

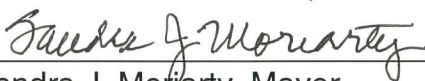
RESOLUTION NO. 2017-15

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SEDONA,
ARIZONA, ESTABLISHING AS A PUBLIC RECORD THE TERMS OF PROPOSED
AMENDMENTS TO SEDONA CITY CODE, CHAPTER 10.20 (PARKING) AND
REPEALING CHAPTER 10.30.**

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF SEDONA, ARIZONA that the terms set forth in that document attached hereto as Exhibit A and entitled "2017 Amendments to the City Code (Parking)" constitute a public record to be incorporated by reference into Ordinance No. 2017-~~04~~.

At least one (1) paper copy and one (1) electronic copy of this public record shall be kept in the office of the City Clerk for public use and inspection.

PASSED AND ADOPTED this 27th day of June, 2017 by the Mayor and Council of the City of Sedona, Arizona.




Sandra J. Moriarty, Mayor

ATTEST:



Susan L. Irvine, CMC, City Clerk

APPROVED AS TO FORM:



Robert L. Pickels, Jr., City Attorney

Exhibit A

2017 Amendments to the City Code (Parking)

Chapter 10.20

PARKING

Sections:

- [10.20.010](#) Method of parking.
- [10.20.020](#) Blocking traffic.
- [10.20.030](#) Parking restricted or prohibited; Authority to erect signs.
- [10.20.040](#) Parking vehicles on sidewalks.
- [10.20.050](#) Parking in fire lanes.
- [10.20.060](#) Parking in areas reserved for the handicapped.
- [10.20.070](#) Prohibition of bus idling in posted areas.
- [10.20.080](#) Violations.
- [10.20.090](#) Signs or markings required for enforcement.
- [10.20.100](#) Parking permits.
- [10.20.110](#) Authority to impound vehicles.
- [10.20.120](#) Habitual offenders.

10.20.010 Method of parking.

Except as otherwise provided by this code, 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 18 inches of the right-hand curb. [Code 2006 § 11-4-1].

10.20.020 Blocking traffic.

A. It is prohibited for any person to stop, stand or park any motor vehicle, or other vehicle, upon a street in the city in such a manner or under such conditions as to leave available less than 20 feet of the width of the street for the free movement of vehicular traffic, except that a person may stop temporarily in the actual loading or unloading of passengers or, when necessary, in the observance of traffic signs or signals of the police chief or authorized personnel.

B. It is prohibited for any person to park a motor vehicle, or other vehicle, within an alley or entrance to a private driveway except for the loading or unloading of materials, and not then unless such loading or unloading can be accomplished without blocking the alley to the free movement of vehicular traffic. [Code 2006 § 11-4-2].

10.20.030 Parking restricted or prohibited; Authority to erect signs.

A. Pursuant to A.R.S. Section 28-627(A)(1) (as amended), the city is hereby authorized to impose restrictions on parking in public areas (rights-of-way, parks, city facilities) and private areas where spaces have been designated for public use through agreements

with property owners. Other than for prohibited parking designations as described in subsections B herein, the city council will delegate the authority to the city manager to make restrictive designations. The city engineer may have signs or markings installed that prohibit, limit, restrict, or regulate the time, place, or method of parking in restricted areas. These areas will be posted with notice of the restrictions. When such signs are in place, a vehicle shall not be parked in violation of the prohibition, limitation, restriction, method of parking, or regulation designated by said signs or markings. It is a civil traffic violation to park within a restricted area described in this section, except for emergency or government vehicles on official business. [Ord. 2006-15, 7-25-2006. Code 2006 § 11-4-3].

B. Prohibited parking designations shall not become effective until such prohibited parking area is specifically designated by resolution of the council and signs have been erected as authorized by this section; provided, that all signs prohibiting parking now in place are hereby ratified and approved as so placed. It is a civil traffic violation for any person to stop or stand a vehicle in disobedience of such parking prohibition.

C. The city engineer, upon an effective designation described in subsection (A) or (B), may erect signs notifying drivers that parking is prohibited, or restricting parking in any way that may be necessary.

D. In a publicly owned parking lot or garage or a privately owned lot or garage being operated or managed by the city pursuant to a lease, contract, or other agreement with the city, (and all public parking spaces for the purposes of subsection D.3 herein), all or certain portions of said lots or garages may be designated for parking of vehicles with permits or decals. Parking may be permitted in said lots, garages, or portions thereof during certain hours or on weekends and holidays if signs are posted which specify the hours or days that a permit or decal is required. Vehicles without a permit or decal may be parked in said lots or garages at any other time.

1. Parking in the above-described lots, garages, or portions thereof is prohibited during the hours or days that a permit or decal is required by official signs posted therein, except for vehicles that are displaying a current and valid permit or decal. A permit or decal is invalid if it is expired or has been cancelled.

2. Vehicles parked in the above-described lots, garages, or portions thereof shall have a properly displayed permit or decal in a conspicuous location as approved by the city and in accordance with the provisions of this section.

3. It shall be unlawful to park any vehicle in any parking lot or garage described above, or in any other public parking space under the control of the city, except within a parking stall as designated by official markings, and all vehicles so parked shall be within the space designated by the official lines or markings.

E. Compact Car Parking. In any publicly or privately owned parking lot or garage being operated or managed by the city or being operated or managed pursuant to a lease, contract, or other agreement with the city, certain portions of said lots or garages may have parking spaces which are designated for compact cars. Vehicles which exceed 15 feet in length shall not be parked in areas designated for compact cars.

F. In a publicly owned parking lot or garage or a privately owned lot or garage being operated or managed by the city pursuant to a lease, contract, or other agreement with the city, persons shall use the lots and garages only for the parking of vehicles or for other uses expressly approved in advance by the city. It shall be unlawful for any person using such property for unauthorized purposes to refuse or fail to leave such property upon being requested to do so by the owner, operator, or agent thereof.

G. Parking Meters. The city engineer may cause parking meters to be installed at the direction of the city council as necessary to regulate and control the parking of vehicles. Parking without paying the designated meter is prohibited.

1. Each person parking a vehicle or motor-driven cycle within a designated parking area which contains a pay by space station or a designated parking meter shall immediately deposit in said pay by space station or parking meter an accepted form of payment as indicated on the meter.

2. At such times when metered parking is active as designated by official City notice, no person shall permit a vehicle or motor-driven cycle to be parked or to remain in a space with a designated parking meter, or in a space within a designated parking area which contains a pay station when said parking meter or pay station beyond the time period for which payment has been made.

3. Parking meter rates shall be set by resolution of the city council. [Ord. 2013-10 § 1, 11-26-2013 (Res. 2013-27 Exh. A, 11-26-2013); Ord. 2016-07 § 1, 10-25-2016 (Res. 2016-30 Exh. A, 10-25-2016)].

10.20.040 Parking vehicles on sidewalks.

It is a civil traffic violation for any person to park any vehicle, whether in usable condition or not, or for an owner to permit his vehicle to be parked upon any sidewalk in the city. [Code 2006 § 11-4-4].

10.20.050 Parking in fire lanes.

It is prohibited for any person to stop, stand or park any motor vehicle, or other vehicle, within an emergency apparatus access road, otherwise known as a fire lane, that has been established and required by the Sedona fire department and which has been clearly designated as such by sign or marking or both. [Code 2006 § 11-4-5].

10.20.060 Parking in areas reserved for the handicapped.

A. It is a civil traffic violation, pursuant to A.R.S. Section 28-884, for any person who is not qualified by statute to park any vehicle in an area reserved for the handicapped and designated in accordance with A.R.S. Section 28-882 and the current Manual on Uniform Traffic Control Devices (MUTCD) as adopted by the Arizona Department of Transportation.

B. Parking spaces marked in the manner provided in A.R.S. Section 28-882 and the current Manual on Uniform Traffic Control Devices may be designated on privately owned property. Any person or business that designates such parking spaces as provided herein shall be deemed to have given consent to authorize police officers and other duly authorized agents to enforce the provisions of this section and shall constitute a waiver of any objection by the owner or person in possession of such property to the enforcement of this section. [Ord. 2013-02 § 1, 3-12-2013. Code 2006 § 11-4-6].

10.20.070 Prohibition of bus idling in posted areas.

A. When, by resolution of the city council, an area is designated where the running or idling of passenger bus engines, while parked, is prohibited, the city engineer shall erect signs prohibiting such activity.

B. It is unlawful for any person to park a passenger bus with its engine running or idling within an area that has been designated with signs, pursuant to subsection (A) of this section, prohibiting such activity. Violation of this title constitutes a civil traffic offense. [Ord. 2000-10, 10-9-2000. Code 2006 § 11-4-7].

10.20.080 Violations.

When signs or markings are in place giving notice thereof, it is unlawful and a violation of this section for a vehicle to be parked in any location designated under the authority of this chapter unless the vehicle is parked consistent with and in accordance with all restrictions, limitations, times, hours, days, manner, and other requirements in this chapter and in compliance with any city ordinance or provision of this code which regulates the time, place, or method of parking. Any violation of this chapter is a civil traffic violation. If any vehicle is found in any location designated in this chapter in violation of any provision of this chapter, or any ordinance of this city, regulating the stopping or standing or parking of vehicles, and the vehicle is not attended by a driver, the owner, or person in whose name such vehicle is registered, shall be held prima facie responsible for such violation. [Ord. 2013-10 § 1, 11-26-2013 (Res. 2013-27 Exh. A, 11-26-2013); Ord. 2015-14 § 1, 11-24-2015 (Res. 2015-31 Exh. A, 11-24-2015)].

10.20.090 Signs or markings required for enforcement.

The city engineer may install appropriate signs or markings giving notice of parking restrictions, prohibitions, and method of parking in this chapter and violations shall not

be enforced unless appropriate signs or markings are installed and in place at the time of the violation. [Ord. 2013-10 § 1, 11-26-2013 (Res. 2013-27 Exh. A, 11-26-2013)].

10.20.100 Parking permits.

A. The city or a private person or entity acting pursuant to a contract with the city shall issue permits or decals authorizing persons to park in specially designated parking areas and shall provide for appropriate display of the permits or decals. Permits or decals shall be issued only for vehicles authorized to park in certain designated areas owned by the city or in areas designated for private parking pursuant to parking agreements entered into with the city. [Ord. 2013-10 § 1, 11-26-2013 (Res. 2013-27 Exh. A, 11-26-2013)].

B. Residential Permit Parking

1. The city council may, upon recommendation of the city engineer, designate residential areas within the city consisting of streets or portions of streets upon which the parking of motor vehicles shall be restricted in whole or in part to motor vehicles bearing a valid parking permit issued pursuant to this section.

2. A residential area shall be eligible for designation as a residential parking permit area when the city engineer has determined that parking in the area is significantly impacted by motor vehicles owned by nonresidents of the residential parking permit area. In making a determination of significant impact, the city engineer shall consider any or all of the following:

- a) The need to reduce hazardous traffic conditions in the area;
- b) Protection of the area from polluted air, excessive noise, and trash and refuse caused by the entry of non-resident vehicles;
- c) Protection of residents of the area from unreasonable burdens in gaining access to their residences; and
- d) Preserving the character of the area as a residential district and preserving the value of the property in the area.

3. In each residential parking permit area, the city engineer shall cause parking signs to be erected in the area, indicating the times and conditions under which parking shall be by permit only.

4. Upon application, any person who resides on property immediately adjacent to a street within a residential parking permit area shall be entitled to receive residential parking permits through an administrative process as established by the city manager or his designee.

10.20.110 Authority to impound vehicles.

Vehicles parked in violation of this chapter may be impounded in the same manner as provided for by the provisions of SCC 10.15.150. [Ord. 2013-10 § 1, 11-26-2013 (Res. 2013-27 Exh. A, 11-26-2013)].

10.20.120 Habitual offenders.

A. Any person who commits a civil traffic violation of this chapter after previously having been found responsible for three or more civil traffic violations of this chapter within a 24-month period, whether by default or by judgment after hearing, and who has not paid the civil sanctions required by the court for those offenses (underlying offenses) shall be guilty of a misdemeanor. For purposes of calculating the 24-month period under this subsection, the dates of the commission of the offenses are the determining factor.

B. The Sedona city attorney/prosecutor is authorized to file a criminal misdemeanor complaint in the Sedona magistrate court against habitual offenders who violate this section.

C. The payment of the civil sanctions due on an underlying offense, when such payments are made after the issuance of a summons and complaint on a charge of being a habitual offender, shall not be a defense to the habitual offender charge.

D. Upon conviction of a violation of this section, the court may impose a sentence of incarceration not to exceed six months in jail or a fine not to exceed \$2,500, exclusive of penalty assessments prescribed by law, or both. The court shall order a person who has been convicted of a violation of this section to pay a fine of not less than \$250.00 for each count upon which a conviction has been obtained. A judge shall not grant probation to or suspend any part or all of the imposition or execution of any sentence required by this subsection except on the condition that the person pay the mandatory minimum fines as provided for in this subsection.

E. Every action or proceeding under this section shall be commenced and prosecuted in accordance with the laws of the state of Arizona relating to criminal misdemeanors and the Arizona Rules of Criminal Procedure. [Ord. 2013-10 § 1, 11-26-2013 (Res. 2013-27 Exh. A, 11-26-2013)].