

**ORDINANCE NO. 2021-36**  
**CITY OF KUNA, IDAHO**

**AN ORDINANCE OF THE CITY COUNCIL OF KUNA, IDAHO**

- **AMENDING SECTION 3 OF CHAPTER 2 OF TITLE 11 KUNA CITY CODE “PURPOSE” TO INCLUDE REGULATION OF CITY PARKING LOTS; AND**
- **AMENDING SECTION 4 OF CHAPTER 2 OF TITLE 11 KUNA CITY CODE “SCOPE” TO INCLUDE CITY PARKING LOTS; AND**
- **AMENDING SECTION 5 OF CHAPTER 2 OF TITLE 11 KUNA CITY CODE BY THE ADDITION OF A NEW DEFINITION “CITY PARKING LOT”; AND**
- **AMENDING CHAPTER 2 OF TITLE 11 KUNA CITY CODE BY THE ADDITION OF A NEW SECTION 11 PROVIDING FOR CITY PARKING LOT REGULATIONS AND FEES; AND**
- **AMENDING AND RECODIFYING EXISTING SECTION 11 OF CHAPTER 2 OF TITLE 11 KUNA CITY CODE AMENDING BY THE ADDITION THERETO OF A NEW SUBSECTION (F) PROVIDING FOR IMPOUNDING OF UNLAWFULLY PARKED VEHICLES AND RECODIFYING TO SECTION 12 OF 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 section 3 of chapter 2 of title 11 Kuna City Code is hereby amended to read as follows:**

**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 and to regulate parking upon City parking lots.

**Section 2: That section 4 of chapter 2 of title 11 is hereby amended to read as follows:**

**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 and upon City parking lots.

**Section 3: That section 5 of chapter 2 of title 11 is hereby amended to read as follows:**

### **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.

**CITY PARKING LOTS:** Unless otherwise expressly provided, the term "city parking lots," or any derivation thereof used in this chapter, shall mean any City-owned or maintained off-street parking facility including facilities, or portions thereof, leased from, or licensed by, the City for parking purposes.

**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.

**Section 4: Amending Chapter 2 of Title 11 Kuna City Code by the addition of a new section 11 to read as follows:**

**11-2-11 CITY PARKING LOTS REGULATIONS AND PERMIT FEES.**

A. No person shall park any vehicle on any City parking lot:

- 1) For more than the posted time limit applicable to such parking space in any single day unless the vehicle owner or driver has been issued a permit by the City provided such permit is displayed and said vehicle is parked in accordance with the permit regulations and requirements.
- 2) In any space designated for "permit" or "employee" parking.
- 3) The City Clerk or the Department Director, who has jurisdiction over any City Parking Lot, is authorized to promulgate parking permit regulations and fees governing a City Parking Lot under their jurisdiction, subject to the following:
  - (a.) compliance with any relevant the public hearing and notice as required by law for the establishment of fees.
  - (b.) City employees shall not be required to pay for permits fees to park while engaged in their employment duties.
  - (c.) Approval of by City Council.
- 4) In violation of the provisions of this Chapter

**Section 5: Recodifying and Amending section 11 of chapter 2 of title 11 Kuna City Code to read as follows:**

**11-2-112: DESIGNATION AS INFRACTION; APPLICABLE PROCEDURE; ISSUING CITATIONS; PENALTIES AND IMPOUNDING UNLAWFULLY PARKED VEHICLES**

- 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).
- F. **IMPOUNDING UNLAWFULLY PARKED VEHICLES:** All police officers and traffic control officers of the City are authorized and empowered to remove or cause to be removed all vehicles parked, caused to be parked or left parked upon any street or City parking lot or area contrary to the provisions of this chapter, or illegally parked, and to store the vehicle, and the owner or operator of the vehicle shall be liable for any reasonable towing and storage charges

## Section 6: 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.

## Section 7: 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 \_\_\_\_ day of \_\_\_\_\_, 2021

CITY OF KUNA

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Joe L. Stear, Mayor

ATTEST:

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Chris Engels, City Clerk

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Department Parking Lot 9.10.2021 JH.docx