

ORDINANCE NO. 1242

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF WICKENBURG, ARIZONA, AMENDING THE CODE OF THE TOWN OF WICKENBURG, ARIZONA, BY REPLACING CHAPTER 12 TRAFFIC AND STREETS, ARTICLE 12-2 TRAFFIC CONTROL, SECTION 12-2-16 TEMPORARY WORK ZONE TRAFFIC CONTROL PERMIT; POLICE OFFICER REQUIRED, BY REPEALING AND REPLACING WITH A NEW SECTION 12-2-16 CONSTRUCTION ACTIVITY AND TRAFFIC CONTROL, RELATED TO REQUIRING A UNIFORMED POLICE OFFICER FOR CONSTRUCTION AFFECTING THE FLOW OF TRAFFIC ON PUBLIC ROADWAYS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PENALTIES.

WHEREAS, the Common Council of the Town of Wickenburg desires to provide a consistent protective presence when routing traffic in temporary work zones and clarify use of off-duty police officers to handle traffic control; and

WHEREAS, the proposed amendment will enhance the general safety of the public.

NOW, THEREFORE, 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 Traffic and Streets, Article 12-2 Traffic Control, is amended by repealing Section 12-2-16 Temporary Work Zone Traffic Control Permit; Police Officer Required and replacing with Section 12-2-16 Construction Activity and Traffic Control to read as follows (deleted text appears in ~~strikeout~~; new text in ALL CAPS):

~~Section 12-2-16 Temporary Work Zone Traffic Control Permit; Police Officer Required~~

- ~~A. Any person setting and/or removing traffic control devices in the town right-of-way shall obtain a permit and an approved traffic control plan from the town.~~
- ~~B. A uniformed off-duty Town of Wickenburg police officer shall be present to coordinate traffic control:~~
 - ~~1. Where any person is restricting traffic within the public right-of-way within 150 feet of a signalized intersection during excavation activities.~~

- ~~2. Where any person requires the closure of any portion of the roadway regardless of location.~~
 - ~~3. Where the town engineer or designee determines in review and approval of the traffic control plan submitted pursuant to paragraph A above that public safety considerations require a police presence to coordinate traffic control.~~
- ~~C. If no Wickenburg off-duty police officer is available for the traffic control services described in paragraph B above, third-party law enforcement services may be utilized with permission of the town.~~
- ~~D. The Town Council of the Town of Wickenburg shall establish rates for officers and police vehicles utilized pursuant to this section. Applicant agrees to pay any and all such charges as approved on the current town fee schedule as a condition of approval.~~
- ~~E. Any person requesting use of officers pursuant to this section shall complete Town of Wickenburg applications, contracts and provide insurance for such services, as may be required by the town during permitting.~~

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SECTION 12-2-16 CONSTRUCTION ACTIVITY AND TRAFFIC CONTROL

A UNIFORMED POLICE OFFICER OF THE TOWN SHALL BE PRESENT WHEN CONSTRUCTION ACTIVITIES TAKE PLACE WITHIN THREE HUNDRED FEET (300') OF A SIGNALIZED INTERSECTION AND/OR WHEN CONSTRUCTION ACTIVITIES AFFECT THE FLOW OF TRAFFIC OF ANY PUBLIC ROADWAY, AS DETERMINED BY THE PUBLIC WORKS DIRECTOR OR AUTHORIZED DESIGNEE. PERMITTEES MUST ARRANGE FOR A POLICE OFFICER FIVE (5) CALENDAR DAYS IN ADVANCE OF PLANNED CONSTRUCTION ACTIVITIES BY CALLING THE POLICE DEPARTMENT'S OFF-DUTY REQUEST LINE. IF A TOWN POLICE OFFICER IS UNABLE TO BE SCHEDULED FOR THE DESIRED DAYS, THE PERMITTEE WILL BE NOTIFIED AT LEAST FORTY-EIGHT (48) HOURS IN ADVANCE, AND CONSTRUCTION ACTIVITIES MAY PROCEED ONLY WITH A UNIFORMED OFFICER FROM ANOTHER JURISDICTION OR MUNICIPALITY PRESENT.

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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.

Section IV. Providing for Penalties.

Any person found guilty of violating any provision of this Ordinance shall be guilty of a Class One Misdemeanor pursuant to Section 1-8 of the Wickenburg Town Code and upon conviction thereof shall be punished by a fine not to exceed Two Thousand Five Hundred Dollars (\$2,500) or by imprisonment for a period not to exceed six (6) months, or both such fine and imprisonment. Each day that a violation continues shall be a separate offense punishable as hereinabove described.

PASSED AND ADOPTED by the Common Council of the Town of Wickenburg, Arizona, this 21st day of April 2025, by the following vote:


BG Bratcher, Mayor

ATTEST:


Amy Brown, Town Clerk

APPROVED AS TO FORM:


Trish Stuhan, Town Attorney
Pierce Coleman PLLC

Number of Councilmembers Present: 7
Number of Votes For: 7
Number of Votes Against: 0
Number of Abstentions: 0

I, Amy Brown, Town Clerk, HEREBY CERTIFY that a true and correct copy of the Ordinance No. 1242 was duly passed and adopted by the Common Council of the Town of Wickenburg, Arizona, on the 21st day of April 2025, and that a quorum was present at the meeting.


Amy Brown, MMC
Town Clerk