

## **TITLE 10 VEHICLES AND TRAFFIC**

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Title 10 sets forth the vehicle and traffic laws of the City.

For statutory provisions authorizing cities to regulate all public ways and streets within their jurisdiction, see Idaho Code §§[50-313](#) and [50-314](#). For provisions authorizing cities to enact ordinances to provide additional rules and regulations over and above the state regulations, see [Idaho Code §49-202](#). For provisions specifying areas which cities have jurisdiction to regulate, see [Idaho Code §49-529](#).

### **CHAPTER 10.01 IDAHO MOTOR VEHICLE LAWS\***

\*Note to Chapter 10.01: For statutory provisions authorizing adoption of certain code by reference, see [Idaho Code §50-901](#). For the Idaho Motor Vehicle Laws, see [Idaho Code Title 49](#).

#### **10.01.010 Intent of provisions**

It is declared to be the intent of the governing body of the city to aid and assist, by whatever means possible, for the utmost consistency in traffic regulation among and between agencies of Idaho having such jurisdiction. Toward that end, adoption of the Idaho Motor Vehicle Laws by the cities of Idaho is a necessary means of assuring maximum uniformity within the state. ([Ord. 511 §1, 1971](#)).

#### **10.01.020 State Motor Vehicle Laws – Adopted by reference**

There is adopted, for the purpose of establishing rules and regulations for the use of all streets and public thoroughfares of the city, that certain code identified as the 1969 Revised Edition, Idaho Motor Vehicles Laws, more particularly [Title 49, Idaho Code](#), published by the Department of Law Enforcement, and as the same may hereafter be revised by the Idaho Legislature or amended by the governing body, and the same is adopted and incorporated as an ordinance of the city as fully as though set forth at length in this chapter. ([Ord. 511 §2, 1971](#)).

#### **10.01.030 State Motor Vehicle Laws – Copies on file for public use**

Three copies of the Idaho Motor Vehicle Laws adopted in Section 10.01.020, together with any revisions or amendments, duly certified by the city clerk-treasurer, shall be kept on file in the clerk--treasurer's office for use and examination of and by the public. ([Ord. 511 §3, 1971](#)).

### **CHAPTER 10.02 GENERAL PROVISIONS\***

\*Note to Chapter 10.02: For provisions concerning obedience to traffic regulations, exempting emergency vehicles, see [Idaho Code §49-522](#) et seq.

For statutory provisions setting out definitions for the Idaho Motor Vehicle Laws, see Idaho Code §§[49-101](#), [49-201](#), [49-301](#) et seq., [49-401](#), [49-501](#) et seq., [49-1201](#), [49-1501](#), [49-1801](#), [49-2301](#), [49-2402](#) and 49-2603.

#### **10.02.010 Applicability of provisions**

The provisions of this title relating to the operation of vehicles refer exclusively to the operation of vehicles upon the streets and roadways within the limits of the city. ([Ord. 482 §3\(1\), 1968](#)).

#### **10.02.020 Noncompliance deemed misdemeanor**

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 title. ([Ord. 482 §3\(3\), 1968](#)).

#### **10.02.030 Vehicle and traffic definitions**

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

For the complete list of the definition please see [Ord. 482 §1, 1968](#).

### **CHAPTER 10.03 ENFORCEMENT\***

\*Note to Chapter 10.03: For statutory provisions concerning backing, obstruction of driver's view, interference with fire equipment, depositing litter on street, and motorcycle riding, see [Idaho Code §49-604](#) et seq.; for provisions requiring that all motor vehicles driven upon the highways of the state be registered and licensed, see [Idaho Code §49-402](#); for provisions concerning stopping when approaching a school bus with the stop arm extended, see [Idaho Code §49-1422](#).

#### **10.03.010 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. ([Ord. 482 §3\(2\), 1968](#)).

#### **10.03.020 Officer authority**

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 title, to safeguard and protect the surface and other paved portions of the streets and enforce any laws for highway safety; to regulate traffic on all the streets and roadways within the city; to make arrests for traffic violations; to investigate accidents; to 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 the department by this title. ([Ord. 482 §2\(2\), 1968](#)).

#### **10.03.030 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. ([Ord. 482 §3\(4\), 1968](#)).

#### **10.03.040 Obedience by police officers**

The provisions of this Chapter 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 Chapter, and subject to such exemptions as are set forth in this Chapter with reference to authorized emergency vehicles. ([Ord. 482 §3\(5\), 1968](#)).

#### **10.03.050 Traffic record requirements**

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 years and thereafter such records shall be maintained complete for at least the most recent five-year period.

- 1) The police department 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.
- 2) The police department 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.
- 3) The police department shall keep and maintain a record of the traffic accidents, warnings, arrests and convictions of each driver charged with violations of this title (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.
- 4) All records required to be kept under the provisions of this section shall be public records. ([Ord. 482 §2\(3\), 1968](#)).

#### **10.03.060 Accident investigation duties**

- 1) 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.
- 2) 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. ([Ord. 482 §2\(4\), 1968](#)).

#### **10.03.070 Excessive violations**

Whenever it appears 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. ([Ord. 482 §2\(5\), 1968](#)).

### **10.03.080 Annual traffic report required**

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. ([Ord. 482 §2\(6\), 1968](#)).

### **10.03.090 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. ([Ord. 482 §2\(7\), 1968](#)).

### **10.03.100 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 or roadway would be a special hazard, to be known as "no passing 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 the city where parking on all or any part of the street or roadway may be prohibited either all of the time or within certain designated hours. When appropriate signs are erected, such designations shall be effective at all times thereafter. ([Ord. 482 §2\(8\), 1968](#)).

### **10.03.110 Play streets – Police chief authority to designate**

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. ([Ord. 482 §11\(2\), 1968](#)).

### **10.03.120 Exemption of persons and equipment working on streets**

Unless specifically made applicable, the provisions of this Chapter 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. ([Ord. 482 §3\(6\), 1968](#)).

### **10.03.130 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.

- 1) The driver of an authorized vehicle may park or stand, irrespective of the provisions of this Chapter.
- 2) 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.

- 3) May exceed the prima facie speed limits so long as he does not endanger life or property.
- 4) May disregard regulations governing direction or movement of traffic or turning of traffic in a specified directions. 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.
- 5) 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. ([Ord. 482 §3\(7\), 1968](#)).

#### **10.03.140 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 Chapter, except those provisions of this Chapter which by their very nature can have no application. ([Ord. 482 §3\(8\), 1968](#)).

#### **10.03.150 Driving under the influence**

For additional information on this section please see [Ord. 482 §12\(1\), 1968](#).

#### **10.03.160 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. ([Ord. 482 §12\(2\), 1968](#)).

#### **10.03.170 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. ([Ord. 482 §12\(3\), 1968](#)).

#### **10.03.175 Texting on hand held devices**

It shall be unlawful for any person to use a hand-held wireless telephone, cellular telephone, or any other wireless device for texting purposes while operating a motor vehicle within the City of

Rexburg. No pedestrian shall use a hand-held telephone, cellular telephone, or any other wireless device for texting while crossing a public right-of-way in the City of Rexburg. Offenses shall be punishable by a fifty (\$50) dollar fine on the first offense and a one-hundred and fifty (\$150) dollar fine on each subsequent offense.

Such restriction does not apply to a person texting using a hand-held wireless telephone, cellular telephone, or any other wireless device for emergency purposes, including, but not limited to, texting an emergency message to a law enforcement agency, health care provider, fire department, or other emergency services agency or entity.

Such restriction does not apply to an emergency services professional using a hand-held wireless telephone, cellular telephone, or any other wireless device for texting while operating an authorized emergency vehicle, in the course and scope of his or her duties. Such restriction does not apply to a person texting while driving a motor vehicle on private property. ([Ord. 1062, 2011](#))

## **ARTICLE I TRAFFIC ARRESTS**

### **10.03.180 Appearance in police court**

Whenever any person is halted by a Police officer for any violation of this Chapter, 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. ([Ord. 482 §13\(1\), 1968](#)).

### **10.03.190 Traffic citations**

Whenever a person is halted by a police officer for violation of this Chapter 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. ([Ord. 482 §13\(2\), 1968](#)).

### **10.03.200 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. ([Ord. 482 §13\(3\), 1968](#)).

### **10.03.210 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. ([Ord. 482 §13\(4\), 1968](#)).

#### **10.03.220 Arrest without warrant**

The foregoing provisions of section 10.03.210 shall govern all police officers in making arrests without a warrant for violations of this Chapter, 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. ([Ord. 482 §13\(6\), 1968](#)).

#### **10.03.230 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. ([Ord. 482 §13\(7\), 1968](#)).

#### **10.03.240 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. ([Ord. 482\(part\), 1968](#)).

### **CHAPTER 10.04 VEHICLE EQUIPMENT**

#### **10.04.010 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 Chapter or by the laws of the State, or which is equipped in any manner in violation of this Chapter or the laws of the State. ([Ord. 482 §5\(1\), 1968](#)).

#### **10.04.020 Head lamps**

- 1) 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 Chapter.
- 2) 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 Chapter.
- 3) 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. ([Ord. 482 §5\(2\), 1968](#)).

#### **10.04.030 Tail lamps**

- 1) 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.
- 2) A tail lamp or a separate lamp shall be son 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. ([Ord. 482 §5\(3\), 1968](#)).

#### **10.04.040 Additional equipment required on certain vehicles**

In addition to other equipment required in the Chapter, the following vehicles shall be equipped as hereinafter stated, during the hours when lighted lamps are required by the Chapter:  
For additional information about the required equipment for different vehicles please see [Ord. 482 §5\(4\), 1968](#).

#### **10.04.050 Color of lamps and reflectors**

For additional information about this section please see [Ord. 482 §5\(5\), 1968](#).

#### **10.04.060 Lamp or flag on projecting load**

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. ([Ord. 482 §5\(6\), 1968](#)).

#### **10.04.070 Lamps on parked vehicles**

For additional information about this section please see [Ord. 482 §7\(7\), 1968](#).

#### **10.04.080 Lamps on other equipment and vehicles**

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. ([Ord. 482 §5\(8\), 1968](#)).

#### **10.04.090 Brakes**

For additional information about this section please see [Ord. 482 §5\(9\), 1968](#).

#### **10.04.100 Horns and warning devices**

For additional information about this section please see [Ord. 482 §5\(10\), 1968](#).

#### **10.04.110 Mufflers, prevention of noise**

- 1) 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.
- 2) 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. ([Ord. 482 §5\(11\), 1968](#)).

#### **10.04.120 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. ([Ord. 482 §5\(12\), 1968](#)).

#### **10.04.130 Windshields**

For additional information about this section please see [Ord. 482 §5\(13\), 1968](#).

#### **10.04.140 Fenders and splash aprons**

For additional information about this section please see [Ord. 482 §5\(14\), 1968](#).

### **CHAPTER 10.05 OPERATION OF VEHICLES**

#### **10.05.010 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. ([Ord. 482 §11\(4\), 1968](#)).

#### **10.05.020 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. ([Ord. 482 §10\(1\), 1968](#)).

#### **10.05.020 Obstruction to driver's view**

- 1) 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.

- 2) 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. ([Ord. 482 §10\(2\), 1968](#)).

#### **10.05.030 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. ([Ord. 482 §11\(3\), 1968](#)).

#### **10.05.040 Driving on right hand side of roadway**

Upon all roadways of sufficient width a vehicle shall be driven upon the right one-half (2) of the roadway except as follows:

For a complete list of exceptions please see [Ord. 482 §7\(1\), 1968](#).

#### **10.05.050 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 (2) of the main traveled portion of the roadway as nearly as possible. ([Ord. 482 §7\(2\), 1968](#)).

#### **10.05.060 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;

For additional information about this section please see [Ord. 482 §7\(3\), 1968](#).

#### **10.05.070 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. ([Ord. 482 §7\(5\), 1968](#)).

#### **10.05.080 Overtaking a vehicle on the right**

- 1) The driver of a vehicle may overtake and pass upon the right of another only under the following conditions:

For a list of these conditions please see [Ord. 482 §7\(4\), 1968](#).

- 2) 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. ([Ord. 482 §7\(4\), 1968](#)).

#### **10.05.090 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. ([Ord. 482 §11\(5\), 1968](#)).

#### **10.05.100 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:  
For a complete list of the rules please see [Ord. 482 §7\(6\), 1968](#).

#### **10.05.110 Following too closely**

For additional information about this section please [Ord. 482 §7\(7\), 1968](#).

#### **10.05.120 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. (Ord. 482 §7(8), 1968).

#### **10.05.130 Position and method of turning at intersections**

The driver of a vehicle intending to turn at an intersection shall do as follows:  
For driver`s responsibilities when intending to turn please see [Ord. 482 §7\(9\), 1968](#).

#### **10.05.140 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. ([Ord. 482 §7\(10\), 1968](#)).

#### **10.05.150 Turning movements and required signals**

For additional information about this section please see [Ord. 482 §7\(11\), 1968](#).

#### **10.05.160 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:

- 1) Left Turn: Hand and arm extended horizontally.
- 2) Right Turn: Hand and arm extended upward.
- 3) Stop or Decrease speed: Hand and arm extended downward. ([Ord. 482 §7\(12\), 1968](#)).

**10.05.170 Vehicle approaching or entering intersection**

For additional information about this section please see [Ord. 482 §7\(13\), 1968](#).

**10.05.180 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 Chapter, 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. ([Ord. 482 §7\(14\), 1968](#)).

**10.05.190 Vehicle entering-stop or yield intersection**

For additional information about this section please see [Ord. 482 §7\(15\), 1968](#).

**10.05.200 Vehicle entering-stop or yield intersection with crosswalk**

For additional information about this section please see [Ord. 482 §7\(15\), 1968](#).

**10.05.210 Operation of vehicles on approach of authorized emergency vehicles**

For additional information about this section please see [Ord. 482 §7\(16\), 1968](#).

**10.05.220 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. ([Ord. 482 §10\(3\), 1968](#)).

**10.05.230 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. ([Ord. 482 §10\(4\), 1968](#)).

**10.05.240 Manner of parking**

Except as otherwise provided in this Chapter, 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. ([Ord. 482 §9\(7\), 1968](#)).

**10.05.250 Depositing glass or debris on streets**

For additional information about this section please see [Ord. 482 §11\(part\), 1968](#).

## **CHAPTER 10.06 PARKING METERS**

### **10.06.010 Definitions**

- 1) Parking meter: means and includes any mechanical device installed within or upon the curb or sidewalk area immediately contiguous to a parking meter space which, when the mechanism thereof is set in motion, indicates unexpired parking time for the vehicle parking contiguous thereto.
- 2) Parking meter space: means an area adjacent to a parking meter upon any street, and shall be designated by a line or other traffic markings, and shall be of sufficient size to permit the parking of only one vehicle, or not more than two motorcycles.
- 3) Parking meter zone: means those streets or portions of streets within which the parking of vehicles shall be controlled, regulated and inspected with the aid and use of parking meters. ([Ord. 818A §13\(A\), 1999](#)).

### **10.06.020 Marking of spaces**

Parking Meter Spaces to Be Marked. The transportation engineer shall establish and designate parking meter spaces by painted lines upon the surface of the roadway or pavement and/or curbing. ([Ord. 818A §13\(B\), 1999](#)).

### **10.06.030 Installation**

For additional information about this section please see [Ord. 818A §14, 1999](#).

### **10.06.040 Spaces and time limits**

The City Transportation Engineer shall establish and designate parking meter spaces, including restricted meter spaces, within the parking meter zone, and shall provide for maximum parking times for all meters. ([Ord. 818A §15, 1999](#)).

### **10.06.050 Rates**

Parking meter rates shall not exceed twenty five cents (\$0.25) per one-half (1/2) hour of parking within any parking meter zone, unless increased by resolution of the City Council of the City of Rexburg. ([Ord. 818A §16, 1999](#)).

### **10.06.060 Restricted spaces**

No person shall park or permit any vehicle to remain parked in a restricted parking meter space during a restricted period, except those persons included within the class for whose benefit the restriction is imposed. ([Ord. 818A §17, 1999](#)).

### **10.06.070 Overtime parking prohibited**

For additional information about this section please see [Ord. 818A §18, 1999](#).

### **10.06.080 No charge exceptions**

For additional information about this section please see [Ord. 818A §19, 1999](#).

#### **10.06.090 Special use conditions and fees**

Permission to park in parking meter spaces without the deposit of a coin may be granted by: For the list of where you can be granted this permission please see [Ord. 818A §20, 1999](#).

#### **10.06.100 Use of unexpired time**

The driver of a vehicle entering a parking space at a time when the meter for such space shows unexpired legal parking time may permit such vehicle to remain parked in such space for such time as the meter indicates legal parking time remaining, and may, by depositing the proper coin or coins remain parked in such space for the amount of time allowed therein subject to the limitations provided in Section 17 of this Chapter, or its successor. ([Ord. 818A §21, 1999](#)).

#### **10.06.110 Coins and keys – Tampering prohibited**

For additional information about this section please see [Ord. 818A §22, 1999](#).

#### **10.06.120 Parking in more than one parking meter space**

No Person shall park or permit any vehicle to remain parked in more than one parking meter space at a time. ([Ord. 818A §23, 1999](#)).

### **CHAPTER 10.07 TRAFFIC CONTROL DEVICES**

#### **10.07.010 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. ([Ord. 482 §4\(1\), 1968](#)).

#### **10.07.020 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. ([Ord. 482 §4\(2\), 1968](#)).

#### **10.07.030 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. ([Ord. 482 §4\(3\), 1968](#)).

#### **10.07.040 Traffic control signal legend**

Whenever traffic is controlled by traffic control signals exhibiting the words “Go”, “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:

For additional information about these traffic signs please see [Ord. 482 §4\(4\), 1968](#).

#### **10.07.050 Pedestrian control signals**

“Walk” or “Wait” or “Don't Walk” are in place, such signals shall indicate as follows: For additional information about these signs please see [Ord. 482 §4\(5\), 1968](#).

#### **10.07.060 Flashing signals**

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:

For additional information about these signals please see [Ord. 482 §4\(6\), 1968](#).

#### **10.07.070 Display of unauthorized signals or signs**

- 1) 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 sign or signal.
- 2) 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. ([Ord. 482 §4\(7\), 1968](#)).

#### **10.07.080 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. ([Ord. 482 §4\(8\), 1968](#)).

### **CHAPTER 10.08 SPEED REGULATIONS\***

\*Note to Chapter 10.08: For statutory provisions concerning speed limits, see [Idaho Code §49-701](#) et seq.; for provisions authorizing local authorities to change certain speed limits, see [Idaho Code §49-703](#).

#### **10.08.010 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. ([Ord. 482 §6\(1\), 1968](#)).

#### **10.08.020 Prima facie limits**

Where no special hazard exists that required lower speed for compliance with regulations adopted in [Chapter 10.01](#), the speed of any vehicle not in excess of the limits so specified or established as authorized in [Chapter 10.01](#), shall be lawful, but any speed in excess of the limits specified in this section, or established as authorized in [Chapter 10.01](#), shall be prima facie evidence that the speed is not reasonable or prudent and that it is unlawful:

- 1) Twenty--five miles per hour on all streets and roadways except where a different speed is posted in accordance with the provisions of this chapter;
- 2) Twenty miles per hour in all marked school zones within the city. ([Ord. 482 §6\(2\), 1968](#)).

#### **10.08.030 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. ([Ord. 482 §6\(3\), 1968](#)).

#### **10.08.040 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. ([Ord. 482 §6\(4\), 1968](#)).

#### **10.08.050 Minimum speed regulations**

For additional information about this section please see [Ord. 482 §6\(5\), 1968](#).

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#### **10.08.060 Charging violations of speed regulations**

For additional information about this section please see [Ord. 482 §6\(6\), 1968](#).

### **CHAPTER 10.09 STOPPING, STANDING AND PARKING**

[Ordinance 818A](#) known as “The Standing, Stopping and Parking Ordinance” of the City of Rexburg is hereby replaced by [Ordinance 1094](#) known as “The Standing, Stopping and Parking Ordinance – Replacing Ordinance 818A and Ordinance 1028” as follows:

#### **10.09.010 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. ([Ord. 1094 §1, 2012](#)).

#### **10.09.020 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. ([Ord. 1094 §2, 2012](#)).

#### **10.09.030 Registration of vehicle plates**

(A) Every vehicle at all times while being driven, stopped or parked upon the streets or alleys or publicly managed parking lots of the City of Rexburg, shall (1) be registered in the name of the owner thereof in accordance with the laws of the State of Idaho, unless such vehicle is not required by the laws of Idaho to be registered; (2) display in proper location and position, valid registration plates for the state from which the same are issued; (3) not constitute an obstruction to the free flow of traffic in accordance with the designed intent of the streets or alleys or publicly managed parking lots of the City of Rexburg; (4) not constitute a nuisance, defined for purposes of this Ordinance as any vehicle having four (4) or more unresolved violations of any provisions of this Ordinance or Parking Ordinance 1094. ([Ord. 1101 §1\(A\), 2013](#))

(B) Any vehicle in violation of any of the above cited requirements of this Section, may be towed from the streets or alleys or publicly managed parking lots of the City of Rexburg at the owner's expense, and held until all unresolved violations pertaining to the nuisance vehicle have been fully resolved. ([Ord. 1101 §1\(B\), 2013](#))

#### **10.09.040 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. ([Ord. 1094 §4, 2012](#)).

#### **10.09.050 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. ([Ord. 1094 §5, 2012](#)).

#### **10.09.060 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. ([Ord. 1094 §6, 2012](#)).

#### **10.09.070 Lights on parked vehicles**

For additional information about this section please see [Ord. 1094 §7, 2012](#).

#### **10.09.080 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. ([Ord. 1094 §8, 2012](#)).

**10.09.090 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. ([Ord. 1094 §9, 2012](#)).

**10.09.100 Disabled parking – Public property**

For additional information about this section please see [Ord. 1094 §10, 2012](#).

**10.09.110 Disabled parking violation enforcements**

For additional information about this section please see [Ord. 1094 §11, 2012](#).

**10.09.120 Disabled parking – Out-of-state vehicles**

The parking privileges granted by Sections 10.090.100 and 10.09.110 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. ([Ord. 1094 §12, 2012](#)).

**10.09.130 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. ([Ord. 1094 §13, 2012](#)).

**10.09.140 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. ([Ord. 1094 §14, 2012](#)).

**10.09.150 Residential parking lots owned by the city**

For additional information about this section please see [Ord. 1094 §15, 2012](#).

**10.09.160 No stopping or parking – Color markings and signs**

For additional information about this section please see [Ord. 1094 §16, 2012](#).

**10.09.170 Public carrier and bus stands**

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. ([Ord. 1094 §17, 2012](#)).

**10.09.180 Public carrier and bus stands**

For additional information about this section please see [Ord. 1094 §18, 2012](#).

#### **10.09.190 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. ([Ord. 1094 §19, 2012](#)).

#### **10.09.200 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. ([Ord. 1094 §20, 2012](#)).

#### **10.09.210 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. ([Ord. 1094 §21, 2012](#)).

#### **10.09.220 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. ([Ord. 1094 §22, 2012](#)).

#### **10.09.230 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. ([Ord. 1094 §23, 2012](#)).

#### **10.09.240 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. ([Ord. 1094 §24, 2012](#)).

#### **10.09.250 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. ([Ord. 1094 §25, 2012](#)).

**10.09.260 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. ([Ord. 1094 §26, 2012](#)).

**10.09.270 Stopping or parking – Roadways without curb**

For additional information about this section please see [Ord. 1094 §27, 2012](#).

**10.09.280 Stopping or parking – Prohibited in certain areas**

For additional information about this section please see [Ord. 1094 §28, 2012](#).

**10.09.290 Time-limited parking on certain streets**

For additional information about this section please see [Ord. 1094 §29, 2012](#).

**10.09.300 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. ([Ord. 1094 §30, 2012](#)).

**10.09.310 Prohibited parking for restricted vehicles**

For additional information about this section please see [Ord. 1094 §31, 2012](#).

**10.09.320 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. ([Ord. 1094 §32, 2012](#)).

**10.09.330 Parking prohibited – Locations**

For additional information about this section please see [Ord. 1094 §33, 2012](#).

**10.09.340 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. ([Ord. 1094 §34, 2012](#)).

**10.09.350 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. ([Ord. 1094 §35, 2012](#)).

**10.09.360 Parking for certain purposes prohibited**

For additional information about this section please see [Ord. 1094 §36, 2012](#).

**10.09.370 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. ([Ord. 1094 §44, 2012](#)).

**10.09.380 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. ([Ord. 1094 §45, 2012](#)).

**10.09.390 Unauthorized use of Streets, parking lots and other areas – Penalties**

For additional information about this section please see [Ord. 1094 §46, 2012](#).

**10.09.400 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. ([Ord. 1094 §47, 2012](#)).

**10.09.410 Unauthorized use of streets – Appeal procedures**

For additional information about this section please see [Ord. 1094 §48, 2012](#).

**10.09.420 Severability**

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. ([Ord. 1094 §51, 2012](#)).

**ARTICLE I RESTRICTIONS GENERALLY**

**10.09.430 Parking – Alley restrictions**

It is unlawful for any person to park a motor vehicle in any alley within the city limits, except for the actual time required for loading or unloading such vehicle and the person parking such vehicle must leave a clearance of at least ten feet in width in such alley for other traffic. ([Ord. 482 , 1968](#)).

**10.09.440 Parking – Trucks prohibited in residential sections**

It is 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. ([Ord. 482 §9\(6\), 1968](#)).

No person shall park or allow the parking of any automobile, van, pickup truck, trailer, motorcycle or other motor vehicle in any front yard located in a residential zone except in a designated driveway. ([Ord. 1026 §3.4.130\(2\), 2005](#)).

**10.09.450 Repairing vehicles on street restrictions**

It is 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. ([Ord. 482 §9\(5\)part, 1968](#)).

**10.09.460 Abandoned vehicles**

It is 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 of forty-eight 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. ([Ord. 482 §9\(5\)part, 1968](#)).

**10.09.470 Parking – Restrictions – Signs required**

When signs are erected in each block giving notice thereof, it is unlawful for any person to park a vehicle between the hours, on the days, and on the streets specified in said notice. ([Ord. 482 §9\(9\), 1968](#)).

**10.09.480 Vehicles parked in violation of Section 10.09.470 – Removal and impoundment authorized**

The police department is authorized to remove from the street and impound any vehicle parked in violation of the provisions of Section 10.09.470 above. ([Ord. 482 §9\(10\), 1968](#)).

**10.09.490 Impoundment fees – Payment prerequisite to release of vehicle**

The owner of a vehicle which has been impounded under the provisions of this chapter shall pay the cost of impoundment plus one dollar per day after the first day to the city clerk to cover the cost and expense of impounding, towing and storage before such vehicle shall be released. ([Ord. 648 §1, 1982](#); [Ord. 482 §9\(11\), 1968](#)).

**10.09.500 No parking on portion of North Second East Street**

For additional information about this section please see [Ord. 620 §§1--3, 1980](#).

**ARTICLE II PARKING AND LOADING ZONES**

**10.09.510 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 a.m. and six 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, Veteran's Day, Thanksgiving Day, Christmas or any day

appointed by the President of the United States, or by the Governor of Idaho. ([Ord. 537 §6, 1973](#)).

#### **10.09.520 Established – City Council authority**

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. ([Ord. 537 §2, 1973](#)).

#### **10.09.530 Designation – Signs required**

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. ([Ord. 537 §3, 1973](#)).

#### **10.09.540 Parking spaces to be marked**

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 vehicle. ([Ord. 537 §4, 1973](#)).

#### **10.09.550 Loading zone use restrictions**

A loading zone or space may be occupied by a vehicle while actually engaged in loading and unloading persons, supplies or merchandise only for such period of time 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. ([Ord. 537 §7, 1973](#)).

#### **10.09.560 Parking – Procedures**

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. ([Ord. 537 §5, 1973](#)).

#### **10.09.570 Unlawful parking**

It is 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. ([Ord. 537 §8, 1973](#)).

#### **10.09.580 Parking violation – Penalties**

Any operator or motor vehicle owner violating any duly posted or marked parking regulation by parking in excess of the time allowed in any parking zone or in violation of the following shall be subject to a penalty for such violation as set forth in [here](#) ([Ord. 704 §1, 1990](#); [Ord. 537 §9, 1973](#)).

**10.09.590 Parking violation – Enforcement – Notice or citation**

It shall be the duty of each police officer observing a violation of the provisions of Sections 10.09.490 through 10.09.560 of this chapter to leave at or upon the vehicle in violation a notice of such violation. The notice shall bear the date and hours 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 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 magistrate's court for the amount of penalty computed as fixed in Section 10.09.560 above. The failure of the owner or operator to report, or appear, or post bond pursuant to such notice shall constitute a violation of Sections 10.09.490 through 10.09.560 of this chapter, and shall be punishable as provided in [Chapter 1.02](#) of this code. The issuance of a citation or notice shall not be the exclusive remedy for enforcement of the provisions of the provisions cited above, all other lawful remedies being reserved, including the filing and prosecution of a criminal complaint. ([Ord. 537 §10, 1973](#)).

**10.09.600 Parking violations – Penalties for late court appearance**

In addition to all other penalties imposed by the provisions of Sections 10.09.490 through 10.09.570, any person failing to report or appear within the time limited by the instructions upon an overtime parking ticket or parking citation, duly issued, shall be subject to double the penalty set in Section 10.09.560 of this chapter if the delay has not exceeded ten days; triple the penalty set if the delay has been more than ten days but has not exceeded twenty--five days, and five times the penalty if the delay has been more than twenty--five days. ([Ord. 537 §11, 1973](#)).

**10.09.610 Parking violation – Failure to respond to citation**

It is unlawful for any person or persons 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. ([Ord. 537, §12, 1975](#)).

**10.09.620 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. ([Ord. 818A §28, 1999](#)).

**10.09.630 Freight curb loading zones**

For additional information about this section please see [Ord. 818A §29, 1999](#).

**ARTICLE III PARKING REGULATIONS**

#### **10.09.640 Dormitory Housing Units**

Parking requirements for dormitory housing units that are located within the Pedestrian Enhancement Zone (PEZ) (see attached boundaries) may be reduced subject to the following requirements and provisions:

For a complete list of these requirements and provisions please see [Ord. 1115, §9, 2014](#).

### **ARTICLE IV RESIDENTIAL UNIVERSITY ON STREET PARKING**

#### **10.09.650 University On-Street Parking**

For additional information about this section please see [Ord. 1028 §1, 2009](#).

#### **10.09.660 Campus Vicinity Residential Parking**

For additional information about this section please see [Ord. 1028 §2, 2009](#).

#### **10.09.670 Downtown Commercial Residential Parking**

For additional information about this section please see [Ord. 1028 §3, 2009](#).

#### **10.09.680 General Rules**

For additional information about this section please see [Ord. 1028 §4, 2009](#).

#### **10.09.690 Penalties and Effective Date**

Any person, firm or corporation violating any provision of this chapter 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 Chapter 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 Chapter. ([Ord. 1028 §5\(A\), 2009](#)).

### **ARTICLE V FIRE LANES OR HAZARDOUS AND CONGESTED AREAS**

#### **10.09.700 Standing or parking within access roadways for fire apparatus**

For additional information about this section please see [Ord. 700 §2, 1990](#).

#### **10.09.710 No stopping, standing or parking near hazardous or congested places or within non-parking zones**

For additional information about this section please see [Ord. 752 §1, 1993](#); [Ord. 700 §2, 1990](#).

#### **10.09.720 Violation – Penalty**

Any violation of any provision of this chapter by any person, firm or corporation shall constitute a nonmoving infraction, and shall be punishable by a fine of not less than ten dollars and not more than three hundred dollars, exclusive of court costs, for any single violation. ([Ord. 700 §3, 1990](#)).

## **CHAPTER 10.10 STORAGE OF VEHICLES OR PROPERTY ON STREETS\***

\*Note to Chapter 10.10: For statutory provisions authorizing officers to remove illegally stopped vehicles, see [Idaho Code §49-1804](#).

### **10.10.010 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. ([Ord. 818A §48, 1999](#)).

### **10.10.020 Authority to take possession of abandoned property**

For additional information about this section please see [Ord. 407 §1, 1956](#).

### **10.10.030 West Fourth South Street restrictions**

It is unlawful for any person to leave or store any automobile, truck, bicycle, wagon or other conveyance, or vehicle, machine, implement or other item of personal property at any time on either side of West Fourth South Street in the city going east from the intersection of Second West to First West Street and going west from the intersection Refuge West Street a distance of five hundred feet on the south side thereof and a distance of four hundred feet on the north side thereof. ([Ord. 523 §1\(part\), 1972](#)).

### **10.10.040 Leaving or storing property on certain streets**

It shall be unlawful for any person to leave or store any automobile, truck, bicycle, wagon or other conveyance or vehicle, machine, implement or other item of personal property between the fifteenth (15) day of December of each year and the first (1<sup>st</sup>) day of March of the following year upon any street or alley in the City of Rexburg, Idaho, between the hours of 2:00 A.M. and 7:00 A. M. ([Ord. 1030 §1, 2009](#)).

### **10.10.050 Use of certain streets and alleys restricted – From November 1<sup>st</sup> through March 1<sup>st</sup>**

It is unlawful for any person to leave or store any automobile, truck, bicycle, wagon or other conveyance, or vehicle, machine, implement or other item of personal property between the first day of November of each year and the first day of March of the following year upon any other street or alley in the city between the hours of two a.m. and seven a.m. ([Ord. 523 §1\(part\), 1972](#)).

### **10.10.060 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. ([Ord. 818A §49, 1999](#)).

### **10.10.070 Impoundment and reclaiming procedure**

It shall be the duty of the officers of the police department to take possession of any automobile, truck, bicycle, wagon or other conveyance, machine, vehicle, implement or other item of personal property described in Sections 10.10.020 through 10.10.050, and hold the same at the

city hall or at some place suitable to store the same. Any such automobile, truck, bicycle, wagon or other conveyance or vehicle, machine, implement or other item of personal property may be reclaimed by the owner upon making proper proof of ownership, and the payment of the costs for moving the same. In the event such automobile, truck, bicycle, wagon or other conveyance or vehicle, machine, implement or other item of personal property is not claimed within thirty days as provided in Section 10.10.080 the same shall be sold as provided in Sections 10.10.090 through 10.10.130 of this chapter. ([Ord. 523 §1\(part\), 1972](#)).

#### **10.10.080 Impounded property – Recordkeeping and storage requirements**

- 1) All property taken possession of under the provision of this chapter shall be listed by the chief of police or other officer of the police department in a book kept for such purposes, giving therein the following information:
  - a) Place where found or taken possession of;
  - b) Description of article;
  - c) Name of officer taking possession of the article;
  - d) Date of taking possession.
- 2) All such articles so taken possession of shall be held by the chief of police at the city hall, or at some place suitable to store such articles, for a period of thirty days from and after the date of taking possession thereof. ([Ord. 407 §3 \(part\), 1956](#)).

#### **10.10.090 Impounded property – Sale – Notice requirements**

When the provisions of Section 10.10.080 have been complied with, including the holding of the property for a period of thirty days, it shall then be the duty of the chief of police to advertise such article or articles for sale, and to sell the same at public or private sale, as may in his judgment be deemed best. Notice of such sale shall be published in two issues of the official newspaper of the city, the second publication to be one week after the first publication, and the sale of such property shall be held not less than ten days nor more than fifteen days from the date of the first publication. ([Ord. 407 §3\(part\), 1956](#)).

#### **10.10.100 Impounded property – Conditions of sale**

The chief of police shall, at the time advertised for the sale of any article as provided in Section 10.10.090, sell the same to the best advantage possible, and shall issue to the purchaser a bill of sale, stating therein that the same is sold in accordance with the terms of this chapter. ([Ord. 407 §3 \(part\), 1956](#)).

#### **10.10.110 Impounded property – Proceeds of sale**

All moneys received from sales as provided for in Sections 10.10.080 through 10.10.100 shall be immediately turned over by the chief of police to the city clerk-treasurer, who shall transmit the same to be credited to the general fund. ([Ord. 407 §3\(part\), 1956](#)).

#### **10.10.120 Repossession of personal property – Payment of costs**

The owner of any article or articles taken possession of, held and/or offered for sale under the terms of this chapter, who shall appear prior to the time of such sale and make proper proof of ownership, shall be allowed to take such article or articles out of the possession of the chief of police on payment of any costs which have accrued against the same. ([Ord. 407 §4, 1956](#)).

#### **10.10.130 Warrant in favor of owner of article – Conditions – City Council authority**

The city council may, on motion, at any time after any article is sold, not exceeding six months thereafter, order the city clerk-treasurer to draw a warrant in favor of the owner of the article for whatever amount was received and credited to the general fund from the sale of said article, less the costs charged against the same, upon due and sufficient proof as to who is the owner of such article. ([Ord. 407 §5, 1956](#)).

#### **10.10.140 Penalty**

It shall be unlawful and constitute a public offense for any person to violate any of the provisions of this ordinance. Every person convicted of the violation of this ordinance shall upon the conviction thereof, be punished by a fine of not more than \$100.00, or by imprisonment in the city jail for not more than 30 days, or by both such fine and imprisonment, plus the costs of prosecution. In the event of default in payment of such fine and costs, any such person so convicted of the violation of this ordinance shall be confined in the city jail for the payment thereof at the rate of \$1.50 per day. ([Ord. 407 §6, 1972](#)).

### **CHAPTER 10.11 BICYCLES**

#### **10.11.010 Definitions**

- 1) Bike Lane: A portion of a roadway designated for exclusive use by bicycles distinguished from the portion of the roadway to be used by motor vehicles by a painted stripe and other pavement markings. Bike lanes shall be at least 5-feet (5') wide and, as feasible, shall be kept clear of debris.
- 2) Shared Use Path: A pathway completely separate from roadways for use by bicyclists and pedestrians. Shared use paths shall be at least 10-feet (10') wide and be free from physical obstructions such as poles, trees, mailboxes, etc. They should have a minimum of 2-feet (2') separation from adjacent roadways. ([Ord. 1017 §1, 2009](#)).

#### **10.11.020 Traffic Laws Applying to Persons Riding Bicycles**

For additional information about this section please see [Ord. 1017 §2, 2009](#).

#### **10.11.025 Speed**

No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing. ([Ord.1017 §2.5, 2009](#)).

#### **10.11.030 Riding on Roadways**

For additional information about this section please see [Ord. 1017 §3, 2009](#).

#### **10.11.040 Using Provided Bike Lanes and Shared Use Paths**

For additional information about this section please see [Ord. 1017 §4, 2009](#).

#### **10.11.050 Riding on Sidewalks and Within Crosswalks**

For additional information about this section please see [Ord. 1017 §5, 2009](#).

#### **10.11.060 Stopping-Stop Signs and Traffic Lights**

For additional information about this section please see [Ord. 1017 §6, 2009](#).

#### **10.11.070 Riding in Groups**

Persons riding bicycles shall not ride more than two (2) abreast except upon shared use paths with widths of 12 feet (12') or more. Bicyclists operating two (2) abreast upon a roadway, or shared use path, shall move to a single file configuration when a vehicle approaches from behind in the same lane. ([Ord. 1017 §7, 2009](#)).

#### **10.11.080 Bicycle Parking**

Bicycles shall not be parked in such a manner as to obstruct or impede the movement of pedestrians, motor vehicles, or other bicycles, or to cause damage to trees, shrubs or other living plants. When bike racks exist nearby, they shall be the preferred location for bicycle parking. ([Ord. 1017 §8, 2009](#)).

#### **10.11.090 Group Events**

A bicycle race, parade or other group event for bicyclists may be conducted upon public rights-of-way in the City of Rexburg if a permit is obtained. Permit applications shall be made through the office of the City Clerk. ([Ord. 1017 §9, 2009](#)).

#### **10.11.100 Brakes**

No person shall operate a bicycle without brakes capable of causing the bicycle to stop within twenty-five feet (25') at ten (10) miles per hour on dry, level, clean pavement. ([Ord. 1017 §10, 2009](#)).

#### **10.11.110 Light and Reflector Required in Darkness**

Every bicycle in use in darkness (from sunset to sunrise and when visibility is under 500 feet) shall be operated with a white light visible from a distance of at least five hundred feet (500') to the front and with a red reflector clearly visible from the rear of the bicycle and two square inches of side reflectors displayed on the sides of each wheel consistent with quality of the rear reflector. ([Ord. 1017 §11, 2009](#)).

### **CHAPTER 10.12 MOTORCYCLES**

#### **10.12.010 Riding regulations**

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. ([Ord. 482 §11\(1\) \(A\), 1968](#)).

#### **10.12.020 Helmet required**

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. ([Ord. 482 §11\(1\) \(B\), 1968](#)).

### **CHAPTER 10.13 PEDESTRIANS**

#### **10.13.010 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. ([Ord. 482 §8\(1\), 1968](#)).

#### **10.13.020 Right-of-way in crosswalks**

For additional information about this section please see [Ord. 482 §8\(2\), 1968](#).

#### **10.13.030 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. ([Ord. 482 §8\(3\), 1968](#)).

#### **10.13.031 Texting on hand held wireless devices in a crosswalk**

No pedestrian shall use a hand-held wireless telephone, cellular telephone, or any other wireless device for texting while crossing a public right-of-way in the City of Rexburg. ([Ord. 1062 §2, 2011](#))

#### **10.13.040 Pedestrians to use right half of crosswalks**

Pedestrians shall move, whenever practicable, upon the right side of crosswalks. ([Ord. 482 §8\(5\), 1968](#)).

#### **10.13.050 Drivers to use due care**

Notwithstanding the foregoing provisions of this Chapter, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any street. ([Ord. 482 §8\(4\), 1968](#)).

#### **10.13.060 Pedestrians on roadways**

For additional information about this section please see [Ord. 482 §8\(6\), 1968](#).

## **CHAPTER 10.14 RAILROADS**

### **10.14.010 Grade crossing – Obedience to signal**

For additional information about this section please see [Ord. 482 §9\(1\), 1968](#).

### **10.14.020 Oregon Shortline right of way**

That a Right of Way is dedicated and hereby granted unto the Oregon Short Line Railroad Company, a corporation, its successors and assigns, for use for its railroad across First North Street between Second and Third West Streets of said City, as per the recorded plat thereof, said right of way to be a strip known as the Miller Brother's spur 17 feet wide across said street for the extension of its present spur which is now constructed west of the Miller Brothers elevators, as shown by said attached Map - Which is made a part of this ordinance, Said Right of Way to be for the duration of 99 years. ([Ord. 255 §1, 1920](#)).

That a Right of Way is dedication and hereby granted unto the Oregon Short line Railroads Company, a Corporation, its successors and assigns, for use for its railroads across First North Street between Second and Third West Streets of said City, as per the recorded plat thereof, said right of way to be a continuation of the strip known as The Anderson-Koon Company spur, seventeen (17) feet wide across said Street for the extension of its present spur which is now constructed West of the elevator of Anderson-Koon Company, as shown by the attached map, which is made a part of this ordinance. Said Right of Way to be for the duration of 99 years. ([Ord. 282 §1, 1923](#)).

### **10.14.030 St. Anthony Railroad right of way**

That the right is hereby granted unto the St. Anthony Railroad Company, a corporation, its successors and assigns, to the perpetual use as a right of way for its railroad, those certain streets and alleys hereinafter described within the City of Rexburg, Fremont County, State of Idaho, and said Railroad Company, its successors and assigns are hereby granted permission and authority to lay out, construct and perpetually maintain its railroad, including switches, side-tracks, and other appurtenance and adjuncts reasonably necessary for the proper construction and operation of its railroad and within the scope of its general powers and purpose, upon and across the following named streets and alleys and to the extent hereinafter specified, to-wit: A strip and tract of land one hundred and fifty feet in width of which the center line of the main tract of said Railroad Company, as now surveyed, staked and located, in the center line, across and through each and every of the following named streets, viz:

Third North Street, First West Street, Second North Street, First North Street, Second West Street, also a strip of land fifty feet in width of which the center line of said main tract is the center across and through each and every of the following named streets, viz: Main Street, Third West Street, First South Street, Second South Street, Fourth West Street, Third South Street, Fourth South Street, and Fifth West Street, as shown by the tracing map of said located line through the said City of Rexburg, which map is hereto attached and made a part of this Chapter. ([Ord. 80 Chapter 16 §145, 1904](#)).

#### **10.14.040 Right of way conditions**

The grant hereinbefore made, is subject to the following conditions:

Railroad tract shall be laid on such grades as the same are now or may hereafter be established by the City Council. The water courses of said street should be left and kept free and unobstructed, and good crossings at the grade of said tract shall be made and maintained by said Railroad Company. The said Railroad Company shall plank between said rails on said streets crossing. Said planking to be for the full width of the streets and sidewalk, and even with the track. ([Ord. 255 §2, 1920](#)).

#### **10.14.050 Railroad liability**

That the City of Rexburg shall in no way be liable or responsible for any accident or damage that may occur in the construction or operation of said railroad by reason of the fault, misconduct or negligence of the said grantee, its successors and assigns, or their employees, and the acceptance of this grant shall be deemed an agreement on the part of said grantee for itself, its successors and assigns, to have the said City of the free from all liability, loss, expense and damage of any nature arising out of any such fault, misconduct or negligence. ([Ord. 255 §3, 1920](#)).

#### **10.14.060 Right of way restrictions**

Nothing in this chapter shall be so construed as to give the Oregon Short Line Railroad Company, its successors and assigns, the right to close any of the streets within the corporate limits of the City of Rexburg, from public traffic or to prohibit the City Council from granting any other corporation or association the right to build a railroad that shall intersect or cross the tracts of the said Oregon Short Line Railroad Company. ([Ord. 255 §4, 1920](#)).

#### **10.14.070 Railroad destruction – Misdemeanor**

Any person or persons, who maliciously removes, displaces, injures, or destroys any part of any railroad, whether for steam or horse cars, or any track of any railroad, or any branch or branchway, switch, turnout, bridge, viaduct, culvert, embankment, station house, or other structure or fixture, or any part thereof attached to or connected with any railroad; or places any obstruction upon the rails or tracks of any railroad, or any switch, branch, branchway or turnout connected with any railroad; within the corporate limits of the City of Rexburg is guilty of a misdemeanor. ([Ord. 5 §5, 1899](#)).

#### **10.14.080 Railroad water crossings required**

All companies constructing railroads within the corporate limits of the City of Rexburg shall be subject to the following regulations:

They shall, at their expense, construct and keep in good repair crossing for all water ditches, sewers, drains, and all fixtures connected therewith and with the distribution of water in said City which may be affected by the construction of their railroads; such construction and repairs to be done subject to the approval of the City board. ([Ord. 13 §1, 1899](#)).

#### **10.14.090 Railroad street crossings required**

It shall be incumbent on all railroad companies at their own expense to construct safe and sufficient crossings at grade of such railroads, for all streets now or hereafter to be made which shall be intersected by such railroads, including such embankments or excavations as may be required to make the passage over such railroads safe and convenient for all purposes for which streets are usually used. Such companies shall also make their railroad tracks conform to what is or may hereafter be the established grade of the streets at the places through which the same may pass, and no company shall take up, remove, carry away or cause or permit to be taken up, removed or carried away, any rock, gravel, earth or other material from any street, alley or public place, for making embankments, grades or for any other purpose, except by the permission of the City Council and under the direction of the Street Supervisor.

All railroad companies shall plank between the rails and for two feet on either side of the outer rail on all streets that may be crossed by said tracks, said planking to be for the full width of such streets and sidewalks, unless otherwise provided by the City Council.. ([Ord. 80 Chapter 7 §51, 1904](#) ).

#### **10.14.100 Train speed, bell, and standing regulations**

The tracks of all railroads shall be laid in the center of the streets, unless otherwise directed by the City Council; and all locomotives, cars and trains are hereby prohibited from running at a greater speed than eight miles per hour within the corporate limits of the City of Rexburg, and the bells on locomotives in motion shall in all cases be rung continuously in the inhabited portions of the city, and no train, engine or cars shall be allowed to stand upon any street or sidewalk crossing so as to obstruct the ordinary travel thereon for a longer period at any one time than five minutes. ([Ord. 80 Chapter 12 §52\(part\), 1904](#) ).

#### **10.14.110 Violation – Penalty**

Any engineer, train or yard master, switchman or other person in charge or control of such locomotive, cars or trains violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding seventy-five dollars, or be imprisoned not exceeding thirty days, or both fine and imprisonment, together with costs of prosecution. ([Ord. 80 Chapter 12 §52\(part\), 1904](#) ).

### **CHAPTER 10.15 MUNICIPAL AIRPORT\***

\*Note to Chapter 10.15: For statutory provisions granting cities the authority to provide and regulate municipal airport facilities, see [Idaho Code §§21-401](#) and [50-321](#).

#### **10.15.010 Person defined**

"Person" means any individual, firm, copartner ship, corporation, company, association, joint stock association or body politic, and includes any trustee, receiver, assignee or other similar representative thereof. ([Ord. 371 §1, 1950](#)).

#### **10.15.020 Conformity with Civil Aeronautics Board regulations required**

All aeronautical activities at the Rex- burg Municipal Airport, and all flying of aircraft departing from or arriving at the Rexburg Municipal Airport, shall be conducted in conformity with the current pertinent provisions of the Civil Air Regulations issued by the Civil Aeronautics Board. ([Ord. 371 §2\(a\), 1950](#)).

#### **10.15.030 Airport manager – Authority to suspend operations**

The airport manager may suspend or restrict any or all operations without regard for the weather conditions whenever such action is deemed necessary in the interest of safety. ([Ord. 371 §2\(b\), 1950](#)).

#### **10.15.040 Public safety requirements – Airport manager authority**

The airport manager shall at all times have authority to take such action as may be necessary to safeguard the public in attendance at the airport. Every pilot, mechanic or other person employed on or using the airport shall cooperate with the airport management to enforce these rules and to see that all persons on the premises use due care and caution to prevent injury to persons or damage to property. ([Ord. 371 §2\(c\), 1950](#)).

#### **10.15.050 Rules and regulations – Responsibility of instructors and students**

Instructors will fully acquaint their students with these rules and shall be responsible for the conduct of students under their direction during dual instruction. When a student is flying solo, it shall be his sole responsibility to observe and abide by these rules. ([Ord. 371 §2\(d\), 1950](#)).

#### **10.15.060 Ground rules generally**

Aircraft engines shall be started or warmed up only in the places designated for such purposes by the airport manager. At no time shall engines be turned up when hangars, shops, other buildings, or persons in the observation area, are in the path of the propeller stream. When hand--cranked, a competent operator shall be at the controls and the wheels chocked. No person shall fly a plane from the field without a check as to the fuel and oil supply and airworthiness of the aircraft. ([Ord. 371 §3\(a\), 1950](#)).

#### **10.15.070 Aircraft – Parking location and procedure**

Aircraft shall not be parked except in areas and in the manner designated by the airport manager. ([Ord. 371 §3\(b\), 1950](#)).

#### **10.15.080 Aircraft – Repair restrictions**

All repairs to aircraft or engines, except emergency repairs, shall be made in the spaces designated for this purpose and not on the area reserved for landing or taking off. ([Ord. 371 §3\(c\), 1950](#)).

#### **10.15.090 Landing area restrictions**

No person or persons, except airmen, duly authorized personnel, passengers going to or from aircraft, or other persons being personally conducted by airmen or airport attendants, shall be permitted to enter the landing area proper. This does not give any person or persons so accepted the privilege of unrestricted use of this space. These privileges are confined to the necessary use of this space in connection with flights, inspections or routine duties. ([Ord. 371 §3\(d\), 1950](#)).

**10.15.100 Aircraft – Tie-down and blocking requirements**

Aircraft shall be properly blocked and tied down by the owner or operator when parked for overnight or when conditions otherwise warrant. ([Ord. 371 §3\(e\), 1950](#)).

**10.15.110 Motor vehicles prohibited beyond building line – Exceptions**

No motor vehicle shall be driven beyond the building line proper without the express permission of the airport manager or his designated representative, nor otherwise than in accordance with his instructions. ([Ord. 371 §3\(f\), 1950](#)).

**10.15.120 Automobile parking restrictions**

No automobile shall be parked on the airport property except in areas designated for that purpose by the airport manager. ([Ord. 371 §3\(g\), 1950](#)).

**10.15.130 Taxiing – Restrictions generally**

No person shall taxi an aircraft to or from the hangar line or to or from an approved parking space until he has ascertained that there will be no danger of collision with any person or object in the immediate area by visual inspection of the area and, when available, through information furnished by airport attendants. ([Ord. 371 §4\(a\), 1950](#)).

**10.15.140 Taxiing – Speed limitation**

No aircraft shall be taxied except at a safe and reasonable speed. ([Ord. 371 §4\(b\), 1950](#)).

**10.15.150 Taxiing – Restrictions on vehicles without brakes**

No aircraft not equipped with adequate brakes shall be taxied near buildings or parked aircraft unless an attendant is at the wing of the aircraft to assist the pilot. ([Ord. 371 §4\(c\), 1950](#)).

**10.15.160 Keeping runway clear**

For engine run up and while awaiting takeoff clearance, planes shall keep clear of runway. ([Ord. 371 §4\(d\), 1950](#)).

**10.15.170 Taxiing – Conformance with approved patterns required**

Aircraft taxiing shall conform to the taxi patterns attached to the ordinance codified in this chapter and on file in the office of the city clerk-treasurer, which are a supplement to these rules. ([Ord. 371 §4\(e\), 1950](#)).

**10.15.180 Landings and takeoffs – Wind conditions**

Landings or takeoffs shall be made on the runway or landing strip most nearly aligned with the wind or, when winds are light, to the south. Winds of six miles per hour or less are considered calm. ([Ord. 371 §5\(a\), 1950](#)).

**10.15.190 Landings and takeoffs – Safe distance requirements**

No landings or takeoffs will be made except at a safe distance from buildings or aircraft. ([Ord. 371 §5\(b\), 1950](#)).

**10.15.200 Turns after takeoff restrictions**

No turn shall be made after takeoff until the airport boundary has been reached and the pilot has attained an altitude of at least four hundred feet and has ascertained there will be no danger of collision with other aircraft, unless exceptions are authorized. ([Ord. 371 §5\(c\), 1950](#)).

**10.15.210 Fire and safety regulations – Generally**

All persons using in any way the airport area or the facilities of the airport shall exercise the utmost care to guard against fire and injury to persons or property. ([Ord. 371 §6\(a\), 1950](#)).

**10.15.220 Operations using welding or open flame restrictions**

No person shall conduct any welding or open flame operations in or adjacent to any hangar unless specifically authorized by the airport manager. ([Ord. 371 §6\(b\), 1950](#)).

**10.15.230 Material and equipment storage – Fire hazards prohibited**

No person shall store or stock material or equipment in such a manner as to constitute a fire hazard. ([Ord. 371 §6\(c\), 1950](#)).

**10.15.240 Aircraft fueling – Smoking prohibited**

No person shall smoke within one hundred feet of an aircraft being fueled. ([Ord. 371 §6\(d\), 1950](#)).

**10.15.250 Aircraft fueling restrictions**

No aircraft shall be fueled while the engine is running or while such aircraft is in a hangar. ([Ord. 371 §6\(e\), 1950](#)).

**10.15.260 Aircraft fueling – Grounding requirements**

All aircraft shall be positively grounded when being serviced with gasoline. ([Ord. 371 §6\(f\), 1950](#)).

**10.15.270 Cleanliness responsibilities**

All private plane and hangar owners and pilots shall be responsible for the cleanliness of the airport and the facilities they use. ([Ord. 371 §6\(g\), 1950](#)).

**10.15.280 Commercial privilege restrictions**

No commercial privileges shall be allowed any unauthorized operators or pilots except by written permission of the airport manager or city council. ([Ord. 371 §7, 1950](#)).

**10.15.290 Violation – Penalty**

Any person violation any of the provisions of this chapter shall be guilty of a misdemeanor and shall be punishable as set forth in [Chapter 1.24](#) of this code. ([Ord. 371 §8, 1950](#)).

**ARTICLE I TRAFFIC UPON AIRPORT RUNWAYS AND TAXI AREAS**

**10.15.300 Unlawful acts**

It is unlawful for any person, firm, corporation or business entity, except as duly authorized by the Rexburg-Madison County airport board or its manager, to drive a motor vehicle or vehicles, animal or animals, ride or walk upon or across any airport runway or taxi area located upon the premises occupied by the Rexburg Madison County Airport, or to permit animals to run at large on the premises occupied by the Rexburg-Madison County Airport and/or upon the premises occupied by the Rexburg Municipal Golf Course. ([Ord. 580 §1, 1977](#)).

**10.15.310 Violation – Penalty**

Any such person, firm, corporation or business entity who shall violate the provisions of Section 10.15.300 shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than three hundred dollars or by imprisonment not to exceed six months, or by both such fine and imprisonment. ([Ord. 580 §2, 1977](#)).