



TOWN OF JEROME

POST OFFICE BOX 335, JEROME, ARIZONA 86331
(928) 634-7943 FAX (928) 634-0715

Founded 1876
Incorporated 1899

ORDINANCE NO. 456

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF JEROME, YAVAPAI COUNTY, ARIZONA, AMENDING THE JEROME TOWN CODE TO ADD NEW ARTICLE 12-3, "PAY TO PARK"

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JEROME, YAVAPAI COUNTY, ARIZONA, AS FOLLOWS:

Section 1. The Jerome Town Code is hereby amended by the addition of NEW Article 12-3, "Pay to Park," as set forth in Appendix A hereto.

Section 2. Following its adoption, this Ordinance shall be published by the Town Clerk in accordance with the requirements of A.R.S. § 39-203 *et seq.*

Section 3. All ordinances or parts of ordinances that are in conflict with the provisions of this Ordinance are hereby repealed to the extent of their inconsistency herewith.


Section 4. Should any section or provision of this Ordinance be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance, any provision incorporated by reference and any other provision of the Town Code as a whole or any part thereof other than the part so declared invalid.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF JEROME, YAVAPAI COUNTY, ARIZONA, THIS 10 DAY OF September 2019.


Christina "Alex" Barber, Mayor

ATTEST:


Candace Gallagher, Town Manager/Clerk

APPROVED AS TO FORM:

William J. Sims, Esq.
Town Attorney

Date of first reading: 8/16/2019

Dates of publication: 9/22/19; 9/29/19

Date of adoption: 9/10/19

Date of posting: 9/18/19

Voting record at adoption:

	MOVED	SECONDED	AYE	NAY	ABSENT	ABSTAIN
BARBER			X			
DILLENBERG		X	X			
HARVEY	X		X			
MOORE			X			
WORTH			X			

Jerome Town Hall Located at 600 Clark Street, Jerome Civic Center



ORDINANCE 456

APPENDIX "A"

Section 12-3. Pay-to-Park

12-3-1. Definitions: Whenever any words and phrases used in this chapter are not defined herein but are defined in the State laws regulating the operation of vehicles, the definitions therein shall be deemed to apply to such words and phrases used herein.

In this chapter, unless the context otherwise requires:

1. "Public parking" means parking spaces within the right-of-way and parking spaces within parking lots owned, leased, or otherwise under the control of the Town outside of the right-of-way.
2. "Parking meters" means any pay-to-park equipment leased or owned by the Town, including but not limited to mechanical devices, kiosks, or other multi-space metering equipment, which may or may not be adjacent to the parking space, that accepts payment for the use of parking spaces.
3. "Parking permit" means any valid permit issued to an employee, resident, guest, or otherwise as authorized by the Town of Jerome. In the event that said permit is a digital registry of the license plates of vehicles permitted to park in parking-permit-required areas, the license plate itself is the parking permit for the purposes of this chapter.
4. "Parking-permit-required areas" means any areas that are designated or marked by signs indicating that the areas are subject to parking restrictions.
5. "Pay-to-park areas" means any areas where a time period must be purchased at a parking meter by a person for a vehicle to remain within a parking space.

12-3-2 Manual of Uniform Traffic Control Devices

The Manual of Uniform Traffic Control Devices, as amended and adopted by the Arizona Highway Commission, in conformance with Title 28, chapter 6, article 3, of the Arizona Revised Statutes, 1971, together with all subsequent official rulings on requests for interpretations, changes and experimentation, is hereby adopted as the official document governing all aspects of the installation and operation of traffic-control devices on public ways within the Town.

12-3-3 Pay to Park

- A. The Town of Jerome, by a resolution of its Council, will set the "pay to park" locations, hours and days of operations as well as the fees to be charged.
- B. Council may opt to provide exemptions or discounted fees, or to suspend fees from time to time, by the adoption of a Resolution effecting same.
- C. Operational Procedure to Be Followed: Immediately after parking a vehicle within a pay-to-park parking space, the person in the vehicle shall purchase a time period for the vehicle to remain within said parking space. To purchase a time period, a person must deposit an acceptable form of payment in the nearest parking meter as indicated on the parking meter and follow operational procedures in accordance with the instructions posted on the parking meter. The vehicle may remain within said parking space only for the time period(s) purchased. Failure to deposit payment or follow the operational procedures shall constitute a violation of this Article, subject to the penalties set forth herein.
- D. If a person has a valid permit to park within the pay-to-park area, the person need not purchase a time period for the vehicle to remain within a parking space, but the person must display the permit so that it is visible from the exterior of the vehicle. All other requirements of Section 12-3 are applicable to any vehicle parked with a valid parking permit.

12-3-4. Overtime Parking Violations:

It is unlawful for any person to cause, allow, permit or suffer any vehicle registered in the name of, or operated by, such person to remain parked within any pay-to-park parking space beyond the time for which payment has been made. Any person who causes a vehicle to remain within a pay-to-park parking space overtime, or for more time than purchased, shall be in violation of this Article and subject to the penalties set forth herein.

12-3-5. Other Parking Meter Violations:

The following shall constitute violations relating to parking meters, and are subject to the penalties set forth herein:

- (A) To deface, damage, tamper with, open or willfully break, destroy or attempt in any manner to impair the function of any parking meter.

(B) To deposit or cause to be deposited in any parking meter any slugs, devices, or other substitutes for lawful payment as indicated on the parking meter.

(C) To make use of or operate any parking meter for the purpose of advertising or solicitation of business, either directly or indirectly.

(D) To permit, cause, or allow a bicycle, news rack, animal, or any other thing to be attached to or to be leaned against a parking meter.

(E) To permit, cause or allow any sign, symbol, sticker, graffiti or similar writings, photos or artwork to be written, etched, attached, hung or posted in any manner on a parking meter without the express written consent of the Town.

12-3-6. Parking-Permit-Required Areas:

Parking any vehicle in violation of any parking restriction as indicated and marked with signage shall constitute a violation of this Article and is subject to the penalties set forth herein.

12-3-7. Other Parking Permit Violations:

The following shall constitute violations relating to permit parking and are subject to the penalties set forth herein:

(A) To falsely represent oneself as eligible for a parking permit or to furnish false information in an application for a parking permit.

(B) To assign or transfer a parking permit, with or without consideration, monetary or otherwise.

(C) To copy, produce, or create a facsimile of or counterfeit of a parking permit, or to display a facsimile or counterfeit parking permit for purposes of parking in parking-permit-required areas.

(D) To use, or to allow the use of, a parking permit for a vehicle other than the specific vehicle for which the permit was issued.

12-3-8 Re-parking Prohibited:

If a vehicle has been parked in an area on any street where parking is limited or restricted to a specified maximum period of time by official signs posted at that location, it is prohibited and a violation of this Article to repark said vehicle within three hundred (300) feet of the location where it was first parked within the following four (4) hour period.

12-3-9. Parking within Lines or Markings:

It is unlawful to park any vehicle across lines or markings painted upon the curb or street to designate a parking space or to park a vehicle in such a position that it shall not be entirely within the space designated by such lines or markings.

12-3-10 Notice of Violation:

A. In an action involving unlawful parking, a copy of the notice need not be personally served upon the owner or operator of the vehicle but may be served by conspicuously attaching a copy to the vehicle.

B. The notice shall include the date, time and location of the violation, the State license number of the vehicle unlawfully parked, reference to the Town ordinance or code provision violated, the sanction for the violation, and notice that within fifteen (15) calendar days from the day on which the notice was issued the sanction for the violation must be paid and received by the Town of Jerome office designated by the Town Manager or a written request for a hearing to contest the alleged violation must be made and received by the Town of Jerome office designated by the Town Manager.

12-3-11. Response to Notice of Violation, Review and Hearing:

A. Within fifteen (15) calendar days from the day on which the notice was issued, the person or persons liable for the parking violation shall respond to the notice by:

1. Paying the civil sanction prescribed for the violation to the Town of Jerome office designated by the Town Manager; or
2. Submitting a written request for a hearing to contest the alleged parking violation to the Town of Jerome office designated by the Town Manager. That designated office will then forward the violation to the Jerome Municipal Court for a hearing.

In the event the fifteenth day from the day on which the notice was issued falls on a Saturday, Sunday or legal holiday, then the person or persons liable for the parking violation shall respond by the next regular business day following the fifteenth day.

B. A civil traffic hearing for a parking violation may be heard by a civil traffic hearing officer at the Jerome Municipal Court pursuant to applicable State statutes and the Arizona Supreme Court Rules of Procedure in Civil Traffic Violation Cases. The hearing officer may make such orders as may be necessary and proper to dispose of such cases. Any fines imposed by the hearing officer shall not be less than a base fine of ten dollars (\$10.00) excluding State surcharges and fees. Fines imposed after a civil traffic hearing shall be paid to the Jerome Municipal Court. The Jerome Municipal Court shall transmit the portion of the fee due to the Town of Jerome to the Town Treasurer who shall account for the same per the Town budget.

12-3-12. Violations and Penalties

A. All violations of this Article shall be adjudicated as civil traffic violation cases as provided in title 28, Arizona Revised Statutes, as amended.

- (1) For the first violation of this Article, or a violation more than one (1) year following a previous violation, a fine will be imposed in the amount of twenty-five dollars (\$25.00) excluding state surcharges and fees.
- (2) For a violation within one (1) year from a violation described in this section, a fine will be imposed in the amount of fifty dollars (\$50.00) excluding state surcharges and fees.
- (3) Minimum Fine: If payment of the fine is received or notice to contest is filed within fifteen (15) days of issuance of the notice of violation, the sanction for a violation of this chapter upon payment of the sanction or upon conviction shall be not less than ten dollars (\$10.00) plus State surcharges and assessments.
- (4) Maximum Fine: Every person held responsible for a violation of any provision of this section shall be penalized by a civil sanction not to exceed two hundred fifty dollars (\$250.00), excluding surcharges and assessments.
- (5). Prompt payment: If payment is received within 24 hours of the notice of violation, the fine amount will be fifty percent (50%) of the fine amount listed on the notice of violation.

Depositing the notice of violation with the proper discounted fine amount within twenty-four (24) hours in the drop box at the police department is sufficient evidence of prompt payment. Said fines may also be paid on-line or at a paid parking kiosk within Jerome.

(6). Default Judgment and Penalty Assessment: If the person or persons liable for a parking violation fail to respond within fifteen (15) days of the issuance of the notice, a default judgment shall be entered against the registered owner of the vehicle.

B. Disposition of Fines: Funds collected from fines on parking violations shall be turned over to the Town Treasurer who shall account for the same per the Town budget.

12-3-13 Enforcement

Any peace officer or duly authorized agent of the Town may stop and detain a person as is reasonably necessary to investigate an actual or suspected violation of this Article, and to serve a copy of the traffic complaint for any alleged violation of said Article, and make appropriate court appearances in the prosecution of said offense.

12-3-14 Parking Revenues to be Dedicated

Revenues generated from parking fees shall be dedicated to improving public safety and infrastructure, including streets, sidewalks, and water and sewer infrastructure.