

# Staff Summary Report



**Council Meeting Date:** 05/07/09

**Agenda Item Number:** \_\_\_\_\_

**SUBJECT:** This is the second public hearing to amend Chapter 29 of the Tempe City Code, relating to Streets and Sidewalks by amending Section 29-4, and Chapter 19 of the Tempe City Code relating to Motor Vehicles and Traffic by adding new Article XV relating to Traffic Barricade Program.

**DOCUMENT NAME:** 20090507pwss01 TCC CH 29 (0503-29) & CH 19 (0503-19) Ordinance No. 2009.20

**SUPPORTING DOCS:** No

**COMMENTS:** Ordinance No. 2009.20 amends the Tempe City Code Chapter 29 and Chapter 19 to establish a Traffic Barricade Program.

**PREPARED BY:** Shelly Seyler, City Traffic Engineer (350-8854)

**REVIEWED BY:** Carlos de Leon, Deputy Public Works Manager (350-8527)

**APPROVED BY:** Glenn Kephart, Public Works Manager (350-8205)

**LEGAL REVIEW BY:** Teresa Voss, Assistant City Attorney (350-8814)

**FISCAL NOTE:** N/A – fees associated with Traffic Barricade Program will be established under separate Council resolution

**RECOMMENDATION:** Recommend approval of Ordinance No 2009.20

**ADDITIONAL INFO:** This ordinance establishes a Traffic Barricade Program to ensure that temporary traffic control devices are properly planned and placed in the City's right-of-way. The City's Traffic Engineer is responsible for administering the program and has developed a manual which provides the regulations, procedures and forms for the temporary traffic control devices. The manual requires, among other things, that anyone wishing to conduct work in the right-of-way must obtain a permit prior to commencement of work. Fees for the Program will be established by a separate and concurrent Council resolution.

**ORDINANCE NO. 2009.20**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AMENDING CHAPTER 29 OF THE TEMPE CITY CODE, RELATING TO STREETS AND SIDEWALKS BY AMENDING SECTION 29-4 AND CHAPTER 19 OF THE TEMPE CITY CODE, RELATING TO MOTOR VEHICLES AND TRAFFIC BY ADDING NEW ARTICLE XV RELATING TO TRAFFIC BARRICADE PROGRAM.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, as follows:

**Section 1.** That Section 29-4 of the Tempe City Code is hereby amended to read as follows:

**Sec. 29-4. Working within right-of-way.**

(a) For the purposes of this section, the following words or phrases shall have the meanings respectively ascribed to them by this subsection:

- (1) *Motor vehicle* means any vehicle required to be licensed or registered under the laws of the state.
- (2) *Protective devices* include, but are not limited to, orange vest (daytime), reflectorized orange vest (nighttime), traffic cones, barricades, flashing lights, flares and any other traffic-control device as required by the city.
- (3) *Right-of-way* means all of that property used as a traveled portion of public roadways for motor vehicles lying between the exterior boundary lines of any area granted to or received by the city by grant, gift, easement, deed, dedication or operation of law for street purposes.
- (4) *Worker* means any person whose duties cause his presence in the right-of-way.

(b) No person shall perform any work within the right-of-way until he is properly equipped with protective devices. **TRAFFIC-CONTROL DEVICES SHALL BE APPROVED BY THE TRAFFIC ENGINEER AS SET FORTH IN CHAPTER 19, ARTICLE XV, TRAFFIC BARRICADE PROGRAM.**

(c) Any persons violating any of the provisions of this section shall be guilty of a misdemeanor and punishable as set forth in § 1-7 of this code.

**Section 2.** That Chapter 19 of the Tempe City Code is hereby amended by adding a new Article XV as follows:

**ARTICLE XV. TRAFFIC BARRICADE PROGRAM**

**Sec. 19-171. Traffic barricade program established.**

A traffic barricade program is hereby established to ensure that temporary traffic control devices are properly planned and placed in the right-of-way.

**Sec. 19-172. Authority and administration.**

The traffic engineer shall develop a manual, which provides the regulations, procedures and forms for the placement of temporary traffic control devices in the right-of-way.

**Sec. 19-173. Traffic barricade permit.**

Any person wishing to conduct work within the right-of-way shall request and obtain a traffic barricade permit issued by the traffic engineer or designee prior to the commencement of such work.

**Sec. 19-174. Fees.**

The traffic engineer is authorized to assess fees, as established by resolution of the city council, to cover the administrative costs of traffic barricade program. Such fees will be listed in the manual and in Appendix A.

**Section 3.** Pursuant to the Tempe City Charter, Section 2.12, ordinances are effective thirty (30) days after adoption.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, this \_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

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City Attorney