

Chapter 4

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Sec. 4-1. Purpose.

The purpose of this Chapter is to ensure that right of ways and other public properties are utilized in a manner consistent with the health, safety and welfare of the citizens of the City and

consistently with the City's responsibility and its proprietary interest in the public rights of way of the City and other public properties.

Sec. 4-2. Nuisance, Trespass; Owner Responsible.

- A. Any vehicle parked in violation of the provisions of this Chapter is hereby declared to be a nuisance. It is further declared that any vehicle parking on City property, including public rights of way in violation of this provision of this Chapter shall be considered to be trespassing on public property. It is further declared that the registered owner of the vehicle shall be deemed the party responsible for the unlawful use of such vehicle as to the provisions of this Chapter and shall be prima facie responsible for any violation as to the unattended standing or parking of such vehicle.
- B. Exceptions: Any charge under this Chapter shall be dismissed when the person charged has made a documented, bona fide sale or transfer of the vehicle and has delivered possession thereof through the purchaser, and has advised the Police Department, within twenty (20) days of notice of the violation, of the name and address of the purchaser along with proof of the date of sale. (Ord. 85-16, 12/2/85)

Sec. 4-3. Limited Parking.

- A. Where, in the public interest, the Council determines that various parking areas on public rights-of-way or property should have limited time duration parking, or utilize coin-operated parking meters, or have restricted hours on parking, the Council may, by resolution, regulate and restrict public parking in such manner as it determines to be in the public interest. Maps setting forth areas where parking is limited shall be on file in the office of the Clerk and in

the police station and shall serve as additional notice of such limitations.

(Ord. 83-3, 4/4/83)

- B. 1. The Chief of Police or the Chief's designee is authorized to issue temporary parking permits to any person who shall provide proof acceptable to the Chief or the Chief's designee demonstrating that he or she is continuously performing construction, remodeling, or similar activity for the limited duration of such activity upon application and payment in advance of a fee to be set by Resolution for each parking space and for each 24-hour period for which the temporary parking permit is requested. Such temporary parking permit shall not be valid for a period longer than ten (10) consecutive days unless upon re-application and issuance of a permit as set forth herein.
2. Such temporary permit shall exempt the permit holder from complying with any parking regulations as specified on the temporary permit. Such permit shall not exempt the permit holder from complying with regulations for disability parking zones, fire hydrants, pedestrian areas, or yellow curb zones.
3. Such permit holder shall prominently display the temporary parking permit in a manner that it can be readily seen and shall not violate any of the special terms or conditions of such permit or other applicable restrictions.

(Ord. 97-32, 9/8/97)

Sec. 4-4. City Engineer; Designation and Signs.

- A. The City Engineer is hereby authorized to designate such parking areas as are necessary for the purpose of limited parking for, but not limited to the following purposes; disability parking; loading zones; bus stop zones; taxi zones; parking relating to emergency or medical services; permit parking areas or where the stopping or parking of vehicles would create hazardous conditions or cause unusual delay in traffic. An applicant may appeal a denial by the Engineer to the Council.
- B. The City Engineer is hereby authorized to prohibit parking on narrow streets.
- C. The City Engineer is hereby authorized to erect such signs as are necessary to provide notice to the driving public of such zones.
- D. The City Engineer Is hereby authorized to cause curbs to be painted to provide notice that the space or area adjacent to the curb is a no parking area. Parking adjacent to a curb which is painted yellow or red shall constitute a violation of this Chapter. This Section shall be applicable to private property as well as public property.

(Ord. 85-16, 12/2/85)

Sec. 4-5. Forty-Eight Hour Parking.

No person who owns or has possession of, custody or control of any vehicle shall park or leave standing such vehicle upon any street or alley for a period in excess of forty eight (48) consecutive hours. In the event a vehicle is parked or left standing upon a street in excess of this time period, and in addition to the other remedies contained in this Chapter any law enforcement officer or person authorized by the Chief of Police may remove the vehicle from the street in the manner and subject to the requirements of the Idaho Code.

Sec. 4-6. Angle Parking.

- A. On those streets which have been signed or marked by the City Engineer 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 signs or markings.
- B. On those streets which have been signed or marked by the City Engineer for angle parking, no person shall park or stand a vehicle backed to the curb except as provided by permit pursuant to this Chapter.

Sec. 4-7. Permit for Loading or Unloading at an Angle to the Curb.

- A. The Chief of Police is authorized to issue special permits for 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.
- B. It shall be unlawful for any permittee or other person to violate any of the special terms or conditions of any such permit.

Sec. 4-8. Stopping, Standing or Parking Prohibited; No Signs Required.

It shall be unlawful for any person to stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the direction of a law enforcement officer or a traffic control device in any of the following places:

- A. In any place where prohibited by Idaho Code section 49-660.
- B. In any place where signs have been erected at the direction of the City Engineer.

Sec. 4-9. Parking in Alleys.

It shall be a violation of this Chapter for any person to park a vehicle within any alley of the City. However it shall not be unlawful for a vehicle to remain stationary within an alley for the minimum period of time necessary to load or unload such vehicle, if the only reasonable location from which said vehicle may be loaded or unloaded would be such alley.

Sec. 4-10. All Night Parking Regulated.

A downtown zone which regulates parking between the hours of three o'clock (3:00) A.M. and six o'clock (6:00) A.M. is hereby established.

It shall be unlawful for any person to park a vehicle on a public street within the regulated downtown parking zone adopted by the Council from time to time by Resolution of the Council, except as otherwise allowed in such zone between the hours of three o'clock (3:00) A.M. and six o'clock (6:00) A.M. of any day. It shall be a defense to this subsection that the person parking a vehicle in violation of this subsection was responding to an emergency at the time such vehicle was parked. A map designating the boundary of said regulated downtown parking zone shall be set forth in a Resolution duly adopted by Council from time to time. A Copy of said map shall remain on file with the Clerk. Nothing in this subsection shall prohibit the City from issuing permits or waivers otherwise authorized by this Code.

(Ord. 83-03, 3/21/83; 2009-16, 07/20/2009)

Sec. 4-11. Repairing Vehicle on Street.

No construction, repairing, overhauling, remodeling or other type of work other than in case of extreme emergency shall be performed on any vehicle or other property upon any street, alley, park, parking lot or other public property or place within the City.

Sec. 4-12. Prohibited Parking; Trucks, Trailers and Other Vehicles.

- A. No person shall park or leave standing on any public street, or on a public off-street parking area, any of the following vehicles:
1. Any truck tractor as defined by Idaho Code.
 2. Any trailer not attached to a motor vehicle (other than a recreational vehicle as defined in Idaho Code).
 3. Any bus as defined by Idaho Code.
 4. Any motor truck as defined by Idaho Code with not less than two (2) of the following three (3) features:
 - a. A diameter of the wheel rim of seventeen inches (17") or more;
 - b. More than two (2) axles;
 - c. More than two (2) wheels on any one axle.
 5. Farm machines.
 6. Special purpose machines.
 7. Any unlicensed vehicle.
 8. Any vehicle with an expired license.
 9. Any vehicle not having the proper permit while in a "permit parking area."
(Ord. 85-16, 12/2/85)
- B. It shall be a defense to this Section that a proscribed vehicle is: (a) temporarily mechanically disabled for a period of less than seventy-two (72) hours immediately preceding the issuance of a citation; (b) currently loading or unloading persons and/or property, or (c) parked or left standing in connection with and in the aid or the performance of a service to or on property in the block in which such vehicle is parked or left standing and the physical presence of the vehicle is necessary to such service.

Sec. 4-13. Disability Parking.

It shall be unlawful for any person to stop, stand or park a vehicle in a designated

disability parking space or area as defined in Idaho Code Section 49-410, unless the (an) occupant has complied with Idaho Code Section 49-410. This Section shall apply to both public and private parking areas which are properly designated.

(Ord. 86-22, 6/16/86)

Sec. 4-14. Removal of Vehicle.

The Chief of Police or the Chief's designee may remove and impound any unlawfully parked vehicle or cause the registered owner to be issued with a citation, or both.

Sec. 4-15. Procedure of Payment.

For public convenience and to avoid burdening the judicial system, any person receiving a citation for any violation of this Chapter may make payment in satisfaction of such violation to the City in accordance with fees, which may, from time to time, be adopted by the Council by Resolution.

(Ord. 83-03, 4/4/83)

Sec. 4-16. Fire Lanes.

It shall be a violation of this Chapter for any vehicle to park in a fire lane, either on public or private property.

(Ord. 85-16, 12/2/85)

Sec. 4-17. Boarding or Alighting from Vehicles.

It shall be unlawful for any person to board or alight from any vehicle while such vehicle is in motion.

Sec. 4-18. Unlawful Riding.

- A. It shall be unlawful for any person to ride any vehicle upon any portion of such vehicle not designated or intended for the use of passengers.
- B. This provision shall not apply to persons riding within vehicles in areas intended for merchandise.

Sec. 4-19. Persons Propelling Push Carts or Riding Animals to Obey Traffic Regulations.

Every person propelling any push cart or driving any animal drawn vehicle or riding an animal upon a roadway shall be

subject to the provisions of this Chapter applicable to the driver of any vehicle, except those provisions which by their very own nature can have no application.

Sec. 4-20. Use of Coasters, Roller Skates and Similar Devices Restricted.

- A. It shall be unlawful for any person upon roller skates or riding any coaster, toy vehicle or similar device to go upon any roadway except while crossing a street on a crosswalk and when crossing such person shall be granted all of the rights and shall be subject to all of the duties applicable to pedestrians.
- B. This Chapter shall not apply upon any street while set aside as a play street.

Sec. 4-21. Bus Stops.

- A. The operator of a bus shall not stand or park such vehicles upon any street at any place other than at a bus stand so designated.
- B. The operator of a bus shall not 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 except in case of an emergency.
- C. 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 farther than eighteen (18) inches from the curb and the bus approximately parallel to the curb so as not to unduly impede the movement of other vehicular traffic.

Sec. 4-22. Air Compression Brakes.

The use of air compression brakes (also known as Jake Brakes) by trucks within the City is hereby prohibited and shall be unlawful, except under emergency circumstances where use of air

compression brakes is necessary to prevent an accident or injury to persons or property. (Ord. 87-09, 9/21/87)

Sec. 4-23 Farmers' Market Parking

- A. It shall be unlawful for any person to park or leave standing a vehicle in the Farmers' Market Parking Zone as defined herein between the hours of three o'clock (3:00) a.m. and two o'clock (2:00) p.m. every Saturday in the months of May through October annually. It shall be a defense to this Section that a vehicle in the Farmers' Market Parking Zone was owned or controlled by a currently authorized Farmers' Market vendor.
- B. For purposes of this Ordinance Farmers' Market Parking Zone shall mean: Every portion of a public right-of-way or City controlled parking lot located within the following boundaries: all parking spaces located in the City-owned south Jackson parking lot north of the 4th island from the south end of such parking lot, which includes all parking on 4th Street east of Jackson Street and west of Main and the entirety of four (4) rows of parking immediately to the south of 4th Street between Jackson and Main Streets.
- C. In addition to any other remedies contained in this Chapter, any law enforcement officer or person authorized by the Chief of Police may remove the vehicle from the Farmers' Market parking zone in the manner and subject to the requirements of the Idaho Code, including the towing of the vehicle. (Ord. 2002-08, 03/18/2002; 2009-17, 07/20/2009)

Sec. 4-24. Parking Prohibited on Sidewalks and Tree Lawns

- A. Definitions. For purposes of this Subsection, the following terms, phrases, and words shall have the following meanings:

1. *Sidewalk.* Any concrete, asphaltic paving or brick material adjacent to a public street, whether within the public right-of-way or on private property, which is designed for pedestrian use.

2. *Tree Lawn.* That portion of the public right-of-way lying between the street and private property lines which is generally unimproved and which may be planted with grass or other vegetation.

- B. Except for emergency or City authorized vehicles, no person shall park or stand a vehicle on a sidewalk or tree lawn.

(Ord. 2007-12, 10/01/2007)

Sec. 4-25. Violation.

Any violation of any provision of this Chapter shall be considered an infraction, punishable pursuant to this Code and the Idaho Code. Each limited time period for which a vehicle is parked shall constitute a separate violation of this Chapter (if a vehicle is parked more than six (6) hours in a three (3) hour limited parking zone, two (2) separate violations have taken place). Either the registered owner of the vehicle or the driver, if known, may be cited. However, only one (1) citation may be issued for each violation.

(Ord. 2007-12, 10/01/2007)