

5-2-4: DEPOSIT OF SNOW, ICE, ROCKS OR DEBRIS:

- A. Unlawful Act: It is unlawful for any operator of snow removal equipment or the owner of any land upon which snow removal equipment is operated to place or otherwise permit, sanction, approve or cause the placement of any snow onto public property or right-of-way upon its removal from privately owned land or for any person to deposit, cause to be deposited, thrown upon or move onto any public property or right-of-way any ice, dirt, soil, rocks or debris which has accumulated on any private property, that constitutes a safety hazard or impedance to City workers, and/or the general public.
- B. Penalty: Any violation of this section shall be a misdemeanor punishable by a fine not to exceed three hundred dollars (\$300.00). (Ord. 464, 11-12-2002)
1. At the discretion of the charging officer, a civil citation may be issued which is punishable by a civil penalty in an amount established by resolution of the City Council. (Ord. 580, 3-13-2018)

6-1-3: PARKING:

- A. No Parking Zones: There shall be no parking of any vehicles during prohibited periods listed in subsection B of this section on Maine Street from the west City limits to 5th Avenue, inclusive.
- B. Dates; Hours:
1. Prohibited calendar dates shall be from November 1 through March 31.
 2. Prohibited hours shall be from two o'clock (2:00) A.M. through six o'clock (6:00) A.M., inclusive.
- C. Snow Removal; Obstruction Prohibited: It shall be illegal for any vehicle to be parked in such a manner so as to inhibit snow removal operations after notification to the owner/operator by a City employee or official.
- D. Sign Placement: The Police Department is authorized to cause the placement of the appropriate signs or barricades designating prohibited parking. (Ord. 506, 1-9-2007)

E. Penalty:

1. Violations:

- a. A violation of any of the parking provisions set out in this Code shall be an infraction unless another penalty is provided by State law, and, upon being found to have violated a traffic provision of this Code, shall be penalized as allowed by State law.
- b. A violation of any of the parking provisions set out in this Code shall be punishable by a civil penalty in an amount established by resolution of the City Council as set forth in and enforced pursuant to subsection E2 of this section.
- c. Nothing in this subsection E shall limit the ability of the City to impound vehicles.

2. Charges For Violation:

- a. Any person violating any of the parking provisions set forth in this Code may be assessed a civil penalty for each violation. The civil penalties for each violation shall be established by resolution of the City Council.
- b. Any police officer observing any parking violation may issue a ticket describing such violation and the charge assessed for the violation to the person committing the violation. The ticket shall be payable to the City of Spirit Lake within ten (10) days of the violation. Failure to pay the civil assessment set forth on the parking ticket shall result in further action being taken by the City as set forth in subsection E4 of this section.

3. Vehicle Ownership As Evidence:

- a. In any prosecution against the registered owner of a motor vehicle charging a violation of any regulation governing the standing or parking of a vehicle under any ordinance of the City of Spirit Lake, proof that the particular vehicle described in the complaint was parked in violation of any such ordinance, together with proof that the defendant named in the complaint was, at the time of parking, the registered owner of the vehicle, shall constitute prima facie evidence 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. For the purposes of this subsection, proof that a person is the registered owner of a vehicle is not prima facie evidence that the registered owner has violated any other provision of law. Proof of a written lease or of rental agreement for a particular vehicle described in the complaint on the date and time of the violation, which lease or rental agreement includes the name and address of the person to whom the vehicle is leased or rented, shall rebut the prima facie evidence that the registered owner was the person who parked or placed vehicle at the time and place where the violations occurred.
- b. In any prosecution against the lessee or renter of a motor vehicle charging a violation of any regulation governing the standing or parking of a vehicle under any ordinance of the City of Spirit Lake, proof that the particular vehicle described in the

complaint was parked in violation of any provision of the ordinance, together with proof that the defendant named in the complaint was, at the time of parking, the lessee or renter of the vehicle, shall constitute prima facie evidence that the lessee or renter 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. For the purposes of this subsection, proof that a person is the lessee or renter of a vehicle is not prima facie evidence that the lessee or renter has violated any other provision of this law.

- c. Any charge under such ordinance shall be dismissed when the person charged has made a bona fide sale or transfer of the vehicle, has delivered possession thereof to the purchaser, and has complied with the requirements of chapter 4, title 49 of the Idaho Code prior to the date of the alleged violation and has advised the court of the name and address of the purchaser and the date of the sale.

4. Failure To Pay Civil Penalty For Parking Violation:

- a. In the event any person fails or refuses to pay the civil penalty assessed for a parking violation, the City shall take such action as is necessary for collection of the civil assessment.
- b. Collection actions may include, but are not limited to, initiating collection procedures via a debt collection service, filing a civil lawsuit for collection of the unpaid penalty (ies) and, subject to subsection E4c of this section, filing a misdemeanor complaint. Provided, further, the City shall be entitled to all fees, costs, and attorney fees incurred in the collection of such fees and, upon entry of judgment, the City shall have each, every, and all rights of enforcement of a judgment as provided by Idaho Code.
- c. The failure to pay four (4) or more civil penalties assessed for a parking violation shall constitute a misdemeanor unless an infraction penalty is either specifically provided for such violation or necessitated by operation of law. Any person convicted of a misdemeanor under this subsection E shall be punished by a fine of not more than one thousand dollars (\$1,000.00), or by imprisonment not to exceed one hundred eighty (180) days, or by both such fine and imprisonment.

5. Appeal:

- a. A person wanting to file an appeal for a parking violation shall file a written notice of appeal, on a form approved by the City Council, within ten (10) calendar days of the issuance of the civil assessment (parking ticket).
- b. The Mayor or the Mayor's designee shall review the written appeal and shall issue a written determination within fifteen (15) days of the filing of the notice of appeal.
- c. If the appeal is denied, the parking ticket shall be deemed valid and a written determination, setting forth the reasons for the denial, shall be forwarded to the appellant at the address set forth in the notice of appeal. The appellant shall then be required to pay the civil assessment by the due date set forth in the written denial of appeal. Failure to pay the assessment shall subject the appellant to the collection procedures set forth in subsection E4 of this section.

- d. If the appeal is granted, the parking civil assessment shall be voided, and the appellant shall not be required to take further action. (Ord. 577, 1-19-2018)