

ORDINANCE _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MESA,
MARICOPA COUNTY, ARIZONA, AMENDING MESA CITY CODE TITLE 10,
CHAPTER 8, SECTION 1 ENTITLED “REFUSAL TO FURNISH
INFORMATION OR SIGN CITATION.”

WHEREAS, there were 15 pedestrian fatalities within the City of Mesa, Arizona (the “City”) in 2020.

WHEREAS, pedestrians are subject to civil traffic regulations governed by title 10, chapter 3, section 19, and Arizona Revised Statutes title 28, chapter 7, article 10.

WHEREAS, title 10, chapter 8, section 1 of the Mesa City Code entitled “Refusal to Furnish Information or Sign Citation” penalizes those who have been lawfully stopped by a peace officer and refuse to give a citing officer the information needed to complete a civil traffic citation in the City of Mesa, Arizona.

WHEREAS, pedestrian traffic violations increase the risk of injuries and fatalities to pedestrians and those traveling in vehicles within the City.

WHEREAS, the City Council recognizes the necessity of peace officers to educate violators, enforce traffic violations, and help prevent pedestrian related injuries and fatalities.

WHEREAS, pedestrian civil traffic violators are currently required to provide their “information” and signature to a citing officer while lawfully detained pursuant to Mesa City Code title 10, chapter 8, section 1.

WHEREAS, in order to provide better notice and clarity to visitors and the citizens of the City, the City Council will require peace officers to only penalize civil traffic violators when they refuse to provide their true full name and date of birth.

WHEREAS, the City Council has determined that revisions to title 10, chapter 8, section 1 of the Mesa City Code are reasonably necessary to protect the health, safety, and welfare of visitors and the citizens of the City.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

SECTION 1: That Mesa City Code title 10, chapter 8, section 1 entitled “Refusal to Furnish Information or Sign Citation” is amended as follows:

Text written in BOLD AND ALL CAPS indicates new language and text written in striketrough represents removed language.

10-8-1: REFUSAL TO FURNISH INFORMATION OR SIGN CITATION

Any person who fails to furnish the citing officer or ~~his~~ **THEIR** designate ~~E~~ the **IR FULL NAME AND DATE OF BIRTH information** required for completion of a civil traffic citation or who, after request by the citing officer, refuses to sign a civil traffic citation shall be guilty of a misdemeanor.

SECTION 2: The recitals above are fully incorporated in this Ordinance by reference.

SECTION 3: The effective date of this Ordinance shall be thirty days following adoption by the Mesa City Council.

SECTION 4: This Ordinance does not affect the rights and duties that matured, penalties that were incurred, or proceedings that were begun before the effective date of this Ordinance.

SECTION 5: If any section, subsection, sentence, clause, phrase, or portion of this Ordinance or any part of the material adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the Council of the City of Mesa, Maricopa County, Arizona, this _____ day of _____, 2021.

APPROVED:

Mayor

ATTEST:

City Clerk