

ORDINANCE NO. \_\_\_\_  
"TRAFFIC AND PARKING REGULATIONS"

AN ORDINANCE OF THE CITY OF STANLEY, CUSTER COUNTY, IDAHO:

AMENDING TITLE 10 VEHICLES AND TRAFFIC, CHAPTER 10.08 PARKING, ESTABLISHING ADDITIONAL PARKING REGULATIONS AND ESTABLISHING AND IMPLEMENTING A PARKING AND TRAFFIC PLAN

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF STANLEY, IDAHO, AS FOLLOWS:

Section 1: Title 10, VEHICLES AND TRAFFIC of the Stanley Municipal Code is hereby deleted as follows:

**TITLE 10**

**VEHICLES AND TRAFFIC**

Subject:

Traffic Rules .....	<u>10.04</u>
Parking and Traffic Plan.....	<u>10.08</u>
Snowmobiles .....	<u>10.12</u>

**CHAPTER 10.04**

**TRAFFIC RULES**

SECTION:

- 10.04.010 General Provisions
- 10.04.020 City Speed Limits
- 10.04.030 Penalties

10.04.010: **GENERAL PROVISIONS:** All traffic laws and regulations of the state of Idaho pertaining to driving upon the highways and public roads of the state shall be enforced.

10.04.020: **CITY SPEED LIMITS:** Speed limits within the corporate limits of the city of Stanley shall be twenty (20) miles per hour unless posted otherwise.

**10.04.030: PENALTIES:**

- A. Violations of traffic regulations on the streets of the city of Stanley shall be punishable in the same manner as a violation of the state law prohibiting such act where the state law is applicable.
- B. Any person violating any of the provisions of this chapter shall be deemed guilty of an infraction. The infraction penalty shall be in the same amount as charged for a violation of the equivalent state law.

**CHAPTER 10.08**

**PARKING AND TRAFFIC PLAN**

**SECTION:**

<u>10.08.010:</u>		<u>Definitions</u>
<del>40.08.010:</del>	<u>10.08.015</u>	<u>Generally</u>
<del>40.08.020:</del>		<u>Display of Signs</u>
<del>10.08.020:</del>		<u>Parking and Traffic Plan</u>
<del>10.08.030:</del>		<u>Implementation of Parking and Traffic Plan</u>
<del>40.08.045:</del>	<u>10.08.040:</u>	<u>Parking Prohibitions</u>
<del>10.08.050:</del>		<u>Manner of Parking</u>
<del>10.08.060:</del>		<u>Residential Parking Permit</u>
<del>10.08.070:</del>		<u>Parking For People With Disabilities</u>
<del>40.08.030</del>		<u>Removal of Improperly Parked Vehicles: Costs</u>
<del>10.08.080:</del>		<u>Public Parking Lots: Use Regulations</u>
<del>10.08.090:</del>		<u>Officers Authorized To Remove Vehicles</u>
<del>40.08.040:</del>	<del>10.08.100:</del>	<u>Operation of Snow Removal Equipment: Parking</u>
<del>40.08.050</del>	<del>10.08.110:</del>	<u>Operation of Snow Removal Equipment: Posting of Notices</u>
<del>40.08.060</del>		<u>Violation During Snow Removal: Procedure</u>
<del>40.08.070</del>	<u>10.08.120:</u>	<u>Violation Generally</u>

**10.08.010: DEFINITIONS:**

**AUTHORIZED EMERGENCY VEHICLE:** Vehicles operated by any Fire Department, fire district, nonprofit fire protection corporation, publicly or privately owned fire protection or fire patrol organization, police, Sheriff or other law enforcement agency, ambulances and like emergency vehicles authorized by the Chief of Police or Sheriff to mount and use a siren and light of the type approved by the Chief of Police or Sheriff.

**BICYCLE:** A vehicle propelled solely by human power upon which a person may ride and having two (2) tandem wheels, except scooters and similar devices. Also includes

three- and four-wheeled human powered vehicles.

**BICYCLE FACILITY:** Improvements and provisions made to accommodate or encourage bicycling, including parking and storage facilities, any road, street, path or way which in some manner is specifically designated for bicycle travel, regardless of whether designated for the exclusive use of bicycles or shared with other transportation modes and shared roadways not specifically designated for bicycle use.

**CAMPER:** A structure designed to be mounted upon a vehicle, usually a truck, which provides facilities for human habitation or for temporary outdoor or recreational lodging.

**CANOPY:** A structure designed to be mounted upon a vehicle, usually a truck, which provides security or shelter for things or persons under the structure.

**INTERSECTION:** The area embraced within the prolongation or connection of the lateral curb lines or, if none, then the lateral boundary lines of the intersecting highways or the area within which vehicles traveling on different highways may come into conflict.

**LOADING ZONE:** A space or section of a public right-of-way that has been set aside for the exclusive purpose of loading and unloading property and persons.

**MOTOR HOME:** A motorized vehicle originally designed, reconstructed or permanently altered to provide facilities for human habitation.

**OFFICIAL TRAFFIC CONTROL DEVICES:** All signs, signals, markings and devices placed or erected by authority of the City for the purpose of regulating, warning or guiding traffic and parking.

**PRIVATE ROAD OR PRIVATE DRIVEWAY:** Every way or place in private ownership that is used for vehicular travel only by the owner or by those having express or implied permission from the owner.

**PUBLIC RIGHT-OF-WAY:** All areas legally open to public use such as public streets, sidewalks, roadways, highways, parkways, parking lots, alleys, or other places owned in fee by the City of Stanley, or in, on or over which an easement exists in the name of or held by the City of Stanley, or which exists for the benefit and use of the public.

**ROADWAY:** That portion of a public right-of-way improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder.

**STOP, STOPPING, STAND OR STANDING:** When prohibited, means any halting, even momentarily, of a vehicle, whether occupied or not, except when necessary to avoid conflict with or to be in compliance with the direction of a police officer or official traffic control device.

**STREET OR HIGHWAY:** Shall be used interchangeably and means the entire width between the boundary lines of every way or place open to the public as a matter of right

for public vehicular travel, but not to include alleys.

**TRAFFIC:** Pedestrians, ridden or herded animals, vehicles and other conveyances, either singly or together, while using any public right-of-way for purposes of travel.

**TRAILER:** A vehicle without motor power designed for carrying persons or property on its own structure and to be drawn by a vehicle with motor power. The term "trailer" includes trailer coach, boat trailer, semitrailer, travel trailer or utility trailer.

**VEHICLE:** Every self-propelled device, upon or by which any person or property is or may be transported or drawn upon a public right-of-way, except devices used exclusively upon stationary rails or tracks.

**10.08.015: GENERALLY:** No person driving or in charge of a motor vehicle shall park or permit it to stand attended or unattended other than temporarily for the purpose of and while engaged in loading or unloading property or passengers, on any public street, road, alley, or highway within the City of Stanley, Custer County, Idaho, during times and within areas designated "no parking" by the City of Stanley.

~~10.08.020 DISPLAY OF SIGNS:~~ The City Council may from time to time designate "no parking" areas for motor vehicles within the City by posting in a conspicuous public place signs indicating areas along the public streets, roads, or highways within the City where motor vehicles may not be parked.

~~10.08.020: PARKING AND TRAFFIC PLAN:~~ By resolution, the city council may adopt a parking and traffic plan to designate the manner of public parking on city streets, including but not limited to areas where parking is permitted and is not permitted, the direction of parking (parallel, angle or perpendicular) in specific areas, temporary loading and unloading zones, prohibitions on parking in manners that obstruct traffic (e.g. pedestrian and bicycle rights of way, alleys, loading and unloading zones), on all city street rights of way.

~~10.08.030: IMPLEMENTATION OF PARKING AND TRAFFIC PLAN:~~ The City Council may implement the parking and traffic plan by posting signs in conspicuous places along the public streets, roads, or highways within the City. In addition to the signage for implementing a parking and traffic plan, the City Council may from time to time designate "no parking" areas for motor vehicles within the City by posting in a conspicuous public place signs indicating areas along the public streets, roads, or highways within the City where motor vehicles may not be parked.

~~10.08.015 10.08.040: PARKING PROHIBITIONS:~~ In addition to parking in designated "no parking" areas, ~~no~~ No person driving or in charge of a motor vehicle, or motor vehicle trailer, bus, camper, canopy, motor home or boat shall park, stop, or permit it stand

attended or unattended on any public street, road, alley, or highway, within the City of Stanley, Custer County, Idaho, as follows:

- A. In violation of a parking and traffic plan approved by the City of Stanley.
- B. Within a designated emergency vehicle zone.
- C. Within a designated "no parking" zone.
- D. ~~So as to~~ In a manner that blocks a designated private driveway.
- E. ~~So as to~~ In a manner that interferes with snow removal.
- F. ~~So as to~~ In a manner that impedes pedestrian or motor vehicle traffic.
- G. In a manner that impedes access to a fire department water storage facility.
- H. For a continuous period in excess of seventy two (72) hours for cars and buses, or forty eight (48) hours for trailers, campers, canopies, buses, boats and motor homes.
- I. Vehicles including campers, canopies, buses and motor homes, and trailers and boats shall not be occupied while parked on a city street, except temporarily while waiting for a driver or passenger.
- J. Between the hours of twelve o'clock (12:00) midnight and six o'clock (6:00) A.M. with the engine running.
- K. On a sidewalk.
- L. On a bicycle facility.
- M. Upon a public right-of-way in such a manner or under such conditions as to constitute an obstruction to traffic.
- N. Within twenty feet (20') of an intersection.
- O. At any place where official traffic control devices prohibit or limit such stopping, standing or parking.
- P. In a manner contrary to posted signage.
- Q. Within thirty feet (30') upon the approach to any flashing signal, stop sign, yield sign or official traffic control signal located at the side of a roadway; except, that vehicles which are six feet (6') or less in height may be permitted to stop, stand or park within such thirty foot (30') distance unless otherwise prohibited by ordinance, resolution or official traffic control device.
- R. To display such vehicle for sale.
- S. To advertise a private business.
- T. To grease or repair such vehicle, except repairs necessitated by an emergency.
- U. Except when necessary to avoid conflict with other traffic, or in compliance with the directions of a law enforcement officer or official traffic control device.
- V. Except momentarily to pick up or discharge a passenger or passengers.
- W. Except when otherwise directed by a law enforcement officer, the driver of an authorized emergency vehicle that is responding to an emergency call may:
  - 1. Stop, stand or park, irrespective of the provisions of this chapter; and
  - 2. Disregard regulations governing direction of the movement of traffic or turning in specified directions.

**10.08.050: MANNER OF PARKING:**

- A. No person shall stop, stand or park a motor vehicle, motor vehicle trailer, bus, camper, canopy, motor home, or boat in a public right-of-way other than in the manner designated by a parking and traffic plan approved by the City Council or in accordance with the parking space marking and signage along the roadway.
- B. Where parallel parking is indicated, drivers shall stop, stand, or park vehicles facing in the direction of authorized traffic movement with the right hand wheels within eighteen inches (18") of the edge of the roadway. Any vehicle parked within a loading and unloading zone shall be parked entirely within the markings designating one parking space.
- C. On those public rights-of-way which have been signed or marked for diagonal or perpendicular parking, no person shall stop, stand or park a vehicle other than at the angle to the curb or edge of the roadway indicated by such markings and signage, in the direction of the authorized traffic movement, in such a manner that the front right hand wheel is not more than eight inches (8") from the forward edge of the designated parking area.

**10.08.060: RESIDENTIAL PARKING PERMIT:**

- A. Issuance Of Permit: Upon application, without charge, the City Council is authorized and directed to issue temporary residential parking permits authorizing exceptions to the requirement in 10.08.040 (G). Temporary residential parking permits for motor vehicles be may issued to:
  - a. Vehicle owners who reside on a public right-of-way with restricted parking and vehicle owners who reside on a lot with physical characteristics that do not and cannot provide for any parking of vehicles on such lot.
  - b. A temporary residential parking permit may be issued to those vehicle owners identified in subsection (A)(a) of this section for the purpose of and use by overnight guests of the permit holder. Temporary residential parking permit holders may park overnight, in the same location, on the public right-of-way for up to 120 consecutive hours.
  - c. The temporary residential parking permit shall be affixed to the inside bottom left corner of the windshield of the vehicle, or hang from the rear view mirror, and shall be clearly visible at all times.
  - d. Unless otherwise specifically provided, a temporary residential parking permit shall not authorize the holder to park in violation of any other law or provision of this chapter regulating the stopping, standing or parking of vehicles in the City, nor exempt the holder from the observance of any traffic regulation.
- B. Temporary Residential Parking Permit Violations: It is unlawful for any person to represent that he or she is entitled to a temporary residential parking permit when he or she is not so entitled, to fail to surrender a permit to which he or she is no

longer entitled, or to park a vehicle displaying such a permit at any time when the holder of such permit is not entitled to hold it.

C. Revocation Of Temporary Residential Parking Permit: The City Council is authorized to revoke the temporary residential parking permit of any permittee found to be in violation of this section, and upon written notification, the permittee shall surrender such permit to the City Council. Failure to surrender a temporary residential parking permit so revoked, when so requested, shall constitute a violation of subsection B of this section.

**10.08.070: PARKING FOR PEOPLE WITH DISABILITIES:**

- A. Parking a vehicle in a space reserved for disabled persons contrary to the requirements of Idaho Code section 49-213, as revised, is prohibited.
- B. The registered owner of a vehicle parked in violation of this section is guilty of an infraction, which is punishable by the maximum penalty indicated in Idaho Code section 49-213, as revised.

**10.08.080: PUBLIC PARKING LOTS, USE REGULATIONS:**

- A. No boats, campers or trailers shall be left detached from towing vehicles.
- B. No person shall use any portion of such public parking lot in a manner as to endanger the person or property of another.
- C. No person shall use any portion of such public parking lot for the principal purpose of advertising a private business.
- D. No person shall distribute, throw or affix any literature, handbills or fliers in such public parking lot or on any vehicle parked in such public parking lot.

**10.08.090: OFFICERS AUTHORIZED TO REMOVE VEHICLES:**

- A. Whenever any authorized agent of the City of Stanley or law enforcement officer finds a vehicle in violation of any of the provisions of this chapter, the officer is authorized to move the vehicle, or require the driver or other person in charge of the vehicle to move it to a position off the roadway.
- B. Any authorized agent of the City of Stanley or law enforcement officer is authorized to remove or cause to be removed to a place of safety any

unattended vehicle illegally left standing upon any public right-of-way in a position or under circumstances as to obstruct the normal movement of traffic.

C. Any authorized agent of the City of Stanley or law enforcement officer is authorized to remove or cause to be removed to a place of safety any vehicle left parked on any public right-of-way in such a manner as to obstruct removal of snow from the public right-of-way; or to obstruct public utility or street repair, maintenance, or other services in the best interest of the public.

D. The authorized agent of the City of Stanley or law enforcement officer, upon such removal, shall notify the registered owner of the removal of such vehicle and the place to which the same has been removed, together with the charges for removal.

E. No owner or operator shall recover any vehicle impounded except as provided in this chapter. Before the owner or person in charge of such vehicle shall be allowed to recover the vehicle from the place where it has been placed or impounded, he or she shall present to the City of Stanley's authorized agent or law enforcement officer evidence of his or her identity and right to possession of such vehicle. In addition, the owner or person in charge of such vehicle shall sign a receipt for the vehicle's return and shall pay the cost of removal and storage and such fees as are established by resolution. Until paid, these charges constitute a lien upon the vehicle which may be enforced in the same manner as a garage keeper's lien in accordance with the provisions of Title 49 of the Idaho Code, as may be amended.

F. Any person who violates subsection E of this section, regarding recovery or moving of any vehicle removed by an agent of the City of Stanley or law enforcement officer in accordance with this section without payment for removal and storage, shall be guilty of an infraction as defined in Title 1, Chapter 1.08, Section 1.08.020.

**10.08.100: OPERATION OF SNOW REMOVAL EQUIPMENT: PARKING:** No person driving or in charge of a motor vehicle, or motor vehicle trailer, bus, camper, canopy, motor home, or boat shall park or permit it to stand unattended within the right-of-way of any public street, road or highway within the City of Stanley during the time that any authorized snow removal equipment is in operation within the City. ~~"Right-of-Way" within the meaning of this chapter, means the entire width of the street, road, or highway used by the public and/or dedicated as a public right-of-way, measured from the boundaries of the real property located adjacent to such public right-of-way.~~

**10.08.110: OPERATION OF SNOW REMOVAL EQUIPMENT: POSTING OF NOTICES:** During the period of time in which snow removal equipment is operated



within the City of Stanley, the City will cause to be posted, in at least three (3) public places, notices advising the public that motor vehicles, and motor vehicle trailers, buses, campers, canopies, motor homes, or boats, may not be parked or left unattended on any public street, road, or highway or public parking lot within the City, when new snowfall on the City streets has exceeded four inches (4") or more.

~~10.08.060: VIOLATION DURING SNOW REMOVAL: PROCEDURE: Any vehicle parked in violation of sections 10.08.040 and 10.08.050 of this chapter may be removed by any authorized agent of the City or law enforcement officer of the City. Any such vehicle so removed shall be kept under the control of the City until the owner or its authorized agent pays a reasonable cost of removal and storage, which storage charges shall be a minimum of five dollars (\$5.00) per day. All actual costs and expenses of removal and/or tow in and all storage charges hereunder, shall be a lien in favor of the City, and shall be paid by the owner or the authorized agent of the owner of any removed vehicle to the City before the City shall be required to release the vehicle. Such lien may be enforced in the manner provided by Idaho Code section 49-1801 et seq., for removal, storage, and sale and notification procedures for vehicles found under emergency circumstances.~~

~~10.08.070:10.08.120: VIOLATION GENERALLY: Any person violating any provisions of this chapter for a first or second offense within a five (5) year time period shall be deemed guilty of an infraction punishable as provided in section 1.08.020 of this Code. A third and subsequent convictions within a five (5) year time period shall be deemed a misdemeanor punishable as provided in section 1.08.010 of this Code.~~

Section 2: SEVERABILITY: If any section, subsection, clause or phrase of this ordinance is for any reason held invalid, such decision or decisions shall not affect the remaining portions of this ordinance.

Section 3: The City Clerk is instructed to immediately forward this ordinance to the codifier of the official municipal code for proper revision of the code.

Section 4: That this Ordinance, or summary thereof in compliance with Section 50-901A, Idaho Code, shall be published once in the official newspaper of the City and shall take effect immediately upon its passage, approval and publication.

**PASSED** by the Council of the City of Stanley, Idaho this \_\_\_\_ day of \_\_\_\_\_, 2019.

**APPROVED** by the Mayor of the City of Stanley, Idaho this \_\_\_\_ day of \_\_\_\_\_, 2019.

**APPROVED**

City of Stanley  
Custer County, Idaho

**ATTEST:**

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Steve Botti  
MAYOR

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Cari Tassano  
CITY CLERK

**DRAFT**