

ORDINANCE NO. 2312

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF GILBERT, ARIZONA, AMENDING THE TOWN OF GILBERT MUNICIPAL CODE BY AMENDING CHAPTER 62 TRAFFIC AND VEHICLES, ARTICLE III STOPPING, STANDING AND PARKING, SECTION 62-72 STOPPING, STANDING, OR PARKING IN PLACES RESERVED FOR PHYSICALLY DISABLED PERSONS BY PROHIBITING THE BLOCKING OF WHEELCHAIR CURB ACCESS RAMPS AND LOADING AREAS FOR PHYSICALLY DISABLED PERSONS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PENALTIES.

WHEREAS, the Common Council of the Town of Gilbert, Arizona (“Gilbert”) desires to protect its citizens and ensure adequate access for physically disabled persons for wheelchair access and loading and unloading in specially designated parking spaces; and

WHEREAS, it is in the best interests of the citizens of Gilbert to provide clear regulations on the use and access of parking spaces and related loading and unloading areas for physically disabled persons;

NOW THEREFORE, BE IT ORDAINED by the Common Council of the Town of Gilbert, as follows:

Section I. In General.

The Town of Gilbert Municipal Code (“Code”), Chapter 62 Traffic Violations, Article III Stopping, Standing And Parking is amended by revising Section 62-72 Stopping, Standing, Or Parking In Places Reserved For Physically Disabled Persons to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~) and re-lettering the remaining subsections in Section 62-72 accordingly:

Sec. 62-72 Stopping, standing, or parking in places reserved for physically disabled persons.

- (a) Except as provided in subsection (d) of this Section, no person may stop, stand or park a motor vehicle within any specially designated and marked parking space provided in accordance with this section for physically disabled persons NOR SHALL ANY VEHICLE BE STOPPED OR PARKED IN SUCH A MANNER AS TO BLOCK OR DENY ACCESS TO A DESIGNATED WHEELCHAIR ACCESS RAMP unless the motor vehicle is transporting a person eligible for the distinguishing insignia placard or

number plates bearing the international wheelchair symbol, and either:

- (1) The motor vehicle displays the distinguishing insignia placard; or
 - (2) The motor vehicle displays number plates bearing the international wheelchair symbol.
- (b) IT IS UNLAWFUL TO PARK IN, OR OTHERWISE OBSTRUCT, THE AREA BETWEEN PARKING SPACES DESIGNATED FOR THE PHYSICALLY DISABLED, GENERALLY DESIGNATED WITH DIAGONAL LINES. SUCH PARKING SPACES ARE RESTRICTED TO THE LIMITED PURPOSE OF ACTIVELY LOADING AND UNLOADING PHYSICALLY DISABLED PERSONS OR THEIR BELONGINGS AND EQUIPMENT.

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Section II. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance, or any part of the Code adopted herein by reference, are hereby repealed.

Section III. Providing for Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance, or any part of the Code adopted herein by reference, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section IV. Providing for Penalties.

Any person found responsible for violating this Ordinance shall be subject to the civil sanctions and habitual offender provisions set forth in Section 1-5 of the Code.

PASSED AND ADOPTED by the Common Council of the Town of Gilbert, Arizona, this 18th day of November 2010, by the following vote:

AYES: Cooper, Crozier, Daniels, Lewis, Presmyk, Sents

NAYES: None ABSENT: Abbott

EXCUSED: None ABSTAINED: None

APPROVED this 18th day of November, 2010.

/s/ John W. Lewis, Mayor

ATTEST:

/s/ Catherine A. Templeton, CMC, Town Clerk

APPROVED AS TO FORM:

Curtis, Goodwin, Sullivan, Udall, & Schwab, P.L.C.
Town Attorneys
By Susan Goodwin