

Title 10

VEHICLES AND TRAFFIC

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- 10.04 State Traffic Laws Adopted**
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Chapter 10.04

STATE TRAFFIC LAWS ADOPTED

Sections:

10.04.010 Adoption of state law.

10.04.010 Adoption of state law.

A. All of the provisions and requirements Chapters 3, 4, 7, 8, 9, 10 and 11 of Title 28 of the Arizona Revised Statutes Annotated, in regard to the regulation of traffic and the use and operation of vehicles, or amendments or additions thereto, insofar as such provisions can have application within the city are adopted and made a part of this chapter as though fully set out herein. Copies of such chapters shall be on file in the office of the city clerk.

B. It is unlawful for any person to fail, neglect or refuse to comply with the chapters referred to in this section. (Ord. 799 § 1, 2001; Prior code § 16.1)

Chapter 10.08

TRAFFIC ADMINISTRATION

Sections:

10.08.010 City Manager —Powers and duties relative to parking and traffic.

10.08.010 City Manager ---- Powers and duties relative to parking and traffic.

A. The city manager, or his designee, except as otherwise directed by this chapter and except as otherwise directed by the council, shall have the power and is authorized to regulate the operation and parking of vehicles within the corporate limits of the city by the erection or placing of proper signs or markers indicating prohibited or limited parking, restricted speed areas, one-way streets, play streets, through or arterial streets, “U” turns, school zones, hospital zones, loading or unloading zones, quiet zones and other signs, markers and official traffic-control devices indicating the place or manner of operating or parking vehicles within the city.

B. The city manager, or his designee, except as otherwise directed by this chapter and except as otherwise directed from time to time by the council shall have power and is authorized to regulate the movement of pedestrians upon the streets and sidewalks of the city by the erection or placing of proper signs or markers indicating the flow of pedestrian traffic.

C. The city manager, or his designee, except as otherwise directed by this chapter and except as otherwise directed from time to time by the council, shall have power and is authorized to designate bus stops and taxicab

stands and to erect signs prohibiting the parking of vehicles other than buses and taxicabs at their respective stops and stands.

D. The city manager, or his designee, except as otherwise directed by this chapter and except as otherwise directed from time to time by the council, shall have power and is authorized to mark off traffic lanes on streets and parts of streets indicating and directing the flow of traffic, when, in his judgment such action is necessary.

E. The city manager, or his designee, shall have power and is authorized to secure all necessary signs, markers or official traffic-control devices to be erected or placed on any street or part of a street when such action is deemed necessary.

F. All signs, signals, markings, and other traffic control devices installed pursuant to this chapter shall be in substantial conformance with the standards issued or endorsed by the Manual on Uniform Traffic Control Devices (MUTCD 2000) and the Uniform Vehicle Code (1992 edition) which are adopted by this reference and made a part thereof as if fully set forth in this chapter.

G. Any person failing or refusing to comply with the directions indicated on any sign or marker, or with any official traffic-control device erected or placed in accordance with the provisions of this section when so placed or erected shall be guilty of a civil traffic violation. (Ord. 799 § 2, 2001; Prior code § 16.2)

Chapter 10.16

LIMITED PARKING ZONES

Sections:

10.16.10	Definitions.
10.16.20	Limited parking zones.
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10.16.30	Designation of parking spaces.
10.16.035	No parking zones.
10.16.040	Regulation of parking.
10.16.050	Signing.
10.16.060	Evidence.
10.16.070	Marking.
10.16.080	Vehicle removal.
10.16.090	Impounding vehicle with boot locking device.
10.16.100	Construction of chapter.
10.16.120	Nonapplicability of chapter to certain vehicles.
10.16.130	Violations.
10.16.140	Penalties.

10.16.010 Definitions.

As used in this chapter the following words and phrases shall be defined as follows:

A. "Boot locking device" means a device placed on a vehicle impounded for an overtime parking violation to prevent the vehicle from moving. (Ord. 07-908 § 1, 2007)

B. "Individual parking space" means a portion of the surface of the street of sufficient length and depth from the sidewalk curb, either diagonal or parallel to the same, to accommodate a vehicle to be parked as specified and marked off.

C. "Limited parking zones" means those parking spaces specifically designated by signage or curb markings as parking spaces for use for a specific period of time for parking by

a vehicle, including but not limited to loading only, fifteen minute parking, half-hour parking, one hour parking, and two hour parking.

C. "Parking" means the standing of a vehicle upon a street, whether such vehicle be occupied or not, for a period of time greater than is reasonably necessary for the actual loading or unloading of passengers or materials. (Ord. 810 §1, 2002)

D. "Vehicle" means any device in, upon or by which any person or property is or may be transported upon a public highway and which occupies or is capable of occupying a parking space. (Ord. 482 § 1, 1984)

10.16.020 Limited parking zones.

A. For the purpose of regulating traffic and the safe use of the public streets and highways of the city, the following streets and avenues shall constitute limited parking zones:

~~1. "G" Avenue: 8th to 12th Street, both sides; (Permanently suspended)~~

~~2. 9th Street: "G" Avenue to "F" Avenue; both sides; (Permanently suspended)~~

~~3. 10th Street: "H" Avenue to "E" Avenue; (Permanently suspended)~~

~~4. 11th Street: "H" Avenue to "F" Avenue, north side only; (Permanently suspended)~~

~~5. "F" Avenue: 9th and 12th Streets, both sides; (Permanently suspended)~~

6. 1st Street: Customs Avenue to "H" Avenue, both sides; (2 hour parking)

7. 3rd Street: "I" Avenue to Pan American Avenue, both sides; (2 hour parking)

8. Customs Avenue: International Avenue to Pan American Avenue, both sides. (2 hour parking)

9. 12th Street: 500 Block from the eastern most alley to F Avenue, both sides of the street. (2 hour parking).

10. Directly in-front of Cox Communications Offices, 1119 F Avenue (30 minute parking) (Ord. 13-1029 § 1&2, 2013)

B. The city manager, or his designee, with the consent of the city council, shall have the authority to establish additional limited parking zones as from time to time may be required. (Ord. 07-908 § 1, 2007; Ord. 806 § 1, 2002; Ord. 482 § 2, 1984)

10.16.025 Loading zones.

A. The city manager, or his designee, shall have the authority to establish loading zones, reserved for the exclusive use of vehicles during the loading and unloading of passengers and/or materials.

C. 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 thirty minutes, in any place designated as a loading zone and marked as such. (Ord. 806 §2, 2002)

10.16.030 Designation of parking spaces.

The city manager, or his designee, is authorized and directed to designate and mark off such individual parking spaces as may be deemed proper including but not limited to parking for the handicapped along the streets in the limited parking zones, for parking of vehicles, at each place where individual parking is indicated, each vehicle shall be

parked entirely within an individual parking space. (Ord. 482 § 3, 1984)

10.16.035 No parking zones.

A. The city manager, or his designee, shall have the authority to establish no parking zones by placing official signs prohibiting stopping, standing, or parking.

B. It shall be unlawful for a person to stop, stand or park a vehicle at any place where official signs prohibit stopping, standing, or parking.

10.16.040 Regulation of parking.

Whenever a vehicle shall be parked in an individual parking space within the limited parking zone it shall not remain in excess of the designated time allowed. (Ord. 806 § 1, 2002; Ord. 482 § 4, 1984)

10.16.050 Signage.

There shall be posted within all limited parking zones and at reasonable intervals, signage or curb markings designating the limited parking zone and the length of time parking is permitted together with a statement of authority granted by this chapter. (Ord. 806 § 1, 2002; Ord. 482 § 5, 1984)

10.16.060 Evidence.

The fact that a vehicle is in an individual parking space within a limited parking zone for a period in excess of the maximum time allowed for parking as evidenced by a mark placed upon the tire of such vehicle as hereinafter described and such mark remaining undisturbed shall be deemed prima facie evidence of a violation of this chapter of such motor vehicle by its operator or owner. (Ord. 482 § 7, 1984)

10.16.070 Marking.

The designee of the police department shall cause to be placed upon the tire of a vehicle a mark which can be distinguished visibly and which will indicate by erasure whether or not the vehicle has been moved, and such mark shall be periodically observed by such designee for purposes of determining whether or not a violation has occurred under the terms of this chapter. (Ord. 482 § 8, 1984)

10.16.080 Vehicle removal.

Any vehicle violating any provision of this chapter is declared a nuisance and a menace to the safe and proper regulation of traffic and such vehicle may be taken by any police officer and removed from the street and kept in custody by the police department. Such vehicle may be recovered by the owner or his agent upon payment of all towing, storage or other charges and costs reasonably incurred by the city through towing, removal, securing and storage of vehicles removed under this section. The payment of such removal and storage charges shall not release the owner or driver of such vehicle from any other penalty imposed for violation of the traffic laws or ordinances of the city. (Ord. 482 § 10, 1984)

10.16.090 Impounding vehicle with boot locking device.

A. Any vehicle violating limited time zone parking, may be impounded for the overtime parking violation by placing a boot locking device on the vehicle to prevent the vehicle from moving until all outstanding parking citations are paid and the device is removed by the Douglas Police Department.

B. It is a violation of the provisions of this

section for any person to tamper or attempt to remove a boot locking device installed on any vehicle by a parking enforcement officer. Upon a court finding a person responsible for a civil violation of tampering or attempting to remove a boot locking device, the court shall impose a fine in the amount of not less than three hundred fifty dollars (\$350.00) nor more than five hundred dollars (\$500.00). The imposition of a fine for civil violation of this section shall not be suspended. (Ord. 07-908 § 1, 2007)

10.16.100 Construction of chapter.

This chapter shall be construed as a supplement to all other ordinances of the city regulating traffic, parking and the use of the streets which shall be enforced in the limited parking zone, except insofar as modified by the provisions of this chapter. The purpose of this chapter is to assist in the regulation of limited parking zones and it shall be so construed. (Ord. 806 § 1, 2002; Ord. 482 § 14, 1984)

10.16.120 Nonapplicability of chapter to certain vehicles.

The provisions of this chapter shall not apply to vehicles parked or standing upon city streets in the limited parking zone hereinabove designated when such vehicles are parked or are standing on such streets between the hours of six p.m. and nine a.m. of each day of the week. The provisions of this chapter shall not apply to parking on Sundays and city-designated holidays. (Ord. 482 § 6, 1984)

10.16.130 Violations.

A. It is a violation of the provisions of this chapter for any person to cause, allow, permit or suffer any vehicle to be parked overtime or

beyond the period of legal parking time established for any limited parking zone as herein described.

B. It is a violation of the provisions of this chapter for any person to cause, allow or permit any vehicle to stop, stand or park at any place where official signs prohibit stopping, standing, or parking.

C. It is a violation of the provisions of this chapter for any person to cause, allow, permit or suffer any vehicle to be moved within a limited parking zone with the intention of obscuring a lawfully placed mark on the tire of a vehicle for the purpose of parking in excess of the maximum time allowed.

D. It is a violation of the provisions of this chapter for any person to cause, allow, permit or suffer any obliteration, removal or obscuring of a lawfully placed mark on the tire of the vehicle parked in a limited parking zone for the purpose and with the intent of causing or allowing a vehicle to remain parked in a limited parking zone in excess of the maximum allowed by this chapter, or otherwise. (Ord. 806 § 1, 2002; Ord. 482 § 9, 1984)

10.16.140 Penalties.

Any violation of or failure or refusal to do or perform any act required by this chapter constitutes a civil traffic violation. Civil traffic violations are subject to the provisions of Title 28, Chapter 5, Articles 3 and 4, Arizona Revised Statutes and amendments thereto. In addition to any applicable A.R.S. mandated penalty or assessment that may be levied, the fine for violation of this chapter shall be fifteen dollars if paid within thirty days of issuance of citation. A twenty dollar late fee shall be assessed after thirty days. (Ord. 07-908 § 1, 2007; Ord. 806 § 1, 2002; Ord. 482 § 12, 1984); Ord. 18-1093 § 1, 2018).

Chapter 10.18

**HANDICAPPED PARKING ON
PRIVATE PROPERTY USED BY
PUBLIC**

Sections:

- 10.18.010 Identification required for use of parking spaces—Exceptions.**
- 10.18.020 Marking of parking spaces—Signs.**
- 10.18.030 Enforcement program.**
- 10.18.040 Violation—Penalty.**

10.18.010 Identification required for use of parking spaces—Exceptions.

Except for momentary loading and unloading of a disabled person, as described in Arizona Revised Statutes Section 28-884(B), no person may stop, stand or park a motor vehicle within any specially designated and marked parking space on private property available for public use, provided in accordance with this chapter, unless the motor vehicle is transporting a person eligible for the distinguishing insignia placard or number plates bearing the international wheelchair symbol, and either:

- A. The motor vehicle displays the distinguishing insignia placard;
- B. The motor vehicle displays number plates bearing the international wheelchair symbol. (Ord. 567 § 1, 1990)

10.18.020 Marking of parking spaces—Signs.

Each parking space which is to be subject to this chapter shall be prominently outlined with

paint and posted with a permanent sign located no less than three feet nor more than six feet above the grade and of a color and a design approved by the department of transportation bearing the internationally accepted wheelchair symbol and the caption “reserved parking” and “estacionamiento reservado.” The posting of such sign or signs shall authorize police to enforce the provisions of this chapter and such posting shall constitute a waiver of any objection by the owner of the property to enforcement of this section by the police department. (Ord. 567 § 2, 1990)

10.18.040 Violation—Penalty.

A. Those found to be in violation of this chapter shall be issued a complaint by a law enforcement officer or a parking enforcement specialist employed by the city to issue a complaint to the operator or other persons in charge of the motor vehicle or, if an operator or person in charge is not present, to the registered owner of the vehicle for a civil traffic violation.

B. A court or duly appointed hearing officer shall impose a minimum civil sanction of fifty dollars plus the penalty assessments prescribed by statute, on the operator, person in charge or owner of a vehicle parked in violation of this chapter. (Ord. 799 § 4, 2001; Ord. 567 § 3, 4, 1990)

Chapter 10.19

PLACEMENT OF PARKING SPACES FOR THE PHYSICALLY DISABLED

Sections:

- 10.19.010 Recommendation by public works director/city manager.**
- 10.19.020 Request by resident—Fee upon approval.**
- 10.19.030 Marking of parking spaces—Signs.**

10.19.010 Recommendation by city manager.

The city manager may recommend to the mayor and city council, from time to time, that parking spaces for the physically disabled be placed in appropriate locations upon the city's streets and publicly owned and operated parking facilities when such placement is necessary to generally accommodate the needs of the public. Upon such recommendation, the mayor and council shall determine whether and what locations such parking spaces shall be placed. The placement of any such parking spaces necessary to generally accommodate the needs of the public shall be completed at city expense. (Ord. 799 § 5, 2001; Ord. 642 § 1, 1994)

10.19.020 Request by resident—Fee upon approval.

A. If no other vehicular access to the residence exists, any physically disabled resident of the city may request that a physically disabled parking space be placed at a location in the city's right-of-way near their residence. Such a request shall be made in

writing to the city manager and shall be accompanied by a copy of the resident's Arizona Department of Transportation, motor vehicle division, recognition qualifying them for physically disabled license plates. The request shall specify a proposed location for the parking space which shall be in the city's right-of-way. (Ord. 799 § 5, 2001)

B. Upon receipt of a resident's request for a parking space, the city manager shall prepare a report on the request and submit it to the mayor and city council. Upon receipt of the report, the mayor and council shall determine whether and what location such parking spaces shall be placed. If the mayor and council determine that the parking should be placed, the placement shall be accomplished by the city. The resident requesting the parking space shall pay the city a fee of forty dollars prior to the placement of such parking space. The mayor and city council may waive all or any portion of the fee if payment would result in a financial hardship on the resident. (Ord. 642 § 2, 1994)

C. The resident requesting the parking space shall be responsible for complying with the requirements of the Americans with Disabilities Act. (Ord. 799 § 5, 2001)

10.19.030 Marking of parking spaces—Signs.

Each disabled person parking space placed upon the city's right-of-way shall be prominently outlined with paint and posted with a permanent sign and of a color and design approved by the Arizona Department of Transportation bearing the internationally accepted symbol of access and the caption "reserved parking" and "estacionamiento reservado." (Ord. 642 § 3, 1994)

10.19.040 Review Procedure.

Any parking space designated as disabled parking pursuant to this chapter shall be reviewed by the city manager every twenty-four months thereafter to determine continued need and eligibility for the space. If it is determined that the designated space is no longer appropriate, the city manager shall prepare a written report to the mayor and council for action.

Chapter 10.20

**TRANSIT PROGRAM
BUS FARE USER FEES**

Sections:

10.20.010 Bus Fare User Fees

10.20.010 Bus Fare User Fees

The Douglas Transit Program will begin formal operation on October 1, 2012.

The charging of reasonable fees for the use of the Douglas Transit Program is necessary and appropriate to cover operational and maintenance costs for these services.

The proposed bus fare user fees are fair and reasonable and take into consideration the various transportation requirements parking demands of the general public and the City’s need to maintain these public services.

A. Bus Fare User fee schedule for the City of Douglas Transit Program shall be set as follows: One-Way Fares for the “Douglas Rides” program:

Adult (19-59)	\$ 1.00
Seniors (60+)	\$.50
Disabled	\$.50
Student	\$.75

Children under 6 years of age ride free with an adult on all buses.

Monthly bus passes for the “Douglas Rides” program:

Monthly bus pass rate: \$ 25.00

One-way fares for the “Cochise Connection” program:

Douglas to Douglas Cochise College	\$1.50
Douglas Cochise College to Bisbee	\$1.50
Bisbee to Douglas Cochise College	\$1.50
Douglas Cochise College to Douglas	\$1.50

Destination	Fare	Day Pass	10 Ride Pass	Monthly Pass
Douglas - Sierra Vista	\$4.00	\$5.00	\$30.00	\$80.00
Douglas - Bisbee	\$3.00	\$5.00	\$30.00	\$80.00
Bisbee - Sierra Vista	\$3.00	\$5.00	\$30.00	\$80.00
Palominas - Sierra Vista	\$2.00	\$5.00	\$30.00	\$80.00
Palominas - Bisbee	\$2.00	\$5.00	\$30.00	\$80.00
Palominas - Douglas	\$3.00	\$5.00	\$30.00	\$80.00
Nicksville - Sierra Vista	\$1.50	\$5.00	\$30.00	\$80.00
Nicksville - Bisbee	\$3.00	\$5.00	\$30.00	\$80.00
Nicksville - Douglas	\$3.50	\$5.00	\$30.00	\$80.00
SV Mall - Sierra Vista	\$1.00	\$5.00	\$30.00	\$80.00

Other fare structures may be considered in the future as part of an Intergovernmental Agreement (IGA) with other agencies that may partner with the City in support of the overall Transit program.

The City Manager is authorized to occasionally establish bus fares outside the One-Way Fares outlined in this Ordinance in an effort to accommodate the use of transit services by Governmental, Educational and Non-Profit Organizations, Civic Groups, Clubs and Special Community Events.

Fares outside the One-Way Fares shall cover the costs associated with the provision of the requested transit service to include labor, maintenance, operation and depreciation costs. Transit fares may be reduced in the event that the City of Douglas is co-sponsoring the event and/or activity. (Ord. 12-1013 § 1, 2012)(Ord. 13-1025 § 1, 2013)(Ord. 18-1094 §1, 2018)

Chapter 10.24

**MISCELLANEOUS TRAFFIC
REGULATIONS**

Sections:

- 10.24.010 Overnight parking in alleys.**
- 10.24.020 Obstructing traffic by standing in alleys.**
- 10.24.030 Pedestrians crossing streets in business district.**
- 10.24.032 Designation of pedestrian ways.**
- 10.24.040 Riding bicycles and other vehicles on sidewalks.**
- 10.24.050 Parking on right-of-way prohibited.**

10.24.010 Overnight parking in alleys.

No vehicle shall be left standing overnight in any of the alleys of the business district. (Prior code § 16.4)

10.24.020 Obstructing traffic by standing in alleys.

No vehicle shall at any time be left standing in any of the alleys of the city in such a manner as to obstruct traffic therein. This section shall not apply to commercial vehicles making deliveries pursuant to Section 10.32.050, subsection A. (Ord. 799 § 7, 2001; Prior code § 16.5)

10.24.030 Pedestrians crossing streets in business district.

A. Within the business district it is unlawful for a pedestrian to cross a street except at an intersection thereof and in crossing at such intersection, such pedestrian

must keep within the crosswalk or any portion of a roadway at an intersection or elsewhere that is distinctly indicated for pedestrian crossing by lines or other markings on the surface.

B. For purposes of this section, “business district” means:

1. G Avenue from 8TH Street to 11TH Street;
2. F Avenue from 9TH Street to 11TH Street;
3. 9TH Street from G Avenue to F Avenue;
4. 10TH Street from G Avenue to E Avenue;
5. 11TH Street from G Avenue to F Avenue.

(Ord. 799 § 7, 2001; Prior code § 16.6)

10.24.032 Designation of pedestrian ways.

A. “Sidewalk” means that portion of the street between the curb-lines, or the lateral lines of a roadway and the adjacent property lines, intended for the use of pedestrians.

B. For the purpose of delineating sidewalks in areas of the city wherein no concrete or other hard surface sidewalk has been erected or constructed, the city manager may, in his discretion, and by administrative order, direct the placement of signs in the right-of-way to delineate that portion of the street for use by pedestrians.

C. Signing shall be clear and unambiguous and shall advise the public that the delineated portion of the right-of-way is set aside as a sidewalk.

D. Once properly posted with signs, traffic enforcement of the designated area shall be the same as with other sidewalks which are in

place as either concrete or other hard surface areas. (Ord. 549, 1989)

the provisions of this section. (Ord. 581 § 1, 2, 1991)

10.24.040 Riding bicycles and other vehicles on sidewalks.

A. It is unlawful to ride or drive a bicycle, motorcycle, skateboard, in-line skate, scooter or any other kind of propelled device or vehicle upon any of the sidewalks of the business district or upon the grounds of city hall, except for any self-propelled wheelchair or service vehicle used by a physically disabled person. (Ord. 799 § 7, 2001)

B. For purposes of this section, the definition of “business district” in section 10.24.030, subsection B shall apply. (Ord. 799 § 7, 2001; Prior code § 16.7)

10.24.050 Parking on right-of-way prohibited.

A. It shall be unlawful to park any motorized vehicle or trailer, either partially or completely on that portion of any city right-of-way which is between an established curb and the beginning of the private property line adjoining the public right-of-way.

B. A violation of this section shall constitute a civil traffic violation and each day of violation shall be a separate offense and upon conviction the maximum penalty shall be a fine of one hundred dollars per violation, plus any applicable surcharges. This section shall not be construed as an exclusive remedy relating to unauthorized parking in the city right-of-way and other applicable ordinances or laws involving the removal of abandoned vehicles or vehicles unlawfully or illegally parked shall remain and shall be in addition to

Chapter 10.28

REMOVAL OF ABANDONED, INOPERABLE OR UNREGISTERED VEHICLES, VEHICLE IMPOUND FEES

Sections:

10.28.010 Parking in driveway or private property—Tow truck operators.

10.28.030 Inoperable or unregistered vehicle on right-of-way.

10.28.040 Vehicle Impound Fees.

10.28.010 Parking in driveway or private property—Tow truck operators.

A. No person shall park a vehicle in any private driveway or on private property or private parking areas 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 costs to the violator, including towing charges, daily storage fees and other charges, that could result from the disposition of his unlawfully parked vehicle;
4. Telephone number or address where the violator can locate his vehicle;

5. Each sign shall state: "Douglas Municipal Code chapter 10.28."

C. No tow truck operator acting under the authority of this section shall tow a vehicle from a private parking area unless the signs are posted as required in subsection B of this section and contain all the information specified in subsection B, nor shall he charge fees in excess of the amounts specified on the signs.

D. In addition to any other restrictions imposed by this section, a tow truck operator shall not tow or transport a motor vehicle from any private property without permission of the owner or operator of the vehicle unless the tow truck operator receives a request from a law enforcement agency or a written towing order from the real property owner or his agent. A tow truck operator shall not act as the agent of the real property owner. The real property owner or his agent shall sign the towing order, which shall specify each vehicle to be towed and shall not authorize the towing of an unknown vehicle at a future date. A tow truck operator shall not tow or transport a vehicle unless the towing order is in his possession.

E. No person shall hold or attempt to hold any vehicle towed without the consent of the owner of the vehicle as security for accrued towing or other charges. Nor shall any person require the owner of such a vehicle to give any security as a condition precedent for the release of such vehicle. A person may require the display of a driver's license or other reliable means of identification from the person claiming such vehicle to assist in the billing and collections of towing and storage charges.

F. The owner or any person authorized to represent the owner of a vehicle being towed or transported pursuant to this section may demand the release of the vehicle at any time

prior to the transportation of the vehicle to a storage area. Upon such demand, the towing or transportation of the vehicle shall be considered complete and the tow truck operator shall release the vehicle pursuant to the requirements of subsection E of this section.

G. Any costs described in subsection B of this section shall be reasonable in amount, and any costs paid, to the extent that they exceed a reasonable amount, shall be ordered refunded by a court or other entity of competent jurisdiction if its jurisdiction is invoked.

H. 1. Notwithstanding any other provision of this section, an abandoned vehicle may be towed from any private parking area, pursuant to a written order from the real property owner or his agent. A tow truck operator shall not act as the agent of the real property owner. The real property owner or his agent shall sign the towing order, which shall specify each vehicle to be towed and shall not authorize the towing of an unknown vehicle at a future date. A tow truck operator shall not tow or transport a vehicle unless the towing order is in his possession.

2. For the purposes of this section, an "abandoned vehicle" is a vehicle left in a private parking area more than seventy-two hours when it has not been left under a written contract of storage and has not, during that period, been removed by the person leaving it.

I. A violation of subsection A of this section shall constitute a civil traffic violation, and the violator shall be subject to a civil sanction of not less than fifty dollars nor more than three hundred dollars. (Ord. 799 § 8, 2001; Ord. 521 § 1, 1987)

10.28.030 Inoperable or unregistered vehicle on right-of-way.

A. No person shall park any vehicle which is inoperable on any street or public right-of-way. It is an affirmative defense to a violation of this subsection that the vehicle was removed from the street or public right-of-way within forty-eight hours of becoming inoperable.

B. No person shall park any vehicle which does not display current registration on any street or public right-of-way.

C. A law enforcement officer who has reasonable grounds to believe that a vehicle has been lost, stolen, abandoned or otherwise unclaimed may remove or cause the removal of the vehicle from any street or public right-of-way.

D. The public agency employing an officer who has removed or causes the removal of a vehicle under this chapter is not liable for the cost of towing or storing the vehicle if the officer acts under color of the officer's lawful authority.

E. The owner of a vehicle that is removed or caused to be removed under this chapter is liable for any reasonable costs incurred in towing or storing the vehicle.

F. Violation of this section shall constitute a civil traffic violation, and the violator shall be subject to a civil sanction of not less than fifty dollars nor more than three hundred dollars. (Ord. 799 § 8, 2001; Ord. 521 § 3, 1987)

10.28.040 Vehicle Impounds Fees.

1. The vehicle impound fee shall include the administrative fee, the daily storage fees, and the actual costs incurred, if any, for towing the vehicle.

2. An administrative fee in the amount of one hundred and fifty dollars (\$150.00) shall be assessed on each vehicle which is impounded by the City of Douglas Police Department.

A. For violations of ARS § 28-872 to include, but not be limited to:

1. An unattended vehicle that is illegally left standing on a highway, bridge or causeway in a position or under circumstances that obstruct the normal movement of traffic; or
2. If a report has been made that the vehicle has been stolen or taken without the consent of its owner; or
3. If the person or persons in charge of the vehicle are unable to provide for its custody or removal; or
4. If the person driving or in control of the vehicle is arrested for an alleged offense for which the officer is required by law to take the person arrested before a proper magistrate without unnecessary delay; or
5. If the vehicle is left unattended for more than four hours on the right-of-way of a freeway that has full control of access and no crossings at grade.

B. For violations of ARS § 28-3511 to include, but not be limited to:

- 1) The person's driving privilege is suspended or revoked for any reason; or
- 2) The person has not ever been issued a valid driver license or permit by this state and the person does not produce evidence of ever having a valid driver license or permit issued by another jurisdiction. This paragraph does not

apply to the operation of an implement of husbandry; or

3) The person is subject to an ignition interlock device requirement and the person is operating a vehicle without a functioning certified ignition interlock device; or

C. If the peace officer has probable cause to arrest the driver of a vehicle who:

1. is under twenty-one years of age and who is driving or in physical control of a vehicle while there is any spirituous liquor in the person's body; or
2. is driving or in actual physical control of a vehicle while under the extreme influence of intoxicating liquor; or
3. is driving or in physical control of a vehicle while committing an alleged offense of aggravated driving under the influence; or

D. A peace officer shall cause the removal and impoundment of a vehicle if the peace officer determines that a person is driving the vehicle and if all the following apply:

- 1) The person's driving privilege is canceled, suspended, or revoked for any reason or the person has not ever been issued a driver license or permit by this state and the person does not produce evidence of ever having a driver license or permit issued by another jurisdiction; and
- 2) The person is not in compliance with the financial responsibility requirements of chapter 9, article 4 of the Arizona Revised Statutes; and
- 3) The person is driving a vehicle that is involved in an accident that results in either property damage or injury to or death of another person.

3 All Police Department immobilization and impoundment of vehicles not made pursuant to Section 1, paragraph 2, are

subject to a \$50.00 administrative fee. The department reserves the right to waive administrative fees.

4. For vehicles stored at a City Facility, a daily storage fee will apply at the rate of fifteen dollars (\$15.00) per day of storage, starting with the first (1st) day of impoundment, and including the mandatory impoundment period and any days beyond that period.
5. The total vehicle impound fee assessed against any vehicle as a result of each separate impoundment shall not exceed one thousand dollars (\$1,000.00) exclusive of any towing fees actually incurred.
6. Payment of impound fees shall be by U.S. currency, cashier's check, or money order payable to the City of Douglas.
7. The City shall generate a written receipt on payment of any impound fees and shall provide the same to payer.
8. The impounded vehicle must be removed from storage on the date impound fees are paid in full, or additional daily storage fees shall be incurred.
9. The City of Douglas will comply with all applicable laws regarding the impoundment and the release of motor vehicles. Administrative fees collected under Section 1, paragraph 2, shall be transmitted to the City's finance department for deposit in a special fund for the purpose of implementing Title 28-Article 9 of the Arizona Revised Statutes and A.R.S §28-872. All other impound and Administrative fees shall be deposited in the City's general fund.
10. The City of Douglas shall send notice to any owner of the impounded vehicle and any other person with an interest in the vehicle, as identified in the Department of Motor Vehicle records, within the time limit and in the manner required by applicable state law. Any post-storage hearing that may be requested shall be

conducted by a Hearing Officer at the Douglas Police Department. (Ord. No. 10-979 § 1, 2010), (Ord. No. 10-984, § 1, 2010).

Chapter 10.32

COMMERCIAL MOTOR VEHICLE ROUTES

Sections:

- 10.32.010** Definitions.
- 10.32.020** Establishment of commercial motor vehicle routes.
- 10.32.030** Use of commercial vehicle route and light truck route required.
- 10.32.040** Signs.
- 10.32.050** Delivery regulations.
- 10.32.060** Parking regulations.
- 10.32.070** Penalties.

10.32.010 Definitions.

For the purposes of the ordinance codified in this chapter, the following words and phrases are defined as follows:

“Business district” means that area within the city which is bounded by and includes the following streets:

1. Pan American Avenue on the west;
2. International Avenue on the south;
3. E Avenue on the east; and
4. 16th Street on the north.

“Commercial motor vehicle” means a motor vehicle or combination of motor vehicles which:

1. Has a gross combined weight rating of twenty-six thousand one or more pounds inclusive of a towed unit with a gross vehicle weight of more than ten thousand pounds; or
2. Has a gross vehicle weight rating of twenty-six thousand one or more pounds; or
3. Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the hazardous

materials transportation act and which requires the vehicle to be placarded under applicable federal and state regulations; or

4. Is a bus.

“Light truck” means any vehicle, except a commercial motor vehicle, which is used in the commercial delivery of goods to any business.

“Public way” means the entire width between the boundary lines of any street, avenue, road or any other public thoroughfare, including alleys.

“Street” means the entire width between the boundary lines of any street, avenue, road or any other public thoroughfare, excluding alleys.

“Trailer” and “semitrailer” have the same definitions as provided in ARS Section 28-101. (Ord. 630 § 1, 1994)

10.32.020 Establishment of commercial motor vehicle routes.

- A. Commercial Motor Vehicle Route.

The following streets are established as the commercial motor vehicle route within the city:

1. Pan American Avenue;
2. G Avenue from International Avenue to 16th Street;
3. F Avenue from International Avenue to 16th Street;
4. 16th Street from F Avenue to Pan American Avenue.
5. A Avenue from 10th Street, north to the city limits;
6. Leslie Canyon Road from Pan American Avenue north to the city limits;
7. Lawrence Avenue from Leslie Canyon Road to Sulphur Springs Road;
8. 19th Street from A Avenue to Estrella/Laura Avenue;

9. 1700 and 1800 Blocks of Estrella Avenue;
10. San Antonio Avenue from 10th Street to 14th Street;
11. Airport Road from 15th Street to 10th Street;
12. Rogers Avenue;
13. Washington Avenue from 15th Street, north to the city limits;
14. 15th Street from Washington Avenue to Airport Road;
15. West 5th Street;
16. West 7th Street;
17. North Douglas Avenue from west 7TH Street to west 9TH Street;
18. Chiricahua Road from 5TH Street to 9TH Street;
19. West 9th Street;
20. West 11th Street;
21. Chino Road;
22. 16th Street from Pan American Avenue, west to the city limits;
23. North G Avenue/Sulphur Springs Road;
24. 22nd Street from Pan American to A Avenue;
25. 10th Street from Pan American to Airport Road; and
26. 3rd Street from Pan American Avenue to Chino Road.
27. 1st Street from Pan American Avenue to E Avenue
28. International Avenue from Customs Avenue to E Avenue
29. Customs Avenue from Pan American Avenue to International Avenue
30. 3rd Street from Pan American Avenue to G Avenue
31. 7th Street from Pan American Avenue to F Avenue

B. Light Truck Route. The following streets are established as the light truck route within the city:

1. All the streets included in the commercial motor vehicle route in subsection A of this section;
2. 5th Street from G Avenue to A Avenue;
3. A Avenue from 5th Street to 10th Street;
4. Dolores Avenue from 7th Street to 10th Street;
5. D Avenue from 5th Street to 7th Street;
6. 12th Street from A Avenue to C Avenue; and
7. Washington Avenue from 15th Street to 10th Street.
8. Cochise Avenue from 8th Street to 12th Street;
9. Fairway Drive. (Ord. 799 § 9, 2001; Ord. 630 §2, 1994)

10.32.030 Use of commercial vehicle route and light truck route required.

A. It is unlawful for any person to operate a commercial motor vehicle on any street except those streets included in the commercial motor vehicle route established in subsection A of Section 10.32.020.

B. It is unlawful for any person to operate a light truck on any street except those streets included in the commercial motor vehicle route or light truck route established in subsection A and B of Section 10.32.020.

C. This section shall not apply to:

1. Any vehicle while used in the course of city business or as authorized by the city manager for special projects; or
2. Any vehicle operated in the course of transporting materials to be used in the repair, alteration, remodeling or construction of any structure; or
3. Any school bus operated in the course of transporting students; or

4. Any delivery to a private residence not used as a business. (Ord. 799 § 9, 2001; Ord. 630 § 3, 1994)

10.32.040 Signs.

The city manager shall cause appropriate signs to be placed along the streets and highways which clearly direct truck and light truck traffic to designated routes. (Ord. 630 § 4, 1994)

10.32.050 Delivery regulations.

A. All commercial deliveries to any business with alley access shall be made and accepted only from the alley access of the business or from the business' private property. Business owners are encouraged to coordinate delivery schedules with other businesses on their block which utilize the alley for deliveries.

B. All commercial deliveries to any business without alley access shall be made and accepted at curbside only from designated loading zones or from the business' private property. Businesses without alley access are encouraged to plan deliveries at a time which least effects the traffic flow of their area.

C. All deliveries from an alley or loading zone shall be completed within two hours. (Ord. 630 § 5, 1994)

10.32.060 Parking regulations.

A. It is unlawful for any person to leave a trailer or semitrailer unattached and/or unattended on any public way within the city.

B. It is unlawful for any person to park or leave standing a commercial motor vehicle unattended on any public way within the city for more than one hour. (Ord. 630 § 6, 1994)

10.32.070 Penalties.

A. It is unlawful for any person to violate any provision of the ordinance codified in this chapter and any such violation shall be punishable as follows:

1. A first offense shall be punishable by a fine of fifty dollars;

2. A second offense committed within one year shall be punishable by a fine of one hundred dollars;

3. A third or subsequent offense within one year shall be punishable by a fine of not more than five hundred dollars.

B. The penalties imposed by this section shall be in addition to any penalties imposed for any concurrent violation of ARS Title 28. No provision or definition in the ordinance codified in this chapter shall be construed to limit or impair the full enforcement of any provision of state law. (Ord. 799 § 9, 2001; Ord. 630 § 7, 1994)

Chapter 10.36

and a violation of this chapter is punishable pursuant to that chapter. (Ord. 727 § 2, 1998)

PARKING FOR PURPOSES OF SALE

Sections:

- 10.36.010** **Parking on property of another for purposes of sale—Prohibited.**
- 10.36.020** **License required if one or more vehicles parked for sale.**

10.36.010 **Parking on property of another for purposes of sale—Prohibited.**

It is unlawful for an operator or owner of a motor vehicle to park the vehicle in or upon the property of another for purposes of sale without the written permission of the person legally entitled to possession of the property. A citation charging violation of this section shall be dismissed if the written—permission is presented to the city court. Each violation of this chapter is punishable by a fine of fifty dollars and such fine shall not be suspended. (Ord. 799 § 10, 2001; Ord. 727 § 1, 1998)

10.36.020 **License required if one or more vehicles parked for sale.**

If the owner or other person legally entitled to possession of property grants written permission for one or more motor vehicles to be parked on the property for purposes of sale within any one-month period, that person shall be presumed to be utilizing the property as a sales lot for the sale of new or used motor vehicles. Operating a sales lot for the sale of motor vehicles is unlawful unless the owner or operator has procured a business license from the city to do so, as required by Chapter 5.02,

Chapter 10.40

UNIFORM PARKING CITATION

Sections:

10.40.010 Prohibited acts.

10.40.020 Enforcement.

10.40.030 Violations—Penalties.

10.40.010 Prohibited acts.

No person shall stop, stand or park a vehicle in any of the following places:

(1) On a crosswalk (ARS 28-873.5) or within twenty feet of a crosswalk at an intersection (ARS 28-873.6);

(2) In a designated no parking zone (DMC 10.16.035);

(3) In front of a public or private driveway (ARS 28-873.2);

(4) On a sidewalk (ARS 28-873.1);

(5) On a roadway side of a vehicle stopped or parked at the edge or curb of a street, commonly referred to as double parking (ARS 28-873.12);

(6) On the opposite side of the street facing on-coming traffic, commonly referred to as parking on the left side (ARS 28-874(A));

(7) Over the maximum time period specified in a limited parking zone (DMC 10.16.130);

(8) More than eighteen inches from curb (ARS 28-874(A));

(9) Improperly positioned in designated parking space (DMC10.16.030);

(10) Parking in loading zone (DMC 10.16.130(B))

(11) In a designated disabled parking space unless vehicle bears license plate with international wheelchair symbol (ARS 28-882 and DMC 10.18.040);

(12) Riding a bicycle, motorcycle, skateboard, in-line skate, scooter or any other kind of propelled device or vehicle upon any of the sidewalks of the business district or upon the grounds of city hall (DMC 10.24.040);

(13) Within the business district, it is unlawful for a pedestrian to cross a street except at a designated crosswalk at an intersection (DMC 10.24.030);

(14) No vehicle shall at any time be left standing in any alleys of the city in such a manner as to obstruct traffic (DMC 10.24.020);

(15) It is unlawful to park any motorized vehicle or trailer either partially or completely on that portion of any public right-of-way which is between an established curb and the beginning of the private property line adjoining the public right-of-way (DMC 10.24.050);

(16) Parking, stopping or standing any vehicle in a space or area set aside and identified as a fire lane (DMC 8.10.100);

(17) Parking any vehicle within fifteen feet of a fire hydrant (ARS 28-873.4);

(18) Regulating commercial vehicles (DMC 10.32):

- a. Not using alley delivery, (10.32.050(A));
- b. Not using loading zone, (10.32.050(B));
- c. Parking violation (10.32.060);
- d. Not using truck route (10.32.030).

(Ord. 806 § 2, 2002)

10.40.020 Enforcement.

The chief of police may appoint unarmed parking enforcement officers as employees of the police department. These parking enforcement officers shall be empowered to issue parking citations and commence proceedings before a judge of the municipal court for any violation of Section 10.40.010 (1) through (17) regulating the standing or parking of

vehicles. (Ord. 825 § 1, 2003; Ord. 791 § 4, 2001)

10.40.030 Violations—Penalties.

A. If the owner of a vehicle in violation of the ordinance codified in this chapter admits the violation and pays the penalty or appears before the judge of the municipal court and is found guilty, the penalty, upon admission or conviction, shall be as follows:

1. Section 10.40.010, subsections 1 through 10, parking violations: fifteen dollars.

2. Section 10.40.010, subsection 11, disabled parking violation: one hundred three dollars. (Ord. 06-899 § 1, 2006)

3. Section 10.40.010, subsections 12 through 15: fifteen dollars.

4. Section 10.40.010, subsections 16 and 17, fire code violations: forty dollars.

5. Section 10.40.010, subsection 18 commercial vehicles: fifty dollars.

B. If a person violates any parking regulation and fails either to request a hearing before a judge of the municipal court or to pay the penalty as provided above within thirty days of the date of violation, a state mandated court fee of twenty dollars will be added to the amount due (Ord. 806 § 2, 2002; Ord. 791 § 5, 2001)

Chapter 10.44

MOTORIZED SCOOTERS AND SKATEBOARDS, AND OFF-ROAD VEHICLES

- 10.44.010 Purpose; scope.**
- 10.44.020 Definitions.**
- 10.44.030 Prohibited operation.**
- 10.44.040 Responsibilities of parents, guardians.**
- 10.44.050 Merchant's disclosure requirements.**
- 10.44.060 Violation – penalty.**
- 10.44.070 Civil citation - authority**

10.44.010 Purpose; scope.

A. It is the purpose and intent of this ordinance to provide for the regulation of motorized skateboards, motorized play vehicles and off-road recreational motor vehicles in order to protect the safety of pedestrians, bicyclists, motor vehicle drivers and operators of motorized skateboards, motorized play vehicles and off-road recreational motor vehicles alike. The increasing prevalence of motorized skateboards, motorized play vehicles and off-road recreational motor vehicles and growing concerns about their safe use requires local regulation in order to protect the public safety.

B. The State has granted municipalities express authority to regulate or prohibit the operation of motorized skateboards, motorized play vehicles, and off-road recreational motor vehicles.

10.44.020 Definitions.

Unless otherwise specified, the following words shall have the meanings

provided below.

“Highway” means the entire width between the boundary lines of every way publicly maintained by the federal government, the state, a city, a town or a county if any part of the way is generally open to the use of the public for purpose of vehicular travel.

“Highway use” means an off-road recreational motor vehicle that has been inspected and licensed for highway use by the Department of Motor Vehicles and possesses headlights, taillights, brake lights, front and rear brakes, turn signals, horn, two mirrors, and tires for street use; and operator has valid driver's license with motorcycle endorsement, proof of insurance and, if under eighteen (18) years old, must wear helmet.

“Motorized play vehicle” means a coaster, scooter, any other alternatively fueled device, or other motorized vehicle that is self-propelled by a motor or engine, gas or electric, and which is not otherwise defined in Arizona Revised Statutes, Title 28, as a “motor vehicle,” “motorcycle,” “motor-driven cycle,” “motorized wheelchair” or “electric personal assistive mobility device.”

“Motorized skateboard” means a self-propelled device that has a motor, gas or electric, a deck on which a person may ride and at least two tandem wheels in contact with the ground, and which is not otherwise defined in Arizona Revised Statutes, Title 28, as a “motor vehicle,” “motorcycle,” “motor-driven cycle,” “motorized wheelchair” or “electric personal assistive mobility device.”

“Off-road recreational motor vehicle” means a motor vehicle designed primarily for recreational non-highway all-terrain travel and is fifty or fewer inches in width, has a unladen weight of eight hundred pounds or less, travels

on three or more low pressure tires, has a seat to be straddled by the operator, handlebars for steering control, and is not licensed for highway use by the Department of Motor Vehicles.

10.44.030 Prohibited operation.

A. No motorized skateboard, motorized play vehicle, or off-road recreational motor vehicle may be operated on any public sidewalk, roadway, City park or any other public property or right of way within the City limits. *Exception: off-road recreational motor vehicles licensed for highway use by the Department of Motor Vehicles, operator in possession of valid driver's license with motorcycle endorsement, proof of insurance, and if under eighteen (18) years old, wearing a helmet.*

B. No motorized skateboard motorized play vehicle, or off-road recreational motor vehicle may be operated on any private property of another without the written permission of the owner, the person entitled to immediate possession of the property, or the authorized agent of either.

C. No person shall operate a motorized skateboard, motorized play vehicle, or off-road recreational motor vehicle on any private property in a manner causing excessive, unnecessary, or offensive noise which disturbs the peace and quiet of any neighborhood or which causes discomfort or annoyance to a reasonable person of normal sensitivity.

10.44.040 Responsibilities of parents, guardians, and legal custodians.

A. The parent, guardian, or legal custodian of any minor shall not authorize or knowingly permit such minor to violate any of the provisions of this chapter.

B. If a fine is imposed upon a minor who is found to be in violation of this chapter, the parents or legal guardian having custody or control of the minor shall be jointly and severally liable with the minor for payment of the fine, whether or not the parents or guardian knew of, or anticipated, a violation of this chapter.

10.44.050 Merchants' disclosure requirements.

A. It is unlawful for a merchant to sell motorized skateboards, motorized play vehicles, or off-road recreational motor vehicles without making the disclosures required by this section.

B. Any merchant who sells motorized skateboards, motorized play vehicles, or off-road recreational motor vehicles within the City limits shall:

(1) Post, in a prominent place at each location where motorized skateboards, motorized play vehicles, or off-road recreational motor vehicles are on display, a notice to the effect that operation of motorized skateboards, motorized play vehicles, and off-road recreational motor vehicles on the public sidewalks, City parks, and streets and alleys of the City of Douglas is prohibited.

(2) Provide a copy of DMC 10.44 to each purchaser of a motorized skateboard, motorized play vehicle, or off-road recreational motor vehicle either before or in connection with the purchase.

10.44.060 Violation – penalty.

A. Any person who is found by the court to be in violation of any of the provisions of this chapter shall be deemed responsible for a civil violation.

B. Upon the court finding a person responsible for a civil violation of this chapter, the court shall impose a fine in an amount not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each violation. The imposition of a fine for a civil violation or civil infraction shall not be suspended.

10.44.070 Civil citation – authority to issue.

Any city police officer shall be empowered to issue civil citations and commence proceedings before a judge of the municipal court for any violation of this chapter. (Ord. 07-907 § 1, 2007; Ord. No. 04-863, § 1, 2004)