

ORDINANCE NO. 5258

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, AMENDING THE MESA CITY CODE TITLE 10, TRAFFIC, BY ADDING SUBSECTION 10-3-18(Q) MAXIMUM ALLOWABLE VEHICLE WEIGHT ON CERTAIN STREETS; AMENDING SECTION 10-4-9 EMERGENCY OR CONSTRUCTION SPEED LIMITS, AND AMENDING SECTION 10-4-11 SPEEDS OF 35 MILES PER HOUR PERMITTED ON CERTAIN STREETS.

WHEREAS, It may be necessary at times to limit the weight of vehicles using certain roadways in order to preserve the public peace and welfare or protect public assets, and

WHEREAS, It is desirable to provide clear authority for limiting the weight of commercial vehicles using certain roadways, and

WHEREAS, It is necessary to update Mesa City Code to provide clarity and consistency with respect to the authority to approve and implement certain traffic regulations,

NOW, THEREFORE, be it ordained by the city council of the City of Mesa, Maricopa County, Arizona, as follows:

Section 1: Subsection 10-3-18(Q) is added to Mesa City Code to read as follows:

**(Q) MAXIMUM ALLOWABLE VEHICLE WEIGHT ON CERTAIN STREETS.**

- 1. THE CITY TRAFFIC ENGINEER IS HEREBY AUTHORIZED TO DETERMINE AND DESIGNATE GROSS VEHICLE WEIGHT LIMITS ON PORTIONS OF STREETS WHERE SUCH LIMITS ARE NECESSARY TO PRESERVE THE PUBLIC PEACE AND WELFARE OR TO PROTECT PUBLIC ASSETS FROM DAMAGE BY VEHICLES ABOVE A SPECIFIED WEIGHT.**
- 2. WHENEVER AUTHORIZED SIGNS ARE ERECTED INDICATING A GROSS VEHICLE WEIGHT LIMIT, NO DRIVER SHALL OPERATE A VEHICLE**

**EXCEEDING THE INDICATED GROSS WEIGHT, EXCEPT AS INDICATED BELOW.**

- 3. UNLESS THE AUTHORIZED SIGNS STATE “NO EXCEPTIONS,” A DRIVER MAY OPERATE A VEHICLE EXCEEDING THE INDICATED GROSS WEIGHT FOR THE DELIVERY AND PICKUP OF MERCHANDISE, MATERIALS, OR EQUIPMENT GOING TO OR FROM A SPECIFIC LOCATION REQUIRING TRAVEL ON STREETS SO POSTED. SUCH DRIVERS MUST USE THE SHORTEST AND MOST DIRECT ROUTE ON SUCH STREETS.**
- 4. UNLESS OTHERWISE POSTED, THE GROSS WEIGHT LIMIT DOES NOT APPLY TO:**
  - (a) PUBLIC TRANSPORTATION AND SCHOOL BUSES**
  - (b) PUBLIC AND PRIVATE EMERGENCY VEHICLES**
  - (c) PUBLIC AND PRIVATE UTILITY COMPANY VEHICLES GOING TO OR FROM A SPECIFIC LOCATION REQUIRING TRAVEL ON STREETS SO POSTED**
  - (d) CITY VEHICLES OR ANY OTHER VEHICLE USED IN PROVIDING SERVICES INCLUDING BUT NOT LIMITED TO CONTRACT SERVICES AND WASTE COLLECTION AT LOCATIONS REQUIRING TRAVEL ON STREETS SO POSTED.**

**Section 2: Section 10-4-9, Mesa City Code, is amended to read as follows:**

**10-4-9: EMERGENCY, ~~OR~~ CONSTRUCTION, OR CONTINGENT SPEED LIMITS:**

The ~~Manager of Development Services~~ **CITY TRAFFIC ENGINEER** is authorized to fix speed limits less than the designated speed limits in this Chapter when construction conditions, congested traffic, or other conditions require such reduced speed limits for public safety. Such reduced speed limits shall become effective when signs are erected giving notice thereof, and such reduced speed limits shall remain in effect until the signs are removed.

Section 3: Section 10-4-11, Mesa City Code, is amended to read as follows:

10-4-11: SPEEDS OF 35 MILES PER HOUR PERMITTED ON CERTAIN STREETS DURING CERTAIN HOURS:

The ~~Development Services Manager~~ **CITY TRAFFIC ENGINEER** is hereby authorized to fix speed limits and to reduce the speed limit to thirty-five (35) miles per hour on streets immediately adjacent to any elementary, junior high, or high school property for portions of the day when children are on their way to or from school. After consultation with school officials, the ~~Development Services Manager~~ **CITY TRAFFIC ENGINEER** or his designee will determine the length along each street where the reduced speed limit will be in effect and the effective hours of the reduced speed limit. The ~~Development Services Manager~~ **CITY TRAFFIC ENGINEER** or his designee shall cause signs to be erected giving notice of the times and specified location of the reduced speed limit.

Section 4: PRESERVATION OF RIGHTS AND DUTIES. This Ordinance does not affect the rights and duties that matured, penalties that were incurred, or proceedings that were begun before the effective date of this Ordinance.

Section 5: SEVERABILITY. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or

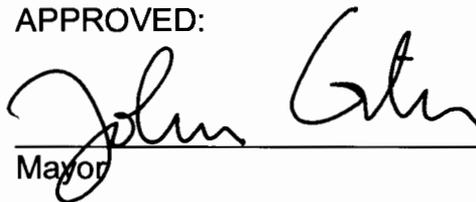
unconstitutional by the decision of a Court of competent jurisdiction such decision shall not affect the validity of the remaining portions hereof.

Section 6: PENALTY. Among other penalties that may apply, any person that violates any provision of this Ordinance shall be guilty of a misdemeanor. Upon conviction, individuals shall be punished by a fine not to exceed \$2,500, or by imprisonment for a period not exceed six (6) months, or by such fine and imprisonment. Upon conviction, businesses shall be punished by a fine not to exceed \$20,000. Each instance of violation continued shall be a separate offense, punishable as described above.

Section 7: 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 1st day of December, 2014.

APPROVED:

  
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Mayor

ATTEST:

  
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City Clerk

