

## ORDINANCE 823-23

**AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF QUEEN CREEK, ARIZONA, AMENDING THE QUEEN CREEK TOWN CODE CHAPTER 4, POLICE DEPARTMENT, ARTICLE 4-4, ABANDONED, UNCLAIMED, TOWED OR IMPOUNDED PROPERTY; AMENDING CHAPTER 9, OFFENSES, ARTICLE 9-7, PARKING AND OBSTRUCTIONS; ADDING A NEW ARTICLE 9-11, OPERATION OF BICYCLES AND OTHER POWER-DRIVEN MOBILITY DEVICES; AMENDING ARTICLE 9-10, TRAFFIC; AMENDING CHAPTER 11, TRAFFIC, ARTICLE 11-1, GENERAL; AMENDING ARTICLE 11-2; AMENDING ARTICLE 11-5, OPERATION OF BICYCLES AND OTHER POWER-DRIVEN MOBILITY DEVICES; ADDING ARTICLE 11-6, SHARED BICYCLES OR SHARED OTHER POWER- DRIVEN MOBILITY SYSTEMS; RENUMBERING ARTICLE 11-5 PENALTIES TO ARTICLE 11-15; AMENDING CHAPTER 14, STREETS AND SIDEWALKS, BY ADDING A NEW ARTICLE 14-1, DEFINITIONS; MOVING AND AMENDING ARTICLE 14-1 TO 14-2, SIDEWALKS; MOVING AND AMENDING ARTICLE 14-2 TO 14-3, STREETS; AND MOVING AND RENUMBERING ARTICLE 14-3, SCALLOPED STREET ASSESSMENTS, TO ARTICLE 14-4.**

**WHEREAS**, Arizona Revised Statutes, including A.R.S. §§ 9-24 and 9-276 and Title 28, allows the Town to regulate traffic, parking, streets, sidewalks and operation of vehicles and conveyances within the Town; and

**WHEREAS**, the Town Council has determined that it is in the best interest of the Town, and important to the health, welfare, and safety of the Town and its residents, to update and amend Chapter 4, Police Department; Article 9, Offenses; Article 11, Traffic; and Chapter 14, Streets and Sidewalks; to address the changes in technology and use of vehicles and conveyances, and provide necessary updates in the Town Code and the enforcement thereof; and

**WHEREAS**, A.R.S. § 9-802 provides a procedure whereby a municipality may enact the provisions of a code or public record by reference, without setting forth such provisions, providing that the adopting ordinance is published in full;

**NOW THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE TOWN OF QUEEN CREEK, ARIZONA, AS FOLLOWS:**

- Section 1.** The attached Exhibit A is declared to be a public record and is adopted and incorporated herein by this reference.
  
- Section 2.** The Queen Creek Town Code, Chapter 9, Offenses, including Article 9-7, Parking; Article 9-10, Traffic, and Article 9-11, Operation Of Bicycles And Other Power-Driven Mobility Devices are amended as set forth in Exhibit A hereto.
  
- Section 3.** The Queen Creek Town Code, Queen Creek Town Code Chapter 11, including Article 11-1, General; Section 11-2-17, Penalty; Article 11-5, Operation Of

Bicycles And Other Power-Driven Mobility Devices; Article 11-6, Shared Bicycles and Shared Power-Driven Mobility Systems; Article 11-15, Penalties; are amended as set forth in Exhibit A hereto.

Section 4. The Queen Creek Town Code, Chapter 14, Streets and Sidewalks, including Article 14-1, Definitions; Article 14-2, Sidewalks; Article 14-3; Article 14-4, Scalloped Street Assessments; are amended as set forth in Exhibit A hereto.

Section 5. The amendments to the Queen Creek Town Code include the following penalties in the referenced Sections:

*(Additions are shown by ALL-CAPS; deletions are shown by ~~double strikethrough~~)*

#### **4-4-7 TOWED AND IMPOUNDED PROPERTY**

- B. TOWED OR IMPOUNDED PROPERTY SHALL BE RELEASED TO THE OWNER OR THEIR AUTHORIZED REPRESENTATIVE IF ALL OF THE FOLLOWING ARE SATISFIED:
1. THE OWNER OR AUTHORIZED REPRESENTATIVE PROVIDES SATISFACTORY IDENTIFICATION OR AUTHORIZATION.
  2. THE COST OF THE IMPOUNDMENT AND STORAGE HAVE BEEN PAID.
  3. THE PAYMENT OBLIGATION HAS BEEN SATISFIED.
- C. PROPERTY THAT IS NOT RECLAIMED FROM THE TOWN WITHIN 60 DAYS AFTER THE DATE OF THE NOTICE OF VIOLATION SHALL BE CONSIDERED ABANDONED AND MAY BE SOLD OR OTHERWISE DISPOSED OF BY THE TOWN IN ACCORDANCE WITH TOWN CODE, CHAPTER 4, ARTICLE 4-4.
- D. THE PENALTIES HEREIN ARE IN ADDITION TO ANY OTHER PENALTIES ESTABLISHED BY THE LAW. THIS SECTION SHALL NOT BE INTERPRETED AS LIMITING THE PENALTIES, ACTIONS, ABATEMENT PROCEDURES, AND OTHER REMEDIES THAT MAY BE TAKEN BY THE TOWN OR OTHER PERSONS UNDER WRITTEN AGREEMENTS OR ANY LAW, ORDINANCE, OR RULE, INCLUDING, BUT NOT LIMITED TO, PUBLIC NUISANCE ACTIONS FOR ABATEMENT AND DAMAGES. IN ADDITION, THE IMPOSITION OF A PENALTY OR FEE DOES NOT PREVENT THE REVOCATION OR SUSPENSION OF A LICENSE, PERMIT, OR FRANCHISE.

#### **9-7-2 RESTRICTED PARKING AREAS FOR THE PHYSICALLY DISABLED**

- D. VIOLATION OF THIS SECTION IS A CIVIL OFFENSE.

**9-7-3 PARKING A CONVEYANCE ON PUBLIC SIDEWALKS AND MULTI-USE TRAILS**

C. VIOLATION OF THIS SECTION IS A CIVIL OFFENSE.

**9-7-4 PARKING A CONVEYANCE ON LANDSCAPING OR CURBS**

B. VIOLATION OF THIS SECTION IS A CIVIL OFFENSE.

**9-7-5 STOPPING, STANDING, OR PARKING PROHIBITED**

B. VIOLATION OF THIS SECTION IS A CIVIL OFFENSE.

**9-7-6 PARKING OF OVERSIZED CONVEYANCES, VEHICLES, TRUCKS, TRAILERS, AND EQUIPMENT**

D. VIOLATION OF THIS SECTION IS A CIVIL OFFENSE.

**9-7-7 PARKING FOR CERTAIN PURPOSES PROHIBITED**

B. VIOLATION OF THIS SECTION IS A CIVIL OFFENSE.

**9-7-8 PARKING ON PRIVATE PROPERTY**

C. VIOLATION OF THIS SECTION IS A CIVIL OFFENSE.

**9-7-9 PARKING NEAR CURBS**

C. VIOLATION OF THIS SECTION IS A CIVIL OFFENSE.

**9-7-11 PARKING IN ELECTRIC VEHICLE CHARGING SPACES**

B. VIOLATION OF THIS SECTION IS A CIVIL OFFENSE.

**9-7-12 OVERNIGHT PARKING**

C. VIOLATION OF THIS SECTION IS A CIVIL OFFENSE.

**9-7-13 OBSTRUCTION OF PUBLIC PROPERTY**

B. VIOLATION OF THIS SECTION IS A CIVIL OFFENSE.

**9-7-13 OBSTRUCTION OF PUBLIC PROPERTY**

B. VIOLATION OF THIS SECTION IS A CIVIL OFFENSE.

**9-7-14 PROHIBITION IN PARKING AREAS**

- D. VIOLATION OF THIS SECTION AUTHORIZES THE TOWN OR OWNER, OPERATOR, OR AGENT THEREOF TO ORDER THE PERSON TO LEAVE THE PROPERTY.
- E. VIOLATION OF SUBSECTIONS A, B, OR C IS A CIVIL VIOLATION.
- F. REFUSAL TO LEAVE THE PROPERTY SUBSEQUENT TO AN ORAL OR WRITTEN ORDER UNDER SECTION 9-7-14(D) IS A CLASS 3 MISDEMEANOR AND SUBJECTS THE CONVEYANCE TO BE TOWED AT THE OWNER'S EXPENSE.

**9-7-15 TOWING**

- A. IT IS UNLAWFUL FOR A PERSON TO TOW A CONVEYANCE WITHOUT THE CONSENT OF THE OWNER OR THE OWNER'S AGENT WITHOUT NOTIFYING THE POLICE DEPARTMENT AS REQUIRED UNDER SECTION 10-5-6 OF THE TOWN CODE. VIOLATION OF THIS SUBSECTION IS A CLASS 1 MISDEMEANOR.

**9-10-21 Penalty**

- A. Except as otherwise provided in the Town Code, or State Statute, a violation of any provision of this Section is a Civil ~~Traffic~~ Offense.

**9-11-1 OPERATION OF BICYCLES OR OTHER POWER-DRIVEN MOBILITY DEVICES (OPDMDS); PROHIBITIONS & RULES OF OPERATION**

- H. VIOLATION OF THIS SECTION IS A CIVIL OFFENSE.

**9-11-2 RESPONSIBILITY OF PARENTS, GUARDIANS, AND CUSTODIANS**

- B. VIOLATION OF THIS SECTION BY PARENT, GUARDIAN, OR CUSTODIAN OF A CHILD OR WARD IS A CIVIL OFFENSE. ANY VIOLATION OF THIS CODE COMMITTED BY THE CHILD OR WARD WILL BE ADDRESSED AS A SEPARATE OFFENSE.

**14-2-1 Sidewalk Maintenance; Owner or Occupier Responsibility**

- C. IN ADDITION TO ANY OTHER PENALTIES PRESCRIBED BY LAW, ANY PERSON FOUND VIOLATING THIS SECTION AFTER 30 DAYS WRITTEN NOTICE IS SUBJECT TO A CIVIL PENALTY OF \$100 FOR THE FIRST OFFENSE, AND \$500 FOR EACH SUBSEQUENT OFFENSE. EACH DAY SHALL BE CONSIDERED A SEPARATE OFFENSE.

**14-2-2 Obstruction in Sidewalk; Owner or Occupier Responsibility**

C. IN ADDITION TO ANY OTHER PENALTIES PRESCRIBED BY LAW, ANY PERSON FOUND VIOLATING THIS SECTION AFTER 30 DAYS WRITTEN NOTICE IS SUBJECT TO A CIVIL PENALTY OF \$100 FOR THE FIRST OFFENSE, AND \$500 FOR EACH SUBSEQUENT OFFENSE. EACH DAY SHALL BE CONSIDERED A SEPARATE OFFENSE.

**14-3-1 Obstruction in Street; Owner or Occupier Responsibility**

C. IN ADDITION TO ANY OTHER PENALTIES PRESCRIBED BY LAW, ANY PERSON FOUND VIOLATING THIS SECTION AFTER 30 DAYS WRITTEN NOTICE IS SUBJECT TO A CIVIL PENALTY OF \$100 FOR THE FIRST OFFENSE, AND \$500 FOR EACH SUBSEQUENT OFFENSE. EACH DAY SHALL BE CONSIDERED A SEPARATE OFFENSE.

**14-3-2 Open Junk Storage Prohibited**

B. IN ADDITION TO ANY OTHER PENALTIES PRESCRIBED BY LAW, ANY PERSON FOUND VIOLATING THIS SECTION AFTER 30 DAYS WRITTEN NOTICE IS SUBJECT TO A CIVIL PENALTY OF \$100 FOR THE FIRST OFFENSE, AND \$500 FOR EACH SUBSEQUENT OFFENSE. EACH DAY SHALL BE CONSIDERED A SEPARATE OFFENSE.

**14-3-3 Depositing, Sweeping, Draining Onto Street or Town Property Prohibited**


B. IN ADDITION TO ANY OTHER PENALTIES PRESCRIBED BY LAW, ANY PERSON FOUND VIOLATING THIS SECTION AFTER 30 DAYS WRITTEN NOTICE IS SUBJECT TO A CIVIL PENALTY OF \$100 FOR THE FIRST OFFENSE, AND \$500 FOR EACH SUBSEQUENT OFFENSE. EACH DAY SHALL BE CONSIDERED A SEPARATE OFFENSE.

Section 6. If any section, subsection, clause, phrase, or portion of this Ordinance or any part of these amendments to the Town Code is for any reason held invalid or unconstitutional by the decision of any court or competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.


Section 7. At least one paper copy and one electronic copy of this ordinance and exhibits are to be filed in the office of the Town Clerk.

**PASSED AND ADOPTED BY** the Common Council of the Town of Queen Creek, Arizona, this 1<sup>st</sup> day of November 2023.

FOR THE TOWN OF QUEEN CREEK:

  
\_\_\_\_\_  
Julia Wheatley Mayor


ATTESTED TO:

  
\_\_\_\_\_  
Maria Gonzalez, Town Clerk

REVIEWED BY:

  
\_\_\_\_\_  
Bruce Gardner, Town Manager

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Scott A. Holcomb, Town Attorney

**EXHIBITS ON FILE AT THE TOWN CLERK'S OFFICE**

## ORDINANCE 823-23

### Exhibit A

Deletions are shown in ~~Double-Strikethrough~~

Additions are shown in ALL CAPITALS

Comments are shown in *Italics*

**Queen Creek Town Code Chapter 4, Police,**  
**Article 4-4, ABANDONED, UNCLAIMED, TOWED OR IMPOUNDED PROPERTY**  
**ARTICLE 4-4 ~~Abandoned, or~~ Unclaimed, TOWED OR UNCLAIMED Property**

*A new Section 4-4-7 is added as follows.*

#### **4-4-7 TOWED AND IMPOUNDED PROPERTY**

- A. IF THE TOWN TOWS OR IMPOUNDS PROPERTY SUBSEQUENT TO A VIOLATION OF ARTICLE 9-7, AS OUTLINED IN 9-17-15, THE OWNER OF THE PROPERTY MAY REQUEST A HEARING TO DETERMINE THE VALIDITY OF THE TOW OR IMPOUNDMENT BY FILING A WRITTEN REQUEST WITH THE POLICE DEPARTMENT NO LATER THAN 15 DAYS FROM THE DATE OF THE NOTICE OF VIOLATION.
1. THE HEARING SHALL OCCUR WITHIN 30 CALENDAR DAYS AFTER THE WRITTEN REQUEST IS FILED WITH THE POLICE DEPARTMENT.
  2. THE HEARING SHALL BE CONDUCTED BY A HEARING OFFICER DESIGNATED BY THE TOWN MANAGER.
  3. FAILURE TO FILE A TIMELY HEARING REQUEST CONSTITUTES A WAIVER OF ANY RIGHTS THE OWNER MAY HAVE TO A HEARING.
  4. THE OWNER SHALL PAY ALL TOW, IMPOUNDMENT, AND STORAGE COSTS NO LATER THAN 60 DAYS FROM THE DATE OF THE NOTICE OF VIOLATION.
  5. A REQUEST FOR A HEARING SHALL NOT RELIEVE THE OWNER FROM THE PAYMENT OBLIGATION RELATED TO TOW, IMPOUNDMENT, AND STORAGE COSTS.
  6. BASED ON THE OUTCOME OF THE HEARING, THE TOWN MAY BE DIRECTED TO REIMBURSE THE OWNER FOR A PORTION, OR ALL OF THE COSTS ASSOCIATED WITH THE TOW, IMPOUNDMENT, OR STORAGE.
- B. TOWED OR IMPOUNDED PROPERTY SHALL BE RELEASED TO THE OWNER OR THEIR AUTHORIZED REPRESENTATIVE IF ALL OF THE FOLLOWING ARE SATISFIED:
1. THE OWNER OR AUTHORIZED REPRESENTATIVE PROVIDES SATISFACTORY IDENTIFICATION OR AUTHORIZATION.
  2. THE COST OF THE IMPOUNDMENT AND STORAGE HAVE BEEN PAID.
  3. THE PAYMENT OBLIGATION HAS BEEN SATISFIED.
- C. PROPERTY THAT IS NOT RECLAIMED FROM THE TOWN WITHIN 60 DAYS AFTER THE DATE OF THE NOTICE OF VIOLATION SHALL BE CONSIDERED

ABANDONED AND MAY BE SOLD OR OTHERWISE DISPOSED OF BY THE TOWN IN ACCORDANCE WITH TOWN CODE, CHAPTER 4, ARTICLE 4-4.

- D. THE PENALTIES HEREIN ARE IN ADDITION TO ANY OTHER PENALTIES ESTABLISHED BY THE LAW. THIS SECTION SHALL NOT BE INTERPRETED AS LIMITING THE PENALTIES, ACTIONS, ABATEMENT PROCEDURES, AND OTHER REMEDIES THAT MAY BE TAKEN BY THE TOWN OR OTHER PERSONS UNDER WRITTEN AGREEMENTS OR ANY LAW, ORDINANCE, OR RULE, INCLUDING, BUT NOT LIMITED TO, PUBLIC NUISANCE ACTIONS FOR ABATEMENT AND DAMAGES. IN ADDITION, THE IMPOSITION OF A PENALTY OR FEE DOES NOT PREVENT THE REVOCATION OR SUSPENSION OF A LICENSE, PERMIT, OR FRANCHISE.
- E. THIS SECTION SHALL NOT INCLUDE OR HAVE ANY JURISDICTION OVER ANY TOW OR IMPOUND PURSUANT TO A.R.S. § 28-3511.

**Queen Creek Town Code Chapter 9, OFFENSES,**  
**Article 9-7, PARKING AND OBSTRUCTIONS**

*Chapter 9, Offenses, Article 7, Parking, is replaced with the following Article 9-7, Parting and Obstructions.*

**9-7-1- DEFINITIONS**

DEFINITIONS PROVIDED IN CHAPTERS 11 AND 14 OF THIS CODE SHALL APPLY TO THIS ARTICLE.

**9-7-2 RESTRICTED PARKING AREAS FOR THE PHYSICALLY DISABLED**

- A. IT IS UNLAWFUL FOR A PERSON TO PARK A CONVEYANCE IN A PARKING SPACE ON EITHER PUBLIC OR PRIVATE PROPERTY SET ASIDE AND IDENTIFIED FOR USE ONLY BY PERSONS WITH PHYSICAL DISABILITIES UNLESS THE CONVEYANCE IS A MOTOR VEHICLE AND DISPLAYS A VALID PERMANENT DISABILITY OR TEMPORARY DISABILITY REMOVABLE WINDSHIELD PLACARD; OR THE INTERNATIONAL SYMBOL OF ACCESS SPECIAL PLATES THAT ARE CURRENTLY REGISTERED TO THE MOTOR VEHICLE AS PRESCRIBED IN A.R.S. § 28-884.
- B. A PERSON SHALL NOT STOP, STAND, OR PARK A CONVEYANCE, INCLUDING A MOTOR VEHICLE DISPLAYING AN INTERNATIONAL SYMBOL OF ACCESS SPECIAL PLATE OR PLACARD, IN THE ACCESS AISLE OF A PARKING SPACE DESCRIBED IN SECTION A.R.S. § 28-882. FOR THE PURPOSES OF THIS SUBSECTION, "ACCESS AISLE" MEANS A DESIGNATED AREA ADJACENT TO A PARKING SPACE DESCRIBED IN SECTION A.R.S. § 28-882 THAT IS MARKED BY EITHER SPACED, CROSSHATCHED OR DIAGONAL STRIPES OR A DISTINCTIVE CHANGE IN COLOR OR MATERIAL AND THAT LEADS TO AN ACCESSIBLE ROUTE OF TRAVEL.



- C. SUBSECTION A OF THIS SECTION SHALL APPLY ONLY TO THOSE PARKING SPACES THAT ARE IDENTIFIED WITH STANDARD SIGNS OR OTHER MARKERS, AS APPROVED BY THE TOWN.
- D. VIOLATION OF THIS SECTION IS A CIVIL OFFENSE.

### **9-7-3 PARKING A CONVEYANCE ON PUBLIC SIDEWALKS AND MULTI-USE TRAILS**

- A. IT IS UNLAWFUL FOR ANY PERSON TO PARK ANY CONVEYANCE, WHETHER IN USABLE CONDITION OR NOT, UPON ANY PUBLIC SIDEWALK OR MULTI-USE TRAILS, OR OUTSIDE SPECIFIC ZONES DESIGNATED BY THE TOWN PURSUANT TO SECTION 9-7-3(B) IN THE TOWN.
- B. THE TOWN MAY DESIGNATE SPECIFIC ZONES OR AREAS WHERE MOBILITY DEVICES OR SHARED MOBILITY DEVICES MAY BE PARKED ON A SIDEWALK OR MULTI-USE TRAIL.
- C. VIOLATION OF THIS SECTION IS A CIVIL OFFENSE.

### **9-7-4 PARKING A CONVEYANCE ON LANDSCAPING OR CURBS**

- A. IT IS UNLAWFUL FOR ANY PERSON TO PARK ANY CONVEYANCE, WHETHER IN USABLE CONDITION OR NOT, UPON ANY:
  - 1. PUBLIC LANDSCAPED AREA; OR
  - 2. OVER CURBS ON A PUBLIC STREET OR PUBLIC PROPERTY IN THE TOWN.
- B. VIOLATION OF THIS SECTION IS A CIVIL OFFENSE.

### **9-7-5 STOPPING, STANDING, OR PARKING PROHIBITED**

- A. NO PERSON SHALL STOP, STAND, OR PARK A CONVEYANCE, EXCEPT WHEN NECESSARY TO AVOID CONFLICT WITH OTHER TRAFFIC OR IN COMPLIANCE WITH LAW OR THE DIRECTIONS OF AN AUTHORIZED ENFORCEMENT AGENT OR TRAFFIC CONTROL DEVICE, EITHER ON PUBLIC OR PRIVATE PROPERTY, IN ANY OF THE FOLLOWING PLACES:
  - 1. WITHIN FIFTEEN FEET OF A FIRE HYDRANT.
  - 2. IN ANY AREA DESIGNATED AS A FIRE LANE.
  - 3. IN ANY AREA DESIGNATED AS PROHIBITING STOPPING, STANDING, OR PARKING.
  - 4. IN A MARKED SCHOOL CROSSING ZONE DESIGNATED BY APPROPRIATE DEVICE, MARKS OR LINES UPON THE SURFACE OF THE ROADWAY AS PROVIDED UNDER SECTION 11-3-7 OF THE TOWN CODE.
  - 5. IN FRONT OF OR WITHIN A PUBLIC OR PRIVATE DRIVEWAY OR THE ENTRANCE TO AN ALLEY.
  - 6. IN ANY PORTION OF A SIDEWALK, CURB RAMP, STREET, TRAIL, OR BUILDING ENTRANCE OR EXIT THAT PROVIDES ACCESS TO DISABLED PERSONS PURSUANT TO THE AMERICANS WITH DISABILITIES ACT.
  - 7. IN A PEDESTRIAN CROSSWALK.
  - 8. IN A DESIGNATED TURN OR BICYCLE LANE.

9. ON THOSE ROADWAYS WITHOUT CURBS IN A MANNER SO AS TO FORCE A PEDESTRIAN TO WALK IN THE TRAVELED PORTION OF THE ROADWAY.
  10. IN THE TRAVELED PORTION OF A ROADWAY, INCLUDING AN INTERSECTION AND PEDESTRIAN CROSSING.  
IN A ROADWAY MEDIAN.
- B. VIOLATION OF THIS SECTION IS A CIVIL OFFENSE.

**9-7-6 PARKING OF OVERSIZED CONVEYANCES, VEHICLES, TRUCKS, TRAILERS, AND EQUIPMENT**

- A. NO PERSON SHALL STAND OR PARK ANY OF THE FOLLOWING ON ANY STREET, ALLEY, OR OTHER PUBLIC RIGHT-OF-WAY FOR A PERIOD OF TIME LONGER THAN TWO (2) HOURS, EXCEPT SUCH CONVEYANCES MAY BE PARKED FOR A LONGER PERIOD OF TIME ONLY WHEN SUCH PARKING IS NECESSARILY REQUIRED WHILE ACTUALLY LOADING, UNLOADING, DELIVERING OR MAKING A SERVICE CALL AT A RESIDENCE:
1. CONVEYANCES WITH A GROSS VEHICLE WEIGHT RATING (GVWR) IN EXCESS OF 16,000 POUNDS.
  2. ANY BACKHOES, LOADERS, SKIDDERS, EXCAVATORS, TRACTORS, HARVESTING EQUIPMENT, AND OTHER LARGE IMPLEMENTS OF HUSBANDRY.
  3. ANY TRAILER OR SEMI-TRAILER DESIGNED OR INTENDED TO BE DRAWN BEHIND A MOTOR VEHICLE AND USED OR DESIGNED FOR A BUSINESS PURPOSE.
- B. NO PERSON SHALL PARK A RECREATIONAL VEHICLE, BUS, BOAT, UTILITY TRAILER, ANIMAL TRAILER, CAMPING TRAILER, ATV/UTV/MOTORCYCLE HAULER, OR OTHER TYPE OF TRAILER ON A RESIDENTIAL STREET, EXCEPT A PERSON MAY PARK SUCH CONVEYANCE FOR THE PURPOSE OF LOADING AND UNLOADING AND NOT FOR MORE THAN FORTY-EIGHT (48) HOURS.
- C. UNDER NO CIRCUMSTANCES SHALL A PERSON BE ALLOWED TO INHABIT ANY OF THE PRESCRIBED CONVEYANCES WHILE PARKED ON THE STREET.
- D. VIOLATION OF THIS SECTION IS A CIVIL OFFENSE.

**9-7-7 PARKING FOR CERTAIN PURPOSES PROHIBITED**

- A. NO PERSON SHALL PARK A CONVEYANCE UPON ANY PORTION OF THE TOWN'S RIGHT-OF-WAY FOR THE PURPOSE OF:
1. DISPLAYING SUCH CONVEYANCE FOR SALE.
  2. WASHING, GREASING, OR REPAIRING SUCH CONVEYANCE EXCEPT REPAIRS NECESSITATED BY ANY EMERGENCY.
  3. DISPLAYING ADVERTISING.
  4. DISPLAYING COMMERCIAL EXHIBITS.
  5. SALE OF ANY SERVICES OR MERCHANDISE.
- B. VIOLATION OF THIS SECTION IS A CIVIL OFFENSE.

### **9-7-8 PARKING ON PRIVATE PROPERTY**

- A. IT IS UNLAWFUL FOR ANY PERSON TO PARK A CONVEYANCE, FULLY OR PARTIALLY, IN ANY PRIVATE DRIVEWAY, ON PRIVATE PROPERTY, OR ON PRIVATE PARKING AREAS WITHOUT THE EXPRESS OR IMPLIED CONSENT OF THE OWNER OR PERSON IN LAWFUL POSSESSION OF SUCH PREMISES.
- B. NO PERSON SHALL PARK OR LEAVE ANY CONVEYANCE, CAMPER, BOAT, RECREATIONAL VEHICLE, OR OTHER FORM OF TRANSPORTATION UPON THE PRIVATE PROPERTY OF ANOTHER WITHOUT DISPLAYING IN PUBLIC VIEW THE WRITTEN PERMISSION OF THE PROPERTY OWNER OR THE PERSON ENTITLED TO IMMEDIATE POSSESSION THEREOF OR THE AUTHORIZED AGENT OF EITHER.
- C. VIOLATION OF THIS SECTION IS A CIVIL OFFENSE.

### **9-7-9 PARKING NEAR CURBS**

- A. EXCEPT AS OTHERWISE POSTED, A PERSON WHO STOPS OR PARKS A CONVEYANCE ON A ROADWAY WHERE THERE ARE ADJACENT CURBS SHALL STOP OR PARK THE CONVEYANCE WITH ITS RIGHT-HAND WHEELS PARALLEL TO AND WITHIN EIGHTEEN INCHES OF THE RIGHT-HAND CURB.
- B. VIOLATION OF THIS SECTION IS A CIVIL OFFENSE.

### **9-7-10 PARKING ON TOWN PROPERTY AND PUBLIC RIGHT-OF-WAY**

- A. NO PERSON SHALL PARK ANY CONVEYANCE WHICH IS INOPERABLE ON ANY STREET, TOWN PROPERTY, OR PUBLIC RIGHT-OF-WAY.
- B. NO PERSON SHALL PARK ANY VEHICLE, TRUCK, TRACTOR, TRAILER, SEMI-TRAILER, OR OTHER CONVEYANCE SO AS TO BLOCK A LANE OF TRAVEL ON A PUBLIC RIGHT-OF-WAY OR OTHERWISE INTERFERE WITH THE SAFE AND EFFICIENT MOVEMENT OF TRAFFIC.
- C. VIOLATION OF THIS SECTION IS A CIVIL OFFENSE.

### **9-7-11 PARKING IN ELECTRIC VEHICLE CHARGING SPACES**

- A. NO PERSON SHALL STAND OR PARK A CONVEYANCE IN AN ELECTRIC VEHICLE CHARGING SPACE AT ANY TIME EXCEPT FOR THE USE OF CHARGING A VEHICLE.
- B. VIOLATION OF THIS SECTION IS A CIVIL OFFENSE.

### **9-7-12 OVERNIGHT PARKING**

- A. THE TOWN MAY PROHIBIT OVERNIGHT PARKING ON TOWN PROPERTY.
- B. NO PERSON SHALL PARK A CONVEYANCE OVERNIGHT AT ANY PLACE WHERE THE TOWN HAS POSTED SIGNS PROHIBITING OVERNIGHT PARKING.
- C. VIOLATION OF THIS SECTION IS A CIVIL OFFENSE.

### **9-7-13 OBSTRUCTION OF PUBLIC PROPERTY**

- A. EXCEPT FOR EMERGENCY REASONS OR WHERE OTHERWISE ALLOWED BY THE TOWN OR STATE LAW, IT IS UNLAWFUL FOR ANY PERSON OR ENTITY, DIRECTLY OR INDIRECTLY BY ITSELF OR THROUGH ANOTHER, TO PLACE OR MAINTAIN UPON TOWN OR OTHER PUBLIC PROPERTY ANYTHING THAT OBSTRUCTS OR INTERFERES WITH THE FREE USE OF OR PASSAGE UPON SUCH PROPERTY, OR WHICH OTHERWISE INTERFERES WITH ANY LAWFULLY CONDUCTED BUSINESS IN OR UPON, FACING OR FRONTING ONTO ANY SUCH PUBLIC PROPERTY.
- B. VIOLATION OF THIS SECTION IS A CIVIL OFFENSE.

### **9-7-14 PROHIBITION IN PARKING AREAS**

- A. NO PERSON SHALL USE TOWN-OWNED PARKING AREAS FOR ANY ACTIVITY THAT IS SPECIFICALLY PROHIBITED BY APPROPRIATE POSTING OR IS UNSAFE AS TO INFRINGE UPON THE SAFETY OF THEMSELVES OR OTHERS.
- B. TOWN-OWNED PARKING AREAS MAY ONLY BE USED FOR THE PARKING OF MOTOR VEHICLES OR FOR OTHER USES EXPRESSLY APPROVED IN ADVANCE BY THE TOWN.
- C. IT SHALL BE UNLAWFUL FOR ANY PERSON TO USE TOWN-OWNED PARKING AREAS FOR UNAUTHORIZED PURPOSES.
- D. VIOLATION OF THIS SECTION AUTHORIZES THE TOWN OR OWNER, OPERATOR, OR AGENT THEREOF TO ORDER THE PERSON TO LEAVE THE PROPERTY.
- E. VIOLATION OF SUBSECTIONS A, B, OR C IS A CIVIL VIOLATION.
- F. REFUSAL TO LEAVE THE PROPERTY SUBSEQUENT TO AN ORAL OR WRITTEN ORDER UNDER SECTION 9-7-14(D) IS A CLASS 3 MISDEMEANOR AND SUBJECTS THE CONVEYANCE TO BE TOWED AT THE OWNER'S EXPENSE.

### **9-7-15 TOWING**

- A. IT IS UNLAWFUL FOR A PERSON TO TOW A CONVEYANCE WITHOUT THE CONSENT OF THE OWNER OR THE OWNER'S AGENT WITHOUT NOTIFYING THE POLICE DEPARTMENT AS REQUIRED UNDER SECTION 10-5-6 OF THE TOWN CODE. VIOLATION OF THIS SUBSECTION IS A CLASS 1 MISDEMEANOR.
- B. THE TOWN MAY REMOVE ANY CONVEYANCE THAT IS:
  - 1. PARKED UPON A SIDEWALK, STREET, OR OTHER RIGHT-OF-WAY WHERE SUCH CONVEYANCE CONSTITUTES AN OBSTRUCTION TO TRAFFIC.
  - 2. PARKED UPON A SIDEWALK, STREET, OR OTHER RIGHT-OF-WAY WHERE SUCH CONVEYANCE CONSTITUTES A HAZARD.
  - 3. PARKED UPON A SIDEWALK, STREET, OR OTHER RIGHT-OF-WAY WHERE SUCH CONVEYANCE IS PARKED IN FRONT OF A PUBLIC OR PRIVATE DRIVEWAY.
  - 4. ABANDONED AS OUTLINED IN ARTICLE 10-5.

5. PARKED, STOPPED, OR STANDING IN VIOLATION OF ANY PROVISION CONTAINED IN ARTICLE 9-7.
- C. THE TOWN MAY REMOVE ANY CONVEYANCE PARKED IN AN AREA WHERE SIGNS ARE ERECTED GIVING NOTICE THAT CONVEYANCES PARKED IN VIOLATION OF THE PARKING RESTRICTIONS MAY BE TOWED AT THE OWNER'S EXPENSE.
- D. THE TOWN MAY IMMEDIATELY CAUSE THE REMOVAL OR RELOCATION OF ANY OBSTRUCTION IF THE OBSTRUCTION WILL IMPEDE EMERGENCY SERVICES, OBSTRUCT VEHICLE TRAFFIC, OR CREATE A SAFETY HAZARD TO THE PUBLIC ON A PUBLIC RIGHT-OF-WAY, SIDEWALK, MULTI-USE TRAIL, OR OTHER TOWN-OWNED PROPERTY.
- E. IN ADDITION, THE TOWN MAY CAUSE THE IMPOUNDMENT AND STORAGE OF ANY PROPERTY USED IN THE COMMISSION OF A VIOLATION OF THIS ARTICLE AS OUTLINED IN THIS SECTION 9-7-15 AT THE SOLE COST OF THE RESPONSIBLE PARTY.

**9-7-16 RESERVED**

**9-7-17 RESERVED**

**9-7-18 RESERVED**

**9-7-19 RESERVED**

**9-7-20 RESERVED**

**9-7-21 VIOLATIONS**

- A. EXCEPT AS OTHERWISE SPECIFIED, VIOLATION OF ANY PROVISION OF THIS ARTICLE IS A CIVIL OFFENSE.
- B. WITH RESPECT TO A VIOLATION THAT IS CONTINUING IN NATURE, EACH DAY THAT THE VIOLATION OCCURS IS A SEPARATE OFFENSE.
- C. VIOLATION OF THIS ARTICLE MAY ALSO RESULT IN THE CONVEYANCE INVOLVED IN THE VIOLATION TO BE SEIZED, IMPOUNDED, AND/OR TOWED AT THE OWNER'S EXPENSE.

**Queen Creek Town Code Chapter 9, OFFENSES,**  
**Article 9-10, TRAFFIC**

**9-10-1 Blocking Traffic**

- ~~A. It is unlawful for any person to stop, stand or park any motor vehicle, or other vehicle, upon a street in the Town in such a manner or under such conditions as to leave available less than twenty feet of the width of the roadway for the free movement of vehicular traffic, except that a person may stop temporarily in the actual loading or unloading of passengers, or when~~

~~necessary, in the observance of traffic control devices, or as directed by the Town Police Department or Fire Department.~~

### **9-10-1 Definitions**

DEFINITIONS PROVIDED IN CHAPTERS 11 AND 14 OF THIS CODE SHALL APPLY TO THIS ARTICLE.

*Sections 9-10-2 through 9-10-6 remain unchanged.*

### **9-10-7 Driving On Private Property**

- A. It is unlawful for any person to operate, drive, or leave any CONVEYANCE ~~motor vehicle, motorcycle, motor scooter, mini-bike, trail bike, dune buggy, jeep~~ or other form of transportation upon the private property of another or upon public property which is not held open to the public for conveyance use, without EXPRESSED WRITTEN permission from the owner of the property or the person who is entitled to immediate possession thereof, or the authorized agent of either.
- B. Any person stopped by an Authorized Enforcement Agent for investigation of a violation of this Section, the person shall show proof that the permission required has been obtained and from whom permission was obtained.
- C. Violation of this Section is a Class 3 Misdemeanor.

*Sections 9-10-8 through 9-10-9 remain unchanged and Section 9-10-10 is moved to 9-10-21.*

**9-10-10 RESERVED**

**9-10-11 RESERVED**

**9-10-12 RESERVED**

**9-10-13 RESERVED**

**9-10-14 RESERVED**

**9-10-15 RESERVED**

**9-10-16 RESERVED**

**9-10-17 RESERVED**

**9-10-18 RESERVED**

**9-10-19 RESERVED**

**9-10-20 RESERVED**

## **9-10-21 Penalty**

- A. Except as otherwise provided in the Town Code, or State Statute, a violation of any provision of this Section is a Civil ~~Traffic~~ Offense.
- B. Penalties for certain specific violations are set forth in Article 11-21 of the Town Code.
- C. It is unlawful for any person or their agent who causes, permits, facilitates, aids, or abets any violation of this Article, or who fails to perform any act or duty required pursuant to Chapter 11 of the Town Code.
- D. The person and their agent may be found to be individually responsible for the violations, the prescribed sanctions, and the abatement of the violations.

## **Queen Creek Town Code Chapter 9, OFFENSES,** **Article 9-11, OPERATION OF BICYCLES AND OTHER POWER-DRIVEN MOBILITY** **DEVICES**

*New Chapter 9-11 is added as follows.*

### **9-11-1 OPERATION OF BICYCLES OR OTHER POWER-DRIVEN MOBILITY DEVICES**

- A. DEFINITIONS FOR THIS ARTICLE ARE PROVIDED IN CHAPTER 11.
- B. IT IS UNLAWFUL TO OPERATE A BICYCLE, ELECTRIC BICYCLE, OR MOTORIZED GAS-POWERED BICYCLE WITHIN ANY AREA WHERE PROHIBITED BY SIGNAGE.
- C. IT IS UNLAWFUL TO OPERATE A CLASS 3 ELECTRIC BICYCLE OR A MOTORIZED ELECTRIC-POWERED BICYCLE IN THE FOLLOWING LOCATIONS:
  - 1. WITHIN ANY AREA WHERE SIGNAGE PROHIBITS SUCH OPERATION.
  - 2. IN A MULTI-USE PATH.
  - 3. ON A SIDEWALK.
- D. IT IS UNLAWFUL TO OPERATE A MOPED IN THE FOLLOWING LOCATIONS:
  - 1. WITHIN ANY AREA WHERE SIGNAGE PROHIBITS SUCH OPERATION.
  - 2. IN A MULTI-USE PATH.
  - 3. ON A SIDEWALK.
  - 4. IN A BICYCLE LANE.
- E. IT IS UNLAWFUL TO OPERATE A MICROMOBILITY DEVICE IN THE FOLLOWING LOCATIONS:
  - 1. WITHIN ANY AREA WHERE SIGNAGE PROHIBITS SUCH OPERATION.
  - 2. WITHIN ANY PUBLIC STREET WHERE THE SPEED LIMIT IS GREATER THAN 25 MILES PER HOUR.

F. IT IS UNLAWFUL TO OPERATE A MOTORIZED SKATEBOARD OR MOTORIZED PLAY VEHICLE IN THE FOLLOWING LOCATIONS:

1. WITHIN ANY AREA WHERE SIGNAGE PROHIBITS SUCH OPERATION.
2. WITHIN ANY PUBLIC STREET WHERE THE SPEED LIMIT IS GREATER THAN 25 MILES PER HOUR.

G. RULES OF OPERATION

1. IT IS UNLAWFUL FOR ANY PERSON OPERATING A BICYCLE OR OTHER POWER-DRIVEN MOBILITY DEVICE TO FAIL TO OBEY THE INSTRUCTIONS OF OFFICIAL TRAFFIC-CONTROL SIGNALS, SIGNS, AND OTHER TRAFFIC DIRECTION DEVICES APPLICABLE TO MOTOR VEHICLES UNLESS OTHERWISE DIRECTED BY A POLICE OFFICER.
2. THE OPERATOR OF A BICYCLE OR OTHER POWER-DRIVEN MOBILITY DEVICE SHALL YIELD THE RIGHT-OF-WAY TO PEDESTRIANS, EQUINE, AND OTHER SLOWER CONVEYANCES BY REDUCING SPEED, STOPPING, OR MOVING SAFELY TO THE LEFT WHILE PASSING. A PEDESTRIAN OR OTHER DEVICE/USER SHALL NOT SUDDENLY TRAVERSE INTO THE PATH OF A BICYCLE OR OTHER POWER-DRIVEN MOBILITY DEVICE THAT IS SO CLOSE THAT IT IS IMPRACTICAL OR IMPOSSIBLE FOR THE OPERATOR TO YIELD.
3. THE OPERATOR OF A BICYCLE OR OTHER POWER-DRIVEN MOBILITY DEVICE SHALL REMAIN AT A SAFE DISTANCE BEHIND PEDESTRIANS, EQUINE, AND CONVEYANCES AND SHALL NOT FOLLOW TOO CLOSELY.
4. NO PERSON SHALL OPERATE A BICYCLE OR OTHER POWER-DRIVEN MOBILITY DEVICE AT A SPEED GREATER THAN THE POSTED SPEED LIMIT OR AT A SPEED GREATER THAN IS REASONABLE AND PRUDENT UNDER EXISTING CIRCUMSTANCES.
5. NO PERSON SHALL OPERATE A BICYCLE OR OTHER POWER-DRIVEN MOBILITY DEVICE IN THE TOWN UNLESS IT IS EQUIPPED WITH A BRAKING SYSTEM IN SUFFICIENT WORKING ORDER TO CONTROL AND STOP THE MOVEMENT OF THE DEVICE.
6. NO PERSON OPERATING OR RIDING UPON A BICYCLE OR OTHER POWER-DRIVEN MOBILITY DEVICE SHALL ATTACH THEMSELVES OR THE BICYCLE OR OTHER POWER-DRIVEN MOBILITY DEVICE TO ANY OTHER MOTOR VEHICLE OR CONVEYANCE THAT IS SELF-PROPELLED.
7. NO PERSON SHALL OPERATE A BICYCLE OR OTHER POWER-DRIVEN MOBILITY DEVICE WHILE CARRYING ANY PACKAGE, BUNDLE, OR OTHER ITEM THAT PREVENTS THE OPERATOR FROM SAFELY STEERING THE DEVICE.
8. THE OWNER OF A BICYCLE OR OTHER POWER-DRIVEN MOBILITY DEVICE SHALL BE RESPONSIBLE FOR ALL DAMAGE TO PUBLIC PROPERTY CAUSED BY THE BICYCLE OR OTHER POWER-DRIVEN MOBILITY DEVICE.



9. IT IS UNLAWFUL TO OPERATE A BICYCLE OR OTHER POWER-DRIVEN MOBILITY DEVICE THAT HAS BEEN STRUCTURALLY ALTERED FROM THE ORIGINAL MANUFACTURER'S DESIGN.
10. NO OPERATOR OF A BICYCLE OR OTHER POWER-DRIVEN MOBILITY DEVICE SHALL ALLOW PASSENGERS UNLESS THE DEVICE WAS DESIGNED BY THE MANUFACTURER TO ALLOW FOR PASSENGERS.
11. A BICYCLE OR OTHER POWER-DRIVEN MOBILITY DEVICE THAT IS USED AT NIGHTTIME SHALL HAVE A LAMP ON THE FRONT THAT EMITS A WHITE LIGHT VISIBLE FROM A DISTANCE OF AT LEAST 500 FEET TO THE FRONT AND A RED REFLECTOR ON THE REAR OF A TYPE THAT IS VISIBLE FROM ALL DISTANCES FROM 50 FEET TO THREE HUNDRED FEET TO THE REAR WHEN THE REFLECTOR IS DIRECTLY IN FRONT OF LAWFUL UPPER BEAMS OF HEADLAMPS ON ANOTHER MOTOR VEHICLE OR CONVEYANCE. A BICYCLE OR OTHER POWER-DRIVEN MOBILITY DEVICE MAY HAVE A LAMP THAT EMITS A RED LIGHT VISIBLE FROM A DISTANCE OF 500 FEET TO THE REAR IN ADDITION TO THE RED REFLECTOR.
12. A PERSON SHALL NOT OPERATE A BICYCLE OR OTHER POWER-DRIVEN MOBILITY DEVICE THAT IS EQUIPPED WITH A SIREN OR WHISTLE, EXCEPT THAT SUCH DEVICE MAY BE EQUIPPED WITH AN ANTI-THEFT ALARM.
13. A PERSON SHALL NOT OPERATE A BICYCLE OR OTHER POWER-DRIVEN MOBILITY DEVICE WHILE TOWING OR PULLING ANOTHER PERSON, OR OBJECT. THIS DOES NOT APPLY TO ANY PERSON WHO REQUIRES A REASONABLE ACCOMMODATION AND IS UTILIZING A MECHANISM, TRAILER, OR OTHER DEVICE THAT IS SPECIFICALLY DESIGNED FOR THE PAYLOAD THAT IS BEING TOWED. HOWEVER, THIS MECHANISM, TRAILER, OR OTHER DEVICE CANNOT IMPAIR OR PROHIBIT THE SAFE OPERATION OF THE BICYCLE OR OTHER POWER-DRIVEN MOBILITY DEVICE.
14. IT IS UNLAWFUL TO OPERATE A CONVEYANCE IN VIOLATION OF ARTICLE 11-5 OF THE TOWN CODE.

H. VIOLATION OF THIS SECTION IS A CIVIL OFFENSE.

#### **9-11-2 RESPONSIBILITY OF PARENTS, GUARDIANS, AND CUSTODIANS**

- A. A PARENT, GUARDIAN, OR CUSTODIAN OF A CHILD OR WARD SHALL NOT AUTHORIZE OR KNOWINGLY PERMIT THE CHILD OR WARD TO VIOLATE ANY PROVISIONS OF THIS ARTICLE.
- B. VIOLATION OF THIS SECTION BY PARENT, GUARDIAN, OR CUSTODIAN OF A CHILD OR WARD IS A CIVIL OFFENSE. ANY VIOLATION OF THIS CODE COMMITTED BY THE CHILD OR WARD WILL BE ADDRESSED AS A SEPARATE OFFENSE.

**Queen Creek Town Code Chapter 11, TRAFFIC,**  
**Article 11-1, GENERAL**

*Article 11-1 Town Engineer is retitled General and  
Section 11-1-1 is moved to and renumbered as Section 11-1-2 and  
Section 11-1-2 is moved to and renumbered as Section 11-1-3.*

**ARTICLE 11-1 GENERAL**

**11-1-1 DEFINITIONS**

THE FOLLOWING WORDS, TERMS, AND PHRASES, WHEN USED IN THIS ARTICLE, SHALL HAVE THE MEANINGS ASCRIBED TO THEM IN THIS SECTION, EXCEPT WHERE THE CONTEXT CLEARLY INDICATES A DIFFERENT MEANING. SHOULD ANY DEFINITION IN CONFLICT WITH A.R.S. TITLE 28, THE DEFINITION UNDER STATE LAW SHALL APPLY, AND ANY SUBSTANTIVE AMENDMENT TO THE REFERENCED SECTION IN STATE LAW WILL BE AUTOMATICALLY INCORPORATED INTO THE DEFINITIONS BELOW:

**“BICYCLE”** (AS DEFINED IN A.R.S. § 28-101) MEANS A DEVICE, INCLUDING A RACING WHEELCHAIR, THAT IS PROPELLED BY HUMAN POWER AND ON WHICH A PERSON MAY RIDE, AND THAT HAS EITHER:

- A. TWO TANDEM WHEELS, EITHER OF WHICH IS MORE THAN 16 INCHES IN DIAMETER, OR
- B. THREE WHEELS IN CONTACT WITH THE GROUND, ANY OF WHICH IS MORE THAN 16 INCHES IN DIAMETER.

**“BICYCLE LANE”** MEANS A PATH OR LANE SPECIFICALLY DESIGNATED FOR THE PREFERENTIAL OR EXCLUSIVE USE OF BICYCLES.

**“BUS ZONE”** MEANS AN AREA SPECIFICALLY RESERVED FOR THE LOADING AND UNLOADING OF BUS PASSENGERS.

**“CONVEYANCE,”** FOR THE PURPOSES OF CHAPTERS 9 AND 11 OF THIS CODE, SHALL BE CONSTRUED TO EMBRACE ANY MEANS OF HAULING OR TRANSPORTATION INCLUDING, BUT NOT LIMITED TO, BICYCLES, ELECTRIC BICYCLES, MOTORIZED ELECTRIC-POWERED BICYCLES, MOTORIZED GAS-POWERED BICYCLES, MICROMOBILITY DEVICES, MOPEDS, MOTOR-DRIVEN CYCLES, MOTORCYCLES, MOTOR VEHICLES, MOTORIZED PLAY VEHICLES, MOTORIZED SKATEBOARDS, MOTORIZED QUADRICYCLES, TRAILERS (OF ANY KIND), RECREATIONAL VEHICLES, LOADERS, BACKHOES, SKIDDERS, EXCAVATORS, TRACTORS, MOTOR HOMES, WAGONS, CARTS, OR OTHER VEHICLES.

**“CROSSWALK”** MEANS:

- A. THAT PART OF A ROADWAY AT AN INTERSECTION INCLUDED WITHIN THE CONNECTIONS OF THE LATERAL LINES OF THE SIDEWALKS ON OPPOSITE

SIDES OF THE HIGHWAY MEASURED FROM THE CURBS OR IN THE ABSENCE OF CURBS FROM THE EDGES OF THE TRAVERSABLE ROADWAY, OR

- B. ANY PORTION OF A ROADWAY AT AN INTERSECTION OR ELSEWHERE DISTINCTLY INDICATED FOR PEDESTRIAN CROSSING BY LINES OR OTHER MARKINGS ON THE SURFACE.

**“ELECTRIC BICYCLE”** (AS DEFINED IN A.R.S. § 28-101) MEANS A BICYCLE OR TRICYCLE THAT IS EQUIPPED WITH FULLY OPERABLE PEDALS AND AN ELECTRIC MOTOR OF LESS THAN 750 WATTS, WHICH MEETS THE REQUIREMENTS OF A CLASS 1, CLASS 2, OR CLASS 3 ELECTRIC BICYCLE. EXCEPT AS OTHERWISE PROVIDED IN THIS CHAPTER OR STATE LAW, AN ELECTRIC BICYCLE IS SUBJECT TO THE SAME PROVISIONS OF THIS ARTICLE AS A BICYCLE.

- A. *“CLASS 1 ELECTRIC BICYCLE”* MEANS A BICYCLE OR TRICYCLE THAT IS EQUIPPED WITH AN ELECTRIC MOTOR, WHICH PROVIDES ASSISTANCE ONLY WHEN THE RIDER IS PEDALING AND CEASES TO PROVIDE ASSISTANCE WHEN THE BICYCLE OR TRICYCLE REACHES THE SPEED OF 20 MILES PER HOUR.
- B. *“CLASS 2 ELECTRIC BICYCLE”* MEANS A BICYCLE OR TRICYCLE THAT IS EQUIPPED WITH AN ELECTRIC MOTOR, WHICH MAY BE USED EXCLUSIVELY TO PROPEL THE BICYCLE OR TRICYCLE AND IS NOT CAPABLE OF PROVIDING ASSISTANCE WHEN THE BICYCLE OR TRICYCLE REACHES THE SPEED OF 20 MILES PER HOUR.
- C. *“CLASS 3 ELECTRIC BICYCLE”* MEANS A BICYCLE OR TRICYCLE THAT IS EQUIPPED WITH AN ELECTRIC MOTOR, WHICH PROVIDES ASSISTANCE ONLY WHEN THE RIDER IS PEDALING AND CEASES TO PROVIDE ASSISTANCE WHEN THE BICYCLE OR TRICYCLE REACHES THE SPEED OF 28 MILES PER HOUR.

**“ELECTRIC MINIATURE SCOOTER”** (AS DEFINED IN A.R.S. § 28-101) MEANS A DEVICE THAT WEIGHS LESS THAN 30 POUNDS, HAS TWO OR THREE WHEELS, HAS HANDLEBARS, HAS A FLOORBOARD ON WHICH A PERSON MAY STAND WHILE RIDING, IS POWERED BY AN ELECTRIC MOTOR OR HUMAN POWER, OR BOTH, AND HAS A MAXIMUM SPEED THAT DOES NOT EXCEED 10 MILES PER HOUR, WITH OR WITHOUT HUMAN PROPULSION, ON A PAVED LEVEL SURFACE.

**“ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE”** (AS DEFINED IN A.R.S. § 28-101) MEANS A SELF-BALANCING DEVICE WITH ONE WHEEL OR TWO NON-TANDEM WHEELS AND AN ELECTRIC PROPULSION SYSTEM THAT LIMITS THE MAXIMUM SPEED OF THE DEVICE TO 15 MILES PER HOUR OR LESS AND IS DESIGNED TO TRANSPORT ONLY ONE PERSON.

**“ELECTRIC SCOOTER”** MEANS A DEVICE THAT WEIGHS LESS THAN 75 POUNDS, HAS NO MORE THAN FOUR WHEELS, HAS HANDLEBARS, IS DESIGNED TO BE STOOD UPON OR SEATED BY THE OPERATOR, AND IS POWERED BY AN ELECTRIC MOTOR THAT IS CAPABLE OF PROPELLING THE DEVICE WITH OR WITHOUT

HUMAN PROPULSION AT A MAXIMUM SPEED OF LESS THAN 20 MILES PER HOUR. THIS DOES NOT INCLUDE A MOTORIZED WHEELCHAIR, POWER CHAIR, OR OTHER ELECTRIC DEVICES THAT ARE DESIGNED PRIMARILY TO ASSIST WITH MOBILITY.

**“ELECTRIC SKATES”** MEANS ANY SHOE, BOOT, FOOTWEAR, PLATFORM, OR DEVICE TO WHICH ONE OR MORE WHEELS ARE ATTACHED, AND HAS AN ELECTRIC PROPULSION SYSTEM THAT LIMITS THE MAXIMUM SPEED OF THE DEVICE TO 15 MILES PER HOUR OR LESS AND IS DESIGNED TO TRANSPORT ONLY ONE PERSON.

**“ELECTRIC STANDUP SCOOTER”** (AS DEFINED IN A.R.S. § 28-101) MEANS A DEVICE THAT WEIGHS LESS THAN 75 POUNDS, WITH NO MORE THAN THREE WHEELS, HAS HANDLEBARS, IS DESIGNED TO BE STOOD UPON BY THE OPERATOR, AND IS POWERED BY AN ELECTRIC MOTOR THAT IS CAPABLE OF PROPELLING THE DEVICE WITH OR WITHOUT HUMAN PROPULSION AT A MAXIMUM SPEED OF LESS THAN 20 MILES PER HOUR.

**“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 CONVEYANCES 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.

**“MEDIAN”** MEANS AN AREA IN THE APPROXIMATE CENTER OF A STREET THAT IS USED TO SEPARATE THE DIRECTIONAL FLOW OF TRAFFIC.

**“MICROMOBILITY DEVICE”** MEANS AN ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE, ELECTRIC SKATES, AN ELECTRIC SCOOTER, OR AN ELECTRIC STANDUP SCOOTER. IT DOES NOT INCLUDE BICYCLES, ELECTRIC BICYCLES, MOTORIZED ELECTRIC-POWERED BICYCLES, MOTORIZED GAS-POWERED BICYCLES, MOPEDS, MOTOR-DRIVEN CYCLES, MOTORCYCLES, MOTOR VEHICLES, MOTORIZED PLAY VEHICLES, MOTORIZED SKATEBOARDS, MOTORIZED QUADRICYCLES, AND PERSONAL DELIVERY DEVICES. THE TOWN MANAGER OR DESIGNEE SHALL HAVE THE AUTHORITY TO DESIGNATE ADDITIONAL TYPES OF DEVICES AS MICROMOBILITY DEVICES CONSISTENT WITH THE LAW, SO LONG AS SUCH DESIGNATION IS POSTED ON THE TOWN'S WEBSITE.

**“OTHER POWER-DRIVEN MOBILITY DEVICE” OR “OPDMD”** MEANS ANY ELECTRIC BICYCLES, MOTORIZED ELECTRIC-POWERED BICYCLES, MOTORIZED GAS-POWERED BICYCLES, MOTORIZED PLAY VEHICLES, MOTORIZED

SKATEBOARDS, AND MICROMOBILITY DEVICES. OPDMDS DOES NOT INCLUDE HUMAN-POWERED DEVICES, MOTOR VEHICLES, OR A DEVICE USED TO AID A DISABLED PERSON, INCLUDING BUT NOT LIMITED TO A MOTORIZED WHEELCHAIR.

**“MOPED”** (AS DEFINED IN A.R.S. § 28-101) MEANS A BICYCLE, NOT INCLUDING AN ELECTRIC BICYCLE, AN ELECTRIC MINIATURE SCOOTER, AN ELECTRIC STANDUP SCOOTER, A MOTORIZED ELECTRIC-POWERED BICYCLE, OR A MOTORIZED GAS-POWERED BICYCLE THAT IS EQUIPPED WITH A HELPER MOTOR IF THE VEHICLE HAS A MAXIMUM PISTON DISPLACEMENT OF FIFTY CUBIC CENTIMETERS OR LESS, A BRAKE HORSEPOWER OF ONE AND ONE-HALF OR LESS AND A MAXIMUM SPEED OF TWENTY-FIVE MILES PER HOUR OR LESS ON A FLAT SURFACE WITH LESS THAN A ONE PERCENT GRADE. AS OUTLINED IN A.R.S. § 28-101, A MOPED IS CONSIDERED A MOTOR VEHICLE, AS SUCH, THE OPERATOR MUST HAVE A DRIVER’S LICENCE, REGISTRATION, AND INSURANCE TO OPERATE ON TOWN PROPERTY (AS OUTLINED IN A.R.S § 28-2513 AND 28-4135).

**“MOTORCYCLE”** (AS DEFINED IN A.R.S. § 28-101) 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 EXCLUDES A TRACTOR, AN ELECTRIC BICYCLE, AN ELECTRIC MINIATURE SCOOTER, AN ELECTRIC SCOOTER AND A MOPED.

**“MOTOR-DRIVEN CYCLE”** (AS DEFINED IN A.R.S. § 28-101) MEANS A MOTORCYCLE, INCLUDING EVERY MOTOR SCOOTER, WITH A MOTOR THAT PRODUCES NOT MORE THAN FIVE HORSEPOWER (75CC) BUT DOES NOT INCLUDE AN ELECTRIC BICYCLE, AN ELECTRIC MINIATURE SCOOTER, OR AN ELECTRIC SCOOTER.

**“MOTORIZED ELECTRIC-POWERED BICYCLE”** MEANS A BICYCLE OR TRICYCLE THAT IS EQUIPPED WITH FULLY OPERABLE PEDALS, AN ELECTRIC MOTOR OF MORE THAN 750 WATTS, AND IS CAPABLE OF TRAVELING MORE THAN 30 MILES PER HOUR. IT DOES NOT INCLUDE AN ELECTRIC BICYCLE, A MOTORIZED ELECTRIC-POWERED BICYCLE, OR A MOPED. EXCEPT AS OTHERWISE PROVIDED IN THIS CHAPTER OR STATE LAW, A MOTORIZED ELECTRIC-POWERED BICYCLE IS SUBJECT TO THE SAME PROVISIONS OF THIS ARTICLE AS A BICYCLE.

**“MOTORIZED GAS-POWERED BICYCLE”** (AS DEFINED IN ARS § 28-2516) MEANS A BICYCLE OR TRICYCLE THAT IS EQUIPPED WITH A GAS-POWERED HELPER MOTOR THAT HAS A MAXIMUM PISTON DISPLACEMENT OF FORTY-EIGHT CUBIC CENTIMETERS OR LESS, THAT MAY ALSO BE SELF-PROPELLED, AND THAT IS OPERATED AT SPEEDS OF LESS THAN TWENTY MILES PER HOUR. IT DOES NOT INCLUDE AN ELECTRIC BICYCLE, A MOTORIZED ELECTRIC-POWERED BICYCLE, OR A MOPED. EXCEPT AS OTHERWISE PROVIDED IN THIS CHAPTER OR STATE LAW, A MOTORIZED GAS-POWERED BICYCLE IS SUBJECT TO THE SAME PROVISIONS OF THIS ARTICLE AS A BICYCLE.

**“MOTORIZED PLAY VEHICLE”** MEANS A DEVICE THAT IS SELF-PROPELLED BY A MOTOR OR ENGINE AND THAT IS NOT OTHERWISE DEFINED IN ARIZONA REVISED STATUTES, TITLE 28, OR TOWN CODE, AS AN ELECTRIC BICYCLE, MOTORIZED ELECTRIC-POWERED BICYCLE, MOTORIZED GAS-POWERED BICYCLE, MOPED, MOTOR-DRIVEN CYCLE, MOTORCYCLE, MOTOR VEHICLE, MOTORIZED SKATEBOARD, MOTORIZED QUADRICYCLE, MOTORIZED WHEELCHAIR, ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE, OR OTHER MICROMOBILITY DEVICE. THIS DOES NOT INCLUDE BATTERY-OPERATED TOY CARTS DESIGNED FOR CHILDREN UNDER THE AGE OF EIGHT YEARS TO RIDE IN OR ON.

**“MOTORIZED QUADRICYCLE”** (AS DEFINED IN A.R.S. § 28-101) MEANS A SELF-PROPELLED MOTOR VEHICLE TO WHICH ALL OF THE FOLLOWING APPLY:

- A. THE VEHICLE IS SELF-PROPELLED BY AN EMISSION-FREE ELECTRIC MOTOR AND MAY INCLUDE PEDALS OPERATED BY THE PASSENGERS.
- B. THE VEHICLE HAS AT LEAST FOUR WHEELS IN CONTACT WITH THE GROUND.
- C. THE VEHICLE SEATS AT LEAST EIGHT PASSENGERS, INCLUDING THE DRIVER.
- D. THE VEHICLE IS OPERABLE ON A FLAT SURFACE USING SOLELY THE ELECTRIC MOTOR WITHOUT ASSISTANCE FROM THE PEDALS OR PASSENGERS.
- E. THE VEHICLE IS A COMMERCIAL MOTOR VEHICLE AS DEFINED IN A.R.S. § 28-5201.
- F. THE VEHICLE IS A LIMOUSINE OPERATING UNDER A VEHICLE FOR HIRE COMPANY PERMIT ISSUED PURSUANT TO A.R.S. 2§8-9503.
- G. THE VEHICLE IS MANUFACTURED BY A MOTOR VEHICLE MANUFACTURER THAT IS LICENSED PURSUANT TO CHAPTER 10 OF A.R.S. TITLE 28.
- H. THE VEHICLE COMPLIES WITH THE DEFINITION AND STANDARDS FOR LOW-SPEED VEHICLES SET FORTH IN 49 CODE OF FEDERAL REGULATIONS SECTIONS 571.3(B) AND 571.500, RESPECTIVELY.

**“MOTORIZED SKATEBOARD”** MEANS A SELF-PROPELLED DEVICE THAT HAS A MOTOR OR ENGINE, A DECK OR SURFACE ON WHICH A PERSON MAY RIDE, AND AT LEAST TWO WHEELS IN CONTACT WITH THE GROUND AND WHICH IS NOT OTHERWISE DEFINED IN ARIZONA REVISED STATUTES TITLE 28 AS A MOTOR VEHICLE, MOTOR-DRIVEN CYCLE, MOTORIZED WHEELCHAIR, OR ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE. A MOTORIZED SKATEBOARD IS NOT CONSIDERED TO BE A MICROMOBILITY DEVICE.

**“MOTOR VEHICLE”** (AS DEFINED IN A.R.S. § 28-101) MEANS EITHER A SELF-PROPELLED VEHICLE OR FOR THE PURPOSES OF THE LAWS RELATING TO THE IMPOSITION OF A TAX ON MOTOR VEHICLE FUEL, A VEHICLE THAT IS OPERATED ON THE HIGHWAYS OF THIS STATE AND THAT IS PROPELLED BY THE USE OF MOTOR VEHICLE FUEL. IT DOES NOT INCLUDE A SCRAP VEHICLE, A PERSONAL

DELIVERY DEVICE, A PERSONAL MOBILE CARGO-CARRYING DEVICE, A MOTORIZED WHEELCHAIR, AN ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE, AN ELECTRIC BICYCLE, AN ELECTRIC MINIATURE SCOOTER, AN ELECTRIC STANDUP SCOOTER OR A MOTORIZED SKATEBOARD.

**“MULTI-USE PATH”** MEANS A PAVED OR UNPAVED PATH OR TRAIL SEPARATED FROM MOTOR VEHICLE TRAFFIC, THAT IS SPECIFICALLY DESIGNATED FOR THE SHARED USE OF BICYCLES, PEDESTRIANS, EQUINES, AND OTHER AUTHORIZED DEVICES, SUCH AS THE SHARED-USE PATHS AND TRAILS SHOWN IN THE QUEEN CREEK PARKS, RECREATION, AND TRAILS MASTER PLAN.

**“OBSTRUCTIONS,”** AS USED IN THIS ARTICLE, MEANS ANY UNAUTHORIZED ENCROACHMENT OR PLACEMENT UPON PUBLIC PROPERTY, THAT INTERFERES WITH OR IMPEDES UPON ITS FREE USE OR PASSAGE, INCLUDING, BUT NOT LIMITED TO, PLANT GROWTH, STRUCTURES, TRASH RECEPTACLES, RUBBISH, UNLAWFUL CONGREGATIONS OF PERSONS, SIGNAGE, CONVEYANCES, OR OTHER COMMERCIAL OR PERSONAL PROPERTY ITEMS.

**“OWNER”** MEANS THE PERSON OR COMPANY WHO OWNS THE CONVEYANCE OR ANY PERSON WHO IS A LESSEE, CONDITIONAL VENDEE, OR MORTGAGOR OF A CONVEYANCE WITH A RIGHT TO IMMEDIATE POSSESSION.

**“PARK OR PARKING”** MEANS TO STOP AND LEAVE A CONVEYANCE UNATTENDED.

**“PEDESTRIAN”** (AS DEFINED IN A.R.S. § 28-101) 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.

**“PERSON”** MEANS AN INDIVIDUAL, FIRM, ASSOCIATION, PARTNERSHIP, JOINT VENTURE, OR CORPORATION.

**“SHARED OTHER POWER-DRIVEN MOBILITY DEVICE” OR “SHARED OPDMD”** MEANS ANY ELECTRIC BICYCLES, MOTORIZED ELECTRIC-POWERED BICYCLES, MOTORIZED GAS-POWERED BICYCLES, MOTORIZED PLAY VEHICLES, MOTORIZED SKATEBOARDS, MICROMOBILITY DEVICE USED IN A SHARED MOBILITY SYSTEM. SHARED OPDMDS DOES NOT INCLUDE HUMAN-POWERED DEVICES, MOTOR VEHICLES, OR A DEVICE USED TO AID A DISABLED PERSON, INCLUDING BUT NOT LIMITED TO A MOTORIZED WHEELCHAIR.

**“SHARED OPDMD SYSTEM”** MEANS A SYSTEM THAT PROVIDES A SHARED OTHER POWER-DRIVEN MOBILITY DEVICE (OPDMD) FOR SHORT-TERM RENTALS FOR POINT-TO-POINT TRIPS, AND WHICH MAY BE LOCKED OR UNLOCKED FOR USE WITH OR WITHOUT BEING LOCATED ON A RACK OR DOCKING SYSTEM.

“**SIDEWALK**” MEANS ANY AREA OR WAY OWNED OR CONTROLLED BY THE TOWN AND USED FOR PURPOSES OF PEDESTRIAN TRAFFIC, WHETHER OR NOT IT IS PAVED/CONCRETE.

“**STREET,**” AS USED IN THIS ARTICLE, MEANS ANY PORTION OF ROADWAY, HIGHWAY, ALLEY, THOROUGHFARE, OR OTHER PROPERTY THAT IS OPEN TO THE PUBLIC FOR PURPOSES OF VEHICULAR TRAVEL. STREET INCLUDES THE ASSOCIATED RIGHT-OF-WAY, BERM OR SHOULDER, PARKWAY, CROSSWALK, MEDIAN, BICYCLE LANE, AND ANY ASSOCIATED ROADWAY OR ACCESS EASEMENT OF THE TOWN.

“**TOWN PROPERTY,**” AS USED IN THIS ARTICLE, MEANS THAT PORTION OF ANY PROPERTY, FACILITY, STREET, ALLEY, PATH, LANE, MULTIUSE TRAIL, SIDEWALK, FACILITY, OR IMPROVEMENT THAT IS OWNED, LEASED, OPERATED, MAINTAINED, OR MANAGED BY THE TOWN, OR IS OTHERWISE OPEN TO THE TOWN FOR PROVIDING TOWN SERVICES.

"**VEHICLE**" (AS DEFINED IN A.R.S. § 28-101) MEANS A DEVICE IN, ON, OR BY WHICH A PERSON OR PROPERTY IS OR MAY BE TRANSPORTED OR DRAWN ON A PUBLIC HIGHWAY. IT DOES NOT INCLUDE AN ELECTRIC BICYCLE, ELECTRIC MINIATURE SCOOTER, ELECTRIC STANDUP SCOOTER, DEVICES MOVED BY HUMAN POWER, DEVICES USED EXCLUSIVELY ON STATIONARY RAILS OR TRACKS, PERSONAL DELIVERY DEVICES, SCRAP VEHICLES, OR PERSONAL MOBILE CARGO CARRYING DEVICES.

### **11-1-2 ~~General~~ TRAFFIC ENGINEER**

*All of the existing Section 11-1-1 is moved to and renumbered as this new Section.*

### **11-1-3 Enforcement**

*All of the existing Section 11-1-2 is moved to and renumbered as this Section.*

### **Queen Creek Town Code Chapter 11, TRAFFIC, Article 11-2, PERMANENT TRAFFIC CONTROL**

*Articles 11-2 and 11-3 remain unchanged except as set forth below.*

### **~~11-2-17 Penalty~~**

~~A violation of Paragraph A of this Section 11-2-15 shall be a Class 1 misdemeanor.~~

### **Queen Creek Town Code Chapter 11, TRAFFIC, Article 11-5, OPERATION OF BICYCLES AND OTHER POWER-DRIVEN MOBILITY DEVICES**



*Article 11-5 is moved to and renumbered as new Article 11-15, and is replaced with the following Article 11-5, OPERATION OF BICYCLES AND OTHER POWER-DRIVEN MOBILITY DEVICES*

### **11-5-1 APPLICABILITY OF TRAFFIC LAWS**

ALL APPLICABLE TRAFFIC LAWS STATED IN THE TOWN CODE OR ARIZONA REVISED STATUTES SHALL APPLY TO PERSONS OPERATING ANY BICYCLE OR OTHER POWER-DRIVEN MOBILITY DEVICE (OPDMD) IN THE TOWN EXCEPT AS TO THOSE PROVISIONS WHICH BY THEIR NATURE CAN HAVE NO APPLICATION.

### **11-5-2 LICENSING AND INSURANCE**

WITH THE EXCEPTION OF REQUIREMENTS SET FORTH IN ARTICLE 11-6, NOTHING IN THIS CHAPTER SHALL BE CONSTRUED TO REQUIRE ADDITIONAL LICENSING OR REGISTRATION OF A BICYCLE OR OTHER POWER-DRIVEN MOBILITY DEVICE (OPDMD), NOR SHALL IT BE CONSTRUED TO REQUIRE A PERSON TO CARRY INSURANCE COVERING ACCIDENTS INVOLVING SUCH BICYCLES OR OTHER POWER-DRIVEN MOBILITY DEVICES (OPDMDs) BY PERSONS BEYOND WHAT IS REQUIRED UNDER APPLICABLE FEDERAL, STATE, COUNTY, OR LOCAL LAWS, RULES, CODES, OR REGULATIONS.

### **11-5-3 SAFE OPERATION**

- A. NOTHING IN THIS CODE SHALL BE INTERPRETED TO MEAN THAT, BY DESIGNATING PERMISSIBLE AREAS OF OPERATION, THE TOWN IS DEEMING SUCH AREAS AS SUITABLE OR SAFE FOR ANY PARTICULAR CONVEYANCE.
- B. A PERSON OPERATING A BICYCLE OR OTHER POWER-DRIVEN MOBILITY DEVICE (OPDMD) SHALL BE RESPONSIBLE FOR COMPLYING WITH THE MANUFACTURER'S SAFETY GUIDELINES AND RECOMMENDATIONS.
- C. A PERSON OPERATING A BICYCLE OR OTHER POWER-DRIVEN MOBILITY DEVICE (OPDMD) SHALL BE RESPONSIBLE FOR:
  - 1. OPERATING IN A REASONABLE, SAFE, AND PRUDENT MANNER UNDER THE CIRCUMSTANCES OR CONDITIONS.
  - 2. FOLLOWING ALL APPLICABLE RULES AND REGULATIONS.
  - 3. RESPECTING THE RIGHTS AND SAFETY OF OTHER PERSONS AND PROPERTY.
- D. OPERATION OF CERTAIN OTHER POWER-DRIVEN MOBILITY DEVICES (OPDMD) MAY BE RESTRICTED BY CODE OR SIGNAGE BASED ON ANY OF THE FOLLOWING FACTORS OR CONDITIONS:
  - 1. THE TYPE, SIZE, WEIGHT, DIMENSIONS, AND SPEED OF THE OPDMD.
  - 2. THE VOLUME OF PEDESTRIAN TRAFFIC IN THE AREA.
  - 3. THE DENSITY AND PLACEMENT OF FIXTURES OR OTHER STATIONARY DEVICES IN THE AREA.
  - 4. SAFETY REQUIREMENTS RELATED TO SPEED AND THE PACE OF PEDESTRIAN OR VEHICULAR TRAFFIC IN THE AREA.

5. THE USE OPDMD CREATES A SUBSTANTIAL RISK OF SERIOUS HARM TO THE IMMEDIATE ENVIRONMENT OR NATURAL OR CULTURAL RESOURCES, OR POSES A CONFLICT WITH FEDERAL LAND MANAGEMENT LAWS AND REGULATIONS.

#### **11-5-4 OPERATION OF BICYCLES**

SUBJECT TO THE RESTRICTIONS IN THIS CHAPTER AND ARTICLE 9-11, A PERSON MAY OPERATE:

- A. SUBJECT TO THE RESTRICTIONS IN THIS CHAPTER AND ARTICLE 9-11, A PERSON MAY OPERATE A BICYCLE, A CLASS 1 ELECTRIC BICYCLE, OR A CLASS 2 ELECTRIC BICYCLE IN THE FOLLOWING LOCATIONS UNLESS PROHIBITED BY SIGNAGE:
  1. A STREET.
  2. A MULTI-USE PATH.
  3. A SIDEWALK.
  4. A BICYCLE LANE.
  
- B. SUBJECT TO THE RESTRICTIONS IN THIS CHAPTER AND ARTICLE 9-11, A PERSON MAY OPERATE A MOTORIZED GAS-POWERED BICYCLE IN THE FOLLOWING LOCATIONS UNLESS PROHIBITED BY SIGNAGE:
  1. A STREET.
  2. A MULTI-USE PATH.
  3. A SIDEWALK.
  4. A BICYCLE LANE.
  
- C. SUBJECT TO THE RESTRICTIONS IN THIS CHAPTER AND ARTICLE 9-11, A PERSON MAY OPERATE A CLASS 3 ELECTRIC BICYCLE OR A MOTORIZED ELECTRIC-POWERED BICYCLE IN THE FOLLOWING LOCATIONS UNLESS PROHIBITED BY SIGNAGE:
  1. A STREET.
  2. A BICYCLE LANE.
  
- D. SUBJECT TO THE RESTRICTIONS IN THIS CHAPTER AND ARTICLE 9-11, A PERSON MAY OPERATE A MOPED ON A STREET UNLESS PROHIBITED BY SIGNAGE OR STATE LAW

#### **11-5-5 OPERATION OF MICROMOBILITY DEVICES**

SUBJECT TO THE RESTRICTIONS IN THIS CHAPTER AND ARTICLE 9-11, A PERSON MAY OPERATE A MICROMOBILITY DEVICE IN THE FOLLOWING LOCATIONS UNLESS PROHIBITED BY SIGNAGE:

1. A STREET WITH POSTED SPEED LIMITS OF 25 MILES PER HOUR OR LESS.
2. A MULTI-USE PATH.
3. A SIDEWALK.
4. A BICYCLE LANE.

### **11-5-6 OPERATION OF MOTORIZED SKATEBOARDS AND MOTORIZED PLAY VEHICLES**

SUBJECT TO THE RESTRICTIONS IN THIS CHAPTER AND ARTICLE 9-11, A PERSON MAY OPERATE A MOTORIZED SKATEBOARD OR MOTORIZED PLAY VEHICLE DEVICE IN THE FOLLOWING LOCATIONS UNLESS PROHIBITED BY SIGNAGE:

1. A STREET WITH POSTED SPEED LIMITS OF 25 MILES PER HOUR OR LESS.
2. A MULTI-USE PATH.
3. A BICYCLE LANE

## **Queen Creek Town Code Chapter 11, TRAFFIC, Article 11-6, SHARED BICYCLES OR SHARED OTHER POWER-DRIVEN MOBILITY SYSTEMS**

### **11-6-1 RENTAL AGENCIES**

EVERY PERSON ENGAGED IN THE BUSINESS OF BEING A RENTAL AGENCY OF NEW OR USED SHARED BICYCLE OR SHARED OTHER POWER-DRIVEN MOBILITY DEVICE SHALL OBTAIN A BUSINESS LICENSE UNDER ARTICLE 8-1 OF THE TOWN CODE.

### **11-6-2 OPERATION OF RENTAL AGENCIES**

- A. EVERY PERSON ENGAGED IN THE BUSINESS OF BEING A RENTAL AGENCY OF NEW OR USED SHARED BICYCLES OR SHARED OTHER POWER-DRIVEN MOBILITY DEVICES SHALL TAKE PROACTIVE MEASURES TO INFORM ITS CUSTOMERS ABOUT APPLICABLE RULES AND REGULATIONS AND SHALL PROVIDE A COPY OF THIS CODE TO ITS CUSTOMERS, EITHER IN PAPER FORMAT OR BY MEANS OF A WEBSITE OR MOBILE APPLICATION.
- B. NO PERSON SHALL ENGAGE IN THE BUSINESS OF RENTING, DEPLOYING, OR STAGING NEW OR USED SHARED BICYCLES OR SHARED OTHER POWER-DRIVEN MOBILITY DEVICES ON PROPERTY OR RIGHTS-OF-WAY OF THE TOWN WITHOUT A TOWN-ISSUED BUSINESS LICENSE AND A RIGHT-OF-WAY USE PERMIT.
- C. NO PERSON SHALL RENT OR OFFER ANY SHARED BICYCLE OR SHARED OTHER POWER-DRIVEN MOBILITY DEVICE UNLESS IT IS EQUIPPED WITH LAMPS AND OTHER EQUIPMENT AS REQUIRED IN THIS CODE.

**ARTICLE 11-7 RESERVED**

**ARTICLE 11-8 RESERVED**

**ARTICLE 11-9 RESERVED**

**ARTICLE 11-10 RESERVED**

**ARTICLE 11-11 RESERVED**

**ARTICLE 11-12 RESERVED**

**ARTICLE 11-13 RESERVED**

**ARTICLE 11-14 RESERVED**

**Queen Creek Town Code Chapter 11, TRAFFIC,**  
**Article 11-15, PENALTIES**

*Article 11-5 is moved to and renumbered as new Article 11-15*

**Queen Creek Town Code Chapter 14, STREETS AND SIDEWALKS**  
**Article 14-1, DEFINITIONS**

*Article 14-1 is moved to and renumbered as new Article 11-2 and amended as set forth below*

**14-1-1 DEFINITIONS**

AS USED IN THIS CHAPTER THE FOLLOWING DEFINITIONS WILL APPLY UNLESS OTHERWISE DEFINED IN A SPECIFIC ARTICLE:

“**OBSTRUCTIONS**” MEANS ANY UNAUTHORIZED ENCROACHMENT OR PLACEMENT UPON TOWN PROPERTY, THAT INTERFERES WITH OR IMPEDES UPON ITS FREE USE OR PASSAGE.

“**PERSON**” MEANS AN INDIVIDUAL, FIRM, ASSOCIATION, PARTNERSHIP, JOINT VENTURE, OR CORPORATION.

“**SIDEWALK**” MEANS ANY AREA OR WAY OWNED OR CONTROLLED BY THE TOWN AND USED FOR PURPOSES OF PEDESTRIAN TRAFFIC, WHETHER OR NOT IT IS PAVED/CONCRETE.

“**STREET,**” MEANS ANY PORTION OF ROADWAY, HIGHWAY, ALLEY, THOROUGHFARE, OR OTHER PROPERTY THAT IS OPEN TO THE PUBLIC FOR PURPOSES OF VEHICULAR TRAVEL. STREET INCLUDES THE ASSOCIATED RIGHT-OF-WAY, BERM OR SHOULDER, PARKWAY, CROSSWALK, MEDIAN, BICYCLE LANE, AND ANY ASSOCIATED ROADWAY OR ACCESS EASEMENT OF THE TOWN.

**“TOWN PROPERTY,”** MEANS THAT PORTION OF ANY PROPERTY, FACILITY, STREET, ALLEY, PATH, LANE, MULTIUSE TRAIL, SIDEWALK, FACILITY, OR IMPROVEMENT THAT IS OWNED, LEASED, OPERATED, MAINTAINED, OR MANAGED BY THE TOWN, OR IS OTHERWISE OPEN TO THE TOWN FOR PROVIDING TOWN SERVICES.

**Queen Creek Town Code Chapter 14, STREETS AND SIDEWALKS**  
**Article 14-2, SIDEWALKS**

**14-2-1 Sidewalk Maintenance; Owner or Occupier Responsibility**

- A. All persons owning or occupying land or places of business within the Town shall keep the sidewalk or other Town property fronting or bordering their property, including the area between the sidewalk and the curb, free of weeds or grass in excess of ten inches. Trees, shrubs and other landscaping planted in the area between the sidewalk and the curb shall be maintained by the adjacent landowner or occupant in such a way as not to impede, obstruct or interfere with the passage and or public accessibility of any sidewalk or street including, without limitation, the passage of street sweeping and other street cleaning equipment, and/or personnel.
- B. In the event the owner or occupant does not maintain such trees, shrubs, or landscaping in the manner required by this Section, the Town may cut or trim such trees, shrubs, or plant growth, or otherwise take measures necessary to eliminate the impediment, obstruction, or interference with the passage on the sidewalk or street.
- C. IN ADDITION TO ANY OTHER PENALTIES PRESCRIBED BY LAW, ANY PERSON FOUND VIOLATING THIS SECTION AFTER 30 DAYS WRITTEN NOTICE IS SUBJECT TO A CIVIL PENALTY OF \$100 FOR THE FIRST OFFENSE, AND \$500 FOR EACH SUBSEQUENT OFFENSE. EACH DAY SHALL BE CONSIDERED A SEPARATE OFFENSE.

**14-2-2 Obstruction in Sidewalk; Owner or Occupier Responsibility**

- A. No owner or occupant of land shall allow or permit garbage, debris, decomposed granite, landscape materials, trees, shrubs or plant growth to impede, obstruct, or interfere with the passage of any public sidewalk; provided however, this Section shall not prohibit the temporary storage of such matters in authorized receptacles for collection, or the passage of sidewalk cleaning and repair equipment and/or personnel, within the Town.
- B. In the event any owner or occupant of land allows trees, shrubs, or plant growth on that land to impede, obstruct or interfere with the passage of any sidewalk including, without limitation, the passage of sidewalk cleaning and repair equipment and/or personnel, the Town may cut or trim such trees, shrubs or plant growth, or otherwise take measures necessary to eliminate the impeding, obstruction, or interference with the passage on the sidewalk.
- C. IN ADDITION TO ANY OTHER PENALTIES PRESCRIBED BY LAW, ANY PERSON FOUND VIOLATING THIS SECTION AFTER 30 DAYS WRITTEN NOTICE IS SUBJECT TO A CIVIL PENALTY OF \$100 FOR THE FIRST OFFENSE, AND \$500 FOR EACH SUBSEQUENT OFFENSE. EACH DAY SHALL BE CONSIDERED A SEPARATE OFFENSE.

### **14-1-3 Penalties**

~~In addition to any other penalties prescribed by law, any person found violating this Article after 30 days written notice is subject to a civil penalty of \$100 for the first offense, and \$500 for each subsequent offense. Each day shall be considered a separate offense.~~

## **Queen Creek Town Code Chapter 14, STREETS AND SIDEWALKS** **Article 14-3, STREETS**

### **14-3-1 Obstruction in Street; Owner or Occupier Responsibility**

- A. No owner or occupant of land shall allow garbage, debris, decomposed granite, landscape materials, trees, shrubs or plant growth to impede, obstruct, or interfere with the passage of any street including without limitation, the passage of street sweeping and other street cleaning and repair equipment and/or personnel, within the Town or to diminish the visibility of any traffic control device or signal.
- B. In the event any owner or occupant of land allows trees, shrubs, or plant growth on that land to impede, obstruct, or interfere with the passage of any street, including without limitation, the passage of street cleaning and repair equipment and/or personnel, the Town may cut or trim such trees, shrubs or plant growth, or otherwise take measures necessary to eliminate the impeding, obstruction, or interference with the passage of the street and may charge the cost of such trimming, cutting, or other measures to the owner of the land.
- C. IN ADDITION TO ANY OTHER PENALTIES PRESCRIBED BY LAW, ANY PERSON FOUND VIOLATING THIS SECTION AFTER 30 DAYS WRITTEN NOTICE IS SUBJECT TO A CIVIL PENALTY OF \$100 FOR THE FIRST OFFENSE, AND \$500 FOR EACH SUBSEQUENT OFFENSE. EACH DAY SHALL BE CONSIDERED A SEPARATE OFFENSE.

### **14-3-2 Open Junk Storage Prohibited**

- A. No person shall deposit, store or maintain any garbage or junk that is visible from beyond the lot boundaries, except as authorized for collection.
- B. IN ADDITION TO ANY OTHER PENALTIES PRESCRIBED BY LAW, ANY PERSON FOUND VIOLATING THIS SECTION AFTER 30 DAYS WRITTEN NOTICE IS SUBJECT TO A CIVIL PENALTY OF \$100 FOR THE FIRST OFFENSE, AND \$500 FOR EACH SUBSEQUENT OFFENSE. EACH DAY SHALL BE CONSIDERED A SEPARATE OFFENSE.

### **14-3-3 Depositing, Sweeping, Draining Onto Street or Town Property Prohibited**

- A. No person shall deposit in, sweep upon or permit to drain into any public right-of-way, street, or Town Property any garbage, junk, obstruction or similar matter or any hazardous material which is offensive to sight or smell or impedes passage or is detrimental to public health.

B. IN ADDITION TO ANY OTHER PENALTIES PRESCRIBED BY LAW, ANY PERSON FOUND VIOLATING THIS SECTION AFTER 30 DAYS WRITTEN NOTICE IS SUBJECT TO A CIVIL PENALTY OF \$100 FOR THE FIRST OFFENSE, AND \$500 FOR EACH SUBSEQUENT OFFENSE. EACH DAY SHALL BE CONSIDERED A SEPARATE OFFENSE.

**14-2-4 Penalties**

~~In addition to any other penalties prescribed by law, any person found violating this Article after 30 days written notice is subject to a civil penalty of \$100 for the first offense, and \$500 for each subsequent offense. Each day shall be considered a separate offense.~~

**Queen Creek Town Code Chapter 14, STREETS AND SIDEWALKS**  
**Article 14-4, SCALLOPED STREET ASSESSMENTS**

*Article 14-3 is moved to and renumbered to 14-4*