

ORDINANCE NO. 471

AN ORDINANCE OF MALAD CITY, IDAHO, A POLITICAL AND MUNICIPAL SUBDIVISION OF THE STATE OF IDAHO, AMENDING ORDINANCE NO. 468 BY MODIFYING THE PROHIBITION OF PARKING OF COMMERCIAL VEHICLES AND PROHIBITING THE RUNNING OF COMMERCIAL VEHICLES AND GENERATORS, AUXILIARY POWER UNITS OR REEFERS ASSOCIATED WITH COMMERCIAL OR RECREATIONAL VEHICLES BETWEEN 10:00 P.M. - 7:00 A.M., AND PROVIDING AN EFFECTIVE DATE UPON PASSAGE AND PUBLICATION.

WHEREAS, the Mayor and City Council of Malad City, Idaho, deem it necessary for the health, peace, safety, morals, convenience, order and general welfare of the present and future inhabitants of Malad City to make and adopt certain amendments regarding parking of commercial vehicle and running commercial vehicles and generators, auxiliary power units, and reefers associated with commercial or recreational vehicles during certain hours within Malad City limits; and

WHEREAS, pursuant to Idaho Code, Title 50, Chapter 9, such is authorized;

NOW, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL FOR THE CITY OF MALAD, STATE OF IDAHO, AS FOLLOWS:

SECTION 1: Malad City Ordinance Number 468, Section 4 is hereby amended to read in its entirety, as follows:


**SECTION 4: PARKING OF COMMERCIAL VEHICLES PROHIBITED.**

- (A) Any person who parks a commercial vehicle, as defined in Idaho Code §49-104 and §49-123, on any public street or alley, or street or alley open to the public, within the incorporated Malad City limits, unless duly permitted under a parking or loading zone authorized under Section 14 of this ordinance, shall be guilty of an infraction unless such parking is necessary to load or unload such vehicle in an expeditious manner.
- (B) Any person or entity who idles, leaves running, or causes to leave running the motor of a commercial vehicle, as defined in Idaho Code §49-104 and §49-123, or runs, idles, leaves running, or causes to leave running a generator or auxiliary power unit associated with a commercial vehicle or a recreational vehicle, as defined in Idaho Code §49-119(6), or runs, idles, leaves running, causes to leave running or operates a refrigeration storage unit commonly known as a reefer within the incorporated Malad City limits between the hours of 10:00 p.m. - 7:00 a.m. the following day shall be guilty of a misdemeanor. Violation of this subsection shall constitute a nuisance, and shall be punished by a fine of not more than one thousand dollars (\$1,000.00), or by confinement in the county jail for a period of not more than six (6) months, or by both such fine and imprisonment. Each night that a violation of this subsection occurs shall constitute a separate offense.

SECTION 2: Except as expressly amended above, the balance of Malad City Ordinance No. 468 is hereby ratified and confirmed without further change.

SECTION 3: This Ordinance shall be in full force and effect after passage and approval by the City Council and Mayor of Malad City, Idaho, and publication as provided by law.

**PASSED, ADOPTED, AND APPROVED** by the City Council of Malad City, Oneida County, State of Idaho, on this 6th day of August, 2015.

  
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JOAN HAWKINS, Mayor

**ATTEST:**

  
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SUSAN J. WITTMAN, City Clerk