



**ORDINANCE NO. 482**

**AN ORDINANCE TO REGULATE AND CONTROL VEHICLE, ANIMAL AND PEDESTRIAN TRAFFIC ON THE CITY STREETS AND THOROUGHFARES OF THE CITY OF REXBURG, MADISON COUNTY, IDAHO: DEFINING WORDS AND PHRASES USED HEREIN; FOR OBEDIENCE TO SUCH TRAFFIC REGULATIONS; PROVIDING FOR TRAFFIC CONTROL DEVICES; PROVIDING FOR NECESSARY EQUIPMENT; PROVIDING SPEED REGULATIONS; PROVIDING FOR THE OPERATION OF VEHICLES WITHIN THE CORPORATE LIMITS OF REXBURG, IDAHO: REGULATING PEDESTRIAN TRAFFIC ON CITY STREETS AND CROSSWALKS; PROVIDING FOR STOPPING, STANDING OR PARKING OF VEHICLES; PROVIDING MISCELLANEOUS DRIVING RULES REGARDING THE BACKING OF VEHICLES, OBSTRUCTION OF DRIVER'S VIEW, FOLLOWING FIRE APPARATUS, CROSSING FIRE HOSE, DEPOSITING GLASS OR DEBRIS ON THE STREETS, RIDING OF MOTORCYCLES, DESIGNATION OF PLAY STREETS, UNQUALIFIED DRIVERS, REQUIRING MOTOR VEHICLES TO BE REGISTERED AS REQUIRED BY STATE LAW, PASSING OF SCHOOL BUSES; MAKING IT UNLAWFUL TO DRIVE UNDER THE INFLUENCE OF INTOXICANTS AND/OR DRUGS, MAKING RECKLESS DRIVING AND NEGLIGENT DRIVING UNLAWFUL, PROVIDING FOR TRAFFIC ARRESTS AND CITATIONS; MAKING IT A MISDEMEANOR TO VIOLATE THE PROVISIONS HEREOF AND THE PENALTY ON CONVICTION FOR SUCH VIOLATIONS: REPEALING OF ORDINANCES OR PARTS OF ORDINANCES ON CONFLICT HERewith; PROVIDING A SAVING CLAUSE; AND PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.**

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

**Definitions:** The following words and phrases when used in this Ordinance shall have the meanings respectively ascribed to them:

- A. "VEHICLE": Every device, in, upon or by which any person or property is or may be transported or drawn upon a thoroughfare, including dead end streets, except devices moved by human power or used exclusively upon stationary tracks or rails.
- B. "MOTOR VEHICLE": Every vehicle, as herein defined, which is self-propelled and every vehicle designated to be drawn upon a public thoroughfare behind and in conjunction with a self-propelled motor vehicle, provided there shall be excluded herefrom every such vehicle so drawn, excepting house trailers, whose unladen weight is less than two thousand (2,000) pounds.
- C. "COMMERCIAL VEHICLE": Every vehicle designed, maintained or used primarily for the transportation of property of persons for hire.
- D. "AUTHORIZED EMERGENCY VEHICLE": Vehicles of the Fire Department, Police vehicles and such ambulances and emergency vehicles of municipal departments or public service corporations as are designated or authorized by the Chief of Police.
- E. "BICYCLE": Every device propelled by human power upon which any person may ride, having two (2) tandem wheels.

- F. "MOTORCYCLE": Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground. Every motor scooter with a motor which produces not to exceed five (5) horse power and every bicycle with motor attached, but excluding a tractor.
- G. "TRACTOR": Every motor vehicle designed and used primarily for drawing other vehicles or equipment constructed to carry or not to carry some substantial part of the weight of the vehicle or equipment being drawn.
- H. "TRUCK": Every motor vehicle designed, used, or maintained primarily for the transportation of property.
- I. "BUS": Every motor vehicle designed for carrying more than ten (10) passengers and used for the transportation of persons, and every other motor vehicle, other than a taxi cab, designed and used for the transportation of persons for compensation.
- J. "TRAILER": Every vehicle with or without motive power, designed for carrying persons or property and for being drawn by a motor vehicle.
- K. "SEMI-TRAILER": Every vehicle, with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.
- L. "RAILROAD": A carrier of persons or property operated upon stationary rails.
- M. "RAILROAD TRAIN": A steam engine, electric or other motor, with or without cars coupled thereto operated upon rails.
- N. "TRAFFIC": Pedestrians, ridden or herded animals, vehicles and other conveyances either singly or together while using any public thoroughfare for purposes of travel.
- O. "RIGHT-OF-WAY": The privilege of the immediate use of the public thoroughfare.
- P. "STOP": Complete cessation of movement.
- Q. "STOP, STOPPING OR STANDING": When prohibited, means any stopping or standing of a vehicle whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control sign or signal.
- R. "PARK": When prohibited, means the standing of a vehicle whether occupied or not, otherwise than temporarily for the purpose of a while actually engaged in loading or unloading.
- S. "OFFICIAL TIME STANDARD": Whenever certain hours are named herein they shall mean standard time or daylight saving time as may be in current use for the Municipality.
- T. "DRIVER": Every person who drives or is in actual physical control of a vehicle.
- U. "PEDESTRIAN": Any person afoot.
- V. "POLICE OFFICER": Every officer of the Municipal Police Department or any office authorized to direct or regulate traffic or to make arrests for violation of traffic regulations.
- W. "TRAFFIC DIVISION": The Traffic Division of the Police Department or in the event a Traffic Division is not established, than said term whenever used herein shall be deemed to refer to the Police Department.
- X. "STREET OR HIGHWAY": The entire width between the boundary lines of every publicly maintained way when any part thereof is open to the use of the public for the purpose of

vehicular travel.

Y. "PRIVATE ROAD OR DRIVEWAY": Every way or place in private ownership and used for vehicular travel by the owner and those having expressed or implied permission from the owner but not by other persons.

Z. "ROADWAY": That portion of a street or highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two (2) or more separate roadways the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively.

AA. "SIDEWALK": That portion of a street between the curb line or the lateral lines of a roadway and the adjacent property lines intended for the use of pedestrians.

BB. "ALLEY": That thoroughfare which intersects blocks of the Municipality at the rear of lots said blocks or transverses blocks between regularly established streets.

CC. "LANED ROADWAY": A roadway which is divided into two (2) or more clearly marked lanes for vehicular traffic.

DD. "THROUGH HIGHWAY": Every highway, street or roadway in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway.

EE. "LANED ROADWAY": A roadway which is divided into two (2) or more clearly marked lanes for vehicular traffic.

FF. "THROUGH HIGHWAY": Every highway, street or roadway in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway.

GG. "CONTROLLED-ACCESS HIGHWAY": Every highway, street or roadway in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway.

HH. "INTERSECTION": (1) The area embraced within the prolongation or connection of the lateral curb lines, or if none, then the lateral boundary lines of the roadway of the two (2) highways which join one another at or

approximately at right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

II. "CROSSWALK": (1) That part of a roadway at an intersection included within the connections of the laterals of the sidewalk on opposite sides of the highway measured from the curbs, or in the absence of curbs from the edges of the traversable roadways.

(2) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

JJ. "SAFETY ZONE": The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

KK. "CURB LOADING ZONE": The space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

LL. "TRAFFIC CONTROLLING DEVICES": All signs, signals, markings and devices not

inconsistent with this ordinance placed or erected by authority of a public body or officer having jurisdiction, for the purpose of regulating, warning or guiding traffic. **TRAFFIC CONTROL SIGNAL:** Any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and to proceed.

MM. "PARKING METER OR METERS": Shall mean a mechanical device which is so adjusted as to show the length of time of parking upon the street.

NN. "PARKING METER ZONE": Means any and all zones, alleys or streets established or designated by the Chief of Police with the consent of the council, as those zones, alleys or streets, or parts of streets, within or upon which the parking of vehicles shall be controlled, regulated and inspected with the aid of timing devices and meters, herein referred to as parking meters.

OO. "RESIDENCE DISTRICT": All territory within the City zoned as R1, R2, or R3 Residence Districts under the provisions of the City Ordinance pertaining to zoning and all territory contiguous to and including the thoroughfare not comprising a business district when the property on such thoroughfare for a distance of three hundred feet (300') or more is in the main improved with residences and other buildings.

PP. "BUSINESS DISTRICT": All territory within the City zoned as C Commercial and I Industrial under the provisions of the City Ordinance pertaining to zoning, and all territory contiguous to and including a thoroughfare when within any six hundred feet (600') along such thorough fare there are buildings in use for business or industrial purposes, including but not limited to hotels, banks, or office buildings, railroad stations, and public buildings which occupy at least three hundred feet (300') collectively on both sides of the thoroughfare.

### **TRAFFIC ADMINISTRATION**

1. **ADMINISTRATION AND ENFORCEMENT:** Administration and enforcement of this ordinance shall be vested in the Police Department, subject to the control of the Mayor and Council as in this ordinance provided.
2. **DUTIES OF POLICE OFFICERS:** Officers of the Police Department shall have the power and it shall be their duty to enforce all traffic regulations, including applicable State Laws, within the City, to make arrests for traffic violations, to require all persons using the streets of the City to do so carefully, safely and with the exercise of care for the person, property and safety of others, and in accordance with the provisions of this Ordinance, safeguard and protect the surface and other paved portions of the streets and enforce any laws for highway safety, regulate traffic on all the streets and roadways within the City, make arrests for traffic violations, investigate accidents, and cooperate with State, County and other officials in the administration of traffic laws, and in developing ways and means to improve traffic conditions, and to carry out all such other duties as are specially imposed upon said department by this Ordinance.
3. **RECORDS TO BE KEPT:** The Police Department shall keep and maintain traffic records in respect to the following matters, such records to accumulate for a period of at least five (5) years and thereafter such records to be maintained complete for at least the most recent five (5) year period:
  - a) It shall keep a record of all violations of traffic regulations, except standing or parking violations, of which any person has been charged, together with a record of the final disposition of all such cases.
  - b) It shall keep a record of all accidents investigated by the Department and of the disposition of all cases where arrests and prosecutions of persons for causing or contributing to such accidents have been made.
  - c) It shall keep and maintain a record of the traffic accidents, warnings, arrests and convictions of each driver charged with violations of this ordinance, except for violations of standing or parking regulations, which shall be filed alphabetically under the name of the driver concerned and it shall be the duty of the Police Department to bring to the attention of the Court, in the prosecution of any driver for a traffic violation, any record of prior violations charged against such driver so maintained by the department.

All record required to be kept under the provisions of paragraph 3 shall be public records.

4. **INVESTIGATION OF ACCIDENTS:** It shall be the duty of the Police Department officers to investigate all traffic accidents coming to their attention, to determine, so far as is possible, the cause thereof, and to make arrests and assist in the prosecution of those persons who, by reason of violation of the traffic laws, caused or contributed to such accidents. Whenever the accidents at any particular location become numerous, the Police Department shall conduct studies thereof and endeavor to adopt remedial measures to prevent future accidents at such locations.
5. **EXCESSIVE VIOLATIONS BY SAME PERSON:** Whenever it shall appear that any driver has been charged with frequent or an excessive number of traffic violations of a serious nature, the Police Department shall attempt to discover the reasons therefore and shall take such reasonable and lawful steps as appear likely to prevent further violations by such driver, including suspension or revocation of such driver's license.
6. **ANNUAL TRAFFIC REPORT:** The Police Department shall annually prepare a traffic report which shall be filed with the Mayor and Council containing information as to the number of traffic accidents, the number of persons killed, the number of persons injured, the number of traffic accidents investigated, the number of arrests made for violation of the traffic laws, and shall make plans and recommendations of the Police Department for future traffic safety activities and other pertinent traffic accident data.
7. **IDENTIFICATION OF FUNERAL PROCESSIONS:** The Police department shall designate suitable insignia or other means to identify the vehicles in a funeral procession and may provide a police escort for such processions, whenever, in the opinion of the head officer of the Traffic Division of the Police Department, such police escort is necessary.
8. **AUTHORITY TO REGULATE TRAFFIC MOVEMENT:** The Police Department, with the approval by resolution of the Mayor and Council, may designate those portions of any street or roadway where overtaking and passing or driving on the left side of the street would be a special hazard, to be known as "no pass zones", may designate any street, alley or separate roadway within the City for one-way traffic and may designate any street or roadway or portion thereof within said City where parking on all or any part of said street or roadway may be prohibited either all of the time or within certain designated hours, and when appropriate signs are erected such designations shall be effective at all times thereafter.

#### **OBEDIENCE TO TRAFFIC REGULATIONS**

1. **APPLICATION TO VEHICLE:** The provisions of this Ordinance relating to the operation of vehicles refer exclusively within the limits of the City.
2. **APPLICABILITY OF STATE LAWS:** All traffic laws of the State and the rules and regulations thereunder, not covered by this ordinance, shall apply to and cover the operation of vehicles and traffic upon the streets of the City to the same effect as if incorporated herein.
3. **OBEDIENCE TO TRAFFIC LAWS:** It is unlawful and it is a misdemeanor for any person to do any act forbidden, or fail to perform any act required in this Ordinance.
4. **OBEDIENCE TO POLICE OFFICERS:** No person shall lawfully fail or refuse to comply with any lawful order or direction of any police officer vested by law with authority to direct, control or regulate traffic.
5. **OBEDIENCE BY OFFICERS REQUIRED:** The provisions of this Ordinance applicable to the driving of vehicles upon the streets shall apply to the drivers of all vehicles owned or operated by the City, by the United States, the State or any other County, City, Village or other political subdivision of the State, except as provided in this Ordinance, and subject to

such exemptions as are set forth in this Ordinance with reference to authorized emergency vehicles.

6. **EXEMPTION OF PERSONS AND EQUIPMENT WORKING ON STREETS:** Unless specifically made applicable, the provisions of this Ordinance shall not apply to person, teams, motor vehicles and other equipment while actually engaged in the work of garbage removal, construction, repair or maintenance of the streets or roadways of the City, but shall apply to such persons and vehicles when driving to and from such work, City, but shall apply to such persons and vehicles when driving to and from such work.
  
7. **AUTHORIZED EMERGENCY VEHICLES:** The driver of an authorized emergency vehicle, when responding to an emergency call or when in pursuit of an actual or suspected violator of the law or when responding to, but not returning from, a fire alarm, may exercise the privileges set forth in this ordinance, but subject to the conditions hereinafter stated.
  - a) The driver of an authorized vehicle may park or stand, irrespective of the provision of this Ordinance.
  - b) May proceed past a red or stop signal or stop sign, but only after slowing down as much as may be necessary for safe operation of the emergency vehicle.
  - c) May exceed the prima facie speed limits so long as he does not endanger life or property.
  - d) May disregard regulations governing direction or movement of traffic or turning of traffic in a specified direction. The exemptions herein granted to an authorized emergency vehicle shall apply only when a driver of any said vehicle in motions sounds an audible signal by bell, siren or exhaust whistle as may be reasonably necessary and when the vehicle is equipped with at least one (1) red lamp displaying a red light visible under normal atmospheric conditions from a distance of five hundred feet (500') to the front of such vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.
  - e) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.
  
8. **PERSONS RIDING OR DRIVING ANIMAL - DRAWN VEHICLE:** Every person riding or driving any animal-drawn vehicle upon a street or roadway shall be granted all of the rights and shall be subject to all of the duties appertaining to the driver of a vehicle, of this Ordinance, except those provisions of this Ordinance which by their very nature can have no application.

### **TRAFFIC CONTROL DEVICES**

1. **ADOPTION OF UNIFORM SYSTEM:** The City hereby adopts the manual and specifications for a uniform system of traffic control devices consistent with the provisions of this Ordinance promulgated by the Department of Highways of the State in conformity with the current system approved by the American Association of State Highway Officials.
  
2. **PLACEMENT OF SIGNS AND SIGNALS:** It shall be the duty of the Police Department to place and maintain such traffic control devices conforming to said manual and specifications upon all streets and roadways that the Mayor and Council shall, by resolution, determine to be necessary to carry out the provisions of this Ordinance, and to regulate, warn and guide traffic.
  
3. **OBEDIENCE TO TRAFFIC CONTROL DEVICES:** The driver of any vehicle shall obey the instructions of any official traffic control device placed in accordance with the provisions of this Ordinance, unless otherwise directed by a traffic or police officer, subject to the exemptions granted the driver of an authorized emergency vehicle by this Ordinance. No provisions of this Ordinance for which signs are required shall be enforced against an alleged

violator if, at the time and place of the alleged violation, an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person.

4. **TRAFFIC CONTROL SIGNAL LEGEND:** Whenever traffic is controlled by traffic control signals exhibiting the words "G", "Caution" or "Stop", or exhibiting different colored lights successively one (1) at a time, or with arrows, the following colors only shall be used and said terms and lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

a) Green Alone or "go:

1. Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn; but vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or in the adjacent crosswalk at the time such signal is exhibited.
2. Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.

b) Yellow alone or "Caution" when shown following the green or "Go" signal:

1. Vehicular traffic facing the signal is thereby warned that the red or }Stop} signal will be exhibited immediately thereafter and such vehicular traffic shall not enter or be crossing the intersection when the red or "Stop" signal is exhibited.
2. Pedestrians facing such signal are thereby advised that there is insufficient time to cross the roadway, and any pedestrian then starting to cross shall yield the right-of-way to all vehicles.

c) Red alone or "Stop":

1. Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until green or "Go" is shown alone, except that after coming to a stop, vehicle may make a turn to the right when no other traffic is thereby affected.
2. No pedestrian facing such signal shall enter the roadway unless he can do so safely and without interfering with any vehicular traffic.

e) In the event an official traffic control signal is erected and maintained at a place other than an intersection, the provisions of this Ordinance shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.

5. **PEDESTRIAN CONTROL SIGNALS:** Whenever special pedestrian control signals exhibiting the words "Walk" or "Wait" or "Don't Walk" are in place, such signals shall indicate as follows:

- a) Walk: Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.
- b) Wait or Don't Walk: No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to a sidewalk or safety island while the wait signal is showing.

6. FLASHING SIGNALS:

- a) Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal it shall require obedience by vehicular traffic as follows:
1. Flashing red (Stop Signal): When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or, if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.
  2. Flashing yellow (Caution signal): When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

7. DISPLAY OF UNAUTHORIZED SIGNS OR SIGNALS:

- a) No person shall place, maintain or display upon or in view of any street or roadway any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic control device or railroad sign or signal, or which attempts to direct the movement of traffic or which hides from view or interferes with the effectiveness of any official traffic control device or any railroad signal or sign.
- b) Every such prohibited sign, signal or marking is hereby declared to be a public nuisance and the Police Department is hereby empowered to remove the same or cause it to be removed, without notice.

8. INTERFERENCE WITH OFFICIAL TRAFFIC CONTROL DEVICES: No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down or remove any official traffic control sign or device or any railroad sign or signal or any inscription, shield or insignia thereon, or any other part thereof.

**EQUIPMENT**

1. VEHICLES IN UNSAFE CONDITION: It shall be unlawful for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any street or roadway in the City any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person or property, or which does not contain those parts or is not at all times equipped with such lamps and other requirements in proper condition and adjustment as required by this Ordinance or by the laws of the State, or which is equipped in any manner in violation of this Ordinance or the laws of the State.

Nothing contained in this Ordinance shall be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with the provisions of this Ordinance.

2. HEAD LAMPS:

- a) Every vehicle other than a motorcycle shall be equipped with at least two (2) head lamps with at least one (1) on each side of the front of the motor vehicle which shall comply with the requirements and limitations of this Ordinance.
- b) Every Motorcycle and every motor driven cycle shall be equipped with at least one (1) and not more than two (2) head lamps which shall comply with the requirements and limitations of this Ordinance.
- c) Every head lamp upon every motor vehicle and every motor driven cycle, including motorcycles, shall be located at a height measured from the center of the head lamp of not more than fifty-four inches (54") nor less than twenty-four inches (24") from the ground measured with respect to a vehicle upon level ground when the vehicle is without a load.

3. TAIL LAMPS:

- a) Every motor vehicle, trailer, semi-trailer and any other vehicle which is being drawn at the end of a train or vehicles shall be equipped with at least one (1) tail lamp mounted on the rear, which, when lighted as in this ordinance required, shall emit a red light plainly visible from a distance of five hundred feet (500') to the rear; provided, that in the case of a train of vehicles only the tail lamp of the rear most vehicle need actually to be seen from the distance specified. Every tail lamp upon every motor vehicle shall be located at a height of not more than seventy-two inches (72"), nor less than twenty inches (20") from the ground measured with respect to a vehicle standing on level ground, without a load.
- b) A tail lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration plate and render it clearly legible from a distance of fifty feet (50') to the rear. Such lamp shall be so wired as to be lighted whenever the head lamps or auxiliary driving lamps are lighted.
4. ADDITIONAL EQUIPMENT REQUIRED ON CERTAIN VEHICLES: In addition to other equipment required in the Ordinance, the following vehicles shall be equipped as hereinafter stated, during the hours when lighted lamps are required by the Ordinance:
- a) On every bus, or truck, whatever its size, there shall be the following:
- On each side, one (1) reflector, at or near the rear.
- On the rear, two (2) reflectors, one (1) at each side, and one (1) stoplight.
- b) On every bus or truck eighty inches (80") or more in overall width and less than thirty feet (30') in overall length, in addition to the requirements in subsection (A):
- On the front, two (2) clearance lamps, one (1) at each side.
- On the rear, two (2) clearance lamps, one (1) at each side.
- c) On every bus or truck thirty feet (30') or more in overall length, regardless of its width, in addition to the requirements in subsection (A):
- Clearance lamps required in subsection (B) above.
- On each side, two (2) side marker lamps, one (1) at or near the front and one (1) at or near the rear.
- On each side, one (1) reflector at or near the front.
- d) On every truck tractor the cab of which is as wide as or wider than any vehicle being drawn:
- On the front, two (2) clearance lamps, one (1) at each side.
- On each side, one (1) side marker lamp at or near the front.
- e) On every trailer or semi-trailer having a gross weight in excess of three thousand (3,000) pounds, if wider than the truck or the cab of the truck tractor drawing it, the following:
- On the front, two (2) clearance lamps, one (1) at each side.
- On each side, two (2) side marker lamps, one (1) at or near the front and one (1) at or near the rear.
- On each side, two (2) reflectors, one (1) at or near the front and one (1) at or near the rear.
- On the rear, two (2) clearance lamps, one (1) at each side, also two (2) reflectors, one (1) at each side, and one (1) stoplight.

- f) On every trailer or semi-trailer having a gross weight in excess of three thousand (3,000) pounds if of the same width or less than the truck or the cab of the truck drawing it, the following:

On each side, one (1) side marker lamp near the rear.

On each side, two (2) reflectors, one (1) at or near the front and one (1) at or near the rear.

On the rear, two (2) reflectors, one (1) at each side and one (1) stoplight.

- g) On every pole trailer in excess of three thousand (3,000) pounds gross weight:

On each side, one (1) side marker lamp and one (1) clearance lamp which may be in combination, to show the front, side and rear.

On the rear of the pole trailer or lead, two (2) reflectors, one (1) at each side.

- h) On every trailer, semi-trailer and pole trailer weighing three thousand (3,000) pounds gross or less:

On the rear, two (2) reflectors, one (1) on each side. If any trailer or semi-trailer is so loaded or is of such dimensions to obscure the stoplight on the towing vehicle, then such vehicle shall also be equipped with one (1) stoplight.

5. COLOR OF LAMPS AND REFLECTORS:

- a) Front clearance lamps and those marker lamps and reflectors mounted on the front or on the side near the front of a vehicle shall display a reflection in amber color.
- b) Rear clearance lamps and those marker lamps and reflectors mounted on the rear or on the side near the rear of a vehicle shall display or reflect a red color.
- c) All lighting devices and reflectors mounted on the rear of any vehicle shall display or reflect a red color, except a stoplight or other signal device, which may be red, amber or yellow and except that the light illuminating the license plate shall be white and the light emitted by a backup light may be white, amber or red.

6. LAMP OR FLAG ON PROJECTING LOAD:

- a) Whenever the load upon any vehicle extends to the rear four feet (4') or more beyond the bed or body of such vehicle, there shall be displayed at the extreme rear end of the load during the time lighted lamps are required, a red light or lantern plainly visible from a distance of at least five hundred feet (500') to the side and rear. The red light or lantern required under this provision shall be in addition to the red rear lights required upon every vehicle. At any other time there shall be displayed at the extreme rear end of such load a red flag or cloth not less than sixteen inches (16") square and so hung that the entire area is visible to the driver of a vehicle approaching from the rear.

7. LAMPS ON PARKED VEHICLES:

- a) Whenever a vehicle is lawfully parked upon a street or roadway during the hours between a one-half (1/2) hour after sunset and a one-half (1/2) hour before sunrise and in the event there is sufficient light to reveal any person or object within a distance of five hundred feet (500') upon such street or roadway, no light need be displayed upon such parked vehicle.
- b) Whenever a vehicle is parked or stopped upon a roadway or shoulder adjacent thereto, whether attended or unattended during the hours between a one-half (1/2) hour after sunset and a one-half (1/2) hour before sunrise and there is not sufficient light to reveal any person or object within a distance of five hundred feet (500') upon such roadway such vehicle so parked or stopped shall be equipped with one (1) or more lamps displaying a white or amber light visible from a distance of five hundred feet (500') to the front of the vehicle and the

same lamp or another lamp displaying a red light visible from a distance of five hundred feet (500') to the rear of the vehicle and the location of said lamps shall always be such that at least one (1) lamp or combination of lamps meeting the requirements of these provisions is installed as near as practicable to the side of the vehicle which is closest to passing traffic. This provision shall not apply to a motor cycle.

c) Any light head lamp upon a parked vehicle shall be depressed or dimmed.

8. LAMPS ON OTHER VEHICLES AND EQUIPMENT:

Every vehicle, including animal-drawn vehicles, not otherwise specifically required by the provisions of this Ordinance to be equipped with lamps or other lighting devices, shall at all times when lighted lamps are required, be equipped with at least one (1) lamp displaying a white light visible from a distance of not less than five hundred feet (500') to the front of such vehicle and shall also be equipped with two (2) lamps displaying a red light visible from a distance of not less than five hundred feet (500') to the rear and two (2) reflectors visible for distances of one hundred feet (100') to six hundred feet (600') to the rear when illuminated by the upper beams of head lamps.

9. BRAKES:

- a) Every motor vehicle, other than a motorcycle, when operated upon a street or roadway within the City, shall be equipped with brakes adequate to control the movement of and to stop and hold such vehicle, including two (2) separate means of applying the brakes, each of which shall be effective to apply the brakes to at least two (2) wheels. If these two (2) separate means of applying brakes are connected in any way, they shall be so constructed that failure of any one (1) part of the operating mechanism shall not leave the motor vehicle without brakes on at least two (2) wheels.
- b) Every motorcycle when operated upon a street or roadway within the City shall be equipped with at least one (1) brake which may be operated by hand or foot.
- c) Every trailer or semi-trailer of a gross weight of three thousand (3000) pounds or more, when operated upon a street or roadway within the city shall be equipped with brakes adequate to control the movement of and to stop and to hold such vehicle and so designed as to be applied by the driver of the towing vehicle from its cab and said brakes shall be so designed and connected that in case of accidental brake away of the towed vehicle the brakes shall be automatically applied.
- d) One of the means of brake operation shall consist of mechanical connection from the operating lever to the brake shoes or bands and this brake shall be capable of holding the vehicle, or combination of vehicles stationary under--- condition of loading on any upgrade or downgrade upon which it is operated.
- e) The brake shoes operating within or upon the drums of the vehicle wheels of any motor vehicle may be used for both service and hand operation.
- f) Every motor vehicle or combination of vehicles, at all times, and under all conditions of loading, shall, upon application of the service or foot brake, be capable of decelerating and developing a braking force equivalent to such deceleration according to the minimum requirements set forth herein, and also of stopping within the distances set forth herein:

	Stopping distance in feet	Deceleration in feet per second per second	Equivalent braking force in percentage of vehicle or combination weight
Passenger vehicles, not including buses	25	17	53.0%
Single-unit vehicles	30	14	43.5%

with a manufacturer's gross vehicle weight rating of less than 10,000 pounds			
Single-unit, two-axle vehicles with a manufacturer's gross vehicle weight rating of 10,000 or more pounds	40	14	43.5%
All other vehicles and combinations with a manufacturer's gross vehicle weight rating of 10,000 or more pounds	50	14	43.5%

Compliance with standards set forth herein shall be determined either by actual road tests conducted on a substantially level dry, smooth, hard-surfaced road that is free from loose material, and with stopping distances measured from the actual instant braking controls when moved and from an initial speed of twenty (20) miles per hour, or by suitable mechanical tests in a testing lane which recreates such same conditions, or by a combination of both methods.

- g) All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as practicable with respect to the wheels on opposite sides of the vehicle.

10. HORNS AND WARNING DEVICES:

- a) Every motor vehicle when operated upon a street or roadway within the city, shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than two hundred feet (200') or whistle. The driver of a motor vehicle shall, when reasonable necessary to insure safe operation, give audible warning with his horn, but shall not otherwise use such horn when upon a street or roadway.
- b) No vehicle shall be equipped with, nor shall any person use upon a vehicle, any siren, whistle or bell except as otherwise permitted in this Ordinance.
- c) Any authorized emergency vehicle may be equipped with a siren, whistle or bell, capable of emitting sound audible under normal conditions from a distance of not less than five hundred feet (500') and of a type approved by the Department of Highways of the State, but such siren shall not be used except when such vehicle is operated in response to an emergency call, or in the immediate pursuit of an actual or suspected violator of the law, in which said events, the driver of such vehicle shall sound said siren when reasonable necessary to warn pedestrians and other drivers of the approach thereof.

11. MUFFLERS; PREVENTION OF NOISE:

- a) Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation, to prevent excessive or unusual noise and annoying smoke, and no person shall use a muffler cutout, bu-pass, or similar device upon a motor vehicle on any of the streets or roadways of the City.
- b) The engine and power mechanisms of every motor vehicle shall be so equipped and adjusted as to prevent the escape of excessive fumes, smoke, or noise.

12. MIRRORS: Every motor vehicle which is so constructed or loaded as to obstruct the driver's view to the rear thereof from the driver's position shall be equipped with a mirror so

located as to reflect to the driver a view of the highway for a distance of at least two hundred feet (200') to the rear of such vehicle.

13. WINDSHIELDS:

- a) It shall be unlawful for any person to operate a motor vehicle upon any of the streets or roadways of the city when the windshield is so covered with dust, frost, snow or other material to the extent that vision is obscured so as to prevent ready perception of the condition of the road and objects thereon.

14. FENDERS AND SPLASH APRONS:

- a) It shall be unlawful for any person to operate or move or any owner to permit to be operated or moved any motor vehicle, motor truck, motor bus, trailer, or semi-trailer, upon or over any public street or roadway of the City without having such vehicle equipped with fenders or covers which may include flaps or splash aprons over and to the rear of wheels, as follows;
  - I. On the rear wheels of every motor truck equipped with a body, motor bus, bus trailer, semi-trailer or trailer such fenders or covers shall extend in full width from a point above and forward of the center of the tire over and to the rear of the wheel to a point that is not more than ten inches (10") above the surface of such roadway when such vehicle is empty.
  - II. Behind the rear wheels of every motor truck not equipped with a body such fenders or covers shall extend downward in full width from a point not lower than halfway between the center of the wheels and the top of the tires on such wheels to a point that it is not more than ten inches (10") above the surface of such highway when such vehicle is empty.
  - III. Behind all wheels of every motor vehicle other than motor truck, motor buses, bus trailers, semi-trailers, or trailers, such fenders or covers shall extend in full width from a point above and forward of the center of the tire over and to the rear of the wheel to a point that is not more than twenty inches (20") above the surface of such roadway.
- b) Fenders or covers, as used in this Ordinance shall be deemed to be of sufficient size and construction as to comply with the requirements thereof, if constructed as follows:
  - I. When measured on the cross sections of the tread of the wheel or on the combined cross sections of the treads of multiple wheels, such fender or cover extends at least to each side of the width of the tire or of the combined width of the multiple tires, as the case may be.
  - II. Such fender or cover is so constructed as to be capable at all times of arresting and deflecting such dirt, mud, water, or other substances as may be picked up and carried by such wheels.

**SPEED REGULATIONS**

- 1. BASIC RULE: No person shall drive a vehicle within the corporate limits of the City of Rexburg, Idaho, at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. In every event speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering the highway, in compliance with legal requirements, and it shall be the duty of all persons to use due care.
- 2. PRIMA FACIE LIMITS: Where no special hazard exists that requires lower speed for compliance with paragraph 1 above, the speed of any vehicle not in excess of the limits specified in this Ordinance or established as hereinafter authorized, shall be lawful, but any

speed in excess of the limits specified in this ordinance or established as hereinafter authorized shall be prima facie evidence that the speed is not reasonable or prudent and that it is unlawful.

- a) Twenty Five (25) miles per hour on all streets and roadways except where a different speed is posted in accordance with the provisions of this Ordinance.
  - b) Twenty (20) miles per hour in all marked school zones within the City.
3. **WHEN REDUCED SPEED REQUIRED:** The driver of every vehicle shall, consistent with the foregoing provisions, drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when driving over any narrow or winding street or roadway, and when special hazards exist with respect to pedestrians or other traffic or by reason of weather or highway conditions.
4. **ESTABLISHMENT OF SPEED ZONES:** Whenever the Police Department and the Mayor and Council shall determine upon the basis of an engineering and traffic investigation that any prima facie speed hereinbefore set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of the City street or roadway system, said Police Department and the Mayor and Council may determine and declare by resolution a reasonable and safe prima facie speed limit thereat, which, when appropriate signs giving notice thereof are erected, shall be effective at all times thereafter.
5. **MINIMUM SPEED REGULATIONS:**
- a) No person shall drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law.
  - b) Whenever the Police Department and the Mayor and Council determine on the basis of an engineering and traffic investigation that slow speeds on any part of a street consistently impede the normal and reasonable movement of traffic, the Police Department and the mayor and Council may determine and declare a minimum speed limit below which no person shall drive a vehicle, except when necessary for safe operation or in compliance with the law, which, when appropriate signs giving notice thereof are erected, shall be effective at all times or at such times as may be determined, at such place or part of the streets or highway.
  - c) Police officers are hereby authorized to enforce this provision by directions to drivers, and in the event of apparent willful disobedience to this provision and refusal to comply with the directions of an officer in accordance therewith, the continued slow operation of a motor vehicle by a driver shall be a misdemeanor.
6. **CHARGING VIOLATIONS OF SPEED REGULATIONS:**
- a) In every charge of violation of any speed regulation in this Ordinance to complaint or citation to appear shall specify the speed at which the defendant is alleged to have driven, also the prima facie speed applicable at the location where the offense is claimed to have taken place.
  - b) The provisions of this Ordinance declaring prima facie speed limitations shall not be construed to relieve the plaintiff in any civil action from the burden of proving negligence on the part of the defendant as the proximate cause of an accident.

## **OPERATION OF VEHICLES**

1. **DRIVING ON RIGHT HAND SIDE OF ROADWAY:** Upon all roadways of sufficient width a vehicle shall be driven upon the right one-half ( $\frac{1}{2}$ ) of the roadway except as follows:
  - a) When overtaking and passing another vehicle in the same direction under the rules

governing such movement.

- b) When the right one-half ( $\frac{1}{2}$ ) of a roadway is closed to traffic or under construction or repair.
  - c) Upon a roadway divided into three (3) marked lanes for traffic under the rules applicable thereon.
  - d) Upon a street or roadway designated and sign-posed for one-way traffic.
  - e) Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right hand lane then available for traffic, or as close as practicable to the right hand curb or edge of the street or roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.
2. PASSING VEHICLES PROCEEDING IN OPPOSITE DIRECTIONS: Drivers of vehicles proceeding in opposite directions shall pass each other to the right and upon roadways having width for not more than one (1) line of traffic in each direction, each driver shall give to the other at least one-half ( $\frac{1}{2}$ ) of the main traveled portion of the roadway as nearly as possible.
3. OVERTAKING A VEHICLE ON THE LEFT: The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions, and special rules hereinafter stated;
- a) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.
  - b) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle of audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.
4. OVERTAKING A VEHICLE ON THE RIGHT:
- a) The driver of a vehicle may overtake and pass upon the right of another only under the following conditions:
    - I. When the vehicle overtaken is making or about to make a left turn;
    - II. Upon a street or highway with unobstructed pavement not occupied by parked vehicles of sufficient width for two (2) or more lines of moving vehicles in each direction.
    - III. Upon a one-way street, or upon any roadway on which traffic is restricted to one (1) direction of movement, where the roadway is free from obstructions and of sufficient width for two (2) or more lines of moving vehicles.
  - b) The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. In no event shall such movement be made by driving off the pavement or main-traveled portion of the roadway.
5. LIMITATIONS ON OVERTAKING ON THE LEFT: No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to the right hand side of the roadway before coming within one hundred feet (100') of any vehicle approaching from the opposite direction.

6. DRIVING ON ROADWAYS LANED FOR TRAFFIC: Whenever any roadway has been divided into two (2) or more clearly marked lanes for traffic, the following rules in addition to all others consistent herewith shall apply:
  - a) A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.
  - b) Upon a roadway which is divided into three (3) lanes, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle where the roadway is clearly visible and such center lane is clear within a safe distance, or in preparation for a left turn or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is signposted to give notice of such allocation.
  - c) Official signs may be erected directing slow moving traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway and drivers of vehicles shall obey the directions of every such sign.
7. FOLLOWING TOO CLOSELY:
  - a) The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the highway.
  - b) The driver of any motor truck or motor vehicle drawing another vehicle when traveling upon a roadway outside of a business or residence district and which is following another motor truck or motor vehicle drawing another vehicle shall, whenever conditions permit, leave sufficient space so that an overtaking vehicle may enter and occupy such space without danger, except that this shall not prevent a motor truck or motor vehicle drawing another vehicle from overtaking and passing any like vehicle or other vehicle.
  - c) Motor vehicles being driven upon any roadway outside of a business or residence district, in a caravan or motorcade, whether or not towing other vehicles, shall be so operated as to allow sufficient space between each such vehicle or combination of vehicles so as to enable any other vehicle to enter and occupy such space without danger. This provision shall not apply to funeral processions or authorized parades.
8. DRIVING ON DIVIDED HIGHWAYS: Whenever any highway has been divided into two (2) roadways by leaving an intervening space or by a physical barrier or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right hand roadway and no vehicle shall be driven over, across, or within any such dividing space, barrier, or section, except through an opening in such physical barrier or dividing section or space or at a crossover or intersection established by public authority.
9. POSITION AND METHOD OF TURNING AT INTERSECTIONS: The driver of a vehicle intending to turn at an intersection shall do as follows:
  - a) Right Turns: both the approach for a right turn and a right turn shall be made as close as practicable to the right hand curb or edge of the roadway.
  - b) Left Turns on Two-way Roadways: At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right one-half (1/2) of the roadway nearest the center line thereof and by passing to the right of such center line where it enters the intersection and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left hand lane lawfully available to traffic moving in such direction upon the roadway being entered.
10. STARTING PARKED VEHICLE: No person shall start a vehicle which is stopped standing or parked unless and until such movement can be made with reasonable safety.

11. TURNING MOVEMENTS AND REQUIRED SIGNALS:

- a) No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required herein, or turn a vehicle to enter a private road or driveway or otherwise turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety. No person shall so turn any vehicle without giving an appropriate signal in the manner hereinafter provided in the event any other traffic any be affected by movement.
- b) A signal of intention to turn right or left when required shall be given continuously during not less than the last one hundred feet (100') feet traveled by the vehicle before turning.
- c) No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give such a signal.
- d) Signals by Hand and Arms or Signal Device: Any stop or turn signal when required herein shall be given either by means of the hand and arm or by signal lamp or lamps or mechanical signal device.

12. METHOD OF GIVING HAND AND ARM SIGNALS: All signals herein required given by hand and arm shall be given from the left side of the vehicle in the following manner and such signals shall indicate as follows:

- a) Left Turn: Hand and arm extended horizontally.
- b) Right Turn: Hand and arm extended upward.
- c) Stop or Decrease speed: Hand and arm extended downward.

13. VEHICLE APPROACHING OR ENTERING INTERSECTION:

- a) The driver of a vehicle approaching an intersection shall yield the right-of-way to a vehicle which has entered the intersection from a different highway.
- b) When two (2) vehicles enter an intersection from different highways at approximately the same time, the driver of the vehicle to the left shall yield the right-of-way to the vehicle on the right.
- c) The right-of-way rules declared in paragraphs (A) and (B) are modified at through highways and otherwise as stated in this Ordinance.

14. VEHICLE TURNING LEFT AT INTERSECTION : The driver of a vehicle within an intersection intending to turn to the left shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard, but said driver, having so yielded and having given a signal when and as required by this Ordinance, may make such left turn and the drivers of all other vehicles approaching the intersection from said opposite direction shall yield the right-of-way to the vehicle making the left turn.

15. VEHICLE ENTERING--STOP OR YIELD INTERSECTION:

- a) Preferential right-of-way at an intersection may be indicated by stop signs or yield signs as authorized herein.
- b) Except when directed to proceed by a police officer or traffic control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop as required herein and after having stopped shall yield the right-of-way to any vehicle which has entered the intersection from another roadway or which is approaching so closely on said roadway as to constitute an immediate hazard, but said driver having so yielded may proceed and the

drivers of all other vehicles approaching the intersection shall yield the right-of-way to the vehicle so proceeding.

- c) The driver of a vehicle approaching a yield sign shall, in obedience to such sign, slow down to a speed reasonable for the existing conditions, or shall stop if necessary as provided herein, and shall yield the right-of-way to any pedestrian legally crossing the roadway on which he is driving, and to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard. Said driver having so yielded may proceed and the drivers of all other vehicles approaching the intersection shall yield to the vehicle so proceeding; provided, however, that if such driver is involved in a collision with a pedestrian in a crosswalk or a vehicle in the intersection after driving past a yield sign without stopping, such collision shall be deemed prima facie evidence of his failure to yield the right-of-way.

16. OPERATION OF VEHICLES ON APPROACH OF AUTHORIZED EMERGENCY VEHICLES:

- a) Upon the immediate approach of an authorized emergency vehicle equipped with at least one (1) lighted lamp exhibiting red light visible under normal atmospheric conditions from a distance of five hundred feet (500') to the front of such vehicle other than a police vehicle when operated as an authorized emergency vehicle, and when the driver is giving audible signal by siren, exhaust whistle, or bell, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a Police officer.
- b) This Section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

**PEDESTRIANS**

- 1. PEDESTRIANS SUBJECT TO TRAFFIC REGULATIONS: Pedestrians shall be subject to traffic control signals at intersections as provided herein, and at all places where traffic is controlled by automatic signal lights, shall comply with such signals, but at all other places pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this Ordinance.
- 2. PEDESTRIANS' RIGHT-OF-WAY IN CROSSWALKS:
  - a) When traffic control signals are not in place or not in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be, to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the one-half (1/2) of the roadway as to be in danger, but no pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.
  - b) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.
- 3. CROSSING AT OTHER THAN A CROSSWALK: Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.
- 4. DRIVERS TO USE DUE CARE: Notwithstanding the foregoing provisions of this Ordinance, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any street.
- 5. PEDESTRIANS TO USE RIGHT HALF OF CROSSWALKS: Pedestrians shall move, whenever practicable, upon the right side of crosswalks.

6. PEDESTRIANS ON ROADWAYS:

- a) Where sidewalks are provided, it shall be unlawful for any pedestrians to walk along and upon an adjacent roadway.
- b) Where sidewalks are not provided, any pedestrian walking along and upon a roadway shall, when practicable, walk only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction.

**STOPPING STANDING OR PARKING**

1. RAILROAD GRADE CROSSING; OBEDIENCE TO SIGNAL:

- a) Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this ordinance, the driver of such vehicle shall stop within fifty feet (50'), but not less than fifteen feet (15') from the nearest rail of such railroad, and shall not proceed until he can do so safely.
  - 1. A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;
  - 2. Crossing gate is lowered or when a human figure gives or continues to give a signal of the approach or passage of a railroad train.
  - 3. Railroad train approaching within approximately one thousand five hundred feet (1,500') of the highway crossing emits a signal audible from such distance and such railroad train, by reason of its speed or nearness to such crossing, is an immediate hazard.
  - 4. An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.
- b) No person shall drive any vehicle through, around, or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened, or closed.

2. STOP SIGNS AND YIELD SIGNS:

- a) Except when directed to proceed by a police officer or traffic control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop before entering the crosswalk on the near side of the intersection or in the event there is no crosswalk shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection.
- b) The driver of a vehicle approaching a yield sign, if required for safety to stop, shall stop before entering the crosswalk on the near side of the intersection, or, in the event there is no crosswalk, at a clearly marked stop line, but if none, then at the point nearest the intersection roadway where the driver has a view of approaching traffic on the intersecting roadway.

3. MERGING FROM ALLEY OR PRIVATE DRIVEWAY: The driver of a vehicle within a business or residence district emerging from an alley, driveway or building shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway or driveway, and shall yield the right-of-way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on said roadway.

4. WHERE STOPPING, STANDING OR PARKING PROHIBITED; SIGNS:

- 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:

- I. On a sidewalk;
  - II. In front of a public or private driveway;
  - III. Within fifteen feet (15') of a fire hydrant;
  - IV. On a crosswalk;
  - V. Within an intersection;
  - VI. Within twenty feet (20') of a crosswalk at an intersection
  - VII. Within thirty feet (30') upon the approach to any flashing beacon, stop sign, or traffic control signal located at the side of a roadway;
  - VIII. Between a safety zone and the adjacent curb or within thirty feet (30') of points on the curb immediately opposite the ends of a safety zone, unless the traffic authority indicates a different length by signs or markings;
  - IX. Within fifty (50') of the nearest rail of a railroad crossing;
  - X. Within twenty feet (20') of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five feet (75') of said entrance when properly signposted.
  - XI. Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;
  - XII. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
  - XIII. Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
  - XIV. At any place where official signs prohibit stopping.
  - XV. No person shall move a vehicle not lawfully under his control, into such prohibited area or away from a curb such distance as is unlawful.
5. **REPAIRING OR STORING VEHICLES ON STREET:** It shall be unlawful for any person to use any street or portion thereof within the City for the purpose of repairing any vehicle except for temporary emergency repairs, and it shall be unlawful for any person to store or abandon any vehicle upon any of the streets of the City. Any vehicle left standing or parked for a period for forty-eight (48) or more consecutive hours in the same area shall be deemed to have been abandoned and the officers of the Police Department shall cause the same to be removed and impounded in such place as the Department shall determine, for safekeeping.
  6. **PARKING TRUCKS IN RESIDENTIAL DISTRICT:** It shall be unlawful for any person to park any motor vehicle larger than what is commonly known as a pickup truck on the streets in any residential district of the City, except for the purpose of loading or unloading such vehicle in the most expeditious manner having due regard for the rights of others and traffic on the streets.
  7. **MANNER OF PARKING:** Except as otherwise provided in this Ordinance, every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be so stopped or parked with the right hand wheels of such vehicle parallel to and within eighteen inches (18") of the right hand curb, except upon one-way roadways, in which even the vehicle shall be stopped or parked on either side where parking is permitted, with the wheels closest to the curb within eighteen inches (18") of the curb, except where angel parking has been designated.

8. **UNATTENDED MOTOR VEHICLE:** No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key and effectively setting the brake thereon, and, when standing upon a grade, turning the front wheels to the curb or side of the roadway.
9. **PARKING RESTRICTIONS:** When signs are erected in each block giving notice thereof, it shall be unlawful for any person to park a vehicle between the hours, on the days, and on the streets specified in said notice.
10. **IMPOUNDING VEHICLES:** The Police Department is authorized to remove from the street and impound any vehicle parked in violation of the provisions of paragraph 10 above.
11. **IMPOUNDING FEES:** the owner of a vehicle which has been impounded under any provisions of this Ordinance shall pay a fee of ten dollars (\$10.00) plus one dollar (\$1.00) per day, after the first day, the Clerk to cover the cost and expense of impounding, towing and storage, before such vehicle shall be released.

### **MISCELLANEOUS DRIVING RULES**

1. **BACKING:** The driver of a motor vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic.
2. **OBSTRUCTION TO DRIVER'S VIEW:**
  - a) No person shall drive a vehicle when it is so loaded or when there are in the front seat such number of persons exceeding three (3) as to obstruct the view of the driver to the front or sides of the vehicle, or so as to interfere with the driver's control over the driving mechanism of the vehicle.
  - b) No passenger in a vehicle shall ride in such position as to interfere with the driver's view ahead or to the sides, or to interfere with his control over the driving mechanism of the vehicle.
3. **FOLLOWING FIRE APPARATUS:** The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than five hundred feet (500') or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm.
4. **CROSSING FIRE HOSE:** No vehicle shall be driven over any unprotected hose of a Fire Department when laid down on any street or a private driveway to be used in any fire or alarm of fire, without the consent of the Fire Department Official in command.

### **DEPOSITING GLASS OR DEBRIS ON STREETS:**

- a) No person shall throw or deposit upon any highway, street or thoroughfare, any glass, bottles, nails, tacks, wire, cans, or any other substance likely to injure any person, animal or vehicle upon such highway, street or thoroughfare.
- b) Any person who drops or permits to be dropped or thrown upon any highway, street or thoroughfare, any destructive or injurious material shall immediately remove the same, or cause it to be removed.
- c) Any person removing a wrecked or damaged vehicle from a street or roadway shall remove any glass or other injurious substance dropped upon the highway, street or thoroughfare, from such vehicle.

### **1. RIDING ON MOTORCYCLE:**

- a) A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operation shall not carry any other person not shall any other

person ride upon a motorcycle unless such motorcycle is designed to carry more than one person, in which event a passenger may ride upon a permanent and regular seat if designed for two (2) persons, or upon another seat firmly attached to the rear or side of the motorcycle.

- b) No person shall ride upon a motorcycle as operator or passenger, upon any public street, highway, road, or way within the City, unless at all times when so operating or riding upon said vehicle he is wearing, as part of his motorcycle equipment, a protective safety helmet of a type and quality equal to or better than the standard established for such helmets by the Commissioner of Law Enforcement of the State of Idaho.
2. DESIGNATION OF PLAY STREETS: The Chief of Police shall have authority to declare any street or part thereof as a play street for certain hours of the day, by posting appropriate signs indicating the hours when traffic shall be prohibited in such area.
  3. UNQUALIFIED DRIVERS: It shall be unlawful for any person not qualified under the Laws of the State to drive or operate a motor vehicle upon the streets or roadways of the City, and it shall be unlawful for the owner of any motor vehicle to permit the same to be driven or operated on the streets or roadways of the said City by any person who is not qualified under the Laws of the State to drive a motor vehicle within said State.
  4. STATE LICENSE REQUIRED: It shall be unlawful for any person to operate any motor vehicle upon the streets or roadways of the City which is not currently registered and licensed as required by the Laws of the State, and any license plate on a motor vehicle shall be kept clear and unobstructed.
  5. PASSING SCHOOL BUS: All traffic overtaking or passing a school bus from either direction upon any street or alley in the City, shall stop when the Stop arm is extended and shall remain stopped until the stop arm is retracted or until signaled by the bus driver to proceed.

#### **PENALTIES**

1. DRIVING UNDER THE INFLUENCE OF INTOXICANTS OR DRUGS:
  - a) It is unlawful and punishable as provided in this Ordinance for any person who is under the influence of intoxicating liquor to drive or be in actual physical control of any vehicle within the City.
  - b) In any criminal prosecution for a violation of Subsection 9A) of this section relating to driving a vehicle while under the influence of intoxicating Liquor, the amount of alcohol in the defendant's blood at the time alleged as shown by chemical analysis of the defendant's blood, urine, breath, or other bodily substance shall give rise to the following presumptions:
    - I. If there was at that time five hundredth percent (0.05%) or less by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was not under the influence of intoxicating liquor;
    - II. If there was at that time in excess of five hundredth percent (0.05%) but less than fifteen hundredth percent (0.15%) by weight of alcohol in the defendant's blood, such fact shall not give rise to any presumption that the defendant was or was not under the influence of intoxicating liquor, but such fact may be considered with other competent evidence in determining the guilt or innocence of the defendant;
    - III. If there was at the time fifteen hundredth percent (0.15%) or more by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was under the influence of intoxicating liquor;
    - IV. The foregoing provisions of Subsection (B) shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether or not the defendant was under the influence of intoxicating liquor.

- c) It is unlawful and punishable as provided in this Ordinance for any person who is a habitual user of, or under the influence of any narcotic drug, or who is under the influence of any other drug to a degree which renders him incapable of safely driving a vehicle to drive a vehicle within the City. The fact that any person charged with a violation of this subsection is or has been entitled to use such drug under the laws of this State shall not constitute a defense against any charge of violating this subsection.
- d) Any person who operated a motor vehicle or motorcycle in the City shall be deemed to have given his consent to a chemical test of his breath, blood, urine or saliva for the purpose of determining the alcoholic content of his blood; provided, that such test is administered at the direction of a police officer having reasonable grounds to believe such person has been driving in an intoxicated condition and in accordance with the rules and regulations established by the Police Department of which he is a member. If such person having been placed under arrest and having thereafter been requested to submit to such chemical test refuses to submit to such chemical test the test shall not be given but the Police Judge shall suspend his license or permit to drive and any nonresident operating privilege, provided, however, the Police Judge shall grant such person an opportunity to be heard but a license, permit or nonresident operating privilege may, upon the basis of a sworn report of the Police Officer that he had reasonable grounds to believe such arrested person to have been driving in an intoxicated condition and that such person had refused to submit to such test be temporarily suspended without notice pending the determination upon any such hearing.

Upon the request of the person who was tested the results of such test shall be made available to him.

Only a physician, or registered nurse acting at the request of a police officer, can withdraw blood for the purposes of determining the alcoholic content therein. This limitation shall not apply to the taking of a urine, saliva or breath specimen.

The person tested shall be permitted to have a physician of his own choosing administer a chemical test in addition to the one administered at the direction of the Police officer.

2. RECKLESS DRIVING: It shall be unlawful for any person to drive any vehicle within the corporate limits of the City of Rexburg, Idaho, carelessly and heedlessly or without due caution and circumspection and at a speed, or in a manner, so as to endanger or be likely to endanger any person or property, or who passes when there is a line in his lane indicating a sight distance restriction.
3. NEGLIGENT DRIVING: It shall be unlawful for any person to operate a motor vehicle in a negligent manner within the corporate limits of the City of Rexburg, Idaho. For the purpose of this section to "operate in a negligent manner" shall be construed to mean the operation of a vehicle within the corporate limits of the City of Rexburg, Idaho, in such a manner as to endanger, or be likely to endanger any persons or property.

The offense of operating a vehicle in a negligent manner shall be considered to be a lesser offense than, but included in, the offense of operating a vehicle in a reckless manner, and any person charged with operating a vehicle in a reckless manner may be convicted of the lesser offense of operating a vehicle in a negligent manner.

### **TRAFFIC ARRESTS**

1. APPEARANCE IN POLICE COURT: Whenever any person is halted by a Police officer for any violation of this Ordinance, the person shall, in the discretion of the officer, either be given a traffic citation as hereinafter provided, or be taken without unnecessary delay before the Police Judge when the person does not furnish satisfactory evidence of identity or where the officer has reasonable and probable grounds to believe such person will disregard his written promise to appear in Police Court.
2. TRAFFIC CITATIONS: Whenever a person is halted by a police officer for violation of this

Ordinance and is not taken before the Police Judge as hereinbefore required or permitted the officer shall prepare in quadruplicate a written traffic citation containing a notice to appear in Court, the name and address of the person charged, the time and place when and where the offense charged occurred, and the time when the person charged shall appear in Police Court, and such other pertinent information as may be necessary.

3. **POSTING OF BAIL:** Whenever any person is taken into custody by a Police Officer for the purpose of taking him before the Police Court and the Police Judge is not available at the time of arrest, such person shall be released upon depositing with the desk officer at the Police Department office, the amount of bail established by the Police Judge for the particular offense charged and his signing a promise to appear before the Police Court at the time required.
4. **FAILURE TO APPEAR:** It shall be unlawful for any person to violate his written promise to appear in court given to an officer upon the issuance of a traffic citation, regardless of the disposition of the charge upon which such citation was originally issued. A written promise to appear in court may be complied with by an appearance by counsel.
5. **PROCEDURE PRESCRIBED HEREIN NOT EXCLUSIVE:** The foregoing provisions of paragraph 4 shall govern all police officers in making arrests without a warrant for violations of this Ordinance, but the procedure prescribed herein shall not otherwise be exclusive of any other method prescribed by law for the arrest and prosecution of a person for an offense of like grade.
6. **EVIDENCE NOT PERMISSIBLE IN CIVIL ACTION:** NO evidence of the conviction of any person for any violation of this Ordinance shall be admissible in any Court in any civil action.
7. **PARKING CITATIONS:** Citations for violations of parking regulations may be issued by any police officer by placing the same upon the windshield of the vehicle in a secure manner, or inside the vehicle in a prominent place. Depositing such citation with the amount of penalty stated thereon with the Police Department or in any collection box shall be designated by the police Department shall be a compliance with the citation. It shall be unlawful for any person to fail to comply with any such citation for parking violations.

#### **PENALTIES FOR MISDEMEANORS**

- a) It is a misdemeanor for any person to violate any of the provisions of this Ordinance unless such violation is by this Ordinance or other law of this state, declared to be a felony.
- b) Every person convicted of a misdemeanor for a violation of any of the provisions of this Ordinance for which another penalty is not providing shall, for a first conviction thereof, be punished by a fine of not more than \$100.00 or by imprisonment in the City Jail for not more than 10 days, or both such fine and imprisonment, recoverable with costs; for a second such conviction within one year thereafter, such person shall be punishable by a fine of not more than \$200.00 or by imprisonment in the City Jail for not more than twenty days or by both such fine and imprisonment, recoverable with costs.

Upon a third or subsequent conviction within one year after the first conviction, such person shall be punishable by a fine of not more than \$300.00 or by imprisonment in the City Jail for not more than thirty days or by both such fine and imprisonment, recoverable with costs. In default of payment of the fine, such person shall be imprisoned at the rate of one day for each \$2.00 until such fine is paid, provided that upon conviction of driving a motor vehicle while the driver was intoxicated or under the influence of intoxicating liquors, the court shall demand the delivery of the driver's license as provided in Section 49-1102, Idaho Code.

#### **VALIDITY OF ORDINANCE**

All ordinances or parts of ordinances in conflict herewith are hereby repealed, but if any section, paragraph, subdivision, clause or provisions of this ordinance shall be held invalid, such invalidity shall apply only to the section, paragraph, subdivision, clause or provision so held invalid, and the



**EFFECTIVE.**

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR this 15<sup>th</sup> day of  
November, 1968.

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Beulah Johnson, City Clerk

(SEAL)

AMENDED BY ORD 648