



## ORDINANCE 818 A

**AN ORDINANCE OF THE CITY OF REXBURG, MADISON COUNTY, IDAHO KNOWN AS “STANDING, STOPPING AND PARKING ORDINANCE”, PROVIDING DEFINITIONS OF THE TERMS USED IN THE ORDINANCE; ESTABLISHING ADMINISTRATIVE PROCEDURES; PROVIDING AN APPEAL PROCEDURE; ESTABLISHING PROHIBITIONS AND REGULATIONS AS THEY RELATE TO STANDING, STOPPING AND PARKING UPON PUBLIC STREETS, AND PUBLIC AND SOME PRIVATE LOTS; PROVIDING PENALTIES FOR FAILURE TO COMPLY WITH ANY PROVISIONS OF THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERE WITH; AND PROVIDING AN EFFECTIVE DATE HEREOF.**

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

### **SECTION I: Application of chapter provisions.**

The provisions of this chapter prohibiting the standing or parking of a vehicle shall apply at all times, or at those times herein specified, or as indicated on official signs, except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic-control device.

### **SECTION II: Regulations not exclusive.**

The provisions of this chapter imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times.

### **SECTION III: Vehicles-Registration and plates.**

Every vehicle at all times while being driven, stopped or parked upon the streets or alleys of this city, shall (1) be registered in the name of the owner thereof in accordance with the laws of the state, unless such vehicle is not required by the laws of Idaho to be registered in this state; (2) display in proper position two valid, unexpired registration plates, one on the front and one on the rear of such vehicle; and (3) when required, current validation or indicia of registration attached to the rear plate and in a manner complying with the laws of the state of Idaho, and free from defacement, mutilation, grease and other obscuring matters, so as to be plainly visible and legible at all times. However, if such vehicle is not required to be registered in this state, and the indicia of registration issued by another state, territory, possession or district of the United States, or of a foreign country, substantially complies with the provisions hereof, such registration shall be considered as compliance with this code.

### **SECTION IV: Continuous movement required.**

When signs or traffic markings are erected or placed by the direction of the city, no person shall stop, stand or park a vehicle or permit said vehicle to remain standing at any time, with the exception of certain hours specified, upon any street, parts of a street, or roadway.

### **SECTION V: Parking signs required.**

When by this code or any other ordinance of the city, and except for parking meter zones, any

parking time limit is imposed or parking is prohibited on designated streets or parts of streets the city transportation engineer shall erect or place and maintain appropriate signs or traffic markings giving notice thereof and no such regulations shall be effective unless said signs or traffic markings are erected and in place at the time of any alleged violation.

**SECTION VI: Procedure for leaving vehicle unattended.**

No driver or person in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition and removing neither the key nor, when such motor vehicle is standing upon any perceptible grade, without effectively setting the brakes thereon and turning the front wheels to the curb or side of the street.

**SECTION VII: Lights on parked vehicles.**

- A. Whenever a vehicle is lawfully parked upon any street within a business or residence district, no lights need be displayed upon such parked vehicle.
- B. Whenever a vehicle is parked upon a street outside of a business or residence district during the hours between one-half hour after sunset and one-half hour before sunrise, such vehicle shall be equipped with one or more lamps which shall exhibit a white light on the roadway side visible from a distance of five hundred feet to the front of the vehicle and a red light visible from a distance of five hundred feet to the rear.
- C. Any lighted headlamp upon a parked vehicle shall be depressed or dimmed.

**SECTION VII: Opposite traffic-Parallel.**

No person shall stand or park a vehicle in a roadway provided with curb other than parallel with the edge of the roadway, headed in the direction of lawful traffic movement, and with the right-hand wheels of the vehicle within eighteen inches of the curb or edge of the roadway, except as otherwise provided in this chapter.

**SECTION IX: Angle or parallel parking-Signs or markings.**

Where signs or traffic markings have been placed by the city transportation engineer after a comprehensive study, no person shall park or stand a vehicle other than between such traffic markings or at any angle to the curb or edge of the roadway other than indicated by such sign or traffic marking.

**SECTION X: Handicapped parking-Public property.**

- A. Handicapped Parking at Meters and in Restricted Areas.
  - 1. A handicapped person whose automobile has affixed thereto, as provided by law, the handicapped license plate or a transferable motor vehicle identification card issued by the state of Idaho, shall be entitled to park at any parking meter and in the following identified restricted parking areas without charge, notwithstanding any other state or municipal parking restriction: Freight loading zones, passenger loading zones and time-limited parking zones.
  - 2. It is unlawful for such handicapped person to:
    - a. Park for longer than two hours at all meters and restricted parking areas where the maximum metered or designated time is less than two hours;
    - b. Park for longer than the maximum metered or designated time at meters and restricted parking areas where the maximum metered or designated time is longer than two hours.
- B. Designated 1-handicapped Parking. The city transportation engineer is hereby authorized, at his/her discretion to reserve by appropriate signing, various public areas or property for handicapped parking. It is unlawful for:
  - 1. Any handicapped person to park longer than the time shown on the sign designating the area as "handicapped parking"; or

2. Any vehicle to be parked in an area designated as handicapped parking, unless such vehicle has displayed upon it the handicapped parking plate or transferable identification card issued by the state.
- C. Unlawful Use of Handicapped License Plate. It is unlawful for any person using a vehicle with a handicapped license plate or transferable motor vehicle identification card who is not handicapped to use handicapped parking.
- D. Restricted Areas Not Authorized for Special Handicapped Parking. Nothing herein shall be construed to permit parking by any individual, contrary to or as an exception to the limited purpose of the following designated areas:
1. Any area where official signs or traffic markings absolutely prohibit stopping, standing or parking;
  2. Areas Reserved for Emergency Use. "Emergency use," as used herein, means and shall include, but not be limited to, those areas designated by red curb marking, also known as "red zones" designated as ambulance zones; fire hydrant zones; fire lanes, whether on public or private property; or any other designated area of the city posted as restricted for emergency vehicles or emergency use;
  3. On a sidewalk area;
  4. In front or within five feet of a private driveway;
  5. Within five feet of a fire hydrant, as measured in both directions along the street or highway curb line, from a line extending from the center of the hydrant to the curb line at its nearest point;
  6. Within twenty feet of a crosswalk at an intersection;
  7. Within thirty feet upon the approach to any flashing beacon or traffic-control device located at the side of a roadway;
  8. Between a safety zone and the adjacent curb, or within thirty feet of points on the curb immediately opposite the ends of a safety zone, unless authorized signs or markings indicate a different length;
  9. Within fifty feet of the nearest rail of a railroad crossing;
  10. Within twenty feet of the driveway entrance to any fire station, and on the side of a street opposite the entrance when properly signposted;
  11. Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct or be hazardous to traffic;
  12. Upon any bridge or other elevated structure upon a street, or within a street tunnel or underpass;
  13. At any place in any public park, playground or grounds of any public building other than on the roads or parking lots provided for public parking in accordance with provisions of any officially installed signs;
  14. On any footpath in any park or playground; or
  15. Taxi and bus stands or stops.

**SECTION XI: Disabled parking.**

- A. No vehicle except those displaying a disabled license plate or transferable motor vehicle identification card issued by the state shall park in any parking spot designated for the parking of disabled persons. This restriction shall apply to and be enforceable upon all property where parking is open to the general public, whether parking is provided to the general public for free or for a fee.

- B. Any law enforcement agency authorized to enforce parking laws and regulations in the City of Rexburg may appoint volunteers to act as its agents to issue parking citations for violations of this section or any other city law or regulation which prescribes a penalty for illegal parking at any parking spot properly designated for the exclusive use of disabled persons. A parking citation issued by a volunteer properly appointed under this section has the same force and effect as a citation issued for the same offense by a peace officer or parking enforcement officer authorized to enforce parking laws and regulations in the City of Rexburg.
- C. A volunteer appointed under this section must be at least eighteen years of age. The law enforcement agency appointing a volunteer under authority of this section may establish any other qualification or criteria for the appointment of such volunteer.
- D. A volunteer appointed under this section may not issue a parking citation until the volunteer has received training regarding the proper issuance of parking citations from the appointing law enforcement agency.

**SECTION XII: Handicapped parking-Out-of-state vehicles.**

The parking privileges granted by Sections 10 and ii herein, or their successors, also apply to vehicles displaying a distinctive handicapped license plate or transferable identification card issued by another state, if displayed on a vehicle utilized by a handicapped person.

**SECTION XIII: Parking meters-Definitions and marking of spaces.**

- A. Definitions.
  - 1. "Parking meter" means and includes any mechanical device installed within or upon the curb or sidewalk area immediately contiguous to a parking meter space which, when the mechanism thereof is set in motion, indicates unexpired parking time for the vehicle parking contiguous thereto.
  - 2. "Parking meter space" means an area adjacent to a parking meter upon any street, and shall be designated by a line or other traffic markings, and shall be of sufficient size to permit the parking of only one vehicle, or not more than two motorcycles.
  - 3. "Parking meter zone" means those streets or portions of streets within which the parking of vehicles shall be controlled, regulated and inspected with the aid and use of parking meters.
- B. Parking Meter Spaces to Be Marked. The transportation engineer shall establish and designate parking meter spaces by painted lines upon the surface of the roadway or pavement and/or curbing.

**SECTION XIV: Parking meters-Installation.**

- A. The city transportation engineer shall cause to be installed contiguous to each designated parking meter space, on a parking meter so designated that the deposit of a coin or coins will set the mechanism of the meter in motion or permit the mechanism to be set in motion, so that the meter will show the unexpired parking time applicable to the parking meter space contiguous to the meter, and the meter, when such parking time has expired, shall so indicate by a visible sign. Whenever such sign is visible, the meter is in violation.
- B. No person shall park any vehicle in any parking meter space, except as otherwise permitted by this Chapter, without immediately depositing in the parking meter contiguous to the space such lawful coin or coins of the United States as are required for such meter and designated by directions on the meter, and when required by the direction on the meter, setting in operation the timing mechanism thereof in accordance with said directions, unless the parking meter indicates that the time such vehicle is parked that an unexpired portion remains of the period for which a coin or coins has been previously deposited.
- C. No person, except as otherwise provided by this Chapter, shall permit any vehicle parked by such person to remain parked in any parking meter space during any time when the parking meter contiguous to such space indicates that no portion remains of the period for which the last previous coin or coins has been deposited, or beyond the time limited for parking as

designated on the meter.

**SECTION XV: Parking Meters-Spaces and Time Limits:**

The City Transportation Engineer shall establish and designate parking meter spaces, including restricted meter spaces, within the parking meter zone, and shall provide for maximum parking times for all meters.

**SECTION XVI: Parking Meters-Rates:**

Parking meter rates shall not exceed twenty five cents (\$0.25) per one-half (1/2) hour of parking within any parking meter zone, unless increased by resolution of the City Council of the City of Rexburg.

**SECTION XVII: Parking Meters-Restricted Spaces:**

No person shall park or permit any vehicle to remain parked in a restricted parking meter space during a restricted period, except those persons included within the class for whose benefit the restriction is imposed.

**SECTION XVIII: Parking Meters-Overtime Parking Prohibited:**

- A. No person shall park or permit any vehicle to remain parked in any parking meter space adjacent to a meter for a continuous period longer than that designated on the meter, or at any time when the meter violation indicator is shown.
- B. No person shall place coins in any expired or unexpired parking meter for the purpose of showing or extending unexpired time with the intent of permitting a vehicle to remain parked at such meter, with unexpired time showing for a continuous period longer than that designated on the meter.

**SECTION XIX: Parking Meters-No Charge When:**

- A. Parking meter spaces may be used without charge on all days of the week between six o'clock (6:00) P.M. and eight o'clock (8:00) A.M., and during all hours on Saturdays and on Sundays and holidays as enumerated in subsection B of this Section. With regard to parking at parking meters on Saturdays, when signs or traffic markings are erected or placed by the direction of the City Transportation Engineer limiting the duration of such parking, no person shall park a vehicle or permit such vehicle to remain parked for longer than the time specified, between the hours shown upon any street, parts of a street, or roadway.
  - 1. The word "holiday" means:
    - a. Every Sunday;
    - b. The first day of January, called New Year's Day;
    - c. The third Monday of January, called Martin Luther King's Birthday;
    - d. The third Monday of February, called Washington's Birthday;
    - e. The last Monday in May, called Memorial Day;
    - f. The fourth day of July, called Independence Day;
    - g. The twenty fourth day of July, called Pioneer Day;
    - h. The first Monday in September, called Labor Day;
    - i. The second Monday of October, called Columbus Day;
    - j. The eleventh day of November, called Veterans Day;
    - k. The fourth Thursday of November, called Thanksgiving Day; and
    - l. The twenty fifth day of December, called Christmas.
  - 2. When February 12, July 4, July 24, November 11 or December 25 falls on a Sunday, the following Monday shall be considered the legal holiday, and no other day shall be considered a holiday.

**SECTION XX: Parking Meters-Special Use Conditions and Fees:**

Permission to park in parking meter spaces without the deposit of a coin may be granted by:

- A. The City Transportation Engineer or the Engineers designee upon application being made therefore in writing upon the following conditions:

1. A showing of a substantial need to temporarily close off the meters involved to the public use for a stated duration of time,
  2. The placing of authorized bags over the meters involved, and
  3. The payment daily in advance to the City Treasurer often dollars (\$10.00) per meter for the first day, or part thereof, and five dollars (\$5.00) per meter per day, or part thereof, thereafter for a maximum of fifteen (15) days;
- B. The Mayor or the Mayor's authorized designee, for no more than a total often (10) days in any one calendar year and upon three (3) working days' advance notice to the Council by special order setting forth the days, hours and/or affected area or areas of meter or meters, upon the following conditions:
1. When the waiver is for a limited period to foster area business promotion, or to commemorate public holidays, parades, gatherings or events,
  2. When a substantial public interest is furthered by the waiver, or
  3. As an experiment to gather data on the effects of parking meters and the economy of the surrounding areas.

**SECTION XXI: Parking Meters-Use Of Unexpired Time:**

The driver of a vehicle entering a parking space at a time when the meter for such space shows unexpired legal parking time may permit such vehicle to remain parked in such space for such time as the meter indicates legal parking time remaining, and may, by depositing the proper coin or coins remain parked in such space for the amount of time allowed therein subject to the limitations provided in Section 17 of this Chapter, or its successor.

**SECTION XXII: Parking Meters-Coins and Keys-Tampering Prohibited:**

- A. The insertion of any lawful coin or coins in any meter shall not entitle any person to park in such parking meter space during the time parking is prohibited in such parking meter space.
- B. It is unlawful to deposit in any parking meter anything other than lawful coin of the United States, or any coin that is bent, cut, torn, battered or otherwise misshapen. No unauthorized person shall remove, deface, tamper with, open, break, destroy or damage any parking meter. No person shall willfully manipulate any parking meter in such manner that the indicator will not operate or continue to show the correct amount of unexpired time before a violation.
- C. It is unlawful for any person not authorized by the City of Rexburg to have in such person's possession or on his or her person any key which will open the coin box of any parking meter in the streets of the City, or on any public parking area operated and maintained by the City.
- D. It is unlawful for any person to duplicate or reproduce in any manner any key which will open the coin box of any parking meter in the streets of the City, or on any public parking area operated and maintained by the City; provided, however, that such keys may be duplicated or reproduced for the use of the City of Rexburg upon written authorization from the Mayor to do so.

**SECTION XXIII: Parking in More Than One Parking Meter Space:**

No Person shall park or permit any vehicle to remain parked in more than one parking meter space at a time.

**SECTION XXIV: Airport Parking-Signs and Markings:**

No person shall park a vehicle at the airport other than in a manner and at locations indicated by posted traffic signs and markings.

**SECTION XXV: City and County Employee Parking-Areas Designated:**

Certain areas of the City have been designated for parking by employees and officials of the City of Rexburg.

**SECTION XXVI: Residential Parking Lots Owned By the City:**

- A. No person, on the premises of any residential parking lot owned by the City where a sign or signs are posted designating such residential parking lot as a parking lot of the City of Rexburg, shall:
  - 1. Park any vehicle continuously in excess of seventy two (72) hours;
  - 2. Park any boat, trailer or motor home;
  - 3. Park any vehicle over eighteen feet (18') in length or eight feet (8') wide;
  - 4. Abandon any vehicle;
  - 5. Make repairs on any vehicle; or
  - 6. Park any vehicle thereon which does not bear a valid license plate and current Idaho inspection sticker.
  
- B. For the purpose of this Section, the term “residential parking lot owned by the City” means any area where vehicles may be left unattended upon any property the City may have an ownership interest in, and which has a sign or signs thereon stating that such area is a “Residential Parking Lot of the City of Rexburg”.
  
- C. Any vehicle found in violation of any of the foregoing prohibitions upon any residential parking lots owned by the City is hereby declared to be a nuisance, and may be summarily abated by removing any such vehicle by, or under the directions of, or at the request of a police officer or other officer charged with enforcing the parking laws of the City to a place of storage within the City by means of towing or otherwise, as provided in this Ordinance, and the provisions of said Ordinance shall govern the disposition of any vehicle so impounded.

**SECTION XXVII: No Stopping or Parking-Color Markings and Signs:**

- A. The City Transportation Engineer is authorized, subject to provisions and limitations of this Code, and after a comprehensive study, to place and when required herein shall place and maintain appropriate signs or traffic markings to indicate standing or parking regulations, and such traffic markings shall designate the zones and shall have the meanings herein set forth.
  - 1. Red: Red means no stopping, standing or parking at any time;
  - 2. Yellow: Yellow means no stopping, standing or parking except as designated by appropriate signs or traffic markings.
- B. When appropriate signs or traffic curb markings have been erected or placed according to this Section, no person shall stop, stand or park a vehicle in any zone contrary to the provisions of this Section.

**SECTION XXVIII: Loading Zones and Restricted Parking-Designation and Signs:**

The City Transportation Engineer is hereby authorized to determine the location of passenger and freight curb loading zones and restricted parking zones and shall place and maintain appropriate signs or markings indicating the same and stating the hours during which the provisions of this Section are applicable.

**SECTION XXIX: Freight Curb Loading Zones:**

- A. No person shall stop a vehicle or permit the same to remain stopped for any purpose or length of time other than for the expeditious loading and/or unloading of materials in any place marked as a freight curb loading zone during the hours when the provisions applicable to such zones are in effect. Vehicles so using freight curb loading zones must have City freight permit and freight license sticker permanently affixed to the front windshield of the vehicle as prescribed by City ordinance. In no case shall the stop for loading and/or unloading of materials exceed thirty (30) minutes.
  
- B. The driver of a passenger vehicle may stop at a place marked as a freight curb loading zone for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any City-licensed vehicle used for the transportation of materials which is waiting to enter or about to enter such zone; provided, however, that the driver must remain with his or her vehicle.

**SECTION XXX: Public Carrier And Bus Stands:**

The City Transportation Engineer is authorized and required to establish bus and coach stops and

stands for passenger common carrier vehicles other than taxicabs on such public streets in such places and in such numbers as the City Transportation Engineer shall determine to be of the greatest benefit and convenience to the public, and every such bus and coach stop and stand for common carrier vehicles shall be designated by appropriate signs or markings installed by the City Transportation Engineer.

**SECTION XXXI: Buses and taxicabs-Parking restrictions.**

The driver of a bus or taxicab shall not park upon any street upon which parking is prohibited, restricted, limited as to time or registered by parking meters, at any place other than at a bus stop or taxicab stand, respectively, except that this provision shall not prevent the driver of any such vehicle from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in loading or unloading passengers.

**SECTION XXXII: Buses and taxicabs-Stand use restrictions:**

No person shall stand, stop or park any vehicle other than a licensed bus or coach in a bus stop, and then only for the express purpose of and while actually engaged in the loading or unloading of passengers, nor shall any person stop, stand or park any vehicle other than a taxicab in a taxi stand, when such stand or stop has been officially designated and appropriately signed and marked.

**SECTION XXXIII: Taxicab stands-Establishment and signs.**

The city transportation engineer is hereby authorized and required to establish taxicab stands on such public streets in such places and in such manner as the city transportation engineer shall determine to be of the greatest benefit and convenience to the public and every such taxicab stand shall be designated by appropriate sign or markings installed by the city transportation engineer.

**SECTION XXXIV: Restricted parking zones.**

No person shall stop, stand or park a vehicle for any purpose or length of time in any restricted parking zone other than for the purpose to which parking in such zone is restricted, except that a driver of a passenger vehicle may stop temporarily in such zone for the purpose of and while actually engaged in loading or unloading of passengers when such stopping does not interfere with any vehicle which is waiting to enter or about to enter the zone for the purpose of parking in accordance with the purposes to which parking is restricted and the driver must remain in the car.

**SECTION XXXV: Parking in alleys.**

No person shall park a vehicle within an alley except during the necessary and expeditious loading and unloading of merchandise, and no person shall stop, stand or park a vehicle within an alley in such a position as to block the driveway entrance or any abutting property, or interfere with the free movement of traffic through the alley.

**SECTION XXXVI: One-way roadway restrictions.**

In the event a street includes two separate roadways and traffic is restricted to one direction upon each of such roadways, no person shall stand or park a vehicle upon the left side of either of such roadways.

**SECTION XXXVII: Double parking, standing or stopping.**

No person shall park, stand or stop a vehicle upon the roadway side of another vehicle which is parked, standing or stopped except while actually engaged in loading or unloading passengers, or in compliance with directions of a police officer or traffic-control device, or when necessary to avoid other traffic.

**SECTION XXXVIII: Stopping or parking-Roadways without curb.**

A. No person shall stop, park or leave standing any vehicle, whether attended or unattended, upon any roadway constructed without a curb, when it is practical to stop, park or so leave such vehicle off such roadway. In every event, such parked vehicle shall be parked in the direction of lawful traffic movement with an unobstructed width of the roadway opposite the standing vehicle left

for the free passage of other vehicles, and a clear view of such stopped vehicles shall be available.

- B. This section shall not apply to the driver of any vehicle which is disabled while on the main traveled portion of a street in such manner and to such an extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position.

**SECTION XXXIX: Stopping or parking-Prohibited in certain areas.**

- A. No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic-control device, in any of the following places:
1. On a sidewalk area;
  2. In front or within five feet of a private driveway;
  3. Within an intersection;
  4. Within five feet of fire hydrant, as measured in both directions along the street or highway curb line from the line extending from the center of the hydrant to the curb line at its nearest point;
  5. On a crosswalk;
  6. Within twenty feet of a crosswalk at an intersection;
  7. Within thirty feet upon the approach of any flashing beacon or traffic-control device located at the side of a roadway;
  8. Between a safety zone and the adjacent curb, or within thirty feet of points on the curb immediately opposite the ends of a safety zone, unless authorized signs or markings indicate a different length;
  9. Within fifty feet of the nearest rail of a railroad crossing;
  10. Within twenty feet of the driveway entrance to any fire station, and on the side of a street opposite the entrance when properly signposted;
  11. Alongside or opposite any street excavation or obstruction, when stopping, standing or parking would obstruct or be hazardous to traffic;
  12. Upon any bridge or other elevated structure upon a street, or within a street tunnel or underpass;
  13. At any place where official signs or traffic markings prohibit stopping, standing or parking;
  14. At any place in any public park, playground or grounds of any public building other than on the roads or parking lots provided for public parking and then only in accordance with provisions of any officially installed signs, such signs to be installed by the city transportation engineer, pursuant to the authority granted in this Ordinance;
  15. On any footpath in any park or playground;
  16. Within a fire lane as designated and marked in accordance with the provisions of the relevant Rexburg City Ordinance, or its successor, whether on public or private property; or
  17. On a median or island, or on any dividing section.
- B. No person shall move a vehicle under such person's control into any such prohibited area, or upon any area not designated for vehicular travel or parking.

**SECTION XL: Time-limited parking on certain streets.**

- A. Purpose of Section. The city council finds that restricted-time parking regulations are designed to require movement of vehicles from designated street parking locations to enable as many members of the public as possible to have access to prime street parking locations. Some members of the public attempt to avoid purposes of restricted time parking by moving their vehicles only enough to cover any markings placed by parking enforcement personnel or by moving their vehicles only to return within a few minutes to the same or approximately the same parking spot.  
It is necessary to provide fair and equal access to limited public resources and assets such as prime parking locations.
- B. When signs or traffic markings are erected or placed by the direction of the city transportation engineer, no person shall park a vehicle or permit such vehicle to remain parked for longer than the time specified, between the hours shown upon any street, parts of a street, or roadway.
- C. It is unlawful for any person to:
1. Park a vehicle on the same time-restricted parking block face for longer than the posted time limitation, or having left a parking spot located on a time- restricted parking face, reenter the

parking anywhere along the same street block face within the same length of time as the posted time limitation plus thirty minutes immediately following the vacation of the place of initial parking; or

2. Remove a temporary mark placed by an enforcement officer except that which may naturally occur as a result of driving the vehicle.

D. Definitions.

1. "Block face" means the side of the street where the vehicle was parked between two intersecting streets. An alley shall not be considered a street.
2. "Street" and "alley" have the meanings set forth the relevant Idaho State Code, or their successor provisions.

E. Civil Penalty-Continuing Violation. Violation of this section shall constitute a civil violation. It shall be a separate offense for each violation of the posted time limitations.

F. Every driver about to enter a parking space being vacated shall stop his or her vehicle in the actual process of vacating the parking space, and having so waited shall have prior right to the parking space over all other drivers.

G. No driver shall stop his or her vehicle ahead of a parking space being vacated and attempt to interfere with a driver who has waited properly to the rear of a parking space being vacated.

**SECTION XLI: Streets-Parking prohibited at all times.**

When signs or traffic markings are erected or in place on any street, parts of a street, or roadway, giving notice thereof, no person shall park a vehicle or permit such vehicle to remain standing at any time.

**SECTION XLII: Prohibited parking for restricted vehicles.**

- A. No person shall park, or allow to remain standing, any restricted vehicle upon any street, part of a street or roadway of the City of Rexburg, except:
  1. to load or unload the vehicle as long as the loading or unloading is done expeditiously; or
  2. upon restricted vehicle routes and truck routes as defined by the transportation engineer and in obedience to traffic signs and markings upon said routes.
- B. No person shall park, or allow to remain standing, any restricted vehicle upon any privately owned property within the corporate limits of Rexburg, if that property is zoned LDR, LDR-1, MDR, HDR, or CBD, if the access to the property is accessible only by the use of public streets or roadways where the use of such roadway by such vehicle would be unlawful.
- C. Subsection B shall not apply to vehicles parked upon privately owned property which has a valid nonconforming or conditional use permit that allows restricted vehicles upon such property.

**SECTION XLIII: Streets-Parking prohibited during certain hours.**

When signs or traffic markings are erected or placed by direction of the city, no person shall park a vehicle or permit said vehicle to remain standing during the hours and days specified by such signs and markings upon any street, parts of a street, or roadway.

**SECTION XLIV: Parking prohibited-Locations.**

No person shall park a vehicle:

- A. On any public street or alley where the width of the roadway is less than twenty feet;
- B. On the south or east side of any public street or alley where the width of the roadway is over twenty feet, but less than thirty feet, unless otherwise directed by traffic- control devices; or
- C. Upon any private driveway within a traffic district where the width of the driveway is less than twenty feet.

**SECTION XLV: Obstructing traffic by parking prohibited.**

No person shall park any vehicle upon a street in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for free movement of vehicular traffic.

**SECTION XLVI: Parking on sidewalk area prohibited.**

No person shall leave or cause to be left, or parked, any vehicle upon any portion of a street or highway between the curb lines or the lateral lines of a roadway and the adjacent property lines.

**SECTION XLVII: Parking for certain purposes prohibited.**

No person shall park or operate a vehicle upon any roadway for the principal purpose of:

- A. Displaying such vehicle for sale;
- B. Greasing or repairing such vehicle, except repairs necessitated by an emergency;
- C. Displaying advertising; or
- D. The sale of foodstuffs or other merchandise in any business district.

**SECTION XLVIII: Using streets for storage prohibited.**

No person shall park a vehicle, boat, trailer or other item upon any street for a period of time longer than forty-eight hours.

**SECTION XLIX: Using streets for storage of motor homes, boats and trailers prohibited.** No person shall park a motor home, boat, trailer or other item upon any street for a period of time longer than forty-eight hours. Motor homes, boats and trailers which are moved from a parking spot and then re-parked on the same street block face within twenty-four 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.

**SECTION L: Parking violation-Owner's responsibility.**

Whenever any vehicle shall have been parked in violation of any of the provisions of any ordinance prohibiting or restricting parking, the person in whose name such vehicle is registered shall be prima facie responsible for such violation and subject to the penalty therefore.

**SECTION LI: Moving Illegally Parked Vehicles-Police Authority:**

Whenever any police officer finds a vehicle parked or standing upon a street and such vehicle is creating a danger to persons or property, such officer is hereby authorized to move such vehicle, or require the driver or other person in charge of the vehicle to move the same, to a position off the main-traveled part of such street.

**SECTION LII: Unauthorized Use of Streets, Parking Lots & Other Areas-Penalties:**

- A. Any person engaging in the unauthorized use of streets, parking lots or other areas as provided under this Chapter, within the City, shall be liable for a civil penalty. Any penalty assessed in subsection B of this Section may be in addition to such other penalties as may be provided in this Ordinance.
- B. "Unauthorized use of streets" means a violation of any restriction or prohibition contained in this Chapter or its successor.
- C. Civil penalties shall be imposed as set forth on the Notice of Parking Violation, as may from time to time be amended by resolution other City Council of the City of Rexburg.
- D. The civil penalties specified in subsection B of this Section shall be subject to reductions as set forth on the Notice specified in subsection B of this Section if the penalties are paid within the designated number of days from the receipt of notice.

- E. As used in this Section, “receipt of notice” means the affixing of a notice to the vehicle alleged to have been employed in such unauthorized use, or by delivery of such notice to the owner or driver thereof

**SECTION LIII: Unauthorized Use of Streets-Strict Liability of Owner:**

Whenever any vehicle shall have been employed in the unauthorized use of streets, the person in whose name such vehicle is registered shall be strictly liable for such unauthorized use and the penalty therefore.

**SECTION LIV: Unauthorized Use Of Streets-Appeal Procedures:**

- A. The Mayor shall appoint such hearing officers as he or she deems appropriate to consider matters relating to the unauthorized use of streets.
- B. Any person having received notice of such unauthorized use, or the owner of any vehicle employed in such use, may appear before a hearing officer and present and contest such alleged unauthorized use.
- C. The burden to prove any defense shall be upon the person raising such defense.
- D. If the hearing officer finds that no unauthorized use occurred or an unauthorized use occurred but one or more of the defenses set forth in this Section is applicable, the hearing officer may dismiss the notice of unauthorized use and release the owner or driver from liability there under. Such defenses are:
1. At the time of the receipt of the notice, possession of the subject vehicle had been acquired in violation of the criminal laws of the State;
  2. If the notice of unauthorized use alleges a violation of any ordinance pertaining to a parking meter, such meter was mechanically malfunctioning to the extent that its reliability is questionable;
  3. Compliance with the subject ordinances would have presented an imminent and irreparable injury to persons or property.
- E. If the hearing officer finds that an unauthorized use occurred but one or more of the defenses set forth in this Sections is applicable, the hearing officer may reduce the penalty associated therewith, but in no event shall such penalty be reduced below the sum of three dollars(\$3.00). Such defenses are:
1. At the time of receipt of the notice, possession of the subject vehicle had been acquired pursuant to the written lease agreement or similar written agreement;
  2. The subject vehicle was mechanically incapable of being moved from such location; provided, however, such defense shall not apply to any vehicle which remains at such location in excess of six (6) hours;
  3. Any markings, signs or other indicia of parking use regulation were not clearly visible or comprehensible;
  4. Such other mitigating circumstances as may be approved by the City Law Department.
- F. If the hearing officer finds that an unauthorized use occurred and no applicable defense exists, the hearing officer may, in the interest of justice and on behalf of the City, enter into an agreement for the timely or periodic payment of the applicable penalty.
- G. If the penalty imposed pursuant to this Chapter remains unsatisfied after forty (40) days from the receipt of notice, or ten (10) clays from such date as may have been agreed to by the hearing officer, the City may use such lawful means as are available to collect such penalty, including costs and attorney fees.

**SECTION LV:** All ordinance and parts of ordinance in conflict with this ordinance are hereby repealed.

**SECTION LVI:** Neither the adoption of this ordinance nor the repeal of any ordinance shall, in any manner, affect the prosecution for violation of such ordinance committed prior to the

