

ORDINANCE NO. 1042-2

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF WICKENBURG, ARIZONA AMENDING THE TOWN OF WICKENBURG CODE BY AMENDING CHAPTER 12 STREETS AND TRAFFIC, ARTICLE 12-3 PARKING, BY DELETING SECTION 12-3-7 PARKING AREAS RESERVED FOR THE PHYSICALLY DISABLED; IDENTIFICATION, AND REPLACING IN ITS ENTIRETY NEW SECTION 12-3-7 RESTRICTED PARKING AREAS FOR PHYSICALLY DISABLED PERSONS; IDENTIFICATION; VIOLATIONS RELATED TO THE DESIGNATION AND ENFORCEMENT OF PARKING RESTRICTIONS IN PARKING SPACES DESIGNATED FOR HANDICAPPED PARKING; PROVIDING FOR PENALTIES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR SEVERABILITY

BE IT ORDAINED by the Mayor and Common Council of the Town of Wickenburg, Arizona as follows:

Section 1. In General.

The Code of Wickenburg, Chapter 12 Streets And Traffic, Article 12-3 Parking, by deleting Section 12-3-7 Parking Areas Reserved for the Physically Disabled; Identification and replacing it with new Section 12-3-7 Restricted Parking Areas for Physically Disabled Persons; Identification; Violations to read as follows (deleted text appears in ~~strikeout~~; new text in ALL CAPS):

Section 12-3-7 — ~~Parking Areas Reserved for the Physically Disabled; Identification~~

- A. — ~~No person shall stop, stand or park a vehicle in a parking space set aside and identified for use only by persons with physical disabilities unless the vehicle has displayed thereon distinguishing insignia or numbered plates bearing the international wheelchair symbol.~~
- B. — ~~Subsection A of this Section shall apply only to those parking spaces that are identified with a standard sign as approved or designated by the Town Manager.~~
- C. — ~~Owners of private property, by erecting on their property a standard sign approved or designated by the Town Manager and identifying a parking space or spaces for use only by persons with physical disabilities, shall thereby constitute the Town the agent of the owner and shall thereby impliedly authorize the full enforcement of said parking restriction on said private property by the Town Police Department.~~

Section 12-3-7 RESTRICTED PARKING AREAS FOR PHYSICALLY DISABLED PERSONS, IDENTIFICATION; VIOLATIONS

- A. FOR PURPOSES OF THIS SECTION AND ITS ENFORCEMENT, THE TERM "RESTRICTED PARKING AREA FOR PHYSICALLY DISABLED PERSONS" SHALL REFER TO THOSE SPACES DESIGNATED BY A SIGN STATING, "RESERVED PARKING" AND BEARING THE INTERNATIONALLY ACCEPTED SYMBOL OF ACCESS IN ACCORDANCE WITH TITLE 28 OF THE ARIZONA REVISED STATUTES. ADDITIONALLY, SUCH RESTRICTED PARKING AREA SHALL INCLUDE ANY LOADING/UNLOADING ZONE DIRECTLY ADJACENT TO THE PARKING SPACE DESIGNATED BY PAINTED STRIPES.

- B. THOSE PERSONS OR BUSINESSES REQUIRED BY LAW OR OTHERWISE ELECTING TO PROVIDE RESTRICTED PARKING AREAS FOR PHYSICALLY DISABLED PERSONS SHALL MAINTAIN SUCH PARKING SO THAT ITS DESIGNATION AS PARKING RESTRICTED TO SUCH PERSONS IS READILY OBVIOUS. MAINTENANCE SHALL INCLUDE THE REPAINTING OF THE LINES DELINEATING THE AREA AS NEEDED TO INSURE ADEQUATE VISIBILITY AND THE UPKEEP OF THE SIGN DESIGNATING THE SPACE AS RESTRICTED IN ACCORDANCE WITH TITLE 28 OF THE ARIZONA REVISED STATUTES.
- C. NO PERSON SHALL PARK IN A RESTRICTED PARKING AREA FOR PHYSICALLY DISABLED PERSONS UNLESS THE VEHICLE HAS DISPLAYED THEREON A DISTINGUISHING INSIGNIA OR NUMBERED PLATES BEARING THE INTERNATIONAL SYMBOL OF ACCESS IN COMPLIANCE WITH TITLE 28 OF THE ARIZONA REVISED STATUTES.
- D. NO PERSON SHALL PARK IN A RESTRICTED PARKING AREA ADJACENT TO A RESTRICTED PARKING AREA FOR PHYSICALLY DISABLED PERSONS DESIGNATED BY PAINTED STRIPES.
- E. ANY PERSON OR BUSINESS WHICH CAUSES A PARKING SPACE TO BE SET ASIDE AS A RESTRICTED PARKING AREA FOR PHYSICALLY DISABLED PERSONS SHALL BE DEEMED TO HAVE GIVEN CONSENT TO THE WICKENBURG POLICE DEPARTMENT TO ENFORCE A VIOLATION OF THIS SECTION WHEN SUCH VIOLATION OCCURS ON THE PRIVATE PROPERTY OF SUCH PERSON OR BUSINESS.
- F. ANY SIGN REQUIRED OR OTHERWISE ERECTED PURSUANT TO THIS SECTION SHALL, IN ADDITION TO ALL OTHER REQUIRED INFORMATION, HAVE DISPLAYED THEREON A NOTICE THAT THE MAXIMUM PENALTY FOR A VIOLATION IS \$500.
- G. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION (F) ABOVE, UPON DETERMINATION THAT ANY PERSON OR BUSINESS IS IN NON-COMPLIANCE WITH SUBDIVISION (B) OF THIS SECTION, A WRITTEN WARNING SHALL FIRST BE EITHER MAILED OR HAND-DELIVERED TO THE PERSON OR BUSINESS, GIVING TEN DAYS TO SUCH PERSON OR BUSINESS TO COME INTO COMPLIANCE.
- H. VIOLATIONS OF THIS SECTION SHALL BE DESIGNATED CIVIL OFFENSES AND SUBJECT TO THE PENALTIES SET FORTH IN SECTION 1-8 OF THIS CODE. EACH DAY THE PERSON OR BUSINESS FAILS TO COME INTO COMPLIANCE WITH THIS CODE SHALL CONSTITUTE A SEPARATE VIOLATION.

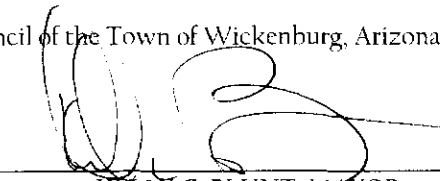
Section II. Repeal of Conflicting Ordinance.

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 III. Providing for 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 Town Council of the Town of Wickenburg, Arizona, this 1 day of June, 2009.



KELLY C. BLUNT, MAYOR

Date Signed: 6-1-09

ATTEST:

Donna Riffel
Donna Riffel, Town Clerk
APPROVED AS TO FORM:

Date Signed: 6-1-09

Kelly Schwab
Kelly Schwab, Town Attorney
Curtis, Goodwin, Sullivan, Udall & Schwab, P.L.C.,
Town Attorneys

Number of Councilmembers Present: 5
Number of Votes For: 3
Number of Votes Against: 2
Number of Abstentions: 0

CERTIFICATION

I HEREBY CERTIFY that the foregoing Ordinance Number 1042-2 was duly passed and adopted by the Common Council of the Town of Wickenburg, Arizona, at a regular meeting held on the 1st day of June 2009, and that a quorum was present at the meeting.

Donna Riffel
Donna Riffel, Town Clerk