

ORDINANCE NO. 92-05

AN ORDINANCE REGULATING PARKING ON FREMONT COUNT ROADWAYS AND DESIGNATED PARK AND SKI PARKING AREAS; PROVIDING DEFINITIONS; PROVIDING FOR PENALTIES; AND, ESTABLISHING THE EFFECTIVE DATE HEREOF:

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF FREMONT COUNTY, IDAHO, AS FOLLOWS:

Section I. VIOLATIONS: In the interest of providing for the public safety, snow removal, maintenance and free movement of traffic at all times and promoting the health and property and improving the comfort and convenience of the County and its inhabitants, it is hereby made unlawful, as follows:

A. For any owner or operator to stop, park, or leave a vehicle or trailer, whether attended or unattended, upon the public roadways and highways of Fremont County, Idaho;

B. For any owner or operator to stop, park, or leave a vehicle or trailer, whether attended or unattended, in any designated Park and Ski parking area, without lawfully obtaining and properly displaying a Park and Ski parking permit sticker.

Section II. DEFINITIONS:

A. "Vehicle" means 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.

B. "Trailer" means every vehicle with or without motor power designed for carrying persons or property, and for being drawn by a motor vehicle.

C. "Roadway" means that portion of a public highway improved, designed or ordinarily used for vehicular traffic, exclusive of a sidewalk, berm or shoulder even though such a sidewalk, berm or shoulder is used by persons riding bicycles or other human powered vehicles.

D. "Highway" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular traffic.

E. "Infraction" means a civil public offense which is not punishable by incarceration and for which there is no right to a

trial by jury or right to court appointed counsel and which is punishable by only a penalty not exceeding one hundred dollars (\$100.00) and no imprisonment.

F. "Prima Facie Evidence:" The fact that motor vehicle which is illegally parked under this ordinance is registered in the name of a person shall be considered prima facie evidence that such person was in control of the vehicle at the time of such parking.

G. "Park and Ski parking area" means any parking area lawfully designated and signed for parking by those owning and displaying Park and Ski parking permits and stickers in or upon the vehicle or trailer to be parked there.

H. "Park and Ski parking permits and stickers" are those parking permits and stickers issued and sold by the Parks and Recreation Department of the State of Idaho to citizens, to be displayed in or upon vehicles and trailers for parking in specially designated areas, while the recipients of those stickers are engaged in skiing, snowmobiling, or other winter recreational use, as authorized by law.

Section III. EXCEPTIONS:

A. Authorized emergency vehicles operated by any fire department or law-enforcement agency of the State of Idaho, or any political subdivision thereof, or municipality within, and emergency vehicles or ambulances of any public utility or public service corporation.

B. Authorized maintenance vehicles operated by any agency or department of the State of Idaho, or any political subdivision thereof.

C. This Ordinance 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 trailer in such position.

Section IV. PENALTY:

Any person who shall violate this ordinance shall be deemed guilty of an infraction, and upon conviction thereof shall be punished by a fine of not less than FIFTY DOLLARS (\$50.00) and not more than ONE HUNDRED DOLLARS (\$100.00). Citations shall be issued pursuant to the laws and court rules on infractions.

Section V. EFFECTIVE DATE:

This ordinance shall be in full force and effect from and after its passage, all as provided by law.

PASSED and APPROVED this 23 day of November, 1992.

Grant F. Chandler
GRANT CHANDLER, CHAIRMAN

ATTEST:

Mickie Funke
MICKIE FUNKE, CLERK

