

ORDINANCE NUMBER 860

AN ORDINANCE OF THE CITY OF KETCHUM, IDAHO, AMENDING TITLE 10 PARKING, BY DELETING CERTAIN LANGUAGE AND ADDING NEW LANGUAGE; BY ADDING DEFINITIONS; BY ADDING SPECIFIC LOCATION WHERE PARKING IS PROHIBITED; AMENDING SPECIFIC LOCATIONS WHERE PARKING IS PROHIBITED; AMENDING HANDICAPPED PARKING FINE PROVISION; AMENDING LOCATION OF TIME LIMIT PARKING; AMENDING PARKING TICKET PROCEDURES; INCREASING FEE AND PENALTIES IN RELATION TO NUMBER OF TICKETS RECEIVED IN A ONE-YEAR PERIOD; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE, PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, it is in the best interests of the City of Ketchum to 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 institute a "scoff law" that increases the parking fines and penalties based on the number of tickets received in a one-year period; parking limits.

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

SECTION 1. Section 10.08.020 Definitions; be amended by adding the following definition:

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

SECTION 2. Section 10.08.060 **Parking prohibited in specific locations** subsection B is amended by deleting therefrom the marked out language and adding thereto the underlined language hereinbelow, to wit:

7. For the temporary purpose of loading or unloading merchandise or passengers.
- ~~7~~ 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.

SECTION 3. Section 10.08.070 **Residential parking permit** subsections A 1. a., b., and c. are amended by deleting therefrom the marked out language and adding thereto the underlined language hereinbelow, to wit:

- a. Vehicle owners who reside on a public right-of-way designated for two hour parking;

b. ~~_____~~ V 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;

e. 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 permit holder.

SECTION 4. Section 10.08.120 **Handicapped parking** subsections A., B., and C. are amended by deleting therefrom the marked out language and adding thereto the underlined language hereinbelow, to wit:

A. Parking a vehicle in a space reserved for the handicapped, which space is marked in conformance with the requirements specified in ~~the 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 penalty indicated in Idaho Code Section 49-213.

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

SECTION 5. Section 10.08.150 **Time limit parking** subsection A., B., and C., are amended by deleting therefrom the marked out language and adding thereto the underlined language hereinbelow, to wit:

A. Ten Minute Limited Parking Zone. No owner or operator of any vehicle shall on any day allow or cause such vehicle to be parked longer than ten (10) minutes in any parking space along the following described portions of public rights-of-way within the city:

~~1. Two parking stalls designated on East Avenue adjacent to the northeast corner of Sun Valley Road and East Avenue;~~

~~2. Two parking stalls designated on First Avenue adjacent to the northeast corner of Sun Valley Road and First Avenue;~~

~~3~~ 1. Six parking stalls designated on the south side of Picabo Street between Jane Lane and Gates Road, from November 15th to May 1st of the following year;

~~4~~ 2. Four parking stalls designated on the north side of Fourth Street between Main Street and Washington Avenue; and

~~5. One parking stall designated on Main Street adjacent to the northeast corner of Fourth Street and Main Street.~~

B. Ninety Minute Limited Parking Zone. No owner or operator of any vehicle shall on any day from November 15th to May 1st of the following year, between the hours of eight a.m. and five p.m., allow or cause such vehicle to be parked longer than ninety (90) minutes along the following described portions of public rights-of-way within the city:

1. The north side of Howard Drive between Jane Lane and Skiway Drive; and

2. ~~The north side of Ritchie Drive between Jane Lane and Skiway Drive. The north side of Picabo Street between Gates Drive and Jane Lane.~~

C. Two Hour Limited Parking Zone. No owner or operator of any vehicle shall on any day, between the hours of eight a.m. and six p.m. or such other time period as designated, allow or cause such vehicle to be parked longer than two hours within a two hour parking zone, unless the vehicle properly displays a residential parking permit authorized by this subsection. The following described portions of public rights-of-way within the city are designated as two hour parking zones:

~~8. The East Side of Washington Avenue adjacent to Lot 5, Block 16 of the Original Ketchum Townsite between Fourth Street and Fifth Street;~~

~~9~~ 8. The east side of Washington Avenue between Fifth Street and Sixth Street;

~~10.~~ 9. Sun Valley Road between Spruce Avenue and First Avenue;

~~11.~~ 10. Second Street between Washington Avenue and Leadville Avenue;

~~12.~~ 11. Second Street between Leadville Avenue and East Avenue north side of west end of Lot 1, Block 23 and south side of east end of Lot 8, Block 22;

~~13.~~ 12. Second Street between East Avenue and the alley to the east of Lot 1 of Block 43 and Lot 4 of Block 42;

~~14.~~ 13. The east side of Main Street between Sixth Street and Eighth Street;

~~15.~~ 14. The south side of Fifth Street adjacent to Lot 5, Block 16 of the Original Ketchum Townsite including the area between the alley and Washington Avenue;

~~16.~~ 15. The north side of Fifth Street between Leadville Avenue and East Avenue;

~~17.~~ 16. The south side of Fifth Street adjacent to the southwesterly half of Block 25 and commonly known as Giacobbi Square between the driveway and Leadville Avenue (between the hours of two p.m. and six p.m.);

~~18.~~ 17. The north side of Fifth Street adjacent to Lot 1, Block 6 of the Original Ketchum Townsite including the area between the alley and Main Street;

~~19.~~ 18. The south side of Fifth Street adjacent to Lot 4, Block 5 of the Original Ketchum Townsite including the area between the driveway and Main Street;

~~20.~~ 19. East side Walnut Avenue between Sun Valley Road and Fourth Street; and

~~21.~~ 20. South side of Fourth Street between Walnut Avenue and Spruce Avenue.

SECTION 6. Section 10.08.230 **Parking tickets and procedures** is amended by deleting therefrom the marked out language and adding thereto the underlined language hereinbelow, to wit:

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 ~~five~~ fifteen (15) days of the time of such parking ticket, pay to the police department in full satisfaction of such violation, the fee indicated in the fee schedule for each parking ticket left upon his or her vehicle.

a. Fee schedule (if a violation is identified in more than one paragraph of the following fee schedule, the greater fee amount shall govern):

i. ~~Forty-five dollars and fifty cents (\$45.50)~~ Fifty dollars (\$50.00) for violations of Section 10.08.120;

ii. Twenty-five dollars (\$25.00) on 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 violations 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 or 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, 10.08.150 (except Section 10.08.150B), Section 10.08.170, and Section 10.08.180; and

iv. ~~Ten dollars (\$10.00) for violations of Section 10.08.060C~~ 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); and

(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 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, not to exceed twenty five dollars (\$25.00) for the administrative cost of processing 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 cost 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 fines and fees, provided however, that an owner may post a cash bond in the amount covering all outstanding fines, 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.

~~2. 3. If a ticket has not been paid within 15 days from the date it is received, a five dollar (\$5.00) late fee shall be automatically added to the outstanding fine. Within ten (10) days from the date of such parking violation ticket, if the same has not been paid within the five days above prescribed, the operator shall pay to the police department an additional five dollars (\$5.00) for each such parking ticket left upon his or her vehicle. 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 fee assessed in this section to the police department within ~~ten (10)~~ 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.

SECTION 7. Section 10.08.240 **Vehicle ownership as evidence** is amended by deleting therefrom the marked out language and adding thereto the underlined language hereinbelow, to wit:

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 ~~or the named lessee in a rental or lease agreement of such vehicle~~ 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.

SECTION 8. 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.

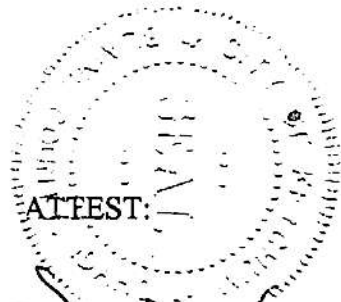
SECTION 9. REPEALER CLAUSE. All City of Ketchum code sections, ordinances or resolutions or parts thereof, which are in conflict herewith are hereby repealed.

SECTION 10. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval and publication.

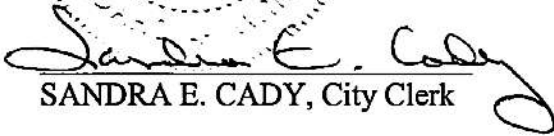
PASSED BY THE CITY COUNCIL OF THE CITY OF KETCHUM, IDAHO, and approved by the Mayor this 20th day of February, 2001.



Guy P. Coles, Mayor



ATTEST: _____



SANDRA E. CADY, City Clerk

Publish: February 28, 2001
Idaho Mountain Express

