

## 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 or any agricultural or industrial machinery or equipment, or any recreational vehicle, 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: Any person who parks or allows a vehicle to be parked upon any street or alley within the City for a period of forty-eight (48) or more consecutive hours in the same location shall be guilty of an infraction. Any vehicle so parked or stored may be removed by or under the direction of any peace officer and may be impounded in accordance with the provisions of this chapter. Any vehicle so parked or stored may be removed by or under the direction of any peace officer and may be impounded in accordance with the provisions of this chapter.

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 or the Chief of Police.

- (A) The City Council may from time to time, upon a determination and finding of a desirability therefor, adopt a resolution to restrict parking upon certain streets within the City of Shelley without sufficient widths to allow parking without impeding the free flow of traffic and which causes the impeding of traffic and creating of safety hazards and creating dangerous and hazardous conditions to pedestrians or other vehicular traffic or may, after finding as herein stated, adopt a resolution to restrict

parking to one side of streets and in such event, shall erect signs upon such street directing that parking shall be allowed only upon one side.

- (B) The Superintendent of Public Works and/or the Chief of Police of the City of Shelley may from time to time determine that all vehicles should be removed from designated streets for the purpose of cleaning, clearing and repair and for traffic management for limited periods.
- (C) Upon the determination to remove all vehicles from designated streets, notice shall be given to the owners of any vehicles parked thereon, if known, or if not known, to be placed upon such vehicles in a prominent place requiring such vehicles to be removed within a designated period in not less than 24 hours.

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 as set by the City Council by resolution from time to time 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 establish by resolution the impound, towing and storage fees provided for in this chapter and shall amend from time to time as deemed applicable and appropriate.

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: The provisions of Sections 9-4-21 and 9-4-22 shall be enforceable with respect to handicapped parking spaces upon public property and private property open to public use.

9-4-22:                    NOTICE OF PARKING VIOLATIONS:

- (A) A notice of a violation of the parking regulations of this chapter may be issued by any police officer or by any person duly authorized by the Chief of Police. 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. 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 Bingham County Magistrates Court within fourteen (14) 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 parking notice 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 Police Division;
  - (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 Treasurer.

9-4-23:                    PENALTIES:

- (A) Any person who violates any parking regulation herein is guilty of an infraction is punishable by fine no greater than \$40.00.
- (B) In lieu of appearing in court as required by citation for an infraction, any person may post a cash bond in the amount of \$20.00 with the City Clerk, and the bond shall be forfeited immediately upon its posting. The City Clerk or other designated persons shall account quarterly on a fiscal year basis to the clerk of the District Court for all

bonds so forfeited and shall remit the portion of such forfeiture to the clerk of the district Court as required by Idaho Code §19-4705 or subsequent amendments and modifications thereto.

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.

9-4-25:                                    **NO PUBLIC PARKING ON U.S. HIGHWAY 91:** There shall be no public parking of vehicles from the North corner of East Oak Street thence North on Highway 91 for 160 feet on the West side of the roadway. The State of Idaho Department of Transportation shall post this area with appropriate signage.