ORDINANCE # 2024-07

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AMENDING SURPRISE MUNICIPAL CODE CHAPTER 54, ARTICLE IV, DIVISIONS 1 AND 2, BY AMENDING DIVISION 1 TO ADD DEFINITIONS AND TO CLARIFY EXISTING PROVISIONS, AND BY AMENDING DIVISION 2 TO APPLY TO ALL ZONES WITHIN THE CITY AND TO FURTHER CLARIFY THE LIMITS OF PARKING TRUCKS, RECREATIONAL VEHICLES, AND TRAILERS ON CITY STREETS AND WITHIN CITY RIGHTS-OF-WAY; INCLUDING SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE; AND REPEALING CONFLICTING ORDINANCES.

WHEREAS, the Arizona Revised Statutes vest the authority in the City of Surprise City Council to adopt ordinances or regulations relating to the control and movement of traffic, including the standing, stopping, or parking of vehicles;

WHEREAS, the Arizona Revised Statutes vest the authority in the City Council to impose civil penalties for the violation of the ordinances or regulations;

WHEREAS, the City of Surprise Municipal Code currently regulates the parking of Trucks, Recreational Vehicles, and Trailers on City streets in residential zones, but does not clearly address the parking of said vehicles in zones other than residential;

WHEREAS, the City has seen a proliferation of the parking of Trucks, Recreational Vehicles, and Trailers on City property, City streets, and within City rights-of-way;

WHEREAS, the parking of Trucks, Recreational Vehicles, and Trailers on City property, City streets, and within City rights-of-way has become unsightly and can be dangerous to pedestrians, bicyclists, other motorists, and the traveling public at large by reducing lines of sight, increasing the chances of collisions and other traffic related incidents, and increasing potential liability to the City by reducing the safety of the City's interconnected system of streets, roadways, arterials, and rights-of-way; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Surprise, Arizona, as follows:

Section 1. Chapter 54, Article IV., Division 1, of the Surprise Municipal Code is hereby amended as follows:

DIVISION 1. GENERALLY

Sec. 54-88. Definitions.

In this article, unless ~~the context~~ otherwise AMENDED HEREIN~~requires~~, definitions are as in A.R.S. title 28 (A.R.S. § 28-101 et seq.), AS AMENDED. IN THE EVENT OF a conflict, ~~and if a conflict arises,~~ the latest amended version of such definition in THIS ARTICLE SHALL CONTROL UNLESS OTHERWISE PREEMPTED BY the Arizona Revised Statutes. ~~governs:~~

Crosswalk means:

(1) That part of a STREET OR roadway at an intersection included within the prolongations or connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in absence of curbs, from the edges of the traversable STREET OR roadway.

(2) Any portion of a STREET OR roadway at an intersection or elsewhere that is distinctly indicated for pedestrian crossing by lines or other markings on the surface.

Intersection means the area embraced within the prolongation or connection of the lateral curblines, or if none, the lateral boundary lines of the STREETS AND/OR roadways of two highways that join one another at, or approximately at, right angles, or the area within which vehicles traveling on different highways joining at any other angle may come in conflict. If a highway includes two roadways 30 or more feet apart, each crossing of each STREET OR roadway of the divided highway by an intersecting highway is a separate intersection. If the intersecting highway also includes two STREETS OR roadways 30 or more feet apart, each crossing of two STREETS OR roadways of the highways is a separate intersection.

Motor vehicle means a self-propelled vehicle that is operated on OR OFF the STREETS AND highways of this state and that is propelled by the use of motor vehicle fuel or electricity. For the purposes of this definition, the term "motor vehicle fuel" includes all products that are commonly or commercially known or sold as gasoline, including casinghead gasoline, natural gasoline and all flammable liquids, and that are composed of a mixture of selected hydrocarbons expressly manufactured and blended for the purpose of effectively and efficiently operating internal combustion engines.

Park, if prohibited, means the standing of a MOTOR vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading.

ROAD OR ROADWAY MEANS THAT PORTION OF A STREET, RIGHT OF WAY OR HIGHWAY THAT IS IMPROVED, DESIGNED OR ORDINARILY USED FOR VEHICULAR TRAVEL, EXCLUSIVE OF THE BERM OR SHOULDER.

Sidewalk means that portion of a street that is between the curblines or the lateral lines of a roadway and the adjacent property lines and that is intended for the use of pedestrians.

Stop, if required, means complete cessation from movement.

Stop, stopping or *standing*, if prohibited, means any stopping or standing of an occupied or unoccupied vehicle, except when necessary to avoid conflict with other traffic or in compliance with directions of a police officer or traffic control device.

STREET OR *RIGHT-OF-WAY* MEANS THE ENTIRE WIDTH BETWEEN THE BOUNDARY LINES OF EVERY RIGHT-OF-WAY INCLUDING ANY IMPROVED AND/OR UNIMPROVED SHOULDER, OR ANY BERM ADJACENT THERETO LYING WITHIN THE RIGHT-OF-WAY.

Surprise Recreation Campus means the certain properties and areas including vacant lots, paved parking lots, streets, and fields located no more than one-quarter mile east and west of Bullard Road, and immediately north of Greenway Road and south of Bell Road.

Traffic control device means any official sign, signal, marking or device that is placed or erected for the purpose of regulating, warning, or guiding traffic.

(Code 2007, § 10.20.010)

STATE LAW REFERENCE(S)—SIMILAR PROVISIONS, A.R.S. §§ 28-101, 28-601, 28-871 ET SEQ.

Sec. 54-89. Parking violations.

(a) Except AS SPECIFICALLY PERMITTED IN THIS CHAPTER 54, OR if necessary to avoid conflict with other traffic or if in compliance with the law or the directions of a police officer or traffic control device, a person may not stop, stand or park a MOTOR vehicle, OR ANY TRUCK, TRAILER, RECREATIONAL VEHICLE OR NON-MOTORIZED VEHICLE, in any of the following places:

(1) On a sidewalk.

(2) In front of a public or private driveway, except that this does not apply to a MOTOR vehicle or the driver of a MOTOR vehicle engaged in the official delivery of the United States mail, if both of the following apply:

a. The driver does not leave the MOTOR vehicle.

b. The MOTOR vehicle is stopped only momentarily.

(3) Within an intersection.

(4) Within 15 feet of a fire hydrant.

(5) On a crosswalk.

(6) Within either:

a. 30 feet of a crosswalk at an intersection; or

b. Within 300 feet of a school crosswalk when the "no passing 15 mph" school sign is placed in the STREET OR roadway.

(7) Within 30 feet on approach to any flashing beacon, stop sign, yield sign, or traffic control signal located at the side of a STREET OR roadway.

(8) Within 50 feet of the nearest rail or a railroad crossing or within eight feet six inches of the center of any railroad track, except while a MOTOR ~~motor~~vehicle with motive power attached is loading or unloading railroad cars.

(9) Within 20 feet of the driveway entrance to a fire station and on the side of a street opposite the entrance to any fire station within 75 feet of the entrance when properly posted.

(10) Alongside or opposite a street excavation or obstruction when stopping, standing or parking would obstruct traffic.

(11) On the roadway side of a MOTOR vehicle stopped or parked at the edge or curb of a street.

(12) On a bridge or other elevated structure on a highway or within a highway tunnel.

(13) At any place where official signs prohibit standing or stopping.

(14) In a fire lane.

(15) Within any specially designated or marked parking space provided for physically disabled persons, unless the MOTOR ~~motor~~vehicle is transporting a person who has been issued a valid placard or international symbol of access special plates and:

a. The MOTOR ~~motor~~vehicle displays the valid permanently disabled or temporarily disabled removable windshield placard;

b. The MOTOR ~~motor~~vehicle displays international symbol of access special plates that are currently registered to the vehicle; or

c. A person who is chauffeuring a person with a physical disability without a placard or international symbol of access special plates may park momentarily in a parking space; provided, pursuant to this article, for the purpose of loading or unloading the person with a physical disability, and a complaint may not be issued to the driver for the momentary parking.

(16) Areas not specially marked or designated within the area known as the Surprise Recreation Campus.

(17) Within 300 feet of a fire.

(18) Within 10 feet of the entrance of a building, structure or lot upon which there is a fire.

(19) Within 10 feet of the entrance to any fire station or other place where fire apparatus is stored.

(b) A person who stops or parks a MOTOR vehicle on a STREET OR roadway where there are adjacent curbs may stop or park the MOTOR vehicle with its right-hand wheels parallel to and within 18 inches of the right-hand curb.

(Code 2007, § 10.20.020; Ord. No. 2015-08, § 1(4), 5-19-2015, eff. 7-1-2015; Ord. No. 2020-06, § 1, 6-16-20)

Editor's note(s)—It should be noted that the amendments made by Ord. No. 2015-08 are set out in Resolution No. 2015-48.

State law reference(s)—Similar provisions, A.R.S. §§ 28-873, 28-874, 28-881 et seq.

Sec. 54-90. Law enforcement exception.

The stopping, standing or parking restrictions provided in this article do not apply to a police officer or peace officer when the stopping, standing or parking is for the purpose of actual performance of a law enforcement duty.

(Code 2007, § 10.20.025)

Sec. 54-91. Civil traffic violations.

Any violation of or failure or refusal to do or perform any act required by the provisions of this article shall constitute a civil traffic violation.

(Code 2007, § 10.20.030)

Sec. 54-92. Methods of parking.

(a) *Standing or parking close to curb.* No person shall stand or park a MOTOR vehicle in a STREET OR roadway other than parallel with the edge of STREET OR roadway headed in the direction of lawful traffic movement and with the outboard wheels within 18 inches of the curb or edge of the STREET OR roadway, except where angled or diagonal parking is authorized or required.

(b) *Signs or markings indicating on-street angled parking.* The community development director, with the advice and consent of the city engineer, shall determine upon what streets angled parking shall be permitted and shall cause to be marked or sign such streets.

(Code 2007, §§ 12.10.010, 12.10.020)

State law reference(s)—Similar provisions, A.R.S. § 28-874.

Sec. 54-93. Stop when traffic obstructed.

No driver may enter an intersection or a marked crosswalk unless the MOTOR vehicle he is operating will not obstruct the passage of other vehicles or pedestrians, notwithstanding any traffic-control signal indicating to proceed.

(Ord. No. 2015-08, § 1(5), 5-19-2015, eff. 7-1-2015)

Editor's note(s)—It should be noted that the amendments made by Ord. No. 2015-08 are set out in Resolution No. 2015-48.

Secs. 54-94—54-112. Reserved.

Section 2. Chapter 54, Article IV., Division 2, of the Surprise Municipal Code is hereby amended as follows:

DIVISION 2. TRUCK, TRAILERS, RECREATIONAL AND HIGH PROFILE VEHICLE PARKING ~~IN RESIDENTIAL ZONES AND~~UPON CITY STREETS AND WITHIN CITY RIGHTS-OF-WAY

Sec. 54-113. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Curb return means the curved section of a curb located at a corner of an intersection, connecting a curb on one street to another curb on the intersecting street. A curb return starts at the point where the curb begins to turn toward the direction of the intersecting street and ends at the point where it meets the curb on the intersecting street.

Front street means the street located in front of a residence.

Recreational vehicle means:

(1) A portable camping trailer mounted on wheels and constructed with collapsible partial sidewalls that fold for towing by another vehicle and unfolds for camping;

(2) A motor home or bus designed to provide temporary living quarters for recreational, camping or travel use, and built on or permanently attached to a self-propelled MOTOR~~motor~~ vehicle chassis or on a chassis, cab or van that is an integral part of the completed vehicle;

(3) A park trailer built on a single chassis, mounted on wheels and designed to be connected to utilities necessary for operation of installed fixtures and appliances and has a gross trailer area of not less than 320 square feet and not more than 400 square feet when it is set up, except that it does not include fifth wheel trailers;

(4) A travel trailer mounted on wheels, designed to provide temporary living quarters for recreational, camping or travel use, of a size or weight that may or may not require special highway movement permits when towed by a MOTOR~~motorized~~ vehicle and has a trailer area of less than 320 square feet. This subdivision includes fifth wheel trailers. If a unit requires a size or weight permit, it shall be manufactured to the standards for park trailers in A 119.5 of the American National Standards Institute Code;

(5) A portable truck camper constructed to provide temporary living quarters for recreational, travel or camping use and consisting of a roof, floor and sides designed to be loaded onto and unloaded from the bed of a pickup truck.

~~*Street* means the entire width between the boundary lines of every right-of-way including the improved or unimproved shoulder.~~

Truck means a MOTOR vehicle, OR COMMERCIAL MOTOR VEHICLE AS DEFINED IN A.R.S. TITLE 28, weighing 18,000 or more pounds, INCLUDING ANY~~or a~~ combination of MOTOR AND OTHER vehicles weighing in excess of 26,000 pounds, or a box truck, or semi-trailer cab WHICH SHALL INCLUDE A TRUCK TRACTOR AND/OR VEHICLE TRANSPORTER AS DEFINED IN A.R.S. TITLE 28.

Utility trailer means a vehicle without motive power, other than a pole trailer or semitrailer, designed for carrying property and for being drawn by a motor vehicle.

(Code 2007, § 10.06.010; Ord. No. 2015-21, § 1(Att. A), 12-1-15)

Sec. 54-114. Parking ~~in residential zones and~~ upon city streets AND RIGHTS OF WAY AS DEFINED HEREIN are prohibited acts.

(a) No person shall park a truck OR ANY TRAILER on any street~~within a residential zone~~, except as follows:

(1) While ACTUALLY ENGAGED IN TEMPORARILY loading and unloading the truck OR ANY TRAILER.

(2) While services are being provided by the truck's occupant. This does not include any maintenance or service of the truck itself.

(3) For a period of time not to exceed one hour.

(4) WHERE SPECIFICALLY PERMITTED BY THE CITY.

(b) No person shall park a recreational vehicle, or ANY TRAILER INCLUDING A utility trailer on any street ~~within a residential zone~~, except in conformance with this section. A person may park a recreational vehicle or utility trailer for a period not to exceed 72 hours up to two times per month, provided:

(1) The recreational vehicle or utility trailer does not block the driveway of another property owner;

(2) The street adjacent to the recreational vehicle or utility trailer available for vehicular traffic is no less than 20 feet wide; and

(3) While parked on the street, a person may perform activities necessary to prepare for vehicle usage or to clean up the vehicle upon return from its usage. Under no circumstances shall any person be allowed to sleep, cook, inhabit or perform other activities associated with temporary or permanent living quarters within, on or around a recreational vehicle while parked on a street.

(c) No person shall park a truck, recreational vehicle, or ANY ~~utility~~ trailer in the front, side, or rear yard of any residence, so that any portion of the truck, RECREATIONAL

VEHICLE~~RV~~ or ~~utility~~ trailer is closer to the front street than any portion of the residence, unless the truck, RECREATIONAL VEHICLE~~RV~~, or ~~utility~~ trailer is completely hidden from view in a garage or other permanent structure specifically intended for such use.

(d) No person shall park a truck, recreational vehicle or ~~utility~~ trailer within 30 feet of the curb return of an intersection while parked on ANY~~a~~ street ~~in a residential zone~~.

(e) No person shall park a truck, recreational vehicle or ~~utility~~ trailer on a street using a jack stand or similar support device unless the person places under each jack stand or support device a piece of wood, plywood or other item of other construction that has a surface of at least 36 square inches and is capable of distributing the weight of the vehicle in such a manner that the underlying street is not damaged or disturbed.

(Code 2007, § 10.06.020; Ord. No. 2015-21, § 1(Att. A), 12-1-15)

Sec. 54-115. Civil traffic violations.

Any violation of the provisions of this article shall constitute a civil traffic violation.

(Code 2007, § 10.06.030)

Secs. 54-116—54-143. Reserved.

Section 3. All ordinances, resolutions or codes in conflict with the provisions of this Ordinance or Code adopted by this Ordinance are repealed.

Section 4. If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of these amendments to the Surprise Municipal Code adopted herein is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision will not be read to affect the validity of the remaining portions thereof.

Section 5. This Ordinance will become effective at the time and manner prescribed by law.

PASSED AND ADOPTED this 20th day of February, 2024.

Skip Hall, Mayor

Attest:

Approved as to form:

Kristi Passarelli, City Clerk

Robert Wingo, City Attorney