

Attachment A

Proposed City Code Changes - Renaming

**TRAFFIC BARRICADE MANUAL TO
TEMPORARY TRAFFIC CONTROL MANUAL**

Chapter 10, Sections 10.1 through 10.3

CHAPTER 10

TEMPORARY TRAFFIC CONTROL (5053/RESO. 9892, 5068)

SECTION:

- 10-10-1:** ~~TRAFFIC BARRICADE~~ **TEMPORARY TRAFFIC CONTROL** MANUAL
10-10-2: **AUTHORITY TO APPROVE OR DENY RESTRICTIONS AND ISSUE PERMITS**
10-10-3: **VIOLATIONS AND ENFORCEMENT**

10-10-1: ~~TRAFFIC BARRICADE~~ **TEMPORARY TRAFFIC CONTROL** MANUAL (5053/RESO 9892):

- (A) City ~~Traffic Barricade~~ **TEMPORARY TRAFFIC CONTROL** Manual. The City Traffic Engineer shall develop, publish, and revise from time to time as needed, a manual on procedures and practices necessary to establish temporary control measures to be used in conjunction with partial and full restrictions of all City streets, sidewalks, bicycle lanes, equestrian, bicycle, pedestrian or multi-use paths, special use trails, alleys, highways, transit stops or other facilities, hereinafter referred to as "City transportation facilities," to be used in conjunction with any work, construction, maintenance, or other use of City rights-of-way or easements. Such City ~~Traffic Barricade~~ **TEMPORARY TRAFFIC CONTROL** Manual may consist of a manual or manuals, in whole or in part, developed and published by other cities, states or the federal government, along with modifications, amendments, or a supplement specific to the City of Mesa. The City ~~Traffic Barricade~~ **TEMPORARY TRAFFIC CONTROL** Manual shall be adopted by City Council resolution. (5053/Reso.9892)
1. Clarifications and Corrections. The City Traffic Engineer is authorized to publish clarifications and corrections to the City ~~Traffic Barricade~~ **TEMPORARY TRAFFIC CONTROL** Manual as needed to provide clarification, additional explanation or illustration of any provision of the City ~~Traffic Barricade~~ **TEMPORARY TRAFFIC CONTROL** Manual, or to correct typographical or other similar errors. Such clarifications and corrections shall be in writing and filed with the City Clerk. (5068)
- (B) The City Traffic Engineer or designee, is authorized to approve or disapprove barricading utilized on any City transportation facility, and to take those actions necessary, in his professional judgment and in accordance with the City ~~Traffic Barricade~~ **TEMPORARY TRAFFIC CONTROL** Manual, to promote, preserve and protect public health, safety and welfare on such City transportation facilities with respect to barricading and temporary traffic control. (5053/Reso.9892)
- (C) It is unlawful for any person to restrict any portion of a City transportation facility, City right-of-way or easement in a manner that is not in compliance with the City ~~Traffic Barricade~~ **TEMPORARY TRAFFIC CONTROL** Manual unless approved by the City Traffic Engineer or designee. (5053/Reso.9892)

10-10-2: **AUTHORITY TO APPROVE OR DENY RESTRICTIONS AND ISSUE PERMITS**
(5053/RESO. 9892)

- (A) Authority to approve or deny restrictions. The City Traffic Engineer or a designee shall have the authority to approve or deny all partial and full restrictions of City transportation facilities in conjunction with any work, construction, maintenance, or other use of City rights-of-way or easements to promote, preserve or protect public health, safety and welfare by minimizing impact on the traveling public and gaining compliance with temporary traffic control standards with respect to such restrictions. (5053/Reso.9892)
- (B) City Traffic Engineer to establish procedures, rules and issue permits. The City Traffic Engineer shall develop, publish and revise from time to time as needed, procedures and rules, hereinafter referred to as the rules, for applying for permission to restrict any portion of a City transportation facility, City right-of-way, or easement, and is authorized to issue or cause to be issued a Temporary Traffic Control Permit for all such requests that are approved. The rules may include blanket exceptions for certain types of work or specific types of restrictions for which a Temporary Traffic Control Permit is not necessary. Each Temporary Traffic Control Permit shall include general and special conditions as determined necessary by the City Traffic Engineer or designee for the permit holder's temporary use of the right-of-way to promote, preserve or protect public health, safety and welfare by minimizing impact on the traveling public and gaining compliance with temporary traffic control standards with respect to such restrictions. (5053/Reso.9892)

- (C) Permit required. No person shall restrict any portion of any City transportation facility, City right-of-way or easement without first obtaining a valid Temporary Traffic Control Permit from the Transportation Department unless otherwise provided for in the rules. (5053/Reso.9892)
- (D) Temporary Traffic Control Permit Modification, Suspension or Revocation. The City Traffic Engineer or designee may modify any condition of a permit, or suspend or revoke such Temporary Traffic Control Permit at any time when necessary, in his sole discretion, to promote, preserve or protect public health, safety and welfare. Such permit may also be suspended or revoked if the permit holder fails to follow the ~~Traffic Barricade~~ **TEMPORARY TRAFFIC CONTROL** Manual, applicable laws, or any general or special conditions of the permit. (5053/Reso.9892)
- (E) Fees. Temporary traffic control fees must be paid at the time of issuance of a Right-of-Way or non-City Utility Permit, and renewal fees, if any, must be paid in advance according to the Schedule of Fees and Charges and the rules except as provided in Subsection (F) below. (5053/Reso.9892)
- (F) Fees not Required. Temporary traffic control fees are not required for restrictions for neighborhood block parties, for restrictions in connection with activities conducted by City employees in the course of their City duties, or activities being carried out by others under direct contract to the City or under subcontract to another who is under direct contract to the City, or in any instance where the City Manager or his designee determines that it is in the City's best interest to waive temporary traffic control fees. (5053/Reso.9892)

10-10-3 VIOLATIONS AND ENFORCEMENT (5053/ RESO. 9892)

- (A) The City Traffic Engineer or designee, is authorized to enforce the provisions of this Chapter as follows:
 - 1. Seeking voluntary compliance through information and education; (5053/Reso.9892)
 - 2. Issuing corrective action or violation notices and warnings; (5053/Reso.9892)
 - 3. Other informal means designed to achieve compliance in the most efficient and effective manner; (5053/Reso.9892)
 - 4. In cooperation with the Engineering Department, issuing stop work notices; (5053/Reso.9892)
 - 5. Suspending or revoking Temporary Traffic Control Permits; (5053/Reso.9892)
 - 6. In cooperation with the Development Services Division, placing a hold on issuance of new Right-of-Way and/or Temporary Traffic Control Permits for the same company or individual; (5053/Reso.9892)
 - 7. Issuing a civil citation for civil sanctions under this Chapter; (5053/Reso.9892)
- (B) Remedies not Exclusive. Violations of this Chapter are in addition to any other violation established by law, and this Section shall not be interpreted as limiting the penalties, actions or abatement procedures which may be taken by the City or other persons under the law, ordinances, or rules. (5053/Reso.9892)
- (C) Responsible Parties:
 - 1. Any person or his agent who causes, permits, facilitates, aids or abets any violation of this Chapter, or who fails to perform any act or duty required pursuant to this Section, is subject to the enforcement provisions of this Chapter. The person and his agent may be found to be individually responsible for the violations, the prescribed civil sanctions, and the abatement of the violations. (5053/Reso.9892)
 - 2. Any person, firm, or agency conducting work in the public right-of-way or easement is responsible for assuring that all related activities comply with the provisions of this Chapter. Contracting with another person, firm or agency (subcontractor) for temporary traffic control services does not relieve the person, firm or agency conducting the work of the obligation to comply with the provisions of this Chapter. (5053/Reso.9892)
- (D) Civil violations and procedure:
 - 1. Violation of any portion of this Chapter shall be a civil offense and shall be commenced and adjudicated pursuant to the Arizona Rules of Procedure in civil traffic and civil boating violation cases. Violations will be filed with the Mesa Municipal Court. (5053/Reso.9892, 5068)

2. Complaints for violations of this Chapter may be issued by Transportation Department employees working under the authority of the City Traffic Engineer or designee, and shall be in a form substantially similar to the Arizona Traffic Ticket and Complaint as approved by the City Traffic Engineer or designee. (5053/Reso.9892, 5068)
- (E) Penalties. Upon a finding or admission of responsibility, a violator is subject to the following sanctions: (5068)
1. Any act, error, or omission within the right-of-way that creates an imminent risk of death or injury; Civil Sanction: \$1,500.00 (5068)
 2. Restricting the right-of-way or easement without a required Temporary Traffic Control Permit; Civil Sanction: \$1,000.00 (5068)
 3. Restricting traffic during peak traffic hours as described in the ~~Traffic Barricade~~ **TEMPORARY TRAFFIC CONTROL** Manual without authorization; Civil Sanction: \$1,000.00 (5068)
 4. Failing to correct or cure a violation of the ~~Traffic Barricade~~ **TEMPORARY TRAFFIC CONTROL** Manual within the time period stated on the Notice of Violation; Civil Sanction: \$1,000.00 (5068)
 5. Restricting the right-of-way at an intersection with traffic signals without any work being conducted for which the restriction is necessary for a period of one continuous hour unless otherwise approved; Civil Sanction: \$1,000.00 (5068)
 6. Improperly closing a sidewalk or closing a sidewalk without first obtaining a required Traffic Control Permit; Civil Sanction: \$500.00 (5068)
 7. Failing to comply with the conditions, restrictions, limits, times, or location of a Temporary Traffic Control Permit; Civil Sanction: \$500.00 (5068)
 8. Failing to install advance warning signs or failing to install advance warning signs that comply with the ~~Traffic Barricade~~ **TEMPORARY TRAFFIC CONTROL** Manual; Civil Sanction: \$500.00 (5068)
 9. Failing to install traffic barricades or channelizing devices or failing to install traffic barricades or channelizing devices that comply with the ~~Traffic Barricade~~ **TEMPORARY TRAFFIC CONTROL** Manual; Civil Sanction: \$500.00 (5068)
 10. Failing to remove an advance warning sign leaving the sign facing traffic after the traffic restriction has been removed; Civil Sanction: \$250.00 (5068)
 11. Failing to remove traffic control devices from the right-of-way within twenty-four hours after expiration of the Temporary Traffic Control Permit; Civil Sanction: \$250.00 (5068)
 12. Failing to install and maintain traffic control devices that meet the quality requirements described in the ~~Traffic Barricade~~ **TEMPORARY TRAFFIC CONTROL** Manual; Civil Sanction: \$250.00 (5068)
 13. Rendering a bus stop inaccessible without relocating it or making other approved accommodations; Civil Sanction: \$250.00 (5068)
 14. Failure to comply with any other provision of the ~~Traffic Barricade~~ **TEMPORARY TRAFFIC CONTROL** Manual or this Chapter whether or not a Temporary Traffic Control Permit is required; Civil Sanction: \$250.00 (5068)