

## Chapter 16

### TRAFFIC AND MOTOR VEHICLES

#### Article I. In General

- Sec. 16-1. Definitions.
- Sec. 16-2. Violation of chapter; penalties.
- Sec. 16-3. Construction of chapter relative to operation of vehicles.
- Sec. 16-4. Application of chapter to public employees; exceptions.
- Sec. 16-5. Application of chapter to persons riding animals or driving animal-drawn vehicles.
- Sec. 16-6. Chapter not to interfere with rights of owners of real property.
- Sec. 16-7. Failure to comply with police officer.
- Sec. 16-8. Authorized emergency vehicles.
- Sec. 16-9. Driver's duty when approaching horse or livestock.
- Sec. 16-10. Injuring, unlawfully starting, using or preventing use of vehicles.
- Sec. 16-11. Placing or allowing dangerous articles on highway.
- Sec. 16-12. Crossing fire hose.
- Sec. 16-13. Effective date; savings clause.
- Secs. 16-14—16-30. Reserved.

#### Article II. Registration, Licensing and Inspection

- Sec. 16-31. Registration of motor vehicle required; exceptions.
- Sec. 16-32. Registration violations.
- Sec. 16-33. Driver license required; penalty.
- Sec. 16-34. License to operate motorcycle or motor-driven cycle; exception.
- Sec. 16-35. Restricted licenses.
- Sec. 16-36. Possession and display of driver license.
- Sec. 16-37. Unlawful use of license.
- Sec. 16-38. Permitting unauthorized person to drive.
- Sec. 16-39. Permitting unauthorized minor to drive; liability therefore.
- Sec. 16-40. Driving on suspended license.
- Sec. 16-41. Reserved.
- Sec. 16-42. Inspection by Community officers.
- Sec. 16-43. Owner or driver to comply with inspection provisions.
- Sec. 16-44. Annual inspection of school buses.
- Secs. 16-45—16-50. Reserved.

#### Article III. Equipment

##### Division 1. Generally

- Sec. 16-51. Vehicle to be in good working order.
- Sec. 16-52. Vehicle to comply with article; exceptions.
- Sec. 16-53. Special requirements for motorcycles and motor-driven cycles.
- Sec. 16-54. Brakes.
- Sec. 16-55. Horns and audible warning devices.
- Sec. 16-56. Mufflers and air pollution control devices.
- Sec. 16-57. Mirrors.
- Sec. 16-58. Windshields.
- Sec. 16-59. Tires.
- Sec. 16-60. Rear fender splash guards.
- Sec. 16-61. Prohibition against image display device.
- Sec. 16-62. Certain vehicles to carry flares or other warning devices.
- Sec. 16-63. Display of warning devices when vehicle disabled.
- Sec. 16-64. Vehicles transporting explosives.

## COMMUNITY CODE OF ORDINANCES

- Sec. 16-65. Reserved.
- Sec. 16-66. Projecting loads.
- Secs. 16-67—16-70. Reserved.

### Division 2. Lights, Lamps, Reflectors and Illuminating Devices

- Sec. 16-71. When lamps required to be lighted.
- Sec. 16-72. Visibility distance and mounted height of lamps.
- Sec. 16-73. Head lamps.
- Sec. 16-74. Tail lamps.
- Sec. 16-75. Reflectors on new motor vehicles.
- Sec. 16-76. Reserved.
- Sec. 16-77. Additional equipment required on certain vehicles.
- Sec. 16-78. Application of article.
- Sec. 16-79. Color of clearance lamps and reflectors.
- Sec. 16-80. Mounting of reflectors and clearance and marker lamps.
- Sec. 16-81. Visibility of reflectors and clearance and marker lamps.
- Sec. 16-82. Lights obstructed.
- Sec. 16-83. Parked vehicles.
- Sec. 16-84. Lamps on animal-drawn and other equipment or vehicles.
- Sec. 16-85. Spot and auxiliary lamps.
- Sec. 16-86. Signal lamps and devices.
- Sec. 16-87. Fender, running-board and backup lamps.
- Sec. 16-88. Multiple lighting specifications.
- Sec. 16-89. Multiple beam lighting equipment usage.
- Sec. 16-90. Single-beam lights.
- Sec. 16-91. Alternate road-lighting equipment.
- Sec. 16-92. Number of driving lamps required, permitted.
- Sec. 16-93. Special restrictions on lamps.
- Sec. 16-94. Head lamps on motor-driven cycles and ATV.

### Division 3. Seat Belt Requirements

- Sec. 16-95. Restraint use for children who are at least nine years of age.
- Sec. 16-96. Restraint use for children under nine years of age.
- Sec. 16-97. Operator and passenger seat belt use.
- Secs. 16-98—16-100. Reserved.

## Article IV. Size, Weight and Load

- Sec. 16-101. Effect and scope.
- Sec. 16-102. Council's power to restrict weight of vehicles.
- Sec. 16-103. Liability for damage resulting from overweight load.
- Sec. 16-104. Width of vehicle and load.
- Sec. 16-105. Projecting loads on passenger vehicles.
- Sec. 16-106. Height and length of vehicles and loads.
- Sec. 16-107. Length of load projection.
- Sec. 16-108. Loads and covers to be secured.
- Sec. 16-109. Towed vehicles.
- Sec. 16-110. Single-axle load limit.
- Sec. 16-111. Gross weight of vehicles and loads.
- Sec. 16-112. Community officers authorized to stop vehicles, weigh and require removal of excess weight.
- Sec. 16-113. Permit for excess size and weight.
- Secs. 16-114—16-120. Reserved.

## Article V. Traffic-Control Devices

- Sec. 16-121. Council authorized to place signs on all Community highways.

## TRAFFIC AND MOTOR VEHICLES

- Sec. 16-122. Obedience to devices required; exceptions.
- Sec. 16-123. Signal legend.
- Sec. 16-124. Flashing signals.
- Sec. 16-125. Stop signs and yield signs.
- Sec. 16-126. Reserved.
- Sec. 16-127. Pedestrian control signals.
- Sec. 16-128. Construction or road work site warning devices.
- Sec. 16-129. Injuring, defacing, traffic-control or warning signs.
- Secs. 16-130—16-140. Reserved.

### Article VI. Operation of Vehicles

#### Division 1. Generally

- Sec. 16-141. Operation of vehicles by nonmembers on land other than Community roadways.
- Sec. 16-142. Driving on right side of roadway; exceptions.
- Sec. 16-143. Driving on roadways laned for traffic and rotary traffic islands.
- Sec. 16-144. Driving on divided highways.
- Sec. 16-145. Drivers on controlled access roadways to use only authorized entrances and exits.
- Sec. 16-146. Driving on mountain highways.
- Sec. 16-147. Moving parked vehicle.
- Sec. 16-148. Motorcycle, motor-driven cycle, and ATV riders and passengers to ride only on designated seats.
- Sec. 16-149. Operation of vehicles upon approach of authorized emergency vehicle.
- Sec. 16-150. Operation of vehicle upon approach of school bus.
- Sec. 16-151. Following too closely.
- Sec. 16-152. Coasting prohibited.
- Sec. 16-153. Turning movements; signals required.
- Sec. 16-154. Signals by hand and arm or device.
- Sec. 16-155. Method of giving hand and arm signals.
- Sec. 16-156. Required position and method of turning at intersections.
- Sec. 16-157. Turning on curve or crest of grade prohibited.
- Sec. 16-158. Backing.
- Sec. 16-159. Obstruction of driver's view or interference with driver's control of vehicle prohibited.
- Secs. 16-160—16-170. Reserved.

#### Division 2. Right-of-Way and Passing

- Sec. 16-171. Right-of-way of vehicles entering intersection at same time; entering freeway.
- Sec. 16-172. Right-of-way of vehicle turning left at intersection.
- Sec. 16-173. Right-of-way of vehicle entering intersection.
- Sec. 16-174. Vehicle entering highway from private road or driveway.
- Sec. 16-175. Passing vehicles proceeding in opposite directions.
- Sec. 16-176. Overtaking vehicles on the left, generally.
- Sec. 16-177. Prerequisites for overtaking on the left.
- Sec. 16-178. When driving on the left prohibited.
- Sec. 16-179. Overtaking on the right.
- Sec. 16-180. No passing zones.
- Secs. 16-181—16-190. Reserved.

#### Division 3. Stopping, Standing and Parking

- Sec. 16-191. Vehicles to be parked or stopped off pavement if possible.
- Sec. 16-192. Parking, stopping, standing prohibited in specified places.

## COMMUNITY CODE OF ORDINANCES

- Sec. 16-193. Parking within eighteen inches of curb.
- Sec. 16-194. Angle parking.
- Sec. 16-195. Community authorized to place signs prohibiting or restricting parking, stopping and standing.
- Sec. 16-196. Parking privilege for physically disabled.
- Sec. 16-197. Removal of illegally stopped vehicles.
- Sec. 16-198. Stop required before emerging from alley or driveway.
- Secs. 16-199—16-210. Reserved.

### Division 4. Speed Restrictions

- Sec. 16-211. Reserved.
- Sec. 16-212. Maximum speed limit.
- Sec. 16-213. Minimum speed limit.
- Sec. 16-214. Speed limits for motor-driven cycles and ATV's.
- Sec. 16-215. Speeds to be reasonable and prudent.
- Sec. 16-216. Speed restriction on bridges and elevated structures.
- Sec. 16-217. Speed limits for solid-rubber-tired vehicles.
- Sec. 16-218. Establishment and amendment of speed limits.
- Sec. 16-219. Speed limits on freeways authorized to be variable.
- Sec. 16-220. Racing and drag races.
- Sec. 16-221. Driving at speed which causes trailer to sway.
- Sec. 16-222. Charge of violation to specify alleged speed of violator; speed limit not to relieve plaintiff of proving negligence.
- Secs. 16-223—16-230. Reserved.

### Division 5. Driving While Under the Influence; Reckless Driving

- Sec. 16-231. Driving or actual physical control while under the influence.
- Sec. 16-232. Implied consent; tests; refusal to submit.
- Sec. 16-233. Driving while under the influence; procedure for giving test.
- Sec. 16-234. Reckless driving.
- Sec. 16-235. Liability for emergency responses in flood areas.
- Sec. 16-236. Suspension of driving privileges, reporting requirements and ignition interlock devices.

### Division 6. Truck Routes

- Sec. 16-237. Certain commercial vehicles prohibited on non-truck routes; exceptions.
- Sec. 16-238. Adopted; erection of signs.
- Sec. 16-239. Variances.

## Article VII. Accidents

- Sec. 16-240. Duty to give information and render aid.
- Sec. 16-241. Accidents involving death or injury to a person.
- Sec. 16-242. Accidents involving vehicle damage only.
- Sec. 16-243. Duty upon striking unattended vehicle.
- Sec. 16-244. Duty upon striking fixtures upon a highway.
- Sec. 16-245. Immediate reports of certain accidents.
- Sec. 16-246. Reserved.
- Sec. 16-247. Written reports of accidents.
- Sec. 16-248. Reserved.
- Sec. 16-249. Accident report forms.
- Sec. 16-250. Additional penalty for failure to report.
- Sec. 16-251. Auto repair shops to report.
- Secs. 16-252—16-260. Reserved.

## TRAFFIC AND MOTOR VEHICLES

### Article VIII. Procedure in Traffic Cases

#### Division 1. General Provisions for All Traffic Cases

- Sec. 16-261. Authority to detain.
- Sec. 16-262. Forms of citations.
- Sec. 16-263. Disposition of citations.
- Sec. 16-264. Record of traffic cases.
- Sec. 16-265. Burden of proof and consolidation of cases.

#### Division 2. Rules of Procedure for Criminal Traffic Offenses

- Sec. 16-266. Applicability of rules of criminal procedure for criminal traffic cases.
- Sec. 16-267. Procedure for issuance of citation when officer completes personal service.
- Sec. 16-268. Procedure for issuance of citation not served in person.

#### Division 3. Rules of Procedure for Civil Traffic Offenses

- Sec. 16-269. Sufficiency and amendment of the complaint.
- Sec. 16-270. Representation of parties.
- Sec. 16-271. Initial appearance and entry of plea.
- Sec. 16-272. Hearing.
- Sec. 16-273. Outcomes of hearing, payment of fines.
- Sec. 16-274. Admissions, not evidence in other matters.
- Sec. 16-275. Payment of fines.

#### Division 4. Juvenile Traffic Offenses Provisions

- Sec. 16-276. Juvenile provisions.
- Secs. 16-277—16-279. Reserved.

#### Division 5. Appeals

- Sec. 16-280. Right to appeal.

### Article IX. Pedestrians' Rights and Duties

- Sec. 16-281. Right-of-way in crosswalks.
- Sec. 16-282. Crossing at other than at crosswalks.
- Sec. 16-283. Reserved.
- Sec. 16-284. Pedestrians on roadways.
- Sec. 16-285. School crossings.
- Sec. 16-286. Use of white cane.
- Secs. 16-287—16-290. Reserved.

### Article X. Abandoned and Seized Vehicles

- Sec. 16-291. Reserved.
- Sec. 16-292. Abandonment prohibited; removal; presumption.
- Sec. 16-293. Required report of abandoned and seized motor vehicles; violation.
- Sec. 16-294. Notice of sale.
- Sec. 16-295. Sale of vehicles.
- Sec. 16-296. Required report of towed vehicles; violations.
- Secs. 16-297—16-300. Reserved.

COMMUNITY CODE OF ORDINANCES

**Article XI. Bicycles and Play Vehicles**

- Sec. 16-301. Application of provisions.
- Sec. 16-302. Traffic laws apply to persons riding bicycles.
- Sec. 16-303. Riding on roadways and bicycle paths.
- Sec. 16-304. Manner of riding.
- Sec. 16-305. Carrying articles.
- Sec. 16-306. Lamps and other equipment on bicycles.
- Sec. 16-307. Clinging to vehicles.

## ARTICLE I. IN GENERAL

### Sec. 16-1. Definitions.

As used in this chapter, the following terms shall have the meanings herein ascribed to them, unless the context requires otherwise.

*Access road* means a multiple use corridor that meets all of the following criteria:

- (1) Is maintained for travel by two-wheel vehicles;
- (2) Allows entry to staging areas, recreational facilities, trail heads and parking; and
- (3) Is determined to be an access road by the Community Council.

*Actual physical control* means under the totality of circumstances, a person is in a current or imminent position to control the motor vehicle. In determining whether the person was in actual physical control of the vehicle, the totality of circumstances should be considered to determine whether the person's current or imminent control of the vehicle presented a real danger to the person or others at the time alleged or the person was using the vehicle as a stationary shelter. In considering the totality of circumstances, the following non-exhaustive factors may be considered:

- (1) Whether the vehicle was running;
- (2) Whether the ignition was in the on position;
- (3) Where the ignition key was located;
- (4) Where and in what position the driver was found in the vehicle;
- (5) Whether the person was awake or asleep;
- (6) Whether the vehicle's headlights were on;
- (7) Where the vehicle was stopped;
- (8) Whether the driver had voluntarily pulled off the road;
- (9) Time of day;
- (10) Weather conditions;
- (11) Whether the heater or air conditioner was on;

(12) Whether the windows were up or down; and

(13) Any explanation of the circumstances shown by the evidence.

*Adult* means a person who is 18 years old or older at the time of the offense.

*All-terrain vehicle or ATV* means a motor vehicle that satisfies all of the following:

- (1) Is designed primarily for recreational non highway all-terrain travel;
- (2) Is 50 or fewer inches in width;
- (3) Has an unladen weight of 800 pounds or less;
- (4) Travels on three or more low pressure tires;
- (5) Has a seat to be straddled by the operator and handlebars for steering control; and
- (6) Is operated on a public highway.

*Authorized emergency vehicle* means any of the following:

- (1) A Community fire department vehicle.
- (2) A Community police vehicle.
- (3) An ambulance or emergency vehicle of a municipal department or public service corporation that is designated or authorized by State of Arizona or a local authority.
- (4) An ambulance or emergency vehicle that is authorized by the United States or federally recognized Indian Tribe.

*Business days* means Monday through Friday, except Community holidays.

*Clerk of the court* means the administrative professional designated by the court administrator of the Community court to perform the functions attributed to the clerk of the court pursuant to this chapter.

*Child restraint* means any portable or built-in device, except seat belts, designed for use in a motor vehicle to restrain, seat, or position a child,

and that meets or exceeds the requirements of the applicable Federal Motor Vehicle Safety Standards (FMVSS).

*Commercial driver license* means a license that is issued to an individual and that authorizes the individual to operate a class of commercial motor vehicles.

*Commercial motor vehicle* means a motor vehicle or combination of motor vehicles used to transport passengers or property if the motor vehicle either:

- (1) Has a gross combined weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds.
- (2) Has a gross vehicle weight rating of 26,001 or more pounds.
- (3) Is a school bus.
- (4) Is a bus.
- (5) Is used in the transportation of materials found to be hazardous for the purposes of the hazardous materials transportation act (49 USC §§ 5101 through 5127) and is required to be placarded under 49 CFR § 172.504.

*Community* means the Salt River Pima-Maricopa Indian Community.

*Controlled-access highway* means a highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from, except at such points only and in the manner determined by the Community.

*Conviction* means any of the following:

- (1) An unvacated adjudication of guilt or a determination that the a person violated or failed to comply with a law in a court of original jurisdiction or by an authorized administrative tribunal;
- (2) A plea of guilty or no contest accepted by the court; or
- (3) The payment of a fine or court costs.

*Council* means the governing body of the Salt River Pima-Maricopa Indian Community.

*Court* means the Salt River Community Court.

*Crosswalk* means:

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

*Daytime* means from sunrise to sunset other than nighttime.

*Default judgment* means a judgment of "responsible" entered against a defendant who has failed to plead or otherwise defend against the civil traffic citation charges.

*Driver* means the person who drives or is in actual physical control of a motor vehicle.

*Drag race* means the operation of two or more vehicles from a point side by side at accelerating speeds in a competitive attempt to outdistance each other or the operation of one or more vehicles over a common selected course, from the same point, for the purpose of comparing the relative speeds or power of acceleration of such vehicle or vehicles within a certain distance or time limit.

*Driver license* means a license that is issued by a state or a foreign government to an individual authorizing the individual to drive a motor vehicle.

*Expenses of an emergency response* means reasonable costs directly incurred by public agencies, for-profit entities or not-for-profit entities that make an appropriate emergency response to an incident for the purposes of section 16-235.

*Explosives* means any chemical mixture or device that is commonly used or intended for the purpose of producing an explosion and that is defined in 49 CFR part 173.

*Flammable liquid* means any liquid that has a flash point of less than 100 degrees Fahrenheit and that is defined in 49 CFR § 173.120.

*Freeway* means a divided arterial highway on the interstate or primary system with full control of access and with grade separations at intersections.

*Gross weight* means the weight of the vehicle without a load plus the weight of the load on any vehicle except for tow trucks. For tow trucks, the gross weight means the sum of the empty weight in pounds of the tow truck plus the weight in pounds of operational supplies and equipment.

*Highway* or *street* means the entire width between the boundary lines of every way publicly maintained by the United States, State of Arizona, county, city, town, or Community if a part of the way is open to the use of the public for purposes of vehicular travel.

*Image display device* means equipment capable of displaying to the driver of a motor vehicle rapidly changing images that are either of the following:

- (1) A broadcast television image or similar entertainment content transmitted by other wireless means to the image display device.
- (2) A dynamic visual image, other than text, from a digital video disc or other storage device.

*Injury* means physical pain or impairment of physical condition.

*Intersection* means the area embraced within the prolongation or connection of the lateral curb lines, or if none, the lateral boundary lines of the 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 roadway of the divided highway by an intersecting highway is a separate intersection. If the intersecting highway also includes two roadways 30 or more feet apart, each crossing of two roadways of the highways is a separate intersection.

*Judge* means a judge of the Community court or other judicial officer authorized by the Community Constitution, an ordinance of the Commu-

nity, pro tempore judge appointed by the chief judge under section 4-37, or appointed by council.

*Juvenile or minor* means a person who is less than 18 years old and has not been emancipated by an order of a court of competent jurisdiction at the time of the offense.

*Laned roadway* means a roadway which is divided into two or more clearly marked lanes for vehicular traffic.

*Lap belt* means a safety belt that is anchored at two points for use across a vehicle occupant's thighs/hips.

*Lap and shoulder belt* means a safety belt that is anchored at least three points and restrains the vehicle occupant at the hips and across the chest and shoulder. Lap and shoulder belt may also refer to as a combination lap and shoulder belt.

*Law enforcement officer* means a police officer.

*Lost, stolen, abandoned or otherwise unclaimed vehicles* means any trailer, vehicle, or semitrailer of a type subject to registration under the laws of the State of Arizona or any other state or foreign government, which has been abandoned on a Community highway, Community property or elsewhere within the boundaries of the Community.

*Metal tire* means a tire the surface of which in contact with the highway, is wholly or partly of metal or other hard, nonresilient material.

*Motor vehicle* means a self-propelled vehicle, but does not include a motorized wheelchair or motorized skateboard. For the purposes of article VI, division 5 of this chapter, such a vehicle refers to a vehicle that is in an operational condition.

*Motorcycle* means a motor vehicle that has a seat or saddle for the use of the rider and that is designed to travel on not more than three wheels in contact with the ground, but excluding a tractor and a moped.

*Motor driven cycle* means a motorcycle, including every motor scooter, with a motor that produces not more than five horsepower.

*Motorized skateboard* means a self-propelled device that has a motor, a deck on which a person may ride and at least two tandem wheels in contact with the ground.

*Motorized wheelchair* means a self-propelled wheelchair that is used by a person for mobility.

*Nighttime* means at any other hour than daytime.

*Official traffic-control devices* means all signs, signals, markings and devices not inconsistent with this chapter placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

*Operator* means a person who drives a motor vehicle on a highway, who is in actual physical control of a motor vehicle on a highway or who is exercising control over or steering a vehicle being towed by a motor vehicle.

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

*Passenger* means another person who is riding in a motor vehicle that is being operated by and in the control of another person.

*Pedestrian* means any person afoot. A person who uses an electric personal assistive mobility device or a manual or motorized wheelchair is considered a pedestrian unless the manual wheelchair qualifies as a bicycle.

*Pole trailer* means a vehicle that is all of the following:

- (1) Without motive power;
- (2) Designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole or by being boomed or otherwise secured to the towing vehicle; and
- (3) Used ordinarily for transporting long or irregularly shaped loads such as poles, pipes, or structural members capable of generally sustaining themselves as beams between the supporting connections.

*Police officer* means an officer authorized to direct or regulate traffic or make arrests for violations of traffic regulations.

*Private road or driveway* means a way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

*Public agency* means this Community and any federal, tribal, state, city, county, municipal corporation, district or other public authority that is located in whole or in part in this state and that provides police, fire fighting, medical or other emergency services for the purposes of section 16-235.

*Racing* means the use of one or more vehicles in an attempt to outgain, outdistance or prevent another vehicle from passing.

*Reasonable costs* means the costs of providing police, firefighting, rescue and emergency medical services at the scene of an incident and the salaries of the persons who respond to the incident, but does not include charges assessed by an ambulance service for the purposes of section 16-235.

*Reckless disregard* means acting with gross negligence or without concern as to the danger to others.

*Roadway* means that portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. If a highway includes two or more separate roadways, the term "roadway" as used in this chapter shall refer to any such roadway separately, but not to all such roadways collectively. The term "roadway" includes all or part of a platted or designated public street, highway, alley, lane, parkway, avenue, road, sidewalk or other public way, whether or not it has been used as such.

*Seat belt* means a restraint consisting of either a combination of a lap belt and shoulder belt, or only a lap belt, attached to the frame of a motor vehicle at a seating position.

*Serious physical injury* means physical injury which involves substantial risk of death, extreme physical pain, protracted and obvious disfigure-

ment, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

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

*Stop* means complete cessation from movement, when required.

*Stopping or standing* means any stopping or standing of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with directions of a police officer or traffic-control sign or signal, when prohibited.

*Through highway* means a highway or portion thereof at the entrances to which vehicular traffic from intersecting highways is required by law to stop before entering or crossing and stop signs are erected as provided in this chapter.

*Traffic* means pedestrians, ridden or herded animals, vehicles, and other conveyances either singly or together while using any highway for purposes of travel.

*Traffic-control signal* means a device whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed.

*Truck* means every motor vehicle designed, used or maintained primarily for the transportation of property.

*VIN* means vehicle identification number.

*Vapor releasing substance* means any toxic substance used in a manner prohibited under section 6-121(b).

(Ord. No. SRO-417-2013, § 16-1, 2-1-2013; Ord. No. SRO-428-2014, § 16-1, 1-1-2014)

### **Sec. 16-2. Violation of chapter; penalties.**

(a) *Classification of offenses.* A person who violates a provision of this chapter shall be held responsible for a civil offense unless the penalty defined in the offense specifically allows for jail or imprisonment as punishment or penalty.

(b) *Penalties when none provided in offense.*

(1) *Civil violations generally.* Except as modified by the disposition schedule at appendix A or under sections 16-271(e) and 16-273(c), a person found responsible for a violation of any of the provisions of this chapter where no penalty is provided and the offense is not specifically designated as a criminal offense, shall be punishable by a fine of not more than \$500.00.

(2) *Criminal offenses generally.* A person found guilty of a criminal offense pursuant to this chapter for which another penalty is not provided shall be subject to not more than six months imprisonment or a fine of not more than \$5,000.00 or both.

(Ord. No. SRO-417-2013, § 16-2, 2-1-2013; Ord. No. SRO-428-2014, § 16-2, 1-1-2014)

### **Sec. 16-3. Construction of chapter relative to operation of vehicles.**

The provisions of this chapter relating to the operation of vehicles refer exclusively to the operation of vehicles upon highways except:

(1) Where a different place is specifically referred to in a given section.

(2) The provisions of article VI, division 5, DUI and reckless driving and article VII, accidents shall apply upon highways and elsewhere throughout the Community.

(Ord. No. SRO-417-2013, § 16-3, 2-1-2013; Ord. No. SRO-428-2014, § 16-3, 1-1-2014)

### **Sec. 16-4. Application of chapter to public employees; exceptions.**

(a) *Government vehicles.* The provisions of this chapter are applicable to the drivers of all vehicles upon the highways including vehicles owned or operated by the United States, the State of Arizona, the Community, federally recognized Indian tribes, or any other political subdivision of Arizona except as provided in this section and subject to such specific exceptions as are set forth in this chapter with reference to authorized emergency vehicles.

(b) *Work vehicles.* Unless specifically made applicable, the provisions of this chapter shall not apply to persons, teams, motor vehicles and other equipment while actually engaged in work upon the surface of a highway, but shall apply to such persons and vehicles when traveling to or from such work.

(Ord. No. SRO-417-2013, § 16-4, 2-1-2013; Ord. No. SRO-428-2014, § 16-4, 1-1-2014)

**Sec. 16-5. Application of chapter to persons riding animals or driving animal-drawn vehicles.**

Every person riding an animal or driving any animal-drawn vehicle upon a highway, shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this chapter, except those provisions of this chapter which by their very nature can have no application.

(Ord. No. SRO-417-2013, § 16-5, 2-1-2013; Ord. No. SRO-428-2014, § 16-5, 1-1-2014)

**Cross reference**—Animals and fowl, Ch. 12.

**Sec. 16-6. Chapter not to interfere with rights of owners of real property.**

Nothing in this chapter shall be construed to prevent the owner of real property used by the public for purposes of vehicular travel by permission of the owner and not as a matter of right from prohibiting that use, or from requiring other or different or additional conditions than those specified in this chapter, or otherwise regulating such use as may seem best to such owner. However, provisions of article VI, division 5, DUI and reckless driving and article VII, accidents shall apply on private property.

(Ord. No. SRO-417-2013, § 16-6, 2-1-2013; Ord. No. SRO-428-2014, § 16-6, 1-1-2014)

**Cross references**—Roadways, §§ 17-41—17-47; use of vehicles by nonmembers on land other than Community roadways, § 16-141.

**Sec. 16-7. Failure to comply with police officer.**

No person shall interfere with a law enforcement officer who is directing, controlling, or regulating traffic or willfully refuse to comply with any lawful order or direction of any law enforce-

ment officer invested by law with authority to direct, control or regulate traffic. A violation of this offense is a criminal offense.

(Ord. No. SRO-417-2013, § 16-7, 2-1-2013; Ord. No. SRO-428-2014, § 16-7, 1-1-2014)

**Sec. 16-8. Authorized emergency vehicles.**

(a) *Permitted to vary from requirements.* The driver of any authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of law or when responding to, but not upon returning from a fire alarm, may exercise the privileges set forth in this section.

(b) *Exceptions enumerated.* The driver of an authorized emergency vehicle may:

- (1) Park or stand, irrespective of the provisions of this chapter;
- (2) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
- (3) Exceed the prima facie speed limits so long as the driver does not endanger life or property; and
- (4) Disregard regulations governing direction of movement or turning in specified direction.

(c) *Exemptions to apply only under certain conditions.* The exemptions granted by this section to an authorized emergency vehicle shall apply only when the driver of the vehicle while in motion sounds an audible signal by bell, siren or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of 500 feet to the front of the vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.

(d) *Driver responsible.* The provisions of this section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor

shall these provisions protect the driver from the consequences of the driver's reckless disregard for the safety of others.

(Ord. No. SRO-417-2013, § 16-8, 2-1-2013; Ord. No. SRO-428-2014, § 16-8, 1-1-2014)

**Sec. 16-9. Driver's duty when approaching horse or livestock.**

Every person operating a motor vehicle upon any public highway and approaching any horse-drawn vehicle or any horse upon which any person is riding or livestock being driven upon the highway shall exercise reasonable precaution to prevent frightening and to safeguard such animals, and to ensure the safety of any person riding or driving the same. If such animals appear frightened, the person in control of such vehicle shall reduce its speed and, if requested by signal or otherwise, shall not proceed further toward such animals unless necessary to avoid accident or injury, until such animals appear to be under control.

(Ord. No. SRO-417-2013, § 16-9, 2-1-2013; Ord. No. SRO-428-2014, § 16-9, 1-1-2014)

**Cross reference**—Animals and fowl, Ch. 12.

**Sec. 16-10. Injuring, unlawfully starting, using or preventing use of vehicles.**

- (a) A person shall not:
- (1) Willfully break, injure, tamper with or remove any part of a vehicle for any purpose against the will or without consent of the owner of the vehicle;
  - (2) In any other manner willfully or maliciously interfere with or prevent the running or operation of the vehicle;
  - (3) Without consent of the owner or person in charge of a vehicle climb into or upon a vehicle with intent to commit any crime, malicious mischief or injury theretofore; or
  - (4) While a vehicle is stopped and unattended attempt, to manipulate any levers, starting crank or other starting devices, brakes or other mechanism thereof, or set the vehicle in motion.

A person violating this section is guilty of a criminal offense.

(b) The provisions of subsection (a) of this section shall not apply when any of the conduct described therein is committed in an emergency in furtherance of public safety or convenience or by or under the direction of any law enforcement officer in the performance of the officer's duty.

(Ord. No. SRO-417-2013, § 16-10, 2-1-2013; Ord. No. SRO-428-2014, § 16-10, 1-1-2014)

**Sec. 16-11. Placing or allowing dangerous articles on highway.**

(a) *Dangerous items.* No person shall throw or deposit upon any highway any glass bottle, glass, nails, tacks, wire, cans, or any other substance, including but not limited to lit cigarettes, flammable liquids, and lit matches, likely to injure any person, animal, property, or vehicle upon the highway.

(b) *Destructive or injurious material.* Any person who drops or permits to be dropped or thrown upon any highway any destructive or injurious material shall immediately remove the same or cause it to be removed.

(c) *Glass.* Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from the vehicle.

(d) *Emergencies.* The provisions of section hereof shall not apply when any of the conduct described therein is committed in an emergency in furtherance of public safety or convenience or by or under the direction of any law enforcement officer in the performance of the officer's duty.

(Ord. No. SRO-417-2013, § 16-11, 2-1-2013; Ord. No. SRO-428-2014, § 16-11, 1-1-2014)

**Sec. 16-12. Crossing fire hose.**

No vehicle shall be driven over any unprotected hose of a fire department when the hose is laid down on any street, or private driveway to be used at any fire or alarm of fire. This section does

not apply if a fire department official in command at the fire directs traffic to drive over the hose. A violation of this section is a criminal offense. (Ord. No. SRO-417-2013, § 16-12, 2-1-2013; Ord. No. SRO-428-2014, § 16-12, 1-1-2014)

**Sec. 16-13. Effective date; savings clause.**

(a) *Effective date.* This amended chapter shall govern the duties, responsibilities, liabilities and penalties created by this chapter for violations committed on or after January 1, 2014.

(b) *Savings clause.* This amended chapter does not govern the duties, responsibilities, liabilities and penalties created by this chapter for violations committed before January 1, 2014. A violation occurring prior to January 1, 2014 shall be governed by the provisions of law existing at the time of the violation, regardless of the actual dates associated with charging, prosecution, or sentencing, in the same manner as if this chapter had not been amended.

(Ord. No. SRO-417-2013, § 16-12, 2-1-2013; Ord. No. SRO-428-2014, § 16-12, 1-1-2014)

**Secs. 16-14—16-30. Reserved.**

**ARTICLE II. REGISTRATION, LICENSING AND INSPECTION**

**Sec. 16-31. Registration of motor vehicle required; exceptions.**

(a) *Registration required.* Every owner of a motor vehicle, trailer or semitrailer, before it is operated upon any highway in this Community, shall obtain current registration therefore from the appropriate agency of the United States, a state, or a foreign government. A driver or owner of the motor vehicle, trailer, or semitrailer, shall furnish proof of registration for the current year upon a request of a police officer.

(b) *Exceptions.* This section shall not apply to farm tractors, trailers used solely in the operation of a farm for transporting the unprocessed fiber or forage products thereof, or any implement of husbandry designed primarily for or used in agricultural operations and only incidentally operated or moved upon a highway, road-rollers or

road machinery temporarily operating or moved upon the highway, nor to any owner permitted to operate a vehicle under special provisions relating to lien holders, manufacturers, dealers and nonresidents. Nor shall it apply to any vehicle being towed by tow truck which meets the requirements of section 16-109.

(c) *Proof provided later.* If the owner or operator did not have proof of registration for the current year on the person at the time of the offense, but the motor vehicle was properly registered at the time of the offense, the court may dismiss the charge upon proof shown.

(Ord. No. SRO-417-2013, § 16-31, 2-1-2013; Ord. No. SRO-428-2014, § 16-31, 1-1-2014)

**Sec. 16-32. Registration violations.**

A person is guilty of a criminal offense who:

- (1) Being the owner thereof, operates or knowingly permits to be operated upon a highway, a motor vehicle, trailer or semitrailer required by law to be registered which does not display thereon the license plate assigned thereto for the current registration year.
- (2) Displays or has in the owner's possession a registration card or license plate knowing it to be fictitious or to have been stolen, canceled, revoked, suspended or altered.
- (3) Lends to or knowingly permits the use of owner's registration card or license plate by a person not entitled thereto.
- (4) Operates a motor vehicle, trailer or semitrailer required by law to be registered which does not display any license plate.

(Ord. No. SRO-417-2013, § 16-32, 2-1-2013; Ord. No. SRO-428-2014, § 16-32, 1-1-2014)

**Sec. 16-33. Driver license required; penalty.**

(a) *Violation.* No person, except those expressly exempted in this chapter, shall drive any motor vehicle upon a highway in this Community unless the person has a valid driver license or a commercial driver license issued by the appropriate agency of the United States, a state, or a foreign government. No person shall drive a com-

mercial motor vehicle unless the person holds a valid commercial driver license. A violation of this section is a criminal offense.

(b) *Driving privileges.* A person holding a valid driver license or commercial driver license may exercise the privilege thereby granted upon all streets and highways in this Community.

(c) *Penalty.* Any person who violates subsection (a) of this section as follows shall be convicted of a criminal offense, and may be sentenced up to:

- (1) *First offense.* Not more than \$300.00, or imprisonment for not more than 30 days or both.
- (2) *Second or subsequent offense.* A second or subsequent conviction committed within a period of 24 months of the first violation or offense shall be punishable by a fine of not less than \$50.00 nor more than \$300.00 or by imprisonment for not less than five days nor more than six months, subject to the limitations of section 16-36.

(Ord. No. SRO-417-2013, § 16-33, 2-1-2013; Ord. No. SRO-428-2014, § 16-33, 1-1-2014)

**Sec. 16-34. License to operate motorcycle or motor-driven cycle; exception.**

Except as otherwise provided in this chapter, no person shall operate a motorcycle or motor-driven cycle upon a highway in this Community unless the person has a valid license and an endorsement to operate a motorcycle issued by the appropriate agency of the United States, a state, or a foreign government.

(Ord. No. SRO-417-2013, § 16-34, 2-1-2013; Ord. No. SRO-428-2014, § 16-34, 1-1-2014)

**Sec. 16-35. Restricted licenses.**

It is a criminal offense for a person to operate a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to the person.

(Ord. No. SRO-417-2013, § 16-35, 2-1-2013; Ord. No. SRO-428-2014, § 16-35, 1-1-2014)

**Sec. 16-36. Possession and display of driver license.**

Every driver shall have the person's driver license or commercial driver license on the person's immediate possession at all times when operating a motor vehicle and shall display same, upon demand of a law enforcement officer. The court may dismiss the charge upon proof shown of a driver license or commercial driver license theretofore issued to the person and valid at the time of issuance of the citation.

(Ord. No. SRO-417-2013, § 16-36, 2-1-2013; Ord. No. SRO-428-2014, § 16-36, 1-1-2014)

**Sec. 16-37. Unlawful use of license.**

It is a criminal offense for any person:

- (1) To display or cause or permit to be displayed or have on the person's possession a canceled, revoked, suspended, fictitious, or fraudulently altered driver license or commercial driver license.
- (2) To lend the person's driver license or commercial driver license to any other person or knowingly permit the use thereof by another.
- (3) To display or represent as one's own a driver license or commercial driver license not issued to that person.
- (4) To permit any unlawful use of a driver license or commercial driver license issued to the person.
- (5) To intentionally alter, forge, or counterfeit a driver license or commercial driver license.

(Ord. No. SRO-417-2013, § 16-37, 2-1-2013; Ord. No. SRO-428-2014, § 16-37, 1-1-2014)

**Sec. 16-38. Permitting unauthorized person to drive.**

No person shall authorize or knowingly permit a motor vehicle owned by the person or under that person's control to be driven upon any highway by

any other person who is not authorized under this chapter or in violation of any of the provisions of this chapter.

(Ord. No. SRO-417-2013, § 16-38, 2-1-2013; Ord. No. SRO-428-2014, § 16-38, 1-1-2014)

**Sec. 16-39. Permitting unauthorized minor to drive; liability therefore.**

(a) *Unauthorized minor driver.* A person who causes or knowingly permits a minor to drive a motor vehicle upon a highway when such minor is not authorized to drive a motor vehicle under this chapter, or in violation of any of the provisions of this chapter, is guilty of a criminal offense.

(b) *Liability.* Every owner of a motor vehicle causing or knowingly permitting an unlicensed minor to drive such vehicle upon a highway, and any person giving or furnishing a motor vehicle to such unlicensed minor, shall be jointly and severally liable with such minor for any damages caused by the negligence or willful misconduct of such minor in driving such vehicle.

(Ord. No. SRO-417-2013, § 16-39, 2-1-2013; Ord. No. SRO-428-2014, § 16-39, 1-1-2014)

**Cross references**—Offenses concerning minors, §§ 6-81—6-84; minors generally, Ch. 11.

**Sec. 16-40. Driving on suspended license.**

Any person who drives a motor vehicle on a public highway in this Community at a time when the person's privilege to do so is suspended, revoked, or refused shall pay a civil fine of not less than \$100.00 nor more than \$300.00.

(Ord. No. SRO-417-2013, § 16-40, 2-1-2013; Ord. No. SRO-428-2014, § 16-40, 1-1-2014)

**Sec. 16-41. Reserved.**

**Sec. 16-42. Inspection by Community officers.**

(a) *Stops authorized.* A law enforcement officer may at any time upon reasonable cause to believe that a vehicle is unsafe or not equipped as required by law, or that its equipment is not in proper adjustment or repair, require the driver of the vehicle to stop and submit the vehicle to an inspection and such tests with reference thereto as may be appropriate.

(b) *Notice.* In the event the vehicle is found to be in unsafe condition or any required part or equipment is not present or is not in proper repair and adjustment, the officer shall give written notice to the driver. The original of the notice shall be retained by the police department. The notice shall require that the vehicle be placed in safe condition and its equipment in proper repair and adjustment specifying the particulars with reference thereto and that a certificate of correction or adjustment of illegal or faulty equipment must be obtained within five business days.

(c) *Form of notice.* Council shall prescribe the form of the notice which shall be utilized by those authorized to conduct such inspections.

(Ord. No. SRO-417-2013, § 16-42, 2-1-2013; Ord. No. SRO-428-2014, § 16-42, 1-1-2014)

**Sec. 16-43. Owner or driver to comply with inspection provisions.**

(a) *Inspection.* No person driving a vehicle shall refuse to submit the vehicle to an inspection and test when required to do so by a law enforcement officer if required under section 16-42.

(b) *Certification of adjustment.* Every owner or driver, upon receiving a notice as provided in the previous section, shall comply therewith and shall within five business days secure the certification of adjustment provided on the notice. When the certification is completed, the notice shall be forwarded to the issuing department. In lieu of compliance with this subsection, the vehicle shall not be operated, except as provided in subsection (c) of this section.

(c) *Prohibitions.* No person shall operate any vehicle after receiving a notice with reference thereto as provided in subsection (b) of this section, except as may be necessary to return the vehicle to the residence or place of business of the owner or driver, if within a distance of 20 miles, or to an auto repair shop, until the vehicle and its equipment have been placed in proper repair and adjustment and otherwise made to conform to the requirements of this chapter.

(d) *Repairs.* If repair or adjustment of a vehicle or its equipment is found necessary on inspection, the owner of the vehicle:

- (1) May obtain the repair or adjustment at any place the owner chooses.

- (2) Shall not operate the vehicle on a highway until the certification of adjustment is obtained.

(Ord. No. SRO-417-2013, § 16-43, 2-1-2013; Ord. No. SRO-428-2014, § 16-43, 1-1-2014)

**Sec. 16-44. Annual inspection of school buses.**

Each school bus shall be inspected annually and an official certificate of inspection and approval shall be obtained annually for each such vehicle in accordance with the laws prescribed by the State of Arizona. Such inspections shall be made and such certificates obtained with respect to the requirements for school buses as prescribed by Arizona law, and by regulations adopted by the Arizona Department of Public Safety and the Arizona State Board of Education. A school bus shall also be inspected prior to its initial use in the Community and inspected within the prescribed periods that are registered. If a school bus is privately owned, the owner thereof shall have such bus inspected within the prescribed periods. (Ord. No. SRO-417-2013, § 16-44, 2-1-2013; Ord. No. SRO-428-2014, § 16-44, 1-1-2014)

**Secs. 16-45—16-50. Reserved.**

**ARTICLE III. EQUIPMENT**

**DIVISION 1. GENERALLY**

**Sec. 16-51. Vehicle to be in good working order.**

No person shall drive or move on any highway any motor vehicle, trailer, semitrailer or pole trailer, or any combination thereof unless the equipment upon any and every such vehicle is in good working order and adjustment as required in this chapter and the vehicle is in such safe mechanical condition as not to endanger the driver or other occupant or any person upon the highway.

(Ord. No. SRO-417-2013, § 16-51, 2-1-2013; Ord. No. SRO-428-2014, § 16-51, 1-1-2014)

**Sec. 16-52. Vehicle to comply with article; exceptions.**

(a) *Safe operation.* All vehicles driven in the Community shall be operated in a safe condition and maintained as provided in this article. It is a violation of this section for any person to drive or move or for the owner to knowingly permit a vehicle to be driven in such unsafe condition as to endanger any person. Any person who violates this section is subject to civil penalties as provided in this chapter.

(b) *Aftermarket parts.* Nothing contained in this article shall be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with the provisions of this article.

(c) *Exceptions.* The provisions of this article with respect to equipment on vehicles shall not apply to implements of husbandry, road machinery, road rollers, or farm tractors except as made applicable by this article. Every farm tractor equipped with an electric lighting system shall at all times mentioned in section 16-71 display a red tail lamp and either multiple-beam or single-beam head lamps meeting the requirements of sections 16-74, 16-88 and 16-90.

(Ord. No. SRO-417-2013, § 16-52, 2-1-2013; Ord. No. SRO-428-2014, § 16-52, 1-1-2014)

**Sec. 16-53. Special requirements for motorcycles and motor-driven cycles.**

(a) *Helmets.* Any minor operator and any minor passenger of a motorcycle, motor-driven cycle, or all-terrain vehicles shall wear a protective helmet on the person's head in an appropriate manner safely secured. Any operator and passenger of a motorcycle or motor-driven vehicle shall also wear protective glasses, goggles or a transparent face shield unless the motorcycle is equipped with a protective windshield.

(b) *Equipment required.* A motorcycle and motor-driven cycle shall be equipped with a rearview mirror, seat and footrests for the operator. Any motorcycle or motor-driven cycle operated with a passenger shall be equipped with seats, footrests and handrails for such passenger.

(c) *Handlebar height.* Handlebars rising more than 15 inches above the level of the driver's seat or saddle on a motorcycle or motor-driven cycle are prohibited.

(Ord. No. SRO-417-2013, § 16-53, 2-1-2013; Ord. No. SRO-428-2014, § 16-53, 1-1-2014)

#### **Sec. 16-54. Brakes.**

(a) *Requirements enumerated.* The following brake equipment is required:

- (1) Every motor vehicle, other than a motorcycle or motor-driven cycle, when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and hold the vehicle, including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels. If these two separate means of applying the brakes are connected in any way, they shall be so constructed that failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes on at least two wheels.
- (2) Every motorcycle and every motor-driven cycle, when operated upon a highway, shall be equipped with at least one brake which may be operated by hand or foot.
- (3) Every trailer or semitrailer of a gross weight of 3,000 pounds or more when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and hold the vehicle and so designed as to be applied by the driver of the towing motor vehicle from its cab, and the brakes shall be so designed and connected that in case of an accidental breakaway of the towed vehicle the brakes shall be automatically applied.
- (4) Every new motor vehicle, trailer or semitrailer sold in the Community and operated upon the Community highway shall be equipped with service brakes upon all wheels of every vehicle, except any motorcycle or motor-driven cycle, and except that any semitrailer of less than 1,500 pounds gross weight need not be equipped

with brakes and except that three-axle trucks need only be equipped with brakes on all wheels of the two rear axles.

- (5) In any combination of motor-drawn vehicles, means shall be provided for applying the rearmost trailer brakes of any trailer equipped with brakes, in approximate synchronism with the brakes on the towing vehicle and developing the required braking effort on the rearmost wheels at the fastest rate, or means shall be provided for applying braking effort first on rearmost trailer equipped with brakes. Both of the above means capable of being used alternatively may be employed.
- (6) Every motor vehicle and combination of vehicles manufactured or sold in the Community, except motorcycles and motor-driven cycles, shall be equipped with parking brakes adequate to hold the vehicle on any grade on which it is operated, under all conditions of loading on a surface free from snow, ice, or loose material. The parking brakes shall be capable of being applied in conformance with the foregoing requirements by the driver's muscular effort or by spring action or by equivalent means. Their operation may be assisted by the service brakes or other source of power, provided that failure of the service brake actuation system or other power-assisting mechanism will not prevent the parking brakes from being applied in conformance with the foregoing requirements. The parking brakes shall be so designed that when once applied they shall remain applied with the required effectiveness despite exhaustion of any source of energy or leakage of any kind. The same brake, brake shoes and lining assemblies may be used for both the service brakes and the parking brakes. If the means of applying the parking brakes and the service brakes are connected in any way, they shall be so constructed that failure of any one pair shall not leave the vehicle without operative brakes.

- (7) The brake pads and shoes operating within or upon the brakes on the vehicle wheels of any motor vehicle may be used for both service and hand operation.

(b) *Deceleration requirements.* Every motor vehicle or combination of motor-drawn vehicles shall be capable at all times and under all conditions of loading, of being stopped on a dry, smooth, level road free from loose material, upon application of the service or footbrake, within the distance specified below, or shall be capable of being decelerated at a sustained rate corresponding to these distances:

	<i>Feet to stop from 20 miles per hour</i>	<i>Deceleration in feet per second feet to stop</i>
Vehicles or combination of vehicles having brakes on all wheels	30	14
Vehicles or combination of vehicles not having brakes on all wheels	40	10.7

(c) *Adjustment of brakes.* All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as practicable with respect to the wheels on opposite sides of the vehicle.

(d) *Unmuffled engine retarding brakes prohibited.* It shall be unlawful for the operator of any truck to intentionally use an unmuffled, defective, or improperly muffled engine retarding brake on any public highway or street within the Community which causes abnormal or excessive noise from the engine, except in an emergency.

- (1) Signs stating "UNMUFFLED ENGINE BRAKING PROHIBITED" may be installed at locations deemed appropriate by the Community or a Community agency designated by council to advise motorists of the prohibitions contained in this chapter. The provisions of this chapter are in full force and effect even if no signs are installed.
- (2) Any person, firm or corporation who violates any provision of this chapter shall, upon conviction, be guilty of a civil offense and punished by a fine of not more than \$300.00.

(Ord. No. SRO-417-2013, § 16-54, 2-1-2013; Ord. No. SRO-428-2014, § 16-54, 1-1-2014)

**Sec. 16-55. Horns and audible warning devices.**

(a) *Required.* Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than 200 feet, but no horn or other warning device shall emit an unreasonable loud or harsh sound or a whistle. The driver of a motor vehicle shall when reasonably necessary to ensure safe operation give audible warning with the motor vehicle's horn, but shall not otherwise use the horn when upon a highway.

(b) *Prohibited devices.* No vehicle shall be equipped with nor shall any person use upon a vehicle any siren, whistle or bell, except as otherwise permitted in this section.

(c) *Theft alarm.* It is permissible, but not required that any vehicle be equipped with a theft alarm signal device. Any theft alarm signal device cannot be used by the driver as an ordinary warning signal.

(d) *Emergency vehicle requirements.* Any authorized emergency vehicle may be equipped with a siren, whistle or bell capable of emitting sound audible under normal conditions from a distance of not less than 500 feet. The siren shall not be used except when the emergency vehicle is oper-

ated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, and the driver of the emergency vehicle shall sound the siren when reasonably necessary to warn pedestrians and other drivers of its approach.

(Ord. No. SRO-417-2013, § 16-55, 2-1-2013; Ord. No. SRO-428-2014, § 16-55, 1-1-2014)

**Sec. 16-56. Mufflers and air pollution control devices.**

(a) *Mufflers.* Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise, and no person shall use a muffler cutout, bypass or similar device upon a motor vehicle on a highway.

(b) *Fumes.* The engine and power mechanism of every motor vehicle shall be so equipped and adjusted as to prevent the escape of excessive fumes or smoke.

(c) *Emission control devices.* Beginning with motor vehicles and motor vehicle engines of the 1968 model year, motor vehicles and motor vehicle engines shall be equipped with emissions control devices that meet the standards established by the Arizona Department of Environmental Quality.

(d) *Penalties.* A person is guilty of violating this section who knowingly operates on a street or highway a motor vehicle without an emissions control device as required herein or with a device which has been dismantled or disconnected or is otherwise inoperative. Any person who violates this section is subject to civil penalties as provided in this chapter.

(e) *Exception.* The provisions of this section shall not apply to motor vehicles that are used exclusively for competition and not operated on the public streets and highways.

(Ord. No. SRO-417-2013, § 16-56, 2-1-2013; Ord. No. SRO-428-2014, § 16-56, 1-1-2014)

**Sec. 16-57. Mirrors.**

Every motor vehicle which is so constructed or loaded as to obstruct the driver's view to the rear thereof from the driver's position shall be equipped

with a mirror so located as to reflect to the driver a view of the highway for a distance of at least 200 feet to the rear of the vehicle.

(Ord. No. SRO-417-2013, § 16-57, 2-1-2013; Ord. No. SRO-428-2014, § 16-57, 1-1-2014)

**Sec. 16-58. Windshields.**

(a) *Required.* Every passenger vehicle, other than a motorcycle, all-terrain vehicles, and golf carts manufactured or, modified before June 17, 1998, and every motor truck or truck tractor, except fire trucks, fire engines or other fire apparatus, whether publicly or privately owned, shall be equipped with an adequate windshield. This section shall not apply to implements of husbandry, of antique, classic or horseless carriage, automobiles when not originally equipped with a windshield.

(b) *Not to be obstructed.* No person shall drive any motor vehicle with any sign, poster, or other substance or material upon the front windshield, side wings or side or rear windows of the vehicle which obstructs the driver's clear view of the highway or any intersecting highway.

(c) *Wipers required.* The windshield on every motor vehicle, except motorcycle, all-terrain vehicles, golf carts, or motor-driven cycle, shall be equipped with a device for cleaning rain, snow, or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle.

(d) *Wipers to be in good order.* Every windshield wiper upon a motor vehicle shall be maintained in good working order.

(Ord. No. SRO-417-2013, § 16-58, 2-1-2013; Ord. No. SRO-428-2014, § 16-58, 1-1-2014)

**Sec. 16-59. Tires.**

(a) *Surface.* Every solid rubber tire on a vehicle shall have rubber on its entire traction surface at least one inch thick above the edge of the flange of the entire periphery.

(b) *Periphery.* No tire on a vehicle moved on a highway shall have on its periphery any block, stud, flange, cleat or spike or any other protuberance of any material other than rubber which projects beyond the tread of the traction surface of

the tire, except that it shall be permissible to use farm machinery with tires having protuberances which will not injure the highways, and except also that it shall be permissible to use tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice or other conditions tending to cause a vehicle to skid. (Ord. No. SRO-417-2013, § 16-59, 2-1-2013; Ord. No. SRO-428-2014, § 16-59, 1-1-2014)

**Sec. 16-60. Rear fender splash guards.**

(a) *Splash guards required.* It is unlawful for any person to operate a truck, trailer, semitrailer or bus upon the highways unless such vehicle is equipped with rear fender splash guards, which shall comply with the specifications provided in this section. The splash guards shall be so attached as to prevent the splashing of mud or water upon the windshield of other motor vehicles and shall extend to a length which shall end not more than eight inches from the ground.

(b) *Size.* The splash guards shall be wide enough to cover the full tread or treads of the tires being protected and shall be installed close enough to the tread surface of the tire or wheel as to control the side throw of the bulk of the thrown road surface material.

(c) *Material and attachment.* The splash guards may be constructed of a flexible rubberized material, and shall be attached in such a manner that, regardless of movement either in such splash guards or the vehicle, such splash guards will retain their general parallel relationship to the tread surface of the tire or wheel under all ordinary operating conditions.

(d) *Pickups.* Nothing in this section shall be deemed to apply to vehicles commonly known as pickup trucks with a manufacturer's gross vehicle rating of 10,000 pounds or less unless the pickup truck has been modified from the original bumper height to raise the center of the gravity of the pickup truck.

(e) *Exceptions.* This section shall not apply to truck tractors or converter dollies when used in combination with other vehicles. (Ord. No. SRO-417-2013, § 16-60, 2-1-2013; Ord. No. SRO-428-2014, § 16-60, 1-1-2014)

**Sec. 16-61. Prohibition against image display device.**

No person shall drive any motor vehicle equipped with any image display device, which is located in the motor vehicle at any point forward of the back of the driver's seat or which is visible, directly or indirectly, to the driver while operating the motor vehicle.

- (1) A person shall not view a broadcast television image or a visual image from an image display device while that person is driving a motor vehicle and the motor vehicle is in motion on a public roadway.
- (2) A person shall not operate a motor vehicle with an image display device that is visible to a driver seated in a normal driving position when the vehicle is in motion.
- (3) This section does not apply to any of the following:
  - a. Emergency vehicles.
  - b. Image display devices that do any of the following:
    1. Display images that provide a driver with navigation and related traffic, road and weather information.
    2. Provide vehicle information, controls or information related to driving a vehicle.
    3. Enhance or supplement a driver's view of the area to the front, rear or side of the vehicle.
    4. Permit a driver to monitor the vehicle occupants seated behind the driver.
    5. Display information intended to enhance traffic safety.
  - c. Image display devices that are built into the motor vehicle and that do not display images to a driver while the vehicle is in motion.
  - d. Image display devices that are portable and are not used to display dynamic visual images other than

for purposes of navigation or global positioning to a driver while the vehicle is in motion.

- e. Image display devices present in vehicles of a public service corporation or any political subdivision of this state and used for service or maintenance of its facilities.
- f. Any use of an image display device while the vehicle is parked.

(Ord. No. SRO-417-2013, § 16-1, 2-1-2013; Ord. No. SRO-428-2014, § 16-1, 1-1-2014)

**Sec. 16-62. Certain vehicles to carry flares or other warning devices.**

(a) *Requirements enumerated.* No person shall operate any motor truck, passenger bus or truck tractor upon any highway within the Community at any time from sunset to sunrise unless there shall be carried in the vehicle the following equipment except as provided in subsection (b) of this section:

- (1) At least three flares or three electric red lanterns or three triangle reflectors each of which shall be capable of being seen and distinguished at a distance of 500 feet under normal atmospheric conditions at nighttime. Each flare shall be capable of burning for one hour. Every such flare shall be substantially constructed so as to withstand reasonable shocks without leaking. Every such flare shall be carried in the vehicle in a metal rack or box. Every such red electric lantern shall be capable of operating continuously for not less than 12 hours and shall be substantially constructed so as to withstand reasonable shock without breakage.
- (2) At least three red burning fuses unless red electric lanterns are carried. Each fuse shall be made in accordance with specifications of the Bureau of Explosives, 55500 DOT Road, Pueblo, CO 81001, and so marked and shall be capable of burning at least 15 minutes.
- (3) At least two red cloth flags, not less than 12 inches square, with standards to support same.

(b) *Vehicles carrying flammables.* No person shall operate at the time and under the conditions stated in subsection (a) of this section any motor vehicle used in transportation of flammable liquids in bulk, or transporting compressed flammable gases, unless there shall be carried in the vehicle three red electric lanterns meeting the requirements stated in subsection (a) of this section, and there shall not be carried in such vehicle any flares, fuses or signal produced by a flame.

(c) *Portable reflector units.* As an alternative it shall be deemed a compliance with this section in the event a person operating any motor vehicle described in this section shall carry in the vehicle three portable reflector units on standards. No portable reflector unit shall be approved unless it is so designed and constructed as to include two reflectors, one above the other, each of which shall be capable of reflecting red light clearly visible from all distances within 500 feet to 50 feet under normal atmospheric conditions at nighttime when directly in front of lawful upper beams of head lamps.

(Ord. No. SRO-417-2013, § 16-62, 2-1-2013; Ord. No. SRO-428-2014, § 16-62, 1-1-2014)

**Sec. 16-63. Display of warning devices when vehicle disabled.**

(a) *When required.* When any motor truck, passenger bus, truck tractor, trailer, semitrailer, or pole trailer is disabled upon the traveled portion of any highway or the shoulder thereof within the Community at any time when lighted lamps are required on vehicles, the driver of the vehicle shall display the following warning devices upon the highway during the time the vehicle is so disabled on the highway except as provided in subsection (b) of this section:

- (1) A lighted fuse shall be immediately placed on the roadway at the traffic side of the motor vehicle unless electric lanterns are displayed.
- (2) Within the burning period of the fuse and as promptly as possible three lighted flares or pot torches or three electric lanterns shall be placed on the roadway as follows:
  - a. One at a distance of approximately 100 feet to the rear of the vehicle, in the center of the lane of traffic occupied by the disabled vehicle.

- b. One at the traffic side of the vehicle approximately ten feet rearward or forward thereof.

(b) *Vehicles carrying flammable liquids or gases.* When any vehicle used in the transportation of flammable liquids in bulk, or transporting compressed flammable gases is disabled upon a highway at any time or place mentioned in subsection (a) of this section, the driver of the vehicle shall display upon the roadway the following lighted warning devices:

- (1) One red electric lantern shall be immediately placed on the roadway at the traffic side of the vehicle.
- (2) Two other red electric lanterns shall be placed to front and rear of the vehicle in the same manner prescribed for flares in subsection (a) of this section.

(c) *Flame signals prohibited for vehicle carrying flammables.* When a vehicle of a type specified in subsection (b) of this section is disabled, the use of flares, fuses or any signal produced by flames as warning signals is prohibited.

(d) *Portable reflector units.* In the alternative, it shall be deemed a compliance with this section in the event three portable reflector units on standards of a type approved by the Community are displayed at the times and under the conditions specified in this section either during the daytime or at nighttime, and the portable reflector units shall be placed on the roadway in the locations as described with reference to the placing of electric lanterns and lighted flares.

(e) *Equipment to comply with requirements.* The flares, fuses, and lanterns to be displayed as required in this section shall conform to the requirements of the preceding section. (Ord. No. SRO-417-2013, § 16-63, 2-1-2013; Ord. No. SRO-428-2014, § 16-63, 1-1-2014)

**Sec. 16-64. Vehicles transporting explosives.**

Any person operating any vehicle transporting any explosive as a cargo or part of a cargo upon a highway shall at all times comply with the following provisions:

- (1) The vehicle shall be placarded in accordance with the placarding requirements specified in 49 CFR part 172.

- (2) The vehicle shall be equipped with a fire extinguisher as required in 49 CFR part 393.

**Cross reference**—Weapons and explosives, § 6-130 et seq. (Ord. No. SRO-417-2013, § 16-64, 2-1-2013; Ord. No. SRO-428-2014, § 16-64, 1-1-2014)

**Sec. 16-65. Reserved.**

**Sec. 16-66. Projecting loads.**

When the load upon any vehicle extends to the rear four feet or more beyond the body of the vehicle there shall be displayed at the extreme rear end of the load, at the time specified in section 16-71, a red light or lantern plainly visible from a distance of at least 500 feet to the sides and rear. The red light or lantern required under this section shall be in addition to the red rear light required upon every vehicle. At any other time there shall be displayed at the extreme rear end of the load a red flag or cloth not less than 12 inches square and so hung that the entire area is visible to the driver of a vehicle approaching from the rear.

(Ord. No. SRO-417-2013, § 16-66, 2-1-2013; Ord. No. SRO-428-2014, § 16-66, 1-1-2014)

**Secs. 16-67—16-70. Reserved.**

**DIVISION 2. LIGHTS, LAMPS, REFLECTORS AND ILLUMINATING DEVICES**

**Sec. 16-71. When lamps required to be lighted.**

Every vehicle upon a highway within this Community at any time from sunset to sunrise and at any other time when there is not sufficient light to render clearly discernible persons and vehicles on the highway at a distance of 500 feet ahead shall display lighted lamps and illuminating devices as required by this article for different classes of vehicles, subject to exceptions with respect to parked vehicles as stated in this article.

(Ord. No. SRO-417-2013, § 16-71, 2-1-2013; Ord. No. SRO-428-2014, § 16-71, 1-1-2014)

**Sec. 16-72. Visibility distance and mounted height of lamps.**

(a) *Visibility.* When a requirement is set forth in this article as to the distance from which certain lamps and devices shall render objects visible or within which the lamps or devices shall be visible, such provisions shall apply during the times stated in section 16-71 in respect to a vehicle without load when upon a straight, level unlighted highway under normal atmospheric conditions unless a different time or condition is expressly stated.

(b) *Calculating lamp height.* When a requirement is set forth in this article as to the mounted height of lamps or devices it shall mean from the center of the lamps or device to the level ground upon which the vehicle rests without a load. (Ord. No. SRO-417-2013, § 16-72, 2-1-2013; Ord. No. SRO-428-2014, § 16-72, 1-1-2014)

**Sec. 16-73. Head lamps.**

(a) *Vehicles.* Every motor vehicle other than a motorcycle, ATV, or motor-driven cycle shall be equipped with at least two head lamps with at least one on each side of the front of the motor vehicle, which head lamps shall comply with the requirements and limitations set forth in this article.

(b) *Motorcycles.* Every motorcycle, ATV, and every motor-driven cycle shall be equipped with at least one and not more than two head lamps which shall comply with the requirements and limitations of this article.

(c) *Head lamp height.* Every head lamp upon every motor vehicle, including every motorcycle, ATV, and motor-driven cycle, shall be located at a height measured from the center of the head lamp of not more than 54 inches nor less than 24 inches to be measured from the center of the lamps or device to the level ground upon which the vehicle rests without a load. (Ord. No. SRO-417-2013, § 16-73, 2-1-2013; Ord. No. SRO-428-2014, § 16-73, 1-1-2014)

**Sec. 16-74. Tail lamps.**

(a) *Drawn vehicles.* Every motor vehicle, trailer, semitrailer and pole trailer and any other vehicle which is being drawn at the end of a train of

vehicles shall be equipped with at least one tail lamp mounted on the rear, which, when lighted as required by this article, shall emit a red light plainly visible from a distance of 500 feet to the rear, provided that in the case of a train of vehicles only the tail lamp on the rearmost vehicle need actually be seen from the distance specified.

(b) *Tail lamp height.* Every tail lamp upon every vehicle shall be located at a height of not more than 72 inches nor less than 15 inches to be measured from the center of the lamp to the level ground upon which the vehicle rests without a load.

(c) *License plate light.* Either a tail lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear license plate and render it clearly legible from a distance of 50 feet to the rear. Any tail lamp or tail lamps, together with any separate lamp for illuminating the rear license plate, shall be so wired as to be lighted whenever the headlamps or auxiliary driving lamps are lighted. (Ord. No. SRO-417-2013, § 16-74, 2-1-2013; Ord. No. SRO-428-2014, § 16-74, 1-1-2014)

**Sec. 16-75. Reflectors on new motor vehicles.**

(a) *Number.* Every new motor vehicle sold and operated upon a highway, other than a truck tractor, shall carry on the rear, either as a part of the tail lamps or separately, two red reflectors, except that every motorcycle and every motor-driven cycle shall carry at least one reflector, meeting the requirements of this section, and except that vehicles of the type mentioned in section 16-77 shall be equipped with reflector as required in those sections applicable thereto.

(b) *Height.* Every such reflector shall be mounted on the vehicle at a height not less than 20 inches nor more than 60 inches measured as set forth in section 16-72(b) and shall be of such size and characteristics and so mounted as to be visible at night from all distances within 300 feet to 50 feet from the vehicle when directly in front of lawful

upper beams of head lamps, except that visibility from a greater distance is required of reflectors on certain types of vehicles.

(Ord. No. SRO-417-2013, § 16-75, 2-1-2013; Ord. No. SRO-428-2014, § 16-75, 1-1-2014)

**Sec. 16-76. Reserved.**

**Sec. 16-77. Additional equipment required on certain vehicles.**

In addition to other equipment required in this article, the following vehicles shall be equipped as provided by this section under the conditions stated in section 16-78.

- (1) On every bus or truck, whatever its size, there shall be two reflectors on the rear, one at each side, and two stop lamps.
- (2) On every bus or truck 80 inches or more in over-all width, in addition to the requirements in subsection (a) of this section:
  - a. On the front, two clearance lamps, one at each side.
  - b. On the rear, two clearance lamps, one at each side.
  - c. On each side two side marker lamps, one at or near the front and one at or near the rear.
  - d. On each side, two reflectors, one at or near the front and one at or near the rear. If the vehicle exceeds 30 feet in length, the vehicle shall have a third side marker lamp at the midpoint between the front and rear marker lamp.
- (3) On every truck tractor:
  - a. On the front, two clearance lamps, one at each side.
  - b. On the rear, two stop lamps.
- (4) On every trailer or semitrailer having a gross weight in excess of 3,000 pounds:
  - a. On the front, two clearance lamps, one at each side.
  - b. On each side, two side marker lamps, one at or near the front and one at or near the rear. If the vehicle exceeds

30 feet in length, the vehicle shall have a third side marker lamp at the midpoint between the front and rear marker lamp.

- c. On each side, two reflectors, one at or near the front and one at or near the rear. If the vehicle exceeds 30 feet in length, the vehicle shall have a third reflector at the midpoint between the front and rear reflectors.
  - d. On the rear, two clearance lamps, one at each side, and two reflectors, one at each side, and two stop lamps.
- (5) On every pole trailer in excess of 3,000 pounds of gross weight:
    - a. On each side, one side marker lamp and one clearance lamp which may be in combination, to show to the front, side and rear.
    - b. On the rear of the pole trailer or load, two reflectors, one at each side.
  - (6) On every trailer, semitrailer or pole trailer weighing 3,000 pounds, gross, or less:
    - a. On the rear, two reflectors, one on each side.
    - b. If a trailer or semitrailer is so loaded or is of such dimensions as to obscure the stoplight on the towing vehicle, then the vehicle shall also be equipped with two stop lights.

(Ord. No. SRO-417-2013, § 16-77, 2-1-2013; Ord. No. SRO-428-2014, § 16-77, 1-1-2014)

**Sec. 16-78. Application of article.**

Those sections of this article, including sections 16-77 and 16-79 through 16-82, relating to clearance and marker lamps, reflectors and stop lamps, shall apply as stated in those sections to vehicles of the type therein enumerated, namely passenger buses, trucks, truck tractors and certain trailers, semitrailers and pole trailers, respectively, when operated upon any highway; and such vehicles shall be equipped as required and all lamp equipment required shall be lighted at the times mentioned in section 16-71, except that clearance and side marker lamps need not be lighted on a vehicle when operated where there is

sufficient light to render clearly discernible persons and vehicles on the highway at a distance of 500 feet.

(Ord. No. SRO-417-2013, § 16-78, 2-1-2013; Ord. No. SRO-428-2014, § 16-78, 1-1-2014)

**Sec. 16-79. Color of clearance lamps and reflectors.**

(a) *Front.* Front clearance lamps and those marker lamps and reflectors mounted on the rear or on the side near the front of a vehicle shall display or reflect an amber color.

(b) *Rear.* Rear clearance lamps and those marker lamps and reflectors mounted on the rear or on the sides near the rear of a vehicle shall display or reflect a red color.

(c) *Lamps.* All lighting devices and reflectors mounted on the rear of any vehicle shall display or reflect a red color, and the light illuminating the license plate or the light emitted by a backup lamp shall be white.

(Ord. No. SRO-417-2013, § 16-79, 2-1-2013; Ord. No. SRO-428-2014, § 16-79, 1-1-2014)

**Sec. 16-80. Mounting of reflectors and clearance and marker lamps.**

(a) *Height.* Reflectors when required by section 16-77 shall be mounted at a height not less than 24 inches and not higher than 60 inches above the ground on which the vehicle stands; except that if the highest part of the permanent structure of the vehicle is less than 24 inches, the reflector at that point shall be mounted as high as that part of the permanent structure will permit.

(b) *Pole trailers.* The rear reflectors on a pole trailer may be mounted on each side of the bolster or load.

(c) *Tail lamp.* Any required red reflector on the rear of a vehicle may be incorporated with the tail lamp, but the reflector shall meet all the other reflector requirements of this article.

(d) *Clearance lamps.* Clearance lamps shall be mounted on the permanent structure of the vehicle in such manner as to indicate its extreme width and as near the top thereof as practicable. Clearance lamps and side marker lamps may be

mounted in combination provided illumination is given as required by this section with reference to both.

(Ord. No. SRO-417-2013, § 16-80, 2-1-2013; Ord. No. SRO-428-2014, § 16-80, 1-1-2014)

**Sec. 16-81. Visibility of reflectors and clearance and marker lamps.**

(a) *Reflectors.* Every reflector upon any vehicle referred to in section 16-77 shall be of such size and characteristics and so maintained as to be readily visible at nighttime from all distances within 500 feet to 50 feet from the vehicle when directly in front of lawful upper beams of headlamps. Reflectors required to be mounted on the sides of the vehicle shall reflect the required color of light to the sides and those mounted on the rear shall reflect a red color to the rear.

(b) *Front and rear clearance lamps.* Front and rear clearance lamps shall be capable of being seen and distinguished under normal atmospheric conditions at the times lights are required at a distance of 500 feet from the front and rear, respectively, of the vehicle.

(c) *Side marker lamps.* Side marker lamps shall be capable of being seen and distinguished under normal atmospheric conditions at the times lights are required at a distance of 500 feet from the side of the vehicle on which mounted.

(Ord. No. SRO-417-2013, § 16-81, 2-1-2013; Ord. No. SRO-428-2014, § 16-81, 1-1-2014)

**Sec. 16-82. Lights obstructed.**

When motor and other vehicles are operated in combination during the times that lights are required, any lamp, except tail lamps, need not be lighted which, by reason of its location on a vehicle of the combination would be obscured by another vehicle of the combination. This section shall not affect the requirement that lighted clearance lamps be displayed on the front of the foremost vehicle required to have clearance lamps or all lights required on the rear of the rearmost vehicle of any combination shall be lighted.

(Ord. No. SRO-417-2013, § 16-82, 2-1-2013; Ord. No. SRO-428-2014, § 16-82, 1-1-2014)

**Sec. 16-83. Parked vehicles.**

(a) *Sufficient light.* When a vehicle is lawfully parked upon a street or highway during the hours between sunset and sunrise and in the event there is sufficient light to reveal any person or object within a distance of 500 feet upon the street or highway, no lights need be displayed upon the parked vehicles.

(b) *Insufficient light.* When a vehicle is parked or stopped upon a roadway or shoulder adjacent thereto, whether attended or unattended during the hours between sunset and sunrise and there is not sufficient light to reveal any person or object within a distance of 500 feet upon the highway, the vehicle so parked or stopped shall be equipped with one or more lamps which shall exhibit a white or amber light on the roadway side visible from a distance of 500 feet to the front of the vehicle and a red light visible from a distance of 500 feet to the rear. The foregoing provisions shall not apply to a motor-driven cycle.

(c) *Dim headlamps.* Any lighted headlamps upon a parked vehicle shall be depressed or dimmed.

(Ord. No. SRO-417-2013, § 16-83, 2-1-2013; Ord. No. SRO-428-2014, § 16-83, 1-1-2014)

**Sec. 16-84. Lamps on animal-drawn and other equipment or vehicles.**

All vehicles, including animal-drawn vehicles and including those referred to in section 16-52 (c) not specifically required by this article to be equipped with lamps, shall at the times specified in 16-71 be equipped with at least one lighted lamp or lantern exhibiting a white light visible from a distance of 500 feet to the front of the vehicle and with a lamp or lantern exhibiting a red light visible from a distance of 500 feet to the rear.

(Ord. No. SRO-417-2013, § 16-84, 2-1-2013; Ord. No. SRO-428-2014, § 16-84, 1-1-2014)

**Sec. 16-85. Spot and auxiliary lamps.**

(a) *Spot lamps.* A motor vehicle may be equipped with not to exceed one spot lamp and every lighted spot lamp shall be so aimed and used upon approaching another vehicle that no part of the

high-intensity portion of the beam will be directed to the left of the prolongation of the extreme left side of the vehicle nor more than 100 feet ahead of the vehicle. The requirements set forth in this subsection shall not apply to authorized emergency vehicles.

(b) *Fog lamps.* A motor vehicle may be equipped with not to exceed two fog lamps mounted on the front to a height not less than 12 inches nor more than 30 inches above the level surface upon which the vehicle stands and so aimed that when the vehicle is not loaded none of the high-intensity portion of the light to the left of the center of the vehicle shall, at a distance of 25 feet ahead, project higher than a level of four inches below the level of the center of the lamp from which it comes.

(c) *Passing lamps.* A motor vehicle may be equipped with not to exceed two auxiliary passing lamps mounted on the front at a height not less than 24 inches nor more than 42 inches above the level surface upon which the vehicle stands and every auxiliary passing lamp shall meet the requirements and limitations set forth in this division within this Community Code of Ordinances.

(d) *Driving lamps.* A motor vehicle may be equipped with not to exceed two auxiliary driving lamps mounted on the front at a height not less than 16 inches nor more than 42 inches above the level surface upon which the vehicle stands and every auxiliary driving lamp shall meet the requirements and limitations set forth in this division within this Community Code of Ordinances. (Ord. No. SRO-417-2013, § 16-85, 2-1-2013; Ord. No. SRO-428-2014, § 16-85, 1-1-2014)

**Sec. 16-86. Signal lamps and devices.**

(a) A motor vehicle when required under this chapter, shall be equipped with the following signal lamps or devices:

- (1) A stop lamp on the rear which shall emit a red light upon application of the service or foot brake and which may, but need not be incorporated with a tail lamp.
- (2) A lamp or lamps or mechanical signal device capable of clearly indicating any

intention to turn either to the right or to the left and which shall be visible both from the front and rear.

(b) A stop lamp shall be plainly visible and distinguishable from a distance of 100 feet to the rear both during normal daytime and at nighttime and a signal lamp or lamps indicating intention to turn shall be visible and distinguishable during daytime and nighttime from a distance of 100 feet both to the front and rear. When a vehicle is equipped with a stop lamp or other signal lamps, such lamps shall at all times be maintained in good working condition. No stop lamp or signal lamp shall project a glaring or dazzling light.

(c) All mechanical signal devices shall be self-illuminated when in use at the times mentioned in section 16-71.

(d) It is unlawful for any person to sell any new motor vehicle, including any motorcycle, ATV, or motor-driven cycle, in this Community or for any person to drive a vehicle on the highway unless it is equipped with a stop lamp meeting the requirements of this section. (Ord. No. SRO-417-2013, § 16-86, 2-1-2013; Ord. No. SRO-428-2014, § 16-86, 1-1-2014)

**Sec. 16-87. Fender, running-board and backup lamps.**

(a) *Side cowl or fender lamps.* A motor vehicle may be equipped with not more than two side cowl or fender lamps which shall emit an amber or white light without glare.

(b) *Courtesy lamps.* A motor vehicle may be equipped with not more than one running-board courtesy lamp on each side thereof which shall emit a white or amber light without glare.

(c) *Backup lamps.* A motor vehicle may be equipped with not more than two backup lamps either separately or in combination with other lamps, but a backup lamp shall not be lighted when the motor vehicle is in forward motion. (Ord. No. SRO-417-2013, § 16-87, 2-1-2013; Ord. No. SRO-428-2014, § 16-87, 1-1-2014)

**Sec. 16-88. Multiple lighting specifications.**

Except as provided in this article, the head lamps, the auxiliary driving lamp, the auxiliary passing lamp or combinations thereof on motor vehicles other than a motorcycle or motor-driven cycle shall be so arranged that selection may be made between distributions of light projected to different elevations, subject to the following requirements and limitations:

- (1) There shall be an uppermost distribution of light or composite beam, so aimed and of such intensity as to reveal persons and vehicles at a distance of at least 300 feet ahead for all conditions of loading.
- (2) There shall be a lowermost distribution of light, or composite beam, so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least 100 feet ahead, and under any condition of loading none of the high-intensity portion of the beam shall be directed to strike the eyes of an approaching driver.
- (3) Every new motor vehicle, other than a motorcycle or motor-driven cycle, which has multiple-beam road-lighting equipment, shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of light from the head lamps is in use, and shall not otherwise be lighted. Such indicator shall be so designed and located that when lighted it will be readily visible without glare to the driver of the vehicle so equipped.
- (4) A person may equip a motorcycle with a means of modulating the intensity of a head lamp between the higher and lower brightness at a rate of 200 to 280 cycles per minute. A person shall not modulate the head lamp beam during sunset to sunrise.

(Ord. No. SRO-417-2013, § 16-88, 2-1-2013; Ord. No. SRO-428-2014, § 16-88, 1-1-2014)

**Sec. 16-89. Multiple beam lighting equipment usage.**

When a motor vehicle is being operated on a roadway or shoulder adjacent thereto during sun-

set to sunrise, the driver shall use a distribution light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle subject to the following requirements and limitations:

- (1) When a driver of a vehicle approaches an oncoming vehicle within 500 feet, the driver shall use a distribution of light of composite beam so aimed that the glaring rays are not projected into the eyes of the oncoming driver. The lowermost distribution of light or composite beam specified in section 16-88(2) shall be deemed to avoid glare at all times, regardless of road contour and loading.
- (2) When the driver of a vehicle follows another vehicle within 200 feet to the rear, except when engaged in the act of overtaking and passing, the driver shall use a distribution of light permissible under this article other than the uppermost distribution of light specified in section 16-88(1).

(Ord. No. SRO-417-2013, § 16-89, 2-1-2013; Ord. No. SRO-428-2014, § 16-89, 1-1-2014)

#### **Sec. 16-90. Single-beam lights.**

Head lamps arranged to provide a single distribution of light shall be permitted on motor vehicles manufactured and sold prior to January 1, 1951, in lieu of multiple-beam and road-lighting equipment specified in this article if the single distribution of light complies with the following requirements and limitations:

- (1) The head lamps shall be so aimed that when the vehicle is not loaded none of the high intensity portion of the light shall be at a distance of 25 feet ahead or project higher than a level of five inches below the level of the center of the lamp from which it comes, and in no case higher than 42 inches above the level on which the vehicle stands at a distance of 75 feet ahead.

- (2) The intensity shall be sufficient to reveal persons and vehicles at a distance of at least 200 feet.

(Ord. No. SRO-417-2013, § 16-90, 2-1-2013; Ord. No. SRO-428-2014, § 16-90, 1-1-2014)

#### **Sec. 16-91. Alternate road-lighting equipment.**

Any motor vehicle may be operated under the conditions specified in 16-71 when equipped with two lighted lamps upon the front thereof capable of revealing persons and objects 75 feet ahead in lieu of lamps required in the previous section; however, at no time shall it be operated at a speed in excess of 20 miles per hour.

(Ord. No. SRO-417-2013, § 16-91, 2-1-2013; Ord. No. SRO-428-2014, § 16-91, 1-1-2014)

#### **Sec. 16-92. Number of driving lamps required, permitted.**

(a) *Number.* At all times specified in 16-71, at least two lighted lamps shall be displayed, one on each side at the front of every motor vehicle other than a motorcycle, ATV, or motor-driven cycle, except when the vehicle is parked subject to the regulations governing lights on parked vehicles.

(b) *Auxiliary lamps.* When a motor vehicle equipped with head lamps as required by this article is also equipped with any auxiliary lamps or a spot lamp or any other lamp on the front thereof projecting a beam of intensity greater than 300 candlepower, not more than a total of four of any such lamps on the front of a vehicle shall be lighted at any one time upon a highway. (Ord. No. SRO-417-2013, § 16-92, 2-1-2013; Ord. No. SRO-428-2014, § 16-92, 1-1-2014)

#### **Sec. 16-93. Special restrictions on lamps.**

(a) *Intensity of beam restricted.* Any lighted lamp or illuminating device upon a motor vehicle other than head lamps, spot lamps, auxiliary lamps or flashing front-direction signals which projects a beam of light of an intensity greater than 300 candlepower shall be so directed that no part of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than 75 feet from the vehicle.

(b) *Red and blue lights.* No person shall drive or move any vehicle or equipment upon any highway with any lamp or device thereon displaying a red or red and blue light visible from directly in front of the center thereof. Lights visible from the front of the vehicle shall be amber or white. This section shall not apply to authorized emergency vehicles.

(c) *Flashing lights.* Flashing lights are prohibited except on an authorized emergency vehicle, school bus, and tow trucks, as warning lights on disabled or parked vehicles or on any vehicle as a means for indicating a right or left turn. (Ord. No. SRO-417-2013, § 16-93, 2-1-2013; Ord. No. SRO-428-2014, § 16-93, 1-1-2014)

**Sec. 16-94. Head lamps on motor-driven cycles and ATV.**

The head lamp or head lamps upon every ATV and motor-driven cycle may be of the single-beam or multiple-beam type but in either event shall comply with the requirements and limitations as follows:

- (1) Every head lamp or head lamps on an ATV or motor-driven cycle shall be of sufficient intensity to reveal a person or a vehicle at a distance of not less than 100 feet when the ATV or motor-driven cycle is operated at any speed less than 25 miles per hour and at a distance of not less than 200 feet when the ATV or motor-driven cycle is operated at a speed of 25 or more miles per hour, and the motor-driven cycle shall be subject to the speed limitations in section 16-214.
- (2) In the event the ATV or motor-driven cycle is equipped with a multiple-beam head lamp or head lamps, the upper beam shall meet the minimum requirements set forth in subsection (a) of this section and shall not exceed the limitations set forth in section 16-88(1) and the lowermost beam shall meet the requirements applicable to a lowermost distribution of light as set forth in section 16-88(2).
- (3) In the event the ATV or motor-driven cycle is equipped with a single-beam lamp or lamps, the lamp or lamps shall be so

aimed that when the vehicle is loaded none of the high intensity portion of the light, at a distance of 25 feet ahead, shall project higher than the level of the center of the lamp from which it comes.

- (4) All ATV or motor-driven cycles shall be operated with at least one headlamp illuminated at all times.

(Ord. No. SRO-417-2013, § 16-94, 2-1-2013; Ord. No. SRO-428-2014, § 16-94, 1-1-2014)

**DIVISION 3. SEAT BELT REQUIREMENTS**

**Sec. 16-95. Restraint use for children who are at least nine years of age.**

(a) *Lap and shoulder belt.* A person shall not operate a motor vehicle operated on public highways within the Community, with any child passenger between the ages of 17 and nine inside the vehicle unless the child is properly secured in lap and shoulder belt.

(b) *Lap belt only.* Children between the ages of 17 and nine may be transported while restrained by a lap belt only when:

- (1) The vehicle is not equipped with lap and shoulder belts; or
- (2) Not including the driver's seat, the vehicle is equipped with one or more lap and shoulder belts that are all being used to properly restrain other children under the age of 18.

(c) *One child per seating position.* An operator of a motor vehicle shall ensure that no more than one child occupies each vehicle seating position equipped with a seat belt.

(d) *Pick up trucks.* Passengers under 18 years old must ride within the passenger compartment of a pickup truck except:

- (1) When accompanied by adult as participants in parades;
- (2) When the passenger is secured by a seat belt in a manufacturer-installed seat located outside the passenger compartment; or

- (3) When accompanied by an adult during wake or funeral-related activities.

(e) *Air bags.* Children under 13 years old shall not be placed in an air bag-equipped front seat unless the air bag has been disabled or no other seat is available.

(f) *Emergencies.* Motor vehicle operators are exempt from the requirements of subsections (a) through (e) of this section when transporting a child in a life threatening emergency, or when a child is being transported in an authorized emergency vehicle.

(g) *Determining child's age.* If a law enforcement officer stops a vehicle for an apparent violation of this section, the officer shall determine from the motor vehicle operator the age(s) of the unrestrained child or children within the vehicle.

(h) *Penalty.* The operator of any motorized vehicle shall be responsible for all passengers within the vehicle. An operator of any motorized vehicle who violates any provision of this section shall be subject to a civil penalty of \$40.00. An operator may be separately responsible for each unrestrained passenger that may arise from the same incident. If the violation was based upon an operator who is the parent or guardian of a child who failed to secure a child under nine) years of age, the court may waive the fine upon sufficient proof of purchase and installation of a child restraint system into the registered vehicle of that parent or guardian that meets Federal Motor Vehicle Safety Standards, if that parent or guardian has no prior violations for this offense. (Ord. No. SRO-417-2013, § 16-95, 2-1-2013; Ord. No. SRO-428-2014, § 16-95, 1-1-2014)

**Sec. 16-96. Restraint use for children under nine years of age.**

(a) *Passenger child restraint system.* A person shall not transport a child under nine years old in a motor vehicle on the public highways within the Community unless the child is correctly secured in an appropriate passenger child restraint system that is correctly installed and that meets or exceeds the requirements of the applicable federal motor vehicle safety standards.

(b) *Age of child.* If a law enforcement officer stops a vehicle for an apparent violation of this section, the officer shall determine from the motor vehicle operator the age(s) of the unrestrained child or children within the vehicle.

(c) *Penalty.* The operator of any motorized vehicle shall be responsible for all children within the vehicle. An operator of any motorized vehicle who violates any provision of this section shall be subject to a civil penalty of \$40.00. An operator may be separately responsible for each unrestrained child that may arise from the same incident. If the violation was based upon an operator who is the parent or guardian of a child who failed to secure a child under nine years of age, the court may waive the fine upon sufficient proof of purchase and installation of a child restraint system into the registered vehicle of that parent or guardian that meets Federal Motor Vehicle Safety Standards, if that parent or guardian has no prior violations for this offense. (Ord. No. SRO-417-2013, § 16-96, 2-1-2013; Ord. No. SRO-428-2014, § 16-96, 1-1-2014)

**Sec. 16-97. Operator and passenger seat belt use.**

(a) *Restraint.* All operators and passengers of motor vehicles being operated on public roadways, streets and highways within the Community shall be restrained correctly in a vehicle seat by the appropriate manufacturer's installed seat belt device.

(b) *Operator.* The operator of a motor vehicle being operated on public roadways, streets and highways within the Community, shall ensure that all passengers be properly restrained.

(c) *Exceptions to this section shall be limited to the following:*

- (1) A person who operates a motor vehicle that was originally manufactured without a passenger restraint devices;
- (2) A person who must transport a child in a life threatening situation to obtain necessary medical care;
- (3) Police, fire, and emergency medical personnel responding to emergencies;

- (4) A person possessing a written statement from a physician that the person is unable for medical or psychological reasons to wear a lap and shoulder belt or lap belt or is wheel-chair bound; or
- (5) United States postal carrier in the performance of official duties.

(d) *Penalty.* The operator of any motorized vehicle shall be responsible for all passengers within the vehicle. A driver who violates any provision of this chapter shall be subject to a civil penalty of \$40.00. A driver may be separately responsible for each unrestrained passenger that may arise from the same incident. Any adult passenger within a motor vehicle who violates any provision of this chapter shall be subject to a civil penalty of \$40.00.  
(Ord. No. SRO-417-2013, § 16-97, 2-1-2013; Ord. No. SRO-428-2014, § 16-97, 1-1-2014)

**Secs. 16-98—16-100. Reserved.**

**ARTICLE IV. SIZE, WEIGHT AND LOAD**

**Sec. 16-101. Effect and scope.**

(a) *Prohibitions.* It is a violation of this section for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or vehicles of a size or weight exceeding the limitations stated in this article, or otherwise in violation of this article, and the fact that a vehicle is within the maximum size and weight of vehicles specified in this article shall have no power or authority to alter the limitations except as express authority may be granted by this article. Any person who violates this section is subject to civil penalties as provided in this chapter.

(b) *Exceptions.* The provisions of this article governing size shall not apply to authorized emergency vehicles, fire apparatus, road machinery, or to implements of husbandry, including farm tractors, temporarily moved upon a highway, or to a vehicle operated under the terms of a special permit issued as provided by this article.  
(Ord. No. SRO-417-2013, § 16-101, 2-1-2013; Ord. No. SRO-428-2014, § 16-101, 1-1-2014)

**Sec. 16-102. Council's power to restrict weight of vehicles.**

(a) *Prohibitions.* The council may prohibit the operation of vehicles upon the highway or impose restrictions as to the weight of vehicles to be operated upon such highway, for a total period not to exceed 90 days in any one calendar year, when such highway, by reason of deterioration, rain, snow or other climatic conditions, will be seriously damaged or destroyed unless the use of vehicles thereon is prohibited or the permissible weights thereof reduced.

(b) *Signs.* The council must erect or cause to be erected and maintained signs designating the restrictions as to the weight of vehicles upon a highway or prohibition of the use of the highway.

(c) *Commercial vehicles.* The council may also prohibit the operation of trucks or other commercial vehicles, or may impose limitations as to the weight thereof, on designated highways, which prohibitions and limitations shall be designated by appropriate signs placed on the highways.

(d) *Weight.* The council may impose restrictions as to the weight of vehicles operated upon any Community highway, and such restrictions shall be effective when signs giving notice thereof are erected upon the highway.  
(Ord. No. SRO-417-2013, § 16-102, 2-1-2013; Ord. No. SRO-428-2014, § 16-102, 1-1-2014)

**Sec. 16-103. Liability for damage resulting from overweight load.**

(a) *Illegal operation.* Any person driving any vehicle, object or contrivance upon any highway or highway structure shall be liable for all damage which the highway or structure may sustain as a result of any illegal operation, driving or moving of the vehicle, object or contrivance, or as a result of operating, driving or moving any vehicle, object or contrivance weighing in excess of the maximum weight of this article, but authorized by a special permit issued as provided in section 16-113.

(b) *Liability.* When the driver is not the owner of the vehicle, object or contrivance, but the driver is operating, driving or moving the same with the

express or implied permission of the owner, then the owner and driver shall be jointly and severally liable for any damage.

(c) *Civil action.* Such damage may be recovered in a civil action brought by the Community. (Ord. No. SRO-417-2013, § 16-103, 2-1-2013; Ord. No. SRO-428-2014, § 16-103, 1-1-2014)

#### **Sec. 16-104. Width of vehicle and load.**

(a) *Outside width.* The total outside width of any vehicle or the load thereon shall not exceed eight feet, except as otherwise provided in the section.

(b) *Pneumatic tires.* When pneumatic tires, in substitution for the same type or other type of tires, are placed upon vehicles in operation on July 1, 1950, the maximum width from the outside of one wheel and tire to the outside of the opposite wheel and tire shall not exceed eight feet, six inches, but in such event the outside width of the body of the vehicle or load thereon shall not exceed eight feet.

(c) *Federal regulations.* Upon enactment of federal regulations allowing the operation of vehicles up to 102 inches in width on the interstate system, the council may designate highways to conform with federal regulations. (Ord. No. SRO-417-2013, § 16-104, 2-1-2013; Ord. No. SRO-428-2014, § 16-104, 1-1-2014)

#### **Sec. 16-105. Projecting loads on passenger vehicles.**

No passenger-type vehicle shall be operated on any highway with any load carried thereon extending beyond the line of the fenders on the left side of the vehicle and extending more than six inches beyond the line of the fenders on the right side thereof.

(Ord. No. SRO-417-2013, § 16-105, 2-1-2013; Ord. No. SRO-428-2014, § 16-105, 1-1-2014)

#### **Sec. 16-106. Height and length of vehicles and loads.**

(a) *Height.* No vehicle, including any load thereon, shall exceed a height of 13 feet six inches.

(b) *Length.* No vehicle, including any load thereon, shall exceed a length of 40 feet, extreme overall dimension, inclusive of front and rear bumpers. This provision shall not apply to a semitrailer as defined in this chapter when used in combination with a truck tractor, but such combination shall not exceed the length of combinations of vehicles as set forth in subsection (c) of this section.

(c) *Combination of vehicles.* No combination of vehicles coupled together shall consist of more than two units except that a truck tractor and semitrailer will be permitted to haul one full trailer and no such combination of vehicles shall exceed a total length of 65 feet. (Ord. No. SRO-417-2013, § 16-106, 2-1-2013; Ord. No. SRO-428-2014, § 16-106, 1-1-2014)

#### **Sec. 16-107. Length of load projection.**

(a) *Length limit.* Subject to provisions of sections 16-101 through 16-106, limiting the length of vehicles and loads, the load upon any vehicle operated alone or the load upon the front vehicle of a combination of vehicles shall not extend more than three feet beyond the foremost part of the vehicle, and the load upon any vehicle operated alone or the load upon the rear vehicle of a combination of vehicles shall not extend more than six feet beyond the rear of the bed or body of the vehicle. The extensions beyond the front and rear of the vehicle in this section are not included for determining the length of the vehicle under section 16-106.

(b) *Pole trailers.* The limitations as to length of vehicles and loads set forth in section 16-106 and subsection (a) of this section shall not apply to any load upon a pole trailer as defined in this chapter when transporting poles or pipes or structural material which cannot be dismembered, provided that no pole or pipe or other material exceeding 80 feet in length shall be so transported unless a permit has first been obtained as authorized in section 16-113.

(Ord. No. SRO-417-2013, § 16-107, 2-1-2013; Ord. No. SRO-428-2014, § 16-107, 1-1-2014)

**Sec. 16-108. Loads and covers to be secured.**

(a) No vehicle shall be driven or moved on any highway unless the vehicle is so constructed or loaded as to prevent any of its load from dropping, shifting, leaking, or otherwise escaping there from, except the following are permitted:

- (1) Sufficient sand may be dropped for the purpose of securing traction;
- (2) Water or other substance may be applied on a roadway in cleaning, dust control or maintaining the roadway;
- (3) Minor pieces of agricultural materials such as leaves and stems from agricultural loads.

(b) No person shall operate on any highway a vehicle with any load unless the load and any covering thereon is securely fastened so as to prevent the covering or load from becoming loose, detached or in any manner a hazard to other users of the highway.

(Ord. No. SRO-417-2013, § 16-108, 2-1-2013; Ord. No. SRO-428-2014, § 16-108, 1-1-2014)

**Sec. 16-109. Towed vehicles.**

(a) *Connection strength.* When one vehicle is towing another, the drawbar or other connection shall be of sufficient strength to pull all weight towed by the vehicle and the drawbar or other connection shall not exceed 15 feet from one vehicle to the other, except the connection be-

tween any two vehicles transporting poles, pipe, machinery or other object of structural nature which cannot readily be dismembered.

(b) *Flag displayed.* When one vehicle is towing another and the connection consists of a chain, rope or cable, there shall be displayed upon the connection a white flag or cloth not less than 12 inches square.

(Ord. No. SRO-417-2013, § 16-109, 2-1-2013; Ord. No. SRO-428-2014, § 16-109, 1-1-2014)

**Sec. 16-110. Single-axle load limit.**

(a) *Gross weight.* The gross weight imposed on the highway by the wheels of any one axle of a vehicle shall not exceed 20,000 pounds, provided that the council may in accordance with the provisions of section 16-113 issue a special permit for the purpose of moving from job to job within the Community, and from job to place of servicing and return within the Community, road machinery which exceeds the maximum weight specified in this section.

(b) *Axle load.* For the purposes of this article, an axle load means the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes 40 inches apart, extending across the full width of the vehicle.

(c) *Special permits.* This section shall not be construed to limit in any manner the power of the council to issue special permits pursuant to the provisions of section 16-113.

---

(d) *Punishment-fines.* A person convicted of violating this provision shall be punished by a fine, the maximum of which shall be \$2,500.00 and the minimum of which shall be set forth in the following table:

<i>If the excess weight is</i>	<i>The minimum fine shall be:</i>
1,000 to 2,000 pounds	\$100.00
2,001 to 3,000 pounds	\$200.00
3,001 to 4,000 pounds	\$300.00
4,001 to 5,000 pounds	\$400.00
5,001 pounds and over	\$500.00

(Ord. No. SRO-417-2013, § 16-110, 2-1-2013; Ord. No. SRO-428-2014, § 16-110, 1-1-2014)

**Sec. 16-111. Gross weight of vehicles and loads.**

(a) *Limits set out—Up to 18 feet.* Subject to the limit upon the weight imposed upon the highway through any one axle as set forth in the previous section, the total gross weight with load imposed upon the highway by any one group of two or more consecutive axles of a vehicle or combination of vehicles shall not exceed the gross weight given for the respective distance between the first and last axle of the group of axles measured longitudinally to the nearest foot as set forth in the following table:

<i>Distance between first and last axles of group (feet)</i>	<i>Allowed load on ground of axles (pounds)</i>
4	32,000
5	32,000
6	32,200
7	32,900
8	33,600
9	34,300
10	35,000
11	36,400
12	37,100
13	43,200
14	43,200
15	44,000
16	44,800
17	45,600
18	46,400

(b) *Same—Over 18 feet.* The total gross weight with load imposed on the highway by any vehicle or combination of vehicles where the distance between the first and last axles is more than 18 feet shall not exceed that given for the respective distances in the following table:

<i>Distance in Feet</i>	<i>Allowed Load in Pounds</i>
18	46,400
19	47,200
20	48,000
21	48,800
22	49,600
23	50,400
24	51,200
25	55,250
26	56,100
27	56,950
28	57,800
29	58,650
30	59,500
31	60,350
32	61,200
33	62,050
34	62,900

<i>Distance in Feet</i>	<i>Allowed Load in Pounds</i>
35	63,750
36	64,600
37	65,450
38	66,300
39	68,000
40	70,000
41	72,000
42—51	73,280
52	73,600
53	74,400
54	75,200
55	76,000
56 and over	76,800

(c) *How distance measured.* The distance between axles shall be measured to the nearest even foot. When a fraction is exactly one-half foot, the next larger whole number shall be used.

(d) *Punishment fines.* A person convicted of violating this provision shall be punished by a fine, the maximum of which shall be \$2,500.00 and the minimum of which shall be set forth in the following table:

<i>If the excess weight is</i>	<i>The minimum fine shall be:</i>
1,000 to 2,000 pounds	\$100.00
2,001 to 3,000 pounds	\$200.00
3,001 to 4,000 pounds	\$300.00
4,001 to 5,000 pounds	\$400.00
5,001 pounds and over	\$500.00

(e) *Axle weight violations.* If the officer finds that the person has violated only the axle weight limitation and not the total weight limitation, the officer shall request the driver to reload the vehicle to comply with the axle weight limitations; and if the driver so complies, the driver shall not be subject to a fine. If the driver does not comply with the request of the officer to reload, the driver shall be subject to a fine as provided in subsection (d) of this section.

**Cross reference**—Size, weight and load, §§ 16-101—16-113.  
(Ord. No. SRO-417-2013, § 16-111, 2-1-2013; Ord. No. SRO-428-2014, § 16-111, 1-1-2014)

**Sec. 16-112. Community officers authorized to stop vehicles, weigh and require removal of excess weight.**

(a) *Stops authorized.* A police officer having reason to believe that the weight of a vehicle and load is unlawful is authorized to require the

driver to stop and submit to a weighing of the same by means of either portable or stationary scales and may require that the vehicle be driven to the nearest scales in the event such scales are within two miles.

(b) *Load removal.* When a police officer, upon weighing a vehicle and load as provided in subsection (a) of this section, determines that the weight is unlawful, the officer may require the driver to stop the vehicle in a suitable place and remain standing until such portion of the load is removed as may be necessary to reduce the gross weight of the vehicle to the limit as permitted under this article. All material so unloaded shall be cared for by the owner or operator of the vehicle at the wish of the owner or operator.

(c) *Refusing to stop.* Any driver of a vehicle who fails or refuses to stop and submit the vehicle and load to a weighing, or who fails or refuses

when directed by an officer upon a weighing of the vehicle to stop the vehicle and otherwise comply with the provisions of this section is guilty of a criminal offense.

(Ord. No. SRO-417-2013, § 16-112, 2-1-2013; Ord. No. SRO-428-2014, § 16-112, 1-1-2014)

**Sec. 16-113. Permit for excess size and weight.**

(a) *Council authorized to grant.* The council may, in its discretion, upon application in writing and good cause being shown therefore, issue a special permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified in this article or otherwise not in conformity with the provisions of this chapter upon Community highways.

(b) *Contents of application.* The application for any such permit shall specifically describe the vehicle or vehicles and load to be operated or moved and the particular highways for which permit to operate is requested, and whether the permit is requested for a single trip or for continuous operation.

(c) *Limitations on permit.* The council is authorized to issue or withhold the permit at its discretion. If the permit is issued, the council may limit the number of trips, establish seasonal or other time limitations within which the vehicles described may be operated on the highways indicated or otherwise limit or prescribe conditions of operation of the vehicle or vehicles, when necessary to assure against undue damage to the road foundations, surfaces or structures, and may require such undertaking or other security as may be deemed necessary to compensate for any injury to any roadway or road structure.

(d) *Permit to be carried, displayed.* Such a permit shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any law enforcement officer and no person shall violate any of the terms or conditions of the special permit.

(e) *Fees.* The following fees shall be assessed for each permit issued in accordance with the provisions of this section:

- (1) For a single trip and one load—\$100.00.

- (2) For 30 days—\$300.00.

(f) *Government vehicles exempt.* No fees shall be assessed for any permit issued in accordance with the provisions of this section for the movement of vehicles or combination of vehicles owned by the United States or the Community, federally recognized Indian tribes, the State of Arizona or any political subdivision thereof.

(Ord. No. SRO-417-2013, § 16-113, 2-1-2013; Ord. No. SRO-428-2014, § 16-113, 1-1-2014)

**Secs. 16-114—16-120. Reserved.**

**ARTICLE V. TRAFFIC-CONTROL DEVICES**

**Sec. 16-121. Council authorized to place signs on all Community highways.**

The council shall designate a Community agency to adopt a manual and specifications for a uniform system of traffic control devices for use on highways within the Community. The designated Community agency will have the authority to place and maintain signs according to the manual and specifications adopted. The goal of placing and maintaining the traffic devices on the highways of the Community is for the purpose of regulating, guiding, or warning traffic.

(Ord. No. SRO-417-2013, § 16-121, 2-1-2013; Ord. No. SRO-428-2014, § 16-121, 1-1-2014)

**Sec. 16-122. Obedience to devices required; exceptions.**

(a) *Traffic control device.* The driver of any vehicle shall obey the instructions of any official traffic-control device applicable thereto placed in accordance with the provisions of this chapter, unless otherwise directed by a police officer, subject to the exemptions granted to a driver of an authorized emergency vehicle in this chapter.

(b) *Gore area.* The driver of any vehicle shall not drive over or across or park in any part of a gore area. This subsection does not apply to the driver of a vehicle that is disabled while on the paved or main traveled portion of a highway in a manner and to an extent that it is impossible to

avoid stopping and temporarily leaving the disabled vehicle in that position. For the purpose of this subsection, the term "gore area" means the area that is between a through roadway and an entrance ramp or exit ramp and that is defined by two wide solid white lines that guide traffic entering or exiting a roadway. Gore area does not include a safety zone. The restriction in this subsection shall not apply to a driver of an authorized emergency vehicle in this chapter or if the driver is directed by a police officer.

(c) *Signage.* No provision of this chapter for which signs are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. When a particular section does not state that signs are required, that section shall be effective even though no signs are erected or in place. (Ord. No. SRO-417-2013, § 16-122, 2-1-2013; Ord. No. SRO-428-2014, § 16-122, 1-1-2014)

**Sec. 16-123. Signal legend.**

(a) When traffic is controlled by traffic control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination, only the colors green, red, and yellow shall be used, except for special pedestrian signals carrying a word or symbol legend, and such lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

(1) Green indication:

- a. Vehicular traffic facing a green signal may proceed straight through or turn right or left unless a sign at that place prohibits either turn. Vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the same time the signal is exhibited.
- b. Vehicular traffic facing a green arrow signal, shown along or in combination with another indication, may cautiously enter the intersection only

to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

- c. Unless otherwise directed by a pedestrian control signal, as provided in section 16-127, pedestrians facing any green signal, except if the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.

(2) Steady yellow indication:

- a. Vehicular traffic facing a steady yellow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection.
- b. Pedestrians facing a steady yellow signal, unless otherwise directed by a pedestrian control signal as provided in section 16-127, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.

(3) Red indication:

- a. Vehicular traffic facing a steady red signal alone shall stop at a clearly marked stop line; but if none, before entering the crosswalk on the near side of the intersection; or if none, then before entering the intersection, and shall remain standing until an indication to proceed is shown except as provided in subdivisions (b) and (c) of this subsection.
- b. The driver of a vehicle which is stopped as close as practicable at the entrance to the crosswalk on the

near side of the intersection or, if there is no crosswalk, then at the entrance to the intersection, in obedience to a red signal may make a right turn, but shall yield the right-of-way to pedestrians and other traffic proceeding as directed by the signal. Right turns may be prohibited against a red signal at any intersection when a sign is erected at the intersection prohibiting such turn.

- c. The driver of a vehicle on a one-way street which intersects another one-way street on which traffic moves to the left shall stop in obedience to a red signal, but may then make a left turn into such one-way street, but shall yield the right-of-way to pedestrians and other traffic proceeding as directed by the signal at the intersection, except that any such left turn as above described may be prohibited when a sign is erected at such intersection giving notice thereof.
- d. Unless otherwise directed by a pedestrian control signal as provided in section 16-127, pedestrians facing a steady red signal alone shall not enter the roadway.

(b) If an official traffic control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of a sign or marking the stop shall be made at the signal.

**Cross reference**—Pedestrians' rights and duties, §§ 16-281—16-287.

(Ord. No. SRO-417-2013, § 16-123, 2-1-2013; Ord. No. SRO-428-2014, § 16-123, 1-1-2014)

#### **Sec. 16-124. Flashing signals.**

When an illuminated flashing red or yellow signal is used in a traffic sign or signal, it shall require obedience by vehicular traffic as follows:

- (1) *Flashing red stop signal.* When a red lens is illuminated with rapid intermittent

flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked or if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

- (2) *Flashing yellow caution signal.* When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past the signal only with caution.

(Ord. No. SRO-417-2013, § 16-124, 2-1-2013; Ord. No. SRO-428-2014, § 16-124, 1-1-2014)

#### **Sec. 16-125. Stop signs and yield signs.**

(a) *Council's authority to place.* The council or a Community agency designated by council, with reference to Community highways, may designate through highways and erect stop or yield signs at specified entrances thereto or may designate any intersection as a stop or yield intersection and erect like signs at one or more entrances to the intersection.

(b) *Specifications.* Every stop sign shall bear the word "stop" in letters not less than six inches in height. Every yield sign shall bear the word "yield" in letters not less than three inches in height. The sign shall at nighttime be rendered luminous by steady or flashing internal illumination or by efficient reflecting elements on the face of the sign.

(c) *Placement.* Every stop sign and every yield sign shall be erected as near as practicable to the nearest line of the crosswalk, then as close as practicable to the nearest line of the intersecting roadway.

(d) *Obedience to stop sign.* Every driver of a vehicle approaching a stop sign shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, shall stop at a clearly marked stop line, but if none, then at the point nearest the intersection roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection except when directed to proceed by a police officer or traffic-control signal.

(e) *Obedience to yield sign.* The driver of a vehicle approaching a yield sign shall, in obedience to such sign, slow down to a speed reasonable for the existing conditions and shall yield the right-of-way to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection, provided that if such driver is involved in a collision with a vehicle in the intersection, after driving past a yield sign without stopping, such collision shall be deemed prima facie evidence of the driver's failure to yield the right-of-way. (Ord. No. SRO-417-2013, § 16-125, 2-1-2013; Ord. No. SRO-428-2014, § 16-125, 1-1-2014)

**Sec. 16-126. Reserved.**

**Sec. 16-127. Pedestrian control signals.**

(a) When special pedestrian control signals exhibiting the words "walk" or "don't walk" or a symbol of a walking person that symbolizes the word "walk" or a symbol of an upraised hand that symbolizes the words "don't walk" are in place, the signals shall indicate as follows:

- (1) *Walk.* Pedestrians facing the signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of vehicles.
- (2) *Don't walk.* No pedestrian shall start to cross the roadway in the direction of the signal, but any pedestrian who has partially completed his or her crossing on the walk signal shall proceed to a sidewalk or safety island while the "don't walk" signal is showing.

(b) A pedestrian shall not loiter or unduly delay crossing the roadway after traffic has stopped to give the right-of-way.

**Cross reference**—Pedestrians' rights and duties, §§ 16-281—16-287. (Ord. No. SRO-417-2013, § 16-127, 2-1-2013; Ord. No. SRO-428-2014, § 16-127, 1-1-2014)

**Sec. 16-128. Construction or road work site warning devices.**

Any contractor, firm, corporation or political subdivision performing work on roads, streets or

highways shall post and maintain at the work site, until the work is completed or until such time as the governing body authorizes removal, such warning signs, signals, markers and barricades in compliance with the manual and specifications for uniform system of traffic control devices adopted pursuant to section 16-121, to warn those using such streets, roads or highways.

**Cross reference**—Construction of roadways, §§ 17-41—17-47. (Ord. No. SRO-417-2013, § 16-128, 2-1-2013; Ord. No. SRO-428-2014, § 16-128, 1-1-2014)

**Sec. 16-129. Injuring, defacing, traffic-control or warning signs.**

(a) *Prohibition.* No person shall without lawful authority attempt to or in fact alter, deface, injure or knock down any official traffic-control device thereon or any other part thereof.

(b) *Preemption emitter.* A person shall not possess a traffic preemption emitter unless the person is authorized to possess a traffic preemption emitter within the course and scope of the person's duties with a law enforcement agency, fire department, ambulance service or agency of the federal government, federally recognized Indian Tribe, or the State of Arizona or a political subdivision of Arizona.

**Cross reference**—Injury to public property, § 6-101. (Ord. No. SRO-417-2013, § 16-129, 2-1-2013; Ord. No. SRO-428-2014, § 16-129, 1-1-2014)

**Secs. 16-130—16-140. Reserved.**

**ARTICLE VI. OPERATION OF VEHICLES**

**DIVISION 1. GENERALLY**

**Sec. 16-141. Operation of vehicles by non-members on land other than Community roadways.**

(a) *Prohibited.* No person, except members of the Community, employees of the United States government, or employees of the Community, may operate any motor-driven vehicle on any land within the Community except over highways as defined by this chapter.

(b) *Impoundment of vehicle; notification of owner.* If any vehicle is operated in violation of this section, the vehicle shall be impounded by a police officer of the Community and shall be kept at a place of storage within the Community. Within 15 days of the date of impoundment, notice by certified mail, return receipt requested, shall be sent to the registered owner and the lienholder of the vehicle impounded informing such owner of the time and place of a hearing to determine whether the vehicle was operated in violation of the section and what, if any, damages resulted from such operation. The notice will be sent by the police department and a record of the notice will be kept by the police department and Community court.

(c) *Hearing.* After a hearing, if the court determines that the vehicle was being unlawfully operated and caused damages, the court shall enter its judgment determining such illegal operation and the amount of damages caused and ordering that the police department shall hold the vehicle until the owner of the vehicle pays to the court for the benefit of the Community the amount of damages which the court has determined was caused by the unlawful operation of the vehicle, or the value of the vehicle, whichever is the lesser. A copy of the court's judgment shall be forwarded to the owner of the vehicle within three days of the issuance of the judgment.

(d) *Sale of vehicle for recovery of damages.* Any judgment by the court under this section finding illegal operation and damages shall provide that unless payment of the damages as provided for herein is made within 30 days after the entry of judgment, the vehicle will be sold at public auction after reasonable notice by certified mail to the owner of the vehicle of said sale. Upon payment of such amount within 30 days, the vehicle will be returned to the owner. The proceeds of the sale necessary for the satisfaction of the judgment shall be paid by the clerk of the court to the Community for the benefit of the beneficial owners of the land damaged, and any excess over such judgment shall be paid first to satisfy the expenses incurred by the court and the police department in the impoundment and hearing proceedings and second to the owner of the vehicle.

(e) *Release of vehicle on posting of bond.* In the event the owner of the vehicle posts a cash bond with the clerk of the Community court in an amount equal to the value of the vehicle, prior to the hearing required by this section, the vehicle will be returned to such owner at the time of the posting of the bond. The value of the vehicle shall be determined from any commercially recognized valuation periodical by the clerk of the court. In the event the owner of the vehicle objects to the value set by the clerk of the court, the judge of the Community court shall make such determination upon affidavits submitted by the owner of the vehicle and the police chief of the Community. (Ord. No. SRO-417-2013, § 16-141, 2-1-2013; Ord. No. SRO-428-2014, § 16-141, 1-1-2014)

**Sec. 16-142. Driving on right side of roadway; exceptions.**

(a) Upon all roadways of sufficient width, a vehicle shall be driven upon the right half of the roadway, except as follows:

- (1) When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement.
- (2) When the right half of a roadway is closed to traffic while under construction or repair.
- (3) Upon a roadway divided into three marked lanes for traffic under the rules applicable thereon.
- (4) Upon a roadway designated and signposted for one-way traffic.

(b) Upon all roadways, any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway. (Ord. No. SRO-417-2013, § 16-142, 2-1-2013; Ord. No. SRO-428-2014, § 16-142, 1-1-2014)

**Sec. 16-143. Driving on roadways laned for traffic and rotary traffic islands.**

(a) When any roadway has been divided into two or more clearly marked lanes for traffic, the following rules in addition to others consistent with this section shall apply:

- (1) A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from that lane until the driver has first ascertained that the movement can be made with safety.
- (2) Upon a roadway which is divided into three lanes, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle where the roadway is clearly visible and the center lane is clear of traffic within a safe distance, or in preparation for a left turn or where the center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is signposted to give notice of the allocation.
- (3) Official signs may be erected directing slow-moving traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway and drivers of vehicles shall obey the directions of every sign.

(b) A person shall drive a vehicle passing around a rotary traffic island only to the right of the island.  
(Ord. No. SRO-417-2013, § 16-143, 2-1-2013; Ord. No. SRO-428-2014, § 16-143, 1-1-2014)

**Sec. 16-144. Driving on divided highways.**

When any highway has been divided into two roadways by leaving an intervening space or by a physical barrier or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right-hand roadway, and no vehicle shall be driven over, across or within the dividing space, barrier or section, except through an opening in the physical

barrier or dividing section or space or at a cross-over or intersection established by public authority.

(Ord. No. SRO-417-2013, § 16-144, 2-1-2013; Ord. No. SRO-428-2014, § 16-144, 1-1-2014)

**Sec. 16-145. Drivers on controlled access roadways to use only authorized entrances and exits.**

No person shall drive a vehicle onto or from any controlled access roadway except at entrance and exits established by public authority.

(Ord. No. SRO-417-2013, § 16-145, 2-1-2013; Ord. No. SRO-428-2014, § 16-145, 1-1-2014)

**Sec. 16-146. Driving on mountain highways.**

The driver of a motor vehicle traveling through canyons or on mountain highways shall hold the motor vehicle under control and as near the right-hand edge of the roadway as safely as possible.

(Ord. No. SRO-417-2013, § 16-146, 2-1-2013; Ord. No. SRO-428-2014, § 16-146, 1-1-2014)

**Sec. 16-147. Moving parked vehicle.**

No person shall move a vehicle which is stopped, standing or parked unless and until the movement can be made with reasonable safety.

(Ord. No. SRO-417-2013, § 16-147, 2-1-2013; Ord. No. SRO-428-2014, § 16-147, 1-1-2014)

**Sec. 16-148. Motorcycle, motor-driven cycle, and ATV riders and passengers to ride only on designated seats.**

A person operating a motorcycle, motor-driven cycle, or ATV's shall ride only upon the permanent and regular seat attached thereto, and the operator shall not carry any other person nor shall any other person ride on a motorcycle, motor-driven cycle, or all-terrain vehicle unless the motorcycle, motor-driven cycle, or all-terrain vehicle is designed to carry more than one person, in which event a passenger may ride upon the

permanent and regular seat if designed for two persons, or upon another seat firmly attached to the rear or side of the operator.

(Ord. No. SRO-417-2013, § 16-148, 2-1-2013; Ord. No. SRO-428-2014, § 16-148, 1-1-2014)

**Sec. 16-149. Operation of vehicles upon approach of authorized emergency vehicle.**

(a) Upon the immediate approach of an authorized emergency vehicle equipped with at least one lighted lamp exhibiting red or red and blue light visible under normal atmospheric conditions from a distance of 500 feet to the front of the vehicle when operated as an authorized emergency vehicle, and when the driver is giving audible signal by siren, exhaust whistle or bell:

- (1) The driver of every vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection, and shall stop and remain in that position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.
- (2) The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than 500 feet or drive into or park the vehicle within the block where fire apparatus has stopped in answer to a fire alarm.
- (3) This section shall not apply to an authorized emergency vehicle operating with activated emergency lights and siren.

(b) When a police vehicle in motion is giving a visual signal with at least one lighted red or red and blue light or lens and is giving an audible signal by siren:

- (1) The driver of another vehicle shall not approach or drive parallel to the police vehicle.
- (2) The driver of another vehicle shall maintain a distance of three hundred feet behind any police vehicle involved in an

emergency until the police vehicle moves to the lane closest to the right-hand edge or curb of the highway.

(c) If a person who drives a vehicle approaches a stationary authorized emergency vehicle and the authorized emergency vehicle is giving a signal by displaying alternately flashing red or red and blue lights, the operator of the motor vehicle shall do either of the following:

- (1) If on a highway having at least four lanes with at least two lanes proceeding in the same direction as the approaching vehicle, proceed with due caution and if possible, with due regard to safety and traffic conditions, yield the right-of-way by making a lane change into a lane not adjacent to that of the authorized emergency vehicle; or
- (2) If changing lanes would be impossible or unsafe, proceed with due caution and reduce the speed of the vehicle, maintain a safe speed for road condition.

(d) This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

(Ord. No. SRO-417-2013, § 16-149, 2-1-2013; Ord. No. SRO-428-2014, § 16-149, 1-1-2014)

**Sec. 16-150. Operation of vehicle upon approach of school bus.**

(a) *Driver to stop when bus stops.* The driver of a vehicle on a highway, upon meeting or overtaking from either direction any school bus which has stopped on the highway for the purpose of receiving or discharging any school children, shall stop the vehicle before reaching the school bus and shall not proceed until the school bus resumes motion or until signaled by the driver to proceed.

(b) *School bus identification.* Every bus used for the transportation of school children shall bear upon the front and rear thereon a plainly visible sign containing the words "school bus" in letters not less than eight inches in height. When a school bus is being operated upon a highway for purposes other than the actual transportation of

children either to or from school, all markings thereon indicating "school bus" shall be covered or concealed.

(c) *Manual stop sign required for bus.* Every bus used for the transportation of school children shall be equipped with a signal with the word "stop" printed on both sides in white letters not less than five inches high on a red background. The signal shall not be less than 20 inches long and shall be manually operated by the operator of the school bus in such manner as to be clearly visible from both front and rear when extended from the left of the body of the bus. It shall be displayed only when passengers are being received or discharged from the bus.

(d) *Stop not required on divided highway.* The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway or when upon a controlled access highway and the school bus stopped in loading zone which is a part of or adjacent to the highway and where pedestrians are not permitted to cross the roadway. (Ord. No. SRO-417-2013, § 16-150, 2-1-2013; Ord. No. SRO-428-2014, § 16-150, 1-1-2014)

#### **Sec. 16-151. Following too closely.**

(a) *Following too closely.* The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of the vehicles and the traffic upon and the condition of the highway.

(b) *Drawn vehicles.* The driver of any motor truck or motor vehicle drawing another vehicle when traveling upon a roadway outside a business or residence district, which vehicle is following another motor truck or motor vehicle drawing another vehicle shall, when conditions permit, leave sufficient space so that an overtaking vehicle may enter and occupy the space without danger, except that this shall not prevent a motor truck or vehicle drawing another vehicle from overtaking and passing any type vehicle or other vehicles.

(c) *Caravan or motorcade.* Motor vehicles being driven upon any roadway outside a business or residence district in a caravan or motorcade,

whether or not towing other vehicles, shall be so operated as to allow sufficient space between each vehicle or combination of vehicles so as to enable any other vehicle to enter and occupy the space without danger. This provision shall not apply to funeral processions.

(Ord. No. SRO-417-2013, § 16-151, 2-1-2013; Ord. No. SRO-428-2014, § 16-151, 1-1-2014)

#### **Sec. 16-152. Coasting prohibited.**

(a) *Motor vehicle.* The driver of any motor vehicle when traveling upon a down grade shall not coast with the gears of the vehicle in neutral.

(b) *Commercial vehicle.* The driver of a commercial motor vehicle when traveling upon a down grade shall not coast with the clutch disengaged.

(Ord. No. SRO-417-2013, § 16-152, 2-1-2013; Ord. No. SRO-428-2014, § 16-152, 1-1-2014)

#### **Sec. 16-153. Turning movements; signals required.**

(a) *Prohibitions.* No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required in section 16-156, or turn a vehicle to enter a private road or driveway or otherwise turn a vehicle from a direct course or move right or left upon a roadway unless and until the movement can be made with reasonable safety. No person shall so turn any vehicle without giving an appropriate signal in the manner provided by this article in the event any other traffic may be affected by the movement.

(b) *Distance.* A signal of intention to turn right or left when required shall be given continuously during not less than the last 100 feet traveled by the vehicle before turning.

(c) *Sudden stops.* No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided by this article to the driver of any vehicle immediately to the rear when there is opportunity to give the signal.

(Ord. No. SRO-417-2013, § 16-153, 2-1-2013; Ord. No. SRO-428-2014, § 16-153, 1-1-2014)

**Sec. 16-154. Signals by hand and arm or device.**

Any stop or turn signal when required by this article shall be given either by means of the hand and arm or by a signal lamp or lamps or mechanical signal device of a type approved by the council; but when a vehicle is so constructed or loaded that a hand or arm signal would not be visible both to the front and rear of the vehicle, then the signals must be given by a lamp or lamps or signal device.

(Ord. No. SRO-417-2013, § 16-154, 2-1-2013; Ord. No. SRO-428-2014, § 16-154, 1-1-2014)

**Sec. 16-155. Method of giving hand and arm signals.**

All signals required by this article to be given by hand and arm shall be given from the left side of the vehicle in the following manner and the signals shall indicate as follows:

- (1) *Left turn.* Hand and arm extended horizontally.
- (2) *Right turn.* Hand and forearm extended upward.
- (3) *Stop or decrease speed.* Hand and forearm extended downward.

(Ord. No. SRO-417-2013, § 16-155, 2-1-2013; Ord. No. SRO-428-2014, § 16-155, 1-1-2014)

**Sec. 16-156. Required position and method of turning at intersections.**

The driver of a vehicle intending to turn at an intersection shall do so as follows:

- (1) *Right turns.* Both the approach for a right turn and a right turn, shall be made as close as practicable to the right-hand curb or edge of the roadway.
- (2) *Left turns on two-way roadways.* At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of the center line where it enters the intersection, after entering the intersec-

tion to the right of the center line of the roadway being entered. When practicable, the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

- (3) *Left turns on other than two-way roadways.* At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of the vehicle; and after entering the intersection, the left turn shall be made so as to leave the intersection as nearly as practicable in the left-hand lane lawfully available to traffic moving in that direction upon the roadway being entered.

- (4) *Two-way left turn lanes.* If a special lane for making left turns by drivers proceeding in opposite directions has been indicated by official traffic control devices:

- a. A driver shall not make a left turn from any other lane.
- b. A driver shall not drive a vehicle in the lane except if preparing for or making a left turn from or into the roadway of if preparing for a U-turn if otherwise permitted by law.

- (5) If markers, buttons, or signs are placed directing the driver to take a different course from specified in this section, the driver shall not turn a vehicle other than as directed and required by the markers, buttons, or signs.

(Ord. No. SRO-417-2013, § 16-156, 2-1-2013; Ord. No. SRO-428-2014, § 16-156, 1-1-2014)

**Sec. 16-157. Turning on curve or crest of grade prohibited.**

No vehicle shall be turned so as to proceed in the opposite direction upon any curve or upon the approach to or near the crest of a grade, where the

vehicle cannot be seen by the driver of any other vehicle approaching from either direction within 500 feet.

(Ord. No. SRO-417-2013, § 16-157, 2-1-2013; Ord. No. SRO-428-2014, § 16-157, 1-1-2014)

**Sec. 16-158. Backing.**

(a) *Safety.* The driver of a vehicle shall not back the vehicle unless the movement can be made with reasonable safety and without interfering with other traffic.

(b) *Prohibitions.* The driver of a vehicle shall not back the vehicle on any access road, exit or entrance ramp or roadway of a controlled access highway.

(Ord. No. SRO-417-2013, § 16-158, 2-1-2013; Ord. No. SRO-428-2014, § 16-158, 1-1-2014)

**Sec. 16-159. Obstruction of driver's view or interference with driver's control of vehicle prohibited.**

(a) *Obstructions.* A person shall not drive a vehicle when the vehicle's load or passengers obstruct the driver's view to the front or sides of the vehicle or interfere with the driver's control over the vehicle's driving mechanism.

(b) *Passengers.* A passenger in a vehicle shall not ride in a position that interferes with the driver's view or to the sides or that interferes with the driver's control over the vehicle's driving mechanism.

(Ord. No. SRO-417-2013, § 16-159, 2-1-2013; Ord. No. SRO-428-2014, § 16-159, 1-1-2014)

**Secs. 16-160—16-170. Reserved.**

DIVISION 2. RIGHT-OF-WAY AND PASSING

**Sec. 16-171. Right-of-way of vehicles entering intersection at same time; entering freeway.**

(a) *Yield.* When two vehicles enter or approach an intersection from different streets or highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right. This subsection does not apply to vehicles approaching or entering an

uncontrolled "T" intersection when the vehicle on the left is on a continuing street or highway and the vehicle on the right is on the terminating street or highway.

(b) *Through highways.* The right-of-way rule declared in subsection (a) of this section is modified at through highways and otherwise as stated in this article.

(c) *Intersections.* Intersecting road crossings between the main roadway of a freeway and acceleration lanes, ramps or any other approach road shall yield the right-of-way to a vehicle on the main roadway of the freeway entering such merging area at the same time.

(Ord. No. SRO-417-2013, § 16-171, 2-1-2013; Ord. No. SRO-428-2014, § 16-171, 1-1-2014)

**Sec. 16-172. Right-of-way of vehicle turning left at intersection.**

The driver of a vehicle within an intersection intending to turn to the left shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard.

(Ord. No. SRO-417-2013, § 16-172, 2-1-2013; Ord. No. SRO-428-2014, § 16-172, 1-1-2014)

**Sec. 16-173. Right-of-way of vehicle entering intersection.**

The driver of a vehicle shall stop in obedience to a stop sign as required by section 16-125 and then proceed with caution yielding to vehicles that are not required to stop and that are within the intersection or are approaching so closely as to constitute an immediate hazard.

(Ord. No. SRO-417-2013, § 16-173, 2-1-2013; Ord. No. SRO-428-2014, § 16-173, 1-1-2014)

**Sec. 16-174. Vehicle entering highway from private road or driveway.**

The driver of a vehicle about to enter or cross a highway from a private road or driveway shall yield the right-of-way to all closely approaching vehicles on the highway.

(Ord. No. SRO-417-2013, § 16-174, 2-1-2013; Ord. No. SRO-428-2014, § 16-174, 1-1-2014)

**Sec. 16-175. Passing vehicles proceeding in opposite directions.**

Drivers of vehicles proceeding in opposite directions shall pass each other on the right; and upon roadways having width for not more than one line of traffic in each direction, each driver shall give to the other at least one-half of the main-traveled portion of the roadway as nearly as possible.

(Ord. No. SRO-417-2013, § 16-175, 2-1-2013; Ord. No. SRO-428-2014, § 16-175, 1-1-2014)

**Sec. 16-176. Overtaking vehicles on the left, generally.**

The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions and special rules stated in this section:

- (1) The driver of a vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.
- (2) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal or blinking of headlamps at nighttime, and shall not increase the speed of the overtaken vehicle until completely passed by the overtaking vehicle.

(Ord. No. SRO-417-2013, § 16-176, 2-1-2013; Ord. No. SRO-428-2014, § 16-176, 1-1-2014)

**Sec. 16-177. Prerequisites for overtaking on the left.**

A person shall not drive to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless the left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit the overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken. The overtaking vehicle must return to the right-hand

side of the roadway before coming within 100 feet of any vehicle approaching from the opposite direction.

(Ord. No. SRO-417-2013, § 16-177, 2-1-2013; Ord. No. SRO-428-2014, § 16-177, 1-1-2014)

**Sec. 16-178. When driving on the left prohibited.**

(a) A person shall not drive the vehicle to the left of the center of the roadway under the following conditions:

- (1) When approaching the crest of a grade or upon a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction.
- (2) When approaching within 100 feet of or traversing any intersection or where appropriate signs or markings have been installed to define a no-passing zone.
- (3) When the view is obstructed upon approaching within 100 feet of any bridge, viaduct or tunnel.

(b) The limitations set forth in subsection (a) of this section shall not apply upon a one-way roadway.

(Ord. No. SRO-417-2013, § 16-178, 2-1-2013; Ord. No. SRO-428-2014, § 16-178, 1-1-2014)

**Sec. 16-179. Overtaking on the right.**

(a) The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

- (1) When the vehicle overtaken is making or about to make a left turn.
- (2) Upon a street or highway with unobstructed pavement not occupied by parked vehicles of sufficient width for two or more lines of moving vehicles in each direction.
- (3) Upon a one-way street, or upon any roadway on which traffic is restricted to one direction of movement, where the roadway is free from obstructions and of sufficient width for two or more lines of moving vehicles.

(b) The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting the movement in safety. In no event shall the movement be made by driving off the pavement or main-traveled portion of the roadway.  
(Ord. No. SRO-417-2013, § 16-179, 2-1-2013; Ord. No. SRO-428-2014, § 16-179, 1-1-2014)

**Sec. 16-180. No passing zones.**

Those portions of any highway where overtaking and passing or driving to the left of the roadway would be especially hazardous and may, by appropriate signs or markings on the roadway, indicate the beginning and end of such zones; and when the signs or markings are in place and clearly visible to an ordinary observant person, every driver of a vehicle shall obey the directions thereof.  
(Ord. No. SRO-417-2013, § 16-180, 2-1-2013; Ord. No. SRO-428-2014, § 16-180, 1-1-2014)

**Secs. 16-181—16-190. Reserved.**

DIVISION 3. STOPPING, STANDING AND PARKING

**Sec. 16-191. Vehicles to be parked or stopped off pavement if possible.**

(a) Upon any highway outside a business or residence district, no person shall stop, park or leave standing any vehicle, whether attended or unattended, upon the paved or main-traveled part of the highway when it is practicable to stop, park or so leave the vehicle off that part of the highway. If a person stops, parks, or leaves standing a vehicle, the person shall leave an unobstructed width of the highway opposite a standing vehicle for the free passage of other vehicles and a clear view of the vehicle shall be available from a distance of 200 feet in each direction of the highway.

(b) This section shall not apply to:

- (1) The driver of any vehicle which is disabled while on the paved or main-traveled portion of a highway in such manner and

to such extent that it would be impossible to avoid stopping and temporarily leaving the disabled vehicle in such position.

- (2) No vehicle nor the driver thereof engaged in the official delivery of the United States mail shall stop on the right-hand side of the highway for the purpose of picking up or delivering mail except if a clear view of the vehicle may be obtained from a distance of 300 feet in each direction upon such highway, or a flashing amber light not less than four inches in diameter with the word "stop" printed on the light is attached to the rear of the vehicle.

(Ord. No. SRO-417-2013, § 16-191, 2-1-2013; Ord. No. SRO-428-2014, § 16-191, 1-1-2014)

**Sec. 16-192. Parking, stopping, standing prohibited in specified places.**

(a) 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 police officer or traffic-control device, in any of the following places:

- (1) On a sidewalk.
- (2) In front of a public or private driveway except for a vehicle or the driver of a vehicle engaged in official delivery of the United States mail if the driver does not leave the vehicle and the vehicle is stopped only momentarily.
- (3) Within an intersection.
- (4) Within 15 feet of a fire hydrant.
- (5) On a crosswalk.
- (6) Within 20 feet of a crosswalk at an intersection.
- (7) Within 30 feet upon the approach to any flashing beacon, stop sign or traffic-control signal located at the side of a roadway.
- (8) 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 a different length by signs or markings are indicated.

- (9) 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 the entrance when properly posted.
- (10) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic.
- (11) On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
- (12) Upon any bridge or other elevated structure upon a highway or within a highway tunnel.
- (13) At any place where official signs prohibit stopping.
- (14) On a controlled access highway except for emergency reasons.

(b) The stopping, standing, or parking restriction shall not apply to authorized emergency vehicle if the stopping, standing or parking is for the purpose of actual performance of official duty. (Ord. No. SRO-417-2013, § 16-192, 2-1-2013; Ord. No. SRO-428-2014, § 16-192, 1-1-2014)

**Sec. 16-193. Parking within eighteen inches of curb.**

(a) *Right hand curb.* Except as otherwise provided in this section, every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be stopped or parked with the right-hand wheels of the vehicle parallel to and within 18 inches of the right-hand curb.

(b) *Left hand curb.* Vehicles may be parked or stopped with the left-hand wheels adjacent to and within 18 inches of the left-hand curb of a one-way roadway. (Ord. No. SRO-417-2013, § 16-193, 2-1-2013; Ord. No. SRO-428-2014, § 16-193, 1-1-2014)

**Sec. 16-194. Angle parking.**

Angle parking shall be permitted on a highway only if the council or a Community agency designated by council has determined that the road-

way is of sufficient width to permit angle parking without interfering with the free movement of traffic.

(Ord. No. SRO-417-2013, § 16-194, 2-1-2013; Ord. No. SRO-428-2014, § 16-194, 1-1-2014)

**Sec. 16-195. Community authorized to place signs prohibiting or restricting parking, stopping and standing.**

The council or a Community agency designated by council, with respect to highways under its jurisdiction, may place signs prohibiting or restricting the stopping, standing or parking of vehicles on any highway where, based upon an engineering and traffic investigation, stopping, standing or parking of vehicles would unduly interfere with the free movement of traffic thereon. The signs shall be official signs and no person shall stop, stand or park any vehicle in violation of the restrictions stated on the signs.

(Ord. No. SRO-417-2013, § 16-195, 2-1-2013; Ord. No. SRO-428-2014, § 16-195, 1-1-2014)

**Sec. 16-196. Parking privilege for physically disabled.**

A physically disabled person who displays upon the motor vehicle parked by the person or under the person's direction and for the person's use, a valid distinguishing insignia issued by any governmental body may use parking spaces designed for handicapped parking in the Community.

(Ord. No. SRO-417-2013, § 16-196, 2-1-2013; Ord. No. SRO-428-2014, § 16-196, 1-1-2014)

**Sec. 16-197. Removal of illegally stopped vehicles.**

(a) When any police officer finds a vehicle standing upon a highway in violation of the provisions of section 16-191, the officer is authorized to move the vehicle or require the driver or other person in charge of the vehicle to move the same to a position off the paved or main-traveled part of the highway.

(b) Any police officer is authorized to remove or cause to be removed to a place of safety any unattended vehicle illegally left standing upon

any highway, bridge, or causeway, in such position or under such circumstances as to obstruct the normal movement of traffic.

(c) Any police officer is authorized to remove or cause to be removed to the nearest storage yard or other place of safety any vehicle found upon a highway:

- (1) When a report has been made that such vehicle has been stolen or taken without the consent of its owner.
- (2) When the person or persons in charge of such vehicle are unable to provide for its custody or removal.
- (3) When the person driving or in control of such vehicle is arrested for an alleged offense for which the officer is required by law to take the person arrested before a Community judge without unnecessary delay.
- (4) When any vehicle is left unattended for more than two hours upon the right-of-way of any freeway, within the boundaries of the Community, which has full control of access and no crossings at grade.

(d) If a police officer removes or causes the removal of a vehicle pursuant to this section, the police officer shall do one of the following when the vehicle is removed:

- (1) Provide to the tow truck operator a form that the police officer signs and that includes the following information:
  - a. The vehicle identification number.
  - b. A number identifying the law enforcement agency and the officer ordering the tow.
  - c. The year, make and model of the vehicle.
  - d. The license plate number if available.
  - e. The date and time the vehicle was towed.
  - f. The address from which the vehicle was towed.
  - g. The name, address and telephone number, if the telephone number is

known, of the registered owner and the primary lienholder of the vehicle to permit the towing company to notify the registered owner or the primary lien holder.

- (2) Communicate to the police department both of the following and provide to the towing company that towed the vehicle the name, address and telephone number, if the telephone number is known, of the registered owner and the primary lienholder of the vehicle:
  - a. The name and telephone number of the person towing the vehicle.
  - b. The information prescribed by subsection (d)(1) of this section.

(e) If a police officer provides the tow truck operator with the form described in subsection (d)(1) of this section, the tow truck operator must provide the form to the person responsible for filing the abandoned vehicle report pursuant to section 16-293. The person responsible for filing the abandoned vehicle report shall submit the form to the police department at the time the person files the abandoned vehicle report.

(f) When the police department receives notice from the person responsible for filing the abandoned vehicle report pursuant to section 16-293, police department shall send notice of by first class mail to all persons known to have an ownership interest in the vehicle. The notice shall include the vehicle identification number and the name and telephone number of the person that towed the vehicle.

(g) Except as provided in subsection (h) of this section:

- (1) An officer who removes or causes the removal of a vehicle under this section is not liable for the cost of towing or storing the vehicle if the officer acts under color of the officer's lawful authority.
- (2) Before release of the vehicle by the towing service, the owner or the owner's agent of a vehicle that is removed or caused to be removed under this article shall pay or make satisfactory arrangements to pay

for any reasonable towing and storage costs incurred in towing or storing the vehicle.

(h) If a tow truck operator is required in writing by police department to tow or store a vehicle that is required as evidence in a criminal action or for future criminal investigation by the police department, the police department is liable for the towing and storage costs of the vehicle.

(i) If a police officer removes or causes the removal of a vehicle as permitted by this section, the officer shall provide the registered owner of the vehicle or the registered owner's agent with the opportunity for a post storage hearing to determine the validity of the removal. This hearing shall be conducted by a Community judge within 48 hours after a request, excluding weekends and holidays. Police department shall be responsible for the costs incurred for towing and storage if it is determined at the hearing that probable cause for the removal cannot be established.

(Ord. No. SRO-417-2013, § 16-197, 2-1-2013; Ord. No. SRO-428-2014, § 16-197, 1-1-2014)

**Cross reference**—Abandoned or seized vehicles, §§ 16-291—16-296.

#### **Sec. 16-198. Stop required before emerging from alley or driveway.**

The driver of a vehicle within a business or residence district emerging from an alley, driveway or building shall stop the vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway or private driveway, and shall yield the right-of-way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway shall yield the right-of-way to all closely approaching vehicles on the roadway.

(Ord. No. SRO-417-2013, § 16-198, 2-1-2013; Ord. No. SRO-428-2014, § 16-198, 1-1-2014)

#### **Secs. 16-199—16-210. Reserved.**

### DIVISION 4. SPEED RESTRICTIONS

#### **Sec. 16-211. Reserved.**

#### **Sec. 16-212. Maximum speed limit.**

(a) *Maximum speed.* No maximum speed limit on any highway in this Community shall be in excess of 65 miles per hour except as established pursuant to any other provision of law. This shall not be construed as altering any existing maximum speed limit which is less than 65 miles per hour or to prevent the Community from establishing, altering or lowering any maximum speed limit which is less than 65 miles per hour within the Community.

(b) *Four or more lanes of traffic.* The speed limit for all types of motor vehicles shall be 65 miles per hour on any portion of any highway that has four or more traffic lanes, the opposing lanes of which are physically separated other than by striping, unless otherwise provided by action of the Community.

(c) *Prohibition.* It is unlawful for any person to drive a motor vehicle at a speed in excess of 65 miles per hour, or in excess of a higher maximum speed if changed as set forth under subsection (b) of this section.

(Ord. No. SRO-417-2013, § 16-212, 2-1-2013; Ord. No. SRO-428-2014, § 16-212, 1-1-2014)

#### **Sec. 16-213. Minimum speed limit.**

(a) *Impeding traffic.* No person shall drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law or if the reasonable flow of traffic exceeds the maximum safe operating speed of the lawfully operated implement of husbandry.

(b) *Determining minimum speed.* Whenever the Community determines on the basis of an engineering and traffic investigation that slow speeds on any part of a highway consistently impede the normal and reasonable movement of traffic, the Community may determine and declare a minimum speed limit below which no person shall drive a vehicle except when necessary for safe operation or in compliance with law.

(c) *Enforcement.* Police officers are authorized to enforce this section by directions to drivers, and in the event of apparent willful disobedience

to this section and refusal to comply with the direction of an officer in accordance with this section, the continued slow operation by a driver is a criminal offense.

(Ord. No. SRO-417-2013, § 16-213, 2-1-2013; Ord. No. SRO-428-2014, § 16-213, 1-1-2014)

**Sec. 16-214. Speed limits for motor-driven cycles and ATV's.**

No person shall operate any motor-driven cycle or all-terrain vehicle at any time mentioned in 16-71 at a speed greater than 25 miles per hour unless such motor-driven cycle or all-terrain vehicle is equipped with a head lamp or lamps which are adequate to reveal a person or vehicle at a distance of 300 feet ahead.

(Ord. No. SRO-417-2013, § 16-214, 2-1-2013; Ord. No. SRO-428-2014, § 16-214, 1-1-2014)

**Sec. 16-215. Speeds to be reasonable and prudent.**

(a) No person shall drive a vehicle on a highway at a speed greater than is reasonable and prudent under the circumstances, conditions and actual and potential hazards then existing. In every event, speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering the highway in compliance with legal requirements and the duty of all persons to exercise reasonable care for the protection of others.

(b) Except as provided in subsections (c) and (d) of this section or where a special hazard requires a lesser speed, any speed in excess of these speeds shall be prima facie evidence that the speed is too great and therefore unreasonable and unlawful as follows:

- (1) Fifteen miles per hour approaching school crossing.
- (2) Twenty-five miles per hour in any residential area.
- (3) Forty-five miles per hour in other locations.

(c) The maximum lawful speed as provided in this section shall be reduced to that which is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing, such as when:

- (1) Approaching and crossing an intersection.
- (2) Approaching and going around a curve.
- (3) Approaching a hill crest.
- (4) Traveling upon any narrow or winding roadway.
- (5) Special hazards exist with respect to pedestrians or other traffic or by reason of weather or highway conditions.

(d) No person shall drive a motor vehicle at a speed that is less than that which is reasonable and prudent under existing conditions.

(e) The maximum speed limits set forth in this section may be altered as authorized in sections 16-218 and 16-219.

(f) The prima facie speed limits set forth in this section may be altered as authorized in section 16-218.

(g) The driver of every vehicle shall, consistent with the requirements of subsection (a) of this section, drive at an appropriate reduced speed when approaching and crossing an intersection, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, and when special hazards exist with respect to pedestrians or other traffic or by reason of weather or highway conditions.

(h) If the person exceeds the posted speed limit by more than 20 miles per hour, the violation is a criminal offense.

(Ord. No. SRO-417-2013, § 16-215, 2-1-2013; Ord. No. SRO-428-2014, § 16-215, 1-1-2014)

**Sec. 16-216. Speed restriction on bridges and elevated structures.**

(a) *Maximum speed.* No person shall drive a vehicle over any bridge or other elevated structure constituting a part of a highway at a speed which is greater than the maximum speed which

can be maintained with safety to the bridge or structure, when the structure is signposted as provided in this section.

(b) *Investigation.* The council upon request from any local agency shall, or upon its own initiative may, conduct an investigation of any bridge or other elevated structure constituting a part of a highway; and if it thereupon finds that the structure cannot safely withstand vehicles traveling at the speed otherwise permissible under this article, the council shall determine and declare the maximum speed of vehicles which the structure can withstand, and shall cause or permit suitable signs stating such maximum speed to be erected and maintained at a distance of 300 feet before each end of the structure.

(c) *Evidence.* Upon the trial of any person charged with a violation of this section, proof of determination of the maximum speed by the council and the existence of the signs shall constitute conclusive evidence of the maximum speed which can be maintained with safety on the bridge or structure.

(Ord. No. SRO-417-2013, § 16-216, 2-1-2013; Ord. No. SRO-428-2014, § 16-216, 1-1-2014)

**Sec. 16-217. Speed limits for solid-rubber-tired vehicles.**

No person shall drive any vehicle equipped with solid rubber or cushion tires at a speed greater than a maximum speed of ten miles per hour.

(Ord. No. SRO-417-2013, § 16-217, 2-1-2013; Ord. No. SRO-428-2014, § 16-217, 1-1-2014)

**Sec. 16-218. Establishment and amendment of speed limits.**

When the council or a Community agency designated by council determines upon the basis of an engineering and traffic investigation that any prima facie speed set forth in this article is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of a Community highway, the council may determine and declare a reasonable and safe prima facie speed limit which shall be effective at such times as may be deter-

mined when appropriate signs giving notice thereof are erected at the intersection or other place or part of the highway.

(Ord. No. SRO-417-2013, § 16-218, 2-1-2013; Ord. No. SRO-428-2014, § 16-218, 1-1-2014)

**Sec. 16-219. Speed limits on freeways authorized to be variable.**

When the council determines upon the basis of an engineering and traffic survey that the safe and orderly movement of traffic upon any highway which is a freeway will be facilitated by the establishment of variable speed limits, the council may erect, regulate and control signs upon the highway which is a freeway, or any portion thereof, which sign shall be so designed as to permit display of different speed limits at various times of the day or night. Such signs shall be of sufficient size and clarity to give adequate notice of the applicable speed limit. The speed limit upon the freeway at a particular time and place shall be that which is then and there displayed upon such sign.

(Ord. No. SRO-417-2013, § 16-219, 2-1-2013; Ord. No. SRO-428-2014, § 16-219, 1-1-2014)

**Sec. 16-220. Racing and drag races.**

(a) *Prohibited.* No person shall drive any vehicle in any race, speed competition or contest drag race or acceleration contest, test of physical endurance, exhibition of speed or acceleration, or for the purpose of making a speed record on a street or highway, and no person shall in any manner participate in any such race, competition, contest, test or exhibition. A violation of this section is a criminal offense.

(b) *First offense.* A person who violates this section shall be punished upon a first conviction by imprisonment for not more than 90 days, by a fine of not more than \$300.00, or both.

(c) *Second and subsequent offenses.* When a second or subsequent violation is committed within a period of 24 months, upon conviction, such person shall be punished by imprisonment for not less than ten days nor more than six months, and in the discretion of the court, by a fine of not less than \$150.00 nor more than \$300.00, or both. No

judge may grant probation to or suspend the imposition of a jail sentence of any person for such a second or subsequent conviction.

(d) *Suspension of driving privileges.* When any person is convicted of a violation of the provisions of this section, the judge may, upon a first conviction, and shall upon a second or subsequent conviction for an offense committed within a period of 24 months require the surrender to court of any driver license of such person and immediately forward same to the police department with the abstract of conviction. The judge may upon a first conviction and shall upon a subsequent conviction for an offense committed within a period of 24 months order the suspension of the driving privileges in the Community of such person for a period not to exceed 90 days.

(e) *Community authorized races.* The Community may give authorization in writing for any organized and properly controlled event otherwise prohibited by this section to utilize a highway or part of a highway to be utilized, and any special conditions the Community may require for the particular event.  
(Ord. No. SRO-417-2013, § 16-220, 2-1-2013; Ord. No. SRO-428-2014, § 16-220, 1-1-2014)

**Sec. 16-221. Driving at speed which causes trailer to sway.**

No person shall drive a vehicle towing a trailer or semitrailer at a rate of speed which causes the trailer or semitrailer to sway laterally from the line of traffic or fishtail.  
(Ord. No. SRO-417-2013, § 16-221, 2-1-2013; Ord. No. SRO-428-2014, § 16-221, 1-1-2014)

**Sec. 16-222. Charge of violation to specify alleged speed of violator; speed limit not to relieve plaintiff of proving negligence.**

(a) *Citation.* In every charge of violation of any speed regulation in this article, the complaint or the citation shall specify the speed at which the driver is alleged to have driven and the prima facie speed applicable or at the location.

(b) *Burden of proof.* The provisions of this article declaring maximum speed limitations shall not be construed to relieve the plaintiff in any civil action from the burden of proving negligence on the part of the defendant as the proximate cause of an accident.  
(Ord. No. SRO-417-2013, § 16-222, 2-1-2013; Ord. No. SRO-428-2014, § 16-222, 1-1-2014)

**Secs. 16-223—16-230. Reserved.**

**DIVISION 5. DRIVING WHILE UNDER THE INFLUENCE; RECKLESS DRIVING\***

**Sec. 16-231. Driving or actual physical control while under the influence.**

(a) *Unlawful to drive or be in actual physical control of the vehicle while under the influence ("DUI").* It is a criminal offense for a person to drive or be in actual physical control of a motor vehicle within the exterior boundaries of the Community under any of the following circumstances:

- (1) While under the influence of any intoxicating liquor, or under the influence of any drug, a vapor releasing substance containing any toxic substance, or any combination of liquor, drugs, or vapor releasing substances containing any toxic substance causing the person to be impaired to the slightest degree; or
- (2) If the person has an alcohol concentration of 0.08 or more within two hours of driving or being in actual physical control of the vehicle and the alcohol concentration results from alcohol consumed either before or while driving or being in actual physical control of the vehicle; or
- (3) While there is any drug defined in section 6-121 or its metabolite in the person's body.

(b) *Unlawful to drive or be in actual physical control of the vehicle while under the extreme influence of intoxicating liquor ("extreme DUI").* It

\***Cross references**—Alcohol related offenses, §§ 6-121, 6-122; alcoholism, §§ 13-21—13-28; alcohol and contraband, ch. 14.

is a criminal offense for a person to drive or be in actual physical control of a motor vehicle within the exterior boundaries of the Community if the person has an alcohol concentration of 0.20 or more within two hours of driving or being in actual physical control of the vehicle and the alcohol concentration results from alcohol consumed either before or while driving or being in actual physical control of the vehicle.

(c) *Unlawful to refuse to submit to a chemical test ("refusal").* It is a criminal offense for a person who, pursuant to an investigation for a violation of section 16-231(a) or (b), has been informed by a law enforcement officer that reasonable grounds exist to believe that the person was driving or in actual physical control of the vehicle within the exterior boundaries of the Community in violation of section 16-231(a) or (b), to refuse to submit to a chemical test as required under section 16-232.

(d) *Prescribed drugs.* It is not a defense to a charge of a violation of section 16-231(a)(1) that the person is or has been entitled to use the drug under the laws of the Community or pursuant to a valid prescription. If the person has a valid prescription issued by a licensed medical practitioner, the person does not violate section 16-231(a)(3).

(e) *Filing of offense.* Offenses in this section may be filed in the form of a juvenile petition, a criminal complaint, or a citation except as may be otherwise required. In any case in which the Community seeks sentencing pursuant to section 16-231(f)(2)—(5), the allegations of the necessary factors shall be alleged within 45 days of the filing of a criminal offense.

(f) *Penalties for violation of section 16-231(a)-DUI.* Any person who violates section 16-231(a) as follows shall be convicted of a criminal offense, and may be sentenced up to:

- (1) *First violation.* One year incarceration and shall pay a mandatory fine of no less than \$700.00 and no more than \$5,000.00, as a first violation. The court may impose probation up to three years, but any sentence that is imposed shall include at least three but not more than five days of incarceration which shall not be deleted,

deferred, or suspended. Any part of a sentence that is otherwise suspended shall be contingent upon the defendant complying with section 16-231(j) and (k).

- (2) *Second violation.* One year incarceration and shall pay a mandatory fine of no less than \$1,200.00 and no more than \$5,000.00, for committing a second violation of section 16-231(a) or acts in another jurisdiction that if committed in the Community would be a violation of section 16-231(a) within a period of 84 months. The dates of commission of the offenses shall be applied as the determining factor for such period. The court may impose probation up to three years, but any sentence that is imposed shall include no less than 90 days incarceration, of which at least 60 days shall not be deleted, deferred or suspended. Any part of a sentence that is otherwise suspended shall be contingent upon the defendant complying with section 16-231(j) and (k).
- (3) *Third or subsequent violation.* One year incarceration, and shall pay a mandatory fine of no less than \$2,000.00 and no more than \$5,000.00, for committing a third or subsequent violation of section 16-231(a) or acts in another jurisdiction that if committed in the Community would be a violation of section 16-231(a) within a period of 84 months. The dates of commission of the offenses shall be applied as the determining factor for such period. The court may impose probation up to three years, but any sentence that is imposed shall include no less than 180 days incarceration, of which at least 90 days shall not be deleted, deferred, or suspended. Any other part of a sentence that is otherwise suspended shall be contingent upon the defendant complying with section 16-231(j) and (k).
- (4) *Child victim violation.* One year incarceration and a mandatory fine of not less than \$2,000.00 and no more than \$5,000.00 in any offense in which a child under 18 years of age was a passenger in the vehicle at the time of the alleged offense. The

court may impose probation up to three years, but any sentence imposed shall include no less than 30 days incarceration, which shall not be deleted, deferred, or suspended, in addition to any other applicable penalties under this section. Any other part of a sentence that otherwise is suspended shall be contingent upon the defendant complying with section 16-231(j) and (k).

- (5) *Serious physical injury or loss of life violation.* One year incarceration and a mandatory fine of not less than \$3,000.00 and no more than \$5,000.00 in any offense in which serious physical injury or loss of life results to any other person. The court may impose probation up to three years, but any sentence imposed shall include no less than 180 days incarceration, which shall not be deleted, suspended, or deferred, in addition to any other applicable penalties under this section. Any other part of a sentence that is otherwise suspended shall be contingent upon the defendant complying with section 16-231(j) and (k).

(g) *Penalties for violation of section 16-231(b)-Extreme DUI.* Any person who violates section 16-231(b) shall be convicted of a criminal offense, and may be sentenced to up to one year incarceration and shall pay a mandatory fine of no less than \$1,000.00 and no more than \$5,000.00. The court may impose probation up to three years, but any sentence that is imposed shall include no less than 30 consecutive days of incarceration which shall not be deleted, deferred, or suspended. Any other part of a sentence that is otherwise suspended shall be contingent upon the defendant complying with section 16-231(j) and (k).

(h) *Penalties for violation of section 16-231(c)-Refusal.* Any person who violates section 16-231(c) shall be sentenced to up to one year incarceration and shall pay a mandatory fine not less than \$1,000.00 and no more than \$5,000.00. The court may impose probation up to three years, but any sentence that is imposed shall include no less than 48 hours of consecutive jail time which shall not be deleted, deferred, or suspended. Any other part of a sentence that is otherwise suspended

shall be contingent upon the defendant complying with section 16-231(j) and (k). It is not a defense to this charge that the person was not under the influence of intoxicating liquor or drugs at the time the person refused to submit to a chemical test.

(i) *Eligibility for work release.* A person sentenced to a period of incarceration exceeding 30 days pursuant to subsections (f), (g) or (h) of this section shall not be eligible for work release program until the person has served at least 30 days of consecutive incarceration. If a person is allowed for work release, the person shall not be released from custody for more than 14 hours, in a calendar day and no more than six days per week.

(j) *Mandatory assessment, treatment for substance abuse and probation.* For any probation grant imposed under subsections (f), (g) or (h) of this section, the court shall require the defendant to submit to a chemical dependency assessment within the first 45 days of the probation grant. The defendant shall be required to follow the recommendations of that assessment as a term of the probation, which may include counseling or in-patient rehabilitation. Should the defendant not comply with the recommendations, the defendant shall have the opportunity to reject probation and serve a sentence of incarceration. This shall not be read to interfere with the ability of the Community to allege a violation of probation for failure to comply with any terms of probation. The requirements to pay any fines and restitution shall be included as terms of any probation grant in addition to other standard terms.

(k) *Restitution.* For any violation of sections 16-231(a), (b) and 16-236(c), the defendant shall be ordered to pay restitution for all loss of property, income or financial expenses incurred by any victim that is directly related to the offense, including court time.

(l) *Election of charge for violation of sections 16-231(a)-DUI and 16-231(c)-refusal.* If a defendant is charged and convicted of violating both sections 16-231(a)-DUI and 16-231(c)-Refusal that arise from the same incident or arrest, the court shall stay the conviction and sentence for viola-

tion of section 16-231(c) and sentence the defendant only on the conviction for violation of section 16-231(a).

(Ord. No. SRO-417-2013, § 16-231, 2-1-2013; Ord. No. SRO-428-2014, § 16-231, 1-1-2014)

**Sec. 16-232. Implied consent; tests; refusal to submit.**

(a) *Implied consent.* Any person who operates a motor vehicle within the Community gives consent, subject to the provisions of the following section to a test or tests of the person's blood, breath or urine, or other bodily substance for the purpose of determining alcoholic concentration or drug content, if arrested for any offense arising out of acts alleged to have been committed while the person was driving or in actual physical control of a motor vehicle while under the influence of drugs or intoxicating liquor. The test or tests chosen by the law enforcement agency shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been driving or in actual physical control of a motor vehicle upon the highways of the Community while under the influence of drugs or intoxicating liquor.

(b) *Tests.* After an arrest, a violator shall submit to and successfully complete any test or tests prescribed by subsection (a) of this section. If the violator refuses to submit, the violator shall be informed that reasonable grounds exist to believe that the person was driving or in actual physical control of a vehicle in violation of section 16-231(a) or (b), and that refusal to submit to a chemical test shall result in the violation of section 16-231(c) and that the person shall be subject to all applicable penalties under section 16-231(h) unless the violator subsequently expressly agrees to submit to and successfully completes the test or tests. A failure to expressly agree to the test or successfully complete the test is deemed a refusal.

(c) *Refusal to submit to test.*

- (1) If a person under arrest refuses to submit to a chemical test as provided in subsection (a) of this section, none shall be given. The violator will be informed of his or her violation of section 16-231(c), unless the violator subsequently expressly

agrees to submit to and completes the test or tests. A failure to expressly agree to the test and complete the test is deemed a refusal.

- (2) Persons incapable of refusal. Any person who is dead, unconscious or who is otherwise in a condition rendering him or her incapable of refusal shall be deemed not to have withdrawn the consent provided by subsection (a) of this section and the test or tests may be administered, subject to the provisions of section 16-233.

(Ord. No. SRO-417-2013, § 16-232, 2-1-2013; Ord. No. SRO-428-2014, § 16-232, 1-1-2014)

**Sec. 16-233. Driving while under the influence; procedure for giving test.**

(a) *Presumptions regarding chemical tests in evidence.* In the trial of any civil or criminal action or proceeding for a violation of section 16-231(a) or (b) relating to driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor, the amount of alcohol in the defendant's blood at the time alleged as shown by chemical analysis of the defendant's blood, urine, breath or other bodily substance shall give rise to the following presumptions:

- (1) If there was at that time 0.05 percent or less by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was not under the influence of intoxicating liquor.
- (2) If there was at that time in excess of 0.05 percent but less than 0.08 percent by weight of alcohol in the defendant's blood, such fact shall not give rise to any presumption that the defendant was or was not under the influence of intoxicating liquor, but such fact may be considered with other competent evidence in determining the guilt or innocence of the defendant.
- (3) If there was at that time 0.08 percent or more by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was under the influence of intoxicating liquor.

(b) *Basis for measurements.* Percent by weight of alcohol in the blood shall be based upon milligrams of alcohol per 100 cubic centimeters of blood.

(c) *When test is considered valid.* Chemical analysis of the person's blood, urine, breath or other bodily substance to be considered valid under the provisions of this section shall have been performed according to methods approved by the Arizona State Department of Public Safety and by a person possessing a valid permit issued by the Arizona State Department of Public Safety for such purpose.

(d) *Persons qualified to administer test.* When a person shall submit to a blood or urine test under the provisions of the preceding section, only a physician or a registered nurse, phlebotomist or other persons who have received training in drawing blood or collection of urine, may withdraw blood or take the urine specimen for the purpose of determining the alcoholic content therein. Such limitation shall not apply to taking of breath specimens.

(e) *Person tested authorized to have own physician, etc.* The person tested may have a physician or a qualified technician, chemist, registered nurse or other qualified person, at the choosing and expense of the tested person, administer a chemical test or tests in addition to any administered at the direction of a law enforcement officer. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test or tests taken at the direction of a law enforcement officer.

(f) *Results to be made available to person tested.* Upon the request of the person who shall submit to a chemical test or tests, full information concerning the test or tests shall be made available to him or her or his or her attorney or advocate. If a defendant is charged with the offense of driving while under the influence, the Community shall disclose to the defendant, any motor vehicle department records that the Community intends to use at trial, name and contact information of custodian of records if any, Quality Assurance Scan ("QAS") logs, Intoxilyzer checklist. If blood or urine was analyzed, the Community shall

disclose the results of any chemical tests and the testing method used to analyze the blood or urine specimen.

(g) *Preliminary breath test.* A police officer who has reasonable suspicion to believe that a person has committed a violation of section 16-231(a) or (b) may request that the person submit to a preliminary breath test or breath tests before an arrest. Information from a preliminary breath test(s) shall be admissible to show the presence of alcohol but the blood alcohol concentration results of the preliminary breath test(s) shall not be admissible in the defendant's criminal trial. (Ord. No. SRO-417-2013, § 16-233, 2-1-2013; Ord. No. SRO-428-2014, § 16-233, 1-1-2014)

**Cross reference**—Rules of Criminal Procedure, ch. 5.

#### **Sec. 16-234. Reckless driving.**

(a) *Violation.* It is unlawful for any person to drive any vehicle within the exterior boundaries of the Community with reckless disregard for the safety of persons or property.

(b) *Penalties for violation of section 16-234(a).*

- (1) Any person who violates a provision of this section shall be convicted of a criminal offense and shall be sentenced to up to one year of incarceration, and a mandatory fine of no less than \$500.00 and no more than \$5,000.00. The court may impose probation, but any sentence that is imposed shall include no less than 24 consecutive hours of incarceration, which shall not be deleted, deferred or suspended.
- (2) In any offense in which a child under 18 years of age was a passenger in the vehicle at the time of the alleged offense, the defendant shall serve no less than 30 days incarceration, which shall not be deleted, suspended or deferred, in addition to any other applicable penalty under this section.
- (3) In any circumstances in which the defendant's commission of any of the offenses in this section results in serious physical injury or death to any other person, the defendant shall pay a fine of no less than

\$3,000.00 and serve no less than 180 days incarceration, which shall not be deleted, suspended, or deferred, in addition to any other applicable penalty under this Code. (Ord. No. SRO-417-2013, § 16-234, 2-1-2013; Ord. No. SRO-428-2014, § 16-234, 1-1-2014)

**Sec. 16-235. Liability for emergency responses in flood areas.**

(a) *Water.* A driver of a vehicle who drives the vehicle on a public street or highway that is temporarily covered by a rise in water level, including groundwater or overflow of water, and that is barricaded because of flooding is liable for the expenses of any emergency response that is required to remove from the public street or highway the driver or any passenger in the vehicle that becomes inoperable on the public street or highway or the vehicle that becomes inoperable on the public street or highway, or both.

(b) *Liability.* A person convicted of violating section 16-234 for driving a vehicle into any area that is temporarily covered by a rise in water level, including groundwater or overflow of water, may be liable for expenses of any emergency response that is required to remove from the area the driver or any passenger in the vehicle that becomes inoperable in the area or the vehicle that becomes inoperable in the area, or both.

(c) *Expenses.* The expenses of an emergency response are a charge against the person liable for those expenses pursuant to subsection (a) or (b) of this section. The charge constitutes a debt of that person and may be collected proportionately by the Community, for-profit entities or not-for-profit entities that incurred the expenses. The person's liability for the expenses of an emergency response shall not exceed \$2,000.00 for a single incident. The liability imposed under this section is in addition to and not in limitation of any other liability that may be imposed.

(d) *Insurance.* An insurance policy may exclude coverage for a person's liability for expenses of an emergency response under this section. (Ord. No. SRO-417-2013, § 16-235, 2-1-2013; Ord. No. SRO-428-2014, § 16-235, 1-1-2014)

**Sec. 16-236. Suspension of driving privileges, reporting requirements and ignition interlock devices.**

(a) *Suspension of driving privileges.* Upon conviction for violations of sections 16-231 and 16-234, the court shall order the suspension of driving privileges of such violator except as may be otherwise provided in subsection (d) of this section within the Community, for a period of at least 30, days but not to exceed 24 months.

(b) *Issuing jurisdiction.* Nothing in this chapter shall be read or interpreted to impede on any laws from the jurisdiction that issued any driving license or permits.

(c) *No reporting.* The court shall not report to the Arizona Department of Transportation, Motor Vehicle Division of any final conviction for violations section 16-231(a) or (b) unless authorized and approved by the council.

(d) *Ignition interlock device.* Once completing 90 consecutive days of suspension under subsection (a) of this section, the court may order that the defendant be allowed to drive a vehicle equipped, with a certified ignition interlock device and participation criteria approved by the council. The cost of the ignition interlock device shall be the responsibility of the defendant. The court shall restrict driving to defendant's own employment, education and health care purposes, and only between the defendant's residence and place of employment, education and health care facilities.

(Ord. No. SRO-417-2013, § 16-236, 2-1-2013; Ord. No. SRO-428-2014, § 16-236, 1-1-2014)

DIVISION 6. TRUCK ROUTES

**Sec. 16-237. Certain commercial vehicles prohibited on non-truck routes; exceptions.**

(a) No person shall operate any commercial vehicle exceeding 10,000 pounds gross vehicle weight at any time upon any streets within the Community except those streets or parts of streets described in section 16-238 as adopted truck routes; except that the operator of a commercial vehicle may leave an adopted truck route by the nearest

route to travel a distance no greater than three-fourths of a mile and, in so doing, not cross another truck route to make a single delivery or pickup, after which the vehicle must be returned immediately by the nearest route to an adopted truck route, not to exceed three-fourths of a mile and, in so doing, shall not cross another adopted truck route.

(b) In the event that a pickup or delivery is greater than three-fourths of a mile from an adopted truck route, then the operator of a commercial vehicle may leave an adopted truck route by the nearest route to make a single delivery or pickup, after which he or she must return immediately by the nearest route to an adopted truck route.

(c) The provisions of this section do not apply to:

- (1) Passenger buses;
- (2) Any vehicle owned by a public utility while necessarily in use in the construction, installation or repair of any public utility;
- (3) Any authorized emergency vehicle; or
- (4) Any vehicle owned and operated by the Community.

**Cross reference**—Council's power to restrict weight of vehicles, § 16-102.  
(Ord. No. SRO-417-2013, § 16-237, 2-1-2013; Ord. No. SRO-428-2014, § 16-237, 1-1-2014)

**Sec. 16-238. Adopted; erection of signs.**

(a) The adopted truck routes are as listed below:

- (1) SR 87 (Beeline Highway);
- (2) Pima Road;
- (3) Gilbert Road;
- (4) McDowell Road;
- (5) McKellips Road;
- (6) Alma School Road (south of McDowell);
- (7) Hayden Road; and
- (8) Chaparral Road (west of Dobson).

(b) Signs will be erected on adopted truck routes giving notice that such roads are adopted truck routes.

(Ord. No. SRO-417-2013, § 16-238, 2-1-2013; Ord. No. SRO-428-2014, § 16-238, 1-1-2014)

**Sec. 16-239. Variances.**

Any person seeking a variance from the provisions of this division within this Community Code of Ordinances may request such a variance in writing from the director of Engineering and Construction Services ("ECS"). The ECS director or his or her designee will respond to the request for variance within five business days of the receipt of the request. There shall be no appeal from the decision of the director or his or her designee.

(Ord. No. SRO-417-2013, § 16-239, 2-1-2013; Ord. No. SRO-428-2014, § 16-239, 1-1-2014)

**ARTICLE VII. ACCIDENTS**

**Sec. 16-240. Duty to give information and render aid.**

The driver of any vehicle involved in an accident resulting in injury, death, or damage to any vehicle which is driven or attended by any person shall:

- (1) Give the driver's name, address, vehicle registration number, and shall upon request exhibit the person's driver or commercial license to the person struck or the driver or occupants of a person attending any vehicle collided with; and
- (2) Render to any person injured in the accident reasonable assistance, including the making of arrangements for the carrying of the person to a physician, surgeon or hospital for medical or surgical treatment if it is apparent that treatment is necessary or if requested by the injured person.

(Ord. No. SRO-417-2013, § 16-240, 2-1-2013; Ord. No. SRO-428-2014, § 16-240, 1-1-2014)

**Sec. 16-241. Accidents involving death or injury to a person.**

(a) *Violation.* The driver of any vehicle involved in an accident resulting in injury or death shall immediately stop the vehicle at the scene of

the accident or as close thereto as possible and shall remain at the scene of the accident until the driver has fulfilled the requirements of section 16-240. Every such stop shall be made without obstructing traffic more than is necessary.

(b) *Penalty.* Any person who violates subsection (a) of this section shall be convicted of a criminal offense and sentenced to incarceration for not less than 30 days and not more than one year, shall pay a fine of not less than \$100.00 and not more than \$500.00 or both.

(c) *Suspension of driving privileges.* Upon conviction for this offense, the judge shall suspend the person's driving privilege in the Community for not less than one year.

(Ord. No. SRO-417-2013, § 16-241, 2-1-2013; Ord. No. SRO-428-2014, § 16-241, 1-1-2014)

**Sec. 16-242. Accidents involving vehicle damage only.**

The driver of any vehicle involved in an accident, resulting only in damage to a vehicle which is driven or attended by any person, shall immediately stop the vehicle at the scene of the accident or as close thereto as possible, and shall remain at the scene of the accident until the driver has fulfilled the requirements of section 16-240. Every such stop shall be made without obstructing traffic more than is necessary. Any person who fails to comply with the requirements in this section is guilty of a criminal offense.

(Ord. No. SRO-417-2013, § 16-242, 2-1-2013; Ord. No. SRO-428-2014, § 16-242, 1-1-2014)

**Sec. 16-243. Duty upon striking unattended vehicle.**

The driver of any vehicle which collides with any vehicle which is unattended shall immediately:

- (1) Stop; and
- (2) Either:
  - a. Locate and notify the operator or owner of the struck vehicle of the name and address of the driver and owner of the vehicle doing the striking; or

b. Leave the required information under subsection (2)a of this section in a conspicuous place in the struck vehicle.

(3) Any person who fails to comply with the requirements in this section is guilty of a criminal offense.

(Ord. No. SRO-417-2013, § 16-243, 2-1-2013; Ord. No. SRO-428-2014, § 16-243, 1-1-2014)

**Sec. 16-244. Duty upon striking fixtures upon a highway.**

(a) The driver of any vehicle involved in an accident resulting only in damage to fixtures or other property legally upon or adjacent to a highway shall take reasonable steps to locate and notify the owner or person in charge of the property of:

- (1) The damage to fixture or other property;
- (2) The driver's name and address;
- (3) The registration number of the vehicle the driver is driving; and
- (4) Shall upon request exhibit his or her driver license and shall make report of the accident when and as required in Sec. 16-247.

(b) Any person who fails to comply with the requirements in this section is guilty of a violation of this section and is subject to civil penalties as provided in this chapter.

(Ord. No. SRO-417-2013, § 16-244, 2-1-2013; Ord. No. SRO-428-2014, § 16-244, 1-1-2014)

**Sec. 16-245. Immediate reports of certain accidents.**

The driver of a vehicle involved in an accident resulting in injury to or death of any person shall immediately by the quickest means of communication, whether oral or written, give notice of the accident to the police department.

(Ord. No. SRO-417-2013, § 16-245, 2-1-2013; Ord. No. SRO-428-2014, § 16-245, 1-1-2014)

**Sec. 16-246. Reserved.**

**Sec. 16-247. Written reports of accidents.**

(a) A law enforcement officer who, in the regular course of duty, investigates a motor vehicle accident resulting in physical injury, death or damage to the property of any person in excess of \$5,000.00 or the issuance of a citation shall complete a written report of the accident as follows:

- (1) Either at the time of and at the scene of the accident or after the accident by interviewing participants or witnesses.
- (2) Within 24 hours after completing the investigation.

(b) Every law enforcement officer who, in the regular course of duty, investigates a motor vehicle accident that results in damage to the property of any person in an amount of \$5,000.00 or less, but that does not result in the issuance of a citation or physical injury or death, shall complete a portion of the written report of the accident. The portion of the written report shall:

- (1) Be completed either at the time of and at the scene of the accident or after the accident by interviewing participants or witnesses.
- (2) Be completed within 24 hours after completing the investigation.
- (3) Include the following minimum information:
  - a. The time, day, month and year of the accident.
  - b. Information adequate to identify the location of the accident.
  - c. Identifying information for all involved parties and witnesses, including name, age, sex, address, telephone number, vehicle ownership and registration and proof of insurance.
  - d. A narrative description of the facts of the accident, a simple diagram of the scene of the accident and the investigating officer's name, agency and identification number.

(c) The police department:

- (1) Shall not allow a person to examine the accident report or any related investiga-

tion report or a reproduction of the accident report or a related investigation report if the request is for a commercial solicitation purpose.

- (2) May require a person requesting the accident or related investigative report to state under penalty of perjury that the report is not examined or copied for a commercial solicitation purpose.
- (3) May retain the original report.
- (4) Shall maintain an electronic copy of the original report if the agency elects not to retain the original report pursuant to subsection (3) of this subsection.
- (5) Except as otherwise provided by law, on request shall provide a copy of the unredacted report to the following:
  - a. A person who is involved in the accident or the owner of a vehicle involved in the accident or a representative of the person or owner.
  - b. Any insurer licensed pursuant to Title 20 of Arizona Revised Statutes if the report is related to an investigation into fraudulent claims, or any insurer that writes automobile liability or motor vehicle liability policies and that is both of the following:
    1. Under the jurisdiction of the Arizona Department of Insurance or insurance support organization or a self-insured entity or its agents, employees or contractors in connection with claims investigation activities, antifraud activities, rating or underwriting.
    2. An insurer of a person or vehicle involved in the accident.
  - c. An attorney licensed to practice law or to a licensed private investigator representing a person involved in the accident in connection with any civil, administrative or arbitration proceeding in any court or government agency or before any self-regulatory body, including the ser-

vice of process, investigation in anticipation of litigation and the execution or enforcement of judgments and orders, or pursuant to a court order.

(d) If a request is made pursuant to subsection (c)(5)a. or c. of this section and the accident report indicates that a criminal complaint has been issued, before the report is released the personal identifying information regarding any victim shall be redacted from the accident report.

(e) The police department may deny a request for a copy of an unredacted accident report if the agency determines that release of the report would be harmful to a criminal investigation.

(f) The police department may place notes, date stamps, identifying numbers, marks or other information on the copies as needed, if they do not alter the original information reported by the investigating officer or public employee.

(g) Any law restricting the distribution of personal identifying information by a business entity described in subsection (c)(5)b. of this section applies to personal identifying information contained in an accident report. If a person who receives information under this section is not otherwise subject to distribution restrictions for information contained in accident reports, the person shall not release the report or any information contained in the report except to those persons designated in subsection (c)(5) of this section.

(h) For the purposes of this section, "commercial solicitation purpose" means a request for an accident report if there is neither:

- (1) A relationship between the person or the principal of the person requesting the accident report and any party involved in the accident.
- (2) A reason for the person to request the report other than for the purposes of soliciting a business or commercial relationship.

(Ord. No. SRO-417-2013, § 16-247, 2-1-2013; Ord. No. SRO-428-2014, § 16-247, 1-1-2014)

**Sec. 16-248. Reserved.**

**Sec. 16-249. Accident report forms.**

(a) The police department shall maintain forms for accident reports required under this article. The written reports to be made by persons involved in accidents and by investigating officers shall call for sufficiently detailed information to disclose with reference to a traffic accident the cause, conditions then existing and the persons and vehicles involved.

(b) Every accident report required to be made in writing shall be made on the appropriate form approved by the Community and shall contain all of the information required therein unless not available.

(c) The accident report shall at the very minimum contain the following:

- (1) The time, day, month, and year of the accident;
- (2) The location of the accident;
- (3) Identifying information for all involved parties and witnesses, including name, age, address, telephone number, vehicle ownership and registration and proof of insurance;
- (4) A narrative description of the facts of the accident;
- (5) If a law enforcement officer is involved, the officer's name, agency, and identification number.

(Ord. No. SRO-417-2013, § 16-249, 2-1-2013; Ord. No. SRO-428-2014, § 16-249, 1-1-2014)

**Sec. 16-250. Additional penalty for failure to report.**

The court shall suspend the privilege of driving in the Community of any person failing to report an accident as provided by this article until the report has been filed. Any person failing to make a report as required by this article shall be responsible for a civil offense as provided in section 16-2.

(Ord. No. SRO-417-2013, § 16-250, 2-1-2013; Ord. No. SRO-428-2014, § 16-250, 1-1-2014)

**Sec. 16-251. Auto repair shops to report.**

The person in charge of any auto repair shop to which is brought any motor vehicle which shows evidence of having been struck by a bullet, recently involved in an accident, has evidence of blood on the vehicle, or contains blood or human body parts shall report to the police department within 24 hours after the motor vehicle is received, giving the VIN, license plate number and the name and address of the owner or operator of the vehicle.

(Ord. No. SRO-417-2013, § 16-251, 2-1-2013; Ord. No. SRO-428-2014, § 16-251, 1-1-2014)

**Secs. 16-252—16-260. Reserved.**

**ARTICLE VIII. PROCEDURE IN TRAFFIC CASES\***

**DIVISION 1. GENERAL PROVISIONS FOR ALL TRAFFIC CASES**

**Sec. 16-261. Authority to detain.**

Any authorized law enforcement officer of the Community may stop and detain a person if the officer has a reasonable and articulable suspicion that the person has committed a violation of this chapter. Any authorized law enforcement officer of the Community may arrest a person who is subject to the criminal jurisdiction of the Community, for any criminal offense arising under this chapter, consistent with the laws of the Community and the Community rules of criminal procedure.

(Ord. No. SRO-417-2013, § 16-261, 2-1-2013; Ord. No. SRO-428-2014, § 16-261, 1-1-2014)

**Sec. 16-262. Forms of citations.**

(a) *Uniform citation.* Every law enforcement officer of the Community shall use a uniform traffic ticket and complaint form for traffic citations adopted by the police department and approved by the council which shall be issued in books with citations with multiple copies and meeting the requirements of this article.

---

\***Cross reference**—Criminal procedure generally, § 5-31 et seq.

(b) *Issuing citation books and recordkeeping.* The chief of the police department or his or her designee shall be responsible for the issuance of the books and shall maintain a record of every book and each citation contained therein issued to individual officers and shall require and retain a receipt for every book so issued.

(c) *Juveniles.* If the person accused of violating any offense under this chapter is a juvenile, the juvenile's case shall be processed consistent with section 16-276. The citation shall also include space for the cited juvenile to provide contact information for his or her parent or legal guardian.

(d) *Affirmations.* The citation shall include a place for the cited person to affirm the mailing address of the person to receive service of any necessary court documents, and shall advise the person that the duty to inform the court of any changes in address remains solely with the cited person.

(e) *Notices.* The citation shall also include the following:

- (1) If the citation is for a criminal offense, a notice that if the person fails to appear for a criminal offense, a warrant may be issued;
- (2) If the citation is for a civil offense, a notice that if the person fails to appear, a default judgment will be entered against the person, a civil penalty will be assessed, and that the person's driving privilege could be suspended.

(Ord. No. SRO-417-2013, § 16-262, 2-1-2013; Ord. No. SRO-428-2014, § 16-262, 1-1-2014)

**Sec. 16-263. Disposition of citations.**

(a) *Original delivered to the court.* Every officer or the officer's designated agent from the police department, upon issuing a civil traffic citation to an alleged violator of any provision of this chapter shall deliver the original or a copy of the traffic citation to the court.

(b) *Disposition required upon filing.* Upon the delivery of the original or a copy of the traffic citation to the court, the original or copy of the traffic citation may be disposed of only after

payment of the fine is received in accordance with the disposition schedule, by trial in the Community court or upon a motion by the Community or other official action by a judge of the court, including forfeiture of the bail or by deposit of sufficient bail with or payment of a fine to the clerk of the court by the person to whom the traffic citation has been issued by the officer.

(c) *Unlawful disposition of citation.* It is unlawful and misconduct for any officer or a Community employee to dispose of a traffic citation or copies thereof or of the record of the issuance of the same in a manner other than as required by this article.

(d) *Copy to chief administrative officer.* The chief of police or his or her designee shall require the return to him or her of a copy of every traffic citation issued by an officer under his or her supervision of alleged violations of any traffic law or ordinance and of all copies of every traffic citation which has been spoiled or upon which any entry has been made and not issued to an alleged violator. These citations and copies may only be destroyed pursuant to the Community's policy on purging court records.  
(Ord. No. SRO-417-2013, § 16-263, 2-1-2013; Ord. No. SRO-428-2014, § 16-263, 1-1-2014)

**Sec. 16-264. Record of traffic cases.**

The court shall keep or cause to be kept a record of every traffic complaint, traffic citation or other legal form of traffic charge deposited with or presented to the court, and shall keep a record of every official action by the court, including, but not limited to a record of every conviction, forfeiture of bail, judgment of acquittal and the amount of fine or forfeiture resulting from every traffic complaint or citation deposited with or presented to the court, for a period of time set by the Council.  
(Ord. No. SRO-417-2013, § 16-264, 2-1-2013; Ord. No. SRO-428-2014, § 16-264, 1-1-2014)

**Sec. 16-265. Burden of proof and consolidation of cases.**

(a) *Standard of proof.* The standard of proof on a civil offense shall be by a preponderance of the evidence. The standard of proof on a criminal offense shall be beyond a reasonable doubt.

(b) *Consolidation.* Civil and criminal traffic offenses based on the same conduct or otherwise related in their commission may be consolidated at any point in the proceedings on motion of a party or on the court's own motion. At the trial of any consolidated case, the rules governing the criminal offense shall apply, except that the civil offenses shall be tried to the court. The consolidated trial shall not change the applicable burden of proof for the civil or the criminal offense.  
(Ord. No. SRO-417-2013, § 16-265, 2-1-2013; Ord. No. SRO-428-2014, § 16-265, 1-1-2014)

**DIVISION 2. RULES OF PROCEDURE FOR CRIMINAL TRAFFIC OFFENSES**

**Sec. 16-266. Applicability of rules of criminal procedure for criminal traffic cases.**

The rules of criminal procedure for the Community shall apply to all aspects of the criminal traffic offense, unless specifically described in this chapter. Criminal offenses alleged to have been committed under this chapter may be brought by the issuance of a traffic citation without bearing the prosecutor's signature, or by the submittal of a criminal complaint.  
(Ord. No. SRO-417-2013, § 16-266, 2-1-2013; Ord. No. SRO-428-2014, § 16-266, 1-1-2014)

**Sec. 16-267. Procedure for issuance of citation when officer completes personal service.**

(a) *Filing of the citation.* When a law enforcement officer of the Community alleges a criminal offense arising under this chapter and issues a citation in person, whether that person is arrested or not, the officer shall immediately provide the cited person a copy of that citation, and shall promptly submit the citation to the Community prosecutor and the police department's designated agent for prompt filing with the Community court.

(b) *Time for appearance.* For any criminal offense arising under this chapter, where the person is issued a citation in person and not arrested, the citation shall require the appearance of the cited person at the Community court for an ar-

raignment, at a time at least ten) and no more than 30 days after the alleged offense occurred. The citation shall advise the cited person of the court date and time of the arraignment, and address of the court. Arraignment shall not be set on weekends or any Community holiday. Should any citation direct a cited person to appear on a weekend or Community holiday, the court shall reset the date and notify the cited person of a new date and time. The cited person shall be required to sign the citation which includes the notice of the time to appear. If the person refuses to sign the notice to appear, the officer may make an arrest without a warrant. This provision does not alter the officer's legal authority to make an arrest without a warrant pursuant to any other provision of the Community Code of Ordinances.

(c) *Arrested persons.* When an officer makes an arrest without a warrant, the citation accompanied by a sworn probable cause statement by the officer, shall be submitted to the court, and the court shall make a determination of probable cause. The citation will serve as the complaint. (Ord. No. SRO-417-2013, § 16-267, 2-1-2013; Ord. No. SRO-428-2014, § 16-267, 1-1-2014)

**Sec. 16-268. Procedure for issuance of citation not served in person.**

In the event that the officer does not serve the cited person with a citation, the officer may submit the citation, or the requested charges along with the probable cause statement, to the Community prosecutor with a request for charges. The Community prosecutor shall determine if criminal charges should be submitted to the court from the request. The prosecutor may file a citation or a complaint with the court that includes the alleged offenses arising under this chapter. The prosecutor shall also request either a summons or a warrant to secure the appearance of the accused. The court shall refer to the rules of criminal procedure for guidance as to whether a summons or a warrant shall issue. (Ord. No. SRO-417-2013, § 16-268, 2-1-2013; Ord. No. SRO-428-2014, § 16-268, 1-1-2014)

**DIVISION 3. RULES OF PROCEDURE FOR CIVIL TRAFFIC OFFENSES**

**Sec. 16-269. Sufficiency and amendment of the complaint.**

(a) *Sufficiency.* No civil traffic citation or complaint shall be deemed insufficient for failure to contain a sufficient statement of essential facts constituting the specific offense which the cited person is alleged to have committed if the citation or the complaint contains either a written description or the code designation of the offense.

(b) *Juveniles.* For offenses alleged against a juvenile, the citation or the complaint shall include a space that allows the juvenile to provide the name and address of his or her parent or legal guardian.

(c) *Amendments.* The court may permit a civil traffic citation or the complaint to be amended at any time before judgment if no additional or different offense is charged and if substantial rights of the cited person are not thereby prejudiced.

(d) *Conform to evidence.* The citation or the complaint may be amended to conform to the evidence adduced at hearing, if no additional or different offense is charged thereby and if substantial rights of the cited person are not thereby prejudiced.

(e) *Notice required.* If the cited person has convictions or adjudications for a prior offense under this chapter that would expose the person to any additional penalties, the prosecutor shall file a notice of prior adjudications or convictions five business days prior to the cited person's scheduled hearing.

(f) *Conflicts.* If the judge determines there is a conflict between the written description and the statutory description of a civil offense, the descriptive text shall take precedence unless the substantial rights of the cited person are prejudiced or such action would result in a criminal offense. In the event the judge cannot determine what offense was charged, the judge shall dismiss the offense without prejudice and provide the officer

who issued the citation or tribal prosecutor with an opportunity to refile the citation or charging document.

(Ord. No. SRO-417-2013, § 16-269, 2-1-2013; Ord. No. SRO-428-2014, § 16-269, 1-1-2014)

#### **Sec. 16-270. Representation of parties.**

(a) *Counsel.* Counsel for the cited person shall be permitted consistent with section 4-4 of the Community Code of Ordinances. If counsel has been retained to represent the cited person, counsel shall file an entry of appearance with the Community court and notify the prosecutor of the counsel's appearance. The hearing will be rescheduled if counsel for a cited party fails to notify the Prosecutor at least three business days before the hearing.

(b) *Community representation.* The Community law enforcement agency may be represented by the prosecutor, but may proceed without the assistance of the prosecutor. At the beginning of any traffic offense hearing, the prosecutor or the law enforcement agent shall advise the court of the representation.

(Ord. No. SRO-417-2013, § 16-270, 2-1-2013; Ord. No. SRO-428-2014, § 16-270, 1-1-2014)

#### **Sec. 16-271. Initial appearance and entry of plea.**

(a) *Time and place.* The citation shall require the appearance of the cited person at the Community court for an initial appearance, at a time at least ten and no more than 30 days after the alleged offense occurred. The citation shall advise the cited person of the court date and time of the initial appearance, and address of the court. Initial appearances shall not be set on weekends or any Community recognized holiday. If any cited person is ordered to appear on a weekend or Community holiday, the court shall reset the date and notify the cited person of a new date and time.

(b) *Entry of plea.* The cited person shall enter a plea of responsible or denial at the time of initial appearance to each and every offense in the citation. Failure to enter a plea to any offense shall be entered as an admission to the offense.

(c) *Denial of offenses.* The cited person may enter a denial to any and all of the offenses in the citation and an informal hearing on any challenged offenses shall be set consistent with section 16-272. When the cited person enters a denial and the matter is set for a hearing, the cited person shall ensure that the court is provided with a valid mailing address for service of any necessary court orders. The court shall advise the person that the duty to update the court for address changes is solely the responsibility of the cited person. In lieu of personal appearance, the cited person may mail in a correspondence denying responsibility for the cited offense and requesting a hearing. A default judgment will not be entered against a person who does not appear at the scheduled initial appearance if the person has mailed in correspondence denying responsibility for the cited offense and requesting a hearing and the correspondence is received by the court before the date of the scheduled initial appearance.

(d) *Admission of offenses.* The cited person may admit responsibility to any and all of the offenses, and offer any explanation to the court. The court shall consider any explanation of the person and impose a fine as penalty and enter the judgment.

(e) *Resolved by payment of fine.* When a cited person elects to admit the offense(s) in the citation, the cited person may submit payment to the clerk of the court pursuant to the established disposition schedule at appendix A prior to the initial appearance with the signed admission of responsibility for the offense either in person or by mail. The cited person bears the responsibility of ensuring that payment is received by the court prior to the scheduled initial appearance. Failure to ensure that payment is received by the court subjects the cited person to default judgment as described in subsection (b) of this section. In the event that the cited person submits payment, but such payment is received after the initial appearance, any entry of default shall prevail, but the submitted payment may be applied towards any imposed fine.

(Ord. No. SRO-417-2013, § 16-271, 2-1-2013; Ord. No. SRO-428-2014, § 16-271, 1-1-2014)

**Sec. 16-272. Hearing.**

(a) *Hearing.* If the cited person denies the allegations in the citation at the initial appearance, the matter shall be heard in an informal hearing before a judge of the Community court. The hearing shall be heard no sooner than 15 days and no later than 45 days after the initial appearance. The hearing shall be informal and without a jury. Witnesses may testify in narrative form. The Community shall have the burden of proof and shall prove the civil violation by a preponderance of the evidence. The rules of evidence do not apply, except for provisions relating to privileged communications.

(b) *Order of proceedings.* The order of proceedings shall be as follows:

- (1) Direct, cross, and re-direct examination of Community's witnesses.
- (2) Direct, cross, and re-direct examination of defense witnesses.
- (3) Direct, cross, and re-direct examination of Community's rebuttal witnesses, if any.
- (4) Argument of the parties or their counsel if permitted by the Court.
- (5) Ruling by the court.

(c) *Witnesses.* The cited person and the Community may subpoena witnesses, but shall request the court issue subpoenas at least ten days prior to the hearing.

(d) *Discovery.* No pre-trial discovery shall be permitted absent extraordinary circumstances. Immediately prior to the hearing for the alleged offense, both parties shall produce for inspection any pre-prepared exhibits and written or recorded statements of any witness which may be offered at the hearing. Failure to comply with this rule may result, in the court's discretion, a continuance or recess to permit such inspection, or denying the admission of the evidence not so exchanged.

(e) *Continuances.* The Community or the cited person may request a continuance for the informal hearing in writing prior to the hearing, or in extraordinary circumstances, by oral motion at the beginning of the hearing. The court may grant

a continuance when such a continuance is in the interest of justice, but shall not permit undue delay for the matter to proceed. When a continuance is requested and not granted, the parties are required to appear for the hearing, or may be subject to default consistent with section 16-273. (Ord. No. SRO-417-2013, § 16-272, 2-1-2013; Ord. No. SRO-428-2014, § 16-272, 1-1-2014)

**Sec. 16-273. Outcomes of hearing, payment of fines.**

(a) *Admissions by cited person.* The cited person may enter an admission of responsible to any and all of the offenses at the time of the hearing. After the admission of such offense, the judge shall consider any explanation of those offenses, and impose a fine as penalty.

(b) *Contested offenses.* For those offenses that the person enters a denial, the judge shall evaluate the evidence presented and determine if the Community has proven the contested allegation by a preponderance of the evidence.

(c) *Finding for Community, cited person responsible.* For any offense the judge finds in favor of the Community and the cited person is responsible, the judge shall impose a fine as penalty and record the judgment in accordance with disposition schedule at appendix A.

(d) *Finding for cited person, not responsible or dismissal of offense.* For any offense the judge finds in favor of the cited person, the judge shall enter and record judgment for the person.

(e) *Dismissal by Community.* The Community may also dismiss any and all alleged offenses in the citation at any time prior to the judge rendering a decision.

(f) *Default for Community, cited person's failure to appear.* When the court finds that the cited person received proper notice for the hearing and no requested continuance on behalf of the cited person for the hearing has been granted, and the person fails to appear, the court shall find the person responsible for the offenses alleged in the citation and impose a fine as penalty in accordance with disposition schedule at appendix A.

Notice shall be sent within three business days to the cited person at the address on record with the court as to the fine due and the date due.

(g) *Default for cited person, Community failure to prosecute.* When the court finds that the Community received proper notice for the hearing and no requested continuance on behalf of the Community has been granted, and the Community fails to appear and present evidence to support the alleged offenses in the citation, the court shall find that the Community has failed to prosecute the citation and dismiss the citation in its entirety with prejudice.

(Ord. No. SRO-417-2013, § 16-273, 2-1-2013; Ord. No. SRO-428-2014, § 16-273, 1-1-2014)

**Sec. 16-274. Admissions, not evidence in other matters.**

Any admission of an allegation contained in a civil traffic citation or a judgment on the matter shall not be evidence in any negligence-related claim or in any criminal matter.

(Ord. No. SRO-417-2013, § 16-274, 2-1-2013; Ord. No. SRO-428-2014, § 16-274, 1-1-2014)

**Sec. 16-275. Payment of fines.**

If a fine has been ordered under this section, the person shall pay the fine within 30 days of either the entry of judgment or the date the judgment is mailed to the cited person, whichever is later. If the payment of fine within 30 days of entry of judgment will create an economic burden on the person, the court may permit the person to make payments in installments. If the person fails to pay the fine imposed for violation of this chapter, the court may order that the driving privilege of the person be suspended after mailing the notice to the person's last known address in addition to other fine collection procedures. The court ordered suspension shall remain in effect until the person satisfies the fine. If the person is cited while their license is suspended pursuant to this chapter, the court may impose double the maximum penalty allowed pursuant to section 16-40.

(Ord. No. SRO-417-2013, § 16-275, 2-1-2013; Ord. No. SRO-428-2014, § 16-275, 1-1-2014)

**DIVISION 4. JUVENILE TRAFFIC OFFENSES PROVISIONS**

**Sec. 16-276. Juvenile provisions.**

For any offense with a criminal penalty arising under this chapter against a juvenile, the matter shall be heard and adjudicated by the juvenile court in accordance with chapter 11 and the delinquency process. Any matter that is subject to the delinquency process shall be transferred to the juvenile court without undue delay, and with proper notice to the juvenile and the parent or legal guardian and Tribal prosecutor's office. For any civil offense against a juvenile arising under this chapter, the matter shall be heard consistent with this chapter, with the following exceptions:

- (1) A court shall not dispose of a civil traffic violation offense arising from the issuance of a traffic citation to a juvenile under 18 years of age unless a parent or guardian of such juvenile appears in court with such juvenile at the time of the disposition of such charge.
- (2) In the event of unusual circumstances preventing the appearance of the parent or guardian, the court may waive the appearance and shall instead send written notice to the parent or guardian, if such be known, advising them of the charge and its disposition.
- (3) When a fine is to be imposed upon a juvenile for a civil traffic offense, and the juvenile does not have the means to pay, the court may impose community service or an educational driving course.
- (4) The court will exercise jurisdiction pursuant to this chapter only over those juveniles for whom it can exercise criminal jurisdiction.

(Ord. No. SRO-417-2013, § 16-276, 2-1-2013; Ord. No. SRO-428-2014, § 16-276, 1-1-2014)

**Secs. 16-277—16-279. Reserved.**

## DIVISION 5. APPEALS

**Sec. 16-280. Right to appeal.**

A party may appeal any civil traffic case, criminal traffic case and juvenile traffic case as prescribed by the law of the Community and in the manner provided by the respective rules of appellate procedure. Any person who has admitted responsibility for any civil offense, shall be deemed to have forfeited any right to appeal.

(Ord. No. SRO-417-2013, § 16-280, 2-1-2013; Ord. No. SRO-428-2014, § 16-280, 1-1-2014)

**ARTICLE IX. PEDESTRIANS' RIGHTS AND DUTIES\*****Sec. 16-281. Right-of-way in crosswalks.**

(a) *Yield.* When traffic-control signals are not in place or not in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping, if need be, to yield to a pedestrian crossing the roadway within a crosswalk when the pedestrian is on the half of the roadway on which the vehicle is traveling or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger. A pedestrian shall not suddenly leave any curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield. This provision shall not apply under the conditions stated in subsection (b) of this section.

(b) *Prohibitions.* When any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass the stopped vehicle.

(Ord. No. SRO-417-2013, § 16-281, 2-1-2013; Ord. No. SRO-428-2014, § 16-281, 1-1-2014)

**Sec. 16-282. Crossing at other than at crosswalks.**

(a) *Yield.* Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.

\***Cross reference**—Pedestrian control signals, § 16-127.

(b) *Tunnel or overhead crossing.* Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.

(c) *Marked crosswalk.* Between adjacent intersections at which traffic-control signals are in operation, pedestrians shall not cross at any place except in a marked crosswalk.

(Ord. No. SRO-417-2013, § 16-282, 2-1-2013; Ord. No. SRO-428-2014, § 16-282, 1-1-2014)

**Sec. 16-283. Reserved.****Sec. 16-284. Pedestrians on roadways.**

(a) *Sidewalks.* Where sidewalks are provided, a pedestrian shall not walk along and upon an adjacent roadway.

(b) *No sidewalks.* Where sidewalks are not provided, any pedestrian walking along and upon a highway shall, when practicable, walk only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction.

(c) *Soliciting rides.* No person shall stand in a roadway for the purpose of soliciting a ride from the driver of any vehicle.

(Ord. No. SRO-417-2013, § 16-284, 2-1-2013; Ord. No. SRO-428-2014, § 16-284, 1-1-2014)

**Sec. 16-285. School crossings.**

(a) *In front of school.* In front of each school building, or school grounds abutting thereon, the Community by and with the advice of the school authorities is empowered to mark or cause to be marked a single crosswalk where children shall be required to cross the highway.

(b) *Additional crossings.* Additional crossings across highways not abutting school grounds may be approved by the Community upon application of school authorities, with written satisfactory assurance given to the Community that guards will be maintained by the school authorities at the elementary school crossings to enforce the proper use of the crossing by the school children.

(c) *Marking and signs required.* The Community shall provide for yellow marking of the school crossing, yellow marking of the center line of the roadway and the erection of portable signs indicating that vehicles must stop when persons are in the crossing. The Community shall also provide for the type and working of portable signs indicating that school is in session and permanent signs providing warning of approach to school crossings.

(d) *Placement of signs.* When such crossings are established, school authorities shall place within the highway the portable signs indicating that school is in session, placed not to exceed 300 feet each side of the school crossings, and "stop when children in crosswalk" signs at school crossings. School authorities shall maintain these signs when school is in session and shall cause them to be removed immediately thereafter.

(e) *Speed limit.* No vehicle shall proceed at a speed to exceed 15 miles per hour when approaching the crosswalk and while between the portable signs placed on the highway indicating "school in session" and "stop when children in crosswalk."

(f) *School in session defined.* When the phrase "school in session" is used in this section, either referring to the period of time or to signs, it means during school hours or while children are going to or leaving school during opening or closing hours.

(g) *Vehicles to obey signs.* When the school authorities place and maintain the required portable "school in session" signs and "stop when children in crosswalk" signs, all vehicles shall come to a complete stop at the school crossing when the crosswalk is occupied by any person. (Ord. No. SRO-417-2013, § 16-285, 2-1-2013; Ord. No. SRO-428-2014, § 16-285, 1-1-2014)

#### **Sec. 16-286. Use of white cane.**

(a) *Cane required.* Any person who is wholly or industrially blind shall, when walking on a street or highway, unless guided by a guide dog or assisted by a person with sight, carry a white cane with a red tip of approximately eight inches.

(b) *Definition.* For the purposes of this section a person is blind who has central visual acuity of 20/200 or less in the better eye or central visual

acuity of more than 20/200 in the better eye if there is a field defect in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends an angular distance no greater than 20 degrees.

(c) *Yield.* Any person operating a motor vehicle other than an emergency vehicle the siren of which is being sounded shall bring the motor vehicle to a stop and yield the right-of-way at a street, avenue, alley or other public highway intersection to a blind or industrially blind person carrying a white cane with a red tip, or who is being guided by a guide dog when the person enters the intersection.

(d) *Exception.* This section shall not be construed to deprive a totally or industrially blind person not carrying a white cane or being guided by a dog of the rights and privileges conferred by law upon pedestrians crossing ways, nor shall the failure of a blind person to carry a white cane or be guided by a guide dog while on the ways be held to constitute prima facie evidence of contributory negligence.

(Ord. No. SRO-417-2013, § 16-286, 2-1-2013; Ord. No. SRO-428-2014, § 16-286, 1-1-2014)

#### **Secs. 16-287—16-290. Reserved.**

### **ARTICLE X. ABANDONED AND SEIZED VEHICLES\***

#### **Sec. 16-291. Reserved.**

#### **Sec. 16-292. Abandonment prohibited; removal; presumption.**

(a) *Violation.* No person shall abandon a vehicle upon any street or on the right-of-way of any highway or thoroughfare.

(b) *Removal.* Any law enforcement officer of the Community who has reasonable grounds to believe that a vehicle has been lost, stolen, aban-

\***Cross references**—Procedure for recovery of property in possession of Community, §§ 1-6—1-8; seizure of vehicle used in narcotics-related offense, § 6-122; removal of illegally stopped vehicle, § 16-197.

done or otherwise unclaimed may remove or cause the removal of such vehicle from any street, highway or thoroughfare.

(c) *Presumption of responsibility.* The abandonment of any vehicle in a manner provided in this article shall constitute a presumption that the last registered owner of record is responsible for such abandonment, unless a person who has filed:

- (1) An affidavit that the vehicle has been stolen pursuant to the laws of any state, United States government, federally recognized Indian tribes, or foreign government;
- (2) A stolen vehicle report with the Salt River Police Department; or
- (3) A report transferring title or interest with respect to the motor vehicle pursuant to Arizona Revised Statutes, Sec. 28-2058.

(d) *Evidence.* Evidence that a vehicle was left unattended for a period of 48 hours within the right-of-way of a highway, road, street, or other thoroughfare, shall be prima facie evidence of abandonment.

(Ord. No. SRO-417-2013, § 16-292, 2-1-2013; Ord. No. SRO-428-2014, § 16-292, 1-1-2014)

**Sec. 16-293. Required report of abandoned and seized motor vehicles; violation.**

Any person having knowledge and custody of a vehicle which is lost, stolen, abandoned or otherwise unclaimed, or of a vehicle which has been seized pursuant to law or removed from the right-of-way of any highway, road, street or other Community property, by order of a Community police officer, or other authorized law enforcement officer, and which has been held for a period of 15 days, where no claim has been made for the return or possession thereof by any person legally entitled thereto, shall make a report thereof to the police department within five business days after the expiration of the 15-day retention period for disposal of the vehicle by public auction and sale in accordance with this article. The report shall contain a complete description of the vehicle, the vehicle license or registration number, if any, the circumstances of the officer's removal or

custody and other information which may be required by the police department. Any person who fails to make such report is guilty of a criminal offense.

(Ord. No. SRO-417-2013, § 16-293, 2-1-2013; Ord. No. SRO-428-2014, § 16-293, 1-1-2014)

**Sec. 16-294. Notice of sale.**

(a) *Inquiry.* The police department shall, upon receipt of a report as required by this article, make an inquiry to the Arizona Department of Transportation, Records Division, to ascertain the name and address of the owner or lien holder, if any, of the vehicle. If the vehicle appears to be registered in another state or foreign country, the police department shall make inquiry of the vehicle registration agency of such state or foreign country to ascertain the name and address of the owner or lien holder, if any, of the vehicle.

(b) *Notice.* Upon receipt of information disclosing the name and address of the owner or lien holder, if any, the police department shall, not less than 15 days prior to the date of taking such action, give to the owner or lienholder, if any, notice of its intention to sell the vehicle. Notice shall be given by registered or certified mail and request made for a return receipt.

(c) *Publication.* If the records of the Arizona Department of Transportation or the vehicle registration agency of another state or foreign country, fail to disclose the name and address of the owner or lienholder, if any, and there appears to be no registered holder in any state or foreign country, or if the notice is returned marked "unclaimed" or "addressee unknown," then notice of the police department's intention to sell shall be published once in a newspaper of general circulation in Maricopa County. The notice shall include a complete description of the vehicle and the place and date the vehicle was found, seized or taken into possession.

(d) *Claimed vehicle.* Any person who has filed a report of an abandoned vehicle in accordance with this article shall notify the police department within 24 hours if the vehicle is claimed by the owner.

(Ord. No. SRO-417-2013, § 16-294, 2-1-2013; Ord. No. SRO-428-2014, § 16-294, 1-1-2014)

**Sec. 16-295. Sale of vehicles.**

(a) *Sale.* If at the expiration of 15 days from the mailing of the registered or certified notice, or upon the expiration of the 15 days from the publication as provided in this article, the vehicle is unclaimed, the police department may sell the vehicle at public auction to the highest bidder upon notice of the sale published in one issue of a newspaper of general circulation in Maricopa County. The notice shall include a complete description of the vehicle to be sold and the time, place and date of sale, which shall not be less than five nor more than ten days following the date of publication of the notice.

(b) *Affidavit.* Prior to the sale at public auction of the abandoned, seized, lost or otherwise unclaimed vehicle, the police department shall present to the Community court evidence of compliance with this article by an affidavit signed under oath by an officer of the police department. Such affidavit shall be made on a form approved by the Community.

(c) *Court order.* The Community court, upon submission of the affidavit in subsection (b) of this section and there being no proper responses to such notice, and just cause appearing, shall sign an order extinguishing and permitting the sale of said vehicle at public auction.  
(Ord. No. SRO-417-2013, § 16-295, 2-1-2013; Ord. No. SRO-428-2014, § 16-295, 1-1-2014)

**Sec. 16-296. Required report of towed vehicles; violations.**

Except if acting under the direction of the police department, a person who moves, or tows any vehicle into an auto repair shop, parking lot, private property, storage yard or wrecking yard, without the consent of the owner, shall notify the police department within one hour of the time the vehicle is moved or towed. The notification may be made in person or by telephone. Any person who fails to make such report is guilty of a criminal offense.  
(Ord. No. SRO-417-2013, § 16-296, 2-1-2013; Ord. No. SRO-428-2014, § 16-296, 1-1-2014)

**Secs. 16-297—16-300. Reserved.****ARTICLE XI. BICYCLES AND PLAY VEHICLES****Sec. 16-301. Application of provisions.**

(a) *Parents and guardians.* The parent or a guardian of a child and the guardian, with the exception of Community employees and officials serving as guardian in an official capacity of a ward, shall not authorize or knowingly permit the child or ward to violate any of the provisions of this chapter.

(b) *Highways and paths.* The regulations of this chapter in their application to bicycles shall apply when a bicycle is operated upon any highway or upon any path set aside for the exclusive use of bicycles subject to those exceptions stated in this article.  
(Ord. No. SRO-417-2013, § 16-301, 2-1-2013; Ord. No. SRO-428-2014, § 16-301, 1-1-2014)

**Sec. 16-302. Traffic laws apply to persons riding bicycles.**

Every person riding a bicycle upon a roadway shall be granted all the rights and shall be subject to all the duties applicable to the driver of a vehicle by this chapter except as to special regulations in this article, and except as to those provisions of this chapter which by their nature can have no application.  
(Ord. No. SRO-417-2013, § 16-302, 2-1-2013; Ord. No. SRO-428-2014, § 16-302, 1-1-2014)

**Sec. 16-303. Riding on roadways and bicycle paths.**

(a) *Right side.* Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable exercising due care when passing a standing vehicle or one proceeding in the same direction.

(b) *Prohibition.* Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

(c) *Use of path.* Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use the path and shall not use the roadway.  
(Ord. No. SRO-417-2013, § 16-303, 2-1-2013; Ord. No. SRO-428-2014, § 16-303, 1-1-2014)

**Sec. 16-304. Manner of riding.**

(a) *Seat.* A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto.

(b) *Prohibition.* No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.  
(Ord. No. SRO-417-2013, § 16-304, 2-1-2013; Ord. No. SRO-428-2014, § 16-304, 1-1-2014)

**Sec. 16-305. Carrying articles.**

No person operating a bicycle shall carry any package, bundle or article which prevents the driver from keeping at least one hand upon the handle bars.  
(Ord. No. SRO-417-2013, § 16-305, 2-1-2013; Ord. No. SRO-428-2014, § 16-305, 1-1-2014)

**Sec. 16-306. Lamps and other equipment on bicycles.**

(a) *Lamp required.* Every bicycle when in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least 500 feet to the front and with a red reflector on the rear which shall be visible from all distances from 50 feet to 300 feet to the rear when directly in front of lawful upper beams of head lamps on motor vehicles. A lamp emitting a red light visible from a distance of 500 feet to the rear may be used in addition to the red reflector.

(b) *Prohibition.* No person shall operate a bicycle equipped with a siren or whistle.

(c) *Brake required.* Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement.  
(Ord. No. SRO-417-2013, § 16-306, 2-1-2013; Ord. No. SRO-428-2014, § 16-306, 1-1-2014)

**Sec. 16-307. Clinging to vehicles.**

No person riding upon any bicycle, coaster, skateboard, roller skates, sled or toy vehicle shall attach that thing being ridden or that person to any vehicle upon a roadway.  
(Ord. No. SRO-417-2013, § 16-307, 2-1-2013; Ord. No. SRO-428-2014, § 16-307, 1-1-2014)

CHAPTER 16, TRAFFIC AND MOTOR VEHICLES, DISPOSITION SCHEDULE, CIVIL OFFENSES*					
Article, §	Offense	Civil			Other**
		Class 1 (\$100)	Class 2 (\$75)	Class 3 (\$50)	
Article I, §	In General				
16-7	Obedience to law enforcement officers				Criminal Offense
16-9	Driver's duty when approaching horse or livestock			X	
16-10	Injuring, unlawfully starting, using or preventing use of vehicles				Criminal Offense
16-11	Placing or allowing dangerous articles on roadway			X	
16-12	Crossing fire hose				Criminal Offense

<i>CHAPTER 16, TRAFFIC AND MOTOR VEHICLES, DISPOSITION SCHEDULE, CIVIL OFFENSES*</i>					
<i>Article, §</i>	<i>Offense</i>	<i>Civil</i>			<i>Other**</i>
		<i>Class 1 (\$100)</i>	<i>Class 2 (\$75)</i>	<i>Class 3 (\$50)</i>	
Article II, §	Registration, Licensing & Inspection				
16-31	Registration of motor vehicle required; exceptions			X	
16-32	Registration violations				Criminal Offense
16-33	Driver's License Required; penalty				Criminal Offense
16-34	License to operate a motorcycle or motor-driven cycle; exception.		X		
16-35	Restricted licenses				Criminal Offense
16-36	Possession and Display of driver license	X			
16-37	Unlawful Use of License				Criminal Offense
16-38	Permitting unauthorized person to drive	X			
16-39	Permitting unauthorized minor to drive; liability therefore				Criminal Offense
16-40	Driving on suspended license	X			
16-42	Inspection by community officers	X, reduce to zero if repair made			
16-43	Owner or driver to comply with inspection provisions	X, reduce to zero if repair made			
Article III, §	Equipment				
	Div. 1. Generally				
16-51	Vehicle to be in good working order	X			
16-52	Vehicle to comply with article; exceptions	X			
16-53	Special requirements for motorcycles and motor-driven cycles		X		
16-54	Brakes	X, reduce to zero if repair made			
16-55	Horns and audible warning devices	X, reduce to zero if repair made			
16-56	Mufflers and air pollution control devices	X, reduce to zero if repair made			
16-57	Mirrors	X, reduce to zero if repair made			
16-58	Windshields	X, reduce to zero if repair made			

<i>CHAPTER 16, TRAFFIC AND MOTOR VEHICLES, DISPOSITION SCHEDULE, CIVIL OFFENSES*</i>					
<i>Article, §</i>	<i>Offense</i>	<i>Civil</i>			<i>Other**</i>
		<i>Class 1 (\$100)</i>	<i>Class 2 (\$75)</i>	<i>Class 3 (\$50)</i>	
16-59	Tires	X, reduce to zero if repair made			
16-60	Rear fender splash guards	X, reduce to zero if repair made			
16-61	Prohibition Against Image Display Device	X			
16-62	Certain vehicles to carry flares or other warning devices	X			
16-63	Display of warning devices when vehicle disabled	X			
16-64	Vehicles transporting explosives	X			
16-66	Projecting loads	X			
<i>Div. 2. Lights, Lamps, Reflectors and Illuminating Devices</i>					
16-71	When lamps require to be lighted	X			
16-72	Visibility distance and mounted height of the lamp	X			
16-73	Head lamps	X, reduce to zero if repair made			
16-74	Tail lamps	X, reduce to zero if repair made			
16-75	Reflectors on new motor vehicles	X, reduce to zero if repair made			
16-77	Additional equipment required on certain vehicles	X, reduce to zero if repair made			
16-79	Color of clearance lamps and reflectors	X, reduce to zero if repair made			
16-80	Mounting of reflectors and clearance and marker lamps	X, reduce to zero if repair made			
16-81	Visibility of reflectors and clearance and marker lamps	X, reduce to zero if repair made			
16-82	Lights Obstructed	X, reduce to zero if repair made			
16-83	Parked vehicles	X, reduce to zero if repair made			
16-84	Lamps on animal-drawn and other equipment or vehicles	X, reduce to zero if repair made			
16-85	Spot and auxiliary lamps	X, reduce to zero if repair made			

<i>CHAPTER 16, TRAFFIC AND MOTOR VEHICLES, DISPOSITION SCHEDULE, CIVIL OFFENSES*</i>					
<i>Article, §</i>	<i>Offense</i>	<i>Civil</i>			<i>Other**</i>
		<i>Class 1 (\$100)</i>	<i>Class 2 (\$75)</i>	<i>Class 3 (\$50)</i>	
16-86	Signal lamps and devices	X, reduce to zero if repair made			
16-87	Fender, running-board and backup lamps	X, reduce to zero if repair made			
16-88	Multiple Lighting Specifications	X, reduce to zero if repair made			
16-89	Multiple beam lighting equipment usage	X, reduce to zero if repair made			
16-90	Single-beam lights	X, reduce to zero if repair made			
16-91	Alternate road-lighting equipment	X, reduce to zero if repair made			
16-92	Number of driving lamps required, permitted	X			
16-93	Special restrictions on lamps	X			
16-94	Head lamps on motor-driven cycles and ATV	X			
<b>Div. 3. Seat Belt Requirements</b>					
16-95	Restraint Use for Children at least nine years of age				\$40
16-96	Restraint use for children under nine years of age				\$40
16-97	Operator and Passenger seat belt use				\$40
<b>Article IV, § Size, Weight &amp; Scope</b>					
16-103	Liability for damage resulting from overweight load				TBD upon filing of a civil action brought by the Community
16-104	Width of vehicle and load	X			
16-105	Projecting loads on passenger vehicles	X			
16-106	Height and length of vehicle loads	X			
16-107	Length of load projection	X			
16-108	Loads and covers to be secured	X			
16-109	Towed vehicles	X			
16-110	Single-axel load limit				See Table. Min \$100 to \$500; Max \$2,500

<i>CHAPTER 16, TRAFFIC AND MOTOR VEHICLES, DISPOSITION SCHEDULE, CIVIL OFFENSES*</i>					
<i>Article, §</i>	<i>Offense</i>	<i>Civil</i>			<i>Other**</i>
		<i>Class 1 (\$100)</i>	<i>Class 2 (\$75)</i>	<i>Class 3 (\$50)</i>	
16-111	Gross weight of vehicles and loads				See Table. Min \$100 to \$500; Max \$2,500
16-112	Community officers authorized to stop vehicles, weigh, and require removal of excess weight				Criminal Offense
16-113	Permit for excess size and weight				Permit Fees
<b>Article V, § Traffic-Control Devices</b>					
16-122	Obedience to devices required; exception	X			
16-124	Flashing signals	X			
16-125	Stop signs and yield signs	X			
16-127	Pedestrian control signals			X	
16-128	Construction or road work site warning devices	X			
16-129	Injuring, defacing traffic-control or warning signs	X			
<b>Article VI, § Operation of Vehicles</b>					
Div. 1. Generally					
16-141	Operation of vehicles by non-members on land other than Community roadways	X			Plus Civil Damages and vehicle impounded
16-142	Driving on right side of roadway; exceptions	X			
16-143	Driving on roadways laned for traffic and rotary traffic islands	X			
16-144	Driving on divided highways	X			
16-145	Drivers on controlled access roadways to use only authorized entrances and exits	X			
16-146	Driving on mountain highways		X		
16-147	Moving parked vehicle			X	
16-148	Motorcycle, motor-driven-cycle, and ATV riders and passengers to ride on designated seats		X		

<i>CHAPTER 16, TRAFFIC AND MOTOR VEHICLES, DISPOSITION SCHEDULE, CIVIL OFFENSES*</i>					
<i>Article, §</i>	<i>Offense</i>	<i>Civil</i>			<i>Other**</i>
		<i>Class 1 (\$100)</i>	<i>Class 2 (\$75)</i>	<i>Class 3 (\$50)</i>	
16-149	Operation of vehicles upon approach of authorized emergency vehicle	X			
16-150	Operation of vehicle upon approach of school bus	X			
16-151	Following too closely			X	
16-152	Coasting prohibited			X	
16-153	Turning movements; signals required			X	
16-154	Signals by hand and arm or device			X	
16-155	Method of giving hand and arm signals			X	
16-156	Required positions and method of turning at intersections	X			
16-157	Turning on curve or crest of grade prohibited	X			
16-158	Backing			X	
16-159	Obstruction of driver's view or interference with the driver's control of vehicle	X			
<i>Div. 2. Right-of-way and Passing</i>					
16-171	Right-of-way of vehicles entering intersection at same time; entering freeway		X		
16-172	Right-of-way of vehicle turning left at intersection		X		
16-173	Right-of-way of vehicle entering through highway or stop intersection		X		
16-174	Vehicle entering highway from private road or driveway		X		
16-175	Passing vehicles proceeding in opposite directions	X			
16-176	Overtaking vehicles on the left, generally		X		
16-177	Prerequisites for overtaking on the left		X		
16-178	When driving on the left prohibited	X			
16-179	Overtaking on the right		X		
16-180	No passing zones	X			
<i>Div. 3. Stopping, Standing and Parking</i>					

<i>CHAPTER 16, TRAFFIC AND MOTOR VEHICLES, DISPOSITION SCHEDULE, CIVIL OFFENSES*</i>					
<i>Article, §</i>	<i>Offense</i>	<i>Civil</i>			<i>Other**</i>
		<i>Class 1 (\$100)</i>	<i>Class 2 (\$75)</i>	<i>Class 3 (\$50)</i>	
16-191	Vehicles to be parked or stopped off pavement if possible			X	
16-192	Parking, stopping, standing prohibited in specified places			X	
16-193	Parking within eighteen inches of curb			X	
16-194	Angle parking			X	
16-195	Council authorized to place signs prohibiting or restricting parking, stopping and standing			X	
16-196	Parking privilege for physically disabled	X			
16-197	Removal of illegally stopped vehicles				Costs
16-198	Stop required before emerging from alley or driveway	X			
Div. 4. Speed Restrictions					
16-212	Maximum speed limit			X	
16-213	Minimum speed limit			X	
16-214	Speed limits for motor-driven cycles or ATV's			X	
16-215	Speeds to be reasonable and prudent			X	Plus \$5/every mile over & becomes a criminal offense if more than 20 miles above speed limit
16-216	Speed restriction on bridges and elevated structures	X			
16-217	Speed limits for solid-rubber tired vehicles			X	
16-218	Establishment and amendment of speed limits			X	
16-219	Speed limits on freeways			X	
16-220	Racing and drag races				Criminal Offense
16-221	Driving at speed which causes trailer to sway	X			
Div. 5. DUI; Reckless Driving					

<i>CHAPTER 16, TRAFFIC AND MOTOR VEHICLES, DISPOSITION SCHEDULE, CIVIL OFFENSES*</i>					
<i>Article, §</i>	<i>Offense</i>	<i>Civil</i>			<i>Other**</i>
		<i>Class 1 (\$100)</i>	<i>Class 2 (\$75)</i>	<i>Class 3 (\$50)</i>	
16-231(a)	DUI				Criminal Offense
16-231(b)	Extreme DUI				Criminal Offense
16-231(c)	Refusal to submit				Criminal Offense
16-234	Reckless driving				Criminal Offense
16-235	Liability for Emergency Responses in Flood Areas				Rescue costs
Div. 6. Truck Routes					
16-237	Certain commercial vehicles prohibited on non-truck routes; exceptions	X			
Article VII, § Accidents					
16-240	Duty to give information and render aid	X			
16-241	Accidents involving death or injury to a person				Criminal Offense
16-242	Accidents involving vehicle damage only				Criminal Offense
16-243	Duty upon striking unattended vehicle				Criminal Offense
16-244	Duty upon striking fixtures upon a highway	X			
16-245	Immediate reports of certain accidents	X			
16-250	Additional Penalty for failure to report	X			
16-251	Auto Repair Shops to report	X			
Article IX, § Pedestrians' Rights & Duties					
16-281	Right-of-way in crosswalks			X	
16-282	Crossing at other than at crosswalks			X	
16-284	Pedestrians on roadways			X	
16-285	School Crossings	X			
16-286	Use of a White Cane	X			
Article X, § Abandoned & Seized Vehicles					
16-292	Abandonment prohibited; removal; presumption	X			

<i>CHAPTER 16, TRAFFIC AND MOTOR VEHICLES, DISPOSITION SCHEDULE, CIVIL OFFENSES*</i>					
<i>Article, §</i>	<i>Offense</i>	<i>Civil</i>			<i>Other**</i>
		<i>Class 1 (\$100)</i>	<i>Class 2 (\$75)</i>	<i>Class 3 (\$50)</i>	
16-293	Required report of abandoned and seized motor vehicle; violation				Criminal Offense
16-296	Required Report of towed vehicles; violations				Criminal Offense
<b>Article XI, § Bicycles &amp; Play Vehicles</b>					
16-301	Application of Provisions			X	
16-302	Traffic laws apply to persons riding bicycles			X	
16-303	Riding on roadways and bicycle paths			X	
16-304	Manner of riding			X	
16-305	Carrying articles			X	
16-306	Lamps and other equipment on bicycles			X	
16-307	Clinging to vehicles	X			
*From page 1	Description	Action by schedule or Code section			
First Offense	Civil traffic violation	Apply above schedule			
Unenumerated	Any traffic offense not on this schedule	Follow § 16-2 and/or specific offense			
Criminal	Various criminal penalties. Note above classification schedule is limited to civil traffic offenses.	Follow § 16-2 (b)(2) and/or specific offense			
Interpretation	Apply schedule, harmonize and reconcile with applicable statutory provisions in case of conflict and consistent with disposition contained specific offense, if any.	§16-1 et seq.			
**	Denotes special civil sanction, or criminal offense	Follow specific Code provision			