



ORDINANCE NO. 1028

AN ORDINANCE TO PROMOTE THE GENERAL HEALTH, WELFARE AND SAFETY OF ALL PERSONS TRAVELING OVER OR UPON, OR OTHERWISE USING THE PUBLIC STREETS IN THE IMMEDIATE VICINITY OF THE UNIVERSITY, OR THE PUBLIC PARKING IN THE DOWNTOWN COMMERCIAL DISTRICTS WITHIN THE CITY OF REXBURG, IDAHO; TO INSURE FREE AND UNRESTRICTED ACCESS OF THE PUBLIC TO THE PUBLIC PARKING AND THOROUGHFARES; PROVIDING FOR EXCEPTIONS; PROVIDING STANDARDS AND SPECIFICATIONS FOR USE OF THE PARKING AREAS AND ENFORCEMENT OF THE ADOPTED RULES AND REGULATIONS; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING WHEN SAID ORDINANCE SHALL BECOME EFFECTIVE.

WHEREAS, it is the desire of the City Council to promote the general health, welfare, and safety of all persons traveling upon public roads and thoroughfares, and

WHEREAS, public streets within the City of Rexburg are to be managed exclusively by the City and may be managed in such a way as to provide reasonable access to the public, and

WHEREAS, the on street parking adjacent to and in the vicinity of the Brigham Young University-Idaho campus, and is regularly congested, and contributes to the traffic hazards associated with such congestion, and

WHEREAS, the City of Rexburg's Engineer and the City Council for the City of Rexburg are responsible for the management of public roads and thoroughfares within the City of Rexburg;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF REXBURG, IDAHO:

ARTICLE I: UNIVERSITY ON-STREET PARKING

SECTION A: The streets designated on the attached, and hereby incorporated, Exhibit "A" as University On-Street parking shall, upon passage of this Ordinance, become permit parking only areas, and shall require an appropriately issued parking permit from the City of Rexburg, or its designated representative, to park on the public roads or thoroughfares.

SECTION B: In conjunction with the designation of the University On-Street parking, the City shall work together with other property owners in the vicinity to direct the public to available non-permit public parking. In the event that no non-permit public parking is available within One Thousand (1,000) feet of a block face designated University On-Street parking, then the City shall designate One (1) parking space on that block face as a timed parking stall, and it shall be exempt from the permit requirement of this Ordinance.

ARTICLE II: CAMPUS VICINITY RESIDENTIAL PARKING

SECTION A: The streets designated on the attached, and hereby incorporated, Exhibit "A" as Campus Vicinity Residential parking shall, upon passage of this Ordinance, become permit

parking only areas, and shall require an appropriately issued parking permit from the City of Rexburg, or its designated representative, to park on the public roads or thoroughfares.

SECTION B: In conjunction with the designation of the Campus Vicinity Residential parking, the City shall make available Two (2) permits for each property owner with street front property within the designated area. In addition to the Two (2) permits each property owner is entitled to, the City, after a complete inventory of available parking stalls within the designated area, may issue additional permits as approved by the City Council after evaluating available inventory of parking stalls in the area.

ARTICLE III: DOWNTOWN COMMERCIAL RESIDENTIAL PARKING

SECTION A: The parking lots designated on the attached, and hereby incorporated, Exhibit “B” as Downtown Commercial Residential parking shall, upon passage of this Ordinance, become permit parking only areas between the hours of 10:00 p.m. and 7:00 a.m., and shall require an appropriately issued parking permit from the City of Rexburg, or its designated representative, to park in the designated parking lots.

SECTION B: In conjunction with the designation of the Downtown Commercial Residential parking, the City shall issue, upon proper application, One (1) permit for each residential apartment of a participating property within the downtown commercial district, for overnight parking in the designated parking lots. In addition to the One (1) permit each residential apartment is entitled to, the City, after a complete inventory of available parking stalls within the designated area, may issue additional permits as approved by the City Council after evaluating available inventory of parking stalls in the area.

ARTICLE IV: GENERAL RULES

SECTION A: The streets designated on the attached, and hereby incorporated, Exhibit “A” as University On-Street, Campus Vicinity Residential, and Exhibit “B” Downtown Commercial Residential parking shall, from time to time be modified by resolution of the City Council of the City of Rexburg after all appropriate hearings.

SECTION B: No vehicle other than emergency vehicles or vehicles providing services within the Campus Vicinity Residential district or the University On-Street district or vehicles having a valid parking permit for the appropriate district may park on any street within the Campus Vicinity Residential district or the University On-Street district between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, except for legal holidays. Whenever parking is otherwise regulated within the Campus Vicinity Residential district or the University On-Street district, the posted regulations shall apply.

SECTION C: The City Public Works Department shall be responsible for posting signs in accordance with the Manual on Uniform Traffic Control Devices that indicate the general nature of the restrictions and the hours and days when the restrictions are in effect. Such signs shall be posted at the beginning of each block face where the restrictions are to be applied, and at such other areas as the City Engineer may deem necessary or appropriate. The signs shall be consistent with the type attached hereto, and made a part hereof by reference, as Exhibit “C”.

SECTION D: The permits for the respective parking area designations shall be issued by the City of Rexburg through the Rexburg Police Department or such other designee as named by the City Council of Rexburg. With respect to the Campus Vicinity Residential district, permits may be issued for motor vehicles only upon application by the owner of a parcel of land within the district, with each parcel being eligible for as many as two (2) permits as a matter of right. Within the University On-Street district, permits may be issued upon application by an individual who has a motor vehicle or vehicles registered in the applicant's name, or who has a motor vehicle for the applicant's primary use and under the applicant's control. Within the Downtown Commercial Residential district, permits may be issued upon application by an individual who has a motor vehicle registered in the applicant's name, or who has a motor vehicle for the applicant's primary use and under the applicant's control, provided the applicant is a tenant within the downtown commercial district, and the landlord is a participating property owner in a residential parking program for the downtown area. All permits

issued shall be for a period of time consistent with the Fee Schedule attached hereto as Exhibit “D”, and made a part hereof by reference.

SECTION E: Any of a business with street frontage within the Campus Vicinity Residential district may apply for Two (2) Campus Vicinity Residential permits to be used by employees or persons involved in the day to day business activities.

SECTION F: From time to time, the City may designate a particular day as an exception to the parking regulations in any of the designated parking areas. Upon such designation, the parking restrictions requiring permit parking may be temporarily waived, in which case, permit holders shall have no recourse against the City, as the permit is not a guarantee of parking, simply a limited license to park.

SECTION G: Both types of residential parking permits shall become void if the owner/operator of the vehicle moves out of the either the Campus Vicinity Residential district or the apartment within the Downtown Commercial Residential district. A permit holder who moves within a particular designated district or purchases another vehicle and desires to transfer the permit must apply for such transfer and pay any fee as established by resolution.

SECTION H: The fees established in conjunction with the appropriate public hearing, and made a part hereof by reference and attachment as Exhibit “D”, may from time to time be modified in accordance with the applicable rules, regulations and Ordinances, by resolution of the City Council.

ARTICLE IV: PENALTIES AND EFFECTIVE DATE

SECTION A: 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 any violator of this Ordinance in accordance with applicable Local, State and Federal rules, regulations and Ordinances at their discretion, and the cost of so doing shall be the responsibility of the violator or the registered owner of a vehicle removed under this Ordinance.

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

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

A FULL COPY OF THE ORDINANCE WITH ATTACHMENTS IS AVAILABLE AT CITY HALL 35 NORTH 1ST EAST, REXBURG, IDAHO.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR this 1st day of July, 2009.

Shawn Larsen, Mayor

(SEAL)

ATTEST:

Blair D. Kay, City Clerk

**STATEMENT OF
REXBURG CITY ATTORNEY
AS TO ADEQUACY OF SUMMARY
OF ORDINANCE 1028**

Stephen Zollinger, City Attorney for the City of Rexburg, declares that in his capacity as City Attorney of the City of Rexburg, pursuant to Idaho Code Section 50-901A(3) of the Idaho Code as amended, hereby certifies that he has reviewed a copy of the above cited Summary of Ordinance and has found the same to be true and complete and provides adequate notice to the public of the contents, including the exhibits, of Ordinance No. 1028.

DATED this 10th day of August, 2009.

Stephen P. Zollinger
Rexburg City Attorney