

ORDINANCE NUMBER 1179

AN ORDINANCE OF THE CITY OF KETCHUM, BLAINE COUNTY, IDAHO, AMENDING TITLE 10, CHAPTER 8, OF THE KETCHUM CITY CODE, SO AS TO UPDATE THE ALLOWED USES OF OFF-STREET PARKING LOTS; CLARIFY A RESPONSIBILITY OF THE CITY; ESTABLISH A METHOD OF CREATING THE PENALTY SCHEDULE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City has determined that updates and revisions to Chapter 8 of Title 10 are warranted to update the allowed uses of off-street parking lots; and

WHEREAS, the City has determined that responsibility for maintenance of time limit maps belongs to staff; and

WHEREAS, the City has determined that it is beneficial to establish the vehicles and traffic penalty schedule through a resolution of the Council.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Ketchum, Blaine County, Idaho:

SECTION 1: That the title of Chapter 08 of Title 10 of the Ketchum City Code be amended to read as follows:

Chapter 10.08

PARKING AND TRAFFIC

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 meanings

ascribed to them in this section:

ALLEY: A minor public way providing secondary access at the back or side of property for vehicle or pedestrian traffic.

AUTHORIZED EMERGENCY VEHICLE: 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: A vehicle propelled solely by human power upon which a person may ride and having two (2) tandem wheels, except scooters and similar devices. Also includes three- and four-wheeled human powered vehicles.

BICYCLE FACILITY: 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: The length of both sides of a street or avenue between the intersection of two (2) streets or avenues, including the center of the street or avenue.

CAMPER: 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: 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: The duly appointed chief of police of the city of Ketchum.

CITY: The city of Ketchum, Idaho.

CITY ADMINISTRATOR: The duly appointed city administrator of the city of Ketchum.

CITY STREET SUPERINTENDENT: The duly appointed city street superintendent of the city of Ketchum.

CROSSWALK:

A. 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.

B. Any portion of a public right of way distinctly indicated for pedestrian crossing by lines or other traffic control devices.

CYCLIST: Any person operating a bicycle.

DRIVER: Every person who drives or is in actual physical control of a vehicle.

FIRE DEPARTMENT: Any fire department servicing the city of Ketchum, Idaho.

HANDS FREE WIRELESS TELEPHONE: A mobile telephone that has an internal feature or function, or that is equipped with an attachment or addition, whether or not permanently part of such mobile telephone, by which a user engages in a conversation without the use of either hand.

INTERSECTION: 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: 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.

MUTCD: The "Manual On Uniform Traffic Control Devices".

MAYOR: The mayor of the city of Ketchum.

MOBILE ELECTRONIC DEVICE: Any handheld or other portable electronic equipment capable of providing wireless or data communication between two (2) or more persons or of providing amusement, including, but not limited to, a cellular phone, text messaging device, paging device, personal digital assistant, laptop computer, video game, music player or digital photographic device, but does not include an amateur radio, any audio equipment or any equipment installed in a motor vehicle for the purpose of providing navigation, emergency assistance to the operator of the motor vehicle, or video entertainment to the passengers in the rear of the motor vehicle.

MOTOR HOME: A motorized vehicle originally designed, reconstructed or permanently altered to provide facilities for human habitation.

OFFICIAL TRAFFIC CONTROL DEVICES: 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.

OPERATE: To drive or assume actual physical control of a motor vehicle upon a public way, street, road or highway, including operation while temporarily stationary because of traffic, a traffic light, or a stop sign.

OPERATOR: Every person who shall operate a vehicle upon any public right of way in the city.

PARK OR PARKING: 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: A place reserved on the public right of way for the exclusive use of vehicles while receiving or discharging passengers.

PEDESTRIAN: Any person who is afoot, including an infant in a carriage being pushed or pulled by a person.

PERSON: Every natural person, firm, partnership, association, corporation or any other business entity.

PLANNING DIRECTOR: The duly appointed planning director of the city of Ketchum.

POLICE DEPARTMENT: The police department of the city of Ketchum.

POLICE OFFICER: 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: 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: 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: That portion of a public right of way improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder.

SIDEWALK: 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: 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: The Ketchum traffic authority as codified in chapter 10.05 of this title.

TRAILER: 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.

USE: When referring to a wireless telephone or electronic communication device, this term shall include, but not be limited to, holding a mobile electronic device, talking or listening to another person on the telephone, text messaging, or sending an electronic message via the wireless telephone or mobile electronic device.

VEHICLE: 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: 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 the city in accordance with the provisions of this chapter and all of the state vehicle laws applicable to traffic in the 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 inches (18") 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 (8") 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 feet (200') in each direction upon the public right of way.

B. This section and section 10.08.060 of this chapter 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 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 feet (20') 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, the time limit cannot be accrued throughout the day and a vehicle can only park once per day per block, at which time it will be required that a vehicle be removed from the block in which it was parked, for the remainder of that calendar day; it will be required that a vehicle be removed from the block 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.

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 feet (15') of a fire hydrant.
3. Within twenty feet (20') of a crosswalk or a bike/pedestrian curb ramp.
4. Within thirty feet (30') 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 (6') or less in height may be permitted to stop, stand or park within such thirty foot (30') distance unless otherwise prohibited by ordinance, resolution or official traffic control device.

5. Within twenty feet (20') 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 within the city from the hours of two o'clock (2:00) A.M. to seven o'clock (7:00) A.M. each day from November 1 of each year to May 1 of the following year. Public parking lots may only be used from two o'clock (2:00) A.M. to seven o'clock (7:00) A.M. where specifically allowed and in accordance with posted regulations at each lot.

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 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 subsection A1a of this section for the purpose of and use by overnight guests of the permit holder. Temporary residential parking permit holders may park overnight on the public right of way. Between November 1 of each year to May 1, applicable residential streets will be posted to allow parking on alternate 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 time limitations and the provisions of section 10.08.160 of this chapter.
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 or temporary residential parking permit

shall not authorize the holder to stop, stand or park in violation of subsection 10.08.060C of this chapter. Furthermore, a residential parking permit or a temporary residential parking permit shall not authorize the holder to stop, stand or park in violation of subsection 10.08.060A1 or A4 of this chapter.

B. Residential Or Temporary 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 Residential Or Temporary Residential Parking 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 or temporary 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 feet (12') 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 section is guilty of an infraction, which is punishable by 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; AUTHORITY TO ESTABLISH:

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: PUBLIC PARKING LOTS; USE REGULATIONS:

There are established the following rules and regulations governing the use of the 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 (5) 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. parking between the hours of two o'clock (2:00) A.M. and six o'clock (6:00) A.M. shall be permitted in accordance with posted regulations;

H. Use of public parking lots may be subject to payment of hourly rates established by the City Council through a resolution. Vehicles found to be not in compliance with such hourly rates shall be subject to penalty procedures established in 10.08.230; and

H. The parking provisions of this section 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 City 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 of this chapter, 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 (7) 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. Subsection A of this section 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 of this chapter, 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; or to obstruct public utility or street repair, maintenance, or other services in the best interest of the public.

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 established 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 this section 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 (6) months, or be both so fined and imprisoned. (Ord. 1019 § 1, 2007)

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 of this chapter. In the event of nonpayment in accordance with the administrative procedure set out in section 10.08.230 of this chapter, 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. a. Within 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 in section 10.08.300 of this chapter for each parking ticket left upon his or her vehicle. If the driver of the vehicle feels the citation was issued in error, (s)he may challenge the ticket by filing an appeal form with the police department within the same fifteen (15) day period. If the driver does not prevail with the appeal, (s)he must pay the fee for the ticket, minus the late charge. If a violation is identified in more than one section of the penalty schedule in section 10.08.300 of this chapter, the greater penalty amount shall govern.
- b. For violations of section 10.08.150, "Time Limit Parking", of this chapter, all citations after the third will be at the maximum rate set forth in the penalty

schedule in section 10.08.300 of this chapter until the vehicle has gone three hundred sixty five (365) consecutive days without a parking offense. If the vehicle goes three hundred sixty five (365) days without an offense, the vehicle will be restored to a first offense status.

2. Any vehicle that has one or more overdue parking citations that are ninety (90) days delinquent shall be placed on the 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 last fees attached to each citation, as well as the addition of an administrative fee of twenty five dollars (\$25.00) 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 or immobilization of the owner's vehicle and that the owner will be liable for the added cost of towing, impounding, and storage or immobilization removal fees.
- e. The amount of the cost of towing, impounding and storage fees or immobilization removal 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.

3. If a ticket has not been paid within fifteen (15) days from the date it is received, a late fee in an amount set by resolution of the city council shall be automatically added to the outstanding fine 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 in this subsection shall render the owner or operator thereof subject to penalties as provided in section 10.08.220 of this chapter.

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 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 the 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 for 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 of this chapter, 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 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 limit as established in section 10.08.270 of this chapter. Any person that violates this section shall be assessed a fixed penalty of one hundred dollars (\$100.00) 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 (\$100.00) 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.

10.08.300: SCHEDULE A, PENALTY SCHEDULE:

The vehicles and traffic penalty schedule shall be adopted by resolution of the City Council.

10.08.310: USE OF WIRELESS COMMUNICATION DEVICES:

A. The use of a wireless telephone or mobile electronic device by an operator of a motor vehicle on a public road or highway within the city limits of Ketchum shall be unlawful except when the telephone is a hands free wireless telephone or the electronic communication device is used hands free.

B. The operator of a motor vehicle may use a handheld wireless telephone while driving with one hand on the steering wheel only if:

1. The operator has reason to fear for his life or safety, or believes that a criminal act may be perpetrated against himself or another person; or
2. The operator is using the telephone to report to appropriate authorities a fire, a traffic accident, a serious road hazard or medical or hazardous materials emergency, or to report the operator of another motor vehicle who is driving in a reckless, careless or otherwise unsafe manner or who appears to be driving under the influence of alcohol or drugs. A handheld wireless telephone user's telephone records or testimony or written statement from appropriate authorities receiving such calls shall be deemed sufficient evidence of the existence of all lawful calls made under this paragraph.

C. A person who is found guilty of this infraction shall be fined as stated in section 10.08.300 of this chapter.

D. No motor vehicle points or automobile insurance eligibility points shall be assessed for this offense.

E. The prohibitions set forth in this section shall not be applicable to any of the following persons while in the actual performance of their official duties: 1) a law enforcement officer; 2) a

member of a paid or volunteer fire department; or 3) an operator of an authorized emergency vehicle.


SECTION 2: REPEALER. All previous ordinances, resolutions, orders, or parts thereof, are in conflict herewith are hereby repealed.

SECTION 3: SAVINGS AND SEVERABILITY. 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 4: EFFECTIVE DATE. This ordinance shall be in full force and effect after its passage, approval and publication, according to law.

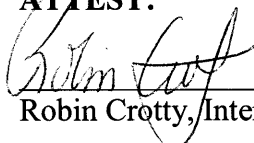
PASSED BY the City Council of the City of Ketchum, Idaho, this 6 day of November, 2017.

APPROVED BY the Mayor of the City of Ketchum, Idaho, this 7 day of November, 2017.



Nina Jonas, Mayor

ATTEST:



Robin Crotty, Interim City Clerk

PUBLICATION OF SUMMARY OF ORDINANCE NO. 1179

AN ORDINANCE OF THE CITY OF KETCHUM, BLAINE COUNTY, IDAHO, AMENDING TITLE 10, CHAPTER 8, OF THE KETCHUM CITY CODE, SO AS TO UPDATE THE ALLOWED USES OF OFF-STREET PARKING LOTS; CLARIFY A RESPONSIBILITY OF THE CITY; ESTABLISH A METHOD OF CREATING THE PENALTY SCHEDULE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

A summary of the principal provisions of Ordinance No. 1179 of the City of Ketchum, Blaine County, Idaho, adopted on November 6, 2017, is as follows:

- SECTION 1.** Amends Chapter 10.08, Parking and Traffic, to (1) enable overnight parking in public off-street lots in accordance with posted regulations, (2) modify responsibilities for maintain a time limit parking map, and (3) provides a process for establishment of a penalty schedule.
- SECTION 2.** Provides for a repealer clause
- SECTION 3.** Provides for a savings and severability clause.
- SECTION 4.** Establishes an effective date.

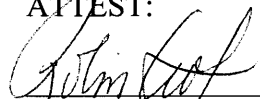
The full text of this Ordinance is available at the City Clerk's Office, Ketchum City Hall, 480 East Avenue North, Ketchum, Idaho 83340 and will be provided to any citizen upon personal request during normal office hours.

APPROVED:



Nina Jonas, Mayor

ATTEST:



Robin Crotty, Interim City Clerk