

## CHAPTER 2

**PARKING REGULATIONS**

## SECTION:

- 6-2- 1: Application Of And Compliance With Provisions
- 6-2- 2: Signs And Markings Regulating Parking
- 6-2- 3: Method Of Parking
- 6-2- 4: Lights On Parked Vehicles
- 6-2- 5: General Parking Restrictions
- 6-2- 6: Parking In City Lots
- 6-2- 7: Parking For Persons With Disabilities
- 6-2- 8: Specific No Parking Places
- 6-2- 9: Time Limit Parking; Vacating Spaces
- 6-2-10: Storage Of Vehicles; Overnight Use
- 6-2-11: Authority To Move Illegally Parked Vehicles
- 6-2-12: Enforcement And Penalties

**6-2-1: APPLICATION OF AND COMPLIANCE WITH PROVISIONS:**

- A. The provisions of this chapter prohibiting the stopping, standing or parking of vehicles shall apply at all times, or at those times specified in this chapter, 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. (1985 Code § 10.08.010)
- B. The provisions of this chapter 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. (1985 Code § 10.08.020)

**6-2-2: SIGNS AND MARKINGS REGULATING PARKING:**

- A. 1. When, by this chapter, any parking time limit is imposed or parking is prohibited on designated streets or parts of streets, city

personnel shall erect and maintain appropriate signs or traffic markings giving notice thereof, and no such regulations shall be effective unless such signs or traffic markings are in place at the time of any alleged violation. (1985 Code § 10.08.050)

2. 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 such vehicle to remain standing at any time, with the exception of certain hours specified, upon any street, parts of a street, or roadway. (1985 Code § 10.08.040)

B. 1. City personnel are authorized to place and maintain appropriate signs or traffic markings to indicate standing or parking regulations, and such traffic markings shall designate the zones and shall have the meanings set forth in this subsection B1:

a. Red means no stopping, standing or parking at any time.

b. Yellow means no stopping, standing or parking except as designated by appropriate signs or traffic markings.

2. When appropriate signs or traffic curb markings have been erected or placed according to this subsection, no person shall stop, stand or park a vehicle in any zone contrary to the provisions of this chapter. (1985 Code § 10.08.130)

**6-2-3: METHOD OF PARKING:**

A. Stop Engine; Lock Ignition: No driver or person in charge of a motor vehicle shall permit said vehicle to stand unattended without first stopping the engine and locking the ignition. (1985 Code § 10.08.060)

B. Curb Parking:

1. 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 (18") of the curb or edge of the roadway, except where angle parking is permitted. (1985 Code § 10.08.080)

2. Where signs or traffic markings have been placed by city personnel, 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. (1985 Code § 10.08.090)

C. No Curb Parking:

1. No person shall stop, park or leave standing any vehicle, whether attended or unattended, upon any roadway constructed without a curb when it is practical to stop, park or so leave such vehicle off such roadway. In every event, such parked vehicle shall be parked in the direction of lawful traffic movement with an unobstructed width of the roadway opposite the standing vehicle left for the free passage of other vehicles, and a clear view of such stopped vehicles shall be available.

2. This subsection shall not apply to the driver of any vehicle which is disabled while on the main traveled portion of a street in such manner and to such an extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position. (1985 Code § 10.08.170)

6-2-4: **LIGHTS ON PARKED VEHICLES:** Any lighted headlamp upon a parked vehicle shall be depressed or dimmed. (1985 Code § 10.08.070)

6-2-5: **GENERAL PARKING RESTRICTIONS:**

A. One-Way Roadways: In the event a street includes two (2) 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. (1985 Code § 10.08.150)

B. 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 of any abutting property or interfere with the free movement of traffic through the alley. (1985 Code § 10.08.140)

C. Double Parking: 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, provided such stopping does not interfere with any

vehicle and that the driver remains in the vehicle, or in compliance with directions of a police officer or traffic control device, or when necessary to avoid other traffic. (1985 Code § 10.08.160)

- D. **Parking For Certain Purposes:** No person shall park or operate a vehicle upon any roadway or public place for the principal purpose of:
1. Displaying such vehicle for sale;
  2. Greasing or repairing such vehicle, except repairs necessitated by an emergency;
  3. Displaying advertising; or
  4. Selling foodstuffs or other merchandise in any business district. (1985 Code § 10.08.200)
- E. **Airport:** No person shall park a vehicle at the airport other than in a manner and at locations indicated by posted traffic signs and markings. (1985 Code § 10.08.110)

**6-2-6: PARKING IN CITY LOTS:**

- A. **Definition:** For the purpose of this section, the term "parking lot owned by the city" means any area where vehicles may be left unattended upon any property the city may have an ownership interest in and which has a sign or signs thereon stating that such area is for "public parking".
- B. **Regulations:** No person on the premises of any parking lot owned by the city, where a sign or signs are posted designating such parking lot as a parking lot of the city, shall:
1. Park any vehicle overnight;
  2. Park any vehicle over thirty feet (30') in length or over eight feet (8') wide, except for those locations designated for oversized vehicles;
  3. Abandon any vehicle;
  4. Make repairs on any vehicle; or

5. Park any vehicle thereon which does not bear a valid license plate and current registration sticker.

- C. **Violations A Nuisance; Summary Abatement:** Any vehicle found in violation of any of the prohibitions of this section upon any parking lot owned by the city is declared to be a nuisance and may be summarily abated by removing any such vehicle by, or under the directions of, or at the request of, a law enforcement officer or other officer charged with enforcing the parking laws of the city to a place of storage within the city by means of towing or otherwise, and disposed of according to Idaho Code sections 49-1701 through 49-1705 governing abandoned vehicles. (1985 Code § 10.08.120)

**6-2-7: PARKING FOR PERSONS WITH DISABILITIES:**

**A. Areas Designated; Use Regulations:**

1. City personnel are authorized to reserve, by appropriate signing, various public areas or property for parking for persons with disabilities. It is unlawful for:

a. Any person with a disability to park longer than the time shown on the sign designating the area as "parking for persons with disabilities".

b. Any vehicle to be parked in an area designated as parking for persons with disabilities, unless such vehicle has displayed thereupon the parking for persons with disabilities plate or transferable identification placard issued by the state. (1985 Code § 10.08.100; amd. 2010 Code)

2. It is prohibited for any person to park a motor vehicle in a properly marked access aisle in a manner which prevents or reasonably could restrict a person with a disability from entering or exiting his vehicle or in such manner as would block access to a curb cut or ramp. (2010 Code)

- B. **Unlawful Use Of Plate Or Identification Placard:** It is unlawful for any person to use a vehicle with a license plate for persons with disabilities or transferable motor vehicle identification placard who is not authorized to use parking areas for persons with disabilities. (1985 Code § 10.08.100; amd. 2010 Code)

- C. **Restricted Areas Not Authorized For Persons With Disabilities:** Nothing in this chapter shall be construed to permit parking by any individual contrary to or as an exception to the limited purpose of the designated areas as enumerated in section 6-2-8 of this chapter. (1985 Code § 10.08.100)

6-2-8: **SPECIFIC NO PARKING PLACES:** No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic control device, in any of the following places:

- A. On a sidewalk or sidewalk area;
- B. In front or within five feet (5') of a private driveway;
- C. Upon any private driveway within a traffic district where the width of the driveway is less than twenty feet (20');
- D. Within an intersection; (Ord. 271-07, 1-2-2007)
- E. Within fifteen feet (15') of a fire hydrant, as measured in both directions along the street or highway curb line from the line extending from the center of the hydrant to the curb line at its nearest point; (Ord. 271-07, 1-2-2007; amd. 2010 Code)
- F. On a crosswalk;
- G. Within twenty feet (20') of a crosswalk at an intersection;
- H. Within thirty feet (30') upon the approach of any flashing beacon or traffic control device located at the side of a roadway;
- I. Between a safety zone and the adjacent curb, or within thirty feet (30') of points on the curb immediately opposite the ends of a safety zone, unless authorized signs or markings indicate a different length; (Ord. 271-07, 1-2-2007)
- J. Within twenty feet (20') of the driveway entrance to any fire station, and on the side of a street opposite the entrance to any fire station, within seventy five feet (75') of the entrance, when properly signposted; (Ord. 271-07, 1-2-2007; amd. 2010 Code)

- K. Alongside or opposite any street excavation or obstruction, when stopping, standing or parking would obstruct or be hazardous to traffic;
- L. Any place in any public park, playground or grounds of any public building other than on the roads or parking lots provided for public parking and then only in accordance with provisions of any officially installed signs;
- M. On any footpath in any park or playground;
- N. Within a fire lane as designated and marked in accordance with the provisions of the relevant city ordinance, or its successor, whether on public or private property;
- O. On any median or island, or on any dividing section;
- P. On any public street or alley where the width of the roadway is less than twenty feet (20');
- Q. On the south or east side of any public street or alley where the width of the roadway is over twenty feet (20') but less than thirty feet (30'), unless otherwise directed by traffic control devices;
- R. Where parking would leave available less than ten feet (10') of the width of the roadway for free movement of vehicular traffic;
- S. At any place where official signs or traffic markings prohibit stopping, standing or parking during certain hours; or
- T. At any place where official signs or traffic markings prohibit stopping, standing or parking at any time. (Ord. 271-07, 1-2-2007)

**6-2-9: TIME LIMIT PARKING; VACATING SPACES:**

- A. Purpose: The city council finds that restricted time parking regulations are designed to require movement of vehicles from designated street parking locations to enable as many members of the public as possible to have access to prime street parking locations. Some members of the public attempt to avoid purposes of restricted time parking by moving their vehicles only enough to cover any markings placed by parking enforcement personnel or by moving their vehicles only to return within a few minutes to the same or approximately the same parking spot. It is necessary to provide fair and equal access

to limited public resources and assets such as prime parking locations.

B. Definitions:

**BLOCK FACE:** The side of the street where the vehicle was parked between two (2) intersecting streets. An alley shall not be considered a street.

**STREET AND ALLEY:** Have the meanings set forth in the relevant Idaho Code, or its successor provisions.

C. Compliance With Signs And Markings: When signs or traffic markings are erected or placed by direction of the city council, no person shall park a vehicle or permit such vehicle to remain parked for longer than the time specified, between the hours shown, upon any street, parts of a street, or roadway.

D. Prohibitions:

1. It is unlawful for any person to:

a. Park a vehicle on the same time restricted parking block face for longer than the posted time limitation or, having left a parking spot located on a time restricted parking face, reenter the parking anywhere along the same street block face within the same length of time as the posted time limitation, plus thirty (30) minutes, immediately following the vacation of the place of initial parking; or

b. Remove a temporary mark placed by an enforcement officer except that which may naturally occur as a result of driving the vehicle.

2. In order to allow for snow removal and other right of way maintenance, it shall be unlawful for any person to park on any public right of way (city, county, and state within the city of Driggs) between the hours of twelve o'clock (12:00) midnight and six o'clock (6:00) A.M. between November 15 and April 1 of each year.

E. Parking In Spaces Being Vacated:

1. Every driver intending to enter a parking space in the process of being vacated shall stop his or her vehicle to the rear of the parking

space being vacated and, having so waited, shall have prior right to the parking space over all other drivers.

2. No driver shall stop his or her vehicle ahead of a parking space being vacated and attempt to interfere with a driver who has waited properly to the rear of a parking space being vacated. (Ord. 271-07, 1-2-2007; amd. 2010 Code)

**6-2-10: STORAGE OF VEHICLES; OVERNIGHT USE:**

- A. No person shall park a vehicle, boat, trailer or other item upon any street for a period of time longer than forty eight (48) hours. Motor homes, boats and trailers which are moved from a parking spot and then reparked on the same street block face within twenty four (24) hours from the time of such removal shall be deemed to have been continuously parked for the purposes of this subsection. "Block face" means the side of the street where the vehicle was parked between two (2) intersecting streets. (1985 Code § 10.08.210)
- B. No person shall park a motor home, trailer or van upon any street for the purpose of camping overnight. (1985 Code § 10.08.220)

**6-2-11: AUTHORITY TO MOVE ILLEGALLY PARKED VEHICLES:**

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 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. (1985 Code § 10.08.230)

**6-2-12: ENFORCEMENT AND PENALTIES:**

- A. Definitions: As used in this section, the following words and terms shall have the meanings ascribed to them in this subsection:

RECEIPT OF NOTICE:	The affixing of a notice to the vehicle alleged to have been employed in an unauthorized use, or by delivery of such notice to the owner or driver thereof.
--------------------	---

UNAUTHOR-  
IZED USE OF  
STREETS:

A violation of any restriction or prohibition contained in this chapter or its successor.

B. Civil Penalty:

1. Any person engaging in the unauthorized use of streets, parking lots or other areas within the city as provided under this chapter shall be liable for a civil penalty. Any penalty assessed in accordance with this chapter may be in addition to such other penalties as may be provided in this chapter.

2. Civil penalties shall be imposed as set forth on the notice of parking violation, as may from time to time be amended by resolution of the city council.

C. Notice Of Violation: Notice of parking violation may be issued by local law enforcement officers or parking enforcement officers appointed by the city council. In addition, local law enforcement agencies or the city council may also appoint volunteers to act as its agents to issue parking citations for violations of this chapter.

D. Reduction Of Penalty: The civil penalties may be subject to reductions as set forth on the notice of parking violation if the penalties are paid within the designated number of days from the receipt of notice. (1985 Code § 10.08.240)

E. 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 therefor. (1985 Code § 10.08.250)

F. Appeals:

1. The mayor shall appoint such hearing officers as he/she deems appropriate to consider matters relating to the unauthorized use of streets.

2. Any person having received notice of such unauthorized use, or the owner of any vehicle employed in such use, may appear before a hearing officer and present and contest such alleged unauthorized use.

3. The burden to prove any defense shall be upon the person raising such defense.

4. If the hearing officer finds that no unauthorized use occurred or an unauthorized use occurred but one or more of the defenses set forth in this subsection F4 is applicable, the hearing officer may dismiss the notice of parking violation and release the owner from liability thereunder. Such defenses are:

a. At the time of the receipt of the notice, possession of the subject vehicle had been acquired in violation of the criminal laws of Idaho.

b. Compliance with the subject ordinances would have presented an imminent and irreparable injury to persons or property. (1985 Code § 10.08.260)

5. If the hearing officer finds that an unauthorized use occurred but one or more of the defenses set forth in this subsection F5 is applicable, the hearing officer may reduce the penalty associated therewith, but in no event shall such penalty be reduced below the sum of ten dollars (\$10.00). Such defenses are: (1985 Code § 10.08.260; amd. 2010 Code)

a. At the time of receipt of the notice, possession of the subject vehicle had been acquired pursuant to the written lease agreement or similar written agreement.

b. The subject vehicle was mechanically incapable of being moved from such location; provided, however, such defense shall not apply to any vehicle which remains at such location in excess of six (6) hours.

c. Any markings, signs or other indicia of parking use regulation were not clearly visible or comprehensible.

d. Such other mitigating circumstances as may be approved by the city attorney.

6. If the hearing officer finds that an unauthorized use occurred and no applicable defense exists, the hearing officer may, in the interest of justice and on behalf of the city, enter into an agreement for the timely or periodic payment of the applicable penalty.

7. If the penalty imposed pursuant to this subsection remains unsatisfied after forty (40) days from the receipt of notice, or ten (10) days from such date as may have been agreed to by the hearing officer, the city may use such lawful means as are available to collect such penalty, including costs and attorney fees. (1985 Code § 10.08.260)