

CITY OF DALTON GARDENS  
ORDINANCE NO. 150

AN ORDINANCE REGULATING PARKING OF VEHICLES IN THE CITY OF DALTON GARDENS, IDAHO; SETTING FORTH VIOLATIONS, CHARGES FOR VIOLATIONS, AND ENFORCEMENT.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DALTON GARDENS IDAHO:

**PARKING**

Section 1: Prohibited; Where  
Section 2: Temporary "No Parking" Zones; Barricades and Signs; Authority; Towing  
Section 3: Parking in Handicapped Parking

Section 1: **PROHIBITED; WHERE:**

A. 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 direction of a police officer or traffic-control device, in any of the following places:

1. On a sidewalk;
2. In front of a public or private driveway;
3. Within an intersection; or within 30 feet of an intersection
4. On a crosswalk;
5. Within twenty feet (20') of a crosswalk at an intersection;
6. Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
7. At any place where official signs prohibit stopping.

8. Within 15 feet from a fire hydrant.
  9. Within thirty (30) feet upon the approach to any flashing signal, stop sign, yield sign or traffic-control signal located at the side of a highway.
  10. Within twenty (20) feet of the driveway entrance to any fire station.
- B. No person shall drive, operate or park a motorized vehicle upon any officially marked bicycle lane, bicycle path, foot path or other separate right of way specifically set aside for use by pedestrians or non-motorized vehicles except at an intersection or when entering or leaving a roadway at a driveway, private road or alley. This Section shall not apply to authorized emergency vehicles meeting the conditions specified in Title 49 of the Idaho Code, or authorized maintenance and construction vehicles while actually engaged in work upon a roadway or non-motorized right of way.
- C. No person shall move a vehicle not lawfully under his control into any such prohibited area.
- D. No person shall park any motorized vehicle in parking space designated for handicapped parking except for a vehicle that is momentarily in the space for the purpose of allowing a handicapped person to enter or leave the vehicle, unless the vehicle is displaying a special license of the handicapped, or official handicapped card issued by the State of Idaho, or an official temporary handicapped card issued by the State or another state.

Section 2:           **TEMPORARY "NO PARKING" ZONES; BARRICADES AND SIGNS; AUTHORITY; TOWING:** The Kootenai County Sheriff or other law enforcement official designated by the City is authorized to indicate temporary zones where vehicles shall not be parked when, in the opinion of the Kootenai County Sheriff or other law enforcement official designated by the City, it is necessary to prevent temporarily the parking of vehicles on any street or portion of such street. The Kootenai County Sheriff or other law enforcement official designated by the City may do so either by placing appropriate signs or placing barricades or officers at such places. It is unlawful for any person to park any vehicle at such time and at such designated places. The Kootenai County Sheriff or other law

enforcement official designated by the City is authorized to remove such illegally parked vehicles and the owner thereof shall pay the cost of such removal.

Section 3:           **PARKING IN HANDICAPPED PARKING:**

- A.   Parking a vehicle, on public or private property open to the public, in a space reserved for the handicapped, which space is marked in conformance with the requirements specified in the Idaho Code Section 49-213, or any subsequent Idaho Code section which specifies the manner of marking or signing disabled parking, is prohibited, unless a vehicle is momentarily in the space for the purpose of allowing a handicapped person to enter or leave the vehicle, or unless a special license plate, card, or temporary card for the handicapped as prescribed in Idaho Code Section 49-410, or any subsequent Idaho Code sections which provide for the issuance of a special license plate, card, or temporary card for person with a disability, is displayed on the vehicle. The registered owner of a vehicle parked in violation of the provisions of this Section is guilty of an infraction.
  
- B.   Law enforcement officials are empowered to enter upon private property open to the public to enforce the provisions of this Section.

**VIOLATIONS**

- Section 4:           Violation of Traffic or Parking Provisions of Ordinance; Penalty
- Section 5:           Charges for Violation
- Section 6:           Vehicle Ownership as Evidence

Section 4:           **VIOLATION OF TRAFFIC OR PARKING PROVISIONS OF ORDINANCE; PENALTY:** Any person violating any of the traffic or parking provisions set out in this ordinance shall have committed an infraction unless other penalty is provided by State law, and, upon being found to have violated a provision of this ordinance, shall be penalized as allowed by State law.

Section 5: **CHARGES FOR VIOLATION:**

- A. Any person violating any of the parking provisions set out in this ordinance is assessed the following charges for each violation:

Parking:

In a handicapped zone	\$49.50
In alley or in front of driveway	15.00
By a fire hydrant	15.00
Other	15.00

- B. Any police or sheriff officer or other person(s) designated by the City observing any of the foregoing violations may issue a ticket describing such violation, and the charge assessed for the violation to the persons committing the violation. The members of the Sheriff's Department or other person(s) designated by the City are authorized to refrain from instituting a prosecution charging the person with an infraction, if such person pays the charge herein assessed to the City Clerk or entity or person designated on the ticket within ten (10) days of the violation.

For violations of Idaho Code 49-659, 49-660 or 49-661 officers may complete the uniform citation with as much information as is available, sign the citation as served and place the defendants copy conspicuously on the offending vehicle. This service will be the same as if the officer signed the citation and personally delivered it to the registered owner.

Section 6: **VEHICLE OWNERSHIP AS EVIDENCE:**

- A. In any prosecution against the registered owner of a motor vehicle charging a violation of any regulation governing the standing or parking of a vehicle under any ordinance of the City of Dalton Gardens, proof that the particular vehicle described in the complaint was parked in violation of any such ordinance, together with proof that the defendant named in the complaint was, at the time of parking, the registered owner of the vehicle, shall constitute prima facie evidence that the registered owner of the vehicle was the person who parked or placed the vehicle at the point where, and for the time during which,

the violation occurred. For the purposes of this subsection, proof that a person is the registered owner of a vehicle is not prima facie evidence that the registered owner has violated any other provision of law. Proof of a written lease or of rental agreement for a particular vehicle described in the complaint on the date and time of the violation, which lease or rental agreement includes the name and address of the person to whom the vehicle is leased or rented, shall rebut the prima facie evidence that the registered owner was the person who parked or placed vehicle at the time and place where the violations occurred.

- B. In any prosecution against the lessee or renter of a motor vehicle charging a violation of any regulation governing the standing or parking of a vehicle under any ordinance of the City of Dalton Gardens, proof that the particular vehicle described in the complaint was parked in violation of any provision of the ordinance, together with proof that the defendant named in the complaint was, at the time of parking, the lessee or renter of the vehicle, shall constitute prima facie evidence that the lessee or renter of the vehicle was the person who parked or placed the vehicle at the point where, and for the time during which, the violation occurred. For the purposes of this subdivision, proof that a person is the lessee or renter of a vehicle is not prima facie evidence that the lessee or renter has violated any other provision of this law.
- C. Any charge under such ordinance shall be dismissed when the person charged has made a bona fide sale or transfer of the vehicle, has delivered possession thereof to the purchaser, and has complied with the requirements of Chapter IV, Title 49 of the Idaho Code prior to the date of the alleged violation and has advised the court of the name and address of the purchaser and the date of the sale.

#### **IMPOUNDMENT OF VEHICLES**

Section 7: Authority of Kootenai County Sheriff's Department  
Section 8: Expenses

Section 7: **AUTHORITY OF KOOTENAI COUNTY SHERIFF'S**

**DEPARTMENT:** The Kootenai County Sheriff's Department or, to the extent permitted by law, other person(s) designated by the City are authorized, in their discretion, to remove and impound at such place as may be designated by the Kootenai County Sheriff's Department any vehicle found abandoned or parked in violation of any provision of this Code.

Section 8: **EXPENSES:** All costs and expenses of taking and keeping any such vehicle, including the costs and expenses of towing, keeping and storing, shall be paid by the owner of such vehicle and shall constitute a lien in favor of the City upon and against such vehicle.

Section 9: **SEPARABILITY.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

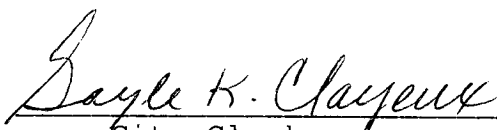
Section 10: **ORDINANCES REPEALED.** All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 11: This ordinance shall take effect and be in full force and effect after its passage, approval and publication in one issue of the Coeur d'Alene Press, a newspaper of general circulation in the City of Dalton Gardens, and being the official newspaper of said City.

PASSED under suspension of the rules upon which a roll call vote was taken and duly enacted an ordinance of the City of Dalton Gardens at a regular meeting of the Mayor and City Council held on the 6th day of January, 2000.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

# AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,  
County of Kootenai,

} ss.  
*Stacie Walker*

..... being first duly sworn  
upon oath deposes and says:

1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press," a newspaper printed and published daily except Sunday in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

3. The

*legal notice*

.....  
.....  
of which the annexed is a printed copy, was published in the regular *Wednesday*  
issue of said newspaper for ..... *1* ..... consecutive *day*  
commencing on the ..... *19* day of *January*, *2000*, and  
ending on the ..... *19* day of *January*, *2000*, and such  
publication was made as often during said period as said *daily*  
newspaper was regularly issued.

4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice.....

*Stacie Walker*

Subscribed and sworn to before me this

*19*

day of *January*

*2000*

*Regina Mason*

Notary Public for the State of Idaho,  
residing at Coeur d'Alene, Idaho.

MY COMMISSION EXPIRES 6/18/03