



BOISE COUNTY ORDINANCE 2013-03

AN ORDINANCE MAKING IT A CIVIL INFRACTION TO PARK IN A "NO PARKING-TOW AWAY ZONE"

SECTION I. ENACTMENT. For purposes of public safety and the regulation of public roadways within Boise County, be it ordained by the Board of County Commissioners of Boise County, that an ordinance making it a civil infraction to park in a "No Parking - Tow Away Zone" as designated on or near roadways within Boise County.

SECTION II. REPEAL. This ordinance shall repeal and replace, in their entirety, the prior parking ordinances as designated in Boise County Ordinances 81-6 and 81-7.

SECTION III. SHORT TITLE. This ordinance shall be known as the Boise County Parking Ordinance.

SECTION IV. AUTHORITY. This ordinance is enacted pursuant to Idaho Code Sections 31-805 and 40-604.

SECTION V. DEFINITIONS.

- (a) "Infraction" means a non-criminal violation which is not punishable by incarceration and for which there is no right to a trial by jury or of a right to court appointed legal counsel.
- (b) "No Parking - Tow Away Zone" means any area in Boise County, Idaho so designated by the Board of County Commissioners or other authorized authority and marked as provided herein.
- (c) "Impounding Bailee" means any towing or wrecking service or the like, so employed by Boise County, or as designated by the Boise County Sheriff's office or Road Department, to remove vehicles unlawfully parked within Boise County, Idaho.
- (d) "Motor Vehicle" means any car, truck, trailer, boat, motorcycle, RV, ATV or UTV or any other vehicle or device that requires licensing from the Idaho Department of Transportation. Whether such motor vehicle is actually licensed by the Idaho Department of Transportation or another State transportation agency is immaterial. The list of vehicles requiring licensure by the Idaho Department of Transportation is what defines a "motor vehicle" for purposes of this ordinance.
- (e) "Penalty" means the penalty assessed for the commission of an infraction and is not considered a criminal punishment.
- (f) "Officer" means any full-time or reserve officer employed by the Boise County Sheriff, Idaho State Police, U.S. Forest Service, Bureau of Land Management or police officers from a municipality located within Boise County, Idaho or any other

law enforcement officer who works for a law enforcement agency within the State of Idaho that is covered by a joint powers or mutual aid agreement with the Boise County Sheriff's office.

SECTION VI. VIOLATION. It shall be an infraction and unlawful for a motor vehicle to be parked or be left or be found unattended in a posted or designated "No Parking - Tow Away Zone" in Boise County, Idaho. Violation of this ordinance shall also include violating any time restrictions for parking in designated areas.

SECTION VII. POSTING AND DESIGNATION. By resolution, the Boise County Board of County Commissioners shall designate areas within Boise County that shall be posted as "No Parking - Tow Away Zone" areas. In addition, the Boise County Road Department or the Boise County Sheriff's office, shall have the authority to temporarily or permanently designate and post certain areas within Boise County as "No Parking - Tow Away Zone" areas if; in the discretion of the Sheriff or the Road Department Supervisor, there is a public safety concern. Any "No Parking - Tow Away Zone" designation created by the Sheriff or the Road Department Supervisor shall be subject to cancellation by the Board of County Commissioners. Furthermore, the Idaho Department of Transportation, the U.S. Forest Service and the Bureau of Land Management shall also have the authority to designate "No Parking - Tow Away Zone" areas in specific locations within Boise County where such agencies have recognized or agreed upon jurisdiction.

SECTION VIII. MARKING. A "No Parking - Tow Away Zone" shall be marked in the following manner:

- (a) On all public roads within Boise County, parking shall be restricted by a sign(s) bearing one or more of the following legends stating:
 - (1) "No Parking on Pavement", or
 - (2) "No Parking except on shoulder", or
 - (3) "No Parking", or
 - (4) "Tow Away Zone"

Such signs shall have a red legend on a white background and shall be no less than 12" X 6" in dimension. Such signs may also include time limits or time restraints for parking or no parking.

- (b) All legends on signs listed above shall have their plain meaning and serve as notice of such.

SECTION IX. CITATION. When a motor vehicle is unlawfully parked in a "No Parking - Tow Away Zone", any officer may issue a citation or have the motor vehicle removed and impounded at the owner's expense, or both, however no citation shall be issued and no impoundment shall be made if a sign, with one of the legends listed in Section VIII above, is not within clear view from the parked motor vehicle.

SECTION X. IMPOUNDMENT AND RELEASE. When a citation has been issued and the motor vehicle has been impounded, such motor vehicle may not be released by the Impounding Bailee until such citation has been paid in full, to the Clerk of the District Court, or otherwise disposed of by the Court.

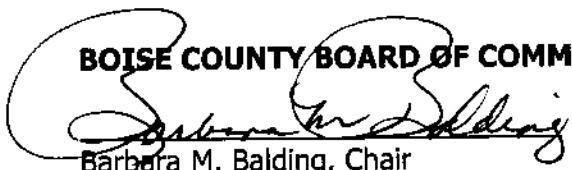
SECTION XI. REGISTERED OWNER LIABILITY. For purposes of this ordinance, the registered owner of the motor vehicle unlawfully parked, left or found unattended, shall be held liable for payment of any fines, towing expenses or impoundment fees, as applicable. Unless, however, the registered owner can prove that the motor vehicle was stolen or was used against the will of the owner. In such case, the person in control of the motor vehicle at the time of the illegal parking shall be held personally liable.

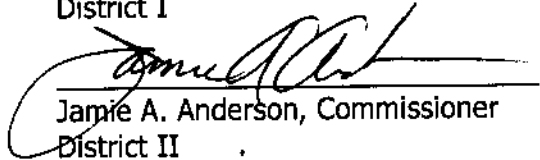
SECTION XII. SERVICE OF CITATION. Service of the citation upon the registered owner or person in control of the motor vehicle shall be deemed complete upon the officer hand delivering the citation or by leaving a copy of the citation on or with the motor vehicle. It shall be no defense to this violation to claim a lack of proper service.

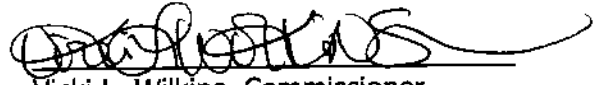
SECTION XIII. PENALTY. When a citation has been issued for an unlawfully parked motor vehicle, the penalty shall be a fine of seventy five dollars (\$75.00). The liable party shall also be subject to any applicable court costs, fees, towing expenses and impoundment costs.

Passed and adopted by the Boise County Board of Commissioners, State of Idaho, on this 1st day of October, 2013.

BOISE COUNTY BOARD OF COMMISSIONERS


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