

ORDINANCE NO. 468 .

AN ORDINANCE OF MALAD CITY, IDAHO, ENTITLED "PUBLIC PARKING ORDINANCE;" REPEALING AND REPLACING MALAD CITY ORDINANCE NO. 461; ADDRESSING PARKING OF VEHICLES WITHIN THE CITY LIMITS; PROSCRIBING THE MANNER FOR PARKING VEHICLES WITHIN CITY LIMITS; PROHIBITING CERTAIN TYPES OF PARKING AND PROVIDING PENALTIES FOR FAILURE TO PARK IN ACCORDANCE WITH ORDINANCE; AND PROVIDING EFFECTIVE DATE OF ORDINANCE.

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

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SECTION 1: REPEAL OF MALAD CITY ORDINANCE NUMBER 461. Malad City Ordinance Number 461 is hereby repealed in its entirety and replaced with Malad City Ordinance Number 468.

SECTION 2: GENERAL PARKING RESTRICTIONS. Any person who parks a vehicle within the incorporated Malad City limits, 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 a crosswalk;
- (E) Within thirty (30) feet of the approach to any flashing beacon, stop sign or traffic control device;
- (F) 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;
- (G) Within fifty (50) feet of the nearest rail of a railroad crossing;
- (H) 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;
- (I) Beside or opposite any street excavation or obstruction in a manner which obstructs traffic;
- (J) Upon any street or portion thereof in a manner which blocks or interferes with the regular flow of vehicular traffic;
- (K) Upon any bridge or elevated structure upon or part of a public highway;
- (L) At any place where traffic regulatory signs prohibit such parking;
- (M) In any fire apparatus access road.

SECTION 3: PARKING IN ALLEYS PROHIBITED. Any person who parks a motor vehicle in any alley within the incorporated Malad City limits 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.

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 runs, 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, causes to leave running or operates a refrigeration storage unit commonly known as a reefer within the incorporated Malad City limits for more than thirty (30) minutes 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 motor or reefer unit is operated in violation of this subsection shall constitute a separate offense.

SECTION 5: REPAIR OF VEHICLES ON PUBLIC STREETS. Any person who uses any street or alley within the incorporated Malad City limits for the purpose of repairing any vehicle, except for temporary emergency repairs, shall be guilty of an infraction.

SECTION 6: STORAGE OF VEHICLES ON PUBLIC STREET. Any person who parks or allows a vehicle to be parked upon any street or alley within the incorporated Malad City limits 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 City personnel, the Oneida County Sheriff or his designated agent, and/or any peace officer and may be impounded in accordance with the provisions of this Ordinance.

SECTION 7: MANNER OF PARKING. Except as otherwise provided in this Ordinance, any person who parks any vehicle, or allows the parking of any vehicle, within the incorporated Malad City limits 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; or

- (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.

SECTION 8: UNATTENDED MOTOR VEHICLE. Any person, within the incorporated Malad City limits, 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.

SECTION 9: GENERAL PARKING RESTRICTION. Any person, within the incorporated Malad City limits, 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 by resolution of the City Council.

SECTION 10: IMPOUNDING VEHICLES. City personnel, the Oneida County Sheriff or his/her designated agent, and/or any peace officer may remove, cause to be removed and impound any vehicle or trailer parked in violation of the provisions of this Ordinance.

SECTION 11: IMPOUNDING FEES. The owner of any motor vehicle or trailer that has been impounded by City personnel, the Oneida County Sheriff or his/her designated agent, and/or any peace officer under any provision of this Ordinance or any law of the State of Idaho shall pay to the City an impound fee in an amount to be established by resolution of the City Council as reflected in the official minutes of a duly held City Council meeting before such vehicle or trailer shall be released.

SECTION 12: 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 City personnel, the Oneida County Sheriff or his/her designated agent, and/or any peace officer shall pay a 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. If the motor vehicle or trailer is towed or stored by the Oneida County Sheriff, the towing and storage fees shall be paid to the Oneida County Sheriff.

SECTION 13: ESTABLISHMENT OF STORAGE FEES. The City Council shall establish by resolution the towing, impounding and storage fees provided for in this Ordinance.

SECTION 14: 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 meetings.

SECTION 15: DESIGNATION OF PARKING ZONES. City personnel, the Oneida County Sheriff or his designated agent, 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.

SECTION 16: MANNER OF PARKING. Any vehicle parked within a parking or loading zone within the incorporated Malad City limits 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.

SECTION 17: PARKING IN LOADING ZONES. Notwithstanding the provisions of this Ordinance, a person may park a vehicle in a loading zone for the purpose of expeditiously unloading persons, supplies, or merchandise. Parking in a loading zone or space for any other purpose is unlawful.

SECTION 18: UNLAWFUL PARKING. It shall be unlawful within the incorporated Malad City limits 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 states the duration of time allowed for parking, then the regulation shall be in force only during such 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 an infraction.

SECTION 19: NOTICE OF PARKING VIOLATIONS.

- (A) A citation or notice of a violation of the parking regulations of this Ordinance may be issued by any peace officer or by any person duly authorized by the Sheriff of Oneida County. The citation or notice of violation shall be issued by personal service or by placing it on the windshield of an illegally parked vehicle, in a secure manner, or in a prominent place thereon. A separate citation or notice may be issued for each parking regulation violated. If the violation is overtime parking, a separate citation or 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 Ordinance.
- (B) The citation or notice of violation shall state the date and time when it is issued and the nature of the parking violation observed. The citation or 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 Oneida County Magistrate Court within a given date, or if in default of which a summons and criminal complaint may be served upon such person.

- (C) Any person issued an infraction parking citation or 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 City;
 - (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 Malad City Hall; or
 - (4) Presenting the notice together with the amount of the penalty indicated thereon at the Oneida County Magistrate Court.
- (D) Any person issued a misdemeanor citation or notice must appear before Oneida County Magistrate Court.

SECTION 20: PENALTIES.

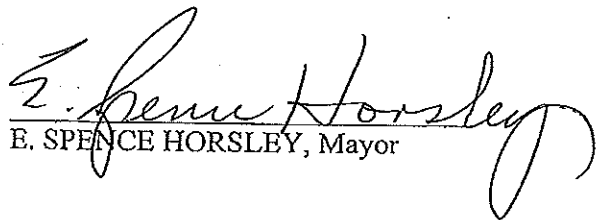
- (A) Any person who violates the infraction provisions of this Ordinance is guilty of an infraction and shall, upon conviction thereof, be punishable as follows: Upon a first offense, the penalty shall be twenty-five dollars (\$25.00); Upon a second offense within one (1) year, the penalty shall be thirty-five dollars (\$35.00); Upon a third or more offense within one (1) year, the penalty shall be fifty dollars (\$50.00).
- (B) If a person cited with an infraction for any parking violation either fails to appear before the Magistrate Court or to pay the penalty as provided in the previous subsections within the prescribed date on the notice, then a notice shall be sent via U.S. mail to the registered owner of the automobile advising the owner that if the fine is not paid within thirty (30) days of the date of the notice, the violation will be turned over to the State of Idaho Department of Motor Vehicles, which may result in a suspension of the owner's drivers license pursuant to State law. Nothing herein shall preclude enforcement by issuing an arrest warrant for contempt for failure to appear and/or failure to pay fine.
- (C) Any person or entity who violates the misdemeanor provisions of this Ordinance shall appear before Oneida County Magistrate Court, and upon a conviction thereof, shall be guilty of a misdemeanor 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.

SECTION 21: ADDITIONAL REMEDIES PRESERVED. The issuance of a citation or notice of violation shall not be the exclusive remedy for enforcing the parking regulations of this Ordinance and all other lawful remedies are reserved, including prosecution by filing a criminal complaint for an infraction or misdemeanor violation.

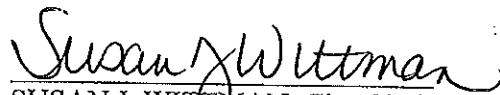
SECTION 22: INCONSISTENCY AND SEVERABILITY. All City ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency. The invalidity or unenforceability of any provision of this Ordinance shall not affect the remaining provisions.

SECTION 23: PUBLICATION AND EFFECTIVE DATE. This Ordinance, or a summary of thereof in compliance with I.C. §50-901A, shall be published once in the official newspaper of the City, and shall take effect immediately upon its passage, approval, and publication.

PASSED, ADOPTED, AND APPROVED by the Mayor and City Council of Malad City, Oneida County, State of Idaho, this 12 day of November, 2014.


E. SPENCE HORSLEY, Mayor

ATTEST:


SUSAN J. WITTMAN, City Clerk