

RESOLUTION NO. 9892

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE CITY CLERK AND ENTITLED "TEMPORARY TRAFFIC CONTROL PROGRAM REVISION TO TITLE X OF MESA CITY CODE, JUNE 2011"

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

Section 1: That certain document entitled "Temporary Traffic Control Program Revision to Title X of Mesa City Code, June 2011," three copies of which are on file in the office of the City Clerk is hereby declared to be a public record, and said copies are ordered to remain on file with the City Clerk.

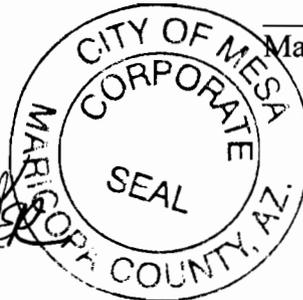
PASSED AND ADOPTED by the City Council of the City of Mesa, Maricopa County, Arizona, this 7<sup>th</sup> day of July, 2011.

APPROVED:



\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

**TEMPORARY TRAFFIC CONTROL PROGRAM  
REVISION TO TITLE X OF MESA CITY CODE  
June 2011**

Note: <b>BOLD AND ALL CAPS</b> --- indicates proposed addition <del>Strikethrough</del> --- indicates deletions
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Section 1: Mesa City Code Section 10-3-13, Traffic Control Devices, is amended by deleting subsection 10-3-13(O) and renumbering subsection 10-3-13(P) to 10-3-10(O) as follows:

~~(O) City Barricade Manual. The City Traffic Engineer shall develop, revise, and publish a Barricade Manual. This manual will establish proper procedures and practices necessary for traffic channelization and control measures to be used in conjunction with any work, construction, maintenance, or other use of City streets and highways. He or his authorized representative shall have the authority to approve or disapprove barricading utilized on any City street or highway.  
(1534,1535,1771,3562/Reso. 7286,3766)~~

**(PO)** Authority to Install Restricted Entry Signs. Where necessary to preserve the public safety and welfare, the City Traffic Engineer is authorized to post signs restricting entry to a street, alley, driveway, or portion thereof. When authorized signs are erected indicating that entry is restricted, the directions of such sign shall be obeyed.

Section 2: Mesa City Code Title 10, Traffic, is amended by adding a new Chapter 10, Temporary Traffic Control, to read as follows:

## **CHAPTER 10**

### **TEMPORARY TRAFFIC CONTROL**

#### **SECTION:**

**10-10-1: TRAFFIC BARRICADE MANUAL**

**10-10-2: AUTHORITY TO APPROVE OR DENY RESTRICTIONS AND ISSUE PERMITS**

**10-10-3: VIOLATIONS AND ENFORCEMENT**

**10-10-1: TRAFFIC BARRICADE MANUAL**

**(A) CITY TRAFFIC BARRICADE MANUAL. THE CITY TRAFFIC ENGINEER SHALL DEVELOP, PUBLISH, AND REVISE FROM TIME TO TIME AS NEEDED, A MANUAL ON PROCEDURES AND PRACTICES NECESSARY TO ESTABLISH TEMPORARY CONTROL MEASURES TO BE USED IN CONJUNCTION WITH PARTIAL AND FULL RESTRICTIONS OF ALL CITY STREETS, SIDEWALKS, BICYCLE LANES, EQUESTRIAN, BICYCLE, PEDESTRIAN OR MULTI-USE PATHS, SPECIAL USE TRAILS, ALLEYS, HIGHWAYS, TRANSIT STOPS OR OTHER FACILITIES, HERINAFTER REFERRED TO AS "CITY TRANSPORTATION FACILITIES," TO BE USED IN CONJUNCTION WITH ANY WORK, CONSTRUCTION, MAINTENANCE, OR OTHER USE OF CITY RIGHTS-**

OF-WAY OR EASEMENTS. SUCH CITY TRAFFIC BARRICADE MANUAL MAY CONSIST OF A MANUAL OR MANUALS, IN WHOLE OR IN PART, DEVELOPED AND PUBLISHED BY OTHER CITIES, STATES OR THE FEDERAL GOVERNMENT, ALONG WITH MODIFICATIONS, AMENDMENTS, OR A SUPPLEMENT SPECIFIC TO THE CITY OF MESA. THE CITY TRAFFIC BARRICADE MANUAL SHALL BE ADOPTED BY CITY COUNCIL RESOLUTION.

(B) THE CITY TRAFFIC ENGINEER OR DESIGNEE, IS AUTHORIZED TO APPROVE OR DISAPPROVE BARRICADING UTILIZED ON ANY CITY TRANSPORTATION FACILITY, AND TO TAKE THOSE ACTIONS NECESSARY, IN HIS PROFESSIONAL JUDGMENT AND IN ACCORDANCE WITH THE CITY TRAFFIC BARRICADE MANUAL, TO PROMOTE, PRESERVE AND PROTECT PUBLIC HEALTH, SAFETY AND WELFARE ON SUCH CITY TRANSPORTATION FACILITIES WITH RESPECT TO BARRICADING AND TEMPORARY TRAFFIC CONTROL.

(C) IT IS UNLAWFUL FOR ANY PERSON TO RESTRICT ANY PORTION OF A CITY TRANSPORTATION FACILITY, CITY RIGHT-OF-WAY OR EASEMENT IN A MANNER THAT IS NOT IN COMPLIANCE WITH THE CITY TRAFFIC BARRICADE MANUAL UNLESS APPROVED BY THE CITY TRAFFIC ENGINEER OR DESIGNEE.

**10-10-2: AUTHORITY TO APPROVE OR DENY RESTRICTIONS AND ISSUE PERMITS**

(A) AUTHORITY TO APPROVE OR DENY RESTRICTIONS. THE CITY TRAFFIC ENGINEER OR A DESIGNEE SHALL HAVE THE AUTHORITY TO APPROVE

OR DENY ALL PARTIAL AND FULL RESTRICTIONS OF CITY TRANSPORTATION FACILITIES IN CONJUNCTION WITH ANY WORK, CONSTRUCTION, MAINTENANCE, OR OTHER USE OF CITY RIGHTS-OF-WAY OR EASEMENTS TO PROMOTE, PRESERVE OR PROTECT PUBLIC HEALTH, SAFETY AND WELFARE BY MINIMIZING IMPACT ON THE TRAVELING PUBLIC AND GAINING COMPLIANCE WITH TEMPORARY TRAFFIC CONTROL STANDARDS WITH RESPECT TO SUCH RESTRICTIONS.

(B) CITY TRAFFIC ENGINEER TO ESTABLISH PROCEDURES, RULES AND ISSUE PERMITS. THE CITY TRAFFIC ENGINEER SHALL DEVELOP, PUBLISH, AND REVISE FROM TIME TO TIME AS NEEDED, PROCEDURES AND RULES, HEREINAFTER REFERRED TO AS THE RULES, FOR APPLYING FOR PERMISSION TO RESTRICT ANY PORTION OF A CITY TRANSPORTATION FACILITY, CITY RIGHT-OF-WAY, OR EASEMENT, AND IS AUTHORIZED TO ISSUE OR CAUSE TO BE ISSUED A TEMPORARY TRAFFIC CONTROL PERMIT FOR ALL SUCH REQUESTS THAT ARE APPROVED. THE RULES MAY INCLUDE BLANKET EXCEPTIONS FOR CERTAIN TYPES OF WORK OR SPECIFIC TYPES OF RESTRICTIONS FOR WHICH A TEMPORARY TRAFFIC CONTROL PERMIT IS NOT NECESSARY. EACH TEMPORARY TRAFFIC CONTROL PERMIT SHALL INCLUDE GENERAL AND SPECIAL CONDITIONS AS DETERMINED NECESSARY BY THE CITY TRAFFIC ENGINEER OR DESIGNEE FOR THE PERMIT HOLDER'S TEMPORARY USE OF THE RIGHT-OF-WAY TO PROMOTE, PRESERVE OR PROTECT PUBLIC HEALTH, SAFETY AND WELFARE BY MINIMIZING IMPACT ON THE TRAVELING PUBLIC AND GAINING COMPLIANCE WITH TEMPORARY TRAFFIC CONTROL

**STANDARDS WITH RESPECT TO SUCH RESTRICTIONS.**

- (C) PERMIT REQUIRED. NO PERSON SHALL RESTRICT ANY PORTION OF ANY CITY TRANSPORTATION FACILITY, CITY RIGHT-OF-WAY OR EASEMENT WITHOUT FIRST OBTAINING A VALID TEMPORARY TRAFFIC CONTROL PERMIT FROM THE TRANSPORTATION DEPARTMENT UNLESS OTHERWISE PROVIDED FOR IN THE RULES.**
- (D) TEMPORARY TRAFFIC CONTROL PERMIT MODIFICATION, SUSPENSION OR REVOCATION. THE CITY TRAFFIC ENGINEER OR DESIGNEE MAY MODIFY ANY CONDITION OF A PERMIT, OR SUSPEND OR REVOKE SUCH TEMPORARY TRAFFIC CONTROL PERMIT AT ANY TIME WHEN NECESSARY, IN HIS SOLE DISCRETION, TO PROMOTE, PRESERVE OR PROTECT PUBLIC HEALTH, SAFETY AND WELFARE. SUCH PERMIT MAY ALSO BE SUSPENDED OR REVOKED IF THE PERMIT HOLDER FAILS TO FOLLOW THE TRAFFIC BARRICADE MANUAL, APPLICABLE LAWS, OR ANY GENERAL OR SPECIAL CONDITIONS OF THE PERMIT.**
- (E) FEES. TEMPORARY TRAFFIC CONTROL FEES MUST BE PAID AT THE TIME OF ISSUANCE OF A RIGHT-OF-WAY OR NON-CITY UTILITY PERMIT, AND RENEWAL FEES, IF ANY, MUST BE PAID IN ADVANCE ACCORDING TO THE SCHEDULE OF FEES AND CHARGES AND THE RULES EXCEPT AS PROVIDED IN SUBSECTION (F) BELOW.**
- (F) FEES NOT REQUIRED. TEMPORARY TRAFFIC CONTROL FEES ARE NOT REQUIRED FOR RESTRICTIONS FOR NEIGHBORHOOD BLOCK PARTIES, FOR RESTRICTIONS IN CONNECTION WITH ACTIVITIES CONDUCTED BY CITY EMPLOYEES IN THE COURSE OF THEIR CITY DUTIES, OR ACTIVITIES**

**BEING CARRIED OUT BY OTHERS UNDER DIRECT CONTRACT TO THE CITY OR UNDER SUBCONTRACT TO ANOTHER WHO IS UNDER DIRECT CONTRACT TO THE CITY, OR IN ANY INSTANCE WHERE THE CITY MANAGER OR HIS DESIGNEE DETERMINES THAT IT IS IN THE CITY'S BEST INTEREST TO WAIVE TEMPORARY TRAFFIC CONTROL FEES.**

**10-10-3 VIOLATIONS AND ENFORCEMENT**

**(A) THE CITY TRAFFIC ENGINEER OR DESIGNEE, IS AUTHORIZED TO ENFORCE THE PROVISIONS OF THIS CHAPTER AS FOLLOWS:**

- 1. SEEKING VOLUNTARY COMPLIANCE THROUGH INFORMATION AND EDUCATION;**
- 2. ISSUING CORRECTIVE ACTION OR VIOLATION NOTICES AND WARNINGS;**
- 3. OTHER INFORMAL MEANS DESIGNED TO ACHIEVE COMPLIANCE IN THE MOST EFFICIENT AND EFFECTIVE MANNER;**
- 4. IN COOPERATION WITH THE ENGINEERING DEPARTMENT, ISSUING STOP WORK NOTICES;**
- 5. SUSPENDING OR REVOKING TEMPORARY TRAFFIC CONTROL PERMITS;**
- 6. IN COOPERATION WITH THE DEVELOPMENT SERVICES DIVISION, PLACING A HOLD ON ISSUANCE OF NEW RIGHT-OF-WAY AND/OR TEMPORARY TRAFFIC CONTROL PERMITS FOR THE SAME COMPANY OR INDIVIDUAL;**
- 7. ISSUING A CIVIL CITATION FOR CIVIL SANCTIONS UNDER THIS CHAPTER;**

**(B) REMEDIES NOT EXCLUSIVE. VIOLATIONS OF THIS CHAPTER ARE IN ADDITION TO ANY OTHER VIOLATION ESTABLISHED BY LAW, AND THIS SECTION SHALL NOT BE INTERPRETED AS LIMITING THE PENALTIES, ACTIONS, OR ABATEMENT PROCEDURES WHICH MAY BE TAKEN BY THE**

**CITY OR OTHER PERSONS UNDER THE LAW, ORDINANCES, OR RULES.**

**(C) RESPONSIBLE PARTIES:**

- 1. ANY PERSON OR HIS AGENT WHO CAUSES, PERMITS, FACILITATES, AIDS, OR ABETS ANY VIOLATION OF THIS CHAPTER, OR WHO FAILS TO PERFORM ANY ACT OR DUTY REQUIRED PURSUANT TO THIS SECTION, IS SUBJECT TO THE ENFORCEMENT PROVISIONS OF THIS CHAPTER. THE PERSON AND HIS AGENT MAY BE FOUND TO BE INDIVIDUALLY RESPONSIBLE FOR THE VIOLATIONS, THE PRESCRIBED CIVIL SANCTIONS, AND THE ABATEMENT OF THE VIOLATIONS.**
- 2. ANY PERSON, FIRM, OR AGENCY CONDUCTING WORK IN THE PUBLIC RIGHT-OF-WAY OR EASEMENT IS RESPONSIBLE FOR ASSURING THAT ALL RELATED ACTIVITIES COMPLY WITH THE PROVISIONS OF THIS CHAPTER. CONTRACTING WITH ANOTHER PERSON, FIRM OR AGENCY (SUBCONTRACTOR) FOR TEMPORARY TRAFFIC CONTROL SERVICES DOES NOT RELIEVE THE PERSON, FIRM OR AGENCY CONDUCTING THE WORK OF THE OBLIGATION TO COMPLY WITH THE PROVISIONS OF THIS CHAPTER.**

**(D) CIVIL VIOLATIONS AND CITATION:**

- 1. VIOLATION OF ANY PORTION OF THIS CHAPTER IS A CIVIL VIOLATION. A CIVIL ACTION FOR VIOLATIONS OF THIS CHAPTER MAY BE COMMENCED BY ISSUANCE OF A CITATION.**
- 2. THE CITATION WILL BE SUBSTANTIALLY IN THE FORM ESTABLISHED BY THE CITY TRAFFIC ENGINEER. THESE CITATIONS MAY BE ISSUED BY TRANSPORTATION DEPARTMENT EMPLOYEES WORKING UNDER THE**

**AUTHORITY OF THE CITY TRAFFIC ENGINEER OR DESIGNEE. THE CITATION SHALL BE SERVED BY PERSONAL SERVICE, OR BY CERTIFIED OR REGISTERED MAIL, RETURN RECEIPT REQUESTED.**

- 3. THE CITATION SHALL INCLUDE THE DATE, TIME, LOCATION AND DESCRIPTION OF THE VIOLATION(S), EITHER BY WRITTEN DESCRIPTION OF THE VIOLATION(S) OR BY DESIGNATION OF THE CITY CODE SECTION THAT WAS VIOLATED, AND NOTICE THAT WITHIN FOURTEEN (14) CALENDAR DAYS FROM THE DAY ON WHICH THE NOTICE WAS ISSUED, THE SANCTION FOR THE VIOLATION MUST BE PAID AND RECEIVED BY THE CITY OR A REQUEST MADE AND RECEIVED BY THE CITY FOR A HEARING TO CONTEST THE ALLEGED VIOLATION.**

**(E) RESPONSE TO CITATION**

- 1. WITHIN FOURTEEN (14) CALENDAR DAYS FROM THE DAY ON WHICH THE CITATION WAS ISSUED, THE PERSON OR PERSONS RESPONSIBLE FOR THE VIOLATION(S) SHALL RESPOND TO THE CITATION BY ONE OF THE FOLLOWING METHODS:**

**(A)BY APPEARING BEFORE A MUNICIPAL MAGISTRATE OR HEARING OFFICER IN CITY COURT IN PERSON, BY REPRESENTATION, BY DEPOSIT IN A CITY COLLECTION BOX, OR BY MAIL TO THE CITY COURT ADMITTING RESPONSIBILITY FOR THE VIOLATION AND PAYING THE CIVIL SANCTION INDICATED IN THE CITATION FOR THE VIOLATION.**

**(B)BY APPEARING BEFORE A MUNICIPAL MAGISTRATE OR HEARING OFFICER IN THE CITY COURT IN PERSON, BY REPRESENTATION, BY DEPOSIT IN A CITY COLLECTION BOX, BY MAIL, OR BY TELEPHONE,**

AND DENYING ALL ALLEGATIONS IN THE CITATION, AND REQUESTING A HEARING TO CONTEST THE ALLEGED VIOLATION(S). THE COURT SHALL SET THE MATTER FOR HEARING. CIVIL HEARINGS ARE INFORMAL AND HELD WITHOUT A JURY, AND THE CITY IS REQUIRED TO PROVE THE VIOLATION(S) BY A PREPONDERANCE OF THE EVIDENCE. TECHNICAL RULES OF EVIDENCE DO NOT APPLY, EXCEPT FOR STATUTORY PROVISIONS RELATING TO PRIVILEGED COMMUNICATIONS.

(C) A REQUEST FOR A HEARING OR PAYMENT OF THE CIVIL SANCTION WILL BE CONSIDERED RECEIVED BY THE CITY IF IT IS ACTUALLY DELIVERED TO THE CITY COURT, DEPOSITED IN A CITY COLLECTION BOX, OR POSTMARKED WITHIN FOURTEEN (14) CALENDAR DAYS AFTER THE DATE THE CITATION WAS ISSUED. A REQUEST FOR A HEARING MADE BY TELEPHONE WILL BE CONSIDERED RECEIVED THE DAY IT IS MADE, IF IT IS RECEIVED BY A CITY COURT EMPLOYEE DURING CITY COURT BUSINESS HOURS OF ANY DAY THE CITY COURT IS OPEN FOR NORMAL BUSINESS.

(F) TRAFFIC BARRICADE MANUAL VIOLATIONS AND CIVIL SANCTIONS. THE FOLLOWING VIOLATIONS OF THE TRAFFIC BARRICADE MANUAL OR ANY PROVISION OF THIS CHAPTER MAY RESULT IN A CIVIL SANCTION. THE AMOUNT OF THE CIVIL SANCTION LISTED IS THE AMOUNT PER DAY FOR A VIOLATION.

1. ANY ACT, ERROR, OR OMISSION WITHIN THE RIGHT-OF-WAY THAT CREATES AN IMMINENT RISK OF DEATH OR INJURY; CIVIL SANCTION:

**\$1,500.00.**

- 2. RESTRICTING THE RIGHT-OF-WAY OR EASEMENT WITHOUT A REQUIRED TEMPORARY TRAFFIC CONTROL PERMIT; CIVIL SANCTION: \$1,000.00.**
- 3. RESTRICTING TRAFFIC DURING PEAK TRAFFIC HOURS AS DESCRIBED IN THE TRAFFIC BARRICADE MANUAL WITHOUT AUTHORIZATION; CIVIL SANCTION: \$1,000.00**
- 4. FAILING TO CORRECT OR CURE A VIOLATION OF THE TRAFFIC BARRICADE MANUAL WITHIN THE TIME PERIOD STATED ON THE NOTICE OF VIOLATION; CIVIL SANCTION: \$1,000.00.**
- 5. RESTRICTING THE RIGHT-OF-WAY AT AN INTERSECTION WITH TRAFFIC SIGNALS WITHOUT ANY WORK BEING CONDUCTED FOR WHICH THE RESTRICTION IS NECESSARY FOR A PERIOD OF ONE CONTINUOUS HOUR UNLESS OTHERWISE APPROVED; CIVIL SANCTION: \$1,000.00.**
- 6. IMPROPERLY CLOSING A SIDEWALK OR CLOSING A SIDEWALK WITHOUT FIRST OBTAINING A REQUIRED TRAFFIC CONTROL PERMIT; CIVIL SANCTION: \$500.00.**
- 7. FAILING TO COMPLY WITH THE CONDITIONS, RESTRICTIONS, LIMITS, TIMES, OR LOCATION OF A TEMPORARY TRAFFIC CONTROL PERMIT; CIVIL SANCTION: \$500.00.**
- 8. FAILING TO INSTALL ADVANCE WARNING SIGNS OR FAILING TO INSTALL ADVANCE WARNING SIGNS THAT COMPLY WITH THE TRAFFIC BARRICADE MANUAL; CIVIL SANCTION: \$500.00.**
- 9. FAILING TO INSTALL TRAFFIC BARRICADES OR CHANNELIZING DEVICES OR FAILING TO INSTALL TRAFFIC BARRICADES OR CHANNELIZING**

**DEVICES THAT COMPLY WITH THE TRAFFIC BARRICADE MANUAL; CIVIL SANCTION: 500.00.**

**10. FAILING TO REMOVE AN ADVANCE WARNING SIGN LEAVING THE SIGN FACING TRAFFIC AFTER THE TRAFFIC RESTRICTION HAS BEEN REMOVED; CIVIL SANCTION: \$250.00.**

**11. FAILING TO REMOVE TRAFFIC CONTROL DEVICES FROM THE RIGHT-OF-WAY WITHIN TWENTY-FOUR HOURS AFTER EXPIRATION OF THE TEMPORARY TRAFFIC CONTROL PERMIT; CIVIL SANCTION: \$250.00.**

**12. FAILING TO INSTALL AND MAINTAIN TRAFFIC CONTROL DEVICES THAT MEET THE QUALITY REQUIREMENTS DESCRIBED IN THE TRAFFIC BARRICADE MANUAL; CIVIL SANCTION: \$250.00.**

**13. RENDERING A BUS STOP INACCESSIBLE WITHOUT RELOCATING IT OR MAKING OTHER APPROVED ACCOMMODATIONS; CIVIL SANCTION: \$250.00.**

**14. FAILURE TO COMPLY WITH ANY OTHER PROVISION OF THE TRAFFIC BARRICADE MANUAL OR THIS CHAPTER WHETHER OR NOT A TEMPORARY TRAFFIC CONTROL PERMIT IS REQUIRED; CIVIL SANCTION: \$250.00.**

**(G) FAILURE TO RESPOND TO A CITATION; INCREASED SANCTION FOR FAILURE TO MAKE A TIMELY RESPONSE.**

**1. IF THE PERSON OR PERSONS RESPONSIBLE FOR A TEMPORARY TRAFFIC CONTROL VIOLATION(S) FAILS TO RESPOND BY ONE OF THE METHODS LISTED IN SUBSECTION (E) WITHIN FOURTEEN (14) CALENDAR DAYS FROM THE DATE THE CITATION WAS ISSUED, THE SANCTION FOR THE VIOLATION SHALL AUTOMATICALLY BE INCREASED TO TWICE THE LISTED SANCTION. IF THE SANCTION IS NOT PAID WITHIN THIRTY (30) DAYS AFTER THE DATE**

OF THE CITATION AND THE PERSON OR PERSONS LIABLE FOR THE VIOLATION HAVE FAILED TO MAKE A TIMELY RESPONSE PURSUANT TO SUBSECTION (E), THE SANCTION SHALL BE INCREASED AUTOMATICALLY TO FOUR (4) TIMES THE LISTED SANCTION WHICH IS DUE AND PAYABLE AT THAT TIME.

2. THE LIST OF VIOLATIONS AND SANCTIONS PROVIDED FOR IN SUBSECTION (E) ARE THE SANCTIONS THAT MAY BE IMPOSED WHEN THE DEFENDANT RESPONDS TO THE NOTICE IN A TIMELY MANNER. THE CIVIL SANCTIONS PRESCRIBED HEREIN SHALL NOT BE SUSPENDED OR REDUCED EXCEPT AS PROVIDED HEREIN.

3. A CITY MAGISTRATE OR A CIVIL HEARING OFFICER MAY SUSPEND THE PAYMENT OF AN INCREASED SANCTION OR LATE PENALTY FOR THE FAILURE TO RESPOND TO A CITATION; HOWEVER, A CITY MAGISTRATE OR HEARING OFFICER CANNOT SUSPEND THE PAYMENT OF THE LISTED SANCTION AS PROVIDED IN THE SCHEDULE IN SUBSECTION (F).

**(H) CIVIL COMPLAINTS; HEARINGS.**

1. IF A DEFENDANT HAS NOT MADE A TIMELY REQUEST FOR A HEARING PURSUANT TO SUBSECTION (E)1(B) OR (E)1(C) OR HAS FAILED TO MAKE A TIMELY RESPONSE TO THE NOTICE AND HAS NOT PAID THE CIVIL SANCTION AS REQUIRED BY SUBSECTION (E)1(A), A CIVIL COMPLAINT AND SUMMONS WILL BE ISSUED BY THE CITY COURT UNLESS THE CITY TRAFFIC ENGINEER OR THE CITY PROSECUTOR DETERMINES THAT A COMPLAINT SHALL NOT BE REQUESTED.

2. FAILURE TO RESPOND TO A CIVIL COMPLAINT AND SUMMONS WILL

RESULT IN A DEFAULT JUDGMENT FOR THE AMOUNT OF THE CIVIL SANCTION PLUS COURT COSTS AND ATTORNEY'S FEES, IF APPLICABLE.

3. A CIVIL HEARING FOR A TEMPORARY TRAFFIC CONTROL VIOLATION MAY BE HEARD BY A CIVIL HEARING OFFICER PURSUANT TO APPLICABLE STATE STATUTES AND THE ARIZONA SUPREME COURT RULES OF PROCEDURE IN CIVIL VIOLATION CASES. THE HEARING OFFICER MAY MAKE SUCH ORDERS AS MAY BE NECESSARY AND PROPER TO DISPOSE OF SUCH CASES.

4. EACH DAY SHALL BE A CONTINUING VIOLATION.

(I) TIME CALCULATION. IF THE FOURTEENTH (14TH) CALENDAR DAY AS SET FORTH HEREIN IS A SATURDAY, SUNDAY, LEGAL HOLIDAY, OR OTHER NON-BUSINESS DAY OF THE CITY, THEN PAYMENT SHALL BE DUE ON THE NEXT DAY THAT IS NOT A SATURDAY, SUNDAY, LEGAL HOLIDAY, OR NON-BUSINESS DAY OF THE CITY.