

## **Chapter 11 Traffic**

### **Article 11-1 ADMINISTRATION**

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#### **Sec. 11-1-1 Duty of Police Department**

A. It shall be the duty of the police department under the direction of the chief of police to provide for the enforcement of the street traffic regulations of the town and all of the state vehicle laws applicable to street traffic in the town, to make arrests when authorized and to issue civil citations when authorized, to investigate accidents and to assist in developing ways and means to improve traffic conditions and to carry out all duties especially imposed upon the police department by this chapter.

B. Any peace officer or duly authorized agent of the Town of Superior may stop and detain a person as is reasonably necessary to investigate an actual or suspected violation of the traffic code, and to serve a copy of the traffic complaint for any alleged civil or criminal violation of said articles.

#### **Sec. 11-1-2 Records of Traffic Violations**

A. The police department shall keep a record of all violations of the traffic laws of the town or of the state vehicle laws of which any person has been charged, together with a record of the final disposition of all such alleged offenses. Such record shall accumulate during at least a five-year period and from that time on the record shall be maintained complete for at least the most recent five-year period.

B. All forms for records of violations and notices shall be serially numbered. For each month and year a written record shall be kept available to the public showing the disposal of all such forms.

C. All records and reports shall be public records.

#### **Sec. 11-1-3 Police Department to Investigate Accidents**

It shall be the duty of the police department to investigate traffic accidents and to arrest and assist in the prosecution of those persons

charged with violations of law causing or contributing to such accidents.

#### **Sec. 11-1-4 Traffic Accident Studies**

Whenever the accidents at any particular location become numerous the police chief shall conduct studies of such accidents and determine remedial measures.

#### **Sec. 11-1-5 Traffic Accident Reports**

A. The police department shall maintain a suitable system of filing traffic accident reports. Accident reports or cards referring to them shall be filed alphabetically by location.

B. The police department shall receive and properly file all accident reports made to it under state law or under any law of the town, but all such accident reports made by drivers shall be for the confidential use of the town. No such report shall be admissible in any civil or criminal proceeding other than upon request of any person making such report or upon request of the court having jurisdiction, to prove a compliance with the laws requiring the making of any such report.

### **Article 11-2 TRAFFIC CONTROL**

11-2-1 Directing Traffic

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11-2-4 Traffic Control Devices

11-2-5 Authority to Designate Crosswalks, and Mark Traffic Lanes

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11-2-8 One-way Streets and Alleys

11-2-9 Regulation of Traffic at Intersections

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**Sec. 11-2-1 Directing Traffic**

A. Officers of the police department are hereby authorized to direct all traffic by voice, hand or signal.

B. Officers of the fire department, when at the scene of a fire, may direct or assist police officers in directing traffic thereat or in the immediate vicinity.

**Sec. 11-2-2 Obedience to Traffic Regulations**

It is unlawful for any person to do any act forbidden or fail to perform any act required by this chapter. It is unlawful for any person to willfully fail or refuse to comply with any lawful order or direction of a police officer or of any fire department official.

**Sec. 11-2-3 Use of Coasters, Roller Skates and Similar Devices Restricted**

It is unlawful for any person upon roller skates or riding any coaster, toy vehicle or similar device to go upon any roadway except while crossing a street on a crosswalk and, when crossing, such person shall be granted all of the rights and shall be subject to all of the duties applicable to pedestrians.

**Sec. 11-2-4 Traffic Control Devices**

A. The police department, with the approval of the council, shall place and maintain traffic control devices, signs and signals when and as required under the traffic regulations of the town to make effective the provisions of said regulations, and may place and maintain such additional traffic control devices as may be deemed necessary to regulate, guide or warn traffic under the traffic laws of the town or under state law.

B. The driver of any vehicle shall obey the instructions of any official traffic control device applicable thereto placed in accordance with the traffic regulations of the town unless otherwise directed by a police officer, subject to the exceptions granted in this chapter or by state law.

**Sec. 11-2-5 Authority to Designate Crosswalks, Establish Safety Zones and Mark Traffic Lanes**

The police department is hereby authorized, on approval by the council:

A. To designate and maintain, by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections where there is particular danger to pedestrians crossing the roadway, and at such other places as may be deemed necessary.

B. To establish safety zones of such kind and character and at such places as may be deemed necessary for the protection of pedestrians.

C. To mark lanes for traffic on street pavements at such places as may be deemed advisable consistent with the traffic laws of the town.

**Sec. 11-2-6 Authority to Place and Obedience to Turning Markers**

A. The police department is authorized to place markers, buttons or signs within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections, and such course to be traveled as so indicated may conform to or be other than as prescribed by law.

B. When authorized markers, buttons or other indications are placed within an intersection indicating the course to be traveled by vehicles turning thereat, no driver of a vehicle shall disobey the directions of such indications.

**Sec. 11-2-7 Authority to Place and Obedience to Restricted Turn Signs**

A. The police department, on approval by the council, is hereby authorized to determine those intersections at which drivers of vehicles shall not make a right, left or U-turn and shall place proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the signs or such signs may be removed when such turns are permitted.

B. Whenever authorized signs are erected indicating that no right or left or u-turn is permitted, no driver of a vehicle shall disobey the directions of any such sign.

**Sec. 11-2-8 Limitations on Turning Around**

The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction upon any street in a business district and shall

not upon any other street so turn a vehicle unless such movement can be made in safety and without interfering with other traffic.

**Sec. 11-2-9 One-Way Streets and Alleys**

A. The council shall, by resolution, designate any streets or alleys which are to be limited to one-way traffic.

B. When any resolution of the council designates any one-way street or alley, the police department shall place and maintain signs giving notice thereof, and no such regulation shall be effective unless such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

**Sec. 11-2-10 Regulation of Traffic at Intersections**

A. The council shall by resolution designate through streets, intersections where stops are required, and intersections where vehicles shall yield the right of way.

B. When any resolution of the council shall designate any through street or intersection where vehicles are to stop or yield the right of way, the police department shall erect and maintain the appropriate signs at every location where a vehicle must stop or yield the right of way.

**Sec. 11-2-11 Drivers to Obey Signs**

Whenever traffic signs are erected as provided in this chapter, every driver of a vehicle shall obey such signs unless directed to proceed by a police officer or a traffic control signal. No driver shall drive upon or through any private property such as an oil station, vacant lot, or similar property to avoid obedience to any regulation included in this chapter.

**Sec. 11-2-12 Processions**

A. No procession or parade, except funeral processions, shall be held without first securing a permit from the police chief, and all such requests for permits shall state the time, place of formation, proposed line of march, destination and such other information as the police chief may request.

B. A funeral procession composed of a procession of vehicles shall be identified by such methods as may be determined and designated by the police chief.

C. No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated. This provision shall not apply at intersections where traffic is controlled by traffic control signals or a police officer.

D. Each driver in a funeral or other procession shall drive as near to the right hand edge of the roadway as practical and shall follow the vehicle ahead as close as is practical and safe.

**Article 11-3 PARKING**

11-3-1 Method of Parking

11-3-2 Blocking Traffic

11-3-3 Parking Adjacent to Schools

11-3-4 Authority to Erect Signs Restricting Parking

11-3-5 Parking Vehicles on Sidewalks

11-3-6 Abandoned Vehicles

**Sec. 11-3-1 Method of Parking**

Except as otherwise provided by resolution of the council, 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 eighteen inches of the right hand curb.

**Sec. 11-3-2 Blocking Traffic**

A. It is unlawful for any person to stop, stand or park any motor vehicle or other vehicle upon a street in the town in such manner or under such conditions as to leave available less than twenty feet of the width of the roadway 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 a police officer.

B. It is unlawful 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.

#### **Sec. 11-3-3 Parking Adjacent to Schools**

When signs are erected indicating no parking on that side of the street adjacent to any school property, no person shall park a vehicle in any such designated place for one hour before school opens until one hour after school closes on any school day.

#### **Sec. 11-3-4 Authority to Erect Signs Restricting Parking**

The police department, upon approval by the council, may erect signs requiring parking at an angle to the curb, allowing parking on the left hand curb on one-way streets, notifying drivers that parking is prohibited and restricting parking in any way that may be necessary. When signs have been erected as authorized by this section, it is unlawful for any person to stop or stand a vehicle in disobedience to such parking restrictions.

#### **Sec. 11-3-5 Parking Vehicles on Sidewalks**

It is unlawful 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 town.

#### **Sec. 11-3-6 Loading Zones**

In the following described locations within the Town limits of the Town of Superior it shall be unlawful for the driver of a vehicle to stand a passenger vehicle for a period of time longer than is necessary for the loading or unloading of passengers, not to exceed three minutes, and for the driver to stand any freight carrying vehicles for a period of time longer than is necessary to load, unload and deliver materials, not to exceed one hour. Said parking shall be unlawful in the following described areas:

- a. All areas designated "loading zone" by the appropriate signs or yellow painted curbing.
- b. The alleyway which lies between Main Street and Lime Street and is bordered by High School Avenue on the north and Stansberry on the south.

### **Article 11-4 ABANDONED VEHICLES**

#### 11-4-1 Definitions

#### 11-4-2 Unsheltered storage a nuisance

#### 11-4-3 Abatement responsibility

#### 11-4-4 Notice of removal by Town-Contents

#### 11-4-5 Notice of removal by Town -Service

#### 11-4-6 Notice of removal by Town-Appeal

#### 11-4-7 Removal and disposal by Town authorized

#### 11-4-8 Appraisal of vehicle

#### 11-4-9 Chief of police vehicle removal authority

#### 11-4-10 Violation-Penalty

#### **Sec. 11-4-1 Definitions**

Except where otherwise indicated by the context, the following definitions shall apply in the interpretation and enforcement of this chapter:

- A. "Abandoned vehicle" means a vehicle or any major portion thereof, which is incapable of movement under its own power and will remain so without repair and/or reconstruction. It shall also mean a vehicle being repaired when such repairs take in excess of thirty days.
- B. "Private property" means land owned by any person, firm, partnership, or corporation other than the United States, the State of Arizona, or Town of Superior.
- C. "Storage" means the presence or location of abandoned vehicles.
- D. "Unsheltered" means outside a carport, garage or other building; or outside the confines of a suitably fenced area allowing the vehicle to be visible from beyond the lot boundaries.
- E. "Vehicle" means a device in1 upon, or by which any person or property is or may be transported or drawn upon a public right-of-way, which is subject to registration under the provisions of Arizona Law or

would be subject to said registration if operable excepting devices moved by human power of used exclusively upon stationary rails or tracks.

**Sec. 11-4-2 Unsheltered Storage a nuisance**

Unsheltered storage of an abandoned vehicle for a period of thirty days or more on any private property within the corporate limits of the Town of Superior is declared to be a nuisance and dangerous to the public health, safety and welfare. Pursuant to the provisions of A.R.S. §28-1408, said vehicles may be disposed of by the Town as provided in Title 28, Chapter 8, Article 5 of the Arizona Revised Statutes and the provisions of this section. Vehicles stored and kept as stock in trade by a regularly licensed and established new or used car dealership or by a regularly licensed and established junkyard or wrecking yard are exempt from the provisions of this chapter.

**Sec. 11-4-3 Abatement responsibility**

The owner, owners, tenants, lessees and/or other occupants of any private property within the corporate limits of the Town of Superior upon which storage of an abandoned vehicle is made as described in the preceding subsection and the owner or owners of such abandoned vehicle involved in such storage, shall jointly and severally abate said nuisance.

**Sec. 11-4-4 Notice of removal by Town -- Contents**

Arty owner, tenant, lessee, occupant or other person who fails, neglects or refuses to abate such nuisance by removal of the offending abandoned vehicle or vehicles shall be given written notice by the Chief of Police or Town Clerk to abate such nuisance by removal of the offending abandoned vehicle or vehicles within fifteen days from the date the notice is received by him and prior to the date of compliance on the notice. Such notice shall be received not less than fifteen days before the date set thereon f or compliance, and shall contain a statement that unless the person responsible for said abandoned vehicle or vehicles complies therewith within fifteen days from the date such notice is received, the Town will remove such abandoned vehicle or vehicles.

**Sec. 11-4-5 Notice of removal by Town -- Service**

The written notice shall be personally served on the owner or person controlling such abandoned vehicle or vehicles by a police officer of the Town of Superior in the manner provided in Rule 4(d) of the Arizona Rules of Civil Procedure, or mailed to the owner or person controlling such property at his last known address by certified or registered mail or at the address to which the tax bill for the property was last mailed. If the owner or person responsible for the nuisance does not reside on such property, a duplicate notice shall also be sent to him by certified or registered mail at his last known address, if an address for him is known. The notice shall also be placed upon the offending vehicle.

**Sec. 11-4-6 Notice of removal by Town-Appeal**

Prior to the date set for compliance on the notice, the owner or person responsible for maintaining the vehicle may appeal in writing to the Town Clerk, who shall within five days thereafter, set a date for a hearing before the Town Council. Such hearing shall be set for a date not more than thirty days after the receipt by the Clerk of the written appeal, and written notice of the date, time and place set for such hearing shall be mailed to the appealing party not less than ten days prior to the date set for such hearing. At such hearing, the Town Council may determine that no nuisance in fact exists, or may allow additional time for abatement of the nuisance, or may deny all relief and abate the nuisance pursuant to the provisions of Section 11-4-7.

**Sec. 11-4-7 Removal and Disposal by Town**

When any such owner, tenant, lessee, occupant or other person to whom notice, as aforesaid, has been given, on or before the date of compliance on the notice, or within such further time as may have been granted by the Town Council on appeal, fails, neglects or refuses to abate such nuisance by removing the abandoned vehicle or vehicles, the Chief of Police or Town Clerk is authorized and directed to remove said abandoned vehicle or vehicles from said premises, and to dispose of the same according to the provisions of Title 28, Chapter 8, Article 5, Arizona Revised Statutes relating to abandoned vehicles, including a report to the Assistant Director of the Department of Transportation.

#### **Sec. 11-4-8 Appraisal of vehicle**

Pursuant to Arizona Revised Statutes 28-1401.01, the Chief of Police shall designate one or more police officers to make appraisals of all abandoned vehicles, and shall cause an appraisal to be made by one of such officers within five days from the date that the abandoned vehicle or vehicles are directed to be removed from the premises pursuant to the provisions of Section 11-4-7. If an abandoned vehicle is appraised at a value not to exceed one hundred dollars, the chief of police shall cause said abandoned vehicle to be disposed of pursuant to the provisions of Arizona Revised Statutes 5 28-1409. If an abandoned vehicle is appraised at a value of more than one hundred dollars, the Chief of Police shall cause such abandoned vehicle to be removed by calling a tow-truck and delivering custody of the vehicle to the operator of such tow-truck, pursuant to the rules and regulations of the police department.

#### **Sec. 11-4-9 Chief of police vehicle removal authority**

The Chief of Police is authorized and directed to cause abandoned vehicles as defined in Arizona Revised Statutes § 28-1401(1) to be removed, placed in custody and appraised as provided in Title 28, Chapter 8, Article 5, Arizona Revised Statutes, relating to abandoned vehicle. The Chief of Police shall cause such abandoned vehicles to be removed by calling a tow-truck and delivering custody to the operator thereof, pursuant to the rules and regulations of the police department. Such abandoned vehicles may be removed to the Town yard or other holding area and stored until all applicable notice requirements are met.

#### **Sec. 11-4-10 Violation-Penalty**

(A) Any person, firm or corporation who fails, neglects or refuses to abate the nuisance in the preceding sections, after notice as provided herein, shall be guilty of a class (3) misdemeanor and upon conviction, shall 11-4-10 Offenses 11-5-3 be punished by a fine not to exceed five hundred dollars or by imprisonment for a period not to exceed thirty days in the Town Jail or by both such fine and imprisonment. Each day a violation is permitted to exist shall constitute a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this chapter. Further, the Chief of Police is expressly authorized to file complaints in the magistrate court for violations of this section and nothing contained in this article shall be construed as requiring the Town or its representatives to abate said nuisance.

(B) The Magistrate Court shall also be authorized to order anyone violating any of the provisions of this article to pay all costs incurred by the Town abating the nuisance, and said order shall be enforceable by contempt or as otherwise provided in Arizona Revised Statutes.

#### **Article 11-5 STREET EXCAVATORS**

11-5-1 Permit Required

11-5-2 Application for Permit

11-5-3 Schedule of Fees

11-5-4 Permit Provisions

11-5-5 Exemption of Companies with Franchise Agreement

11-5-6 Excavation Standards

#### **Sec. 11-5-1 Permit Required**

It is unlawful for any person to cut, open or remove any pavement or dig upon any street, sidewalk, alley, or public place in the Town without first obtaining a permit from the Town for that purpose.

#### **Sec. 11-5-2 Application for Permit**

Any person desiring to cut, open or remove the pavement or dig upon any street, sidewalk, alley, or public place in the Town shall make application to the Public Works Supervisor or Street Superintendent for a permit to do such work, stating the location, purpose, and approximate extent thereof. A separate application shall be made for each place where it is proposed to cut the pavement or dig upon such street, sidewalk, alley, or public place. Upon receipt of such application, the Public Works Supervisor or Street Superintendent shall issue a permit therefore if the proposed work does not conflict with this code, or any ordinance or regulation of the Town and the applicant has paid the required fee therefore.

**Sec. 11-5-3 Schedule of Fees**

The Public Works Supervisor and the Street Superintendent shall determine a schedule of fees for permits issued under this Article. Said fee schedule shall be approved by the Council for the Town of Superior and in setting said fees, they shall consider the risk to the Town of Superior and the possible damage to the street, sidewalk, alley, or public place that may result from the excavation or digging.

**Sec. 11-5-4 Permit Provisions**

Each permit issued by the Town for cutting or removing the pavement or digging upon any street, sidewalk, alley, or public place, shall provide that the person, to whom such permit is issued, shall save and hold the Town harmless from any claim for injury or damages resulting from the performance or maintenance of such work, and shall, during the progress of such work, keep and maintain proper barriers and lights for the protection of the public in the use of such streets, sidewalks, alleys, and public places.

**11-5-5 Exemption of Companies with Franchise Agreement**

Notwithstanding the provisions of Sections 11-5-1 through 4 of this Article, any person or company holding a valid franchise agreement with the Town of Superior shall comply with the provisions of that agreement and shall not be required to obtain a permit for excavation under this Article, however, any such excavation shall be made in compliance with the excavation standards contained in Section 11-5-6 of this Article and in compliance with the appropriate franchise agreement.

**11-5-6 Excavation Standards**

Any person cutting or removing any pavement or digging upon the streets, sidewalks, alleys, or public places of the Town shall at all times protect the public using the same against injury or damage caused by or arising out of the cutting, removing and maintaining any opening in such pavement, and shall erect and maintain at such places at all times, proper barriers and lights. All work shall be completed and performed in such manner as to avoid creating inconvenience to the public in the use of such streets, sidewalks, alleys, and public places.

Upon completion of the work requiring the cutting or removing of such pavement or digging, all openings therein shall be refilled and repaved and placed on level with the surrounding portions thereof and shall be placed in as good condition as before being cut. The responsible party shall remove all rock, debris, and other material, and leave the same clean and ready for immediate use. All work shall be done under the supervision and direction of the Street Superintendent for the Town of Superior.