

ORDINANCE NO. 2020-01

CITY OF KUNA

AN ORDINANCE OF THE CITY COUNCIL OF KUNA, IDAHO:

- **REPEALING CHAPTER 2 OF TITLE 11 KUNA CITY CODE; AND**
- **ENACTING A NEW CHAPTER 2 OF TITLE 11 KUNA CITY CODE; AND**
- **DIRECTING THE CITY CLERK; AND**
- **PROVIDING AN EFFECTIVE DATE.**

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

Section 1: That Chapter 2 of Title 11 of the Kuna City Code be and the same is hereby repealed.

Section 2: That the following be and is hereby enacted and codified as Chapter 2 of Title 11 of the Kuna City Code:

11-2-1: TITLE OF ORDINANCE

This ordinance and the related code section shall be known, referred to, and cited as the Kuna City Parking Ordinance.

11-2-2: LEGAL AUTHORITY

Idaho Code sections 50-302, 50-314, and 49-208 authorize the City to regulate, limit, and control parking within its boundaries.

11-2-3: PURPOSE

The purpose of this Chapter is to promote the public health, safety, and general welfare of the City by providing for safe and orderly use of highways and alleys within the City.

11-2-4: SCOPE

This Chapter sets forth policies, standards, requirements, and procedures applicable to standing, stopping and parking motor vehicles, commercial vehicles, recreational vehicles, and trailers within City boundaries, including but not limited to parking on any highways and alleys, and parking within residential districts and business districts.

11-2-5: DEFINITIONS

ALLEY: Means a public way of limited use intended only to provide access to the rear or side of lots or buildings in urban districts.

BUSINESS DISTRICT: The territory contiguous to and including a highway when within any six hundred (600) feet along the highway there are buildings in use for business or industrial purposes, including hotels, banks or office buildings, railroad stations and public buildings which occupy at least three hundred (300) feet of frontage on one side or three hundred (300) feet collectively on both sides of the highway.

CHAPTER: Chapter 2, Title 11 of the Kuna City Code.

CITY: City of Kuna, Idaho.

COMMERCIAL VEHICLE: For the purposes of this Chapter, a motor vehicle or combination of motor vehicles designed or used to transport passengers or property if the motor vehicle:

- A. Has a manufacturer's gross combination weight rating (GCWR) in excess of twenty-six thousand (26,000) pounds inclusive of a towed unit with a manufacturer's gross vehicle weight rating (GVWR) of more than ten thousand (10,000) pounds; or
- B. Has a manufacturer's gross vehicle weight rating (GVWR) in excess of twenty-six thousand (26,000) pounds; or
- C. Is designed to transport sixteen (16) or more people, including the driver; or
- D. Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the hazardous material transportation act and which require the motor vehicle to be placarded under the hazardous materials regulations (49 CFR part 172, subpart F).

A motor vehicle used in a ridesharing arrangement that has a seating capacity for not more than fifteen (15) persons, including the driver, shall not be a "commercial vehicle" under the provisions of this Chapter.

DRIVEWAY: Means a private road giving access from a public way to a building on abutting grounds; this shall include paved, concrete, gravel, or other designated parking areas on private property in front of residential structures.

HIGHWAY: Means the entire width between the boundary lines of every way publicly maintained when any part is open to the use of the public for vehicular travel, with jurisdiction extending to the adjacent property line, including sidewalks, shoulders, berms and rights-of-way not intended for motorized traffic. The term "street" is interchangeable with highway.

MOTOR VEHICLE: Every vehicle that is self-propelled, and for the purpose of titling and registration meets federal motor vehicle safety standards as defined in section 49-107, Idaho Code. Motor vehicle does not include vehicles moved solely by human power, electric personal assistive mobility devices, personal delivery devices, electric-assisted bicycles, and motorized wheelchairs or other such vehicles that are specifically exempt from titling or registration requirements under title 49, Idaho Code.

PARK or PARKING: Means the standing of a vehicle, whether occupied or not, other than temporarily for the purpose of and while actually engaged in loading or unloading property or passengers.

RECREATIONAL VEHICLE: Means a motor home, travel trailer, fifth-wheel trailer, park model recreational vehicle, truck camper or folding camping trailer, with or without motive power, designed for recreational or emergency occupancy. It does not include pick-up hoods, shells, or canopies designed, created or modified for occupational usage. School buses or van type vehicles which are converted to recreational use, are defined as recreational vehicles.

RESIDENTIAL DISTRICT: The territory contiguous to and including a highway not comprising a business district when the property on the highway for a distance of three hundred (300) feet or more is in the main improved with residences, or residences and buildings in use for business.

STAND or STANDING: Means the halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers.

STREET: See “Highway.”

TRAILER: Includes the following:

- A. General. Every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle.
- B. Fifth-wheel trailer. A vehicular unit equipped in the same manner as a travel trailer but constructed with a raised forward section that allows a bi-level floor plan. This style is designed to be towed by a vehicle equipped with a device known as a fifth-wheel hitch, which is typically installed in the bed of a pickup truck.
- C. Fold down camping trailer. A vehicular portable unit mounted on wheels and constructed with collapsible partial side walls, which fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters, for recreational, camping or travel use.
- D. Pole trailer. Every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, or structural members capable, generally, of sustaining themselves as beams between the supporting connections.
- E. Semitrailer. Every vehicle without motive power, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by the towing vehicle.
- F. Travel trailer. A vehicular unit, mounted on wheels designed to provide temporary living quarters for recreational, camping, travel or emergency use and of such size or weight as not to require special highway movement permits when towed by a motorized vehicle.

G. Utility trailer. A trailer or semitrailer designed primarily to be drawn behind a passenger car or pickup truck for domestic and utility purposes. Utility or domestic use shall include a farm trailer while being used to haul agricultural products or livestock from farm to storage, market or processing plant, or returning therefrom.

H. Watercraft Trailer: A trailer designed to carry a boat or other watercraft, whether or not the boat or other watercraft is presently on the trailer.

VEHICLE: Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks.

11-2-6: STOPPING, STANDING OR PARKING OUTSIDE BUSINESS OR RESIDENTIAL DISTRICTS

A. Outside a business or residential district no person shall stop, park or leave standing any vehicle, whether attended or unattended, upon the roadway when it is practicable to stop, park or so leave the vehicle off the roadway, but in every event in an unobstructed width of the highway 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 highway.

B. This section and sections 11-2-7, 11-2-8, and 11-2-9 of this Chapter, shall not apply to the driver of any vehicle which is disabled in such a manner and to an extent that it is impossible to avoid stopping and temporarily leaving the vehicle in that position.

11-2-7: STOPPING, STANDING OR PARKING PROHIBITED IN SPECIFIED PLACES

A. Except when necessary to avoid conflict with other traffic, in compliance with law, the directions of a peace officer or traffic control device, no person shall:

1. Stop, stand or park a vehicle:

a. On the traffic side of any vehicle stopped or parked at the edge or curb of a highway;

b. On a sidewalk;

c. Within an intersection;

d. On a crosswalk;

e. Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings;

f. Alongside or opposite any highway excavation or obstruction when stopping, standing, or parking would obstruct traffic;

- g. Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
 - h. On any railroad tracks;
 - i. On any controlled-access highway; or
 - j. At any place where traffic-control devices prohibit stopping.
2. Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:
- a. In front of a public or private driveway;
 - b. Within fifteen (15) feet of a fire hydrant;
 - c. Within twenty (20) feet of a crosswalk at an intersection;
 - d. Within thirty (30) feet upon the approach to any flashing signal, stop sign, yield sign or traffic-control signal located at the side of a highway; provided, however, that local authorities may by ordinance or resolution permit the standing or parking of vehicles which are six (6) feet or less in height within such thirty (30) foot distance, or as may be specified by ordinance or resolution or as may be designated with appropriate signs;
 - e. Within twenty (20) feet of the driveway entrance to any fire station and on the side of a highway opposite the entrance to any fire station within seventy-five (75) feet of the entrance (when properly sign-posted);
 - f. In front of a mailbox; or
 - g. At any place where traffic-control devices prohibit standing.
3. Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers:
- a. Within fifty (50) feet of the nearest rail of a railroad crossing; or
 - b. At any place where traffic-control devices prohibit parking.
- B. No person shall move a vehicle not lawfully under his control into any prohibited area or away from a curb such a distance as to be unlawful.

11-2-8: ADDITIONAL PARKING REGULATIONS

- A. Except as otherwise provided in this section, every vehicle stopped or parked upon a two-way highway shall be stopped or parked with the right-hand wheels parallel to and within

eighteen (18) inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder.

- B. Except when otherwise provided by local ordinances, every vehicle stopped or parked upon a one-way highway shall be stopped or parked parallel to the curb or edge of the highway, in the direction of authorized traffic movement, with its right-hand wheels within eighteen (18) inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder, or with its left-hand wheels within eighteen (18) inches of the left-hand curb or as close as practicable to the left edge of the left-hand shoulder.
- C. Local authorities may permit angle parking on any highway, except that angle parking shall not be permitted on any federal-aid or state highway unless the transportation department has determined that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

11-2-9: PARKING OF COMMERCIAL VEHICLES, RECREATIONAL VEHICLES, AND TRAILERS

- A. It shall be unlawful to park a commercial vehicle, recreational vehicle, or trailer on the highways or alleys of any residential district or business district for more than two (2) consecutive hours;
 - 1. Except where said commercial vehicle, recreational vehicle, or trailer is being actively loaded or unloaded. Actively loaded or unloaded shall require a person to have placed in, or removed from, the vehicle or trailer an item of personal property within the preceding two (2) hours.

11-2-10: PARKING IN A SPACE DESIGNATED FOR A PERSON WITH A DISABILITY

- A. Parking a vehicle or the standing of a vehicle in a space reserved for a person with a disability, which space is signed in conformance with the requirements specified in Idaho Code section 49-213(1)(c) of this section, is prohibited, unless a vehicle is momentarily in the space for the purpose of allowing a person with a disability to enter or leave the vehicle, or unless special license plates or placard or temporary placard for a person with a disability is displayed on the vehicle. It is prohibited for any person to park a motor vehicle in a properly marked access aisle in a manner which prevents or reasonably could restrict a person with a disability from entering or exiting their vehicle or in such manner as it would block access to a curb cut or ramp.
- B. The registered owner of a vehicle parked in violation of the provisions of this section is guilty of an infraction, which is punishable by a fine of one hundred dollars (\$100). Vehicles parked in violation of this section may be towed pursuant to provisions of state law or local ordinance.

Where a peace officer has probable cause to believe a person other than the registered owner is guilty of the infraction under this section, the peace officer shall cite that person instead of the registered owner.

- C. City law enforcement officials are empowered to enter upon private property open to public use to enforce the provisions of this section.

11-2-11: DESIGNATION AS INFRACTION; APPLICABLE PROCEDURE; ISSUING CITATIONS; PENALTIES

- A. A violation of a provision of this Chapter is designated as an infraction, as that term is defined in Idaho Code section 18-111, and such infractions shall be prosecuted as contemplated by the Idaho Infraction Rules promulgated by the Idaho Supreme Court.
- B. An infraction under this Chapter may be issued by any peace officer having jurisdiction within City boundaries by issuing an Idaho Uniform Citation, in which he shall certify that he has reasonable grounds to believe and does believe that the person cited committed the infraction contrary to law.
- C. A peace officer may issue a citation under this Chapter by affixing an Idaho Uniform Citation to a vehicle that is parked in violation of a provision of this Chapter. Where a citation is affixed to a vehicle, the peace officer shall issue the citation to the registered owner of the vehicle. However, where a peace officer has probable cause to believe a person other than the registered owner parked the vehicle in question in violation of this Chapter, the peace officer shall cite that person instead of the registered owner.
- D. Peace officers are authorized to affix a citation to an illegally parked vehicle every two (2), or more, hours until the car is moved. This provision applies to any violation of this Chapter, including cars parked in spaces designated for a person with a disability.
- E. Except where specifically designated otherwise in this Chapter, any person who is found to have violated a provision of this Chapter shall be punished by a fine of twenty dollars (\$20).

Section 3: Directing the City Clerk

The City Clerk is directed to file, this Ordinance in the official records of the City and to provide the same to the City's codifier for inclusion and publication in the Kuna City Code as Chapter 2 of Title 11.

Section 4: Effective Date

This Ordinance shall take effect and be in force from and after its passage, approval, and publication as required by law and at the discretion of the City Clerk and in lieu of publication of the entire ordinance, a summary thereof in compliance with Section 50-901A, Idaho Code, may be published.

DATED this 7th day of January, 2020.

CITY OF KUNA



Joe L. Stear, Mayor

ATTEST:



Chris Engels, City Clerk

