Traffic Enforcement

	City Traffic Codes	Order 19.204

A. Policy

Tempe City Codes contain traffic-related ordinances that deal with violations not covered under Title 28 and specific parking violations. Some of the more common violations for parking and vehicular traffic are contained in the following sections. Employees are encouraged to be familiar with the city codes, although not all sections are identified in these sections. The enforcement philosophy for violations of the city codes will be the same as that for any other Title 28 violation.

Employees should reasonably apply the city code for vehicles parked illegally on arterial streets, however greater discretion should be exercised when on-viewing or responding to a parking complaint in a neighborhood. Employees should attempt educational contacts when possible and may utilize a warning in lieu of issuing a citation.

B. Violations

1. Unlicensed Off-Road Vehicles

a. Dirt bikes, mini-bikes, and/or ATCs being operated in a traffic way will be cited.

- This applies to adults and juveniles.

b. Off-roadway vehicles being operated on public trails, such as bike paths or on city park grounds where vehicles are not allowed, will be cited for a violation of Tempe City Code 23-37.

- Persons riding any animal (i.e., horses) may be cited when in violation of 23-37 as indicated above.

c. Off-roadway vehicles being operated on private property will be enforced in accordance with TCC 19-49.

2. Driving upon Certain Real Property, TCC 19-49

a. City ordinance states that no person shall operate a motor vehicle on real property situated in the City of Tempe other than on a road, street, highway or lawful easement.

b. Exceptions

1) Licensed or unlicensed motor vehicles may be operated by the property owner, lessee, or invitee, when the use is incidental to the enjoyment of property rights and does not violate other applicable laws.

a) Operators of motor vehicles do not necessarily have to possess a permission note from the owner of the property on which a vehicle is being operated.

b) When the operator does not have a note of permission, investigation is required to determine the operator's legal right to be on the property.

c) The burden of proof does not lie with a vehicle operator.

2) Lawn and garden maintenance equipment.

3) Motor vehicles incidental and customary to farming, when used properly, in properly zoned areas.

4) Temporary construction vehicles necessary for development, repair and maintenance of property.

5) Governmental vehicles, reasonably operated, used to perform government functions.

6) Vehicles used to facilitate utility service such as electric, gas and telephone company vehicles.

c. Upon preparing citations for this ordinance, employees will complete a citation as a traffic offense.

- Violators will be advised to appear at the appropriate times.

3. Skateboards and Roller Skates

a. Tempe City Codes restrict the use of skateboards and other non-motorized vehicles.

b. Section 23-40, Prohibited activities states:

1) "No person shall operate skateboards, roller skates, bicycles or any rolling (non-motorized) vehicles in city parks where such activity is specifically prohibited by appropriate posting or in an unsafe manner so as to infringe upon the safety of themselves or other park users."

and

2) "No person shall commit any act in a public park or recreation facility so as to endanger the health and safety of themselves or other park and recreation facility users."

c. Action may be taken by employees who observe a violation of this ordinance for juveniles as follows:

1) Street Check and warn of ordinance.

2) Cite into City Court.

3) In an aggravated situation, refer to MCDH, with supervisor's approval.

d. Action may be taken by employees who observe a violation of this ordinance for adults as follows:

   1) Street Check and warn of ordinance.

   2) Cite into City Court.

4. Speed Limits/Speed Limits in Alleys

   a. State laws regulating the speed of vehicles are applicable upon all roadways within the City of Tempe, unless altered by resolution of the City Council, and as authorized by ARS 28-703.

   b. In cases of speed limits other than prima facie speed limits (i.e., 25 miles per hour in a residential area), it is unlawful to operate a vehicle in excess of the posted speed limit, when the speed limit is declared by signs posted by the city.

   c. Tempe City Code 19-62 makes it unlawful to operate a motor vehicle through any alley or any part of an alley within the City of Tempe in excess of 15 miles per hour.

5. Driving across Traffic Markings or through Barricades

   - Tempe City Code 19-48 makes it illegal to drive a motor vehicle across freshly painted street markings or to remove or drive through barricades authorized by the city to be placed in streets or alleys.

6. Parking Violations

   a. Tempe City Code 19-91 states that "no person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic in compliance with law or the directions of a police officer or traffic control device," in the following places:

On a sidewalk or parkway
In front of a public or private driveway or within three (3) feet thereof

Within an intersection
Within 15 feet of a fire hydrant
On a crosswalk or within 20 feet thereof
Within 30 feet upon the approach to any flashing beacon, stop sign, yield right of way sign or traffic control signal located at the side of the roadway
Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless the traffic engineer has indicated a different length by signs or markings
Within 50 feet of the nearest rail or a railroad crossing or within eight (8) feet six inches of the center of any railroad track, except while a motor vehicle with motive power attached is loading or unloading cars
Within 20 feet of the driveway entrance to any fire station and, on the side of a street opposite the entrance to any fire station, within 75 feet of such entrance when properly sign posted
Along or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic
On the roadway side of any vehicle stopped or parked at the edge or curb of a street
Upon any bridge, viaduct, overpass, underpass or any other type of grade separation, and upon the approach to same
In front of or within 10 feet of a mailbox
In front of any place of business assembly during the period of public assemblage therein or of a principal exit or entrance to a school, hotel, theater, hospital, or public building
To obstruct or impede traffic in any manner

b. Parking within designated fire lanes, Tempe City Code 19-92.

1) Appropriate signs must be posted to enforce this code.

2) Posting of signs will be approved by the Fire Chief.

3) This code may be enforced on public or private property.

c. Restricted parking areas for the physically disabled, Tempe City Code 19-93.

1) Appropriate signs must be present to enforce this code.

2) This code may be enforced on public and private property.

d. Parking in an alley, Tempe City Code 19-94.

1) Vehicles may not be parked in an alley at any time, except for the loading or unloading of materials, and not unless such loading or unloading can be accomplished without blocking the alley to the movement of traffic or interfering with or obstructing the operation of a fire escape, and not take over twenty (20) minutes total time.

2) Vehicles displaying Disabled Parking identification may stand or park in an alley for the purposes of loading or unloading persons for a period not to exceed fifteen (15) minutes.

e. Parking for certain purposes prohibited, Tempe City Code 19-95.

- No person shall park a vehicle upon any right of way for the principal purpose displaying the vehicle for sale or advertisement.

f. Inoperable or unregistered vehicle on right-of-way, Tempe City Code 19-100.

- No person shall park any vehicle which is inoperable or which does not display current registration on any street or public right-of-way.

g. Parking of common carriers at night, Tempe City Code 19-136.

- No person shall park a truck, tractor, truck tractor, trailer or semi-trailer, as defined by ARS 28-101 with a capacity of one ton or greater on any street between the hours of 6:00 pm and 6:00 am.

h. Continuous parking on public streets; time limits, Tempe City Code 19-137.

    1) No person shall park a vehicle, including a disabled vehicle upon any public street or right of way for a continuous period longer than 120 consecutive hours (five days).

    2) Each 24 hour period during which a vehicle is parked in violation of this section constitutes a separate offense.

    3) There is no requirement for signs to be posted for the purposes of applying this section.

i. Parking recreational vehicles, boats, trailers on streets prohibited between 2:00 am and 6:00 am, Tempe City Code 19-139.

    1) No person shall park a recreational vehicle in excess of twenty-one (21) feet, a trailer or a boat on any street in the city between the hours of 2:00 am and 6:00 am, except for forty-eight (48) hours for the purpose of loading, unloading and cleaning.

    2) A parking permit may be obtained from the Chief of Police or a designee that is good for a seven (7) day period when the provisions of the code are met.

7. Sound Amplification Systems in Vehicles

    a. Tempe City Code 19-51 states "No person shall operate or permit the operation of any sound amplification system in or on a vehicle which can be heard outside the vehicle from fifty or more feet, or annoys or disturbs the quiet, comfort or repose of any person in the vicinity."

    b. Exemptions exist for:

        1) Authorized emergency vehicles.

        2) Government entities.

3) Utility company.

4) Vehicles used in special events permitted by the City.

8. Cruising Violations

   a. Tempe City Code 19-52 states "No person shall permit a motor vehicle under their care, custody or control to pass a traffic control point on a street or alley three times in either direction within a two-hour period between 8:00 pm and 4:00 am in a no cruise zone."

   b. "No cruise zone" means those streets and alleys so posted by the City Traffic Engineer within the City's central commercial district and in other such areas as designated by the City Manager or a designee.

C. Immobilization of Vehicles

1. A parking boot may be attached to those vehicles which have been issued Tempe City Parking citations that have not been satisfied.

2. Parking/Traffic Enforcement Aides may boot a vehicle which meets the criteria at any time, regardless of whether the vehicle is legally or illegally parked, and is on city owned property.

3. Criteria for attachment of parking boots will be determined by mutual agreement between City Court and the Traffic Bureau Lieutenant.

4. Upon locating a vehicle meeting immobilization criteria, these procedures will be followed:

   a. Parking/Traffic Enforcement Aides will contact the Tempe City Court to determine if the license plate number has unsatisfied, outstanding parking citations.

   b. When the citations have been satisfied, no further action is necessary unless the vehicle is illegally parked.

c. When the citations have not been satisfied, the vehicle may be immobilized and the "boot" will be placed on the left front wheel when applicable.

d. One immobilization notice will be completed and adhered to the driver's side window.

e. When applicable, the vehicle may be cited.

5. Parking/Traffic Enforcement Aides will complete a report.

   a. Report narratives will include:

      1) Date and time of immobilization

      2) Device number

      3) Number of outstanding parking citations

      4) Dollar amount of citations

6. When the owner of an immobilized vehicle fails to satisfy the fines through Tempe City Court or the Police Department within 24 hours, Parking/Traffic Enforcement Aides will follow these procedures:

   a. Request that Dispatch contact Tempe City Court to determine if the license plate number has unsatisfied, outstanding parking citations.

   b. When the citations have been satisfied, the boot will be removed.

   c. When the citations have not been satisfied, Parking/Traffic Enforcement Aides will impound the vehicle.

   d. The "boot" will be removed and a contract wrecker will be requested to impound the vehicle.

e. Parking/Traffic Enforcement Aides will complete a Vehicle Impound Report, documenting the circumstances of the impound.

7. Vehicle operators may obtain release of their vehicle by contacting Tempe City Court, Monday through Friday, 0800-1700 hours.

   - After business hours and/or weekends, vehicle operators may obtain release of their vehicle by contacting the Tempe Police Department.

8. When Parking/Traffic Enforcement Aides and/or officers receive authorization to release an immobilized vehicle, a supplement to the original report will be completed.

   a. Report narratives will include:

      1) Date and time of release

      2) Device number

      3) All vehicle information