

PARKING ORDINANCE #549

Title

The purpose of these regulations and standards are to establish that adequate on-street parking is provided and maintained throughout the City. These regulations are intended to: relieve congestion; provide for the safe and orderly movement of traffic throughout the City; promote business and industry through providing adequate parking; and to balance the needs of construction companies staging necessary vehicles, equipment and apparatus at construction sites. Providing a snow alert system, and penalties for failure to comply. Further providing for ordinance becoming effective upon its passage, approval, and publication.

Section 1 SCOPE

This Chapter sets forth policies, standards, requirements, and procedures applicable to standing, stopping and parking within the City.

Section 2 DEFINITIONS

For the purposes of this Chapter, the following terms, phrases, words, and derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. Words used throughout this Chapter, but not defined herein, shall have their plain, ordinary, and common meaning. Words in any gender shall apply to the feminine, masculine and neuter genders.

A. **Accessible Parking Space:** A parking space which is specifically marked and signed as reserved for a person with a disability who has and displays an accessible parking placard

or plates issued by the Idaho Department of Transportation pursuant to Idaho Code Section 49-410.

B. **Alley:** A public way of limited use intended only to provide access to the rear or side of lots or buildings.

C. **Bike Lane:** The portion of a roadway designated for preferential or exclusive use by bicycles which is distinguished by a painted strip and other pavement markings from that portion of the roadway to be used by motor vehicles.

D. **Bike Path:** A physically separated route which is set aside and designated primarily for use by bicycles and pedestrians. As used herein, this term shall include both the paved surface and a minimum of two feet (2') on either side of the pavement's edge.

E. **Bike Path Approach:** The area where a transition is made between a roadway parking lot, sidewalk or other facility and a bike path. This area is generally identified by wooden bollards, pavement markings and a parking prohibition.

F. **Bike/Pedestrian Curb Ramp**

bicyclist, pedestrian or a person with a disability from a street or parking lot to a sidewalk or bicycle facility.

G. **Block Face:** The side of a city block between two other streets or boundaries of standard geographic areas.

H. **City:** The City of Roberts City, Idaho.

I. **City Clerk's Office:** The Office of the City Clerk of the City or its designee.

J. **City Park:** Any and all lands, buildings, reserves, sports complexes, swimming pools, golf courses, trails, and other places that are owned, operated or maintained by the City.

K. **Person with a Disability:** A person who is: a) physically needs to use a wheelchair; b) a person who is physically unable to walk two hundred feet (200') without the assistance of another person or cane, walker, crutches, prosthetic, or other aid device; or c) a person who is physically unable to walk two hundred feet (200') without great difficulty or discomfort due to neurological, orthopedic, respiratory, cardiac or arthritic impairment, or blindness or the loss of function or absence of a limb.

L. **Driver:** See "Operator" definition herein. The terms are interchangeable.

M. **Highway:** The entire width between the boundary lines of every public way for vehicular travel use, with jurisdiction extending to the adjacent property line, including sidewalks, shoulders, berms and rights-of-way not intended for motorized traffic. The term "street" is interchangeable with highway.

N. **Obstruction:** Any obstacle, person, or thing impeding or rendering dangerous public travel upon and along a street, alley or sidewalk.

O. **Operator:** A person who drives, operates or is in actual physical control of a vehicle.

P. **Motor Vehicle:** Every vehicle which is self-propelled.

Q. **Park or Parking:** The stopping or standing of a vehicle, whether occupied or not, other than temporarily for the purpose of and while actually engaged in loading or unloading property or passengers.

R. **Snow Alert** – A notice issued via social media or other means in case of a snow event requiring removal of all vehicles from city streets..

S. **Person:** Any individual, partnership, association, corporation, or organization of any kind, or any governmental entity, including the state of Idaho and every political subdivision thereof.

T. **Roadway:** The portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of sidewalks, shoulders, berms and rights-of-way.

U. **Safety Zone:** The area or space officially set apart within a highway for the exclusive use of pedestrians and which is protected or is so plainly visible at all times while set apart as a safety zone.

V. **Sidewalk:** The portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for use by pedestrians.

AA. **Stopping or Standing:** The complete cessation of movement of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of law enforcement, authorized personnel representing an entity with jurisdiction, or an official traffic control device.

BB. **Street:** See "Highway" definition herein. The terms are interchangeable.

CC. **Traffic-control Device:** Any marker, sign, signal or other manually, electrically or mechanically operated device placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

DD. **Vehicle:** Every vessel in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks.

Section 3 STOPPING, STANDING OR PARKING PROHIBITED IN SPECIFIED PLACES

Except when necessary to avoid conflict with other traffic, or to comply with the law, the directions of a law enforcement officer or an official traffic control device, no person shall:

A. Stop, stand or park a vehicle:

1. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
2. On a sidewalk;
3. Within an intersection;
4. On a crosswalk;
5. On a bike lane or bike path;
6. Within twenty feet (20') of a bike path approach;
7. Between a safety zone and the adjacent curb or within thirty feet (30') of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings;
8. Alongside or opposite any street excavation or obstruction when doing so would obstruct traffic;
9. Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
10. On any railroad track;
11. At any place where a traffic-control device prohibits or limits such stopping, standing or parking;
12. On the same block face after the expiration of the posted time limit on a traffic control device during the remainder of that calendar day;
13. Along any yellow or red painted curb; or
14. Along any blue painted curb without a valid accessible parking placard or plates.

B. Stop, stand or park a vehicle, unless driver occupied, except momentarily to pick up or discharge a passenger:

1. In front of a public or private driveway;
2. Within fifteen feet (15') of a fire hydrant;
3. Within twenty feet (20') of a crosswalk or a bike/pedestrian curb ramp, except at an intersection where a traffic control signal is in operation, or in a parking meter zone;
4. Within thirty feet (30') upon the approach to any flashing signal, stop sign, yield sign or traffic control signal located at the side of a roadway;
5. Within twenty feet (20') 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 (75') of said entrance when properly sign-posted; or
6. At any place where traffic-control devices prohibit such stopping, standing or parking.

C. Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers:

1. Within fifty feet (50') of the nearest rail of a railroad crossing; or
2. At any place where traffic-control devices prohibit such parking.

Section 4 STANDING OR PARKING CLOSE TO CURB

A. Except as otherwise provided in this Chapter, every vehicle stopped or parked upon a two-way street shall be stopped or parked with the right-hand wheels of the vehicle parallel to and within eighteen inches (18") of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder.

Section 5 ANGLE PARKING

On those streets which have been signed or marked for angle parking, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by such markings.

Section 6 PARKING NOT TO OBSTRUCT FLOW OF TRAFFIC

No person shall stop, park or leave standing any vehicle, whether attended or unattended, upon a highway in such a manner or under such conditions as to leave less than twelve feet (12') of the roadway unobstructed.

Section 7 PARKING IN ALLEYS

No person shall park a vehicle within an alley, except while actively engaged in the loading or unloading of passengers, supplies or merchandise.

Section 8 EXTENDED PARKING PROHIBITED

No person shall park a vehicle upon any street, alley or public property for a period of seventy-two (72) hours or longer unless specifically allowed by permit.

Section 9 PARKING TRAILERS, CONTAINERS, DROP BOXES AND OTHER NON-VEHICULAR ITEMS UPON ON-STREET PARKING SPACES

Unless specifically allowed by permit issued by the City of Roberts, no person shall stop, stand, park or deposit a trailer, shipping container, storage container, drop box or any other non-vehicular item in an on-street parking space:

- A. For a period longer than seventy-two consecutive(72) hours;
- B In a manner that impedes or renders dangerous the movement of vehicular or pedestrian traffic; or
- C. Between sunset and sunrise without reflective devices attached on the edge or side of the non-vehicular item nearest the center of the street. The reflective device must be visible for a distance of two hundred feet (200') from either direction from the trailer, container, drop box or other non-vehicular item.

Section 10 PARKING OF OVERWEIGHT COMMERCIAL VEHICLES IN RESIDENTIAL DISTRICTS PROHIBITED

No person shall park any commercial vehicle having a gross weight capacity in excess of eight thousand (8,000) pounds, whether attended or unattended, upon the streets of any residential district within the City for a period in excess of two (2) hours, except:

- A. For the purpose of loading or unloading passengers, materials or merchandise;
- B. For any purpose incident to any lawful construction project located within the immediate vicinity of the parked commercial vehicle; or

C. For any purpose incident to a lawful commercial operation located in any residential district within the immediate vicinity of the parked commercial vehicle.

Section 11 PARKING WITHIN CITY PARKS

A. No person shall stop, stand, or park a vehicle within a city park:

1. In any location other than the established or designated parking area;
2. In any place or manner not in compliance with authorized signs;
3. Beyond the city park's hours of operation, except by permit in designated areas;
4. Upon the grass or turf, except wheelchairs or by permit in designated areas;
5. In any place or manner that blocks or re-routes or redirects the regular flow of vehicular, pedestrian, or bicycle traffic;
6. Outside the designated stall lines or markings for a single parking space, or in a manner that utilizes more than a single parking space;
7. In any area that is posted closed to the public;
8. Beyond the posted parking time limits, except by permit in designated areas.

B. All vehicles which stop, stand, or park within a city park with posted parking time limits must be removed from the boundaries of such city park at the expiration of the posted time limit for parking, for the remainder of that calendar day.

Section 12 REQUIREMENTS FOR LEAVING VEHICLE UNATTENDED

No person having control or charge of a vehicle shall allow such vehicle to stop, stand, or park on any street unattended without stopping the motor of the vehicle and setting the parking brakes thereon.

Section 13 ACCESSIBLE PARKING

1. **Unauthorized use of an accessible parking space.** No vehicle shall stop, stand or park in a designated accessible parking space unless either the driver or a passenger has been issued a disabled parking permit placard, temporary card or special license plates which are clearly displayed on the vehicle, except in the limited circumstance to momentarily stop to pick up or discharge a person with a disability from such vehicle.

2. **Blocking access to an accessible parking space.** It is unlawful for any person to park a vehicle either in a manner which prevents or reasonably could restrict a person with a disability from entering or exiting his vehicle; or in a manner as it would block access to a curb cut or ramp.

3. **Unauthorized use of an accessible parking placard or plates.** It is unlawful for either a holder of an accessible parking placard or plates to allow another person to misuse such accessible parking privileges or for any person to use an accessible parking placard or plates without official authorization.

G. **Enforcement.** Law enforcement officials and their designees as authorized by the City shall enforce the accessible parking provisions and are empowered, using reasonable discretion, to check personal identification to determine if the user of an accessible parking placard or plates is authorized.

Section 14-A SNOW ALERT PROVISIONS- From October 1 through March 31, when 1 or more inches of snow falls, all vehicles must be removed from city streets and right of ways, or when a significant weather event requires snow or water removal from city streets, The Mayor may authorize snow event regulations: requiring all vehicles be removed from city streets for snow or water removal to proceed. Notice will be made on The City of Roberts facebook page and by posting at City Hall. Vehicles left on city streets shall be in violation, and subject to citation and or impoundment.

Section 15 NOTICE OF PARKING VIOLATIONS AND PROCEDURES

A. Upon observing any vehicle stopped, standing or parked in violation to the provision of this Chapter, the Parking Services Office or the city's designated enforcement officer is authorized to serve a notice of parking violation, (which is also referred to in this Chapter as a "parking citation"), by any one (1) or more of the following means:

1. By securing a notice of parking violation to the vehicle;
2. By personally serving the operator or owner of the vehicle with a notice of parking violation;
3. By personally serving a passenger of the vehicle with a notice of parking violation in the presence of the owner or operator of the vehicle; or
4. By mailing, via United States Postal Service First Class Mail, a notice of parking violation to the vehicle's owner at the address maintained in motor vehicle registration records.

B. Every notice of parking violation shall include the following, if applicable to the observed violation:

1. The date and time at which the violation was observed;
2. The location where the violation occurred.
3. The license plate number and make of the vehicle observed to be in violation;
4. The code section violated and a brief description of the violation;
5. The fine amount;
6. Instructions explaining how the registered owner or operator of the vehicle in violation may pay the fine associated with the violation; and
7. A statement describing the process by which the operator or registered owner of the vehicle in violation may contest the violation indicated on the notice of parking violation.

C. A separate notice of parking violation may be served for each violation, including cumulative violations for each time period exceeded.

D. One copy or an automated record of each notice of parking violation shall be filed with the Roberts city Clerk.

E. Each person served with a notice of parking violation shall, within ten (10) business days from the date on the notice of parking violation, or if notice is served by mail, within ten(10) business days from the date of posting to the address of the vehicle's registered owner:

1. Pay the corresponding parking fine amount on the City Clerk Fee Schedule;
2. Appear Office of the City Clerk to contest the violation indicated on the notice of parking violation in order to avoid an administrative fee being assessed

to the parking violation in addition to the original fine amount.

F. Failure of an operator or owner to either pay the parking fine or appear to contest the notice of parking violation within ten (10) business days from the date on the notice of parking violation, or if notice is served by mail, within ten (10) business days from the date of posting notice to the address of the vehicle's registered owner, shall result in an additional fifteen dollar (\$15.00) administrative fee being assessed for each violation to defray the administrative and personnel costs and mailing expenses arising from such overdue fines.

Section 16 PENALTIES

A. Any registered owner or operator who violates any provision of this Chapter shall be deemed guilty of an infraction, and upon conviction shall be punishable by civil infraction penalty as established by the Roberts City Council and listed on the most current City Clerk Fee Schedule. As of the date of passage of this ordinance,

1st Violation fine shall be \$45

Subsequent violations shall be

2nd Violation \$100

3rd Violation \$200

4th Violation and beyond \$300 per occurrence

Section 17 PROCEDURES TO CONTEST PARKING VIOLATIONS; PARKING CITATION DELINQUENCY AND COLLECTION

A. In order to contest a parking city in the District Magistrate Court, a registered owner or operator must within thirty (30) days:

1. Provide notice to the Office of the City Clerk written notice of his intent to contest a parking citation; and

2. Accept service of complaint and summons in person at the Office of the City Clerk. Failure to strictly comply with these requirements prohibits the registered owner or operator from contesting his parking citation in court.

B. Each calendar day on which a violation to any provision of this Chapter occurs or continues shall constitute a separate offense, unless otherwise specified herein.

C. Delinquent Parking Citations. A parking citation shall be deemed delinquent if:

1. The registered owner or operator fails to either pay or contest a parking citation within thirty (30) days from the date of its original date of issuance;

2. The registered owner fails to either pay or contest a parking citation within thirty (30) days from the date of posting notice of the citation by U.S. First Class Mail to the address of the vehicle's registered owner; or

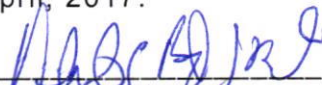
3. The registered owner or operator fails to accept service of the summons within thirty (30) days of his written notice to contest the parking citation.

If a parking citation becomes delinquent, all applicable late fees shall be assessed in addition to the original citation fine amount. The City may utilize all available collection methods to recoup fines and late fees owed on all delinquent parking citations. Nothing herein alters the assessment of fees associated with failure to pay the parking citation within the time frames dictated within this Chapter.

Section 18 SEVERABILITY If any clause, sentence, paragraph, section, or any part of this Chapter is declared or adjudged to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect, invalidate, or nullify the remainder of this Ordinance.


PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF ROBERTS on this date April 11, 2017

Passed by the city Council of the City of Roberts Idaho, this 11th day of April, 2017.



Robert (BJ) Berlin
Mayor City of Roberts

Attest:



Gale Scrivner
City Clerk