

**ORDINANCE NUMBER 1019**

AN ORDINANCE OF THE CITY OF KETCHUM, IDAHO, RESTATING CHAPTER 10.08 IN ITS ENTIRETY WITH THE FOLLOWING CHANGES; DELETING CERTAIN LANGUAGE AND ADDING NEW LANGUAGE; BY ADDING DEFINITIONS; BY AMENDING PARKING PROHIBITED IN SPECIFIC LOCATIONS; BY AMENDING RESIDENTIAL PARKING PERMIT SECTION; BY AMENDING HANDICAPPED PARKING SECTIONS, AND BY AMENDING PARKING TICKETS AND PROCEDURES SECTION INCREASING THE PENALTY SCHEDULE FOR PARKING INFRACTIONS; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE, PROVIDING A CODIFICATION CLAUSE; PROVIDING FOR PUBLICATION BY SUMMARY; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, it is in the best interests of the City of Ketchum to restate the entire chapter related to parking and amend sections of the parking code in order to clarify definitions and minimum standards and regulations in order to protect the public safety by creating a set of rules which, if faithfully adhered to by the public, will aid in providing safe, expeditious and orderly conduct upon the streets, alleys and all public rights-of-way in the city;

**WHEREAS**, the City has determined that in order to increase the availability of parking spaces for use of the general public it is necessary to reduce the number of vehicles abusing the time limits for parking; and

**WHEREAS**, the City has determined that the best way to reduce the abuse of time limits is to increase the penalty for parking infractions and prohibit a vehicle from being parked on the same block more than once in the same day.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF KETCHUM, IDAHO:**

**Section 1.** Chapter 10.08; restated in its entirety and amended by deleting therefrom the marked out language and adding thereto the underlined language hereinbelow, to wit:

**10.08.010 Purpose**

The purpose of this chapter is to protect the public health, safety and welfare by:

- A. Providing minimum standards and regulations to protect the public safety by creating a set of rules which, if faithfully adhered to by the public, will aid in providing safe, expeditious and orderly conduct upon the streets, alleys and all public rights-of-way in the city; and
- B. Prohibiting abusive long-term parking of vehicles, motor homes, trailers and unmounted campers and canopies on public rights-of-way in order to increase the availability of parking spaces for the use of the general public; and
- C. Providing for the orderly passage of vehicles upon certain public rights-of-way where the traffic is heavy and continuous; and
- D. Providing for the removal of vehicles which obstruct the normal movement of traffic.

#### **10.08.020 Definitions**

Whenever the following words or terms are used in this chapter, they shall have the meaning ascribed to them in this section:

“AASHTO” means the American Association of State Highway and Transportation Officials.

"Alley" means a minor public way providing secondary access at the back or side of property for vehicle or pedestrian traffic.

"Authorized emergency vehicle" means vehicles operated by any fire department, fire district, nonprofit fire protection corporation, publicly or privately owned fire protection or fire patrol organization, police, sheriff or other law enforcement agency, ambulances and like emergency vehicles authorized by the chief of police to mount and use a siren and light of the type approved by the chief of police.

“Bicycle” means a vehicle propelled solely by human power upon which a person may ride and having two tandem wheels, except scooters and similar devices. Also includes three and four-wheeled human powered vehicles.

“Bicycle facility” means improvements and provisions made to accommodate or encourage bicycling, including parking and storage facilities, any road, street, path or way which in some manner is specifically designated for bicycle travel, regardless of whether designated for the exclusive use of bicycles or shared with other transportation modes and shared roadways not specifically designated for bicycle use.

“Block” means the length of both sides of a street or avenue between the intersection of two streets or avenues, including the center of the street or avenue.

~~“Block face” means the length of a block from corner to corner on one side of a street.~~

"Camper" means a structure designed to be mounted upon a vehicle, usually a truck, which provides facilities for human habitation or for temporary outdoor or recreational lodging.

"Canopy" means a structure designed to be mounted upon a vehicle, usually a truck, which provides security or shelter for things or persons under the structure.

"Chief of police" means the duly appointed chief of police of the city of Ketchum.

"City" means the city of Ketchum, Idaho.

“City Administrator” means the duly appointed City Administrator of the City of Ketchum.

“City Street Superintendent” means the duly appointed City Street Superintendent of the City of Ketchum.

"Crosswalk" means 1) that part of a public right-of-way included within the connections of the lateral lines of the sidewalks at intersections measured from the curbs or in the absence of curbs from the edges of the traversable roadway; 2) any portion of a public right-of-way distinctly indicated for pedestrian crossing by lines or other traffic control devices.

"Cyclist" means any person operating a bicycle

"Driver" means every person who drives or is in actual physical control of a vehicle.

"Fire department" means the any fire department of servicing the City of Ketchum, Idaho.

"Intersection" means the area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the intersecting highways or the area within which vehicles traveling on different highways may come into conflict.

"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.

"Mayor" means the mayor of the city of Ketchum.

"Motor home" means a motorized vehicle originally designed, reconstructed or permanently altered to provide facilities for human habitation.

"MUTCD" means the Manual on Uniform Traffic Control Devices.

"Official traffic control devices" means all signs, signals, markings and devices placed or erected by authority of the city for the purpose of regulating, warning or guiding traffic and parking.

"Operator" means every person who shall operate a vehicle upon any public right-of-way in the city.

"Park" or "parking" means the standing of a vehicle, whether occupied or not, other than temporarily for the purpose of and while actively engaged in loading or unloading property or persons.

"Passenger loading zone" means a place reserved on the public right-of-way for the exclusive use of vehicles while receiving or discharging passengers.

"Pedestrian" means any person who is afoot, including an infant in a carriage being pushed or pulled by a person.

"Person" means every natural person, firm, partnership, association, corporation or any other business entity.

"Planning Director" means the duly appointed Planning Director of the City of Ketchum.

"Police department" means the police department of the city of Ketchum.

"Police officer" means every officer of the city of Ketchum police department or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations within the city of Ketchum.

"Private road" or "private driveway" means every way or place in private ownership which is used for vehicular travel only by the owner or by those having express or implied permission from the owner.

"Public right-of-way" means all areas legally open to public use such as public streets, sidewalks, roadways, highways, parkways, parking lots, alleys, or other places owned in fee by the city of Ketchum, or in, on or over which an easement exists in the name of or held by the city of Ketchum, or which exists for the benefit and use of the public.

"Roadway" means that portion of a public right-of-way improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder.

"Sidewalk" means that portion of a public right-of-way between the curb lines, or lateral lines defining vehicular traffic and the adjacent property lines, and intended for pedestrian travel.

"Stop," "stopping," "stand" or "standing," when prohibited, means any halting, even momentarily, of a vehicle, whether occupied or not, except when necessary to avoid conflict with or to be in compliance with the direction of a police officer or official traffic control device.

"Street" or "highway" shall be used interchangeably and means the entire width between the boundary lines of every way or place open to the public as a matter of right for public vehicular travel, but not to include alleys.

"Traffic" means pedestrians, ridden or herded animals, vehicles and other conveyances either singly or together while using any public right-of-way for purposes of travel.

"Traffic Authority" means the Ketchum Traffic Authority as created by Ordinance No. 972 and codified in Ketchum Municipal Code 10.05.010.

"Trailer" means a vehicle without motor power designed for carrying persons or property on its own structure and to be drawn by a vehicle with motor power. The term "trailer" includes trailer coach, boat trailer, semitrailer, travel trailer or utility trailer.

"Vehicle" means every self-propelled device, upon or by which any person or property is or may be transported or drawn upon a public right-of-way, except devices used exclusively upon stationary rails or tracks.

"Warm Springs Base Area" means Howard Drive between Jane Lane and Skiway Drive or the north side of Picabo Street between Jane Lane and Skiway Drive.

**10.08.030 Administration.**

It shall be the duty of the police department to enforce the traffic regulations of this city in accordance with the provisions of this chapter, and all of the state vehicle laws applicable to traffic in this city.

**10.08.040 Manner of parking.**

A. General. Except as otherwise provided in this section for diagonal or center lane parking, no person shall stop, stand or park a vehicle in a public right-of-way other than parallel with the edge of the roadway, facing in the direction of authorized traffic movement, with the right-hand wheels within eighteen (18) inches of the curb or edge of the roadway. Any vehicle parked within a parking or loading zone shall be parked entirely within the markings designating one parking space.

B. Diagonal. On those public rights-of-way which have been signed or marked for diagonal parking, no person shall stop, stand or park a vehicle other than at the angle to the curb or edge of the roadway indicated by such markings, in the direction of the authorized traffic movement, in such a manner that the front right-hand wheel is not more than eight inches from the curb or edge of the roadway.

C. Center Lane. On those public rights-of-way which have been signed or marked for parking within the center of a public right-of-way, no person shall stop, stand or park a vehicle other than in the direction of authorized traffic movement, parallel to the right-hand side of the centerline designating such parking area.

**10.08.050 Stopping, standing or parking prohibited.**

A. No person shall stop, park or leave standing any vehicle, whether attended or unattended, upon the roadway within the city when it is practicable to stop, park or so leave the vehicle off the roadway, but in every event an unobstructed width of the public right-of-way opposite a standing vehicle shall be left for the free passage of other vehicles, and a clear view of the stopped vehicle shall be available from a distance of two hundred (200) feet in each direction upon the public right-of-way.

B. This section and Section 10.08.060 shall not apply to the driver of any vehicle which is disabled in such a manner and to such extent that it is impossible to avoid stopping and temporarily leaving the vehicle in that position.

**10.08.060 Parking prohibited in specific locations.**

Except when necessary to avoid conflict with other traffic, or in compliance with the directions of a police officer or official traffic control device:

- A. No person shall stop, stand or park a vehicle:
1. On, or drive a motorized vehicle upon, a sidewalk;
  2. Within an intersection;
  3. In a crosswalk;
  4. In, or drive a motorized vehicle upon, a ~~bike lane~~ bicycle facility;
  5. Alongside or opposite any public right-of-way excavation or obstruction when stopping, standing or parking would obstruct traffic;
  6. On a roadway side of any vehicle stopped or parked at the edge or curb of a public right-of-way;
  7. Upon any bridge or other elevated structure upon a public right-of-way;



8. Within twenty (20) feet of an intersection;
9. At any place where official traffic control devices prohibit or limit such stopping, standing or parking. It shall be prohibited for any vehicle to remain stopped, standing or parked past the time limit prescribed on each official traffic control device. In addition, at the expiration of the posted time limit, it will be required that a vehicle be removed from the block ~~face, of the area~~ in which it was parked, for the remainder of that calendar day;
10. In an alley so as to hinder or block traffic;
11. Along any painted curb;
12. ~~Or drive a vehicle, the north eight feet and the south eight feet of the paved portion of Sun Valley Road from the easterly city limit of Ketchum bordering the city of Sun Valley to Sun Valley Road's intersection with Third Avenue from June 15th through September 15th of each year. The north eight feet and the south eight feet of the paved portion of Sun Valley Road from the easterly city limit of Ketchum bordering the city of Sun Valley to Sun Valley Road's intersection with Third Avenue, is designated as a temporary bike lane from June 15th through September 15th of each year.~~

B. No person shall stop, stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:

1. In front of a public or private driveway;
2. Within fifteen (15) feet of a fire hydrant;
3. Within twenty (20) feet of a crosswalk, or a bike/pedestrian curb ramp;
4. Within thirty (30) feet upon the approach to any flashing signal, stop sign, yield sign or official traffic control signal located at the side of a roadway; except that vehicles which are six feet or less in height may be permitted to stop, stand or park within such thirty (30) foot distance unless otherwise prohibited by ordinance, resolution or official traffic control device;
5. Within twenty (20) feet of the driveway entrance to any fire station;
6. At the passenger loading zone located on Howard Drive between Jane Lane and Skiway Drive or the north side of Picabo Street between Jane Lane and Skiway Drive;
7. For the temporary purpose of loading or unloading merchandise or passengers;
8. At any place where official traffic control devices prohibit such stopping, standing or parking.
9. In designated taxicab loading zones as indicated by curbside signs.
10. In designated bus stop zones.

C. No person shall stop, stand or park a vehicle, or other apparatus that will obstruct the removal of snow, upon the public rights-of-way, including the public parking lots, within the city from the hours of two a.m. to seven a.m., each day from November 1st of each year to May 1st of the following year.

**10.08.070 Residential parking permit.**

A. Issuance of Permit.

1. Upon application, without charge, the police department is authorized and directed to issue residential parking permits to:

a. Vehicle owners who reside on a public right-of-way ~~designated for two-hour with restricted parking~~ and vehicle owners who reside on a lot with physical characteristics that do not and cannot provide for any parking of vehicles on such lot, yet there exists sufficient space on the adjoining public right-of-way to park a vehicle without obstructing the removal of snow from the public right-of-way. It shall be the responsibility of the residential parking permit holder to not park within the traveled portion of the public right-of-way;

b. A temporary residential parking permit may be issued to those vehicle owners identified in subsections A1a and A1b of this section for the purpose of and use by overnight guests of the residential parking permit holder. Temporary residential parking permit holders may park overnight on the public right-of-way. Between November 1st of each year to May 1<sup>st</sup> applicable residential streets will be posted to allow parking on alternating sides of the street on alternating days to accommodate snow removal.

2. Any vehicle upon which a current residential parking permit is properly displayed may be parked in the zone to which the permit applies without regard to the posted ~~two-hour~~ time limitations and the provisions of Section 10.08.160.

3. The residential parking permit or temporary residential parking permit shall be affixed to the inside bottom left corner of the windshield of the vehicle, or hang from the rear view mirror, and shall be clearly visible at all times.

4. Unless otherwise specifically provided, a residential parking permit or temporary residential parking permit shall not authorize the holder to park beyond the posted time limits in any public right-of-way other than that to which the holder's permit applies, nor authorize the violation of any other law or provision of this chapter regulating the stopping, standing or parking of vehicles in the city, nor exempt the holder from the observance of any traffic regulation. Specifically, except as provided for in subsection A1b of this section, a residential parking permit shall not authorize the holder to stop, stand or park in violation of Section 10.08.060C. Furthermore, a residential parking permit shall not authorize the holder to stop, stand or park in violation of Section 10.08.060A12 1 or 10.08.060A4.

B. Residential Parking Permit Violations. It is unlawful for any person to represent that he or she is entitled to a residential parking permit or temporary residential parking permit when he or she is not so entitled, to fail to surrender a permit to which he or she is no longer entitled, or to park a vehicle displaying such a permit at any time when the holder of such permit is not entitled to hold it.

C. Revocation of Permit. The police department is authorized to revoke the residential parking permit or temporary residential parking permit of any permittee found to be in violation of this section, and upon written notification, the permittee shall surrender such permit to the police department. Failure to surrender a residential parking permit so revoked, when so requested, shall constitute a violation of subsection B of this section.

**10.08.080 Parking not to obstruct traffic.**

No person shall stop, stand or park any vehicle, whether attended or unattended, upon a public right-of-way in such a manner or under such conditions as to constitute an obstruction to traffic, block a fire hydrant or constitute a danger to travel. Furthermore, except while actively engaged in the expeditious loading and unloading of passengers and property within alleys in the community core zone, no person shall stop, stand or park a vehicle, whether attended or unattended, upon a public right-of-way in such a manner or under such conditions as to leave available less than twelve (12) feet in width of roadway for the free movement of vehicular traffic.

**10.08.090 Parking in alleys.**

No person shall stop, stand or park a vehicle within an alley, except while actively engaged in the expeditious loading and unloading of persons and property, unless otherwise permitted or prohibited by official traffic control devices. In no case shall the stopping, standing or parking for the loading and unloading exceed thirty (30) minutes, unless otherwise permitted or prohibited by official traffic control devices.

**10.08.100 Parking in loading zones.**

No person shall 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.

**10.08.110 Temporary "No Parking" zones--Barricades and signs--Authority.**

The police department is authorized to indicate temporary zones where vehicles shall not be parked when, in the opinion of the chief of police, the width of the roadway or such other obstruction does not allow for the safe flow of traffic. The chief of police 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.

**10.08.120 Handicapped parking.**

A. Parking a vehicle in a space reserved for the handicapped, which space is marked in conformance with the requirements specified in Idaho Code Section 49-213, 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 or card for the handicapped, as prescribed per Idaho Code Section 49-410, is displayed on the vehicle.

B. The registered owner of a vehicle parked in violation of this subsection is guilty of an infraction, which is punishable by ~~a fine not exceeding fifty dollars (\$50.00) or said~~ the maximum penalty indicated in Idaho Code Section 49-213.

C. Police department officials are empowered to enter upon private property open to the public to enforce the provisions of this section.

**10.08.130 Public parking lots.**

The Traffic Authority may establish public parking lots upon any real property located within the city, which is either leased or owned by the city which shall be effective upon signage.



**10.08.140 ~~Park and ride p~~Public parking lots--Use regulations.**

There are established the following rules and regulations governing the use of ~~the park and ride~~ public parking lots:

- A. No boats, campers or trailers shall be left detached from towing vehicles;
- B. No vehicle shall be driven on any roadway in such public parking lot at a speed greater than five miles per hour;
- C. No vehicle shall be parked and left unattended on any roadway in such public parking lot;
- D. No person shall use any portion of such public parking lot in a manner as to endanger the person or property of another;
- E. No person shall use any portion of such public parking lot for the principal purpose of advertising a private business;
- F. No person shall distribute, throw or affix any literature, handbills or fliers in such public parking lot or on any vehicle parked in such public parking lot;
- G. In addition to the parking limitations provided in Section 10.08.060, no parking between the hours of two a.m. and six a.m. shall be permitted; and
- H. The above parking provisions will not apply to city vehicles operated in the normal course of city business.

**10.08.150 Time limit parking.**

The Traffic Authority, upon finding it in the best interests of the community health, safety or welfare to prohibit the parking or standing of vehicles upon a street during the nighttime or at other times during the day, may post or erect signs prohibiting or limiting the stopping, standing or parking of any vehicle upon the streets of the City. No owner or operator of any vehicle shall ever allow or cause such vehicle to be parked longer than the period of time set forth on the applicable sign erected by the Traffic Authority. A map of time limit parking shall be maintained, and updated as time restrictions are modified, by the Traffic Authority for distribution to the public.

**10.08.160 Extended parking prohibited.**

Except for those residential parking permit holders provided for in Section 10.08.070, no person shall stop, stand or park a vehicle continuously at the same location on any public right-of-way of the city for more than seven days, or such lesser time period as identified by official traffic control devices or this chapter.

**10.08.170 Campers, canopies, motor homes and trailers.**

No person shall stop, stand or park a camper, canopy, motor home or trailer on any public right-of-way in the city for more than twelve (12) hours, or such lesser time period as may be identified by official traffic control devices or this chapter.

**10.08.180 Parking for certain purposes prohibited.**

No person shall stop, stand or park a vehicle upon any public right-of-way or private property not belonging to same, for the principal purpose of:

- A. Displaying such vehicle for sale;
- B. Advertising a private business; or
- C. Greasing or repairing such vehicle, except repairs necessitated by an emergency.

**10.08.190 Exemptions for authorized emergency vehicles.**

The provisions of this chapter regulating the stopping, standing and parking of vehicles shall apply to authorized emergency vehicles except as follows:

- A. Except when otherwise directed by a police officer, the driver of an authorized emergency vehicle that is responding to an emergency call may:
  - 1. Stop, stand or park, irrespective of the provisions of this chapter; and
  - 2. Disregard regulations governing direction of the movement of traffic or turning in specified directions.
- B. The foregoing provisions shall not relieve the driver of any authorized emergency vehicle from the consequences of his or her reckless disregard for the safety of others.

**10.08.200 Officers authorized to remove vehicles.**

- A. Whenever any police officer finds a vehicle in violation of any of the provisions of Section 10.08.050, the police officer is authorized to move the vehicle, or require the driver or other person in charge of the vehicle to move it to a position off the roadway.
- B. Any police officer is authorized to remove or cause to be removed to a place of safety any unattended vehicle illegally left standing upon any public right-of-way in a position or under circumstances as to obstruct the normal movement of traffic.
- C. Any police officer is authorized to remove or cause to be removed to a place of safety any vehicle left parked on any public right-of-way in such a manner as to obstruct removal of snow from the public right-of-way.
- D. The police department, upon such removal, shall notify the registered owner of the removal of such vehicle, and the place to which the same has been removed, together with the charges for removal.
- E. No owner or operator shall recover any vehicle impounded except as provided in this chapter. Before the owner or person in charge of such vehicle shall be allowed to recover the vehicle from the place where it has been placed or impounded, he or she shall present to the police department evidence of his or her identity and right to possession of such vehicle. In addition, the owner or person in charge of such vehicle shall sign a receipt for the vehicle's return and shall pay the cost of removal and storage as such fees are identified by resolution. Until paid, these charges constitute a lien upon the vehicle which may be enforced in the same manner as a garage keeper's lien in accordance with the provisions of Title 49 of the Idaho Code, as may be amended.
- F. Any person who violates subsection E of this section, regarding recovery or moving of any vehicle removed by the police department in accordance with Section 10.08.200 without payment for removal and storage, shall be guilty of a misdemeanor, and upon conviction shall be fined in an amount not exceeding three hundred dollars (\$300.00) or be imprisoned for a period not exceeding six months or be both so fined and imprisoned.

**10.08.210 Interpretation of provisions.**

Nothing in this chapter shall be construed as prohibiting the city from providing for bus stops, for taxicab stands and other matters of similar nature, including the loading or unloading of trucks, vans or other commercial vehicles, limited parking zones, and the granting of extended parking privileges for construction and maintenance vehicles in limited parking zones.

**10.08.220 Violation--Penalty.**

A. Unless otherwise specifically provided, any person violating any of the provisions set out in this chapter, shall be deemed to have committed an infraction; and, upon being found to have violated a provision of this chapter, shall be penalized as allowed by this chapter or state law.

B. The administrative procedure for payment of parking tickets for infraction violations is set out in Section 10.08.230. In the event of nonpayment in accordance with the administrative procedure set out in Section 10.08.230, a citation or complaint for a parking violation or failure to pay a parking penalty may be filed in the magistrate division of the district court.

**10.08.230 Parking tickets and procedures.**

The police department shall have authority to issue parking tickets as follows:

A. It shall be the duty of the police department upon observing a vehicle stopping, standing or parking in violation of the provisions of this chapter to leave upon such vehicle a separate parking ticket providing notice for each posted time limit that such vehicle has been parked or stopped in violation of the provisions of this chapter. Among other things, each parking ticket shall bear the date and hour of leaving the same at or upon the vehicle, the make of the vehicle and its license number, the specific violation and the amount of the fine, instructing the owner or operator of such vehicle to report to the police department. One copy of each parking ticket mentioned in this section shall be filed with the police department.

B. In order to eliminate burdening courts with violations of ordinances and to eliminate insofar as possible public inconvenience, each person receiving a parking ticket under this section left upon his or her vehicle shall:

1. Within fifteen (15) days of the time of such parking ticket, pay to the police department in full satisfaction of such violation, the penalty indicated in the penalty schedule for each parking ticket left upon his or her vehicle. If a violation is identified in more than one section of the following penalty schedule, the greater penalty amount shall govern.

a. ~~Penalty schedule (if a violation is identified in more than one paragraph of the following fee schedule, the greater fee amount shall govern): refer to Schedule A~~

~~i. Fifty (\$50.00) for violation of Section 10.08.120; and~~

~~ii. Twenty five dollars (\$25.00) for any parking violation in the Warm Springs lift area; violation of section 10.08.060A12 bike path on Sun Valley Road; Section 10.08.060B8 official traffic control devices; Section 10.08.060B9 designated taxicab loading zones; or Section 10.08.060C~~

~~iii. Ten dollars (\$10.00) for violation of Section 10.08.060A and B, prohibited parking (except Section 10.08.060A12, bike path on Sun Valley Road and B6, passenger loading zone on Howard Drive between Jane Lane and Skiway Drive, north side of Picabo Street between Jane Lane and~~

Skiway Drive); and Section 10.08.040, manner of parking; Section 10.08.050, stopping, standing of parking in roadway; Section 10.08.070, residential parking permit; Section 10.08.080, obstructing traffic; Section 10.08.090, parking in alleys; Section 10.08.110, temporary no parking zones; Section 10.08.170; and Section 10.08.180; and

iv. ~~For violations of 10.08.150 time limit parking (except Section 10.08.150B U Warm Springs lift area), the fine shall be as follows:~~

~~a. First citation will be issued as a warning without a monetary penalty;~~

~~b. Second citation, ten dollars (\$10.00);~~

~~c. Third citation, twenty dollars (\$20.00);~~

~~d. Fourth citation, forty dollars (\$40.00);~~

~~e. All citations after the fourth will be forty dollars (\$40.00) until the vehicle has gone 365 consecutive days without a two-hour parking offense. If the vehicle goes 365 days without an offense, the vehicle will be restored to a first offense status.~~

b. For violations of Section 10.08.150, Time limit parking all citations after the third will be at the maximum rate set forth in the penalty schedule until the vehicle has gone 365 consecutive days without a parking offense. If the vehicle goes 365 days without an offense, the vehicle will be restored to a first offence status.

2. Any vehicle that has three or more overdue parking citations, with one or more being 90 days delinquent, shall be placed on a scofflaw list. Once a vehicle is placed on the scofflaw list, the code officer shall send a notice to the registered owner of the vehicle, by personal service or first class certified mail to the address listed on the vehicle registration, notifying the owner that the vehicle has been placed on the scofflaw list. Said notice shall also include the following:

a. A list of the outstanding citations that have been issued;

b. The late fees attached to each citation, as well as the addition of an administrative fee in an amount set by resolution of the City Council for the processing of the notice;

c. That the owner has fifteen (15) days to respond to the notice with a payment, or agree to a payment plan set forth by the code officer, or make arrangements to make payment or post a chase bond and contest the tickets in magistrate court. The posting of the bond will suspend any further action by the City with respect to the outstanding tickets until the court reaches a decision. If the owner is successful, said bond will be released;

d. That the consequences of failing to respond and or pay the debt will result in the impounding of the owner's vehicle upon the issuance of the next parking citation and that the owner will be liable for the added costs of towing, impounding, and storage fees;



e. The amount of the cost of towing, impounding and storage fees at the time of the notice;

f. That the vehicle may not be released until the owner pays all outstanding penalties and fees, provided however, that an owner may post a cash bond in the amount covering all outstanding penalties, fees and expenses, including towing and storage fees, and contest the citations in magistrate court. If the owner is successful, said bond will be released.

3. If a ticket has not been paid within 15 days from the date it is received, a ~~five dollar (\$5.00)~~ late fee in an amount set by resolution of the City Council shall be automatically added to the outstanding fine. ~~The additional five dollars (\$5.00) for each ticket is deemed necessary~~ to defray administrative and clerical expenses. The failure of any operator to report and/or make such payment to the police department within the times prescribed above shall render the owner or operator thereof subject to penalties as provided in Section 10.08.220.

C. The members of the police department are authorized to refrain from instituting a prosecution charging the person with an infraction, or where applicable, a misdemeanor, if such person pays the penalty and fee assessed in this section to the police department within thirty (30) days of the violation.

D. If any vehicle is found stopped, standing or parked in any manner violating the provisions of this chapter and the identity of the operator cannot be determined, the owner or person or corporation in whose name such vehicle is registered or the named lessee in a rental or lease agreement of such vehicle shall be held prima facie responsible for such violation.

#### **10.08.240 Vehicle ownership as evidence.**

A. If any vehicle is found stopped, standing or parked in any manner violating the provisions of this chapter and the identity of the operator cannot be determined, the owner or person or corporation in whose name such vehicle is registered shall be held prima facie responsible for such violation.

B. Any charge under this chapter shall be dismissed when the person charged has made a bona fide sale or transfer of the vehicle, has delivered possession 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.

#### **10.08.250 State Speed Laws Applicable**

The State traffic laws regulating the speed of vehicles shall be applicable upon all streets, alleys and rights-of-way within this City, except as the Traffic Authority shall establish by erecting appropriate signage, in which event it shall be unlawful for any person to drive a vehicle at a speed in excess of any speed so posted when signs are in place giving notice thereof.

#### **10.08.260 Basic Rule**

No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. In every event, speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle, or other conveyance on or entering the street in compliance with legal requirements and the duty of



all persons to use due care.

**10.08.270 Prima Facie Speed Limits**

Except when a special hazard exists that requires lower speed for compliance with Section 10.08.260, the limits specified in this Section or established as hereafter authorized shall be lawful speeds, and any speeds in excess of the limits specified shall be prima facie evidence that such speed is not reasonable or prudent, and that it is unlawful.

- A. Ten (10) miles per hour in any alley.
- B. Fifteen (15) miles per hour in any public park.
- C. Fifteen (15) miles per hour when passing any school building or when crossing any marked school zone, such zone to extend one hundred fifty feet (150'), unless otherwise posted, in either direction from any marked school crossing when appropriate signs giving notice thereof are erected.

**10.08.280 Authority to Alter Maximum Limits**

Whenever the Traffic Authority determines on the basis of an engineering and traffic investigation that the maximum speed permitted under this Chapter is greater or less than is reasonable and safe under the conditions found to exist upon a street, alley, right-of-way or part thereof, it may determine and declare a reasonable and safe maximum limit which shall be effective immediately after appropriate signs giving notice thereof are erected upon the same.

**10.08.290 Speeding Within a School Zone**

No person shall operate a vehicle in a marked school zone in excess of the speed limited as established in 10.08.270, Ketchum Municipal Code. Any person that violates this section shall be assessed a fixed penalty of One Hundred Dollars (\$100) excluding court costs and fees. An infraction is a civil public offense, not constituting a crime, which is punishable only by a penalty not exceeding One Hundred Dollars (\$100) and for which no period of incarceration may be imposed. There is no right to a trial by jury of a citation or complaint for an infraction and such trials shall be held before the court without a jury.

Schedule A: Penalty Schedule

<u>Section</u>		<u>Penalty</u>
<u>10.08.040</u>	<u>Manner of parking</u>	<u>\$10.00</u>
<u>10.08.050</u>	<u>Stopping, standing of parking in roadway</u>	<u>\$10.00</u>
<u>10.08.060</u>	<u>Parking prohibited in specific locations, except as follows:</u>	<u>\$10.00</u>
<u>10.08.060A1</u>	<u>Sidewalks</u>	<u>\$25.00</u>
<u>10.08.060A4</u>	<u>Bicycle facilities</u>	<u>\$25.00</u>
<u>10.08.060B6</u>	<u>Passenger loading zone located on Howard Drive between Jane Lane and Skiway Drive or the north side of Picabo Street between Jane Lane and Skiway Drive (Warm Springs lift area)</u>	<u>\$25.00</u>
<u>10.08.060B8</u>	<u>Official traffic control devices</u>	<u>\$25.00</u>
<u>10.08.060B9</u>	<u>Taxicab loading zones</u>	<u>\$25.00</u>
<u>10.08.060B10</u>	<u>Bus stop zones</u>	<u>\$25.00</u>
<u>10.08.060C</u>	<u>Obstruction of snow removal 2 a.m. to 7 a.m., Nov 1 to May 1</u>	<u>\$50.00</u>
<u>10.08.070</u>	<u>Residential parking permit</u>	<u>\$10.00</u>
<u>10.08.080</u>	<u>Obstructing traffic</u>	<u>\$10.00</u>
<u>10.08.090</u>	<u>Parking in alleys</u>	<u>\$10.00</u>
<u>10.08.110</u>	<u>Temporary no parking zones</u>	<u>\$10.00</u>
<u>10.08.120</u>	<u>Handicapped parking</u>	<u>\$126.00</u>
<u>10.08.150</u>	<u>Time limit parking</u>	
	▪ <u>First citation</u>	<u>Warning</u>
	▪ <u>Second citation</u>	<u>\$25.00</u>
	▪ <u>Third citation</u>	<u>\$52.00</u>
<u>10.08.170</u>	<u>Campers, canopies, motor homes and trailers</u>	<u>\$10.00</u>
<u>10.08.180</u>	<u>Parking for certain purposes prohibited</u>	<u>\$10.00</u>

**SECTION 2. SAVINGS AND SEVERABILITY CLAUSE.** It is hereby declared to be the legislative intent that the provisions and parts of this Ordinance shall be severable. If any paragraph, part, section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid for any reason by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

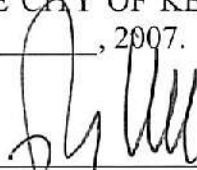
**SECTION 3. CODIFICATION CLAUSE.** The City Clerk is instructed to immediately forward this ordinance to the codifier of the official municipal code for proper revision of the code.

**SECTION 4. PUBLICATION.** This Ordinance, or a summary thereof in compliance with Section 50-901A, Idaho Code, substantially in the form attached hereto as Exhibit "A," shall be published once in the official newspaper of the City, and shall take effect immediately upon its passage, approval, and publication.

**SECTION 5. REPEALER CLAUSE.** All City of Ketchum code sections, ordinances or resolutions or parts thereof, which are in conflict herewith are hereby repealed.


**SECTION 6. EFFECTIVE DATE.** This Ordinance shall be in full force and effect from and after its passage, approval and publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF KETCHUM, IDAHO,  
and approved by the Mayor this 2nd day of July, 2007.

  
\_\_\_\_\_  
Randy Hall, Mayor

ATTEST:

APPROVED AS TO FORM  
AND CONTENT:

  
Sandra E. Cadby, CMC  
City Treasurer/Clerk

  
\_\_\_\_\_  
Benjamin W. Worst,  
City Attorney



EXHIBIT A

**PUBLICATION OF SUMMARY OF ORDINANCE NO. 1019  
CITY OF KETCHUM, IDAHO**

AN ORDINANCE OF THE CITY OF KETCHUM, IDAHO, RESTATING CHAPTER 10.08 IN ITS ENTIRETY WITH THE FOLLOWING CHANGES; DELETING CERTAIN LANGUAGE AND ADDING NEW LANGUAGE; BY ADDING DEFINITIONS; BY AMENDING PARKING PROHIBITED IN SPECIFIC LOCATIONS; BY AMENDING RESIDENTIAL PARKING PERMIT SECTION; BY AMENDING HANDICAPPED PARKING SECTION, AND BY AMENDING PARKING TICKETS AND PROCEDURES SECTION INCREASING THE PENALTY SCHEDULE FOR PARKING INFRACTIONS; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE, PROVIDING A CODIFICATION CLAUSE; PROVIDING FOR PUBLICATION BY SUMMARY; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

A summary of the principal provisions of Ordinance No. 1019 of the City of Ketchum, Blaine County, Idaho, adopted on July 2, 2007, is as follows:

**Section 1.** That Ketchum Municipal Code, Title 10, Chapter 10.08, Parking, is hereby amended, altered and changed by restating Chapter 10.08 in its entirety; adding new definitions of bicycle, bicycle facility, block, cyclist, MUTCD, Warm Springs Base Area, and deleting the definition of block face; amending the parking prohibited in specific locations, including prohibiting driving a motorized vehicle upon a sidewalk or in a bicycle facility, deleting the prohibition of parking on the north and south sides of Sun Valley Road from June 15<sup>th</sup> to September 15<sup>th</sup> each year and adding the north side of Picabo Street between Jane Lane and Skiway Drive and designated bus stop zones to the parking prohibited in specific locations; amending requirements of residential parking permits to allow parking overnight in the public right-of-way and posting allowable temporary parking areas between November 1<sup>st</sup> and May 1<sup>st</sup> to accommodate snow removal; amending the fine amount for violations of handicapped parking to the maximum amount allowed in Idaho Code § 49-213; and amending the penalty schedule for parking infractions.

**Section 2:** Provides a savings and severability clause.

**Section 3:** Provides a codification clause.

**Section 4:** Provides for publication of a summary of the Ordinance.

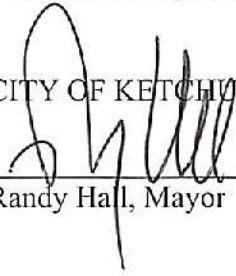
**Section 5:** Provides a repealer clause.

**Section 6:** Establishes the effective date of July 11, 2007.




The full text of this Ordinance is available at the City Clerk's Office, Ketchum City Hall, 480 East Avenue North, Ketchum, Idaho 83340 and will be provided to any citizen upon personal request during normal office hours.

CITY OF KETCHUM, IDAHO

  
\_\_\_\_\_  
Randy Hall, Mayor

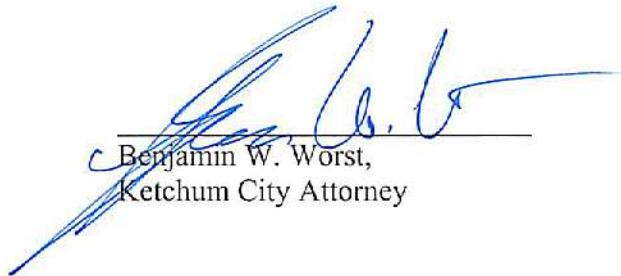
ATTEST:

  
\_\_\_\_\_  
Sandra E. Cady, CMC  
City Treasurer/Clerk

**STATEMENT OF LEGAL ADVISOR**

I, the undersigned attorney at law, duly licensed in the State of Idaho and serving as City Attorney to the City of Ketchum, Idaho, hereby certify that I have read the attached Summary of Ordinance No. 1019 of the City of Ketchum and that the same is true and complete and provides adequate notice to the public of the contents of said Ordinance.

Dated this 20<sup>th</sup> day of June, 2007.

  
Benjamin W. Worst,  
Ketchum City Attorney

Publish: Idaho Mountain Express  
Date: July 11, 2007