

ORDINANCE NO. 562

AN ORDINANCE AMENDING ORDINANCE NO. 498 NOW INCORPORATED AS "MONTPELIER CITY CODE" TITLE 10 VEHICLES AND TRAFFIC, CHAPTER 10.08 STOPPING, STANDING AND PARKING, LIMITING PARKING ON THE STREETS DURING WINTER MONTHS, LIMITING PARKING ON PRIVATE PROPERTY OPEN TO THE PUBLIC, ESTABLISHING SIGNAGE FOR LIMITATION OF PARKING PROVIDING FOR THE REMOVAL OF IMPROPERLY PARKED VEHICLES, PROVIDING FOR THE REMOVAL OF UNIDENTIFIED STOLEN, WRECKED OR ABANDONED MOTOR VEHICLES; PROVIDING FOR THE CHARGES ASSESSABLE THERETO: PROVIDING FOR THE ENFORCEMENT OF THE MUNICIPALITY'S LIEN ON SAID PROPERTIES: PROVIDING FOR THE MANNER OF SALE AND/OR REDEMPTION OF SAID PROPERTIES: PROVIDING FOR THE METHOD OF ADVERTISEMENT AND SALE OF SAID PROPERTIES: PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH: PROVIDING FOR THIS ORDINANCE TO TAKE EFFECT AFTER ITS PASSAGE APPROVAL AND PUBLICATION ACCORDING TO LAW,

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONTPELIER A MUNICIPAL CORPORATION OF IDAHO, AS FOLLOWS,

Chapter 10.08

~~STOPPING, STANDING AND PARKING~~
PARKING RESTRICTION

10.08.130 Impounding
Lien and Procedure of
Sale

Sections:

10.08.010. Purpose

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The purpose of this Ordinance is to provide for regulation of parking on City's properties; to provide for regulation of parking on public streets; to provide for regulation of parking upon private parking open to the public; and, to provide penalties for violations hereof.

10.08.020: Definitions

- 1. "Parking" means the standing of a vehicle, whether occupied or not.
- 2. "Person" means every natural person, firm, co-partnership, association or corporation.
- 3. "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a highway.

4. "Unidentified Vehicle".

Unidentified vehicle as used in this Ordinance is hereby identified to be such vehicle or such personal property where ownership thereof cannot be ascertained.

5. "Stolen Vehicle" or other personal properties: is hereby defined to be that property which the law enforcement has reasonable grounds to believe to be stolen

6. "Abandoned Vehicle" is hereby defined to be a vehicle which remains upon the streets or other public property for a period of longer than 48 hours, the owner of which cannot be located, or the owner refuses to remove the same upon direction of the police officers.

7. "Trailer" is any vehicle without motor power designed for carrying persons or property or being drawn by a motor vehicle or animals.

10.08.030 Restriction of Parking Vehicles or Other Personal Property On City Streets During Winter Months And Removal Of Improperly Parked Vehicles:

10.08.031 No person shall cause any vehicle or any other personal property to be parked, placed or left on any street located in the City of Montpelier, County of Bear Lake, State of Idaho between the hours of 1 a.m. and 6 a.m. during the winter months of November, December, January, February and March.

10.08.032 Any vehicle parked so as to obstruct the free movement of traffic or snow removal, the emergency use of the streets or causing a traffic hazard, may be removed upon order of the Police Department.

10.08.040: Parking Restrictions on Private Property Open To Public

Persons owning private property open to the public or their authorized agents may post said property restricting or limiting parking to certain hours and/or

prohibiting parking during other hours.

10.08.041 Any private property open to the public wherein parking is restricted shall be posted indicating the parking restrictions.

10.08.050: Parking Restrictions on Public Streets and City Properties

City may post property limiting or restricting parking on public streets, parks, golf courses, cemeteries, and other city properties.

10.08.051 Any public streets, parks, golf courses, cemeteries, and other City properties wherein parking is restricted shall be posted indicating the parking restrictions .

10.08.070 Unlawful Parking

It shall be unlawful for any persons or owner or occupants of vehicles to park any vehicle or trailer contrary to signage setting forth the restrictive parking except that signage for winter parking hours is not required.

10.08.080 Penalty

Any person violating this Ordinance shall be guilty of an infraction and shall pay including, in addition to any costs assessed by the Court, a civil penalty of \$25. In addition to any penalties set forth therein, said vehicle may be impounded and removed as set forth herein.

10.08.090 Removal of Vehicle or Other Personal Property From Private Property

No person shall cause any motor vehicle or ther personal property to be parked, placed or left on any private property without first securing the consent of the owner thereof or his

agent. A complaint having been duly signed by the owner of the property or his agent of the action prohibited herein shall permit the Police Department to remove or cause to be removed said vehicle or other personal property to the nearest garage or other place of safety.

10.08.100 Removal of Unidentified, Stolen, Wrecked or Abandoned Motor Vehicles

The Police Department is hereby authorized in its discretion, in addition to any penalty that may be provided therefor, the removal of such unidentified, stolen, wrecked or abandoned motor vehicle or other personal property, as herein defined, found upon any public street or property of the municipality, to the nearest garage or other place of safety.

10.08.110 Enforcement Of Charges Assessed Against Properties Impounded By The Police Department

All vehicles and other personal property impounded or heretofore impounded by the Police Department shall be kept in custody and under control at such garage or other place as designated by said Police Department until redeemed by the owner thereof, as herein provided.

10.08.120 Notice Of Removal And Impounding Of Motor Vehicles Or Other Personal Property

Upon removal of a vehicle or other personal property from a public street or from public property, the police officer causing the vehicle or personal property to be removed shall notify the Police Department and cause notice by certified mail to be sent to the owner and lien holder listed with the Department of Law Enforcement or Bear Lake County records. If there is

no certificate of title on file in either of said departments, then notice shall be sent to the apparent owner as determined by the registration certificate or other identification found in the vehicle, but if no identification of the owner can be found in the vehicle, no notice need be given. The notice shall include;

A. The make, year, model, color and license place number of the vehicle.

B. The approximate place where the vehicle was found.

C. The place where the vehicle was removed to.

D. A statement that the vehicle can be sold for removal and storage charges if not claimed within thirty (30) days from date of mailing of the notice.

10.08.130 Lien and Procedure of Sale

Any person, firm or corporation who shall remove store or keep any such vehicle at the request of any such police officer shall have a lien on such vehicle for the reasonable value of such services. Such lien shall be superior and prior to any mortgage or title-retaining contract on such vehicle, and if such charges are not paid within thirty (30) days after the mailing of the notice required by Section 5 of this Ordinance or after thirty (30) days after the date of removal if no notice is required under Section 5, the person, firm or corporation performing the same may proceed to sell the property at public auction by giving ten (10) days public notice of the sale by advertising in some newspaper published in the county where such property is situated, or if there be no newspaper published in the county, then by posting notice of sale in three (3) of the most public places in the county for ten (10) days previous to such sale. The proceeds of the sale must first be applied to the

discharge of the lien and costs. The remainder, if any, must be paid over to the owner of the vehicle.

This Ordinance repeals all ordinances or parts of ordinances in conflict herewith.

This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

Passed and approved this 17th day of Aug., 1999.

CITY COUNCIL OF THE CITY OF
MONTPELIER, A MUNICIPAL
CORPORATION OF IDAHO.

George W. Lane
MAYOR

ATTEST
Nee Ann Gunn
CITY CLERK: