

# CHAPTER 4

## PUBLIC PARKING

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9-4-1: **GENERAL PARKING RESTRICTIONS:** Any person who parks a vehicle, except when necessary to allow movement of other vehicular traffic or pursuant to the direction of a peace officer or traffic control device, in any of the following designated places, shall be guilty of an infraction, to-wit:

- (A) On a public sidewalk.
- (B) Within any portion of a public or private driveway or entrance to a public street.

- (C) Within an intersection.
- (D) Within fifteen (15) feet of a fire hydrant.
- (E) Within a crosswalk.
- (F) Within twenty (20) feet of a crosswalk located at any intersection.
- (G) Within thirty (30) feet of the approach to any flashing beacon, stop sign or traffic control signal.
- (H) Between a designated safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless a traffic regulatory sign indicates a different length is allowed.
- (I) Within fifty (50) feet of the nearest rail of a railroad crossing.
- (J) Within twenty (20) feet of the driveway entrance to any fire station or within seventy-five (75) feet of such entrance when parking on the side of the street opposite such entrance, when regulatory signs indicate such prohibition.
- (K) Beside or opposite any street excavation or obstruction in a manner which obstructs traffic.
- (L) Upon any street or portion thereof in a manner which blocks or interferes with the regular flow of vehicular traffic.
- (M) Upon any bridge or elevated structure upon or part of a public highway.
- (N) At any place where traffic regulatory signs prohibit such parking.

**9-4-2: PARKING IN ALLEYS PROHIBITED:** Any person who parks a motor vehicle in any alley within the City for any purpose other than to load or unload such vehicle in a reasonably expeditious fashion shall be guilty of an infraction. Parking for purposes of loading or unloading a vehicle shall be permitted only if a clearance of at least ten (10) feet in width between the adjacent building or other structures is left on each side of the vehicle.

**9-4-3: PARKING IN RESIDENTIAL ZONES:** Any person who parks a motor vehicle having a gross vehicle weight greater than 10,000 pounds in any residentially-zoned district within the City shall be guilty of an infraction unless such parking is necessary to load or unload such vehicle in an expeditious manner.

**9-4-4: REPAIR OF VEHICLES ON PUBLIC STREETS:** Any person who uses any street or alley within the City for the purpose of repairing any vehicle, except for

temporary emergency repairs, shall be guilty of an infraction.

**9-4-5: STORAGE OF VEHICLES ON PUBLIC STREET:**

(A) It shall be unlawful for any automobile dealer to park or place any “Vehicle” as defined under Idaho Code 49-123, upon any public street, ally or right-of-way within the City for the purpose of selling or offering such vehicle for sale or lease. For the purpose of this section, an automobile dealer is defined as any person who regularly engages in the sale or offering for sale of motor vehicles for profit or pecuniary gain of any kind.

(B) It shall be unlawful to park or place any vehicle upon any public street, alley or right-of-way located within the City for a period of more than seven (7) consecutive days at the same location. For the purpose hereof, the term “location” shall mean an area within five hundred feet (500’) in any direction from the exterior surface of such vehicle.

(C) It shall be unlawful to park or place any vehicle upon any road way as defined above, from and including the period commencing on Thanksgiving Day to and until Easter Sunday of the following year, between the hours of 6:00 a.m. and 12:00 noon, Monday through Friday, inclusive, except within areas lawfully designed for loading and unloading of goods and materials or within any other area lawfully designated as exempt from the provisions of this section, or except for the purpose of temporary parking a bus or other public conveyance while loading or unloading of passengers.

(D) Nothing in this Chapter shall be construed to prohibit the parking upon a public street of police vehicles, fire trucks or other emergency vehicles operated by a licensed physician while responding to an emergency call, from parking or allowing the parking of such motor vehicle during the course of responding to such emergency call or to prohibit the parking of public safety vehicles, snow removal vehicles, publicly owned maintenance vehicles or police vehicles.

(E) Any vehicle parked or stored in violation of this Chapter may be removed by or under the direction of any peace officer and may be impounded in accordance with the provisions of this chapter or as otherwise provided by law.

(F) For the purposes of this chapter, the term “street” shall have the same meaning as the term “road-way” as defined under Idaho Code 49-119

**9-4-6: MANNER OF PARKING:** Except as otherwise provided in this chapter, any person who parks any vehicle, or allows the parking of any vehicle, in the following manner shall be guilty of an infraction, to-wit:

- (A) Where the right-hand wheels of such vehicle are at a distance greater than eighteen inches (18") from the right-hand curb upon any two-way street; or
- (B) At a distance of greater than eighteen inches (18") between the left wheels of the vehicle and the left-hand curb where parking is permitted on either side of a one-way street.
- (C) At a distance of greater than eighteen inches (18") between the curb, the point on front bumper of such vehicle closest to the curb, where the area is designated for angle parking.

**9-4-7: UNATTENDED MOTOR VEHICLE:** Any person who owns or has control of any motor vehicle and who leaves the vehicle without first stopping the engine, locking the ignition and removing the key therefrom, or who parks such vehicle upon a grade without turning the front wheels to the curb or side of the street, shall be guilty of an infraction.

**9-4-8: GENERAL PARKING RESTRICTION:** Any person who parks or allows any vehicle to be parked upon any street in violation of any sign restricting parking within such area, shall be guilty of an infraction. All such parking restrictions shall be established only by resolution of the City Council, after receiving the recommendation of the Traffic Safety Committee.

**9-4-9: IMPOUNDING VEHICLES:** Any peace officer may remove, cause to be removed and impound any vehicle parked in violation of the provisions of this chapter.

**9-4-10: IMPOUNDING FEES:** The owner of any motor vehicle or trailer that has been impounded by the Police under any provision of this Code or any law of the State of Idaho shall pay to the City an impound fee in the amount of fifteen dollars (\$15.00) before such vehicle or trailer shall be released.

**9-4-11: PAYMENT OF TOWING AND STORAGE FEES:** The owner of any motor vehicle or trailer that has been duly impounded, removed from the City streets, towed or stored at the direction of the Police Division shall pay a reasonable towing and storage fee before such vehicle or trailer may be released. The towing and storage fee shall be paid to the person or company effecting the removal and towing and providing the storage for such vehicle or trailer. If the motor vehicle or trailer is towed or stored by City personnel, the towing and storage fees shall be paid to the City.

**9-4-12: ESTABLISHMENT OF STORAGE FEES:** The City Council shall annually establish by resolution the towing and storage fees provided for in this chapter.

**9-4-13: PARKING ZONES ESTABLISHED:** The City Council may establish parking and loading zones upon the streets of the City. The establishment of, and all changes in, such zones shall be only as duly ordered by the City Council and entered in the official minutes of its meeting.

**9-4-14: DESIGNATION OF PARKING ZONES:** The Chief of Police shall designate all parking and loading zones established by the Council by causing appropriate parking signs to be installed upon the streets clearly informing the public of the location of the parking and loading zones and the parking time allowed therein. Such zones shall be designated by painting or otherwise marking lines upon the street surface, or upon the adjacent curb, designating the area within such zones are located.

**9-4-15: MANNER OF PARKING:** Any vehicle parked within a parking or loading zone shall be parked entirely within the markings designating one parking space; shall be parked parallel or diagonal to the curb in accordance with the markings of the parking space; and in case of diagonal parking, shall be parked so that the front portion of the vehicle closest to the curb is within eighteen inches (18") of the curb.

**9-4-16: OPERATING TIME DEFINED, EXCEPTIONS:** "Operating time" is that time when parking within parking zones and loading zones is regulated and is the time between eight o'clock (8:00) a.m. and six o'clock (6:00) p.m. of every day. "Operating time" shall not include any Saturday or legal holiday.

**9-4-17: PARKING IN LOADING ZONES:** Notwithstanding the provisions of this chapter, a person may park a vehicle in a loading zone for the purpose of unloading persons, supplies or merchandise. Parking in a loading zone or space during "operating time" for any other purpose is unlawful.

**9-4-18: UNLAWFUL PARKING:** It shall be unlawful for any person to park a vehicle, or, having parked the same, to allow it to remain parked in violation of the regulations of any parking sign located within clear view of a restricted parking area. When the parking sign merely states the duration of time allowed for parking, then the regulation shall be in force only during "operating times." When the sign forbids parking at all times, or at designated times, the regulation is in force at all times, or as stated. Any person who violates this section shall be guilty of any infraction.

**9-4-19: HANDICAPPED PARKING:** Any person who parks or allows a vehicle to be parked in any parking space designated for use by handicapped persons and signed in conformity with the next section of this Code is guilty of an infraction, unless the vehicle is momentarily in the space for the purpose of allowing a handicapped person to enter or leave the vehicle, or unless special license plates or a card or temporary card issued for the handicapped pursuant to Idaho Code Section 49-410 is displayed on the vehicle. For the purposes of this section, the registered owner of a vehicle who has expressly or impliedly consented to the use of his or her

vehicle shall be deemed to have allowed the parking of such vehicle by the person to whom such consent was given. The term "handicapped" shall have the same meaning ascribed in Idaho Code Section 49-109.

**9-4-20: DESIGNATION OF HANDICAPPED PARKING SPACES:** For the purposes of the preceding section, a parking space designated for the handicapped shall be any parking space or area upon which there is posted immediately adjacent thereto, and visible from each stall or space, a sign which is at least thirty-six inches (36") above the ground, displaying the international handicapped symbol as depicted in Idaho Code Section 49-410. Such sign shall be approximately centered along the front portion of the parking space or stall and the handicapped symbol shall have the same proportions as shown in the Idaho Code and shall be at least ten inches (10") high at its greatest height. The surface of the parking stall shall have a four foot (4') square area displaying the handicapped symbol against a solid, light blue background, approximately centered in the parking stall. The handicapped symbol shall be at least two feet (2') in height and of the same proportions as shown in the Idaho Code.

**9-4-21: ENFORCEMENT ON PRIVATE PROPERTY:** No person shall park or allow the parking of a vehicle on any privately owned lot or property without the express or implied consent of the owner thereof.

**9-4-22: NOTICE OF PARKING VIOLATIONS:**

- (A)** Any police officer or other person duly authorized by the Chief of Police or Mayor may issue a Notice of Violation to any person who violates the provisions of this Chapter. The notice of violation shall be issued by placing it on the windshield of an illegally parked vehicle, in a secure manner, or in a prominent place therein. A separate notice shall be issued for each parking regulation violated. If the violation is overtime parking, a separate notice shall be issued for each hour, or fraction thereof, the owner or operator of the vehicle allows it to remain parked in violation of this chapter.
- (B)** The notice of violation shall state the date and time when it is issued and the nature of the parking violation observed and the amount of penalty as provided in section 9-4-23 of this chapter. The notice shall advise the owner or operator of the vehicle that he or she must admit the violation and pay the penalty therefor or deny the violation and appear before Bonneville County Magistrates Court within twenty-one (21) days of the date the notice is issued, in default of which a summons and criminal complaint may be served upon such person.
- (C)** Any person issued a Notice of Violation may enter an admission in the following ways:

1. Depositing the notice of violation with the amount of penalty stated thereon in any collection box designated by the Chief of Police;
2. Mailing the notice of violation with the amount of the penalty stated thereon to the address indicated on the notice; or
3. Presenting the notice together with the amount of the penalty indicated thereon at the office of the City Clerk or City Treasurer.

**9-4-23: PENALTIES:**

**(A) Any person who violates any parking regulation herein is guilty of an infraction and shall be subject to penalties as follows:**

1. If the violator admits the violation and pays the penalty or delivers a written denial thereof to the City Clerk within twenty one (21) days of the date the notice is issued, the penalty, upon conviction or admission, shall be as follows:

**(a) Violation of any parking regulation set forth in this chapter, except section 9-4-19 (Handicap Parking), shall be \$20.00.**

**(b) Violation of section 9-4-19 (Handicap Parking), shall be \$50.00.**

2. If a person violates any parking regulation and he or she fails either to deliver a written denial to the City Clerk or to admit the violation and pay the penalty as provided in the previous subsection within twenty one (21) days of the date the notice is issued, the penalty upon conviction or admission, shall be as follows:

**(a) Violation of any parking regulation set forth in this chapter, except section 9-4-19 (Handicap Parking), shall be \$40.00.**

**(b) Violation of section 9-4-19 (Handicap Parking), shall be \$100.00.**

**(B) In the event any person violates any provision of this chapter within sixty (60) days of any prior violation of this chapter, the penalty therefore shall be double the amounts set forth above.**

**9-4-24: ADDITIONAL REMEDIES PRESERVED: The issuance of a notice of violation shall not be the exclusive remedy for enforcing the parking regulations of this chapter and all other lawful remedies are reserved, including prosecution by filing a criminal complaint for an infraction violation.**