

## ORDINANCE NO. 5046-1586

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, AMENDING TITLE IX, CHAPTER 9-1 (“PRESCOTT TRAFFIC CODE”), SECTION 9-1-16 (“MISCELLANEOUS ENFORCEMENT RULES”) OF THE PRESCOTT CITY CODE BY ADDING A NEW SUBSECTION 9-1-16(J) SETTING A SPEED LIMIT OF FIFTEEN MILES PER HOUR IN CITY ALLEYS; ADDING A SEVERANCE CLAUSE; AND PROVIDING FOR PENALTIES.**

### **RECITALS:**

WHEREAS, the City of Prescott (“City”) limit the speed limit in alleys located within the City limits to fifteen miles per hour (15 m.p.h.); and,

WHEREAS, amending Title IX, Chapter 9-1, Section 9-1-16, of the Prescott City Code by adding a new subsection 9-1-16(J) setting a fifteen mile per hour (15 m.p.h.) speed limit in alleys located in the City limits is in the best interests of the health, safety and welfare of the City of Prescott.

### **ENACTMENTS:**

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PRESCOTT AS FOLLOWS:

SECTION 1. THAT, Title IX, Chapter 9-1, Section 9-1-16, of the Prescott City Code by adding a new subsection 9-1-16(J) to read as follows:

**“(J) Speed Limit in Alleys. It shall be unlawful for any person to operate a motor vehicle through an alley or any part thereof within the City limits at a speed greater than fifteen miles per hour.”**

SECTION 2. SEVERANCE CLAUSE: THAT, the provisions of this Ordinance are hereby declared to be severable; and, if any section, sentence, clause or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decisions shall not affect the validity of the remaining sections, sentences, clauses and phrases of this Ordinance, but they shall remain in effect, it being the legislative intent that this Ordinance shall stand, notwithstanding the invalidity of any part thereof.

SECTION 3. PENTALTIES THAT, the penalty provisions already contained in Prescott City Code 9-1-17 entitled “PENALTIES” shall govern a violation of Prescott City Code 9-1-16(J):

9-1-17(A) Any violation of or failure or refusal to do or perform any act required by this traffic code shall also constitute a civil traffic violation. Civil traffic violations are subject to the provisions of title 28, chapter 6, article

21, Arizona Revised Statutes, and amendments thereto. Sanctions for civil traffic violations shall be determined by the city magistrate, not to exceed the maximum civil sanctions as set forth in section 1-3-2 of this code. Each day that a violation continues shall be a separate offense. (Ord. 2279, 6-25-1991; and. Ord. 3991, 5-23-2000)

(B) Upon a finding of responsibility for a violation of subsection 9-1-16(l) of this chapter, the mandatory minimum sanction shall be not less than one hundred twenty dollars (\$120.00) per violation. The court shall not suspend any portion of the minimum sanction imposed by this section. (Ord. 3991, 5-23-2000)

**PASSED AND ADOPTED** by the Council of the City of Prescott, Arizona, on this 12<sup>th</sup> day of September 2017.

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HARRY B. OBERG, Mayor

ATTEST:

APPROVED AS TO FORM:

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MAUREEN SCOTT, City Clerk

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JON M. PALADINI, City Attorney