

ORDINANCE NO. _____ NEW SERIES

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AMENDING GLENDALE CITY CODE CHAPTER 24, ARTICLE III RELATING TO TRAFFIC CONTROL DEVICES AND TEMPORARY WORK ZONE TRAFFIC MANAGEMENT; SPECIFYING PENALTIES FOR VIOLATIONS THEREOF; AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GLENDALE as follows:

SECTION 1. That Glendale City Code Chapter 24, Article III is hereby amended by designating Secs. 24-30 through 24-43 as Division 1 (Generally) and Secs. 24-44 through 24-49 as Division 2 (Temporary Work Zone Traffic Management).

SECTION 2. That Glendale City Code Chapter 24, Article III, Division 1 is hereby amended to read as follows:

DIVISION 1. GENERALLY

...

Sec. 24-36. Traffic control barricades and signs.

(a) No person or public utility in the city shall erect or place any barrier or sign ~~on any street~~ **IN THE CITY RIGHT-OF-WAY OR PUBLIC STREET** unless ~~of a type approved by the city traffic engineer~~ **APPROVED BY THE CITY'S TRANSPORTATION DIRECTOR OR DESIGNEE.**

(b) All barricades and signs used in the city on public streets and rights-of-way shall meet all requirements on traffic controls for highway construction and maintenance operations of the Federal Manual of Uniform Traffic Control Devices as adopted by the Arizona Highway Commission and issued by the USDOT, FHWA, Washington D.C. The city shall be exempt from this requirement.

(c) All barricading and traffic control for work or maintenance in streets and rights-of-way of this city shall be done in accordance with the ~~Traffic Control Manual for Highway Construction and Maintenance~~ **MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES** as issued by the ~~Arizona Highway Department~~ **USDOT AND FHWA** and in accordance with the City of Phoenix Barricade Manual and must meet the approval of the City's ~~Director of Transportation~~ **DIRECTOR** or designee.

(d) **THREE (3) COPIES OF THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES AND THE PHOENIX BARRICADE MANUAL INCLUDING ANY ADDITIONS BY THE CITY SHALL BE FILED IN THE OFFICE OF THE CITY CLERK AND ARE MADE PUBLIC RECORDS AND SHALL BE AVAILABLE FOR PUBLIC USE AND INSPECTION DURING REGULAR OFFICE HOURS.**

...

Secs. 24-38 — 24-43. Reserved.

SECTION 3. That Glendale City Code, Chapter 24, Article III, Division 2 is hereby established to read as follows:

DIVISION 2. TEMPORARY WORK ZONE TRAFFIC MANAGEMENT.

Sec. 24-44. Temporary Work Zone Traffic Management Program established.

There is hereby established a Temporary Work Zone Traffic Management Program to improve work zone safety and to manage temporary roadway restrictions in order to minimize delays and frustrations for the traveling public. The Temporary Work Zone Traffic Management Program is intended to enhance the planning, application and oversight of traffic control management in temporary work areas in roadways, sidewalks, and transit zones.

Sec. 24-45. Definitions.

Unless the context clearly indicates otherwise, any word, term or phrase defined in any section in this chapter shall have the same meaning throughout this chapter. The following words, terms and phrases shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Active work: The presence of workers engaged in maintenance of, or construction upon public right-of-way are present in the temporary work zone, the term active shall also include those periods of time when they may be idle due to material, equipment, inspections or similar scheduling requirements.

Major holiday: Any holiday enumerated in A.R.S. Sec. 1-301.

MUTCD: The Manual on Uniform traffic Control Devices as amended by the State of Arizona and including additions by the City.

NCHRP 350 Guidelines: The National Cooperative Highway Research Program Report 350. Three (3) copies of which shall be kept on file in the office of the City Clerk and are made available for public use and inspection during regular office hours.

Peak travel time: Peak travel time shall be from 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m., Monday through Friday, excluding major holidays.

Transit zone: Those portions of the public right-of-way reserved for stopping and standing of public transit vehicles or for passengers waiting, alighting or boarding off public transit vehicles.

Sec.24-46. Temporary Traffic Control Device Installation and Removal; Annual Certification:

Any party wishing to install and remove temporary traffic control devices within the public right-of-way shall obtain an Annual Certification issued by the Transportation Director or designee to engage in such activities. The City's Transportation Director or designee may, in their sole discretion, issue an Annual Certification upon the applicant's satisfactory completion and annual submission of the following:

- (a) A fully completed certification application;
- (b) A certification fee in the amount established by resolution or pursuant to Glendale City Code Sec. 2-3;
- (c) Proof of insurance or an acceptable program of self-insurance for bodily injury and property damage liability in an amount required by the City of Glendale's Risk Management Department. All such insurance shall name the City as an additional insured and shall be maintained throughout the term;
- (d) A certificate from the American Traffic Safety Services Association at the "supervisory level" or equivalent as determined by the City of Glendale's Transportation Director or designee at their sole discretion; and
- (e) An agreement to protect, indemnify, defend and hold harmless the City for a claim for damage to a person or property that may be brought against the City because of the applicant's activity conducted under the Annual Certification.

Sec. 24-47. Temporary Traffic Control Installation and Removal; Certification Rejection.

(a) *Rejection of certification application.* The City's Transportation Director or designee may reject a party's application for temporary installation and removal of traffic control devices for any one of the following:

- (1) Failure to satisfy all of the requirements in Sec. 24-46; or
- (2) Applicant's failure to pay any civil sanction for a violation of the Phoenix Barricade Manual within thirty (30) business days from the date of the notice of the sanction.

(b) *Notice of rejection.* The City's Transportation Director or designee will issue the notice of certification rejection to the applicant, as applicable, to such person's last known address.

Sec.24-48. Temporary Work Zone Traffic Management.

In addition to the barricade use permit and certification requirements contained in Sec. 24-36 and elsewhere in this Chapter, all temporary work zone barricading within the City of Glendale shall comply with the latest edition of the MUTCD, as amended by the state and the Phoenix Barricade Manual including the additions by the City, and with NCHRP 350 Guidelines. No temporary roadway restrictions shall occur during peak travel times, or on major holidays unless specifically approved by the City's Transportation Director or designee or in case of actual emergency. The City's Director of Transportation or designee may allow temporary roadway restriction in the off peak direction during peak travel times at their sole discretion. Under no circumstances shall roadways, sidewalks, or transit zones be restricted with barricades when no active work is being performed. Various city employees are authorized and directed to perform acts necessary or make sure this Article is complied with.

Sec. 24-49. Fees; Traffic Manual Violations; Civil Sanctions; Enforcement; Alternative Remedy.

(a) Fees.

- (1) In cases where traffic control is required, a traffic control plan review fee shall be collected in addition to the Barricade Use Permit Fee in the amounts established by resolution or pursuant to Glendale City Code Sec. 2-3.
- (2) Public utilities may apply for and receive an annual permit for short term multiple location work for a one time annual payment in the amount established by resolution or pursuant to Glendale City Code Sec. 2-3.
- (3) Barricade Use Permit Fees shall be in the amounts established by resolution or pursuant to Glendale City Code Sec. 2-3.
- (4) Permit fees and review fees shall double if the request for permit is submitted less than three (3) business days in advance of the proposed commencement of the work or if a continual closure (24 hours) is approved.
- (5) The Transportation Director or designee may grant time extension. Costs associated with a time extension are double the rates for Barricade Use Permits.

(b) Traffic Barricade Manual Violations; Civil Sanctions. Civil sanctions shall be imposed for each of the following violations of this chapter:

- (1) Presenting an imminent risk of death or injury to the public within public right-of-way: Up to \$1,500.00 per day.

- (2) Restricting roadway without proper certification, a barricade permit and an approved traffic control plan for more than thirty minutes: Up to \$1,000.00 per day.
- (3) Restricting traffic during peak hours without authorization of the City's Transportation Director or designee: Up to \$1,000.00 per day.
- (4) Failing to correct or cure violations within the time period stated in a warning notice: Up to \$1,000.00 per day.
- (5) Restricting traffic at a signalized intersection without active work occurring and without a sworn police officer present. Up to \$1,000.00 per day.
- (6) Violating restrictions, limits, times and locations of the Barricade Use Permit. Up to \$500.00 per day.
- (7) Missing or improper advanced-warning signs: Up to \$500.00 per day.
- (8) Missing or improper use of barricades and channelizing devices: Up to \$500.00 per day.
- (9) Leaving advance-warning signs facing traffic after restriction has been removed, per direction. Up to \$250.00 per day.
- (10) Leaving traffic control in the right-of-way twenty-four (24) hours after Barricade Use Permit has expired: Up to \$250.00 per day.
- (11) Rendering a Bus Stop inaccessible without relocating it or making other accommodations: Up to \$250.00 per day.
- (12) Use of unacceptable quality of traffic control as shown in the City of Phoenix Barricade Manual: Up to \$250.00 per day.

(c) Civil sanctions doubled. In addition, the City may double any civil sanction under this article up to a maximum amount of two thousand five hundred dollars (\$2,500.00) for continuing violations within a twenty-four (24) hour period. Each calendar day shall be considered a separate period for the purposes of issuing civil sanctions.

(d) Enforcement of civil sanctions. Enforcement of civil sanction set forth in this section shall be adjudicated pursuant to Chapter 13, Article II of the Glendale City Code.

(e) Alternative Remedy: As an alternative remedy for violations of the Traffic Barricade Manual set forth in subsection (b) above, the City may suspend or terminate the subject barricade use permit

SECTION 4. That the provisions of this ordinance shall become effective on July 1, 2007.

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Glendale, Maricopa County, Arizona, this _____ day of _____, 2007.

M A Y O R

ATTEST:

City Clerk (SEAL)

APPROVED AS TO FORM:

City Attorney

REVIEWED BY:

City Manager

c_barricades.doc