

ORDINANCE No. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF CASA GRANDE, ARIZONA ADDING CHAPTER 10.12.100 TO THE CITY OF CASA GRANDE MUNICIPAL CODE REGARDING PEDESTRIAN SAFETY; ESTABLISHING THE SEVERABILITY OF THE VARIOUS PORTIONS OF THE ORDINANCE; ESTABLISHING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

WHEREAS, the Mayor and City Council seek to protect the safety of both pedestrians as well as the occupants of motor vehicles within the City of Casa Grande; and

WHEREAS, traffic medians within the City are designed and intended to be used primarily as an unoccupied buffer between opposing lanes of traffic and to only temporarily and rarely serve as a safety island for the travel of pedestrians that are unable to otherwise safely complete crossing a street; and

WHEREAS, the Mayor and Council find that, in the absence of safety precautions such as the closing of adjacent lanes, pedestrians that stop or remain in the roadway or any median, other than for the purpose of safely crossing the street, interrupts the safe flow of traffic and increases the danger of injury to both pedestrians and occupants of motor vehicles;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Casa Grande as follows:

**SECTION 1.** Title 10, Chapter 10.12.100 of the Casa Grande City Code, entitled “Stopping in a roadway or median” is hereby added to read, in its entirety, as follows:

- A. No pedestrian may stop or remain in the portion of any roadway designed for vehicular use or in a painted or raised traffic island or median not specifically designated for use by pedestrians except to wait to cross the roadway at the next pedestrian signal or, in the absence of a pedestrian signal, when traffic has cleared or yielded.
- B. The provisions of this Section 10.12.100 shall not apply to persons occupying a median or roadway while conducting activities related to maintenance, surveying, construction, landscape maintenance, landscape improvements, or other similar activity necessary for the safe and efficient operation of the City streets; provided that all such operations must be conducted only upon approval of the Director of Public Works, or his/her designee, and upon such conditions, such as adjacent lane closures, use of appropriate safety vests or gear, and/or other safety precautions designed to ensure the safety of motorists and those temporarily occupying the median for these purposes.

- C. The provisions of Section 10.12.100 shall not apply to emergency personnel occupying a median or roadway in response to an accident, safety hazard, or other emergency situation. Emergency personnel temporarily occupying a median or roadway for these purposes should take adequate precautions to help ensure proper notification of the emergency situation if feasible and to provide such safety measures as are appropriate and reasonably available in light of the emergency situation presented.
- D. A first alleged violation of Paragraph A of this Section 10.12.100 shall result in a warning to the violator by law enforcement personnel. Violations of Paragraph A of this Section 10.12.100 by any person previously warned by law enforcement personnel, either verbally or in writing, shall be a Class 3 misdemeanor.

**SECTION 2.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

**SECTION 3.** The effective date of this Ordinance shall be May 18, 2015.

**SECTION 4.** Emergency Clause

WHEREAS, it is necessary for the preservation of the peace, health and safety of the City of Casa Grande, Arizona, an emergency is declared to exist, and this Ordinance shall be effective immediately upon its passage and adoption.

PASSED AND ADOPTED by the Mayor and Council of the City of Casa Grande, Arizona, this \_\_\_\_ day of May, 2015.

APPROVED this \_\_\_\_\_ day of May, 2015, by the affirmative vote of three-fourths of the members of the Council of the City of Casa Grande, Arizona.

\_\_\_\_\_  
Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
City Clerk, MMC

\_\_\_\_\_  
City Attorney