ORDINANCE NO. 1013-19

BY THE COUNCIL: BEAUMONT, HIGGINS, PAGE, AND SOUZA

AN ORDINANCE OF THE CITY OF GARDEN CITY, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, REPEALING GARDEN CITY CODE TITLE 5 ("TRAFFIC"), CHAPTER 1 ("TRAFFIC CODE"), SECTION 4 ("STOPPING, STANDING OR PARKING") AND APPROVING THE REVISION, COMPILATION, CODIFICATION, AND ADOPTION OF TITLE 5 ("TRAFFIC"), CHAPTER 1 ("TRAFFIC CODE"), SECTION 4 ("STOPPING, STANDING OR PARKING") TO CLARIFY GARDEN CITY PARKING CODE AND PROHIBIT RECREATIONAL VEHICLES, UTILITY TRACTORS, AND LARGE COMMERCIAL VEHICLES FROM PARKING ON PUBLIC STREETS IN CERTAIN CIRCUMSTANCES; PROVIDING ALL OTHER ORDINANCES INCLUDED IN THE OFFICIAL CODE ARE STILL IN EFFECT NOTWITHSTANDING SOME PROVISIONS THEREOF BEING ELIMINATED; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING CITY CODE PROVISIONS; APPROVING A SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. Ordinance No. 327, which was adopted on the 8th day of July 1975, is hereby repealed.

SECTION 2. Ordinance No. 819, which was adopted on the 22nd day of November 2004, is hereby repealed.

SECTION 3. The current Title 5, Chapter 1, Section 4 ("Stopping, Standing or Parking"), Garden City Code, be, and the same is hereby repealed in its entirety.

SECTION 4. The fact that some provisions of the official municipal code for the City of Garden City have been deliberately eliminated by the governing body shall not serve to cause any interruption in the continuous effectiveness of ordinances included in said official Code. All other ordinances shall continue in full force and effect unless specifically repealed or amended.

SECTION 5. That Title 5, Chapter 1, Section 4 ("Stopping, Standing or Parking"), Garden City Code, be, and the same is hereby revised, replaced, and modified to read as follows:

A. Standing Or Parking Close To Curb: Except as otherwise provided in this section, 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 twelve inches (12") of the curb. On one-way streets, a vehicle parked on the left side of the street shall be so stopped or parked with the left-hand wheels of such vehicle parallel to and within twelve inches (12") of the left-hand curb.

B. Stopping, Standing Or Parking Prohibited In Specific Places: No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or to comply with law or the directions of a police officer or traffic control device, in any of the following circumstances:

1. At any location where a traffic control device restricting or prohibiting parking has been posted by a department head or his/her designee;

2. On or across a public sidewalk, pedestrian path, bicycle path or similar nonvehicular right of way, or between the curb and sidewalk or within an area improved on the right of way for stormwater drainage;

3. In front of, or otherwise blocking use of, a public or private driveway or street access from lands adjoining a public street;

4. Within an intersection of public rights of way;

5. On, or impeding use of, or within twenty feet (20') of, a pedestrian crosswalk or the point of intersection of public rights of way measured at the curb line for streets so developed;

6. Alongside or opposite any maintenance or construction operation or obstruction when stopping, standing or parking would obstruct traffic;

7. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;

8. Upon a bridge or other elevated structure upon a street or highway or within a highway tunnel;

9. On any railroad tracks;

10. At any place where official signs prohibit stopping;

11. In an alley so as to hinder or block traffic (parking in an alley is a violation of subsections E of this section);

12. In a marked fire lane on the site of any structure open for public access or where access restrictions have been imposed by the fire department.

13. Within fifteen feet (15') of a fire hydrant;

14. In a space reserved for a person with a disability, which space is signed in conformance with the requirements specified in Idaho Code § 49-213, is

prohibited, unless a vehicle is momentarily in the space for the purpose of allowing a person with a disability to enter or leave the vehicle, or unless special license plates or card or temporary card for a person with a disability is displayed on the vehicle. The registered owner of a vehicle parked in violation of the provisions of this subsection is guilty of an infraction, which is punishable by a fine not exceeding one hundred dollars ($100.00).

C. Tow Away Zones: In addition to what is specified in Idaho Code § 49-213, the city council may designate a tow away zone at any location where a traffic control device restricting or prohibiting parking has been posted by authority of a department head or his/her designee, provided that the tow away warning is posted along with the traffic control device which restricts or prohibits parking.

D. Parking Not To Obstruct Traffic: No person shall park any vehicle upon a street or highway, other than an alley, in such a manner or under such conditions as to leave available less than twelve feet (12') of such roadway for the free movement of vehicular traffic.

E. Parking In Alleys: No person shall park a vehicle within an alley, and no person shall stop, stand or park a vehicle within an alley in such position as to block the driveway entrance to any abutting property.

F. Designated Short-Term Parking Areas: The chief of police is hereby authorized to determine places in which there is a public demand or necessity for short term parking and to recommend for approval by the city council which places should be designated as short-term parking areas. When such signs are erected as authorized herein, no person shall stop, stand or park a vehicle in such designated places for a time longer than indicated on such signs.

G. Parking Time Limitation: No vehicle, including major recreational vehicles or equipment, shall be parked continuously at the same location or combination of locations on any public street or public alley in the city for more than forty-eight (48) hours. At the expiration of forty-eight (48) hours, vehicles must be removed from any public street or public alley and may not be parked again on any public street or public alley for at least forty-eight (48) hours. For the purpose of this section, "major recreational vehicles or equipment" are defined as including, but not limited to, boats and boat trailers, pickup campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers, tractor trailers, semi-tractors, oversized commercial vehicles, and utility trailers.

H. Parking Tickets And Procedures: It shall be the duty of the chief of police, or his designee, upon observing a vehicle parked, stopped or standing in violation of subsections A through G of this section, or each of them, to leave at or upon such vehicle a Garden City parking citation noting that such vehicle has been parked or stopped in violation of the provisions of the foregoing sections. Among other information, the notice

shall bear the date and hour of leaving the same at or upon the vehicle, the make of the vehicle and its license number, and the location of the vehicle. The registered owner of the vehicle is responsible for any parking citation issued, regardless of who was operating the vehicle.

I. Parking Fines And Procedures: Each person or entity receiving a parking violation ticket in violation of this section shall:

1. Within twenty (20) days of the time of such notice, excluding weekends and federally observed holidays, pay to the city of Garden City, in full satisfaction of such violation, twenty five dollars ($25.00) for each Garden City parking citation notice left upon his/her vehicle; or fifty dollars ($50.00) for the first, second, and third violations of subsection G of this section; or one hundred dollars ($100.00) for a violation of subsection B.14 of this section.

2. The police department and any officer thereof shall have the authority to take into its or their custody, and to impound any vehicle(s) found to be in violation of subsection G of this section for more than three violations of subsection G of this section, and impose impound fees. Any person or entity who continues to violate subsection G of this section after being cited for more than three violations of subsection G will be deemed a chronic offender.

3. The failure of any registered owner to make such payments to the city of Garden City within twenty (20) days shall render such person or entity subject to civil or criminal penalties as hereinafter provided. Alternatively, tickets unpaid past sixty (60) days of issuance may be sent to collections.

J. Penalties:

1. Any registered owner who shall violate or fail to comply with any provisions of this section, shall be summoned into magistrate court for the original charge. The fine for the violation will be fifty dollars ($50.00) plus court costs, unless a specified penalty is otherwise provided. If the registered owner, after being served a summons, shall fail to respond to the summons or fail to pay the fine, a default judgment shall be entered, and the department of transportation shall be notified that the registered owner has an unpaid judgment.

2. Any registered owner violating the provisions of section 5-1-4.G that has also been deemed a chronic offender pursuant to 5-1-4.I.2 shall be deemed guilty of a misdemeanor. Upon conviction of such misdemeanor, the registered owner shall be fined in an amount not to exceed three hundred dollars ($300.00) or be imprisoned for not more than six (6) months, or both. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable hereunder.

K. The city of Garden City is hereby authorized to post and enforce parking regulations in public places, and on property owned by the city of Garden City.

L. Exceptions:

1. The prohibitions of this section shall not apply to a police officer acting in the course and scope of his or her duties.

2. The prohibitions of this section shall not apply to a public agency engaged in public safety.

SECTION 6. If any provision or section of this Ordinance shall be held to be invalid by a court of competent jurisdiction, then such provision or section shall be considered separately and apart from the remaining provisions or sections of this Ordinance, which shall remain in full force and effect.

SECTION 7. All ordinances of the city of Garden City that conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION 8. That the Summary of the Ordinance, attached hereto as Exhibit A, is hereby approved as to both form and content.

SECTION 9. This Ordinance shall be in full force from and after passage, approval, and publication.

PASSED by the City Council and **APPROVED** by the Mayor of Garden City, Idaho, this 14th day of October, 2019.

ATTEST:

Lisa M. Leiby, City Clerk

APPROVED:

John G. Evans, Mayor

CITY OF GARDEN CITY, IDAHO
SEAL

EXHIBIT A

STATEMENT OF GARDEN CITY ATTORNEY AS TO ADEQUACY OF SUMMARY OF ORDINANCE NO. 1013-19

The undersigned, Charles I. Wadams, in his capacity as City Attorney of the City of Garden City, Idaho, hereby certifies that he is the legal advisor of the City and has reviewed a copy of the attached Summary of Ordinance No. 1013-19 of the City of Garden City, Idaho, and has found the same to be true and complete and provides adequate notice to the public pursuant to Idaho Code § 50-901A(3).

DATED this 14th day of October, 2019.

Charles I. Wadams
City Attorney

SUMMARY OF ORDINANCE NO. 1013-19 OF THE CITY OF GARDEN CITY, IDAHO

PUBLIC NOTICE IS HEREBY GIVEN that the City of Garden City, Idaho, adopted at its regular meeting of October, 14, 2019, that Ordinance No. 1013-19 entitled:

AN ORDINANCE OF THE CITY OF GARDEN CITY, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, REPEALING GARDEN CITY CODE TITLE 5 ("TRAFFIC"), CHAPTER 1 ("TRAFFIC CODE"), SECTION 4 ("STOPPING, STANDING OR PARKING") AND APPROVING THE REVISION, COMPILATION, CODIFICATION, AND ADOPTION OF TITLE 5 ("TRAFFIC"), CHAPTER 1 ("TRAFFIC CODE"), SECTION 4 ("STOPPING, STANDING OR PARKING") TO CLARIFY GARDEN CITY PARKING CODE AND PROHIBIT RECREATIONAL VEHICLES, UTILITY TRACTORS, AND LARGE COMMERCIAL VEHICLES FROM PARKING ON PUBLIC STREETS IN CERTAIN CIRCUMSTANCES; PROVIDING ALL OTHER ORDINANCES INCLUDED IN THE OFFICIAL CODE ARE STILL IN EFFECT NOTWITHSTANDING SOME PROVISIONS THEREOF BEING ELIMINATED; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING CITY CODE PROVISIONS; APPROVING A SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

This ordinance repeals and replaces the Stopping, Standing or Parking Section of the Garden City Code to add clarification on where stopping, standing or parking a vehicle is prohibited in Garden City, how traffic control devices restricting or prohibiting parking may be placed, adds provisions to allow for tow away zones, and adds restrictions on parking major recreational vehicles on public streets in certain circumstances.

Furthermore, this ordinance provides for parking fines and procedures for specific violations, enables the police department to enforce provisions therein, and provides for a misdemeanor penalty for chronic offenders. Finally, this ordinance repeals any conflicting ordinances and provides for an effective date.

The effective date of the ordinance is from and after passage, approval, and publication. A copy of the full text of the ordinance is available at the city clerk's office, 6015 N. Glenwood Street, Garden City, Idaho 83714. Examination may be requested in writing or in person during regular business hours of the city clerk's office, from 8:00 a.m. until 5:00 p.m., pursuant to Section 50-901A(4), Idaho Code.

DATED this 14th day of October, 2019.

ATTEST:

Lisa M. Leiby, City Clerk

CITY OF GARDEN CITY, IDAHO:

John G. Evans, Mayor

CITY OF GARDEN CITY, IDAHO
SEAL

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AFFIDAVIT OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Depth
264046	0004432237	SUMMARY OF ORDINANCE NO. 1013-19 OF TH	legal notice	$97.52	1	9.89 In

Attention: Lisa Leiby

GARDEN CITY CITY OF
6015 GLENWOOD ST
GARDEN CITY, ID 837141347

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AMBAR LIZARRAGA, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in The Idaho Statesman, in conformity with Section 60-108, Idaho Code, as amended, for:

1 Insertions

Beginning issue of: 10/26/2019

Ending issue of: 10/26/2019

(Legals Clerk)

On this 28th day of October in the year of 2019 before me, a Notary Public, personally appeared before me Ambar Lizarraga known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Notary Public in and for the state of Texas, residing in Dallas County

LIZBETH AILEEN CORDERO
My Notary ID # 131868068
Expires January 25, 2023

Extra charge for lost or duplicate affidavits. Legal document please do not destroy!

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DATED this 14th day of October, 2019.

CITY OF GARDEN CITY, IDAHO:
John G. Evans, Mayor
ATTEST:
Lisa M. Leiby, City Clerk

———————0004432237-01