



**PIMA COUNTY BOARD OF SUPERVISORS
DISTRICT 1**

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ALLY MILLER
SUPERVISOR

MEMORANDUM

To: Robin Brigode

Date: April 14, 2015

Re: **Agenda Item for May 5, 2015**
Board of Supervisors Meeting

From: Ally Miller, District 1, Supervisor
Pima County Board of Supervisors

A handwritten signature in blue ink, appearing to be "Am", with a long, sweeping checkmark-like stroke extending from the end.

Please place the following item on the **May 5, 2015** Board of Supervisors Meeting Agenda:

Hearing – Ordinance

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA, RELATING TO THE PROHIBITION OR RESTRICTION OF SOLICITATION INVOLVING VEHICLES WITHIN COUNTY ROADWAYS; AMENDING TITLE 10 OF THE PIMA COUNTY CODE BY ADDING A NEW CHAPTER 10.37 TO PROHIBIT OR RESTRICT SOLICITATION INVOLVING VEHICLES WITHIN COUNTY ROADWAYS. (All Districts)

ORDINANCE NO. 2015-_____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA, RELATING TO THE PROHIBITION OR RESTRICTION OF SOLICITATION INVOLVING VEHICLES WITHIN COUNTY ROADWAYS; AMENDING TITLE 10 OF THE PIMA COUNTY CODE BY ADDING A NEW CHAPTER 10.37 TO PROHIBIT OR RESTRICT SOLICITATION INVOLVING VEHICLES WITHIN COUNTY ROADWAYS. *(All Districts)*

The Board of Supervisors of Pima County, Arizona, finds that:

1. The Pima County Board of Supervisors has the authority under Arizona Revised Statutes Section 11-251(4) to lay out, maintain, control, and manage public roads, ferries, and bridges within the County.
2. The Pima County Board of Supervisors has the authority to establish regulations to provide for the care and safety of the County rights of way.
3. Pedestrian solicitation within the County's roadways and medians and direct interaction between pedestrians and occupants of vehicles traveling in the County's roadways are hazards to the public safety and welfare.
4. Any delay or distraction caused by pedestrian solicitation within the County's roadways or medians or any direct interaction between pedestrians and occupants of vehicles traveling in the County's roadways interferes with traffic planning. Medians are designed to deal with traffic flow, and individuals standing in medians, roadways, shoulders, and sidewalks for the purpose of directly interacting with occupants of motor vehicles causes distraction and delay.
5. The Pima County Board of Supervisors considers it essential to the safety of vehicle occupants and pedestrians alike, and to the orderly flow of traffic, that both pedestrians and occupants of vehicles operating within County roadways be prohibited from using County roadways or sidewalks in a manner that causes, or is likely to cause, a hazard to the public safety or obstruction of traffic flow.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA:

Section 1. Title 10 of the Pima County Code is amended to add new chapter 10.37 to read as follows:

Chapter 10.37
PROHIBITED USE OF PUBLIC RIGHT OF WAY

Sections:

- 10.37.010 Purpose and intent.**
- 10.37.020 Definitions.**
- 10.37.030 Prohibited conduct.**
- 10.37.040 Classification and penalty.**
- 10.37.050 Severability.**

10.37.010 Purpose and intent.

The purpose and intent of this ordinance is to protect the safety of pedestrians and vehicle occupants and to promote the safe and orderly flow of pedestrian and vehicular travel on unincorporated County highways. It is the Pima County Board of Supervisors' finding that the practice of allowing pedestrians and occupants of vehicles traveling in County roadways to directly interact and communicate with one another, greatly increases the chances of physical injury to both pedestrians and motorists, interrupts the normal traffic flow, and increases traffic delays. The Pima County Board of Supervisors has a compelling interest in protecting the welfare of pedestrians and vehicle occupants that utilize the County's highways, and to maintain a functional, safe traveling environment for vehicle occupants and pedestrians alike.

10.37.020 Definitions.

Notwithstanding any other provision of this title, the following definitions apply to this chapter:

- A. "Median" means that portion of any County highway that both (1) is not intended for vehicular travel and (2) lies between and divides two opposing traveled portions of any County highway.
- B. "Roadway" means that portion of any County highway that is intended for vehicular travel, but does not include the shoulder.
- C. "Shoulder" means that portion of any County highway that is contiguous with the roadway and used to accommodate stopped vehicles, for emergency use, and for lateral support for the roadway.
- D. "Sidewalk" means that portion of any County highway that lies between the roadway and the adjacent property lines and is intended for the use of pedestrians.

10.37.030 Prohibited conduct.

- A. A person may not stand upon or otherwise occupy a County roadway or median for the purpose of soliciting, or attempting to solicit, employment, business, contributions, donations, or sales of any kind from an occupant of a vehicle.
- B. A person may not stand upon or otherwise occupy a shoulder or sidewalk for the purpose of soliciting, or attempting to solicit, employment, business, contributions, donations, or sales of any kind from an occupant of a vehicle in the roadway in a manner that causes, or is likely to cause, the vehicle to obstruct traffic in the roadway.
- C. An occupant of a vehicle in the roadway may not respond to a person outside the vehicle who solicits, or attempts to solicit, from the vehicle occupant, employment, business, contributions, donations, or sales of any kind, if the response of the occupant causes, or is likely to cause, either the person outside the vehicle to enter the roadway or the vehicle to obstruct traffic.

10.37.040 Classification and penalty.

A violation of this chapter is a class 3 misdemeanor punishable by up to 30 days in jail and a fine of up to five hundred dollars (\$500.00) per violation. Community service work may be substituted for the monetary fine at a rate of ten dollars (\$10.00) per hour.

10.37.050 Severability.

If any provision of this chapter, or the application of any provision of this chapter, is invalid, that invalidity shall not affect other provisions or applications of this chapter. The provisions of this chapter are severable.

Section 2. The various County officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this ordinance.

Section 3. This ordinance is effective 30 days after the date of adoption.

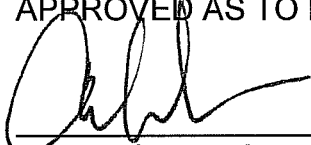
PASSED AND ADOPTED by the Board of Supervisors, Pima County, Arizona, this _____ day of _____, 2015.

Chair, Pima County Board of Supervisors

ATTEST:

Clerk of the Board

APPROVED AS TO FORM:

A handwritten signature in black ink, appearing to read 'A. Flagg', written over a horizontal line.

Deputy County Attorney

ANDREW FLAGG