

Note:
BOLD AND ALL CAPS --- indicates proposed
addition
~~Strikethrough~~ --- indicates deletions

ORDINANCE NO. 5050

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, AMENDING THE MESA CITY CODE TITLE 10, TRAFFIC, BY AMENDING SECTION 10-3-1 DEFINITIONS; SECTION 10-3-12 EXEMPTIONS TO AUTHORIZED EMERGENCY VEHICLES, AND SUBSECTION 10-3-18(G) VEHICLES SHALL NOT BE DRIVEN ON SIDEWALK; AND PROVIDING OF PENALTIES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

Section 1: Mesa City Code Section 10-3-1 is amended by adding in alphabetical order the following definitions:

CITY TRANSPORTATION FACILITY: ANY CITY STREET, SIDEWALK, BICYCLE LANE, EQUESTRIAN, BICYCLE, PEDESTRIAN OR MULTI-USE PATH, SPECIAL USE TRAIL, ALLEY, HIGHWAY, TRANSIT STOP OR STATION, OR SIMILAR PUBLIC WAY.

SERVICE VEHICLE: A LICENSED VEHICLE USED IN THE CONSTRUCTION, OPERATION OR MAINTENANCE OF A MUNICIPAL, UTILITY OR OTHER SIMILAR FACILITY OR INFRASTRUCTURE, OR IN THE PROVISION OF SERVICE FOR A MUNICIPAL, UTILITY OR OTHER SIMILAR SERVICE.

Section 2: Mesa City Code Section 10-3-12, EXEMPTIONS TO AUTHORIZED EMERGENCY VEHICLES, is amended to read as follows:

10-3-12: **EXEMPTIONS TO AUTHORIZED EMERGENCY OR SERVICE VEHICLES**

(A) The provisions of this Chapter regulating the operation, parking, and standing of vehicles shall apply to authorized emergency vehicles, as defined in this Chapter, except as follows: (Reso. 990,1771)

~~(A)1.~~ A driver, when operating any such vehicle in an emergency, except when otherwise directed by a Police officer, may: (Reso. 990,1771)

~~1.(a)~~ Park or stand notwithstanding the provisions of this Chapter. (Reso. 990,1771)

~~2.(b)~~ Proceed past a red or stop signal or stop sign but only after slowing down as may be necessary for safe operation. (Reso. 990,1771)

~~3.(c)~~ Exceed the speed limits so long as he does not endanger life or property. (Reso. 990,1771)

~~4.(d)~~ Disregard regulations governing direction of movement or turning in specified directions so long as he does not endanger life or property. (Reso. 990,1771)

~~(B)2.~~ The exemptions granted in Subsection (A)(1) of this Section in reference to the movement of an authorized emergency vehicle shall apply when the driver of said vehicle displays at least one (1) lighted lamp exhibiting a red or red-and-blue light or lens visible under normal atmospheric conditions from a distance of five hundred feet (500') to the front of the vehicle, other than a Police vehicle when operated as an authorized emergency vehicle and when the driver is giving audible signal by siren, exhaust whistle, or bell. An authorized emergency

vehicle operated as a Police vehicle need not be equipped with or display the red or red-and-blue light or lens visible from in front of the vehicle. (Reso. 990,1771)

(B) THE PROVISIONS OF THIS CHAPTER REGULATING THE PARKING AND STANDING OF VEHICLES SHALL APPLY TO AUTHORIZED SERVICE VEHICLES EXCEPT AS FOLLOWS:

- 1. A DRIVER, WHEN OPERATING ANY SUCH VEHICLE AND ENGAGED IN OFFICIAL DUTIES, EXCEPT WHEN OTHERWISE DIRECTED BY A POLICE OFFICER, MAY PARK OR STAND NOTWITHSTANDING THE PROVISIONS OF THIS CHAPTER.**
- 2. THE EXEMPTION GRANTED IN SUBSECTION (B)(1) OF THIS SECTION SHALL APPLY WHEN SUCH PARKING OR STANDING IS TO CARRY OUT OFFICIAL DUTIES, DOES NOT ENDANGER LIFE OR PROPERTY, AND TEMPORARY TRAFFIC CONTROL MEASURES AS REQUIRED BY APPLICABLE CITY REGULATIONS ARE IN PLACE.**

Section 3: Mesa City Code Subsection 10-3-18(G), Vehicles Shall Not Be Driven On Sidewalk, is amended to read as follows:

~~(G) Vehicles Shall Not be Driven~~ **DRIVING** On Sidewalk. ~~The driver of a vehicles shall not drive within any sidewalk area except at a permanent or temporary driveway. (Reso. 990,1771)~~ **A PERSON SHALL NOT DRIVE A VEHICLE ON A SIDEWALK AREA EXCEPT ON A PERMANENT OR DULY AUTHORIZED TEMPORARY DRIVEWAY. A PERSON DRIVING AN AUTHORIZED**

SERVICE VEHICLE ENGAGED IN OFFICIAL DUTIES MAY DRIVE WITHIN A SIDEWALK AREA AT A LOCATION OTHER THAN A DRIVEWAY.

Section 4: SEVERABILITY. If any provision of this ordinance is held to be unenforceable or unconstitutional by a court of competent jurisdiction, the remaining provisions shall remain in effect.

Section 5: PENALTIES. Any violation of or failure or refusal to do or perform any act required by this Ordinance constitutes a civil traffic violation. Civil traffic violations are subject to the provisions of Title 28, Chapter 6, Articles 20 and 21, Arizona Revised Statutes, and amendments thereto. Each day that a violation continues shall be a separate offense punishable as herein above described.

Section 6: EFFECTIVE DATE. The effective date of this ordinance shall be 30 days following adoption by the Mesa City Council.

PASSED AND ADOPTED by the City Council of the City Of Mesa, Maricopa County, Arizona, this 7th day of July, 2011.

APPROVED:



Mayor

ATTEST:



City Clerk

