



**ORDINANCE NO. 537**

**AN ORDINANCE REPEALING ORDINANCE NUMBER 355, 514, and 521, OF THE CITY OF REXBURG, IDAHO AND PROVIDING FOR THE ESTABLISHMENT OF PARKING ZONES IN THE CITY WITH A TWO (2) HOUR TO TIME LIMIT; PROVIDING THAT THE CHIEF OF POLICE, SUBJECT TO THE JURISDICTION OF THE CITY COUNCIL, SHALL DESIGNATE SUCH ZONES AND THE RESTRICTIONS APPURTENANT THERETO; PROVIDING THE HOURS OF SUCH LIMITED PARKING; PROVIDING THE PENALTY FOR VIOLATING PARKING REGULATIONS AND THE ENFORCEMENT PROCEDURES RELATING THERETO; PROVIDING PENALTIES FOR FAILURE TO APPEAR IN RESPONSE TO A CITATION; PROVIDING WHEN SUCH ORDINANCE SHALL BECOME EFFECTIVE, AN EMERGENCY EXISTING THEREFORE.**

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

**SECTION I:** That Ordinance number 355, 514, and 521, of the City of Rexburg, Idaho, be, and the same are hereby repealed.

**SECTION II: PARKING ZONES ESTABLISHED:**

The City Council has heretofore established and shall hereafter, establish, from time-to-time as it deems proper and necessary for the control of traffic, parking zones and Loading zones upon the streets of the City. The establishment of, and all changes in, such zones shall be only as duly ordered by the City Council and entered in the official minutes of its meetings.

**SECTION III: DESIGNATION OF PARKING SPACES:**

The Chief of police is authorized and directed to designate all parking and loading zones by causing appropriate parking signs to be installed upon the streets clearly informing the public of the location of the parking and loading zones and the parking time allowed therein.

**SECTION IV: DESIGNATION OF PARKING SPACES:**

The Chief of police is authorized and directed to cause lines or markings to be painted or placed upon the street surfaces, or upon the curbs, for the purpose of designating spaces to be used for the parking of vehicles.

**SECTION V: MANNER OF PARKING:**

Any vehicle parked within a parking or loading zone shall be parked entirely within the markings designating one parking space; shall be parked parallel or diagonal to the curb in accordance with the markings of the parking space; and, in case of diagonal parking, shall be parked so that the front of the vehicle is nearest the curb.

**SECTION VI: OPERATING TIME DEFINED:**

"Operating time" is defined as that time when parking within parking zones and loading zones is regulated and is the time between eight o'clock (8:00) a.m. and six o'clock (6:00) p.m. of every day; provided, however, "Operating time" shall not include any Sunday, New Year's Day, Washington's Birthday, Decoration Day, Columbus Day, Veterans Day, Thanksgiving Day, Christmas or any day appointed by the President of the United States, or by the Governor of Idaho.

**SECTION VII: PARKING IN LOADING ZONES:**

A loading zone or space may be occupied by a vehicle while actually engaged in loading and unloading persons, supplies or merchandise for such period of time, only, as is set forth on the loading zone sign. Parking in a loading zone or space during "operating time" for any other purpose is unlawful.

**SECTION VIII: UNLAWFUL PARKING:**

It shall be unlawful for any person to park a vehicle, or, having parked the same, to suffer it to remain parked in violation of the regulations on any duly installed parking sign. When the parking sign merely states the duration of time allowed for parking, for example, "two-hour parking," then the regulation shall be in force only during "operating time"; when the sign forbids parking at all times, or at designated times, the regulation is in force at all times, or as stated.

**SECTION IX: PENALTIES:**

Any person violating any duly posted parking regulation by parking in excess of the time allowed in any parking zone shall be subject to a penalty of TWO AND NO/100 DOLLARS (\$2.00) for the first hour-, or fraction thereof, in excess of the allowed time limit, and ONE AND NO/100 DOLLARS (\$1.00) for each additional hour, or fraction thereof. Any person violating any other parking regulation shall be subject to the penalties as provided in the Ordinance pertaining to such violation.

**SECTION X: ENFORCEMENT:**

It shall be the duty of each police officer observing \* violation of the provisions of this Ordinance to leave at or upon the vehicle in violation \* notice of such violation. The notice shall bear the date and hour of leaving the same at or upon such vehicle and shall state the nature of the parking violation observed. When the violation is "overtime parking," a separate notice for each hour, or fraction thereof, that the vehicle remains in violation shall be issued. The notice shall instruct the owner or operator of such vehicle to report to the Police Department or to the court having jurisdiction in regard to such violation within five (5) days. Any owner or operator receiving a notice or citation for overtime parking may post a bond with the Police Department or the Clerk of the Magistrates Court in Rexburg, Madison County, Idaho, for the amount of penalty computed as fixed in Section IX above. The failure of the owner or operator to report, or appear, or post bond pursuant to such notice shall constitute a violation of this Ordinance and shall be punishable as provided in Section 1, Ordinance 512 of the City of Rexburg. The issuance of a citation, or notice, shall not be the exclusive remedy for enforcement of the provisions of this Ordinance, all other lawful remedies being reserved, including the filing and prosecution of a criminal complaint.

**SECTION XI: PENALTIES FOR LATE APPEARANCE:**

In addition to all other penalties imposed by the provisions of this Ordinance, any person failing to report or appear within the time limited by the instructions upon an "overtime parking ticket," or parking duly issued, shall be subject to double the penalty set in Section 9 of this Ordinance if the delay has not exceeded ten (10) days; treble the penalty set if the delay has been more than ten (10) days but has not exceeded twenty-five (25) days, and five (5) times the penalty if the delay has been more than twenty-five (25) days.

**SECTION XII: FAILURE TO APPEAR UNLAWFUL:**

It shall be unlawful for any person of person to fail or neglect to appear in response to and as required by the citation, regardless of the disposition of the charge upon which citation was originally issued. Appearance in Magistrate's Court shall be deemed complied with by an appearance by the person cited or by his attorney.

**SECTION XIII: EFFECTIVE DATE:**

This ordinance shall be in full force and effect from and after its passage, approval and publication in the manner provided by law, an emergency existing therefore.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR, this 20th day of July, 1973.

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Henry Shirley, Mayor

(SEAL)

ATTEST:

