

ORDINANCE NO. 2012-02

AN ORDINANCE REPLACING THE HIDEOUT TOWN CODE TITLE 6, CHAPTER 8, STOPPING, STANDING AND PARKING ADOPTING GENERAL PARKING REGULATIONS UPON THE PUBLIC ROADWAYS WITHIN THE TOWN OF HIDEOUT; PROVIDING FOR AUTHORIZATION OF ENFORCEMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, it is customary and appropriate for the Town to adopt parking regulations to provide for the safe travel and proper use of the public’s roadways; and

WHEREAS, vehicles parked along roadways create visual barriers between drivers of motor vehicles and pedestrians, increasing the potential for a conflict, and even heightening that potential outside of daylight hours; and

WHEREAS, in doing so, it is necessary to authorize the enforcement of those regulations and specify any penalties for the violations thereof.

WHEREAS, parking along public roadways perpetuates additional parking on both sides of said roadways, which then increases the incidents of “jaywalking” for those accessing their vehicles or destinations from across the roadway. This is a public safety issue.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF HIDEOUT, UTAH:

SECTION I: Enactment. That the Town Council of Hideout, Wasatch County, State of Utah, does hereby amend the Town Code by the adoption of the following general parking regulations a replacement for Title 6 Chapter 8 of the Hideout Town Code.

Hideout Town Parking Restriction.

Prohibitions. A person shall not park any vehicle, whether attended unattended, in any private driveway or upon any public or private property, except a highway, without the express or implied consent of the owner or person in lawful possession of such driveway or property.

Parking not to obstruct traffic. No person shall park any vehicle upon a street, other than an alley, in such a manner or under such conditions as to leave available less than ten feet (10’) of the width of the roadway for free movement of vehicular traffic.

Overnight winter parking. To facilitate the clearing of snow from city streets, no person shall park any vehicle on any city street where the pavement runs from curb to curb, and also within five feet (5') of any paved public street surface, where the full improvements are not completed, to ensure there is no obstruction to the plows that would cause health, safety and welfare concerns. This regulation shall be enforced between the hours of twelve o'clock (12:00) midnight and eight o'clock (8:00) A.M. from the period of October 1 through May 1 or any time

while snow is actively falling, and for twenty four (24) hours after snowfall ceases. Vehicles parked on city streets, as defined above, are subject to immediate towing at the discretion of the Chief of Police or designee. Striped parking spaces within the public right of way, used for commercial, office, civic or similar type uses, shall be exempt from this restriction.

Parking for certain purposes prohibited. No person shall park a vehicle upon any roadway for the principal purpose of:

- A. Displaying such vehicle for sale;
- B. Washing, greasing or repairing such vehicle, except repairs necessitated by an emergency.

Parking on Narrow Street prohibited:

- A. The Chief of Police is authorized to erect signs indicating no parking upon any street when the width of the roadway does not exceed twenty feet (20'), or upon one side of a street as indicated by such signs when the width of the roadway does not exceed thirty feet (30').
- B. When official signs prohibiting parking are erected upon narrow streets as authorized herein, no person shall park a vehicle upon any such street in violation of any such sign.

Parking near hazardous places.

- A. The Chief of Police is authorized to determine and designate by proper signs places in which the stopping, standing or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic.
- B. When official signs are erected at hazardous or congested places as authorized in this section, no person shall stop, stand or park a vehicle in any such designated place.

Parking to be close to curb. Except as otherwise provided in this chapter, every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be so stopped or parked with the right hand wheels of such vehicle parallel to and within eighteen inches (18") of the right hand curb.

Stopping for loading; authority to designate zones. The Chief of Police is authorized to determine the location of passenger and freight curb loading zones and shall place and maintain appropriate signs indicating the same and stating the hours during which the provisions of this section are applicable.

Permits for curb loading zones. The Chief of Police shall not hereafter designate or sign any curb loading zone upon special request of any person unless such person makes application for a permit of such a zone and for two (2) signs to indicate the ends of each such zone. The Chief of Police, upon granting a permit and issuing such signs, shall collect from the applicant and deposit in the town treasury a service fee of one hundred fifty dollars (\$150.00) to cover the cost of the signs, or fraction thereof, and may by general regulations impose conditions upon the use of such signs and for reimbursement of the town for the value thereof in the event of their loss or damage and their return in the event of misuse or upon expiration of permit. Every such permit shall expire at the end of one year.

Loading or unloading at angle – permits. The Chief of Police is authorized to issue special permits to permit the backing of a vehicle to the curb for the purpose of loading or

unloading merchandise or materials subject to the terms and conditions of such permit. Such permits may be issued either to the owner or lessee of real property or to the owner of the vehicle and shall grant to such person the privilege as therein stated and authorized in this chapter.

Standing in passenger curb loading zone prohibited. No person shall stop, stand or park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers in any place marked as a passenger curb loading zone during hours when the regulations applicable to such curb loading zone are effective, and then only for a period not to exceed three (3) minutes.

Standing in freight curb loading zone. No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials in any place marked as a freight curb loading zone during hours when the provisions applicable to such zones are in effect. In no case shall the stop for loading and unloading of materials exceed thirty (30) minutes.

Public Carrier Stops and Stands. The Chief of Police is authorized to establish bus stops, bus stands, taxicab stands and stands for other passenger common carrier motor vehicles on such public streets in such places and in such number as he shall determine to be of the greatest benefit and convenience to the public, and every such bus stop, bus stand, taxicab stand or other stand shall be designated by appropriate signs.

Parking buses and taxicabs.

- A. The operator of a bus, other than a school or public transit bus, shall not stand or park such vehicle upon any street at any place other than a bus stand so designated as provided herein.
- B. The operator of a bus, other than a school or public transit bus, shall not stop such vehicle upon any street at any place for the purpose of loading or unloading passengers or their baggage other than at a bus stop, bus stand or passenger loading zone so designated as provided in this chapter, except in case of an emergency.
- C. The operator of a bus, other than a school or public transit bus, shall enter a bus stop, bus stand or passenger loading zone on a public street in such a manner that the bus when stopped to load or unload passengers or baggage shall be in a position with the right front wheel of such vehicle not further than eighteen inches (18") from the curb and the bus approximately parallel to the curb so as not to unduly impede the movement of other vehicular traffic.
- D. The operator of a taxicab shall not stand or park such vehicle upon any street at any place other than in a taxicab stand so designated as provided herein. This provision shall not prevent the operator of a taxicab from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in the expeditious loading or unloading of passengers.

Restricted use of bus, taxicab stands. No person shall stop, stand or park a vehicle other than a bus in a bus stop or other than a taxicab in a taxicab stand when any such stop or stand has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zone.

Parking of oversized vehicles in residential and agricultural zones prohibited; exceptions.

A. All vehicles as defined in this section with a rated capacity of one and one-half (1^{1/2}) tons or more, or licensed for more than eighteen thousand (18,000) pounds gross, or trailers, shall not be permitted to park or stop on a public street in a residential or agricultural zone as identified on the official zoning map of the town, except where it is necessary to stop the vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device. In the opinion of the town council, the parking of such oversized vehicles upon city streets in residential and agricultural zones constitutes a hazard and threat to the safety, health and welfare of the inhabitants of the city. Vehicles for the purpose of this section are defined as automobiles, trucks, trailers, mobile homes or any other conveyance on wheels used for the transport of persons or objects, which vehicles include campers and boats.

B. This section shall in no way restrict the loading and unloading of passengers on or off public and/or private school buses. This section shall in no way restrict the parking or stopping of a vehicle with a rated capacity of one and one-half (1^{1/2}) tons or more, or licensed for more than eighteen thousand (18,000) pounds gross when the vehicle is being used to deliver household accessories or household furniture. This section shall in no way restrict the temporary parking or stopping of a government vehicle or of a vehicle owned and/or operated by a public utility for the purpose of conducting repairs or related work. This section shall not restrict the temporary parking of vehicles used to deliver building supplies and materials to property in either the residential or agricultural zones nor shall it prohibit the temporary parking of vehicles used by individuals performing work upon property in residential or agricultural zones.

Certain acts declared a nuisance. The parking or leaving of any vehicle upon a public street in the same place continuously for forty eight (48) hours, or in excess thereof, is prohibited and is declared to be a nuisance and detrimental to the safe and proper regulation of traffic.

Prohibited in certain areas. No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic-control device, in any of the following places:

1. On a sidewalk;
2. In front of a public or private driveway;
3. Within an intersection;
4. Within fifteen feet (15') of a fire hydrant;
5. On a crosswalk;
6. Within twenty feet (20') of a crosswalk at an intersection;
7. Within thirty feet (30') upon the approach to any flashing beacon, stop sign or traffic-control signal located at the side of a roadway;

8. Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
9. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
10. At any place where signs or markings placed by order of the Town Council prohibit stopping;
11. In any parking stall marked by painted lines unless the vehicle is entirely within such parking space or painted lines upon the surface of the street or parking area;
12. On that portion of an unlaned roadway which is within fifteen feet (15') from the center of such roadway on a street not having adjacent curbs;
13. Parked in a direction opposite to the direction of traffic flow on a street;
14. Along both sides of Longview Drive, any stub road extensions from Long View Drive and along any portion of fence line on public property, beginning at SR 248 and ending one mile east of the exit of the Ross Creek Trailhead parking area.
15. Along both sides of Deer Mountain Blvd from SR 248 to 100 feet north of the entrance to the Todd Hollow Village Apartments (12774 Deer Mountain Blvd.) between the hours of midnight and 7:00 AM.

State Code Adopted. The provisions of State law addressing the stopping, standing, and parking of motor vehicles, Title 41, Chapter 6a, Part 14 of Utah Code, as amended, and as hereafter amended, is adopted herein and made a part of this Code. Any conflicts are to be resolved in favor of the Town's Code.

Exceptions. This section shall not apply to: Any publicly owned vehicle of any city, county, public district, state or federal agency.

Enforcement Procedures.

(a) The parking regulations set forth in this chapter shall be enforced by the Town's police officers and the Town's contracted parking enforcement officers.

(b) The Town Council may elect to contract all or part of the enforcement of the Town parking code with a private entity, to include the administration and issuance of administrative citations. If the Town Council elects to contract all or part of the enforcement of the Town parking code with a private entity, citations issued by parking enforcement officers or their agents will be processed in accordance with the rules set forth in the policies and procedures of the private parking enforcement entity.

(b) If any vehicle is found parked, standing, or stopped in violation of this title, or otherwise violates the provisions of this title, the officer, parking enforcement agent or designee finding the vehicle shall take its license number and may take any other information displayed on the vehicle which may identify its user and shall conspicuously affix to the vehicle a notice of parking infraction. A notice of parking infraction represents a determination that a parking infraction has been committed.

(c) In any parking violation case involving a violation of this code relating to the stopping, standing, or parking of a vehicle, proof that the particular vehicle described in the notice of parking infraction was stopping, standing, or parking in violation of any provision of this title, together with proof of registered ownership of the vehicle at the time of the violation, shall constitute in evidence a prima facie presumption that the registered owner of the vehicle was the person who parked or placed the vehicle at the point where, and for the time during which, the violation occurred, provided the procedure for issuing a parking violation set forth herein has been followed.

SECTION II: Severability. If any section, subsection, sentence, clause or phrase of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, said portion shall be severed and such declaration shall not affect the validity of the remainder of this ordinance.

SECTION III: Effective Date. This ordinance, being necessary for the peace, health, safety and welfare of the town, shall become effective immediately upon posting.

PASSED AND ADOPTED by the Town Council of Hideout, Utah, this 9th day of February, 2012

ATTEST:

BOB MARTINO, Mayor

LYNETTE HALLAM, Town Clerk

Approved as to Form:

DAVID CHURCH, Town Attorney