

ORDINANCE NO. O2014.06

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AMENDING CHAPTER 29, ARTICLE II, TEMPE CITY CODE, RELATING TO ENCROACHMENTS AND OTHER ACTIVITIES IN PUBLIC RIGHTS-OF-WAY BY AMENDING SECTION 29-16 RELATING TO DEFINITIONS; AND BY ADDING NEW SECTION 29-24 RELATING TO PROHIBITED USE OF PUBLIC RIGHT-OF-WAY; AND BY ADDING NEW SECTION 29-25 RELATING TO USE OF ALLEYS AS THOROUGHFARES.

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

Section 1. That Chapter 29, Article II, Section 29-16 of the Tempe City Code is hereby amended to read as follows:

Sec. 29-16. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section, unless the context clearly indicates a different meaning:

ALLEY AND ALLEYWAYS MEANS LANES OR PASSAGEWAYS FOR USE AS A MEANS OF ACCESS TO THE REAR OF LOTS OR BUILDINGS. ALLEYS AND ALLEYWAYS ARE NOT IN ANY WAY TO BE CONSIDERED THOROUGHFARES.

Public rights-of-way means that property used as public thoroughfares and 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 the law for street, alley, walk or utility purposes.

Sidewalk means that portion of a street between the curb lines or the lateral lines of a roadway and the adjacent lines, intended for use of pedestrians.

Street means the entire width between the boundary lines of every way, when any part thereof is open to the use of the public for purposes of vehicular travel.

Vehicle means a conveyance which is self-propelled.

Section 2. That Chapter 29, Article II, of the Tempe City Code is hereby amended by adding a new Section 29-24 to read:

SEC. 29-24. PROHIBITED USE OF PUBLIC RIGHT-OF-WAY.

IT SHALL BE UNLAWFUL FOR ANY PERSON TO USE A PUBLIC STREET, HIGHWAY, ALLEY, LANE, PARKWAY, SIDEWALK OR OTHER RIGHT-OF-WAY, WHETHER SUCH RIGHT-OF-WAY HAS BEEN DEDICATED TO THE PUBLIC IN FEE OR BY EASEMENT, FOR LYING, SLEEPING OR OTHERWISE REMAINING IN A SITTING POSITION THEREON, EXCEPT IN THE CASE OF A PHYSICAL EMERGENCY OR IN THE ADMINISTRATION OF MEDICAL ASSISTANCE.

Section 3. That Chapter 29, Article II, of the Tempe City Code is hereby amended by adding a new Section 29-25 to read:

SEC. 29-25. USE OF ALLEYS AS THOROUGHFARES.

NO PERSON SHALL USE AN ALLEY WITHIN THE CITY AS A THOROUGHFARE EXCEPT AUTHORIZED EMERGENCY VEHICLES, PROPERTY OWNERS, RESIDENTS, AND TENANTS WITHIN THE BOUNDRIES OF THEIR PROPERTY, PERFORMING LOADING AND UNLOADING FROM THEIR PROPERTY, OR VEHICLES OTHERWISE AUTHORIZED BY THE CITY.

Section 4. Pursuant to the Tempe City Charter, Section 2.12, ordinances are effective thirty (30) days after adoption or at any later date specified therein.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA this ____ day of _____, 2014.

Mark W. Mitchell, Mayor

ATTEST:

Brigitta M. Kuiper, City Clerk

APPROVED AS TO FORM:

Judith R. Baumann, City Attorney