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ANALYSIS AND RECOMMENDATIONS RELATING
THE PARKING VIOLATION ENFORCEMENT SYSTEM
OF THE SCOTTSDALE, ARIZONA,
MUNICIPAL COURT

June 1978

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NCJRS
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ACQUISITIONS

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TABLE OF CONTENTS

I.	Introduction	1
II.	Analysis of Existing Situation	3
	A. Methodology and Findings	3
	1. Analysis of Records	3
	2. Interviews	7
III.	Conclusions and Recommendations	9
	A. Parking Enforcement	9
	B. Automated Citation Information	10
	C. Enforcement Strategy	11
	D. Notice of Citations	12
	E. Rental Car Violations	13
	F. Moving Violations	14
IV.	APPENDICES	15
	A. Appendix A - City of Scottsdale Parking Violation Summons	
	B. Appendix B - City of Scottsdale Misdemeanor Warrant	
	C. Appendix C - City of Scottsdale Parking Ordinances	
	D. Appendix D - Arizona Revised Statutes, Article 14, Sec. 28-871 thru 28-874	
	E. Appendix E - City of Phoenix Notice of Parking Violation	
	F. Appendix F - City of Phoenix Computer Generated Complaint	
	G. Appendix G - City of Phoenix Computer Generated Summons	
	H. Appendix H - City of Phoenix Reminder Letter	
	I. Appendix I - City of Phoenix Parking Ordinances	
	J. <u>City of Chicago vs. Hertz Commercial Leasing Corporation, Illinois</u> Supreme Court, Docket No. 48699, January 1978.	

I. INTRODUCTION

In the fall of 1977, the Honorable Dan Roth, judge of the Scottsdale, Arizona Municipal Court requested technical assistance from LEAA's Criminal Courts Technical Assistance Project at the American University to study policies and procedures relating to the enforcement of parking violations by the court. This request was an outgrowth of a court wide assessment of operations and procedures which Judge Roth had instituted soon after attaining the bench in early 1977. The Scottsdale Municipal Court had, infact, received technical assistance in late 1977 to study potential computer applications and statistical reporting needs.

Among the recommendations contained in the report of the first technical assistance study, was the suggestion that the Municipal Court assess existing parking violation enforcement practices. During the course of an in-house study of this issue, Judge Roth concluded that some of the existing procedures were of doubtful legality and as a result, he was compelled to order the discontinuance of the issuance of summonses and warrants for persons who had ignored parking tickets. Another preliminary finding of the study was that a very high percentage of parking citations issued (approximately 70%) were not being paid. It was with these two main problem areas in mind, then, that Judge Roth submitted this request. Secondary factors included a belief that Scottsdale's large transitory winter population could be a significant factor of the perceived non-compliance trend, and a feeling that court record keeping practices were inadequate to identify delinquent violators.

A three member, multi-dimensional consulting team was drawn together to provide the necessary assistance to the Municipal Court. The team leader was the Honorable Richard F. LeFevour, Supervisory Judge of the Traffic Department of the Cook County (Chicago) Circuit Court. Judge LeFevour has

administrative and judicial experience in traffic court matters and under his direction, the Cook County Circuit Court has gained national attention for its highly successful parking violation enforcement system. Dr. Peter Haynes of the Center for Criminal Justice at the Arizona State University also served on the team, and was chosen for his broad experience in court system analysis and research, as well as for his familiarity with the Arizona court system. The third member of the consulting team was Mr. William O'Leary, Court Administrator of the Phoenix, Arizona Municipal Court. Mr. O'Leary was invited to participate in this study in light of the fact that the Phoenix Municipal Court had, or is, grappling with many of the issues confronting the Scottsdale Court, and also because he could bring to the team insights from an administrator's point of view.

The consultants conducted an on-site visitation to Scottsdale at the end of February, 1978. During this time they worked closely with Judge Roth and the Municipal Court staff, reviewed records and procedures, and interviewed a number of key court and city employees, as well as members of the public.

The following report contains the consultant's analysis, findings and recommendations.

II. ANALYSIS OF EXISTING SITUATION

A. Methodology and Findings

1. Analysis of Records

The team determined that to make a valid analysis of the parking ticket program it would be necessary to check the records of the court, and some related agencies. This was somewhat handicapped by the absence of many court records. However, with the cooperation of Judge Roth and his staff, it was possible to put together a tentative profile that led to some startling conclusions. In point, the court was found to have an extremely high collection rate based on voluntary compliance by the citizens of Scottsdale.

It was discovered that in January 1978, which was a month during which there was no attempt to issue summonses for failure to pay, the total number of tickets issued amounted to nine hundred and eight-eight (988). A review of police department records indicated that of these approximately fifteen (15) were voided*. This left nine hundred and seventy three (973) actual tickets, which might be acted upon.

The Municipal Court had set aside all those tickets issued in January that had not been paid. Here it was found that these amounted to one hundred and forty six (146) outstanding tickets at the time of the site visit (February 22-24th). It can be readily seen that only 15% of the tickets which might possibly be paid were still outstanding, whereas, 85% were disposed of either through payment of fine or through dismissal or trial. No citations had been dismissed on any other grounds at this time.

*This is an estimate based on 8 voided tickets for two weeks of the period.

Since this finding was in conflict with original expectations, the team attempted to confirm the finding by appraising performance in another time period. Accordingly, an assessment of the experience in February 1978, covering February 1st to February 22nd, yielded similar results. One thousand and thirty-five (1035) tickets were filed in the court and seven hundred and ninety (792) had been paid at the time of the appraisal. Forfeitures amounted to 76.5% of the total tickets issued (prior to any correction for voided tickets).

Figures were obtained from Scottsdale police department which showed the number of tickets sent to the court during each month of 1977, but unfortunately information of unpaid tickets was not readily available from the court files. This does mean that the conclusions here necessarily are based solely on the two months directly observed, and not on a more appropriate and longer time period. Undoubtedly this does result in some uncertainty in the actual figures for the whole year, but it is believed that the main thrust of the conclusion is sound, namely that the city of Scottsdale has a very large favorable compliance rate (See Chart 1.)

In view of these findings, court staff was questioned about the source of the original figures for noncompliance which had precipitated this examination. It was discovered that the original figures were based, not on the tickets at large, but solely upon a sample of unpaid tickets.

The original staff work discovered that, when an attempt was made to issue summons to collect on 103 unpaid tickets that only twenty-three (22.3%) tickets were paid at either the original or the accrued amount, whereas eighty (77.7%) remained unpaid. It is clear that this response rate is a very different matter from the response rate on the

total number of tickets.

Although the vast majority of tickets are being paid it is also true that a reasonable number are ignored completely. Accordingly, the team explored the nature of these tickets with a view to determining whether further enforcement was feasible. As it had been suggested that unpaid tickets might be traced to out-of-state visitors the list of unpaid tickets in January 1977 was reviewed to identify out-of-state license plates. Surprisingly, of the one hundred and forty-six examined (146) only thirty-eight (38) were attributed to cars registered out-of-state (i.e., 28%).

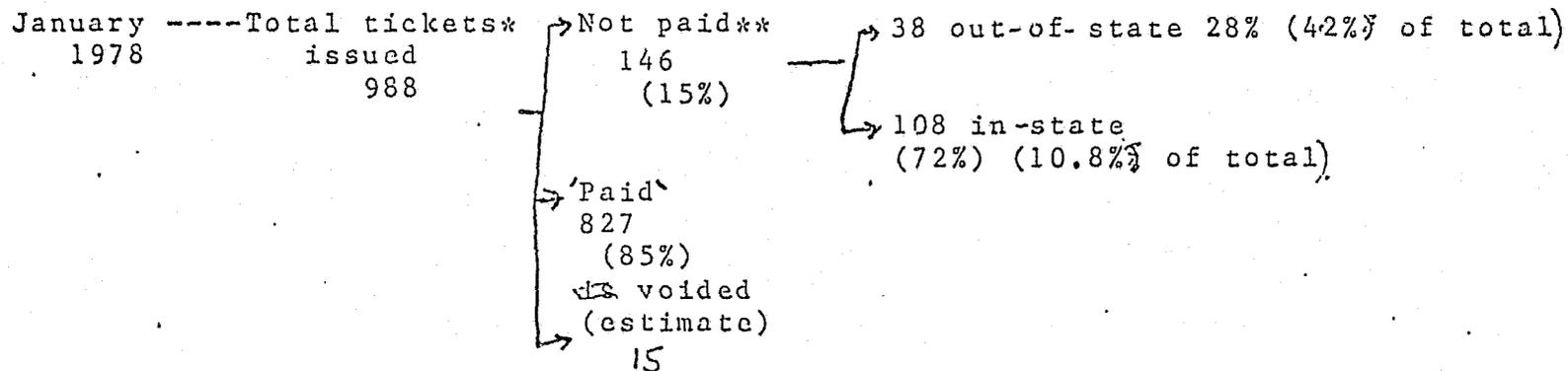
It is true that the remaining one hundred and eight (108) tickets (i.e., 72%) undoubtedly included a number of cars which were driven by out-of-state drivers, but which were owned by local individuals or corporations. It was speculated that a good number of these might be owned by rental car agencies and indeed, in some instance they are so identified on the ticket. Unfortunately, the present system does not allow the court to routinely determine the identity of the owners of the vehicles. This can only be done by checking with the Department of Motor Vehicles in individual instances.

In the past, the court has collected information on the registered crimes of motor vehicles with parking tickets by contacting the Department of Motor Vehicles. Unfortunately, the court has experienced up to three weeks delay between the request and response. This has made effective action extremely difficult. It is clear that the court does not have the information needed for management of this process at the present time.

Chart I

January (1978) Parking Tickets

Scottsdale Municipal Court



* same *P.D.- tickets issued

**Court - parking tickets

2. Interviews

A series of interviews were conducted with the Judge, court staff, the prosecution, the local police department and with the data processing staff of the City of Scottsdale. One team member even actually questioned members of the public about how they viewed parking ticket enforcement.

As a result of their interviews it was determined that although the lack of an effective enforcement system presented problems to court personnel it did not cause any morale problems for the police department. They emphasized that the majority of the tickets are issued by a meter maid and that they were more concerned about other issues. They were of the opinion that matters were viewed differently in the moving violation area and suggested that his subject should be assessed in depth.

The questioning of members of the public indicated that the general public is not aware of the present situation of suspended enforcement and believes that the system will respond rapidly if they fail to pay! Evidently the court has been fortunate in avoiding widespread dissemination of the true state of affairs.

After polling individuals attitudes, the team turned its attention to the mechanics of improving enforcement. Accordingly, they interviewed the people who ran the computer for the City of Scottsdale, in an effort to see if it was possible for the court to develop a tracking system, using the city computer, that would enhance their enforcement procedures.

Discussions were held with the city police department and city government staff regarding parking ticket tracking systems and it was learned that an audit oriented computerized system had just been introduced. This system is presently used to control for tickets issued

by the police department. The system did not involve the collection of recording of registration information, but it was clear that such information could relatively easily be introduced into the system. Police could collect the information rapidly from the Department of Motor Vehicles and the city has the capacity of readily introducing that information into their computer system, should they so decide.

Modifying the system to accomplish this was described as a relatively minor task involving only the time of a programmer for approximately one month. The potential for installing managerial control systems is presently existent. If it were installed it would be possible to identify the registered owners of all cars with unpaid tickets. The information for use in enforcement against scofflaws and/or other groups (e.g., rental car agencies) could easily be developed.

III. CONCLUSIONS & RECOMMENDATIONS

A. PARKING ENFORCEMENT

It is desirable to establish an effective enforcement system for the parking tickets that remain unpaid, even though present collection rates are extremely high.

The team's analysis has determined that the present collection rate is extremely high by national standards. In fact, the 70-80% collection rate is approximately twice the national average. This is surprising in view of the lack of any effective enforcement process. The success is probably attributed to the fact that the parking tickets are relatively inexpensive (\$2-5) and also to the lack of public awareness of the enforcement situation.

In spite of this success, there is a need for a more effective system. Collection rates could fall if the public becomes aware of present practice, or if the cost of the tickets increase. In addition, although one cannot expect 100% compliance, there is reason to believe that actual collection rates could be increased by impacting on two specific groups. These are rental agencies and scofflaws, those with many outstanding citations.

The amount of money collected by improved enforcement in these areas would not be large but it almost certainly would be sufficient to cover any extra costs of enforcement, while aiding in the establishment of an effective tracking system for the court. At the very least the present collection rate should be maintained.

B. AUTOMATED CITATION INFORMATION

The information required to allow effective enforcement can readily be obtained by minor modifications of the present Scottsdale City Computer System for citation control.

The present system for control of parking citations involves computer tabulation of tickets issued, tickets submitted to the court and amounts paid. The input work is performed by the City Computer Staff using the records supplied directly by the police department and the municipal court (moving violations are handled slightly differently).

It would be possible to collect information on the owners of all cited cars but that seems to be an unnecessarily complex process. The better system would be to ensure that extra information on those tickets that are unpaid be introduced. Restricting the input of detailed registration information only to those tickets that are unpaid would impose only a slight increased workload burden. Detailed information on approximately 150 citations a month is not excessive. Interviews with Scottsdale Police Department staff indicated that it would be possible for them to collect that information from the Department of Motor Vehicles within 24 hours of the receipt of the request. As indicated already, the existing city computer system has adequate room for the extra characters.

All that remains is for city staff to allocate the small amount of programmer time needed to add the appropriate sub-routines to print out the appropriate lists of outstanding tickets. It is not necessary, therefore, to tie into the City of Phoenix computer system to obtain this information.

C. ENFORCEMENT STRATEGY

The Court, together with the police department, should decide on an appropriate enforcement strategy once the information is available.

Once a system is established it will be necessary for the court to change its internal procedures so that outstanding citations are not dismissed as rapidly as at present. Holding citations open for 18 months would not be an excessive time period. It would result in no more than three thousand (3,000) citations in the delinquent list, at any time.

By requiring the computer to print out lists of delinquent tickets by vehicle it will be possible to identify individuals with many violations. As it is known that individuals with this type of behavior pattern are also likely to have bad driving records, it is not inappropriate to initiate merely vigorous enforcement proceedings.

Of course it is certainly feasible to send a second notice by regular mail to those with even one outstanding citation. Some individuals never receive the original ticket, or lose it, or just forget. This process results in the collection of approximately 40% of outstanding citations in Phoenix and it should recover some of the missing citations in Scottsdale, although the rate will probably not be close to the 40% figure.

If the citations still remain unpaid the court will need to decide on a cut off figure (e.g., 5 pending citations) at which time strong enforcement will be initiated.

If strong enforcement is decided upon warrants can be issued by the court and the vehicle could be put on an impound list by the

police department at the same time.

D. NOTICE OF CITATIONS

It is imperative that legal citations are issued and that proper notice be given if enforcement is to be effective.

At present, the citations do not include legal authority for the charge which obviously must be redressed before any other steps are taken. It is suggested that Scottsdale consider use of a system modeled upon Phoenix practice. Examples of forms used by that jurisdiction are enclosed in the appendices to this report.

Creation of an effective system would involve redesign of the parking violation summons Form #YC2-0334 (9-77) shown at Appendix A. This form is called a summons but is not a legal summons under Arizona law as it fails to give a date and time for appearance. The placing of this document on a vehicle does not constitute legal service for a summons.

This document could more properly be referred to as a NOTICE OF VIOLATION, and could serve well as a notice of violation if it included the State Code or City Ordinance which is alleged to have been violated.

Immediate attention should be given to this, and it would require only that the citing officer write the code on the current form as a temporary measure.

This temporary coding by the officer would be enough to enable the City Prosecutor to use it as a source document when drawing up a formal complaint should prosecution be necessary.

Giving notice by registered mail to all owners of cars with unpaid citations has proven to be an ineffective and costly process. It was suggested that this process be restricted only to those individuals who

are identified as scofflaws. This would meet the legal requirements for notice and could then be followed by issuance of a warrant in the small number of instances where real abuses are taking place.

Long range plans should begin to determine a direction for future processing. The redesign of forms could very well be dictated by the plans to expand Scottsdale's own data processing or, as has been suggested in a prior study, to "tie into" the City of Phoenix system. If Scottsdale's own data processing is to be used then they are free to design as they will, but any "tie in" may restrict them to a design which will have common data fields with the documents for which the system was designed.

E. RENTAL CAR VIOLATIONS

Enforcement of violations by rental cars can be effectively accomplished using the computer system and following the procedures used by the Phoenix Municipal Court.

The computer listing will identify those cars registered to rental agencies. Those agencies can be relatively easily persuaded to pay the citations as long as the amount is restricted to the original ticket and excludes penalty provisions.

The Phoenix Municipal Court has successfully collected parking fines imposed upon rental cars, in this way, for a period of time, and it is suggested that Scottsdale emulate their practice.

The legality of this process is not presently in question in Arizona. However, a recent Illinois Supreme Court Decision (See Appendix J) has established that enforcement against the lessor agency is appropriate in Illinois. It is anticipated that a similar decision would be forthcoming in Arizona if these procedures were challenged.

F. MOVING VIOLATIONS

The court should give it's primary emphasis to the moving violations area rather than to parking issues.

The court is fortunate in having a high parking citation compliance rate in spite of an ineffective enforcement policy. This enforcement process can easily be improved if these suggestions are followed. However, there are areas of even higher priority the team believes that the type of managerial controls missing in the parking area are similarly lacking in the moving violation area. These are more serious matters and this process should be given emphasis in any further efforts to improve the courts procedures.

Judge Roth has continually communicated his desire that his court run in the most effective and best manner possible. Attention to the moving violation area should assist in making the Scottsdale City Court outstanding in the State.

APPENDICES

- A. City of Scottsdale Parking Violation Summons
- B. City of Scottsdale Misdemeanor Warrant
- C. City of Scottsdale Parking Ordinances
- D. Arizona Revised Statutes - Parking
- E. City of Phoenix Notice of Parking Violation
- F. City of Phoenix Computer Generated Complaint
- G. City of Phoenix Computer Generated Summons
- H. City of Phoenix Reminder Letter
- I. City of Phoenix Parking Ordinances
- J. Care Citation Chicago

APPENDIX A

C 01881		CITY OF SCOTTSDALE ARIZONA		POLICE DEPARTMENT		DATA SERVICES COPY DISPOSITION DATA	
Court Disposition		PARKING VIOLATION SUMMONS					
VEHICLE LICENSE NO.	TAG NUMBER	YEAR	STATE	VEHICLE MAKE	VEHICLE TYPE	YEAR	
136 913	NONE	77	AZ	PLAS	98	2	Dr
REGISTERED OWNER						DATE	2/3/78
ADDRESS						TIME	4:55 <input checked="" type="checkbox"/> PM
PARKING WRONG WAY	<input type="checkbox"/>	PARKING IN CROSSWALK	<input type="checkbox"/>	OVERTIME PARKING	<input type="checkbox"/>		
PARKING IN DRIVEWAY	<input type="checkbox"/>	BLOCKING TRAFFIC	<input type="checkbox"/>	OFFICIAL SIGN "NO PARKING"	<input type="checkbox"/>		
PARKING IN ALLEY	<input type="checkbox"/>	NO PARKING ZONE	<input type="checkbox"/>	LOADING ZONE	<input type="checkbox"/>		
PARKING ON SIDEWALK	<input type="checkbox"/>	NO PARKING HERE TO CORNER	<input type="checkbox"/>	OTHER (SPECIFY) FIRE LANE	<input checked="" type="checkbox"/>		
LOCATION: ON				AT:			
FASHION SQUARE - E/B				4510 N. SCOTTSDALE RD.			
OFFICER	SERIAL NO.						
P. Garcia	251 Th-C						
FORM NO. YC2-0334 (9-77)							
NOTICE PLEASE FOLLOW INSTRUCTIONS ON BACK							

APPENDIX B

DOCKET NO.	BIRTH YR.	SEX	ORIGIN	
ORIGINAL VIOLATION DATE	ORIGINAL VIOLATION CODE			
BAIL AMOUNT \$	WARRANT DATE			

MISDEMEANOR WARRANT

THE STATE OF ARIZONA TO ANY PEACE OFFICER WITHIN THE STATE:

A COMPLAINT UPON OATH HAS THIS DAY BEEN MADE BEFORE ME THAT A MISDEMEANOR HAS BEEN COMMITTED, TO WIT: SECTION 28-1056 A. R. S. VIOLATING A WRITTEN PROMISE TO APPEAR, AND ACCUSING THE ABOVE NAMED.

IN THE CITY COURT OF THE CITY OF SCOTTSDALE MARICOPA COUNTY STATE OF ARIZONA	
YOU ARE THEREFORE COMMANDED FORTHWITH TO ARREST THE SAID AC- CUSED AND BRING HIM BEFORE ME, FORTH- WITH, TO BE DEALT WITH ACCORDING TO LAW. GIVEN UNDER MY HAND.	
X _____ CITY MAGISTRATE	
<input type="checkbox"/> SERVED <input type="checkbox"/> U/LOC	
I HEREBY CERTIFY THAT I SERVED THIS WARRANT UPON THE ACCUSED AND HAVE HIS BODY IN CUSTODY.	
DATE	OFFICER SIGNATURE

YC2-0238 (8-78)

APPENDIX C

THROUGH STREETS

Indian Bend Road - Scottsdale Road to Pima Road

Shea Blvd. - 64th Street to 104th Street

Source: Ord. 309, Art. 16, Sec. 5; 13-100, C'63.

11-806. Load restrictions upon vehicles using certain streets

In accordance with section 11-751 and when signs are erected giving notice thereof, no person shall operate any vehicle with a gross weight in excess of the amounts specified herein at any time upon any of the following streets or parts of streets.

Source: Ord. 309, Art. 16, Sec. 6; 13-101, C'63.

11-807. Commercial vehicles prohibited from using certain streets

Source: Ord. 309, Art. 16, Sec. 7; 13-102, C'63.

CHAPTER 9. STOPPING, STANDING AND PARKING

ARTICLE 1. IN GENERAL

11-901. Parking not to obstruct traffic

No person shall park any vehicle upon a street, other than an alley in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for free movement of vehicular traffic.

Source: Ord. 309, Art. 13, Sec. 1; 13-80, C'63. For State law, see Sec. 28-871, A.R.S.

11-902. Parking in alleys; exceptions

A. No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten feet of width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand or park a vehicle within an alley in such a position as to block the driveway entrance to any abutting property.

B. Notwithstanding the provisions of subsection A of this section vehicles displaying state "Disabled Parking" identifying insignia may stand or park in an alley for a period not to exceed five minutes while loading or unloading

persons.

Source: Ord. 309, Art. 13, Sec. 2; am. by Ord. 495, Sec. 1; 13-81, C'63.

11-903. Parking time limited on certain streets; exceptions

A. When signs are erected in each block giving notice thereof no person shall park a vehicle for longer than specified thereon, except physicians on emergency calls, and except for a vehicle displaying a state "Disabled Parking" identifying insignia.

B. A vehicle displaying a state "Disabled Parking" identifying insignis may park for a period of time equal to double the period of time specified for the block in which such vehicle is parked.

Source: Ord. 309, Art. 13, Sec. 3; am. By Ord. 495, Sec. 2; 13-82, C'63.

11-904. Parking for certain purposes prohibited

No person shall park a vehicle upon any roadway or right-of-way for the principal purpose of:

1. Displaying such vehicle for sale.
2. Washing, greasing or repairing such vehicle except repairs necessary by an emergency.
3. Advertising or displaying commercial exhibits.
4. Storing said vehicle or salvaging parts of the vehicle.

B. Any vehicle found in violation of this chapter shall be issued a parking citation after seventy-two hours from the first sighting of the vehicle. After an additional seventy-two hour period a second citation shall be issued and at that time a letter from the chief of police shall be initiated to the registered owner of the vehicle, advising him of the provisions of this chapter, and asking him to remove the vehicle within seventy-two hours of the last citation.

C. Any vehicle found in violation of this chapter for a period of nine consecutive days may be impounded upon order of the chief of police or his duly authorized representative and the owner of record of such vehicle shall be liable for all towing or storage charges arising therefrom.

Source: Ord. 309, Art. 13, Sec. 4; 13-83, C'63.

11-905. Parking prohibited on narrow streets

A. The city traffic supervisor may erect signs indicating no parking upon any street when the width of the roadway does not exceed twenty feet, or upon one side of a street as indicated by such signs when the width of the roadway does not exceed thirty feet.

B. When official signs prohibiting parking are erected upon narrow streets as authorized herein, no person shall park a vehicle upon any street in violation of any such sign.

Source: Ord. 309, Art. 13, Sec. 6; 13-85, C'63.

11-906. Over-sized vehicle parking prohibited on residential streets

No person shall park or store a commercially registered vehicle with a chassis rated for more than one ton nor any vehicle greater than twenty-two feet in length on streets or alleys in a residential area or zone except when expeditiously loading, unloading, delivering or making a service call at a residence.

Source: Ord. 421, Sec. 1; 13-87.1, C'63.

11-907. Parking adjacent to schools

A. The city traffic supervisor may erect signs indicating no parking upon either or both sides of any street adjacent to any school property when such parking would in his opinion, interfere with traffic or create a hazardous situation.

B. When official signs are erected indicating no parking upon either side of a street adjacent to any school property as authorized herein, no person shall park a vehicle in any such designated place.

Source: Ord. 309, Art. 13, Sec. 5; 13-84, C'63.

11-908. Standing or parking on one way streets; roadways

A. The city traffic supervisor may erect signs upon either side of any one way street to prohibit the standing or parking of vehicles, and when such signs are in place, no person shall stand or park a vehicle upon either side in violation of any such sign.

B. In the event a highway includes two or more separate roadways and traffic is restricted to one direction upon any such roadway, no person shall stand or park a vehicle upon the left hand side of such one way roadway unless signs are

erected to permit such standing or parking. The city traffic supervisor is authorized to determine when standing or parking may be permitted upon the left hand side of any such one way roadway and to erect signs giving notice thereof.

Source: Ord. 309, Art. 13, Sec. 7; 13-86, C'63.

11-909. No stopping, standing or parking near hazardous or congested places

A. The city traffic supervisor may determine and designate by proper signs places in which the stopping, standing, or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic.

B. When official signs are erected at hazardous or congested places as authorized herein no person shall stop, stand or park a vehicle in any such designated place.

Source: Ord. 309, Art. 13, Sec. 9; 13-87, C'63.

11-910. Angle parking signs

On those streets which have been signed or marked by the city traffic supervisor for angle parking, no person shall park or stand a vehicle other than at the angles to the curb or edge of the roadway indicated by such signs or markings. Vehicles shall be parked with the front end facing the curb or edge of the roadway.

Source: Ord. 309, Art. 12, Sec. 1; am. by Ord. 655; 13-88, C'63. For State law, see Sec. 28-874, A.R.S.

ARTICLE 2. LOADING AND UNLOADING

11-921. City traffic supervisor to designate curb loading zones

The city traffic supervisor may determine the location of passenger and freight curb loading zones and shall place and maintain appropriate signs indicating the same and stating the hours during which the provisions of this chapter are applicable.

Source: Ord. 309, Art. 14, Sec. 1; 31-90, C'63.

11-922. Standing in passenger zone; exception

No person shall stop, stand or park a vehicle for any purpose or period of time other than for the expeditious

loading or unloading of passengers in any place marked as a passenger curb loading zone during hours when the regulations applicable to such curb loading zone are effective, and then only for a period not to exceed three minutes, except that a vehicle displaying a state "Disabled Parking" identifying insignia may stand or park in a passenger curb loading zone for a period not to exceed five minutes while loading or unloading persons.

Source: Ord. 309, Art. 14, Sec. 2; am. by Ord. 495, Sec. 3; 13-91, C'63.

11-923. Standing in freight zone; exceptions

A. When signs are erected giving notice thereof, no person shall stop, stand or park a vehicle in a freight curb loading zone between the hours of seven o'clock a.m. and six o'clock p.m. of any day except Sundays and public holidays. The provisions of this subsection shall not apply to commercial vehicles bearing commercial plates engaged in the unloading and delivery or pickup and loading of materials, which may be parked in any freight loading zone for a period of time not to exceed thirty minutes between the hours of seven o'clock a.m. and six o'clock p.m.

B. The driver of a passenger vehicle may stop temporarily at a place marked as a freight curb loading zone for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any motor vehicle used for the transportation of materials which is waiting to enter or about to enter such zone. Vehicles displaying state "Disabled Parking" insignia may stand or park in a freight or curb loading zone for a period not to exceed five minutes while loading or unloading persons.

Source: Ord. 309, Art. 14, Sec. 3; am. by Ord. 495, Sec. 4; 13-92, C'63.

11-924. Traffic supervisor to designate public carrier stops and stands

The city traffic supervisor may establish bus stops, bus stands, taxicab stands and stands for other passenger common carrier motor vehicles on such public streets in such places and in such number as he shall determine to be of the greatest benefit and convenience to the public, and every such bus stop, bus stand, taxicab stand, or other stand shall be designated by appropriate signs.

Source: Ord. 309, Art. 14, Sec. 4; 13-93, C'63.

11-925. Stopping standing and parking of buses and taxicabs regulated

A. The operator of a bus shall not:

1. Stand or park such vehicle upon any street at any place other than a bus stand so designated as provided herein.

2. Stop such vehicle upon any street at any place for the purpose of loading or unloading passengers or their baggage other than at a bus stop, bus stand or passenger loading zone so designated as provided herein, except in case of an emergency.

B. The operator of a bus shall enter a bus stop, bus stand or passenger loading zone on a public street in such a manner that the bus when stopped to load or unload passengers or baggage shall be in a position with the right front wheel of such vehicle not further than eighteen inches from the curb and the bus approximately parallel to the curb so as not to unduly impede the movement of other vehicular traffic.

Source: Ord. 309, Art. 14, Sec. 5; 13-94, C'63.

11-926. Restricted use of bus and taxicab stands

No person shall stop, stand, or park a vehicle other than a bus in a bus stop or other than a taxicab in a taxicab stand when such stop or stand has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and which actually engaged in loading or unloading passengers when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zone.

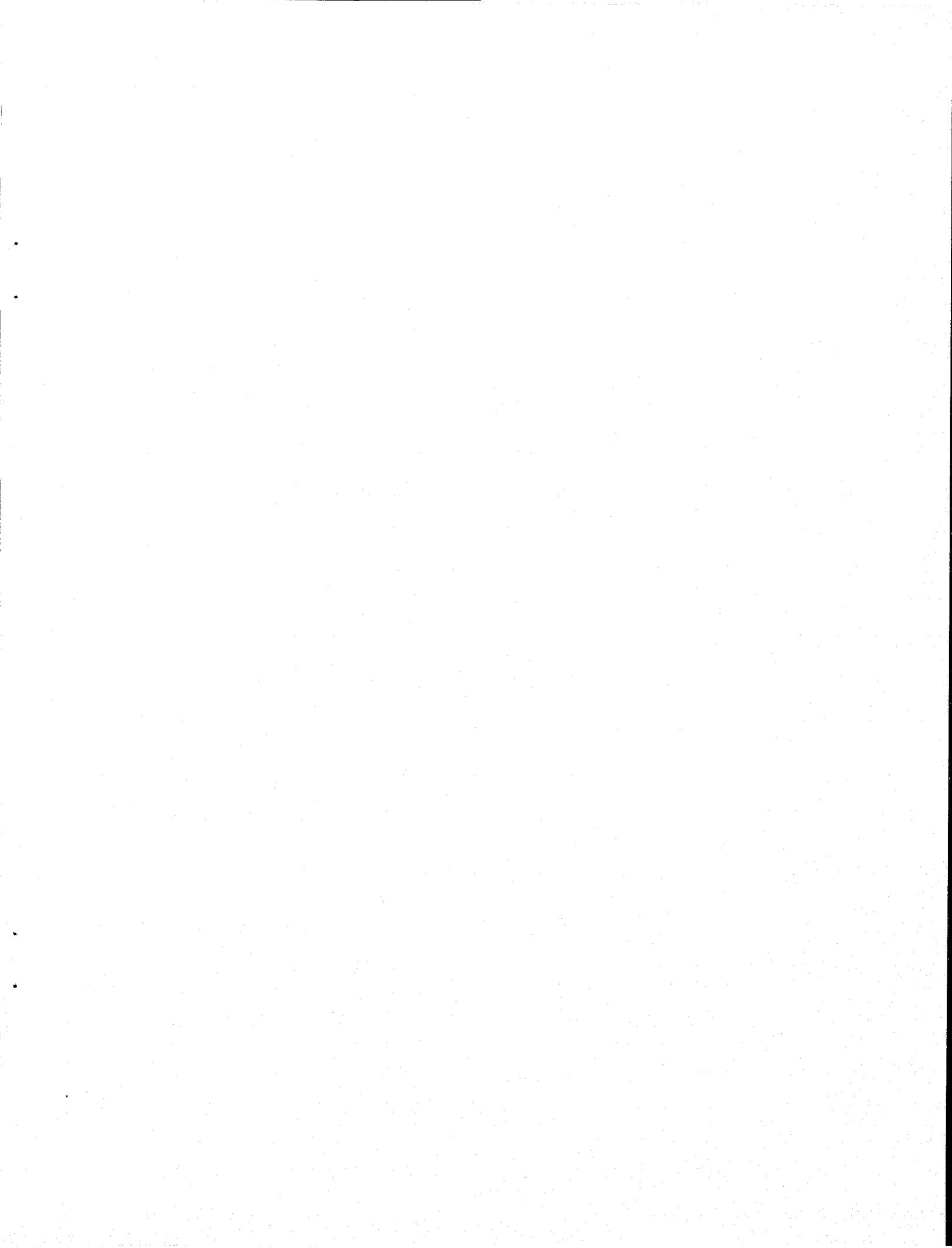
Source: Ord. 309, Art. 14, Sec. 6; 13-95, C'63.

11-927. Permits for loading and unloading at angle

A. The city traffic supervisor may issue special permits to permit the backing of a vehicle to the curb for the purpose of loading or unloading merchandise or materials subject to the terms and conditions of such permit. Such permits may be issued either to the owner or lessee of real property or to the owner of the vehicle and shall grant to such person the privilege as therein stated and authorized herein.

B. It is unlawful for any permittee or other person to violate any of the special terms or conditions of any such permit.

Source: Ord. 309, Art. 12, Sec. 2; 13-89, C'63.



APPENDIX D

reasonable precaution to prevent frightening and to safeguard such animals, and to insure the safety of any person riding or driving the same. If such animals appear frightened the person in control of such vehicle shall reduce its speed, and if requested by signal or otherwise shall not proceed further toward such animals unless necessary to avoid accident or injury, until such animals appear to be under control.

ARTICLE 14 -- STOPPING, STANDING OR PARKING

28-871. Stopping, standing or parking outside of business or residence district

A. Upon any highway outside of a business or residence district no person shall stop, park or leave standing any vehicle, whether attended or unattended, upon the paved or main-traveled part of the highway when it is practicable to stop, park or so leave the vehicle off that part of the highway, but in every event an unobstructed width of the highway opposite a standing vehicle shall be left for the free passage of other vehicles and a clear view of the stopped vehicles shall be available from a distance of two hundred feet in each direction upon the highway.

B. This section shall not apply to:

1. The driver of any vehicle which is disabled while on the paved or main-traveled portion of a highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving the disabled vehicle in such position.

2. No vehicle nor the driver thereof engaged in the official delivery of the United States mail shall stop on the right hand side of the highway for the purpose of picking up or delivering mail except if a clear view of the vehicle may be obtained from a distance of three hundred feet in each direction upon such highway, or a flashing amber light not less than four inches in diameter with the letters "stop" printed thereon is attached to the rear of such vehicle. All such vehicles shall have a uniform sign not less than fourteen inches in diameter, approved by the highway department, with the words printed thereon, "U.S. Mail", attached to the rear of such vehicle.

28-872. Officers authorized to remove illegally stopped vehicles

A. When any police officer finds a vehicle standing upon a highway in violation of the provisions of section 28-871 the officer is authorized to move the vehicle, or require the driver or other person in charge of the vehicle to move the same, to a position off the paved or main-traveled part of the highway.

B. Any police officer is authorized to remove or cause to be removed to a place of safety any unattended vehicle illegally left standing upon any highway, bridge, causeway, or in any tunnel, in such position or under such circumstances as to obstruct the normal movement of traffic.

C. Any police officer is authorized to remove or cause to be removed to the nearest garage or other place of safety any vehicle found upon a highway:

1. When a report has been made that such vehicle has been stolen or taken without the consent of its owner.

2. When the person or persons in charge of such vehicle are unable to provide for its custody or removal.

3. When the person driving or in control of such vehicle is arrested for an alleged offense for which the officer is required by law to take the person arrested before a proper magistrate without unnecessary delay.

4. When any vehicle is left unattended for more than four hours upon the right-of-way of any freeway which has full control of access and no crossings at grade.

5. When any vehicle is left unattended for more than two hours upon the right-of-way of any freeway, within the boundaries of a city, which has full control of access and no crossings at grade.

28-873. Stopping, standing or parking prohibited in specified places

A. No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic-control device, in any of the following places:

1. On a sidewalk.

2. In front of a public or private driveway.

3. Within an intersection.

4. Within fifteen feet of a fire hydrant.

5. On a cross walk.

6. Within twenty feet of a cross walk at an intersection.

7. Within thirty feet upon the approach to any flashing beacon, stop sign, yield sign or traffic-control signal located at the side of a roadway.

8. Between a safety zone and the adjacent curb or within thirty feet of points on the curb immediately opposite the ends of a safety zone, unless the director or local authorities indicate a different length by signs or markings.

9. Within fifty feet of the nearest rail or a railroad crossing or within eight feet six inches of the center of any railroad track, except while a motor vehicle with motive power attached is loading or unloading railroad cars.

10. Within twenty feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five feet of the entrance when properly posted.

11. Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic.

12. On the roadway side of any vehicle stopped or parked at the edge or curb of a street.

13. Upon any bridge or other elevated structure upon a highway or within a highway tunnel.

14. At any place where official signs prohibit standing or stopping.

15. On a controlled access highway as defined in section 28-602 except for emergency reasons or except in areas specifically designated for parking, such as rest areas.

B. No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful.

28-873.01. Parking privileges for physically disabled; qualification; application; violation; revocation

A. A physically disabled person who displays upon the motor vehicle parked by him, or under his direction and for his use, a distinguishing insignia provided for in this section or number plates bearing the international wheelchair symbol issued pursuant to section 28-308.01 may exercise the parking privileges provided in this section. Such person may be exempt from liability for any violation with respect to such parking, except as provided in sections 28-871, 28-873, and

28-936, and except where such parking would create a dangerous situation or impede the normal flow of traffic. The distinguishing insignia or number plates bearing the international wheelchair symbol shall be displayed on or in the motor vehicle in the manner prescribed by the superintendent.

B. A person desiring to have a distinguishing insignia issued to him under this section shall submit to the director:

1. An application therefor on a form furnished by the department.

2. A certificate issued by a person licensed to practice medicine in this state stating that the applicant is physically disabled within the meaning of this section.

C. Upon receipt of the application and the doctor's certificate, if the director finds that the applicant qualifies for such parking privileges, the director shall issue the distinguishing insignia to such applicant.

D. The director may adopt and promulgate rules and regulations needed to administer the provisions of this section.

E. Local authorities in regulating the parking of vehicles is authorized under the provisions of section 28-627, subsection A, paragraph 1, may extend parking privileges similar to those granted to physically disabled persons in this section.

F. A person who violates any provision of this section, is guilty of a misdemeanor and, in addition to any other penalty imposed, the distinguishing insignia or number plates bearing the international wheelchair symbol issued to such person may be recalled by the director.

G. In this section, unless the context otherwise requires "physically disabled person" means any person who has sustained a permanent disability rendering it difficult and burdensome for such person to walk.

28-874. Additional parking regulations

A. Except as otherwise provided in this section every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be so stopped or parked with the right-hand wheels of the vehicle parallel to and within eighteen inches of the right-hand curb.

B. Local authorities may by ordinance permit parking of vehicles with the left-hand wheels adjacent to and within eighteen inches of the left-hand curb of a one-way roadway.

C. Local authorities may by ordinance permit angle parking on any roadway, except that angle parking shall not be permitted on any federal-aid or state highway unless the director has determined by resolution or order that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

D. The director with respect to highways under his jurisdiction may place signs prohibiting or restricting the stopping, standing or parking of vehicles on any highway where in his opinion, such stopping, standing or parking is dangerous to those using the highway or where the stopping, standing or parking of vehicles would unduly interfere with the free movement of traffic thereon. The signs shall be official signs and no person shall stop, stand or park any vehicle in violation of the restrictions stated on the signs.

E. Any stopping, standing or parking restrictions provided in this article shall not apply to any police or peace officer when such stopping, standing or parking is for the purpose of actual performance of law enforcement duty.

APPENDIX E

NOTICE NO 1608407		YEAR	STATE	PLATE NUMBER	DATE OF VIOLATION MO DAY YR			TIME	A M
ORIGINAL NOTICE COPY		MAKE VEHICLE		OTHER VEHICLE IDENTIFICATION					P M
CITY OF PHOENIX MUNICIPAL COURT MARICOPA COUNTY STATE OF ARIZONA 		(LOCATION) AT		IN THE CITY OF PHOENIX, ARIZONA				METER NO	
NOTICE OF PARKING VIOLATION		1 <input type="checkbox"/> SECTION 36-154 CITY CODE 2 <input type="checkbox"/> SECTION 36-137 CITY CODE 3 <input type="checkbox"/> SECTION 28 B73(A) () A R S 4 <input type="checkbox"/> SECTION 36 155 CONTINUOUS PARKING 5 <input type="checkbox"/> SECTION F C 28 16D BLOCKING A FIRELANE				6 <input type="checkbox"/> SECTION 36-148 CITY CODE (OVERTIME PARKING) 7 <input type="checkbox"/> SECTION 36-153 CITY CODE (LOADING ZONE) 8 <input type="checkbox"/> SECTION 36 134 CITY CODE (PROHIBITED PARKING) 9 <input type="checkbox"/> SECTION } OTHER <input type="checkbox"/> A R S SECTION <input type="checkbox"/> CITY CODE * EXPLAIN			
		THIS IS A NOTICE OF VIOLATION IF YOU WISH TO AVOID THE ISSUANCE OF A CRIMINAL COMPLAINT YOU MAY MAKE PAYMENT WITHIN 5 DAYS, ACCORDING TO DIRECTIONS ON REVERSE SIDE FORM NO 30 40 A REV 10/76				CITING OFFICER		NUMBER	

APPENDIX F

COMPLAINT NO 123456	DRIVER'S LICENSE NO	MILITARY	STATE	OPER
SOUNDEX CODE				CHAUF
FIRST JOHN		MIDDLE	LAST NAME DOE	
ADDRESS (RESIDENCE) P O BOX 00000 SCOTTSDALE ARIZONA				
SEX	WEIGHT	HEIGHT	HAIR	EYES
				ORIGIN
				MO DAY YR
BUSINESS ADDRESS			TOWN	STATE
OWNER		TOWN	STATE	
PLATE NO	YEAR	STATE	V E H	YEAR
ABC 123	78	AZ		
			FORD	TYPE

TRAFFIC COMPLAINT
IN THE CITY COURT CITY OF PHOENIX
MARICOPA COUNTY, STATE OF ARIZONA

THE UNDERSIGNED SAYS	THE DEFENDANT NAMED HEREIN
ON DAY	
THE 30th OF MAY 1978	AT 1200
DID THEN AND THERE UPON A PUBLIC HIGHWAY NAMELY (LOCATION):	
AT LOCATION ON NOTICE OF	
VIOLATION	
COMMIT AN OFFENSE (A MISDEMEANOR)	ACCIDENT <input type="checkbox"/> YES
IN VIOLATION OF SECTION	AHS APPROX SPEED
AS FOLLOWS	CITY CODE LAWFUL SPEED

CITY COURT, CITY OF PHOENIX
MARICOPA COUNTY, STATE OF ARIZONA
WASHINGTON ST AND 4TH AVE
PHOENIX, ARIZONA 85003

ARIZONA TRAFFIC TICKET AND COMPLAINT



I HEREBY CERTIFY THAT I HAVE REASONABLE GROUNDS TO BELIEVE AND DO BELIEVE THAT THE PERSON CITED HEREIN COMMITTED THE OFFENSE DESCRIBED HEREIN CONTRARY TO THE LAW.
COMPLAINANT'S SIGNATURE: X
SUBSCRIBED AND SWORN BEFORE ME
CLERK OR JUDGE: X

I hereby certify that information contained herein is a true and correct abstract of the record in this case

JUDGE	DISPOSITION DATE	COURT NO	TIME
	DISP CODE	FINE	DAYS
		\$	OR
			JAIL

APPENDIX G

CITY OF PHOENIX, MUNICIPAL COURT
MARICOPA COUNTY, STATE OF ARIZONA SUMMONS 3

A COMPLAINT HAS BEEN FILED AGAINST YOU CHARGING A VIOLATION OF P.C.C. 36-134 , PROHIBIT PARKING PHOENIX, ARIZONA.

YOU ARE SUMMONED TO APPEAR ON 02/06/78 BETWEEN THE HOURS OF 9 A.M. AND 4 P.M. AT MUNICIPAL COURT, 12 NORTH 4TH AVENUE, PHOENIX, ARIZ. IF YOU FAIL TO APPEAR AS REQUESTED HEREIN, A WARRANT WILL BE ISSUED FOR YOUR ARREST.

CITATION DATE CIT LIC NO FINE
1352924-00 12/28/77 2RJ556 10.00

STATE OF ARIZONA VS. DEFENDANT

DATE: 01/23/78

P

PHOENIX

17

MUNICIPAL JUDGE:



CITY
OF
PHOENIX

CITY COURTS DEPARTMENT

APPENDIX H

A REVIEW OF THE PARKING SECTION RECORDS, REVEAL THAT CITATIONS ISSUED TO A VEHICLE REGISTERED TO YOU, REMAIN UNPAID AND ARE NOW ON SUMMONS.

THIS IS TO NOTIFY YOU THAT THE PHOENIX MUNICIPAL COURT IS PROCEEDING FOR SETTLEMENT OF THESE OUTSTANDING CITATIONS.

THE VEHICLE HAS NOW BEEN PLACED ON THE POLICE IMPOUND LIST.

LISTINGS OF THE SUMMONS AND COMPLAINTS ARE ON FILE AND CAN BE CLEARED THROUGH THE PHOENIX MUNICIPAL COURT, 12 N. 4TH. AVE., OR BY MAIL PAYMENT.

NO. OF SUMMONS _____

AMOUNT DUE _____

PARKING SECTION
PHOENIX MUNICIPAL COURT
CITY OF PHOENIX, ARIZONA
262-6423

arrow at the same time, any pedestrian facing such signal shall comply with the meaning of the circular green light as if it were shown alone unless directed otherwise by a pedestrian signal. (Code 1962, § 37-24.03.)

Sec. 36-131. Single green arrow.

When a traffic signal displays a green arrow alone, any pedestrian facing such signal shall not enter the intersection but shall comply with a pedestrian signal. (Code 1962, § 37-24.04.)

ARTICLE XI. Standing, Stopping and Parking Regulations.

Sec. 36-132. Applicability.

The provisions of this Article prohibiting the standing, stopping or parking of a vehicle shall apply at all times or at those times herein specified or as indicated on official signs except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device. The provisions of this Article imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the standing, stopping or parking of vehicles in specified places or at specified times. (Code 1962, § 37-50.01.)

Sec. 36-133. Presumption in reference to illegal parking.

In any prosecution charging a violation of any law or regulation governing the standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such law or regulation, together with proof that the defendant named in the complaint was at the time of such parking the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during

which, such violation occurred. (Code 1962, § 37-50.02.)

Sec. 36-134. Parking prohibited by sign or red painted curb.

No person shall stop, stand or park a vehicle where such is prohibited by official signs or where the curb is painted red. (Code 1962, § 37-50.03.)

Sec. 36-135. Parking prohibited at certain times.

No person shall stand or park a vehicle between the hours or on the days specified on official signs installed prohibiting such standing or parking. (Code 1962, § 37-50.04.)

Sec. 36-136. Parking so as to impede traffic.

No person shall park any vehicle upon a street in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for free movement of vehicular traffic. (Code 1962, § 37-50.05.)

Sec. 36-137. Parking in alley.

No person shall stand or park a vehicle in an alley at any time except for the loading or unloading of materials, and not then unless such loading or unloading can be accomplished without blocking the alley to the free movement of vehicular traffic and not take over twenty minutes total time. Vehicles displaying State 'Disabled Parking' identifying insignia may stand or park in an alley while loading or unloading persons for a period not to exceed five minutes. (Code 1962, § 37-50.06; Ord. No. G-943, § 1.)

Sec. 36-138. Parking for display or working on vehicle.

No person shall park a vehicle upon any roadway for the principal purpose of displaying such vehicle for sale; displaying advertising; displaying commercial exhibits; or washing, greasing, or repairing

such vehicle, except repairs necessitated by emergency. (Code 1962, § 37-50.07.)

Sec. 36-139. Parking in, on, or adjacent to median dividers.

In the event a highway is divided into two or more separate roadways, and traffic is restricted to one direction upon each roadway, no person shall stand or park a vehicle other than on the right-hand side of such one-way roadway unless signs are erected to permit such standing or parking elsewhere. (Code 1962, § 37-50.08.)

Sec. 36-140. Parking trucks and trailers on residential streets.

No person shall stand or park a vehicle with a rated chassis capacity in excess of three-fourths of a ton or a tractor, semi-trailer, trailer, or bus on a local or collector street in a residential zone except during the process of loading or unloading such vehicle. (Code 1962, § 37-50.09.)

Sec. 36-141. Parking at roadside.

No person shall park any vehicle at any time in that area between the curb and the sidewalk. On those roadways without curbs no person shall park a vehicle so as to force a pedestrian to walk in the traveled portion of the roadway. (Code 1962, § 37-50.10.)

Sec. 36-142. Parallel parking.

Except as otherwise provided in this Chapter, no person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the curbside wheels of the vehicle within eighteen inches of the curb or edge of the roadway. (Code 1962, § 37-50.11.)

Sec. 36-143. Angle parking.

No person shall park or stand a vehicle upon those streets which have been signed or marked by the City Traffic Engineer for angle parking, other than at the angle to the curb or edge of the roadway indicated by such signs or markings. (Code 1962, § 37-50.12.)

Sec. 36-144. Parking in driveway or private property.

No person shall park a vehicle in any private driveway or on private property or private parking areas without the express or implied consent of the owner or person in lawful possession of such property. (Code 1962, § 37-50.13.)

Sec. 36-145. Blocking entrance to driveway or alley.

No person shall leave a vehicle parked or standing in such a manner as to block the entrance to a driveway or alley. (Code 1962, § 37-50.14.)

Sec. 36-146. Time limit.

No person may park a vehicle upon any roadway for a consecutive period of time longer than that indicated by official signs installed to limit such parking. (Code 1962, § 37-50.15.)

Sec. 36-147. Abandoned vehicles.⁷

No person shall leave an unattended vehicle parked upon a public right-of-way for a period of time to exceed thirty-six consecutive hours. . . so parked it is to be considered an abandoned vehicle. (Code 1962, § 37-50.16.)

Sec. 36-148. Parking in conformance with Zoning Ordinance.

⁷ Cross reference -- As to abandoned vehicles on private property, see §§ 36-161 through 36-168.

It shall be unlawful for any person to park or permit to be parked, any motor vehicle upon any lot or area within the City, except in conformance with the Zoning Ordinance of the City. (Code 1962, § 37-50.17.)

Sec. 36-149. Restricted parking lots.

No person may park a motor vehicle upon any lot or area registered with the Division of Building Inspections of the City as prohibiting such parking. (Code 1962, § 37-50.18.)

Sec. 36-150. Parking with emergency brake set.

No person shall leave a vehicle with the motor running without setting the emergency brake. No person shall leave a vehicle unattended unless the emergency brake is set or the vehicle is otherwise safely immobilized. (Code 1962, § 37-50.19.)

Sec. 36-151. Parking less than thirty minutes.

A vehicle shall not be parked at a green curb for any time longer than that indicated by signs and in no instance longer than thirty minutes. (Code 1962, § 37-50.20.)

Sec. 36-152. Bus and taxi zones.

(a) The driver of a bus or taxi shall not park upon any street in any business district at any place other than at a bus stop or taxi zone, respectively, except that this provision shall not prevent the driver of any such vehicle from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in loading or unloading passengers.

(b) No person shall stop, stand or park a vehicle at any time in a place marked as a no parking zone by sign or red painted curb, except that a driver of a bus may stop to unload and load passengers in such a zone if signs indicate a bus loading zone.

(c) No person shall stop, stand or park a vehicle other than a taxi in a place indicated by signs as a taxi standing zone. (Code 1962, § 37-50.21.)

Sec. 36-153. Freight loading zones.

No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials in any place marked by signs and yellow painted curb as a freight curb loading zone during the hours indicated by such signs. In no case shall the stop for loading and unloading of materials exceed twenty minutes. Vehicles displaying State 'Disabled Parking' identifying insignia may stand or park in a freight loading zone while loading or unloading persons for a period not to exceed five minutes. (Code 1962, § 37-50.22; Ord. No. G-943, § 2.)

Sec. 36-154. Parking at meter displaying red signal prohibited.

(a) Any person parking a vehicle along side or next to a parking meter displaying a red signal or printed message indicating it is not legal to do so shall immediately deposit in said parking meter one or more of the legal United States coins indicated upon the meter.

(b) No person shall permit a vehicle to remain at said parking meter when said parking meter displays a red signal or printed message indicating it is unlawful to do so, except those hours and days indicated upon the said parking meter. This subsection shall not apply to a vehicle displaying a State 'Disabled Parking' identifying insignia when such vehicle remains at a parking meter displaying a red signal for not longer than one hour. (Code 1962, § 37-50.23; Ord. No. G-943, § 3.)

Sec. 36-155. Parking overtime at meter prohibited.

It shall be unlawful for any person to permit a vehicle to be parked or remain in a parking space along side or next to any parking meter for a consecutive period of time longer than that time limit stated on said parking meter. This section shall not apply to a vehicle displaying a State 'Disabled Parking' identifying insignia when such vehicle is parked or remains in a parking space along side or next to a parking meter for a period not to exceed one hour. (Code 1962, § 37-50.24; Ord. No. G-943, § 4.)

Sec. 36-156. Position of parked vehicle.

Any vehicle parked in any parking meter space shall be parked

Art. XII, § 36-157 VEHICLES AND TRAFFIC Art. XII, § 36-158

with the front end of such vehicle next to the parking meter along side of such parking space in parallel parking spaces and with the front end directed at the meter in diagonal parking. (Code 1962, §37-50.25.)

ARTICLE XII. Penalty and Schedules.

Sec. 36-157. Penalty.

A violation of any Section of this Chapter is a misdemeanor, and where no punishment is specifically prescribed, shall be punishable by a fine not to exceed three hundred dollars or by imprisonment in the City Jail for a term not to exceed three months, or by both such fine and imprisonment. (Code 1962, § 37-51.00.)

Sec. 36-158. Schedule I -Local speed limits.

It is hereby determined upon the basis of an engineering and traffic investigation by the Traffic Engineer that the speed limit permitted by state law on the following streets or intersections is greater than, or less than is reasonable under existing conditions, and it is hereby declared that the maximum speed limits shall be as hereinafter set forth on those streets, parts of streets or intersections herein designated at the times specified when signs are erected giving notice thereof.

(a) PRIMA FACIE SPEED LIMIT 30 MILES PER HOUR AT ALL TIMES

Air Lane	1,240 feet east of 32nd Street to 750 feet east of 36th Street
Arcadia Drive	Indian School Road to Arizona Canal
Buckeye Road	17th Avenue to Central Avenue
Butler Drive	7th Street to 12th Street
Campbell Avenue	71st Avenue to 51st Avenue
Campbell Avenue	31st Avenue to 27th Avenue
Campbell Avenue	Black Canyon Freeway to 19th Avenue

Docket No. 78699—Agenda 7—January 1978.

THE CITY OF CHICAGO, Appellee, v. HERTZ COMMERCIAL LEASING CORP. *et al.*, Appellants.

MR. JUSTICE MORAN delivered the opinion of the court:

This case involves the interpretation of a parking ordinance of the city of Chicago (City) with respect to an owner's responsibility for vehicles illegally parked by a person other than the owner. In August of 1967, the City brought three actions, consolidated in the trial court, against Hertz Commercial Leasing Corporation, Avis Rent-A-Car System, Inc., and Chrysler Leasing Corporation (defendants). In count I of its amended complaint, the City sought to recover payment of fines from the defendants as the registered owners of vehicles allegedly parked in violation of municipal ordinances during 1966. The City prayed for judgments of \$88,185 against Hertz, charging 5,879 violations; \$73,425 against Avis, charging 4,895 violations; and \$37,395 against Chrysler, charging 2,493 violations. Count II requested a declaratory judgment, conceding that the violating vehicles were probably in the possession of lessees of the defendants at the time of the violations. The City, nevertheless, sought to have the applicable parking ordinance interpreted to preclude the defendants from raising the defense that the owner was not in possession of the vehicle at the time of the violation.

The trial court dismissed count I, finding that it did not sufficiently inform the defendants of the details of the alleged violations. The appellate court reversed and remanded count I for trial. (38 Ill. App. 3d 835.) This aspect of the decision is not before us.

On count II, the trial court entered a declaratory judgment finding that the applicable parking ordinance creates a presumption that the registered owner was in possession of the vehicle at the time of the parking violation, that the presumption may be rebutted by a showing that the vehicle was not in fact in the possession of the registered owner, and, ultimately, that the defendants were not responsible for violations while the vehicles were in the possession of their lessees. A majority decision of the appellate court reversed, holding that the parking ordinance imposes vicarious liability on the registered owner and that an owner is not absolved of responsibility if, at the time of the parking violation, he had "voluntarily transfer[red] possession [of the vehicle] for hire." (38 Ill. App. 3d 835, 844.) We granted the defendants' petition for leave to appeal.

The adopted municipal ordinance in question provides:



~~This Book
Does Not
Circulate~~

"Whenever any vehicle shall have been parked in violation of any of the provisions of any ordinance prohibiting or restricting parking, the person in whose name such vehicle is registered shall be *prima facie* responsible for such violation and subject to the penalty therefor." (Emphasis added.) Chicago Municipal Code, ch. 27, sec. 364(a).

We emphasize at the outset that the ordinance cannot be read to treat owners who lease vehicles for hire any differently from owners who gratuitously lend their vehicles to friends or family members. The issue, though framed differently by the parties in response to the appellate court's opinion, is whether the ordinance purports to impose liability on the owner as the presumptive driver of the vehicle at the time of the parking violation, or whether it purports to impose vicarious liability on the owner, regardless of who actually parked the vehicle. If the former, then an owner—any owner, not merely an owner who leases vehicles for hire—may absolve himself of liability by showing that he was not the person who parked the vehicle alleged to have been in violation of a parking ordinance.

Parking ordinances similar to, and almost identical to, the above cited ordinance have been examined by courts throughout the country over the past 50 years. The controversy almost invariably emerges as a concerted attempt by the courts to discern the intention of the local authority in regulating parking. Some local authorities seek to impose liability ultimately on the driver and do so by summoning the registered owner to court, at which time the owner is presumed to have parked the vehicle. The owner may successfully rebut this presumption, in which case the local authorities are thrust into the dilemma of either securing personal jurisdiction over the driver, or dismissing the case.¹ Other local authorities seek to impose liability directly on the registered owner, in which case the

¹In 1968, the city of New York passed an ordinance which provided that an owner who rents or leases vehicles shall be jointly and severally liable with the customer or lessee for parking violations. A report which accompanied the ordinance stated: "This proposed local law, as amended, would make auto lessors jointly and severally liable with the lessees of the vehicle for violation abuses whereby scofflaws may avoid the payment of traffic fines. At present, New York City is losing millions of dollars annually in unpaid parking tickets issued against rented vehicles. Invariably, auto lessors plead in Traffic Court that the customer and not the auto rental firm, is responsible for the traffic tickets. The court traditionally will either lay over such cases, adding to the ever-increasing backlog, or else drop the matter as a general practice due to the difficulties in securing personal jurisdiction over the actual violator." *Kinney Car. Corp. v. City of New York* (1968), 58 Misc. 2d 365, 295 N.Y.S.2d 288, 290, *aff'd* (1971), 28 N.Y.2d 741, 321 N.Y.S.2d 121, 269 N.E.2d 829.

owner is held vicariously responsible for the violation. In either case, the person subject to the penalty is strictly liable, in the legal sense that the owner or driver need not have intended to commit the offense to be responsible for the violation.

The defendants vigorously argue that the plain meaning of the words "*prima facie* responsible" in the Chicago ordinance indicates that it was the municipality's clear intention to allow the registered owner to rebut the presumption that the vehicle was parked by the owner. The issue cannot be so facilely resolved. The words "*prima facie*" mean nothing more than "at first sight" or "so far as can be judged from the first disclosure" or "presumably" or "without more." (Black's Law Dictionary 1353 (4th ed. 1957); *Iowa City v. Nolan* (Iowa 1976), 239 N.W.2d 102, 105.) In its statutory context, the words "*prima facie*" mean that the City has established its case against the registered owner by proving (1) the existence of an illegally parked vehicle, and (2) registration of that vehicle in the name of the defendant. Such proof constitutes a *prima facie* case against the defendant owner. There is no indication in the ordinance that the owner, to be presumed responsible for the violation, must be presumed to have been the person who parked the vehicle. In practice, the defendant, to absolve himself of responsibility, may show that the vehicle was not parked illegally or that he was not the registered owner of the vehicle at the time of the alleged violation. The defenses are limited, but the plain meaning of the ordinance admits of no more.

A predecessor of the ordinance in question provided:

"Whenever any vehicle shall have been parked in violation of any of the provisions of this chapter prohibiting or restricting parking, the person in whose name such vehicle is registered shall be subject to the penalty for such violation." (Chicago Municipal Code, ch. 27, sec. 34.1.)

This unambiguous language imposes both strict and vicarious liability on the owner whenever his vehicle is illegally parked, irrespective of whether the owner was the person who parked the vehicle.

The defendants assert that, because the present ordinance added the words "*prima facie* responsible for such violation," the City deliberately chose to incorporate into the ordinance the presumption that proof of ownership is *prima facie* evidence that the vehicle was parked by the owner. We interpret the development of the ordinance differently.

In *City of Chicago v. Crane* (1943), 319 Ill. App. 623, the appellate court was called upon to construe the predecessor ordinance to determine whether an owner could be subject to the penalty for a parking violation

which he did not commit or authorize. The trial court had found that an ordinance which "purports to make the owner of a car liable whenever the car is illegally parked *** is completely without basis in law." (319 Ill. App. 623, 627.) The appellate court reversed, holding that the City established a *prima facie* case against the owner by proving that the defendant owned the car that was parked within 15 feet of a fire hydrant. The defendant had offered no evidence to rebut the *prima facie* case. In its opinion, the court cited cases from other jurisdictions which involved ordinances, all of which attached liability to the owner, but which differed in that they found the owner either liable as the owner or as the presumptive driver at the time of the violation. Because, in *Crane*, the owner did not introduce any evidence to rebut the *prima facie* case, the court was not called upon to determine if that Chicago ordinance imposed liability on the owner as owner or as the presumptive driver. It did, however, emphasize that the City had "made out a *prima facie* case." (*City of Chicago v. Crane* (1943), 319 Ill. App. 623, 631.) We can assume only that the City amended its ordinance to indicate, as intimated in the *Crane* decision, that proof of a violation and of registered ownership establishes the City's *prima facie* case against a defendant and that the defendant may rebut either element of the *prima facie* case. See K. Levin, *Ownership as Evidence of Responsibility for Parking Violation*, 41 J. Crim. L. & Criminology 61, 62 (1950).

Our own research reveals four cases from other jurisdictions which interpret the words "*prima facie* responsible" in precisely the context presented in this case. In *City of Columbus v. Webster* (1960), 170 Ohio St. 327, 328, 164 N.E.2d 734, 735, the applicable ordinance read, in pertinent part:

"If any vehicle is found *** in violation of any *** ordinance of this city, regulating the stopping or standing or parking of vehicles, and the identity of the driver cannot be determined, the owner, or person in whose name such vehicle is registered shall be held *prima facie* responsible for such violation." (Emphasis added.)

Ohio's supreme court, in holding the owner vicariously liable for the parking violation, expressly rejected the interpretation that the ordinance made "proof of illegal parking and registered ownership *prima facie* evidence that the vehicle was parked by the owner." It stated that the ordinance "merely places *prima facie* responsibility for the illegal parking of a motor vehicle on the public streets upon the owner of such vehicle. It thus places the responsibility upon the person who is in the best position

to know the identity of the operator." *City of Columbus v. Webster* (1960), 170 Ohio St. 327, 331, 164 N.E.2d 734, 737.

The Supreme Court of Missouri reached the same conclusion in interpreting a Kansas City ordinance which provided that "the owner or person in whose name such vehicle is registered in the records of any city, county or state shall be held *prima facie* responsible for such violation, if the driver thereof is not present." (Emphasis added.) (499 S.W.2d 449, 451.) The court concluded that "[t]he words '*prima facie*', as used in this ordinance, do not mean that the owner is presumed to be the driver," and held that the ordinance "places responsibility upon the owner without any requirement that he be found to have been the driver, whether that finding is premised on a presumption or direct evidence." (Emphasis in original.) (499 S.W.2d 449, 452.) The court further noted that an ordinance "imposing liability for the parking violation fine on the owner as well as the driver may well result in fewer violations and thereby assist in the reduction of traffic problems." (*City of Kansas City v. Hertz Corp.* (Mo. 1973), 499 S.W.2d 449, 452-53.) We note that the case provided an identical factual context to this case, in that a rental company had leased its car to a person whose identity was known by the court and who assumedly committed the violation.

In *Iowa City v. Nolan* (Iowa 1976), 239 N.W.2d 102, 103, the applicable ordinance provided similarly:

"If any vehicle is found stopped, standing or parking in any manner violative of the provisions of [applicable ordinances] and the identity of the operator cannot be determined, the owner or person or corporation in whose name said vehicle is registered shall be held *prima facie* responsible for said violation." (Emphasis in original.)

Iowa's supreme court, citing the *Kansas City* case, held that, under the ordinance, a registered owner may be held vicariously liable for his illegally parked vehicle.

In a distinguishable case, an intermediate appellate court did reach a different conclusion. In *City of Portland v. Kirk* (1974), 16 Ore. App. 329, 331 n.1, 518 P.2d 665, 666 n.1, the ordinance provided that "[t]he registered owner of the vehicle is *prima facie* responsible for the violation charged by the parking citation." (Emphasis added.) The court concluded that the ordinance established a permissive inference that the owner of the vehicle was the party who parked the vehicle. We note, however, that the Portland ordinance permitted imprisonment for up to six months for parking offenses. Although the court did not imply that it reached its conclusion in light of the possibility that an owner could be subject not

only to fine but to imprisonment, it is recognized that vicarious liability should not be extended as readily to crimes which may subject a defendant to imprisonment. W. LaFave & A. Scott, Criminal Law sec. 32, at 223 (1972); F. Sayre, *Criminal Responsibility for the Acts of Another*, 43 Harv. L. Rev. 689, 723 (1930).

We are in accord with the results reached by the supreme courts of Ohio, Missouri and Iowa. We believe that the City intended, under both the previous and the present ordinances, to subject the owner of an illegally parked vehicle to the penalty for such parking violation. The incorporation of the words "*prima facie* responsible" merely clarified that the defendant is not conclusively subject to penalty once the City establishes its *prima facie* case of a violation and ownership, but that he can come forward with evidence contraverting either element of the case against him. Accordingly, we hold that the Chicago parking ordinance imposes vicarious liability on the registered owner and that proof that the vehicle was in the possession of another at the time of the violation is irrelevant to the substantive offense.

A question then arises as to whether the imposition of vicarious liability on an owner who rents a vehicle for hire, thereby voluntarily relinquishing the possession and control of the vehicle for the term of the lease agreement, is a constitutional denial of due process. The United States Supreme Court had occasion to consider the extent to which liability could be imposed on a vicarious party without depriving the party of its constitutional right to due process in *Van Oster v. Kansas* (1926), 272 U.S. 465, 71 L. Ed. 354, 47 S. Ct. 133. There a Kansas statute declared that a vehicle used in the illegal transportation of liquor was a common nuisance and subject to forfeiture. An owner voluntarily entrusted his vehicle to another who unlawfully used the vehicle without the owner's knowledge. In affirming the constitutionality of the statutory forfeiture procedure, the court stated:

"It is not unknown or indeed uncommon for the law to visit upon the owner of property the unpleasant consequences of the unauthorized action of one to whom he has entrusted it. *** So here the legislature, to effect a purpose clearly within its power, has adopted a device consonant with recognized principles and therefore within the limits of due process." (*Van Oster v. Kansas* (1926), 272 U.S. 465, 467-68, 71 L. Ed. 354, 358, 47 S. Ct. 133, 134.)

Since that time, the United States Supreme Court has approved vicarious liability for violations which subject the vicarious party to criminal as well as civil liability. (*United*

States v. Dotterweich (1943), 320 U.S. 277, 88 L. Ed. 48, 64 S. Ct. 134; *United States v. Park* (1975), 421 U.S. 658, 44 L. Ed. 2d 489, 95 S. Ct. 1903.) Vicarious criminal liability has been found within the limits of due process to the extent that the person who is unaware of the wrongdoing stands "in responsible relation to a public danger." (*United States v. Dotterweich* (1943), 320 U.S. 277, 281, 88 L. Ed. 48, 51, 64 S. Ct. 134, 136.) The responsible relation of an owner of a vehicle to its operation and use is a natural one. The public has a right to expect that a vehicle owner who voluntarily surrenders control of his vehicle to another is in the best position both to know the identity and competence of the person to whom he entrusts the vehicle and to deter the commission of parking violations. As one court has stated, "The knowledge of the ordinary user of another's car that the owner who permitted its use would have to respond to a summons and submit to a trial *** would in all likelihood be a strong deterrent ***." *Kinney Car Corp. v. City of New York* (1968), 58 Misc. 2d 365, 295 N.Y.S.2d 288, 292, *aff'd* (1971), 28 N.Y.2d 741, 269 N.E.2d 829, 321 N.Y.S.2d 121.

As to owners who rent vehicles for hire, contractual provisions—such as an express acknowledgment of personal liability to pay the lessor on demand for all parking fines and court costs or the requirement of security deposits—would also serve to deter the irresponsible commission of parking violations. Therefore, the imposition of vicarious liability on an owner who voluntarily relinquishes control of his vehicle to another is constitutionally permissible. Accord, *Commonwealth v. Minicost Car Rental, Inc.* (1968), 354 Mass. 746, 242 N.E.2d 411.

We do not have occasion, under the facts of the instant case, to decide whether a vehicle owner can be held vicariously liable for a violation committed by a person, such as a thief, to whom the owner may have no "responsible relation" and no means of deterring such violation.

In an attempt to respond to the appellate court's opinion, the defendants rely on three distinct constitutional arguments based upon (1) the creation of an irrebuttable presumption, (2) the denial of equal protection, and (3) the retroactive creation of a penal offense.

An irrebuttable presumption may be a constitutional denial of due process if it deprives a party of the opportunity to prove the nonexistence of an essential element of the substantive offense. The defendants' position assumes that an essential element of the ordinance is the presumption that the owner was the person who parked the vehicle. As we have previously stated, the

ordinance does not purport to incorporate that presumption into the substantive offense. The two elements of the substantive offense are rebuttable by a showing that a violation was not committed or that the defendant was not the owner at the time of the violation. The constitutional requirement of procedural due process is satisfied because the defendant is not precluded from rebutting either element of the substantive offense.

The defendants' contention that the ordinance denies them equal protection under the law must also fall. As we emphasized at the outset, we do not interpret the ordinance to impose vicarious liability only upon owners who rent their vehicles for hire. Because the ordinance does not create a classification which distinguishes rental owners from ordinary vehicle owners, no equal protection issue is involved.

Similarly, we find no merit to the defendants' argument that by construing the ordinance to impose vicarious liability on vehicle owners we have retroactively created an offense which could not have been reasonably ascertained from a reading of the ordinance. The fundamental principle is that a criminal law must not be given retroactive effect if judicial construction of the law is "unexpected and indefensible by reference to the law which had been expressed prior to the conduct in issue." (*Bouie v. Columbia* (1964), 378 U.S. 347, 354, 12 L. Ed. 2d 894, 900, 84 S. Ct. 1697, 1703.) On its face, the ordinance imposes liability on an owner whenever his vehicle is illegally parked. Our construction of the ordinance is entirely consistent with the result reached in *City of Chicago v. Crane* (1943), 319 Ill. App. 623, as well as with recognized principles of vicarious liability for parking offenses in many other jurisdictions. Supreme courts in three neighboring jurisdictions have specifically interpreted the words "prima facie responsible" to have the meaning which we ascribe to them. Moreover, one of the defendants here was the party held vicariously liable in one case interpreting an ordinance which involved similar language. (*City of Kansas City v. Hertz Corp.* (Mo. 1973), 499 S.W.2d 449.) We, therefore, conclude that the defendants could have reasonably anticipated a construction of the ordinance which imposes vicarious liability on the owner of an illegally parked vehicle irrespective of whether the owner actually parked the vehicle.

The defendants also contend that construing the ordinance to impose vicarious liability on the owner places it in direct conflict with sections 11-1305(a), 16-201, and 16-202 of the Illinois Vehicle Code (Ill. Rev. Stat. 1975, ch. 95½, pars. 11-1305(a), 16-201, 16-202), which, in 1966, were part of the Uniform Act Regulating

Traffic on Highways (Ill. Rev. Stat. 1965, ch. 95½, pars. 188a, 236, 237). Section 11-1305(a) applies specifically to vehicle owners who lease their vehicles to others, and declares that such owners, "after receiving written notice of a violation of this Article or a parking regulation of a local authority involving such vehicle, shall upon request provide such police officers as have authority of the offense, and the court having jurisdiction thereof, with a written statement of the name and address of the lessee at the time of such offense and the identifying number upon the registration plates of such vehicle." (Ill. Rev. Stat. 1975, ch. 95½, par. 11-1305(a).) Sections 16-201 and 16-202 state, in essence, that a person who commits a violation of the Code or an owner or other person who directs or knowingly permits a vehicle to be operated on a highway in a manner contrary to law is guilty of an offense under the Code. (Ill. Rev. Stat. 1975, ch. 95½, pars. 16-201, 16-202.) The defendants argue that the ordinance is inconsistent with section 11-1305(a) in that the statutory provision contemplates that lessor-owners be absolved of liability for parking violations by providing the names and addresses of the lessees who possessed the vehicles at the time of the offenses. They argue that the ordinance is also inconsistent with sections 16-201 and 16-202, in that those statutory provisions, by exclusion, contemplate that vehicle owners cannot be found guilty of vehicle-related offenses merely because they own the vehicle at the time of an offense.

Section 11-1305(a) is wholly consistent with a municipal ordinance which imposes vicarious liability on any owner of a vehicle. The section is absolutely silent regarding allocation of liability. It dictates only that, upon request, a vehicle lessor shall provide the name and address of the lessee. We find no basis for defendants' assertion that the section contemplates that lessor-owners be absolved of liability for traffic violations by providing the name and address of the lessee who possessed the vehicle at the time of the offense. On the contrary, the section does not purport to limit liability to the lessee, but, rather, to facilitate the imposition of liability on either the lessor or the lessee. A municipality which permits liability to be imposed only upon the person who parked the vehicle might request the information in an effort to pursue the lessee. Another municipality, which provides for the imposition of liability directly on the owner as well as on the person who parked the vehicle, might invoke this section in an effort to attach liability on either the lessor or the lessee. The intention of section 11-1305(a) is to leave the decision of the allocation of liability to those law-enforcement officials who have authority over the

prosecution of the specific offenses. The section is not in conflict with the ordinance in question and certainly does not repeal it by implication.

Sections 16-201 and 16-202 define those persons who might be criminally liable for offenses committed under the Illinois Vehicle Code. The sections do not expressly exclude vicarious liability as a basis for holding a person responsible for vehicle-related offenses. The defendants contend, however, that the sections clearly evince a legislative policy which precludes the imposition of vicarious penal liability. Assuming *arguendo* that such a legislative policy exists, we must still confront the narrower question of whether the imposition of vicarious liability for municipal parking violations is inconsistent with a legislative policy which pertains to penal offenses. To answer that, we must examine the statutory scheme embraced by the Illinois Vehicle Code.

Section 11-207 of the Code (Ill. Rev. Stat. 1975, ch. 95½, par. 11-207), like its predecessor (Ill. Rev. Stat. 1965, ch. 95½, par. 122), provides for the uniform enforcement of traffic laws throughout the State and in all municipalities therein. It also provides that no local authority shall enact or enforce any ordinance in conflict with the provisions of the Code unless expressly authorized in the Code, but that local authorities may adopt additional traffic regulations which are not in conflict with the Code. (Ill. Rev. Stat. 1975, ch. 95½, par. 11-207.) Section 11-208 of the Code (formerly section 26 of the Uniform Act Regulating Traffic on Highways (Ill. Rev. Stat. 1965, ch. 95½, par. 123)) authorizes local authorities to enact and enforce ordinances regulating, among other things, the parking of vehicles. It reads, in pertinent part:

"(a) The provisions of this Chapter shall not be deemed to prevent local authorities with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power from:

(1) Regulating the standing or parking of vehicles ***." Ill. Rev. Stat. 1975, ch. 95½, par.

11-208(a).

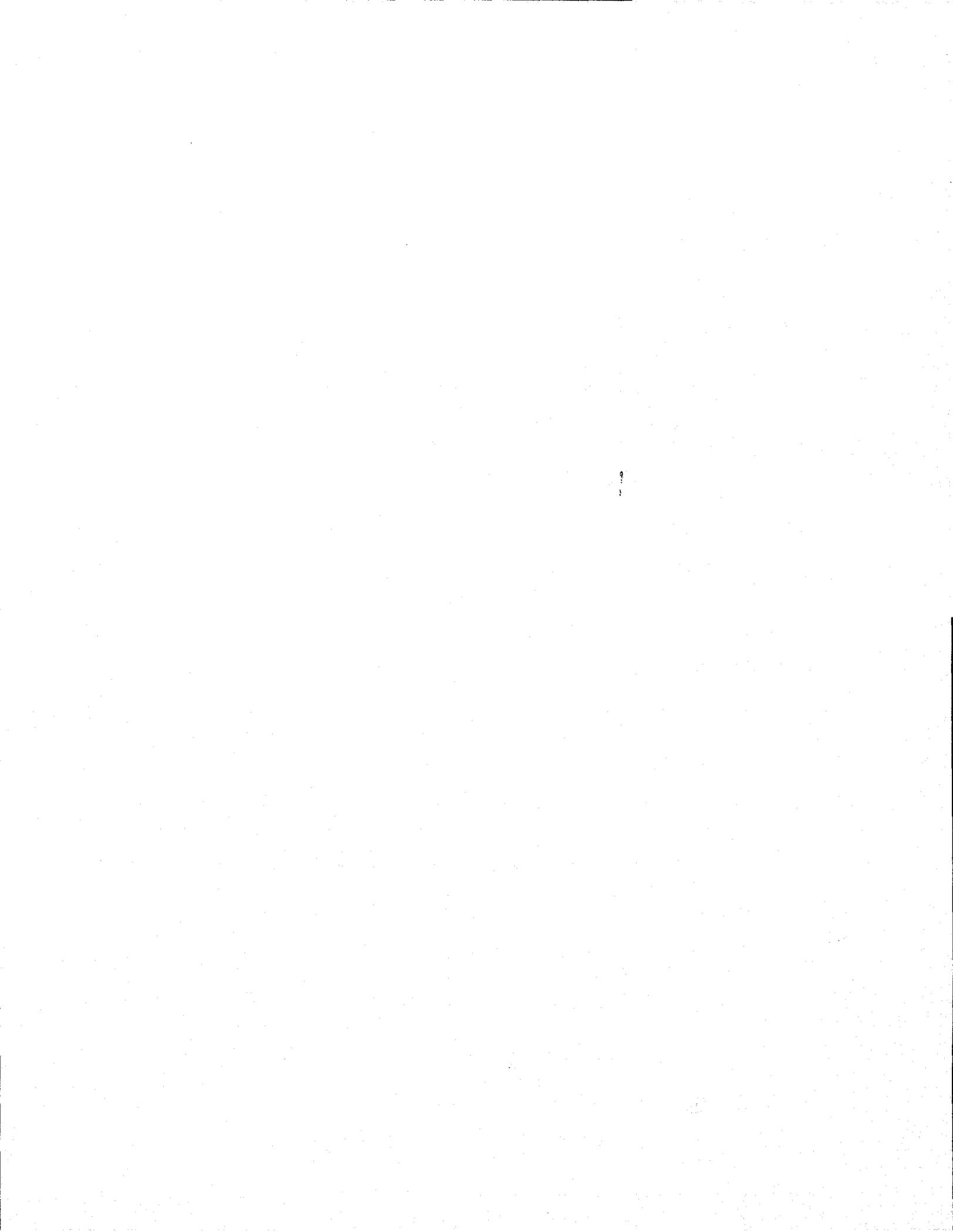
Section 11-207 and its predecessor have been interpreted on numerous occasions by this court and by the appellate courts. The section has been consistently construed to allow local authorities to adopt traffic ordinances to the extent that they are not inconsistent with State law. The section does not attempt to preempt the field to the exclusion of local authorities. (*Ayres v. City of Chicago* (1909), 239 Ill. 237; *City of Rockford v. Floyd* (1968), 104 Ill. App. 2d 161, 169-70.) Section 11-208 underscores the State's policy of allowing local authorities to adopt traffic ordinances by specifying areas in which local

autonomy will be preserved. It is no coincidence that the Illinois Vehicle Code does not purport to extensively regulate parking. The purpose of this statutory scheme is apparent. Although the Code expresses the general preference for uniform traffic regulations throughout the State, it also contemplates limited areas, such as the regulation of parking, for which statewide uniformity is wisely sacrificed in deference to the problems endemic to the individual municipalities.

This statutory scheme of separating municipal traffic violations from statutory traffic violations is reinforced by statutes indicating that the punishment of municipal traffic offenders is limited to fines (Ill. Rev. Stat. 1975, ch. 24, pars. 1-2-1, 1-2-1.1) and by regarding such violations as "quasi-criminal," endowed with many of the aspects of noncriminal cases, e.g., proof by a preponderance of evidence rather than proof beyond a reasonable doubt. (*City of Chicago v. Joyce* (1967), 38 Ill. 2d 368, 372-73; *Village of Maywood v. Houston* (1956), 10 Ill. 2d 117, 119.) In this regard, we have held that, in the absence of clear statutory language expressing an intention that State laws subsume those areas of local regulation, we will not construe local ordinances to be in conflict with State law. (*City of Chicago v. Joyce* (1967), 38 Ill. 2d 368, 373.) Moreover, recognized rules of statutory construction presume the harmonious operation and effect of two laws, so that specific ordinances are presumed to be consistent with and independent of general State laws. (1A Sutherland, Statutes and Statutory Construction secs. 23.10, 23.18, 30.05 (4th ed. 1972).) We do not read sections 16-201 and 16-202 to impliedly establish a policy that an owner cannot be vicariously liable for municipal parking violations. The sections apply only to criminal violations of the Illinois Vehicle Code. As we noted earlier, it is understandable that a legislative policy would preclude the imposition of vicarious penal liability under the Vehicle Code because statutory traffic violations, unlike municipal traffic violations, are criminal in nature and may subject a defendant to severe punishment, including imprisonment. In light of this bifurcated statutory scheme, we feel that it would be improper to apply a legislative policy against vicarious penal liability to the municipal regulation of parking, a province for which the Vehicle Code contemplates local autonomy. Accord, *Kinney Car Corp. v. City of New York* (1968), 58 Misc. 2d 365, 295 N.Y.S.2d 288, 292-93, *aff'd* (1971), 28 N.Y.2d 741, 321 N.Y.S.2d 121, 269 N.E.2d 829.

We agree with the results reached by the appellate court, but do so for the reasons stated above. We, therefore, affirm the judgment of the appellate court and remand to the trial court for proceedings consistent with this opinion.

Affirmed and remanded.



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