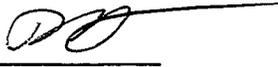


**AGENDA ITEM SUMMARY**

**DATE:** 10/12/09 **DEPARTMENT:** PW/Police **DEPT. HEAD SIGNATURE:** 

**SUBJECT:** Introduction of proposed changes to the Parking Municipal Code, Chapter 10.08

**AUTHORITY:**  ID Code \_\_\_\_\_  IAR \_\_\_\_\_  City Ordinance/Code \_\_\_\_\_  
(IF APPLICABLE)

**BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:**

This ordinance change originally came to the council on Feb. 23, 2009. Minutes from that meeting are attached. In response to the discussion regarding how far off the asphalt to restrict parking the proposed ordinance has been revised from 12' to 8'. The 8' distance matches the requirements for mailboxes and has been deemed sufficient by the Street Dept. Pictures taken last winter show the effect this would have on properties. With the zoning ordinances requiring a minimum front setback of 20' in residential zones and with a minimum distance from edge of asphalt to the property line of 18' there is generally sufficient space available for parking.

This revision will have a positive impact on the problem of cars parked in the way of snow plowing activities by allowing the Police Dept to cite violators with a \$50 infraction notice. It also adds Broadford Rd to the list of 2 hour parking restriction to assist with the problem of private car sales in that area.

The council also requested that the Hailey Chamber of Commerce weigh in on the possibility of increasing the streets in the downtown area with a 2 hour restriction. The chamber members did not see a need for any increase in parking restrictions.

**FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS:** Caselle # \_\_\_\_\_  
Budget Line Item # \_\_\_\_\_ YTD Line Item Balance \$ \_\_\_\_\_  
Estimated Hours Spent to Date: \_\_\_\_\_ Estimated Completion Date: \_\_\_\_\_  
Staff Contact: Tom Hellen Phone # 788-9830 Ext 14  
Comments:

**ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS:** (IF APPLICABLE)

____ City Attorney	____ Clerk / Finance Director	____ Engineer	____ Building
____ Library	____ Planning	____ Fire Dept.	_____
____ Safety Committee	____ P & Z Commission	____ Police	_____
____ Streets	____ Public Works, Parks	____ Mayor	_____

**RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:**

**ADMINISTRATIVE COMMENTS/APPROVAL:**

City Administrator \_\_\_\_\_ Dept. Head Attend Meeting (circle one) Yes No

**ACTION OF THE CITY COUNCIL:**

Date \_\_\_\_\_

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

**FOLLOW-UP:**

\*Ord./Res./Agmt./Order Originals: Record

\*Additional/Exceptional Originals to: \_\_\_\_\_

Copies (all info.):

Copies (AIS only)

Instrument # \_\_\_\_\_

Draft 12-30-03

Chapter 10.08PARKINGSections:

- 10.08.010 Definitions.
- 10.08.015 Establishment of a loading zone.
- 10.08.020 Parking in interference of snow removal prohibited.
- 10.08.030 Removal, impoundment and return of vehicles.
- 10.08.040 Parking restrictions during winter months in residential areas.
- 10.08.050 Downtown and business district parking restrictions.
- 10.08.060 Parking and obstructing alleys and similar thoroughfares.
- 10.08.065 Parking on city-owned property.
- 10.08.070 Parking in prohibited areas or across parking lines.
- 10.08.080 Warning signs and barricades.
- 10.08.090 Parking within twenty feet of fire hydrants prohibited.
- 10.08.100 Violations-Penalties.

10.08.010 Definitions. For purposes of this chapter the words and phrases defined in this section mean as follows:

“Loading zone” means a space or section of a public right of way which has been set aside for the exclusive purpose of loading and unloading property and persons.

“Parking” means the leaving of any motor vehicle unattended for any purpose, other than an emergency, and the temporary loading and unloading of vehicles. (Ord. 927 §1, 2005; Ord. 461 §1, 1983)

10.08.015 Establishment of a loading zone. Loading zones shall be established by the city council along city streets and rights-of-way by the adoption of a resolution by the city council and by the installation of appropriate signage near the loading zones. (Ord. 927 §2, 2005)

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10.08.020 Parking in interference of snow removal prohibited. It is unlawful for any person to intentionally park any vehicle on the public streets of the city in such manner as to interfere with the safe and proper plowing or removal of snow on the public streets of the city. (Ord. 227 §1, 1951)

10.08.030 Removal, impoundment and return of vehicles. No person shall park a vehicle upon the public streets or other rights-of-way regularly used by the public in such a manner as to restrict or prohibit the removal of snow within that right-of-way.

A. Members of the Hailey police department are authorized to remove or have removed a vehicle from a public street or other right-of-way regularly used by public to a place designated by the police department or otherwise maintained by this city, when a vehicle is parked in violation of this section and is interfering or is about to interfere with snow removal operations.

B. No person shall recover any vehicle removed in accordance with this section except as provided herein. Before the owner or person in charge of such vehicle shall be allowed to recover it from the place where it has been placed or impounded, he shall present to the person holding and in charge of such vehicle evidence of his identity and right to possession of the vehicle, shall sign a receipt for its return, shall pay the cost of removal, and shall pay any cost of storage accrued. Until paid, these charges constitute a lien upon the vehicle which may be enforced in the same manner as a garage keepers lien in accordance with the provisions of Idaho statutory law. All expenses of towing and storage shall be expenses of the vehicle owner.

C. The removal, towing, and impounding of vehicles shall be conducted only by authorized towing companies who have demonstrated to the city proof of adequate equipment, storage facilities and insurance coverage. (Ord. 722 §1, 1999)

10.08.040 Parking restrictions during winter months in residential areas. No person shall park a vehicle within 8 feet of the edge of asphalt of upon the public streets or other rights-of-way regularly used by the public in residential areas within the city from the hours of twelve a.m. to seven a.m., each day from November 1<sup>st</sup> of each year to May 1<sup>st</sup> of the following year, in order to facilitate the removal of snow. The city shall install signs at the entrance to all residential subdivisions and upon all residential streets designated as collector streets indicating the substance of this section. (Ord. 722 §2, 1999)

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10.08.050 Downtown and business district parking restrictions.

A. It is unlawful for the driver of any vehicle to park motor vehicle or nonmotorized vehicle on Main Street between McKercher Boulevard and Maple Street, on Broadford Road from Cedar Street to the City of Hailey city limits or on Bullion and Croy Streets between First Avenue and River Street for any period exceeding two hours between the hours of nine a.m. and six p.m.

B. It is unlawful for the driver of any vehicle to park any motor vehicle or non-motorized vehicle on Main Street between McKercher Boulevard and Maple Street between the hours of two a.m. to six a.m. Such restrictions shall apply during the entire year to facilitate street cleaning and snow removal operations. Nothing contained in this section shall be construed to prohibit parking of motor vehicles for periods exceeding two hours during hours other than those specified herein and/or areas other than those specified herein, provided such parking does not violate the provisions of this section.

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C. It is unlawful for the driver of any vehicle to stop, stand or park a vehicle within any place marked as a loading zone, except while actively engaged in the expeditious loading or unloading of persons or property. In no case shall the stopping, standing or parking for the loading or unloading exceed ten (10) minutes.

D. Nothing in this section shall be construed as amending the provisions of Section 10.08.070 or any amendment thereof.

E. The city shall install signs upon Main Street between McKercher Boulevard and Cedar Street, and at other locations deemed appropriate, showing the hours of limited parking and otherwise indicating the substance of this section.

F. The driver of any motor vehicle parking that vehicle on any portion of Main Street where parking is allowed shall park his or her vehicle at an angle parallel to the

right-hand curb so that the right side of the vehicle is not more than one foot from the curb and so that said vehicle will be within any parking lane or space marked on the street or curb by or under the authority of the mayor and city council. Vehicles parking on other streets shall be parked parallel or at an oblique angle, in accordance with any signs posted under the authority of the mayor and city council. (Ord. 927 §3, 2005; Ord. 722 §3, 1999; Ord. 703 §3, 1997; Ord. 643 §1, 1994; Ord. 578 §1, 1991; Ord. 567 §§1--5, 7, 1990)

10.08.060 Parking and obstructing alleys and similar thoroughfares. It is unlawful for any person, firm, corporation, partnership or association to park in, or to obstruct in any way, method or manner, any alley or similar public thoroughfare, under any circumstances without the express permission of the city. (Ord. 461 §2, 1983)

10.08.065 Parking on city-owned property. It is unlawful to park any motor vehicle upon property owned by the city except where designated as a city-wide parking area or upon any portion of a city right-of-way posted to indicate that such parking is illegal. (Ord. 927 §4, 2005; Ord. 608 §§1, 2, 1992)

10.08.070 Parking in prohibited areas or across parking lines. It is unlawful for the driver of any vehicle to park said vehicle in or across any private driveway, or in those areas prohibited by order of the mayor or city council, including areas in front of gasoline pumps or driveways to garages or service stations. Further, where parking lines have been established by order of the mayor or city council, it is unlawful for the driver of any vehicle in parking his vehicle wherever such parking lines exist to have his vehicle overlap such lines. (Ord. 238 §8, 1954)

10.08.080 Warning signs and barricades. It is unlawful for any person, firm, corporation or association doing any work in or upon any alley or similar public thoroughfare, whether by permit or otherwise, if such work is not completed by sunset, to fail to provide a fence, or other suitable obstruction or obvious warning sign, around the site of the work and shall provide a minimum of four lights, and, keep them burning throughout the hours from sunset to sunrise. (Ord. 461 §3, 1983)

10.08.090 Parking within twenty feet of fire hydrants prohibited. No vehicle shall park within twenty feet of any fire hydrant. (Ord. 238 §11, 1954)

10.08.100 Violations-Penalties. A. Any violations of the provisions of Section 10.03.030 (B) of this chapter regarding recovery or moving of any vehicle removed by the police department without payment for removal and storage shall be guilty of a misdemeanor.

B. Every person who violates any provision of section ~~10.08.040~~ shall be deemed guilty of an infraction and shall be subject to a penalty of ~~fifty dollars (\$50.00)~~ per violation, per day, ~~and a penalty of thirty-five dollars (\$35.00) per violation, per day for a second and subsequent offense within a calendar year.~~ Each parking space used in violation of this section shall constitute a separate infraction.

C. Except as otherwise provided in section 10.08.100(B), every person who violates any provision of chapter 10.08 shall be deemed guilty of an infraction and shall be subject to a

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penalty of ten dollars (\$10.00) per violation, per day, and a penalty of thirty-five dollars (\$35.00) per violation, per day for a second and subsequent offense within a calendar year. Each parking space used in violation of this section shall constitute a separate infraction, the penalty for each violation established in the Idaho Infraction Rules. Each day or parking space used in violation of this section shall constitute a separate infraction. (Ord. 927 §5, 6, 2005; Ord. 722 §4, 1999; amended during 1992 codification; Ord. 461 §4, 1983; Ord. 227 §2, 1951)

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*NB 100 Auditor's financial statements fiscal year end September 30, 2008*

Scott Hunsaker, auditor spoke to council and handed out a report prior to his presentation. Hunsaker pointed council to the Management analysis part of the report and other subsequent sections of the financial statements.

Brown asked Hunsaker if the City has sufficient controls in place with regards to the accounts payable process. Hunsaker confirmed yes.

Dawson explained the controls process within the city to council. Gasby 34 required cities to do these Management analysis a few years ago.

Brown is very supportive of the separating of our Capital Improvements fund from the General Fund.

**Motion made by Brown to accept the 2008 audit statement, seconded by Keirn, motion passed unanimously.**

*NB 101 Proposed revisions to the Parking Municipal Code*

Tom Hellen Public Works Director gave an overview to council. Hellen explained the addition of a snow removal policy and ability to give a citation to violators.

Haemmerle does not agree with the 12 foot requirement. Hellen explained that this is meant to be a standard which can be applied to situations commonly encountered during winter months.

Council would like to see staff revise this and would like to see the Chamber on board with this prior to moving forward.

**WORKSHOP:**

Tom Hellen advised council that the person responsible for getting signatures on the Woodside agreement sold his business, so no one is in charge of gathering signatures. Hellen sees that a fence in this area to keep vehicles and such off the city right of way is a high probability this spring.

Jeff Gunter spoke to council about the economic stimulus money.

Brown attended the Library Board meeting. The board realized the inconsistency in fees charged, therefore, they did away with the computer use fee as indicated in tonight's consent agenda item.

Burke attended the Blue Ribbon Commission meeting in Ketchum. The next meeting is here March 4, Wednesday from 1 - 4 pm. Burke went to Washington to keep them apprised of our projects.

**CITY COUNCIL MINUTES  
February 23, 2009**



12th St  
11/11/11

