

ORDINANCE NO. (O)12-13

AN ORDINANCE OF THE TOWN OF ORO VALLEY, ARIZONA, RELATING TO REDUCED SPEED LIMITS IN CONSTRUCTION ZONES; AMENDING ORO VALLEY TOWN CODE BY AMENDING SECTION 11-3-3 (B) AND ADDING NEW SECTION 11-3-19, "CONSTRUCTION ZONE SPEED LIMITS;" REPEALING ALL RESOLUTIONS, ORDINANCES, AND RULES OF THE TOWN OF ORO VALLEY IN CONFLICT THEREWITH; PRESERVING THE RIGHTS AND DUTIES THAT HAVE ALREADY MATURED AND PROCEEDINGS THAT HAVE ALREADY BEGUN THEREUNDER.

WHEREAS, pursuant to Oro Valley Town Code Section 11-3-3, "Traffic Control Devices," the Town Engineer with concurrence from the Chief of Police, shall place and maintain traffic control devices to enforce and regulate traffic under the traffic laws of the Town or under state law or to guide or warn traffic; and

WHEREAS, the Town desires to update the maximum fine provided in Oro Valley Town Code Section 11-3-3; and

WHEREAS, for the health and safety of motorists the Town desires to adopt regulations doubling civil traffic fines in construction zones; and

WHEREAS, the proposed new construction zone regulations will permit the town to post traffic control devices indicating double fines for exceeding the construction zone speed limit; and

WHEREAS, penalties are based on the Oro Valley Magistrate Court's bond schedule as approved by Council, which states a base fine amount of \$123.00; and

WHEREAS, the Town deems it necessary to amend Oro Valley Town Code by amending Section 11-3-3 and adding Section 11-3-19 to enforce the use of traffic control devices along roadway construction zones that indicate that double civil penalties will be imposed for exceeding the posted speed limit when workers are present in construction zones in order to preserve the peace, health, and safety of the roadways in the Town.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and the Council of the Town of Oro Valley, Arizona, as follows:

SECTION 1: Section 11-3-3(B), Traffic Control Devices, is amended to read as follows, with additions being shown in ALL CAPS:

Section 11-3-3(B) Traffic Control Devices

- B. The driver of any vehicle shall obey the instruction of any official traffic control device applicable thereto placed in accordance with the traffic regulations of the town unless otherwise directed by the police chief, subject to the exceptions granted in this chapter or by state law. THE PENALTY FOR FAILING TO OBEY A TRAFFIC CONTROL DEVICE SHALL BE A MAXIMUM OF \$123.00.

SECTION 2: Section 11-3-19, Construction Zone Speed Limits, is amended to read as follows, with additions being shown in ALL CAPS and deletions being shown in ~~Strikethrough text~~:

Section 11-3-19 Construction Zone Speed Limits

- A. THE TOWN ENGINEER IS AUTHORIZED TO ESTABLISH REDUCED SPEED LIMITS WITHIN CONSTRUCTION ZONES. IN ACCORDANCE WITH THE MOST RECENTLY ADOPTED EDITION OF THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD) AND/OR SOUND ENGINEERING PRACTICES, THE REDUCED SPEED LIMITS SHALL BE IMPLEMENTED WHEN THE TOWN ENGINEER DETERMINES THAT THE PERMANENT SPEED LIMIT SET FOR THAT ROADWAY UNDER CONSTRUCTION IS NOT REASONABLE OR SAFE UNDER THE EXISTING CONDITIONS.
- B. ANY REDUCED SPEED LIMIT ESTABLISHED BY THE TOWN ENGINEER SHALL BE EFFECTIVE ONLY FOR THE DURATION OF THE ROADWAY CONSTRUCTION. CONSTRUCTION SHALL MEAN ANY ROAD WORK BY THE TOWN OR ANY CONTRACTOR OR SUBCONTRACTOR PERFORMING SUCH CONSTRUCTION, RECONSTRUCTION, OR MAINTENANCE AT THE DIRECTION OF THE TOWN.
- C. THE REDUCED SPEED LIMITS SHALL BECOME EFFECTIVE WHEN THE REGULATORY SPEED LIMIT SIGNS (BLACK TEXT ON WHITE BACKGROUND STATING THE SPEED LIMIT) HAVE BEEN ERECTED UPON OR AROUND THE CONSTRUCTION ZONE IN A CLEAR VISIBLE MANNER, AND THE PERMANENT SPEED LIMIT SIGNS ARE COVERED OR OTHERWISE NOT VISIBLE TO MOTORISTS.
- D. THE TRAFFIC CONTROL DEVICES, INDICATING THAT DOUBLE CIVIL PENALTIES WILL BE IMPOSED FOR EXCEEDING THE SPEED LIMIT IN A CONSTRUCTION ZONE, SHALL BE POSTED AT LEAST ONE THOUSAND (1000') FEET BEFORE ENTERING THE TEMPORARY CONSTRUCTION ZONE INDICATING THE BEGINNING OF THE CONSTRUCTION ZONE AND SHALL BE POSTED TO INDICATE THE END OF THE CONSTRUCTION ZONE. IN

ADDITION, SUCH TRAFFIC CONTROL DEVICES SHALL BE POSTED AT LEAST EVERY TWENTY-FIVE HUNDRED (2500') FEET WITHIN THE CONSTRUCTION ZONE.

- E. IT SHALL BE UNLAWFUL FOR A PERSON TO DRIVE IN A CONSTRUCTION ZONE AT A SPEED GREATER THAN THE SPEED POSTED FOR THAT ZONE. VIOLATIONS OF THE CONSTRUCTION ZONE SPEED LIMIT ARE SUBJECT TO DOUBLE FINES UNDER ORO VALLEY TOWN CODE SECTION 11-3-3 WHEN WORKERS ARE PRESENT.

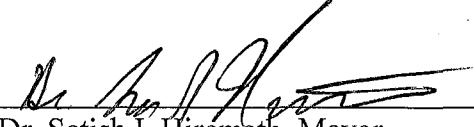
SECTION 2. Pursuant to ARS § 41-1346, the Town shall maintain efficient record management for local public records and it has been determined that this Ordinance is a public record with three copies of said Ordinance to remain of file in the office of the Town Clerk.

SECTION 3. All Oro Valley Ordinances, Resolutions, or Motions and parts of Ordinances, Resolutions, or Motions of the Council in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Oro Valley, Arizona, this 19th day of September, 2012.

TOWN OF ORO VALLEY



Dr. Satish I. Hiremath, Mayor

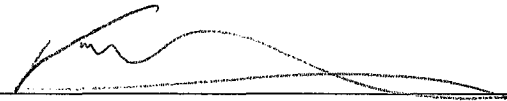
ATTEST:



Julie K. Bower, Town Clerk

Date: 9/21/12

APPROVED AS TO FORM:



Tobin Rosen, Town Attorney

Date: 9/21/12

PUBLISH: DAILY TERRITORIAL
SEPTEMBER 25, 26, 27, 28, 2012

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