ORDINANCE NUMBER 590

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, AMENDING THE MUNICIPAL CODE BY DELETING CHAPTER 10.20.40 RESTRICTED PARKING AREAS RESERVED FOR THE PHYSICALLY DISABLED; OF TITLE 10, VEHICLES AND TRAFFIC; AND ADDING A NEW CHAPTER 10.20.40, RESTRICTED PARKING AREAS RESERVED FOR THE PHYSICALLY DISABLED.

WHEREAS, the City Council finds it necessary and appropriate to update the chapter of the Municipal Code pertaining to restricted parking areas reserved for the physically disabled.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, AS FOLLOWS:

Section 1. That Chapter 10.20.40, Restricted Parking Areas Reserved for the Physically Disabled, of Title 10, Vehicles and Traffic, of the Municipal Code is hereby deleted in its entirety, and a new Chapter 10.20.40, Restricted Parking Area Reserved for the Physically Disabled, is hereby adopted as follows:

10.20.40 Restricted Parking Areas Reserved for the Physically Disabled

A. No person shall stop, stand, park, occupy, obstruct, block, or otherwise bar access to a parking space designated for use by physically disabled persons by the City or other owner of the property unless that person or a passenger of that person is physically disabled as defined by Arizona Revised Statutes (A.R.S.) §28-2409.J.3. Any vehicle not displaying a windshield placard or special license plate issued in accordance with the provisions A.R.S. §28-2409 shall give rise to a presumption that neither the driver thereof nor any passenger therein is physically disabled.

B. The area adjacent to a parking space designated for physically disabled persons may be marked with diagonal blue lines. If so marked, no person shall stop, stand, park, occupy, obstruct, block, or otherwise bar access to such area unless that person or a passenger of that person is physically disabled.

C. A person who is transporting a physically disabled person without a windshield placard or special license plate issued in accordance with A.R.S. §28-2409

may park momentarily in a parking space designated for physically disabled persons or in any area adjacent to a parking space designated for disabled persons that is marked by diagonal blue lines for the purpose of loading or unloading a physically disabled person, and a complaint shall not be issued for such momentary parking.

D. Notwithstanding any other provision of this Section, no person shall park or leave standing any vehicle, including a vehicle displaying a windshield placard or special license plate issued in accordance with A.R.S. §28-2409, either on a line marking the boundaries of a parking space designated for disabled persons, or in any area of the pavement adjacent to a parking space designated for disabled persons that is marked by diagonal blue lines.

E. The prohibitions described in this Section shall apply to all public roadways and properly designated public and private parking lots and areas within the City. The posting of a "No Parking" sign by the owners or person having control of a parking lot or parking area shall be deemed to have authorized police officers and police aides to enforce the provisions of this Section within that parking lot or area and shall constitute a waiver of any objection by the owner or person having control of such parking lot or area to the enforcement of this Section by the police department.

F. A violation of this Section is a civil infraction and shall carry a mandatory minimum sanction of fifty dollars ($50), plus any amounts assessed by the municipal court for penalty assessments pursuant to state law. Any person who violates the provisions of this Section two (2) or more times within any thirty (30) day period shall be subject to a mandatory minimum sanction of one hundred dollars ($100) plus any amounts assessed by the municipal court for penalty assessments pursuant to state law for such second and any subsequent violations within such thirty-day period.

Section 2. That if any section, subsection, clause, phrase or portion of this ordinance 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 provisions hereof.

PASSED AND ADOPTED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR THIS 6TH DAY OF NOVEMBER 2012.

Diane Joens, Mayor

APPROVED AS TO FORM:

Steven B. Horton, Esq.
City Attorney

ATTEST:

Marianne Jiménez, City Clerk

Publish: The Verde Independent: November 9 & 16, 2012.