposes of leaving the United States of America and entering Mexico.

b) All commercial vehicles traveling south on Ave. E south of the County 24 ½ alignment for the purpose of leaving the United States of America and entering Mexico must enter and use the Commercial Vehicle Port of Entry Queuing Facility. Failure to enter or use said Facility is prohibited. The Police Chief shall post proper signs and/or other traffic control devices accordingly.

Section 12-7-5 Fee for Usage of Commercial Traffic Port of Entry Queuing Facility

All vehicles using a Commercial Vehicle Port of Entry Queuing Facility must pay a fee for usage in the amount of \$7.00. The City Council may establish other additional fees or charges for use of a Commercial Vehicle Port of Entry Queuing Facility by resolution. Use of a Commercial Vehicle Port of Entry Queuing Facility or otherwise traveling through, stopping, standing, or parking at a

Commercial Vehicle Port of Entry Queuing Facility without paying the required fee is prohibited.

Section 12-7-6 Penalties

Violations of this article shall be punished as a civil traffic violation pursuant to Article 1-8 of the City Code.

Section 2: In the event of a conflict between the provisions of this Ordinance and any other ordinance, resolution, regulation, or policy of the City of San Luis, the conflicting provisions are hereby repealed, superseded, and replaced, and the provisions of this ordinance shall govern.

Section 3: If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 4: Whereas, it is necessary for the preservation of the peace, health, safety and welfare of the City of San Luis, Arizona, and for further reason that the interests of public safety with respect to usage of Ave. E south of Highway 195, financial considerations, and the best interest of the City require the amendments to go into immediate effect, an emergency is declared to exist, and this ordinance shall become immediately operative and in force from and after the date of posting hereof.

PASSED AND ADOPTED by the Mayor and Council of the City of San Luis, Arizona, this _____ day of _____, 2010.

Juan Carlos Escamilla, Mayor

ATTEST:

Sonia Cuello, City Clerk

APPROVED AS TO FORM:

Glenn J. Gimbut
City Attorney