

CHAPTER 4 PUBLIC PARKING

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9-4-1: GENERAL PARKING RESTRICTIONS: Any person who parks a vehicle, except when necessary to allow movement of other vehicular traffic or pursuant to the direction of a peace officer or traffic control device, in any of the following designated places, shall be guilty of an infraction, to-wit:

- (A) On a public sidewalk.
- (B) Within any portion of a public or private driveway or entrance to a public street.
- (C) Within an intersection.
- (D) Within fifteen (15) feet of a fire hydrant.
- (E) Within a crosswalk.

- (F) Within twenty (20) feet of a crosswalk located at any intersection.
- (G) Within thirty (30) feet of the approach to any flashing beacon, stop sign or traffic control signal.
- (H) Between a designated safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless a traffic regulatory sign indicates a different length is allowed.
- (I) Within fifty (50) feet of the nearest rail of a railroad crossing.
- (J) Within twenty (20) feet of the driveway entrance to any fire station or within seventy-five (75) feet of such entrance when parking on the side of the street opposite such entrance, when regulatory signs indicate such prohibition.
- (K) Beside or opposite any street excavation or obstruction in a manner which obstructs traffic.
- (L) Upon any street or portion thereof in a manner which blocks or interferes with the regular flow of vehicular traffic.
- (M) Upon any bridge or elevated structure upon or part of a public highway.
- (N) At any place where traffic regulatory signs prohibit such parking.
- (O) In any fire apparatus access road as defined in the International Fire Code. (Ord. 3253, 05-13-19)

9-4-2: **PARKING IN ALLEYS PROHIBITED:** Any person who parks a motor vehicle in any alley within the City for any purpose other than to load or unload such vehicle in a reasonably expeditious fashion shall be guilty of an infraction. Parking for purposes of loading or unloading a vehicle shall be permitted only if a clearance of at least ten (10) feet in width between the adjacent building or other structures is left on each side of the vehicle.

9-4-3: **PARKING IN RESIDENTIAL ZONES:** Any person who parks a motor vehicle having a gross vehicle weight greater than 10,000 pounds in any residentially-zoned district within the City shall be guilty of an infraction unless such parking is necessary to load or unload such vehicle in an expeditious manner.

9-4-4: **REPAIR OF VEHICLES ON PUBLIC STREETS:** Any person who uses any street or alley within the City for the purpose of repairing any vehicle, except for temporary emergency repairs, shall be guilty of an infraction.

9-4-5: **STORAGE OF VEHICLES, MOTORHOMES AND TRAILERS ON PUBLIC STREETS:**

(A) It shall be unlawful for anyone to use City streets or alleys for storage of motorhomes or trailers. Trailers and motorhomes can only be parked upon a street or alley within the City for the purposes of loading and unloading for a period not to exceed two 24-hour periods in a 7-day time period. Any person who parks or allows a trailer or motorhome to be parked upon any street or alley within the City for a period in excess of this time in the same location shall be guilty of an infraction.

(B) Any person who parks or allows a vehicle to be parked upon any street or alley within the City for a period of 48 or more consecutive hours in the same location shall be guilty of an infraction.

(C) Any vehicle, motorhome or trailer unlawfully parked or stored may be removed by or under the direction of any peace officer and may be impounded in accordance with the provisions of this Chapter.

(D) For the purposes of this section, a vehicle shall be considered to be parked "in the same location" notwithstanding movement of the vehicle to another location on a public street or alley within 500 feet in any direction of the original location of the vehicle. "Motorhome" is hereby defined as set forth in Idaho Code § 49-114(12). "Trailer" is hereby defined as set forth in Idaho Code § 49-121(6). (Ord. 2890, 01-22-12)

9-4-6: MANNER OF PARKING: Except as otherwise provided in this Chapter, any person who parks or allows to be parked any vehicle, in the following manner shall be guilty of an infraction, where:

(A) any part of the bumper closest to the curb face is at a distance greater than eighteen inches (18") from the curb face, where the area is designated for angle parking; or

(B) any of the wheels or rims are on top of the curb, behind the back of the curb, or behind the gutter flow line of the curb. (Ord. 3146, 11-21-2017)

9-4-7: UNATTENDED MOTOR VEHICLE: Any person who owns or has control of any motor vehicle and who leaves the vehicle without first stopping the engine, locking the ignition and removing the key therefrom, or who parks such vehicle upon a grade without turning the front wheels to the curb or side of the street, shall be guilty of an infraction.

9-4-8: GENERAL PARKING RESTRICTION: Any person who parks or allows any vehicle to be parked upon any street in violation of any sign restricting parking within such area, shall be guilty of an infraction. All such parking restrictions shall be established only by resolution of the City Council, after receiving the recommendation of the Traffic Safety Committee.

9-4-9: PARKING AT AIRPORT:

(A) Any person who parks or allows a vehicle to be parked at any time of the day or night in the following areas, shall be guilty of an infraction, to-wit:

- (1) International Way.
- (2) That portion of North Skyline Drive located north of International Way.
- (3) That portion of Borah Street located north of International Way.
- (4) That portion of Foote Drive located north of International Way.
- (5) Any ramp, runway, taxiway or area within the Idaho Falls Regional Airport where signs prohibiting such parking have been posted, except as expressly authorized by the Director of Aviation.

Notwithstanding the foregoing, the Council may designate areas within or upon such streets where parking may be allowed, provided signs allowing such parking are prominently displayed.

(B) Any person who parks a motor vehicle unattended for any period of time or any person who parks a motor vehicle for a period of time greater than the minimum amount of time to load or unload passengers and their luggage, within the passenger loading and unloading zone designated by visible signs at the entrance to the Idaho Falls Regional Airport, shall be guilty of an infraction, then the minimum penalty shall be the sum of \$25.00. (Ord. 2432, 10-25-01; Ord 2598, 2-12-09; Ord. 3003, 4-23-15)

9-4-10: PARKING AT CITY AQUATIC CENTER:

(A) Overflow Parking Lot Established: An overflow parking lot is established for the purpose of parking of vehicles owned or operated by patrons of the City Aquatic Center. The overflow parking lot is located at 640 South Lee, immediately east of the City Aquatic Center located at 149 7th Street, Idaho Falls, Idaho.

(B) Overflow Parking Permitted: Except as otherwise provided in this Chapter, whenever all parking spaces within the public parking lot immediately adjacent to the City Aquatic Center are occupied, patrons of the City Aquatic Center shall be permitted to park vehicles owned or operated by them in the overflow parking lot.

(C) Restrictions on Use of Overflow Parking Lot: It shall be unlawful for any person who is neither a patron of the City Aquatic Center nor an employee of School District No. 91 to park any vehicle in the overflow parking lot at any time. It shall be unlawful for any patron of the City Aquatic Center to park or to leave parked any vehicle in the east seventy-four feet (74') of the overflow parking lot between the hours of seven o'clock (7:00) a.m. and five o'clock (5:00) p.m. on any Monday, Tuesday, Wednesday, Thursday or Friday.

9-4-11: **IMPOUNDING VEHICLES:** Any peace officer may remove, cause to be removed and impound any vehicle parked in violation of the provisions of this Chapter.

9-4-12: **IMPOUNDING FEES:** The owner of any motor vehicle or trailer that has been impounded by the Police under any provision of this Code or any law of the State of Idaho shall pay to the City an impound fee in the amount of fifteen dollars (\$15) before such vehicle or trailer shall be released.

9-4-13: **PAYMENT OF TOWING AND STORAGE FEES:** : The owner of any motor vehicle or trailer that has been duly impounded, removed from the City streets, towed or stored at the direction of the Police Department shall pay a reasonable towing and storage fee before such vehicle or trailer may be released. The towing and storage fee shall be paid to the person or company effecting the removal and towing and providing the storage for such vehicle or trailer. If the motor vehicle or trailer is towed or stored by City personnel, the towing and storage fees shall be paid to the City. (Ord. 3003, 4-23-15)

9-4-14: **ESTABLISHMENT OF STORAGE FEES:** The City Council shall annually establish by resolution the towing and storage fees provided for in this Chapter.

9-4-15: **PARKING ZONES ESTABLISHED:** The City Council may establish parking 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 meeting.

9-4-16: **DESIGNATION OF PARKING ZONES:** The Chief of Police shall designate all parking and loading zones established by the Council 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. Such zones shall be designated by painting or otherwise marking lines upon the street surface, or upon the adjacent curb, designating the area within such zones are located.

9-4-17: **MANNER OF PARKING:** Any vehicle parked within a parking or loading zone shall be parked entirely within the markings designating one parking space; shall be parked parallel or diagonal to the curb in accordance with the markings of the parking space; and in case of diagonal parking, shall be parked so that the front portion of the vehicle closest to the curb is within eighteen inches (18") of the curb.

9-4-18: **OPERATING TIME DEFINED, EXCEPTIONS:** Operating time" is that time when parking within parking zones and loading zones is regulated and is the time between eight o'clock (8:00) a.m. and six o'clock (6:00) p.m. of every day. "Operating time" shall not include any Saturday or legal holiday.

9-4-19: **PARKING IN LOADING ZONES:** Notwithstanding the provisions of this Chapter, a person may park a vehicle in a loading zone for the purpose of unloading persons, supplies or merchandise. Parking in a loading zone or space during "operating time" for any other purpose is unlawful.

9-4-20: UNLAWFUL PARKING:

It shall be unlawful for any person to park a vehicle, or, having parked the same, to allow it to remain parked in violation of the regulations of any parking sign located within clear view of a restricted parking area. When the parking sign merely states the duration of time allowed for parking, then the regulation shall be in force only during "operating times." When the sign forbids parking at all times, or at designated times, the regulation is in force at all times, or as stated. Any person who violates this Section shall be guilty of an infraction and shall, upon conviction thereof, be punishable in an amount set from time to time by Resolution of the Council. The Council may set higher or graduated fines for repeated violations. (Ord. 2666, 9-14-06; Ord. 2964, 8-14-14; Ord. 3049, 10-12-15; Ord. 3276, 10-10-19)

9-4-21: DOWNTOWN AREA STREET PARKING

- A. For the purposes of this Chapter, the "Downtown Area" shall be defined as the area bounded on the west by Memorial Drive and Capital Avenue, on the south by Cliff Street, on the east by Yellowstone Avenue and on the north by and including D Street. The Downtown Area shall also include the both sides of the streets that form the borders of the Downtown Area.
- B. Within the Downtown Area, any person who parks a vehicle in violation of any regulation as stated on any parking sign located within clear view of a restricted parking area shall be liable of a civil parking fine in an amount set from time to time by Resolution of the Council. The Council may set higher or graduated fines for repeated violations.
- C. This Section may be enforced by the Police Department or by any agent authorized to enforce the City's parking regulations in the Downtown Area by the Council, which the Council may authorize or appoint from time to time.
- D. A bona-fide resident of the Downtown Area may apply for a permit which shall exempt them from any two (2)-hour parking limit established for parking spaces within the off-street City-owned parking lot located between Shoup Avenue on the east, Park Avenue on the west, Broadway Avenue on the north, and Cliff Street on the south. Nothing herein shall exempt a person holding this permit from compliance with other parking limits or restrictions in this Code. For purposes of this subsection, a bona-fide resident of the Downtown Area must actually reside within the Downtown Area the time of application for the permit and at all times during the validity of the permit. Discontinuance of residency for a period of thirty (30) consecutive days or more shall automatically void the permit. The downtown resident's permit shall be valid for one (1) year from its issuance. The cost of each permit shall be in an amount set from time to time by Resolution of the Council. Only one (1) permit per licensed driver shall be allowed. The permit shall be displayed in the vehicle as to be visible from outside the vehicle, whenever the permittee parks his or her vehicle in a two-hour parking space. It shall be unlawful to transfer or to allow another person to use this permit.

E. Violations of the Downtown Area Parking

- a. A notice of a violation of the Downtown Area parking regulations may be issued by any police officer or an agent authorized by the Chief of Police or the City Council. The notice of violation shall be issued by placing the notice on the windshield of an illegally parked vehicle, in a secure manner, or in a prominent place upon the vehicle. At the minimum, the notice shall state the following:
 - i. The date and time of when the notice was issued; and
 - ii. The nature of the parking violation observed; and
 - iii. The amount of the civil fine imposed; and
 - iv. The procedure to pay or contest the fine.
- b. A separate notice shall be issued for each parking regulation violated. If the violation is overtime parking, a separate notice may be issued for each hour or fraction of an hour that, the owner or operator of the vehicle allows it to remain parked in violation of this Section. (Ord. 3276, 10-10-19)

9-4-22: PARKING FOR PERSONS WITH DISABILITIES:

1. Any person who parks or allows a vehicle to be parked in any parking space designated for use by persons with disabilities and signed in conformity with this Chapter is guilty of an infraction, and shall, upon conviction thereof, be punishable by a fine in an amount set from time to time by Resolution of the Council.
2. Exceptions:
 - a. Vehicles that are momentarily in the space for the purpose of allowing a disabled person to enter or leave the vehicle, or
 - b. Vehicles which have special license plates or a temporary card issued for the disable pursuant to Idaho Code § 49-410 that is clearly displayed on the vehicle.
3. For the purposes of this section, the registered owner of a vehicle who has expressly or impliedly consented to the use of his or her vehicle shall be deemed to have allowed the parking of such vehicle by the person to whom such consent was given. The term "person with a disability" shall have the same meaning ascribed in Idaho Code §49-117(7)(b). (Ord. 3276, 10-10-19)

9-4-23: DESIGNATION OF PARKING SPACES FOR PERSONS WITH DISABILITIES: For the purposes of this Chapter, a parking space designated for persons with disabilities shall be any parking space or area upon which there is posted immediately adjacent thereto, and visible from each stall or space, a sign which is at least thirty-six inches (36") above the ground, displaying the international symbol of accessibility that shall have the same proportions shown in Idaho Code §49-410. (Ord. 3276, 10-10-19)

9-4-24: ENFORCEMENT OF DESIGNATED PARKING SPACES FOR PERSONS WITH DISABILITIES ON PRIVATE PROPERTY: The provisions of this Chapter regulating parking for persons with disabilities and the designating of spaces for persons with disabilities shall be enforceable with respect to handicapped parking spaces upon public property and private property open to public use. (Ord. 3276, 10-10-19)

9-4-25: NOTICE OF PARKING VIOLATIONS OUTSIDE OF THE DOWNTOWN AREA:

- (A) A notice of a violation of the parking regulations of this Chapter outside of the Downtown Area may be issued by any police officer or by any person or agent duly authorized by the Chief of Police or the Council. The notice of violation shall be issued by placing it on the windshield of an illegally parked vehicle, in a secure manner, or in a prominent place upon the vehicle. A separate notice shall be issued for each parking regulation violated. If the violation is overtime parking, a separate notice shall be issued for each hour or fraction of an hour that, the owner or operator of the vehicle allows it to remain parked in violation of this Chapter.
- (B) The notice of violation shall state the date and time when it is issued and the nature of the parking violation observed. The notice shall advise the owner or operator of the vehicle that he or she must admit the violation and pay the penalty or deny the violation and appear before a designated hearing officer within fourteen (14) days of the date the notice is issued, in default of which a summons and criminal complaint may be filed with the Bonneville County Magistrate Court and served upon such person.
- (C) Any person issued a parking notice may enter an admission in the following ways:
 - (1) Depositing the notice of violation with the amount of penalty stated thereon in any collection box designated by the Police Department;
 - (2) Mailing the notice of violation with the amount of the penalty stated thereon to the address indicated on the notice; or
 - (3) Presenting the notice together with the amount of the penalty indicated thereon at the office of the City Treasurer.
- (D) Within fourteen (14) days of the date of issue of the notice of violation of this Chapter, any person issued a parking notice may deny the violation and may request a hearing before a hearing officer with the Idaho Falls Police Department by contacting the hearing officer.
 - (1) The hearing officer shall schedule a hearing within ten (10) working days after being contacted by a person denying a parking violation.
 - (2) During a hearing, the hearing officer shall outline the hearing process, state the allegation of the violation, and permit the person denying the parking violation to present statements, photographs, or other evidence.

(3) Within ten (10) days after the hearing, the hearing officer shall make a determination whether the violation occurred.

(a) If the hearing officer determines that the parking violation occurred, the hearing officer shall file a summons and criminal complaint with the Bonneville County Magistrate Court and shall refer the parking violation for prosecution by the City Attorney Division.

(b) If the hearing officer finds that the parking violation did not occur, the hearing officer shall dismiss the notice of parking violation. (Ord. 3276, 10-10-19)

9-4-26: PENALTIES:

Any person who violates any provision of this Chapter, which does not otherwise provide a specific penalty, shall be guilty of an infraction, and shall, upon conviction thereof, be punishable by a fine in an amount set from time to time by Resolution of the Council. (Ord. 3276, 10-10-19)

9-4-27: ADDITIONAL REMEDIES PRESERVED:

The issuance of a notice of violation shall not be the exclusive remedy for enforcing the parking regulations of this Chapter and all other lawful remedies are reserved, including prosecution by filing a criminal complaint for an infraction violation. (Ord. 3276, 10-10-19)