

ORDINANCE NO. 206

AN ORDINANCE OF DALTON GARDENS, IDAHO, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, AMENDING THE PARKING VIOLATIONS AND PENALTIES WITHIN THE CORPORATE LIMITS OF DALTON GARDENS.

BE IT ORDAINED by the Mayor and City Council of Dalton Gardens, Idaho:

SECTION 1: AMENDMENTS: Title 5 Chapter 12 of the Dalton Gardens Municipal Code shall be amended as follows:

Chapter 12
PARKING REGULATIONS

5-12-1: TITLE AND PURPOSE:

The provisions of this chapter shall be known as *PARKING REGULATIONS*. The purpose of these regulations is to provide minimum standards for parking of vehicles within the city of Dalton Gardens.

- A. To require off street parking;
- B. To specify minimum requirements of parking and loading for uses indicated in this chapter;
- C. To reduce traffic congestion;
- D. To allow more efficient utilization of on street parking;
- E. To reduce pollution and dust and to increase the safety of lots requiring them to meet the standards required in this chapter. (Ord. 185, 6-1-2006)

5-12-2: PROHIBITIONS:

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 thirty feet (30') 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 fifteen feet (15') from a fire hydrant;
9. Within thirty feet (30') 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 feet (20') 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, footpath or other separate right of way specifically set aside for use by pedestrians or nonmotorized 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 nonmotorized 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 a parking space designated for disabled parking except for a vehicle that is momentarily in the space for the purpose of allowing a disabled person to enter or leave the vehicle, unless the vehicle is displaying a special license of the disabled, or official disabled card issued by the state, or an official temporary disabled card issued by the state or another state.

E. No vehicle shall be parked at the same location on any public street in the city continuously for more than twenty four (24) hours.

F. No vehicle shall be parked upon the private property of another without the consent of the owner of such property, and the designated law enforcement officer or official designated by the city is hereby authorized to remove said vehicle therefrom and cause the same to be stored; provided, the owner of said private property has first complained against the owner or operator of such vehicle. (Ord. 185, 6-1-2006)

5-12-3: TEMPORARY NO PARKING ZONES:

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. (Ord. 185, 6-1-2006)

5-12-4: DESIGNATED DISABLED PARKING:

A. Parking a vehicle, on public or private property open to the public, in a space reserved for the disabled, 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 disabled person to enter or leave the vehicle, or unless a special license plate, card, or temporary card for the disabled 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 a 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 or officials designated by the city are empowered to enter upon private property open to the public to enforce the provisions of this section. (Ord. 185, 6-1-2006)

5-12-5: OFF STREET PARKING AND LOADING AREAS REQUIRED:

Off street parking and loading areas conforming to the provisions of this chapter shall be provided in commercial zones when a building is constructed, erected or enlarged. (Ord. 185, 6-1-2006)

5-12-6: LOCATION OF OFF STREET PARKING:

A. Off street parking shall be provided on the commercial lot and under the same ownership as the use it serves, except that two (2) or more uses may share a parking area where:

1. The total number of spaces provided is not less than the sum of the parking spaces required for all buildings or uses served, and
2. A contract providing for shared parking is executed before approval of a permit and recorded before the issuance of an occupancy permit.

B. Required off street parking spaces for commercial or industrial uses shall be within five hundred feet (500') of a main entrance of the building or use being served. (Ord. 185, 6-1-2006)

5-12-7: PARKING PLAN REQUIRED:

A. When Required; Contents: When a building is constructed, erected or enlarged, when the capacity of a building or structure is increased, or when the use of the building or structure is changed and such change creates a fifteen percent (15%) increase or more in off street parking spaces required, a detailed written report and drawing shall be submitted to and approved by the city. The written report and drawing shall contain the following information:

1. The proposed use of the land and/or structures;
2. A proposed plan for handling any parking or traffic flow problems that may be generated by this use. The proposed use shall not cause congestion of adjacent streets or alleyways;
3. Consideration for snow storage or removal must be determined; and
4. Compliance with title 4, chapter 3 of this code (storm water management).

B. Standards: The drawing shall show all parking spaces and their dimensions, access aisles, and entrances and exits to the site. The parking plan drawing may be combined with the plan required under title 4, chapter 3 of this code (storm water management). Parking provided shall conform to the following standards:

1. Each required off street parking space shall have access to a public street, alley or private driveway;
2. Disabled parking shall be installed in accordance with the standards of Idaho Code 49-213, and Americans with disabilities act of 1990, as amended;
3. To determine the gross area required for an off street parking area requiring a specified number of parking spaces, including driveways, aisles, snow storage and landscaping, four hundred fifteen (415) square feet per parking space shall be used;
4. The snow storage area shall drain to, but shall not be located on, the site of storm water treatment area (grass swales);
5. Pushing or stockpiling of snow from private property into public streets, highways, alleyways, or rights of way is prohibited;
6. All parking areas shall be surfaced and maintained with asphalt or concrete. The city council may grant a deferment to this requirement by variance only;
7. No parking spaces shall be located in the clear sight area immediately adjacent to an exit to a public right of way as determined by the city building inspector;
8. Service drives shall be designed and constructed to facilitate the flow of traffic, provide maximum safety for traffic ingress and egress, and provide maximum safety for pedestrian and vehicular traffic on site;

9. All parking areas will have specific points designated as ingress or egress areas. Driveways with a one-way access in and out of the parking lot shall be at least twelve feet (12') wide. Driveways with a two-way access in and out of the parking lot shall be at least twenty feet (20') wide. No access point from a parking area to any street shall be within twenty feet (20') of a local street intersection or alley. No access point shall be within forty feet (40') of an intersection with a collector street or sixty feet (60') of an intersection with an arterial street. The distance from an access driveway to an intersection is measured from the junction of the corner lot lines at the intersection, to the nearest side of the driveway. The parking area shall be planned so that vehicles leaving the parking area and entering a public right of way shall have the opportunity to exit in a forward direction;

10. All parking lot approaches shall conform to the most current standards provided in the highway standards for the associated highway districts, Kootenai County, Idaho, or the current jurisdiction that owns the right of way; and

11. Parking facilities shall be used for vehicle parking only. No permanent automobile sales, equipment or machinery sales are allowed in parking facilities. All dead storage, repair work or dismantling of any kind shall be prohibited. (Ord. 185, 6-1-2006)

5-12-8: OFF STREET LOADING AREAS:

Loading areas shall be provided for all commercial and industrial buildings and uses. A larger area may be required in any case where approval of a special use permit is involved.

A. On the same premises with every building hereafter erected which contains more than fifteen thousand (15,000) square feet and which is designed to be occupied by any use requiring regular receipt or dispatch of merchandise by truck, there shall be provided and maintained at least one loading area, not less than thirty feet (30') in length, ten feet (10') in width, and fourteen feet (14') in vertical clearance, exclusive of access platform and maneuvering area.

B. No vehicle parked in a required off street loading area shall extend into a public right of way. (Ord. 185, 6-1-2006)

5-12-9: OFF STREET PARKING REQUIREMENTS:

The minimum number of parking spaces to be provided under this chapter shall be as follows:

Auto or equipment repair. Three (3) spaces for every repair or cleaning bay, one space for every employee on the largest shift.

Civic, religious and community uses. One space for every four (4) seats or one space for every four hundred (400) square feet of gross floor area, whichever is greater is required. Public Schools require two (2) spaces for each classroom and one space for every five (5) students.

Ministorage. No off street parking required; however, driveways between ministorage buildings

on the same site and between ministorage buildings and any property line shall be paved and have a minimum width of twenty four feet (24').

Retail sales. One parking space for every two hundred fifty (250) square feet of gross floor area is required.

Services and professional office. One parking space for every two hundred fifty (250) square feet of gross floor area is required.

Vehicular storage. One space for every employee on the largest shift plus one space for every vehicle stored.

Wholesale, storage, manufacturing and assembly. One parking space for every five hundred (500) square feet of gross floor area is required. (Ord. 185, 6-1-2006)

5-12-10: SIZE OF SPACES:

The sizes of off street parking spaces are:

A. Off street parking spaces, other than parallel and compact spaces, shall be a minimum of nine feet (9') wide and twenty feet (20') deep;

B. Compact parking spaces shall be a minimum of seven and one-half feet (7¹/₂') wide and fifteen feet (15') deep;

C. Parking spaces located parallel to and adjoining private driveways shall be a minimum of eight feet (8') wide and twenty three feet (23') deep;

D. For unenclosed parking spaces, the sides of which abut a building, fence, landscaping or other obstruction, add two feet (2') to the width of the parking space, for perpendicular (0 degree) parking spaces, add one foot (1') to the width of angle parking spaces;

E. Compact parking spaces shall be limited to twenty five percent (25%) of the total required spaces. (Ord. 185, 6-1-2006)

5-12-11: SHARED PARKING FACILITIES:

The city may, upon application by the owner or lessee of any property, authorize the shared use of parking facilities. "Shared use parking" is defined as the sharing of parking spaces by adjacent, nonconflicting land uses at different periods of the day under the conditions specified herein. If different uses within a development share parking, the city may reduce the total amount of required spaces by up to twenty percent (20%).

A. Up to fifty percent (50%) of the parking facilities required for a use considered to be primarily a daytime use may be provided by the parking facilities of a use considered to be primarily a

nighttime use or vice versa, provided, that the shared parking area shall be subject to any and all conditions set forth by the city.

B. The applicant shall demonstrate to the satisfaction of the city that there is no substantial conflict in the principal operating hours of the buildings or uses for which the shared use of the parking facility is proposed.

C. Parties jointly using off street parking facilities, as provided for herein, shall execute a legal easement regarding their shared use agreement. The agreement shall run with the land and not be terminable without authorization being given by the city council, based upon changed conditions.

D. Changes of use shall require reevaluation of shared use parking. Any subsequent change in land uses within a mixed use development will require proof that sufficient parking will be available. (Ord. 185, 6-1-2006)

5-12-12: VIOLATION OF TRAFFIC OR PARKING PROVISIONS; PENALTY:

Any person violating any of the traffic or parking provisions set out in this chapter shall have committed an infraction unless other penalty is provided by state law, and, upon being found to have violated a provision of this chapter, shall be penalized as allowed by state law. (Ord. 185, 6-1-2006)

5-12-13: CHARGES FOR VIOLATION:

A. Any person violating any of the parking provisions set out in this chapter shall be assessed charges as delineated in Parking Fines Resolution as adopted by the Dalton Gardens City Council. ~~the following charges for each violation:~~

<u>Parking</u>	<u>Fee</u>
In a disabled 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's 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.~~ The ticket shall be payable to the city clerk within ten (10) days of the violation. Failure to pay the civil assessment set forth on the parking ticket shall result in further action being taken by the city as set forth in section 5-12-13 C of this chapter.

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 defendant's 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. (Ord. 185, 6-1-2006)

C. FAILURE TO PAY CIVIL PENALTY FOR PARKING VIOLATION:

- A. In the event any person fails or refuses to pay the civil penalty assessed for a parking violation, the city shall take such action as is necessary for collection of the civil assessment.
- B. Collection actions may include, but are not limited to, initiating collection procedures via a debt collection service and filing a civil lawsuit for collection of the unpaid penalty(ies). Provided, further, the city shall be entitled to all fees, costs, and attorney fees incurred in the collection of such fees and, upon entry of judgment, the city shall have each, every, and all rights of enforcement of a judgment as provided by Idaho Code.

5-12-14: 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, 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 a 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 the 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, 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 subsection, 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 4, 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. (Ord. 185, 6-1-2006)

5-12-15: IMPOUNDMENT OF VEHICLES; AUTHORITY:

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. (Ord. 185, 6-1-2006)

5-12-16: EXPENSES, OWNER RESPONSIBILITY:

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. (Ord. 185, 6-1-2006)

SECTION 2: SEVERABILITY

Should any section, clause, or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, it shall not affect the validity of the remaining portions of this Ordinance.

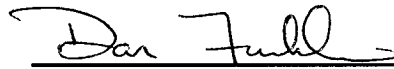
SECTION 3: CONFLICTING ORDINANCE PROVISIONS

If any conflict occurs between this Ordinance and provisions of the other City Ordinances, the more restrictive Ordinance shall take precedence.

SECTION 4: EFFECTIVE DATE

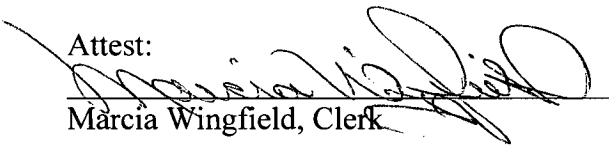
This Ordinance shall take effect and be in full force upon its passage, approval, and publication in one (1) issue of the Coeur d'Alene Press.

ADOPTED this 1st day of April, 2010.



Dan Franklin, Mayor

Attest:



Marcia Wingfield, Clerk

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Kootenai, } ss.

Kelli Bulley 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.

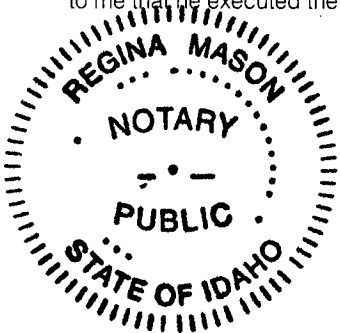
3. The Legal Notice

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 7 day of April 20 10, and ending on the 7 day of April 20 10, 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 Kelli Bulley. On this 7 day of April in the year of 2010, before me, a Notary Public, personally appeared Kelli Bulley, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

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

MY COMMISSION EXPIRES 6/18/15



SUMMARY OF CITY OF DALTON GARDENS, IDAHO ORDINANCE NO. 206 AMENDING THE PARKING VIOLATIONS AND PENALTIES

In accordance with Idaho Code §50-901A, the following is a Summary of Ordinance 206 of the City of Dalton Gardens,

Idaho:

1. Ordinance 206 amends the parking violations and penalties contained in of Title 5, Chapter 12 of the Dalton Gardens City Code.
 2. The term "law enforcement official" is stricken and replaced with "official designated by the city".
 3. Fines for violations shall be assessed as delineated in Parking Fines Resolution as adopted by the Dalton Gardens City Council, and are payable within 10 days of the issuance of a ticket.
 4. The ordinance sets forth civil collection procedures for nonpayment of fines.
 5. The ordinance takes effect upon publication of this summary in the Coeur d'Alene Press.
 6. A full text of Ordinance 206 is available at the Dalton Gardens City Hall.
- DATED this 1st day of April, 2010.
Daniel Franklin, Mayor
ATTEST:
Marcia Wingfield, Clerk
Legal 9511
April 7, 2010

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COEUR D'ALENE, IDAHO 83816-1116

March 23, 2010

Marcia Wingfield
Dalton Gardens City Clerk
6360 N.4th Street
Dalton Gardens, ID 83815

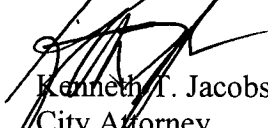
RE: Ordinance 206

Dear Marcia:

The enclosed summary of Ordinance 206 is true and complete and, upon publication in the official newspaper designated by the City of Dalton Gardens, provides adequate notice to the public of Dalton Gardens Ordinance No. 206.

This letter shall be filed with the Ordinance in the records of Dalton Gardens, Idaho.

Very truly yours,


Kenneth T. Jacobsen
City Attorney

KTJ:rs
Enclosure