

ORDINANCE NO. 4177

AN ORDINANCE OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, ADDING ARTICLE XII, SECTIONS 17-400 THROUGH 17-410 TO CHAPTER 17, MOTOR VEHICLES AND TRAFFIC, OF THE SCOTTSDALE REVISED CODE FOR THE REGULATION OF TRANSPORTATION SAFETY ZONES

BE IT ORDAINED by the Council of the City of Scottsdale as follows:

Section 1. Article XII, Sections 17-400 through 17-410 are hereby added to Chapter 17, Motor Vehicles and Traffic, of the Scottsdale Revised Code as follows:

Article XII. Transportation Safety Zones

Sec. 17-400. Purpose.

The purposes of this ordinance are to establish rules and regulations for Transportation Safety Zones established by the City and to promote the general public health, safety and welfare.

Sec. 17-401. Definitions.

In this article, unless the context otherwise requires a different meaning:

Emergency vehicle means an ambulance, law enforcement vehicle, fire department vehicle or other authorized emergency vehicle defined in Title 28 of the Arizona Revised Statutes.

For-hire means to provide, or offer to provide, a service in exchange for any form of payment or gratuity.

Passenger cart means any motorized vehicle, except a bus or pedibus, that is used to transport passengers on a public roadway in exchange for any form of payment or gratuity and that is not licensed as a livery vehicle, taxi or limousine pursuant to the Arizona Department of Weights and Measures.

Passenger convenience area means an area designated by the City where a vehicle-for-hire may temporarily stop or stand to load and unload passengers.

Through lane means a traffic lane within a Transportation Safety Zone where stopping or standing has been prohibited.

Utility vehicle means a vehicle operated by a municipal, public or private utility that is used to respond to utility outages.

Vehicle-for-hire means a taxi, passenger cart, livery vehicle, limousine, pedicab or any other motorized vehicle that transports passengers for-hire excluding pedibuses.

Vehicle-for-hire lane means a traffic lane designated by the City for use exclusively by vehicles-for-hire.

Sec. 17-402. Transportation Safety Zones.

- (a) The City Council may designate by resolution a Transportation Safety Zone upon a finding that such a zone is necessary to preserve the public health, safety and general welfare. Each such resolution designating a Transportation Safety Zone shall include a map establishing the boundaries of the zone.
- (b) The City Council may establish no more than two (2) Transportation Safety Zones within the City and each such zone may not exceed more than three (3) square miles.
- (c) Upon establishment of a Transportation Safety Zone, the City shall place and maintain permanently affixed signs located in a visible manner at the vehicular public access points leading into the zone. The City's Transportation Director shall develop regulations concerning the size and color of signs required to designate Transportation Safety Zones. The sign regulations, with model sign(s) examples, shall be posted on the City's website and filed with the City Clerk's office.

Sec. 17-403. Designation of Passenger Convenience Areas, Through Lanes and Vehicle-For-Hire Lanes.

The City's Transportation Director with the concurrence of the Chief of Police may designate within Transportation Safety Zones: passenger convenience areas, through lanes and vehicle-for-hire lanes.

Sec. 17-404. Hours of operation.

The City's Transportation Director with the concurrence of the Chief of Police shall establish the days and times that a Transportation Safety Zone is in effect.

Sec. 17-405. Violations; Transportation Safety Zones.

- (a) The following shall be prohibited during the days and times that a Transportation Safety Zone is in effect:
 - (1) Using a through lane to load or unload passengers, except by a utility vehicle responding to an emergency, City vehicle or an emergency vehicle.
 - (2) Stopping or standing a vehicle in a through lane, except by a utility vehicle responding to an emergency, City vehicle or an emergency vehicle.
 - (3) Using a passenger convenience area, except by a vehicle-for-hire, a utility vehicle responding to an emergency, City vehicle or an emergency vehicle.
 - (4) Using either a passenger convenience area or vehicle-for-hire lane by a pedibus, whether licensed by the Arizona Department of Weights and Measures or not.
 - (5) Parking or standing in a passenger convenience area, by a vehicle-for-hire, except for the loading or unloading of passengers.

(6) Using a vehicle-for-hire lane, except by a vehicle-for-hire, a utility vehicle responding to an emergency, City vehicle or an emergency vehicle.

(b) The following shall be prohibited within the boundaries of a Transportation Safety Zone at all times:

(1) Carrying more passengers than there are seats available within a passenger cart.

(2) Operating a passenger cart with reckless disregard for the safety of persons or property.

Sec. 17-406. Penalties.

(a) Except as otherwise specified, a first violation of this article is a civil offense and shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than three hundred dollars (\$300.00) per violation.

(b) A second or subsequent violation of this article within one (1) year of conviction of a first violation is a class two misdemeanor and shall be punished, in addition to any other penalties authorized by law, by a fine of not less than three hundred dollars (\$300.00) per violation.

(c) A violation of section 17-405(b) is a class one misdemeanor and shall be punished, in addition to any other penalties authorized by law, by a fine of not less than one thousand dollars (\$1,000.00) per violation.

(d) The court shall not suspend any part of any fine required by this section.

Sec. 17-407. Existing Transportation Safety Zones; applicability.

The provisions of this ordinance are applicable to Transportation Safety Zones created by the City Council prior to the effective date of this ordinance.

Secs. 17-408-17-410. Reserved.

PASSED AND ADOPTED by the City Council of the City of Scottsdale this 18th day of November, 2014.

ATTEST:

CITY OF SCOTTSDALE, an Arizona
municipal corporation

Carolyn Jagger
City Clerk

W. J. "Jim" Lane
Mayor

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APPROVED AS TO FORM:

Bruce Washburn, City Attorney

By: Luis E. Santaella, Senior Assistant City Attorney