

ORDINANCE 575-15

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF QUEEN CREEK, ARIZONA, AMENDING THE TOWN CODE OF THE TOWN OF QUEEN CREEK, ARIZONA, CHAPTER 11 TRAFFIC, BY ADOPTING A NEW SECTION 11-3 STOPPING IN A ROADWAY OR MEDIAN, REGARDING PEDESTRIAN SAFETY; PROVIDING FOR SEVERABILITY AND PROVIDING PENALTIES.

WHEREAS, Arizona Revised Statutes § 9-802 provides a procedure whereby a municipality may enact the provisions of a code or public record by reference, without setting forth such provisions, providing that the adopting ordinance is published in full; and

WHEREAS, the Mayor and Town Council seek to protect the safety of both pedestrians and the occupants of motor vehicles within the Town of Queen Creek; and

WHEREAS, traffic medians within the Town are designed and intended to be used primarily as an unoccupied buffer between opposing lanes of traffic and to only temporarily and rarely serve as a safety island for the travel of pedestrians who are unable to otherwise safely complete crossing a street; and

WHEREAS, the Mayor and Town Council find that, in the absence of safety precautions such as the closing of adjacent lanes, pedestrians who stop or remain in the roadway or any median, other than for the purpose of safely crossing the street, interrupt the safe flow of traffic and increase the danger of injury to both pedestrians and occupants of motor vehicles;

NOW THEREFORE, BE IT ORDAINED by the Common Council of the Town of Queen Creek, Arizona, as follows:

Section 1. In General.

The Town Code of the Town of Queen Creek, Arizona, Chapter 11 Traffic, is hereby amended by adding a new Article 11-3, Stopping in a Roadway or Median to read, in its entirety, as follows as set forth and referenced to as "Exhibit A", and incorporated herein;

Section 2. Repeal of Conflicting Ordinances.

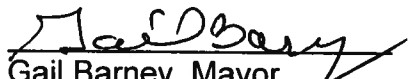
All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference are hereby repealed.

Section 3. Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the Common Council of the Town of Queen Creek, Arizona, this 2nd day of September 2015:

FOR THE TOWN OF QUEEN CREEK:


Gail Barney, Mayor

ATTESTED TO:


Jennifer F. Robinson, Town Clerk

REVIEWED BY:



John Kross, Town Manager

APPROVED AS TO FORM:



Dickinson Wright PLLC
Attorneys for the Town

**“EXHIBIT A”
ORDINANCE 575-15**

Chapter 11 Traffic

Article 11-3	Stopping in a Roadway or Median
Section 11-3-1	Prohibited Acts
Section 11-3-2	Exceptions
Section 11-3-3	Penalty

Section 11-3-1 Prohibited Acts

A. No pedestrian may stop or remain in the portion of any roadway designed for vehicular use or in a painted or raised traffic island or median not specifically designated for use by pedestrians except to wait to cross the roadway at the next pedestrian signal or, in the absence of a pedestrian signal, when traffic has cleared or yielded.

Section 11-3-2 Exceptions

A. The provisions of this Section 11-2-15 shall not apply to persons occupying a median or roadway while conducting activities related to maintenance, surveying, construction, landscape maintenance, landscape improvements, or other similar activity necessary for the safe and efficient operation of Town streets; provided that all such operations must be conducted only upon approval of the Public Works Director or designee, and upon such conditions as the Public Works Director shall require, such as adjacent lane closures, use of appropriate safety vests or gear, and/or other safety precautions designed to ensure the safety of motorists and those temporarily occupying the median for these purposes.

B. The provisions of Section 11-2-15 shall not apply to emergency personnel occupying a median or roadway in response to an accident, safety hazard, or other emergency situation. Emergency personnel temporarily occupying a median or roadway for these purposes should take adequate precautions to help ensure proper notification of the emergency situation if feasible and to provide such safety measures as are appropriate and reasonably available in light of the emergency situation presented.

Section 11-3-3 Penalty

A violation of Paragraph A of this Section 11-2-15 shall be a Class 1 misdemeanor.