

RESOLUTION 2017-21

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE TOWN CLERK AND ENTITLED "2017 PARKING AMENDMENTS."

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS as follows:

SECTION 1. That certain document entitled "2017 Parking Amendments," of which one paper copy and one electronic copy maintained in compliance with ARIZ. REV. STAT. § 44-7041 are on file in the office of the Town Clerk and open for public inspection during normal business hours, is hereby declared to be a public record, and said copies are ordered to remain on file with the Town Clerk.

PASSED AND ADOPTED BY the Mayor and Council of the Town of Fountain Hills, Arizona, June 1, 2017.

FOR THE TOWN OF FOUNTAIN HILLS:

ATTESTED TO:



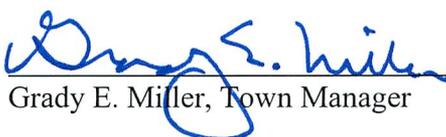
Linda M. Kavanagh, Mayor



Bevelyn J. Bender, Town Clerk

REVIEWED BY:

APPROVED AS TO FORM:



Grady E. Miller, Town Manager



Andrew J. McGuire, Town Attorney

2017 PARKING AMENDMENTS

Article 12-3

PARKING

Sections:

- 12-3-1 Method of Parking
- 12-3-2 Blocking Traffic
- 12-3-3 Parking Adjacent to Schools
- 12-3-4 Authority to Erect Signs Restricting Parking
- 12-3-5 Parking Vehicles on Sidewalks
- 12-3-6 Restricted Parking Areas for the Physically Disabled
- 12-3-7 Stopping, Standing or Parking Prohibited in Specified Fire Lanes
- 12-3-8 Stopping, Standing or Parking Vehicles on Streets or Right-of-Way for the Purpose of Sale
- 12-3-9 Parking in Residential Areas
- 12-3-10 Storage and Parking of Commercial Vehicles in Residential Districts
- 12-3-11 Storage and Parking of Unoccupied, Non-Commercial Mobile Homes, Boats, Aircraft, Truck Campers, Camping Trailers, Travel Trailers, and Other Trailers
- 12-3-12 Private Parking Areas - Generally
- 12-3-13 Private Parking Areas – Consent; Notice to Public
- 12-3-14 Permission Required to Remove Vehicles from Private Parking Areas
- 12-3-15 Notice to Town Law Enforcement Agent and Sheriff
- 12-3-16 Maximum Towing Charges; Twenty-Four Hour Vehicle Retrieval
- 12-3-17 Owner’s Liability for Parking Offenses
- 12-3-18 Commencement of Proceedings for Violations
- 12-3-19 Penalties

Section 12-3-1 Method of Parking

Except as otherwise posted, every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be so stopped or parked with the right hand wheels of such vehicle parallel to and within eighteen inches of the right hand curb.

Section 12-3-2 Blocking Traffic

- A. No person shall stop, stand or park any vehicle upon a street in the Town in such a manner or under such conditions as to leave available less than twenty feet of the width of the roadway for the free movement of vehicular traffic, except that a person may stop temporarily, in the actual loading or unloading of passengers, or when necessary, in the observance of traffic signs or signals of the Town law enforcement agent.

- B. No person shall park a vehicle within an alley or entrance to a private driveway except for the loading or unloading of materials, and not then unless such loading or unloading can be accomplished without blocking the alley to the free movement of vehicular traffic.

Section 12-3-3 Parking Adjacent to Schools

When signs are erected indicating no parking on that side of the street adjacent to any school property, no person shall park a vehicle in any such designated place for one hour before school opens until one hour after school closes on any school day.

Section 12-3-4 Authority to Erect Signs Restricting Parking

The Town Manager or his designee may have erected signs requiring parking at an angle to the curb, allowing parking on the left hand curb on one-way streets, notifying drivers that parking is prohibited and restricting parking in any way that may be necessary. When such signs have been erected, no person shall stop or stand a vehicle in disobedience to such parking restrictions.

Section 12-3-5 Parking Vehicles on Sidewalks

No person shall park any vehicle, whether in usable condition or not, nor shall an owner permit his vehicle to be parked upon any sidewalk in the Town.

Section 12-3-6 Restricted Parking Areas for the Physically Disabled

- A. No person shall park a vehicle in a parking space on either public or private property set aside and identified for use only by persons with physical disabilities, unless the vehicle has displayed thereon a distinguishing insignia or numbered plates bearing the international wheelchair symbol as provided in Arizona Revised Statutes, Title 28. The handicap card shall be placed on the dashboard so as to be visible.
- B. Subsection A of this section shall apply only to those parking spaces that are identified with standard signs or other markers, as approved by the Town.

Section 12-3-7 Stopping, Standing or Parking Prohibited in Specified Fire Lanes

No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a Town law enforcement agent or traffic control device, either on public or private property, in any of the following places:

- A. Within fifteen feet of a fire hydrant.

- B. In any area designated as a fire lane.

Section 12-3-8 Stopping, Standing or Parking Vehicles on Streets or Right-of-Way for the Purpose of Sale

No person shall stop, stand or park any vehicle, wholly or partly, on any public street or right-of-way within the Town for the purpose of selling the vehicle.

Section 12-3-9 Parking in Residential Areas

- A. No person shall park or cause to be parked a vehicle on any portion of a residential property that is visible from a street or adjacent property unless such vehicle is parked upon a driveway designated as such on the approved site plan for the property and which is surfaced with asphaltic concrete, pavement bricks, cement concrete or other approved material designated in Section 7.03 of the Fountain Hills Zoning Ordinance. For the purposes of this subsection, a vehicle shall not be deemed visible if it is completely enclosed within a six foot high solid wall with view-obscuring gates.
- B. No person shall park or cause to be parked a vehicle on any residential lot for which a certificate of occupancy has not been issued.
- C. No person shall park or cause to be parked, whether on a driveway designated as such on the approved site plan for the property or on the public street within 1,000 feet of the property occupied by such person, a combined number of vehicles exceeding the number calculated as set forth in this Subsection 12-3-9(C). The maximum number of vehicles permitted to be parked outside of an enclosed garage in a single-family dwelling within a residentially zoned area shall be one for each 750 square feet of livable area of a residence, as specified in the Maricopa County Assessor's records. The total vehicle count shall not include vehicles completely enclosed within a six foot high solid wall with view-obscuring gates, delivery vehicles, or vehicles associated with guests visiting for less than 24 hours.
- D. The provisions of this section shall not apply to a model home parking lot permitted pursuant to a valid temporary use permit.

Section 12-3-10 Storage and Parking of Commercial Vehicles in Residential Districts

Except while loading, unloading, delivering, or making a service call at a residence, commercial vehicles shall be subject to the following restrictions:

- A. No person shall park or store a commercial vehicle on streets in residential districts or on any portion of a residential property that is visible from a street or adjacent property. For

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the purposes of this subsection, a commercial vehicle shall not be deemed visible if it is completely enclosed within a six foot high solid wall with view-obscuring gates.

- B. Notwithstanding the allowable parking described in Subsection 12-3-10(A) above, in no event shall a commercial vehicle over 22 feet in length be parked on streets in residential districts or on any portion of a residential property.

Section 12-3-11 Storage and Parking of Unoccupied, Non-Commercial Mobile Homes, Boats, Aircraft, Truck Campers, Camping Trailers, Travel Trailers, and Other Trailers

- A. Unoccupied non-commercial motor homes, camping trailers, travel trailers, utility trailers and boats shall only be stored, parked, or located as follows:
 - 1. When such vehicle is parked or stored within a residential area, said vehicle shall not be parked on a street, and when on a residential lot, tract or parcel, such vehicle must be parked on a hard surface parking pad and enclosed within a six foot high solid masonry, concrete, or earthen product wall that obscures views of the vehicle from any street or any adjacent lot, tract or parcel. Further, any access gates shall be constructed of view-obscuring materials to provide effective site screening.
 - 2. When such vehicle or trailer is in the process of being loaded or unloaded, such vehicles shall not be located on the street or on that portion of a lot that is in the front of the primary structure at anytime for more than two consecutive days in any seven-day time period.
 - 3. When a temporary visitor permit has been issued by the zoning administrator and said permit is displayed on the right side of the dashboard of such vehicle or in such location on the trailer as designated and approved by the zoning administrator. Temporary visitor permits may only be issued for parking upon a driveway designated as such on the approved site plan for the property and which is surfaced with asphaltic concrete, pavement bricks, cement concrete or other approved material designated in Section 7.03 of the Fountain Hills Zoning Ordinance.
 - 4. Such vehicles and trailers must not be located on a residentially zoned lot or parcel of land that does not have a residential structure.
 - 5. In all non-residential zoning districts, such vehicles must be located behind the rear of the principal building, except when such vehicles are for sale by a business with a valid Town business license.
- B. Occupied non-commercial motor homes, camping trailers, travel trailers, utility trailers and boats may only be parked in recreational vehicle parks.

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- C. If storage or parking as required by this Section 12-3 is not feasible due to unusual physical characteristics of a property, the Town Manager or authorized designee may administratively allow for alternative parking or storage solutions. Any such administrative approval must be in writing and must include the specific parking or storage solution that is permitted, the duration of the permitted use, and any conditions of such approval. Administrative approvals under this subsection shall not run with the land and shall be applicable only to the person to whom the approval is granted.

Section 12-3-12 Private Parking Areas - Generally

No person shall park a vehicle in any private parking area without the express or implied consent of the owner or person in lawful possession of such property.

Section 12-3-13 Private Parking Areas - Consent; Notice to Public

- A. The owner or person in lawful possession of any private parking area shall be deemed to have given consent to unrestricted parking by the general public in such parking area unless such parking area is posted with signs as prescribed by this section which are clearly visible and readable at each entrance to the parking area and as required by the Town Engineer. The signs shall contain the following information:
1. Any restrictions on parking.
 2. That violator's vehicle will be towed away at violator's expense.
 3. The words "Contact Fountain Hills Law Enforcement at 480-837-8800" or current correct telephone number.
 4. The maximum cost to the violator, including storage fees and any other charges that could result from the disposition of his vehicle parked in violation of parking restrictions.
 5. A reference to this Section 12-3-14.
- B. No person shall tow or transport a vehicle from a private parking area unless the signs are posted as required by this section and contain all the information specified in subsection A of this section.

Section 12-3-14 Permission Required to Remove Vehicles from Private Parking Areas

No person shall tow or transport any vehicle from a private parking area without the permission of the owner or operator of the vehicle unless such person receives the express written

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permission from the owner or agent of the owner of the private parking area. The person towing or transporting the vehicle may not act as the agent of the owner.

Section 12-3-15 Notice to Town Marshall/Law Enforcement Agent and Sheriff

Any person towing or transporting any vehicle from a private parking area without the express permission of the vehicle owner, shall notify the Town Marshall/Law Enforcement Agent and the Fountain Hills office of the Maricopa County Sheriff immediately upon the taking of such action and provide the following information:

- A. The name and address of the owner of the vehicle, if known.
- B. The vehicle license number and description.
- C. The reason the vehicle was moved without the permission of the person parking such vehicle.
- D. The location where the vehicle was taken.
- E. The name, address and telephone number of the person or company that towed or transported the vehicle.

Section 12-3-16 Maximum Towing Charges; Twenty-Four Hour Vehicle Retrieval

- A. The maximum rate and charge for towing, transporting and impounding a vehicle from private property without the permission of the owner or operator of the vehicle shall be seventy-five dollars.
- B. No person towing or transporting the vehicle from a private parking area shall charge any fee or amount in excess of the amount specified in this section.
- C. Any person towing or transporting a vehicle from the private parking area shall maintain personnel able and authorized to release any vehicle to its owner on a twenty-four hour basis, seven days a week.

Section 12-3-17 Owner's Liability for Parking Offenses

The registered owner(s) of any vehicle that has been parked in violation of any of the provisions of this article or any other Town ordinance prohibiting or restricting parking shall be prima facie responsible for such violation and subject to penalty therefor.

Section 12-3-18 Commencement of Proceedings for Violations

- A. An action to hear and determine an alleged violation of this article shall be commenced by issuance of a citation by a peace officer of the State of Arizona or the Town Manager or his authorized designee.
- B. The citation shall be in the form of deemed appropriate by the Town Manager.
- C. Service of any citation for violation of this Article may be accomplished, and will be deemed proper and complete, by any of the following methods:
 - 1. By having the defendant sign the citation with a promise to appear in court ten or more days after issuance of the citation.
 - 2. If the defendant refuses to sign the citation, by hand delivering a copy of the citation to the defendant.
 - 3. By affixing the citation to any vehicle owned by the defendant and the parking, location or abandonment of which constitute the offense charged in the citation.
 - 4. In the event service cannot be accomplished as set forth above, the defendant may be served by any means allowed by the Arizona Rules of Civil Procedure for the Superior Court.

Section 12-3-19 Penalties

Unless otherwise specifically designated in this Article, violations of this Article shall be punishable as set forth in Chapter 1, Article 1-8, Section 1-8-3 of this Code. Each day that a violation continues shall be a separate offense punishable by imposition of a civil sanction not to exceed \$250.