

Ordinance No. 2009-7

AN ORDINANCE ENACTING AMENDMENTS TO REPEALING SECTION 10.05.080 OF THE ST. ANTHONY CITY CODE, ENACTING AMENDMENTS TO TITLE 10 OF THE CITY CODE REGARDING PARKING AND STREETS, REPEALING ALL CONFLICTING ORDINANCES; AND ESTABLISHING THE EFFECTIVE DATE HEREOF.

WHEREAS, the St. Anthony Municipal Code as now enacted fails to address several areas of public safety and traffic regulation which are of concern to the City; and

WHEREAS, the amendments proposed addresses these concerns; and

WHEREAS, the City Council finds that it is in the public interest that Title 10 of the St. Anthony Municipal Code be amended as set forth herein;

NOW THEREFORE:

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ST. ANTHONY, IDAHO THAT TITLE 10 OF THE ST. ANTHONY CITY CODE BE AMENDED, AS FOLLOWS:

Chapter 10.05

STREET CLEANING

Street cleaning restrictions will be determined by resolution from the City Council as needed.

Chapter 10.12

OPERATION OF VEHICLES

Sections:

10.12.010 Truck routes – Penalty.

10.12.020 Unlawful to make a U-turn where posted.

10.12.010 Truck routes – Penalty – Exceptions.

A. It is unlawful and a misdemeanor for any person to operate a truck or any commercial vehicle with or without a load, including heavy construction equipment or farm vehicles, within the city limits upon those streets or parts of streets restricted by the city council by resolution and posted by signs.

B. Exceptions: Local pickup or deliveries, public utility vehicles, or highway work vehicles utilizing the shortest route from a non-restricted street to and from the location where reasonably possible. (See Chapter 10.20, Sections 10.20.040 through .060.)

10.12.020 Unlawful to make a U-turn where posted.

It shall be unlawful for the driver of any vehicle to make a reverse or U-turn or a one-hundred-eighty-degree turn or to operate the vehicle in such a manner as to proceed in the opposite direction from which he was travelling on any street including intersections, which is posted "No U-turn".

Chapter 10.20

STOPPING, STANDING AND PARKING*

Sections:

- 10.20.010 Definitions.
- 10.20.020 Stopping, standing or parking prohibited in specified places.
- 10.20.030 Parking in alleys prohibited.
- 10.20.040 Large vehicle parking restrictions.
- 10.20.050 Trailers or semitrailers—Parking requirements.
- 10.20.060 Public utility and highway work vehicles.
- 10.20.070 Repair of vehicles on public streets.
- 10.20.080 Storage of vehicles or property on public streets.
- 10.20.090 Manner of parking.
- 10.20.100 [not used]
- 10.20.110 Parking for persons with disabilities.
- 10.20.120 Parking restrictions in city-owned lots.
- 10.20.130 Parking of unregistered vehicles—Display of plates/registration tabs.
- 10.20.140 Senior citizen parking spaces.
- 10.20.150 Temporary special use permits for occupied recreation vehicles.
- 10.20.160 [not used]
- 10.20.170 [not used]
- 10.20.180 General parking restriction.
- 10.20.190 Establishing additional parking restrictions.
- 10.20.200 Notice of parking violations.
- 10.20.210 Penalties.
- 10.20.220 Additional remedies preserved.
- 10.20.230 Impounding vehicles.

10.20.010 Definitions:

A. For purposes of this chapter, the following terms shall have the meanings set forth below:

1. "Vehicle" means "vehicle" as provided in Section 49-123, Idaho Code as that section may be amended from time to time, and shall include trucks, recreation vehicles, boats and trailers.
2. "Commercial vehicle" means "commercial vehicle" as provided in Section 49-123, Idaho Code.
3. "Farm vehicle" means "farm vehicle" as provided in Section 49-123, Idaho Code.
4. "Truck" means "truck" as provided in Section 49-123, Idaho Code.

10.20.020 Stopping, standing or parking prohibited in specified places.

For statutory provisions governing stopping, standing and parking, see I.C. 49-659 through 49-662

A. Except when necessary to avoid conflict with other traffic, in compliance with the law, the directions of a peace officer or traffic control device or unless in conformance with St. Anthony Municipal Code, permitting commercial use of a sidewalk, no person shall:

1. Stop, stand or park a vehicle:
 - a. On the traffic side of any vehicle stopped or parked at the edge or curb of a highway;
 - b. On a sidewalk;
 - c. Within an intersection;
 - d. On a crosswalk;
 - e. Alongside or opposite any highway excavation or obstruction when stopping, standing, or parking would obstruct traffic;
 - f. Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
 - g. On any railroad tracks;
 - h. On any controlled access highway;
 - i. At any place where traffic control devices prohibit stopping;
 - j. Upon any street or portion thereof in any manner which blocks or interferes with the regular flow of vehicular traffic.
2. Stand or park a vehicle, whether occupied or not, except to momentarily pick up or discharge passengers:
 - a. In front of a public or private driveway;

- b. Within 15 feet of a fire hydrant;
- c. Within 20 feet of a crosswalk at an intersection;
- d. Within 30 feet upon approach to any flashing signal, stop sign, yield sign or traffic control signal located at the side of a highway; provided that the city authorities may by ordinance or resolution permit the standing or parking of vehicles which are 6 feet or less in height within 30 foot distance, or as may be specified by ordinance or resolution or as may be designated with appropriate signs;
- e. Within 20 feet of the driveway entrance to any fire station and on the side of a highway opposite the entrance to any fire station within 75 feet of the entrance (when properly sign-posted);
- f. At any place where traffic-control devices prohibit standing.

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

- a. Within 50 feet of the nearest rail of a railway crossing;
- b. At any place where traffic control devices prohibit parking.

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

10.20.030. Parking in alleys prohibited.

A person shall not park a motor vehicle in any alley within the city for any purpose other than to load or unload such vehicle within forty-five minutes or less. (Exception see 10.20.050.)

10.20.040. Large vehicle parking restrictions. (See Chapter 10.12, Section 10.12.010.)

A. Vehicle Parking in Residential Areas. No person shall park any farm vehicle, a truck having a gross vehicle weight greater than 8,000 pounds, or a truck having six or more wheels (excepting pickup trucks) on any residentially-zoned street within the City. It is not a violation of this section to park such vehicles in residential districts when such vehicles are involved in:

- 1. Necessary loading and unloading;
- 2. The actual performance of a commercial service or activity on the adjacent lot or parcel of land;
- 3. Making pick-ups or delivery of goods, wares, or merchandise from or to any building or structure located on the restricted streets or highways or for the purpose of delivering materials to be used in the actual or bona fide repair, alteration, remodeling

or construction of any building or structure upon the restricted streets or highways for which a building permit has previously been obtained;

4. The construction or maintenance of a highway or alley; or

5. Such a vehicle is an unoccupied recreational vehicle (RV) as defined by Idaho Code, Section 49-119 parked 50 feet or more from an intersection and for not more than 48 hours. (See Section 10.20.150, this chapter for limitations on occupied RV parking and Section 10.40, Winter Parking Regulations.)

B. Parking of trucks and/or trailers in residential areas may be allowed off the street right of way on improved (gravel, brick or concrete) driveways in privately owned lots.

C. A person shall not allow the diesel engine of a parked or stationary tractor-truck and/or trailer to run for 15 minutes or longer in a residential district. A person shall not allow the diesel engine of a parked or stationary commercial vehicle or refrigeration motor to run between 10 p.m. and 6 a.m. of the day following in a residential district.

D. Commercial Vehicle Parking Restrictions Between 10 p.m. and 6 a.m. (non-residential streets). Whenever the city council finds, by resolution, that the parking of commercial vehicles on certain public streets and alleys is creating a public nuisance or safety hazard, the superintendant of public works shall erect and maintain adequate signs along such public streets and alleys specifying that a person shall not park any commercial vehicle weighing more than 8,000 pounds unladen between the hours of 10 p.m. and 6 a.m. of the following day.

10.20.050. Trailers or semitrailers—Parking requirements.

A. A person shall not park any trailer or semitrailer upon any highway, street, alley, public way or public place as otherwise authorized unless the trailer or semitrailer is at all times while so parked attached to a vehicle capable of moving the trailer or semitrailer in a normal manner upon the highway, street, alley, public way or public place.

B. This section shall not apply to trailers or semitrailers in the process of being loaded or unloaded, nor being used in the actual or bona fide repair, alteration, remodeling or construction of any building or structure upon the restricted streets or highways as reasonably necessary for such endeavors, nor shall it apply to any trailer or semitrailer which is disabled in such a manner and to such an extent that it is impossible to avoid stopping and temporarily leaving the disabled trailer or semitrailer on that portion of the highway, street, alley, public way or public place ordinarily used for vehicular parking.

10.20.060. Public utility and highway work vehicles.

The restrictions of this chapter prohibiting the stopping, standing or parking of vehicles shall not apply to the operator and owner of any service vehicle owned or operated by or for, or operated under contract with a utility or public utility whether privately,

municipally or publicly owned, used in construction, operation, removal or repair of utility property or facilities when such vehicle is stopped, standing or parked at the site of work involving the construction, operation, removal or repair of such utility or public utility property or facilities upon, in, over, under or adjacent to a street or highway, or of a vehicle, whether private, municipally or public owned, engaged in authorized work on the highway; provided, that warning devices are displayed as hereinafter specified:

A. During daylight such warning devices shall consist of:

1. A warning flag or barricade striping on the front or rear of such vehicle; or
2. A warning flag, sign or barrier on the highway not more than 50 feet in advance of the vehicle and not more than 50 feet to the rear thereof; provided, however, that in the zones where the maximum speed limit is in excess of 30 miles per hour said 50-foot distance may be increased up to 500 feet from the vehicle as circumstances may warrant.

B. During the time from a half hour after sunset to a half hour before sunrise, or at any time when there is not sufficient light to render clearly discernible any person or vehicle on the highway at a distance of 500 feet, such warning device shall consist of:

1. One or more lights or fuses on the vehicle giving warning to approaching traffic from each direction; or
2. A warning light, flare, fusee or reflector on the highway not more than 50 feet in advance of the vehicle and not more than 50 feet to the rear thereof; provided, however, that in zones where the maximum speed limit is in excess of 30 miles per hour, said 50-foot distance may be increased up to 500 feet from the vehicle where circumstances may warrant.

C. The provisions of sections A and B above shall not be deemed to prevent the display of the warning devices specified in subdivisions 1 or 2 of each said subsections respectively.

D. During either daylight or the time referred to in subsection B of this section, no other warning devices shall be necessary if the vehicle is an authorized emergency vehicle within the provisions of the Idaho Code and is equipped with a flashing red or blue light or lights visible to approaching traffic from each direction.

10.20.070. Repair of vehicles on public streets. A person shall not use any street or alley within the city for the purpose of repairing any vehicle except for temporary emergency repairs.

10.20.080. Storage of vehicles or property on public streets.

A. A person shall not park or allow an inoperable vehicle or non-operated vehicle to be parked upon any street within the city for a period of 48 or more consecutive hours in

the same block face. Inoperable vehicles which are moved from a parking spot and then re-parked in the same street block face within 48 hours from the time of said removal shall be deemed to have been continuously parked for the purposes of this section. "Block face" means the side of the street where the vehicle was parked between two intersecting streets or between an intersection and a dead end street. An inoperable or non-operated vehicle may be issued a 72 hour tow warning.

B. A person shall not store any personal property upon city streets.

10.20.090. Manner of parking.

A. Except as provided in this chapter, every vehicle stopped or parked upon a two-way highway shall be stopped or parked with the right-hand wheels within 18 inches of the right-hand curb or as close as practical to the right edge of the right-hand shoulder, unless otherwise permitted.

B. One-way streets. Except as provided in this chapter, every vehicle stopped or parked upon a one-way highway shall be stopped or parked parallel to the curb or edge of the highway, in the direction of the authorized traffic movement, with its right-hand wheels within 18 inches of the right-hand curb or as close as practical to the right edge of the right-hand shoulder, or with its left-hand wheels within 18 inches of the left-hand curb or as close as practical to the left edge of the left-hand shoulder, unless otherwise permitted.

C. Angle parking. Whenever the City Council finds and establishes by resolution that the width of a highway and traffic conditions are such that the parking of vehicles at an angle to the curb will not impede traffic, and there is a need for additional parking spaces which parking at an angle will provide, Public Works may erect "Angle Parking Permitted" signs and shall place parallel yellow lines on the surface of the roadway, where practical, indicating at what angle vehicles may be permitted to park. Where such signs and/or markings are in place, an operator shall not stop, stand, or park any vehicle except between, at the angle indicated by the lines with the nearest portion of the vehicle not more than 18 inches from the curb or edge of the roadway, unless otherwise permitted.

D. A person shall not park a vehicle so as to restrict the normal traveled width of the roadway.

10.20.100. [not used]

10.20.110. Parking for persons with disabilities.

A. Parking a vehicle or the standing of a vehicle in a space reserved for a person with a disability, which space is posted immediately adjacent to or visible from each stall or space, a sign consisting of the international symbol as shown in section 49-410, Idaho Code, is prohibited, unless the vehicle is momentarily in the space for the purpose of allowing a person with a disability to enter or leave the vehicle, or unless special license plates or placard or temporary placard for a person with a disability is displayed on the

vehicle in plain sight. It is prohibited for any person to park a motor vehicle in a properly marked access aisle in a manner which prevents or reasonably could restrict a person with a disability from entering or exiting their vehicle or in such a manner as it would block access to a curb cut or ramp. The term "person with a disability" shall have the same meaning ascribed in 49-117(7)(b), Idaho Code.

B. Law enforcement officials and/or their designees as authorized by the city are empowered to enter upon private property open to the public to enforce the provisions of this section.

10.20.120. Parking restrictions in city-owned lots.

Parking is prohibited in city-owned parking lots between 2 a.m. and 6 a.m. except by permit and in accordance with signs. Permits may be obtained from the city clerk. Permits may be issued for business vehicles associated with the city redevelopment building at 104 N. Bridge Street, for apartment dwellers in the vicinity of the city-owned parking lots, and for authorized special events, or as otherwise permitted.

10.20.130. Parking of unregistered vehicles—Display of plates/registration tabs.

A. No person shall park or leave standing upon a highway, or in an off-street public parking facility, any motor vehicle, trailer, semitrailer, pole or pipe dolly, or logging dolly, unless it is registered, the appropriate fees have been paid under Idaho Code, and the issued license plates and registration tabs or temporary indicia are properly displayed.

B. For purposes of this section, "off-street public parking facility" means either of the following:

1. Any publicly owned parking facility.
2. Any privately owned parking facility for which no fee for the privilege to park is charged and which is held open for the common public use of retail customers.

C. This section does not apply to any motor vehicle stored in a privately owned off-street parking facility by, or with the express permission of, the owner of the privately owned off-street parking facility.

D. Any vehicle found in violation of this section wherein fees have not been paid for over six months may be held in impound until appropriate fees have been paid to the DMV.

10.20.140. Senior citizen parking spaces.

A. A signed senior citizen van parking space is established in the east side parking lot at 420 N. Bridge Street, being that space at the curb north of the south entrance to the east side of the city building. Only the designated Fremont County senior citizen van may use this parking space.

B. Any vehicle parked contrary to this section shall be treated as parked in a no parking zone, and may be cited or towed as set forth in this chapter.

10.20.150. Temporary special use permits for occupied recreational vehicles.

A. Notwithstanding any other city ordinance to the contrary, the City Clerk may grant a temporary special use permit for the temporary parking of occupied recreational vehicles (RV) on city streets under the following conditions:

1. Such permits may only be issued to and at the request of the owner or resident of the property in front of which such RV is to be parked;
2. Such permits may be granted for no longer than 5 consecutive days, and for no more than 25 days in any 12-month period;
3. Such permits must be posted on the permitted RV so as to be visible from the street;
4. Such permits may only be granted when in the sole discretion of the police department, there are no vehicle, pedestrian or other safety issues raised by allowing such permit;
5. Such permits may only be granted for RV which will be occupied during the permitted parking period;
6. "Recreational vehicle" (RV) for purposes of this paragraph is defined as any motorized vehicle or trailer fitted so as to provide living quarters within the vehicle or trailer.

B. A fee as determined by city council resolution shall be paid for in advance to the office of the City Clerk, prior to the issuance of any such permit.

C. No person shall park an occupied recreational vehicle on a city street without first obtaining such a special use permit, as provided in this section.

D. This section shall be in full force and effect from and after its passage and publication, all as provided by law.

10.20.160. [not used]

10.20.170. [not used]

10.20.180. General parking restriction.

Any person who parks or allows a vehicle to be parked upon any street or public property in violation of any sign restricting parking within such area, shall be guilty of an infraction.

10.20.190. Establishing additional parking restrictions.

The city council may establish, by resolution, restrictions on vehicle parking upon any street or public property, which street or property shall thereafter be appropriately signed and marked by the director of public works. A person shall not park or allow any vehicle to be parked in violation of any sign restricting parking within such area.

10.20.200. 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 thereon. A separate notice shall be issued parking regulation violated. If the violation is overtime parking, a separate notice may 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 therefore or deny the violation by reporting to the office of the city clerk within 14 days of the date the notice is issued, in default of which a summons and criminal complaint or infraction may be served upon such person, or filed with the magistrate court. Should the owner or operator deny the violation, the chief of police or his designee will determine the merits of the citation; citations which are upheld by the chief or his designee as valid may then be paid by the owner or operator or referred by the city parking administrator for adjudication to the magistrate court.

C. Any person issued a parking notice may enter an admission by mailing the notice of violation with the amount of the penalty stated thereon to the address indicated on the notice; or, presenting the notice with together with the amount of the penalty indicated thereon at the office of the city clerk.

D. If the vehicle is found stopped, standing or parked in any manner violating the provisions of this chapter and the identity of the operator cannot be determined, the owner or person or entity in whose name said vehicle is registered or the named lessee in a rental or lease agreement of said vehicle shall be held prima facie responsible for said violation.

10.20.210. Penalties.

A. Any person who violates any parking regulation in this chapter, except for section 10.20.110 of this chapter, is guilty of an infraction and shall be subject to penalties, as established for nonmoving traffic violations in the Idaho Infraction Rules.

B. The registered owner of a vehicle parked in violation of the provisions of subsection 10.20.110 (Parking for persons with disabilities) of this chapter, is guilty of an infraction and shall be subject to penalties as established for disability parking violations in the Idaho Infraction Rules.

C. If a person cited with an infraction for any parking violation either fails to appear before the Magistrates Court or to pay the penalty as provided in the previous subsections within 14 days of the date of the citation issued, a notice may be sent via U.S. mail to the registered owner of the vehicle advising the owner that if the fine is not paid within 14 days of the date of the notice, the violation may be turned over to the Magistrate's Court for disposition of the citation and to the State of Idaho Department of Motor Vehicles, which may result in a suspension of the owner's driver's license pursuant to State law. Nothing herein shall preclude enforcement by issuing a warrant for contempt for failure to appear and/or pay fine.

10.20.220. 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.

10.20.230. Impounding vehicles.

A. Any authorized officer may remove, cause to be removed and impound any vehicle parked in violation of the provisions of this chapter.

B. The owner of any vehicle that has been impounded by the police under the provisions 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 before such vehicle may be released.

C. The owner of any vehicle 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 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.

Chapter 10.40

WINTER PARKING REGULATIONS

Sections:

- 10.40.010 Purpose.
- 10.40.020 Definition.
- 10.40.030 Parking restrictions.
- 10.40.040 Other parking restrictions.
- 10.40.050 Removal of vehicles.
- 10.40.060 Payment of towing and storage fees.
- 10.40.070 Penalty.
- 10.40.080 Notice of parking violation in lieu of towing.

10.40.010. Purpose. To remove snow and ice from the public streets safely, economically and efficiently.

10.40.020. Definition. "Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway.

10.40.030. Parking restrictions.

A. No person shall stop, stand or park a vehicle so as to impede snow removal on city streets from November 1 through March 1 between 10 p.m. and 6 a.m.

B. No person shall stop, stand or park a vehicle in City-owned parking lots after signs are posted for 24 hours notifying that vehicles are prohibited in these lots during the times or dates indicated, for snow removal.

10.40.040 Other parking restrictions. In the event any other ordinance, statute or regulation provides for parking restrictions which are more restrictive than those set forth in this chapter, then such other parking restrictions shall be controlling and may be enforced in accordance with the terms of such other ordinance, statute or regulation.

10.40.050 Removal of vehicles. Any vehicle parked upon any public street in violation of this chapter may be removed at the direction of any city police officer, designee or public works personnel, and may be towed to, and stored in any public or private storage lot.

10.40.060 Payment of towing or storage fees. The owner or operator of any vehicle towed or stored pursuant to the preceding section shall be responsible for all reasonable towing and storage charges of the private towing company. Such charges shall be paid to the private towing company before the vehicle is released. If the vehicle is stored on city property a storage fee as determined by city council resolution shall be paid to the city before the vehicle is released.

10.40.070 Penalty. Any person who violates this chapter is guilty of an infraction and shall be subject to penalties as established for non-moving traffic violations in the Idaho Infraction Rules .

10.40.080. Notice of parking violation in lieu of towing.

Any vehicle found parked in violation of the provisions of this chapter may be issued a notice of parking violation by authorized officers, in lieu of towing, should the city police office or public works personnel deem it appropriate after the vehicle has been plowed around. The violation notice shall be issued in conformance with the procedures and of Chapter 10.20, sections 10.20.200—10.20.220.

REPEAL OF CONFLICTING ORDINANCES AND EFFECTIVE DATE

Any person, firm or corporation violating any provision of this Ordinance shall, upon conviction thereof, be guilty of a misdemeanor, and be punishable by a fine not to exceed Three Hundred Dollars (\$300.00) or by imprisonment for not more than six (6) months or by

both such fine and imprisonment. In addition, the City shall have the right to remove the obstruction at their discretion, and the cost of so doing shall be added to the monthly utility billing sent out by the City to the appropriate property owner or account holder.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

This ordinance shall be in full force and effect from and after its passage, approval and due publication as provided by law.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR this 14th-day of October, 2009.

APPROVED:

(CITY SEAL)



ATTEST:


Garth Rose
Mayor



Patty Unruh Parkinson

City Clerk