


RESOLUTION NO. 2022-09

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

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF SEDONA, ARIZONA that the changes to Sedona City Code Chapter 10.20 (Parking) as set forth in Exhibit A "2022 Amendments to Sedona City Code Chapter 10.20 Parking" and attached hereto, constitutes a public record to be adopted by reference in Ordinance No. 2022-01 pursuant to A.R.S. § 9-802.

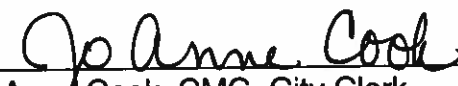
One paper copy and one electronic copy of this public record shall be filed in the office of the City Clerk and kept available for public use and inspection.

APPROVED AND ADOPTED by the Mayor and Council of the City of Sedona, Arizona this 22nd day of March, 2022.



Sandra J. Moriarty, Mayor

ATTEST:



JoAnne Cook, CMC, City Clerk

APPROVED AS TO FORM:



Kurt W. Christianson, City Attorney

Exhibit A
"2022 Amendments to Sedona City Code Chapter 10.20 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	Prohibited Parking .
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	Stopping, Standing and Parking Restrictions; Violations; Liability; Defense.
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.
10.20.130	Immobilizing Vehicles.
10.20.140	Parking on Private Property.
10.20.150	Large Vehicle Parking Prohibited.
10.20.160	Commercial Vehicle Storing and Parking Prohibited.
10.20.170	Vehicle Parking and Storage on Residential Lots.

10.20.010 Method of parking; Definitions.

A. 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 side of such vehicle parallel to and within 18 inches of the right-hand curb.

B. For the purposes of this chapter, the words, terms and phrases used shall have the meanings ascribed to them in A.R.S. Sections 28-101 and 28-601, except where a different definition is provided in this chapter or where the context clearly indicates a different meaning. [Code 2006 § 11-4-1. Ord. 2017-04 § 1, 6-27-2017; Res. 2017-15 Exh. A, 6-27-2017].

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.

C. Parked or stopped vehicles shall at no time overhang into or obstruct any portion of a public sidewalk, street or alley. [Code 2006 § 11-4-2. Ord. 2017-04 § 1, 6-27-2017; Res. 2017-15 Exh. A, 6-27-2017].

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 subsection [\(B\)](#) of this section, the city council delegates 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.

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 in place as of March 22, 2022 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) of this section, 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) of this section), 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.
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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 is beyond the time period for which payment has been made.

3. Parking meter rates shall be set by resolution of the city council. [Code 2006 § 11-4-3. Ord. 2006-15, 7-25-2006; Ord. 2017-04 § 1, 6-27-2017; Res. 2017-15 Exh. A, 6-27-2017].

10.20.040 Prohibited Parking .

It is a civil traffic violation for any person to stop, stand or park a vehicle, whether in usable condition or not, or for an owner to permit the owner's vehicle to stop, stand or park in any of the following places:

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- A. Upon any sidewalk in the city.
 - B. Within an intersection.
 - C. Within fifteen (15) feet of a fire hydrant.
 - D. On a crosswalk.
 - E. At any place where official signs prohibit stopping, standing or parking.
 - F. Across lines or markings painted upon a city curb, street, or parking space or to park a vehicle in such a position that it shall not be entirely within the space designated by such lines or markings.
 - G. In a city park or trailhead except within designated parking areas.
 - H. Within five feet (5') of a mailbox, on Mondays through Saturdays (except holidays) between seven o'clock (7:00) A.M. and six o'clock (6:00) P.M.

[Code 2006 § 11-4-4. Ord. 2017-04 § 1, 6-27-2017; Res. 2017-15 Exh. A, 6-27-2017].

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. Ord. 2017-04 § 1, 6-27-2017; Res. 2017-15 Exh. A, 6-27-2017].

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. [Code 2006 § 11-4-6. Ord. 2013-02 § 1, 3-12-2013; Ord. 2017-04 § 1, 6-27-2017; Res. 2017-15 Exh. A, 6-27-2017].

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. [Code 2006 § 11-4-7. Ord. 2000-10, 10-9-2000; Ord. 2017-04 § 1, 6-27-2017; Res. 2017-15 Exh. A, 6-27-2017].

10.20.080 Stopping, Standing and Parking Restrictions; Violations; Liability; Defense.

A. Applicability: The provisions of this chapter prohibiting the stopping, standing or parking of a vehicle shall apply at all times or at those times herein specified or as indicated on official signs or parking meters, except when it is necessary to stop a vehicle to avoid an accident or in compliance with directions of a police officer. Parking restrictions provided in this chapter shall not apply to any authorized emergency vehicle or police officer or parking enforcement agent when such stopping, standing or parking is for the purpose of actual performance of law enforcement duty.

B. Persons Liable: If any vehicle is found in violation of any provision of this chapter, or any ordinance of this city, regulating the stopping, standing or parking of vehicles, the person in whose name such vehicle is registered, as well as the driver of the vehicle at the time of the violation, shall be jointly and severally responsible for such violation and are subject to the

penalties therefor. If 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 and is subject to the penalties therefor.

C. Defense to Liability: Persons liable may present evidence in any prosecution of a parking violation that a vehicle was not illegally parked, that said vehicle was not registered to said person at the time of the offense, or that said vehicle had been stolen at the time of the offense. Proof that a person other than the registered owner was operating the vehicle at the time of the violation shall not constitute a valid defense to the substantive offense.

D. Violations:

1. When signs or markings are in place giving notice thereof, it is unlawful and a violation of this chapter 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 and shall be subject to civil penalty not to exceed the amounts prescribed in a parking fine schedule set by city council.

2. Violations of this chapter regulating the time, place or method of stopping, standing or parking of vehicles which are continuous in nature shall constitute a separate and distinct violation for each full hour thereof.

E. Notice of Violation.

1. In an action involving unlawful stopping, standing or parking of vehicles, a copy of the notice of violation need not be personally served upon the owner or operator of the vehicle but may be served by conspicuously affixing a copy to the vehicle.

2. The notice shall include the date, time and location of the violation, the State license number of the vehicle unlawfully parked, reference to the City ordinance or code provision violated, the sanction for the violation, and notice that within fifteen (15) calendar days from the day of which the notice was issued, the sanction for the violation must be paid and received by the City of Sedona office designated by the City Manager or a written request

for an administrative hearing to contest the notice of violation must be made and received by the City of Sedona office designated by the City Manager.

F. Administrative Hearing; Appeal.

1. An administrative hearing for a parking violation may be heard by a parking ticket hearing officer designated by the City Manager. The parking ticket hearing officer may make such findings and orders as may be necessary and proper to dispose of such cases. Persons dissatisfied with the hearing officer's decision must appeal the decision to the Sedona magistrate court within ten (10) calendar days by providing the hearing officer with notice. The hearing officer will then forward the violation to the Sedona magistrate court for a hearing.

2. A civil traffic hearing for a parking violation will be heard in the Sedona magistrate court pursuant to applicable State statutes and the Rules of Procedure in Civil Traffic Violation Cases. The court may make such orders as may be necessary and proper to dispose of such cases. Any fines imposed by the court shall not be less than a base fine of twenty dollars (\$20.00) excluding any State surcharges and fees. Fines imposed after a civil traffic hearing shall be paid to the Sedona magistrate court.

G. Default Judgment and Penalty Assessment: If the person or persons allegedly liable for a parking violation fail to respond to the notice of violation by one of the methods prescribed in subsection E(2) of this section within fifteen days of the issuance of the notice, the default fine shall be entered against the registered owner of the vehicle and the sanction for the violation shall automatically increase by \$50.00. All funds collected from fines pursuant to this chapter shall be turned over to the City Finance Department.

[Ord. 2017-04 § 1, 6-27-2017; Res. 2017-15 Exh. A, 6-27-2017].

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. 2017-04 § 1, 6-27-2017; Res. 2017-15 Exh. A, 6-27-2017].

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.

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 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 nonresident 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. [Ord. 2017-04 § 1, 6-27-2017; Res. 2017-15 Exh. A, 6-27-2017].

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. 2017-04 § 1, 6-27-2017; Res. 2017-15 Exh. A, 6-27-2017].

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 (violations per subsection 10.20.080.D.2 shall be treated as a single violation) within a 24-month period, whether by default or by judgment after administrative or civil hearing, and who has not paid the civil sanctions required by the court for those offenses (underlying offenses) shall be deemed to be a habitual offender and 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. 2017-04 § 1, 6-27-2017; Res. 2017-15 Exh. A, 6-27-2017].

10.20.130 Immobilizing Vehicles.

A. The Police Department may immobilize a vehicle stopped or parked in violation of any provision of this Chapter by placement of a restraint in such a manner as to prevent a vehicle's operation.

B. Upon immobilization of an eligible vehicle, a notice shall be conspicuously affixed to the vehicle. The notice shall warn that the vehicle is immobilized and that any attempt to move the vehicle may result in its damage. The notice shall state that the unauthorized removal of or damage to the immobilizing restraint is a criminal violation. The notice shall also state that unless arrangements are made for release of the vehicle within five (5) hours of immobilization, the vehicle may be towed and impounded. The notice shall also specify how release of the immobilizing restraint may be had.

C. The Police Department may have any vehicle upon which an immobilizing restraint has been placed removed and impounded if no arrangements have been made for the release of the vehicle within five (5) hours of immobilization.

D. It is unlawful for any person, without proper authority, to remove or attempt to remove, or for any person to damage, tamper with or deface an immobilizing restraint device that has been attached to a vehicle pursuant to this section, or to relocate or tow any vehicle so restrained.

E. Prior to a hearing on the validity of an immobilization authorized by this section, the registered owner of the immobilized or impounded vehicle or other person entitled to possession of the vehicle shall be permitted to secure release of the vehicle by furnishing evidence of identity and ownership or right of possession and:

1. Paying the immobilization fees and, if applicable, towing and storage fees; or
2. Posting a bond in an amount equal to the immobilization fees and, if applicable, towing and storage fees.

F. The registered owner of a vehicle immobilized or other person entitled to possession of the vehicle shall have the right to a hearing to determine whether there was a sufficient factual and legal basis for the immobilization if the owner files a written request for a hearing with the Sedona magistrate court within fourteen (14) calendar days of the immobilization. Failure to request or attend a scheduled hearing shall be deemed a waiver of the right to a hearing. In the

event of such failure, any bond shall be forfeited. If the court determines that there were insufficient grounds for the immobilization, the bond shall be exonerated. The hearing shall be conducted informally, and the technical rules of evidence shall not apply, provided that the decision of the Sedona magistrate court shall in all cases be based upon substantial and reliable evidence.

G. The immobilization fee shall be one hundred and seven dollars (\$107.00). The towing and storage fees shall be those applicable to the tow contractor providing the tow service. No fees shall be assessed for any immobilization which has been determined to be without a sufficient factual or legal basis.

10.20.140 Parking on Private Property.

No person may park a vehicle in any private driveway, on private property or on private parking areas without the express or implied consent of the owner or person in lawful possession of such premises.

10.20.150 Large Vehicle Parking Prohibited.

No person shall park a vehicle, commercial motor vehicle, equipment or trailer of more than fourteen thousand (14,000) pounds gross weight on that side of any public street which is on the boundary of or is within a residential land use zoning district as designated on the current official zoning map except for the purpose of loading or unloading said vehicle or equipment.

10.20.160 Commercial Vehicle Storing and Parking Prohibited.

Storing commercial motor vehicles on residential properties is prohibited. The parking of commercial motor vehicles on residential properties shall be limited to a maximum of two commercial motor vehicles if both vehicles are less than 6,000 pounds gross weight or a maximum of one commercial motor vehicle if the vehicle is between 6,000 and 14,000 pounds gross weight. Commercial motor vehicles with a gross weight in excess of 14,000 pounds are prohibited from parking on residential properties.

10.20.170 Vehicle Parking and Storage on Residential Lots.

A. All residential lots shall provide a dust-free driveway, as described in subsection B.1. of this section, between a public street or private drive and all required parking spaces. If access to a public street is provided via an alley, the alley and driveway shall be a dust-free surface.

B. Vehicle Parking and Storage.

1. All vehicles shall be parked, stored or maneuvered on a dust-free surface such as concrete, pavers, asphalt, or crushed rock or aggregate that is a minimum of three inches thick. All crushed rock or aggregate shall be distinctly different than any adjacent landscaping groundcover through material type and/or color and shall be contained by a permanent border. Permanent borders for asphalt surfaces are recommended. All dust-free surfaces shall be maintained and kept free from weeds, grass, or other vegetative growth.
 2. Vehicle parking or storage in landscaped areas shall be prohibited.
 3. Vehicle parking in a front yard or unscreened side yard shall only be permitted on a dust-free driveway or surface.
 4. No vehicle shall be stored on a residential lot unless such vehicle is owned or leased by the owner or resident of the property.
 5. Vehicles shall only be stored in a garage or within a side yard or rear yard area located behind a solid six (6) foot tall wall, fence or gate, or landscaping. No vehicle storage is allowed in the front yard or unscreened, street side yard. Screening for vehicle storage shall be subject to the standards in the Land Development Code Section 5.6.D, *Screening*, and subject to the limitations of fence and wall heights in Section 5.6.E.
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