CHAPTER 5

PARKING LOTS AND GARAGES

SECTION:

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10-5-1: PARKING RESTRICTED OR PROHIBITED:

(A) Installation of and Obedience to Signs and Markings. In a publicly or privately owned parking lot or garage being operated or managed by the City or being operated or managed by a private person or entity pursuant to a lease, contract, or other agreement with the City, the City Traffic Engineer may have signs or markings installed that prohibit, limit, restrict, or regulate the time, place, or method of parking. When such signs or markings are in place, a vehicle shall not be parked in violation of the prohibition, limitation, restriction, method of parking, or regulation designated by said signs or markings. It shall be unlawful to park any vehicle in any parking lot or garage described above except within a parking stall as designated by official markings. It shall be unlawful to park any vehicle in any parking lot or garage described in this Section in such a position that it shall not be within the space designated by official lines or markings. (1073,1771,2189,4882)

(B) In any publicly or privately owned parking lot or garage being operated or managed by the City or being operated or managed by a private person or entity pursuant to a lease, contract, or other agreement with the City, all or certain portions of said lots or garages may be designated for parking of vehicles with permits or decals. Parking may be permitted in said lots, garages, or portions thereof during certain hours or on weekends and holidays if signs are posted which specify the hours or days that a permit or decal is required. Vehicles without a permit or decal may be parked in said lots or garages at any other time. (2189,4882)

1. Parking in the above-described lots, garages, or portions thereof is prohibited during the hours or days that a permit or decal is required by official signs posted therein, except for vehicles that are displaying a current and valid permit or decal. A permit or decal is invalid if it is expired or has been cancelled because of a contract violation, such as nonpayment of the monthly rent or lease fee. (2189,3833)

2. Vehicles parked in the above-described lots, garages, or portions thereof shall have a properly displayed permit or decal in the left rear lower corner of the rear window or other conspicuous location as approved by the City and in accordance with the provisions of this Section. A properly displayed permit or decal must be visible from the rear of the vehicle. (2189,3833)

(C) Compact Car Parking. In any publicly or privately owned parking lot or garage being operated or managed by the City or being operated or managed by a private person or entity pursuant to a lease, contract, or other agreement with the City, certain portions of said lots or garages may have parking spaces which are designated for compact cars. Vehicles which exceed fifteen feet (15') in length shall not be parked in areas designated for compact cars. (2189,4882)

(D) Parking of motor vehicles is prohibited in the field area of Falcon Field Airport as defined in Title 9, Chapter 9, except for motor vehicles parked thereon pursuant to authority expressly granted by the Airport Director under Title 9, Chapter 9 of the Mesa City Code. (2434,3833,4882)
(E) In all publicly or privately owned parking lots or garages that are operated or managed by the City or by a private person or entity pursuant to an agreement with the City, persons shall use the lots and garages only for the parking of vehicles or for other uses expressly approved in advance by the City. It shall be unlawful for any person using such property for unauthorized purposes to refuse or fail to leave such property upon being requested to do so by the owner, operator, or agent thereof. (2584,4882)

(F) The City Manager or his designee may cause any publicly or privately owned parking lot or garage being operated or managed by the City or being operated or managed by a private person or entity pursuant to a lease, contract, or other agreement with the City, to be reserved to accommodate event parking, i.e., for concerts, plays, athletics, and other events. A fee may be assessed for the use of these lot(s) and/or garage(s) for daily parking. A fee may be assessed for the use of these lot(s) and/or garage(s) for event parking. The fees for daily parking and event parking shall be as approved by City Council Resolution. The City Manager or his designee shall determine if the event parking fee should be assessed for specific events. The City Council may authorize the City Manager to enter into licenses, leases, or other agreements that modify or waive daily and event parking fees. (4394,4882,4908)

10-5-2: VIOLATIONS:
When signs or markings are in place giving notice thereof, it is unlawful and a violation of this Section for a vehicle to be parked in any location designated in Section 10-5-1 of this Chapter unless the vehicle is parked consistent with and in accordance with all restrictions, limitations, times, hours, days, manner, and other requirements in this Chapter and in compliance with any City ordinance or provision of this Code which regulates the time, place, or method of parking. Any violation of this Chapter is a civil traffic violation and shall be enforced by the Police Chief of the City pursuant to the provisions of Section 10-3-25 of the Mesa City Code. (2189,3833,4882)

10-5-3: SIGNS OR MARKINGS REQUIRED FOR ENFORCEMENT:
The City Traffic Engineer may install appropriate signs or markings giving notice of parking restrictions, prohibitions, and method of parking in this Chapter and violations shall not be enforced unless appropriate signs or markings are installed and in place at the time of the violation. (2189,3766,4882)

10-5-4: RENTAL; LEASES AND PERMITS; ADMINISTRATION:
(A) The City may contract with a private person or entity for the management of privately owned and public parking lots and garages. (2189)

(B) The City or a private person or entity acting pursuant to a contract with the City may manage or lease publicly and privately owned parking lots and may enter into agreements whereby parking rights or privileges in privately owned lots or garages and public lots or garages are rented or leased to individuals. (2189)

(C) The City or a private person or entity acting pursuant to a contract with the City shall issue permits or decals showing the lot or garages rented or leased and shall provide for appropriate display of the permits or decals. Permits or decals shall be issued only for vehicles for which the rent or lease has been paid. (2189)

10-5-5: AUTHORITY TO IMPOUND VEHICLES:
Vehicles parked in violation of this Chapter may be impounded pursuant to the provisions of Section 10-3-26 of the Mesa City Code. (1771,2189)

10-5-6: AUTHORITY TO ATTACH A RESTRAINING DEVICE:
(A) Members of the Police Department are hereby authorized to attach a restraining device (boot) to any vehicle parked in violation of any provision of this Chapter where the vehicle is deemed to constitute a public nuisance under Title 10 of the Mesa City Code. (2189,2434)
(B) Whenever a restraining device is used under this Section, a notice shall be conspicuously attached to the vehicle indicating that the vehicle has been immobilized for failure to satisfy outstanding sanctions for five (5) or more prior parking violations; that release from such immobilization may be obtained at a designated place; that unless arrangements are made for release of the vehicle within seventy-two (72) hours, the vehicle shall be deemed abandoned under, and shall be disposed of pursuant to, Title 28, Chapter 8, Article 5 of the Arizona Revised Statutes; and that any person who tampers with, defaces, removes, or attempts to remove a restraining device without Police Department permission is subject to criminal prosecution. Reasonable charges may be assessed for removing the restraining device from the vehicle and for towing and impounding the vehicle. (2434)

(C) It shall be a misdemeanor for any person to tamper with, deface, remove, or attempt to remove a restraining device that has been attached to a vehicle pursuant to this Section without Police Department authority. (2434)

(D) The owner or driver of a vehicle immobilized under this Section shall be entitled, upon request, to a hearing in the Mesa City Court to contest the immobilization. Such request for a hearing shall be made in writing to the Clerk of the Mesa City Court within seventy-two (72) hours of the immobilization. If a timely request for a hearing is made under this Subsection, a hearing shall be held within forty-eight (48) hours of the receipt of the request unless the owner or driver of the immobilized vehicle requests or agrees to a hearing at a later time. (2434)

(E) Whenever the owner or driver of a vehicle immobilized under this Section requests a hearing before the Mesa City Court to contest the immobilization, the owner or driver may obtain the immediate release of the vehicle pending the hearing by depositing with the City the sum of two hundred dollars ($200.00) in cash or its equivalent or by posting a secured appearance bond or other form of security in the amount of, or having a value of, two hundred dollars ($200.00). The secured appearance bond or other form of security shall reflect the undertaking by the owner, driver, or surety, to bind himself or themselves to pay the full amount of the bond to the City of Mesa or otherwise to forfeit their security if the owner or driver fails to appear before the City Court to contest the immobilization. (2434)

(F) The person who parked or placed a vehicle in violation of Title 10 of the Mesa City Code, the owner or owners of the vehicle, and the registered owner or owners of the vehicle are individually and jointly responsible for the violations, the prescribed civil sanctions, and for payment of any applicable immobilization, towing, or impoundment charges. (2434)

(G) Vehicles immobilized or impounded under this Section shall promptly be released upon payment, in cash or its equivalent, of all current and accumulated sanctions and payment of all charges associated with immobilization and impoundment of the vehicle. (2189,2434)

(H) Whenever a vehicle is towed and impounded under this Section as an abandoned vehicle, notice shall be provided in accordance with Title 28, Chapter 8, Article 5 of the Arizona Revised Statutes. (2434)

CHAPTER 6

OFF-STREET PARKING AREAS

(Repealed by 2189)
CHAPTER 7

CIVIL TRAFFIC VIOLATIONS

SECTION:

10-7-1: CIVIL TRAFFIC VIOLATIONS:
Any violation of or failure or refusal to do or perform any act required by Chapters 1 through 7 of Title 10 of the Mesa City Code constitutes a civil traffic violation except as otherwise provided. Civil traffic violations are subject to the provisions of Title 28, Chapter 6, Articles 20 and 21, Arizona Revised Statutes, and amendments thereto. (1771)

10-7-2: AUTHORITY TO DETAIN PERSONS TO SERVE TRAFFIC COMPLAINT:
Any Police officer or duly authorized agent of the City may stop and detain a person as reasonably necessary to investigate an actual or suspected violation of this Title and to serve a copy of the traffic complaint for any alleged civil or criminal violation of this Title. (1771)

10-7-3: HEARING OFFICERS (1771)
(Repealed by 4027)

10-7-4: HABITUAL OFFENDERS:

(A) Any person who commits a civil traffic violation of this Title 10 of the Mesa City Code after previously having been found responsible for three (3) or more civil traffic violations of Title 10 of the Mesa City Code within a twenty-four- (24-) month period, whether by default or by judgment after hearing, and who has not paid the civil sanctions required by the Court for those offenses (underlying offenses) shall be guilty of a misdemeanor. For purposes of calculating the twenty-four- (24-) month period under this paragraph, the dates of the commission of the offenses are the determining factor. (2434,3117)

(B) The Mesa City Prosecutor is authorized to file a criminal misdemeanor complaint in the Mesa City Court against habitual offenders who violate this Section. (3117)

(C) The payment of the civil sanctions due on an underlying offense, when such payments are made after the issuance of a summons and complaint on a charge of being a habitual offender, shall not be a defense to the habitual offender charge. (3117)

(D) Upon conviction of a violation of this Section, the Court may impose a sentence of incarceration not to exceed six (6) months in jail or a fine not to exceed two thousand five hundred dollars ($2,500.00), exclusive of penalty assessments prescribed by law, or both. The Court shall order a person who has been convicted of a violation of this Section to pay a fine of not less than two hundred fifty dollars ($250.00) for each count upon which a conviction has been obtained. A judge shall not grant probation to or suspend any part or all of the imposition or execution of any sentence required by this Subsection except on the condition that the person pay the mandatory minimum fines as provided for in this Subsection. (2434,2466,3117)

(E) Every action or proceeding under this Section shall be commenced and prosecuted in accordance with the laws of the State of Arizona relating to criminal misdemeanors and the Arizona Rules of Criminal Procedure. (2434,3117)