



## ORDINANCE 1094

**AN ORDINANCE OF THE CITY OF REXBURG, MADISON COUNTY, IDAHO KNOWN AS “STANDING, STOPPING AND PARKING ORDINANCE – REPLACING ORDINANCE 818A AND ORDINANCE 1028”, 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, 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 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 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 in a restricted parking area where the maximum designated time is less than two hours;

b. Park for longer than the maximum designated time in a restricted parking area where the maximum designated time is longer than two hours.

B. Designated 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 11 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: 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 XIV: 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 XV: 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 XVI: 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 XVII: 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 XVIII: 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 XIX: 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 XX: Buses and taxicabs-Parking restrictions.**

The driver of a bus or taxicab shall not park upon any street upon which parking is prohibited, restricted, or limited as to time, 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 XXI: 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 XXII: 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 XXIII: 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 XXIV: 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 XXV: 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 XXVI: 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 XXVII: 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 XXVIII: 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 XXIX: 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 both sides 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 XXX: 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 XXXI: 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 XXXII: 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 XXXIII: 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 XXXIV: 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 XXXV: 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 XXXVI: 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 XXXVII: University on-street parking**

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 and displayed parking permit from the City of Rexburg, or its designated representative, to park on the public roads or thoroughfares.

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.

**SECTION XXXVIII: Campus vicinity residential parking**

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 and displayed parking permit from the City of Rexburg, or its designated representative, to park on the public roads or thoroughfares.

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.

**SECTION XXXIX: Downtown commercial residential parking**

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 and displayed parking permit from the City of Rexburg, or its designated representative, to park in the designated parking lots.

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.

**SECTION XL: Owner occupied residential parking**

A. As designated by City officials on a case-by-case basis, certain parking stalls or street sections shall become Owner Occupied Residential Parking, and shall require an

appropriately issued and displayed “O” parking permit from the City of Rexburg, or its designated representative, to park on the public roads or thoroughfares.

B. In conjunction with the designation of Owner Occupied Residential Parking, the City shall issue, upon proper application, Two (2) permits for each owner occupied residential apartment of a participating property. In addition to the Two (2) permits 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.

**SECTION XLI: General Rules and Penalties – University on-street parking; Campus vicinity residential parking; Downtown commercial residential parking**

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.

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

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”.

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. With respect to Owner Occupied Residential permits, permits may be issued upon application by the owner of an owner-occupied parcel of land within the campus vicinity or downtown commercial districts, with each owner-occupied parcel being eligible for two (2) permits as a matter of right. 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.

E. Any 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.

F. For any of the above listed permit types, the permit holder shall display the permit in the front window of his or her vehicle, unless instructed otherwise by the designated permit issuer. The permit must be completely visible. If a permit holder fails to properly display the permit when parked in a permit-restricted parking area, he or she may be held responsible for a parking violation and subject to the accompanying penalty.

G. 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.

H. 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.

I. 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.

J. 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 XLII: 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 XLIII: 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 XLIV: 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 XLV: 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 XLVI: 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 XLVII: 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 XLVIII: Unauthorized Use of Streets-Appeal Procedures:**

C. The Mayor shall appoint such hearing officers as he or she deems appropriate to consider matters relating to the unauthorized use of streets.

D. 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.

E. The burden to prove any defense shall be upon the person raising such defense.

F. 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. Compliance with the subject ordinances would have presented an imminent and irreparable injury to persons or property.

G. 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.

H. 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.

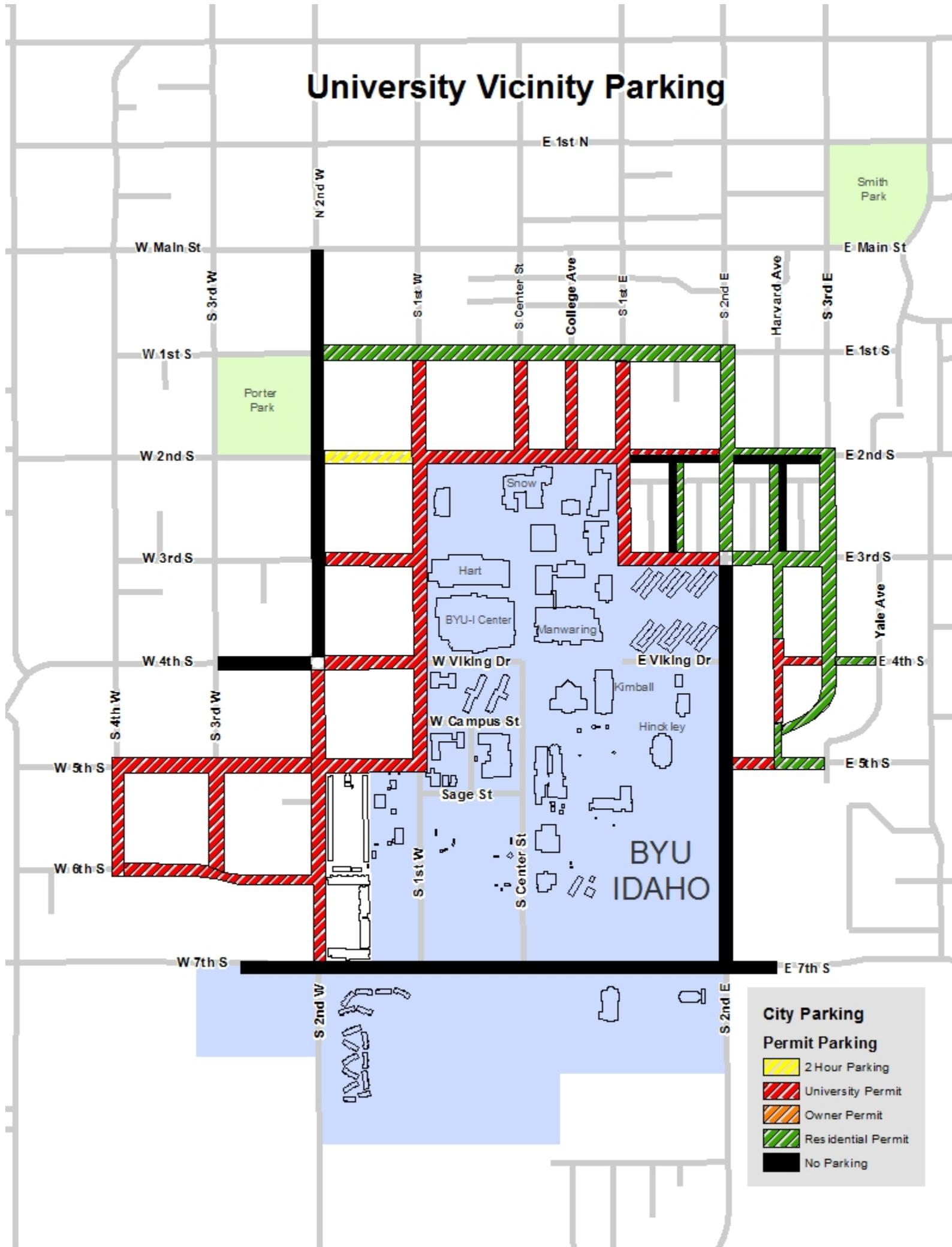
I. If the penalty imposed pursuant to this Chapter remains unsatisfied after forty (40) days from the receipt of notice, or ten (10) days from such date as may have been agreed to by the hearing officer, the City may use such lawful means as are available to collect such penalty, including costs and attorney fees.

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

**SECTION L:** 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 effective date of this ordinance or be construed as a waiver of any license or penalty due under any such ordinance or in any manner affect the validity of any action heretofore taken by the City of Rexburg City Council or the validity of any such action to be taken upon matter pending before the City Council on the effective date of this ordinance.

**SECTION LI:** The provisions of this ordinance are severable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, or unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutional or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this ordinance would have been adopted if such illegal, invalid or unconstitutional provision, clause sentence, subsection, word, or part had not been included therein, and if such person or circumstance to which the ordinance or part thereof is held inapplicable had been specifically exempt there from.

Exhibit "A"



**Exhibit "B"**



Exhibit "C"

**RESIDENTIAL  
PARKING DISTRICT**

**CITY PARKING  
PERMIT REQUIRED**



**for  
ON STREET PARKING  
THIS BLOCK**

**8AM-5PM MON-FRI  
EXCEPT HOLIDAYS**

**ENTERING  
RESIDENTIAL  
PARKING DISTRICT**

**CITY PARKING  
PERMIT REQUIRED**



**for  
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THIS BLOCK**

**8AM-5PM MON-FRI  
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**for  
ON STREET PARKING  
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**8AM-5PM MON-FRI  
EXCEPT HOLIDAYS**

**ENTERING  
UNIVERSITY  
PARKING DISTRICT**

**CITY PARKING  
PERMIT REQUIRED**



**for  
ON STREET PARKING  
THIS BLOCK**

**8AM-5PM MON-FRI  
EXCEPT HOLIDAYS**

**UNIVERSITY  
PARKING DISTRICT**

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**for  
ON STREET PARKING  
THIS BLOCK**

**8AM-5PM MON-FRI  
EXCEPT HOLIDAYS**

**Exhibit “D”**

**UNIVERSITY ON-STREET PARKING PASS**

January 01 – April 30 = \$15.00  
April 15 – August 31 = \$15.00  
September 01 – December 31 = \$15.00

Discretionary parking passes = Annual \$35.00

**CAMPUS VICINITY RESIDENTIAL PARKING PASS**

January 01 – December 31 = Two free parking passes per “parcel”

Discretionary parking passes = \$35.00

**DOWNTOWN COMMERCIAL RESIDENTIAL PARKING PASS**

January 01 – December 31 = One free parking passes per “living unit”

Discretionary parking passes = \$35.00

**OWNER OCCUPIED RESIDENTIAL PARKING PASS**

January 01 – December 31 = Two free parking passes per “parcel”

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PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR this 28<sup>th</sup> day of  
November, 2012.

\_\_\_\_\_  
Richard Woodland, Mayor

(SEAL)

ATTEST:

\_\_\_\_\_  
Blair D. Kay, City Clerk

