

STAFF REPORT

To: Town of Alta Town Council

From: Cameron Platt

Date: November 2, 2022

Re: Parking Amendments

The proposed amendments to Title 6 “Parking, Parking and Traffic” are necessary to enforce the winter parking plan and year round parking regulations. The proposed changes designate the registered owner of a vehicle as the presumptive responsible party. In addition, the amendments add fine amounts to year round parking regulation violations.

Enforcement Concerns

The Alta Marshal’s Office enforces parking violations as criminal citations under Town Code.¹ This current code language is problematic because the Town cannot hold a vehicle responsible for a criminal act. The amendments to the Parking Code add a section that designates a vehicle’s registered owner as the person responsible for the vehicle and thus subject to citation. The owner may avoid the fines under the amended language if they provide the name of the actual vehicle operator to the Town. This language is consistent with other municipalities’ parking regulations.

Parking Fines and Enforcement

The proposed amendments remove the designation of parking violations as criminal acts and simply reference Alta Town Code 1-4-1 which allows both criminal AND civil enforcement.² The civil enforcement of the winter permit parking is contracted to Interstate Parking to include fee collection and processing of any appeals. Any appeal that was not resolved through Interstate’s process will be subject to appeal to the Town Council. Town staff anticipate bringing a standardized appeal process to the Council in January that will cover all civil code enforcement appeals.

The fines for year round parking violations are listed on the Town’s bail schedule and are processed through the Justice Court. The amendments list fine amounts for the year round parking regulations so that parking violations may be enforced as civil violations. The amounts in the draft amendment are consistent with other canyon municipalities civil parking fines.

Conclusion

The Town staff recommends that the Council adopt the draft ordinance as proposed but will readily assist the Council during the meeting (or before the meeting) to prepare any amendments that the Council chooses.

¹ Alta Town Code § 6-1-3(C).

² Alta Town Code § 6-1-3(A).

Town of Alta

ORDINANCE NO. 2022-O-6

AN ORDINANCE AMENDING TITLE 6 “VEHICLES, PARKING AND TRAFFIC,” CHAPTER 1 “GENERAL PROVISIONS,” TO DESIGNATE LIABILITY TO VEHICLE OWNERS AND SET THE FINES FOR PARKING VIOLATIONS.

WHEREAS, the Alta Town Council ("Council) previously enacted parking regulations including a winter permit parking plan; and

WHEREAS, the Town of Alta (“Town”) continues to experience problems from vehicle parking near or on public roads, particularly in winter and during snowstorms; and

WHEREAS, the Town Code authorizes a civil code enforcement process to regulate vehicle parking; and

WHEREAS, after careful consideration, the Council has determined that such amendments are in the best interest of the health, safety and of the present and future inhabitants of the Town of Alta; and

NOW, THEREFORE, BE IT ORDAINED by the Alta Town Council that:

Section 1. Amendment. Title 6 “Vehicles, Parking and Traffic,” Chapter 1 “General Provisions,” of the Alta Code of Ordinances is hereby amended as set forth in Exhibit 1.

Section 2. Effective Date. This ordinance shall go into effect upon publication.

PASSED AND APPROVED this 9th Day of November, 2022.

TOWN OF ALTA

By: _____
Roger Bourke, Mayor

ATTEST:

Jen Clancy, Town Clerk

Exhibit A – Title 6, Chapter 1.

Certification

Ordinance/summary published on Utah state noticing website on November 10, 2022

Effective date of ordinance: November 10, 2022

EXHIBIT 1

Title 6 VEHICLES, PARKING AND TRAFFIC

6-1-1 : Traffic Code Adopted By Reference

6-1-2 : Travel Restrictions During Winter Driving Conditions

6-1-3 : Parking And General Regulations

6-1-4 : Bicycle Operation

6-1-1 : TRAFFIC CODE ADOPTED BY REFERENCE:

Except insofar as the application thereof is clearly impractical or inappropriate, in view of the context of purposes or penalty as provided, all of the definitions, requirements, regulations, prohibitions, provisions and sections of the Utah traffic code (Utah Code Annotated title 41), as amended, are hereby adopted by the town. Any and all violations thereof shall be considered violations of this chapter, and each such violation shall subject the violator thereof to penalty provisions as provided in section 1-4-1 of this code, unless otherwise provided by state statute. (2010 Code)

6-1-1.2 : LIABILITY

The fact that an automobile is parked in violation of Town Code shall be sufficient to constitute a rebuttable presumption that the registered owner was in control of the automobile at the time it was parked.

6-1-2 TRAVEL RESTRICTIONS DURING WINTER DRIVING CONDITIONS:

A. Authority To Impose Travel Restrictions: During winter driving conditions, the town marshal, or designated deputy marshal, Salt Lake County sheriff, or designated deputy, or an authorized representative from the state department of transportation, may order travel restrictions on motor vehicles such that any vehicle which is not equipped with four (4) wheel or all-wheel drive capability, or which does not have its tires adequately chained, shall not enter upon any public right of way until the travel restriction has been lifted.

B. Notice To Motorists: Prior to imposing the travel restrictions set forth in subsection A of this section, the town marshal, or deputy, shall cause to be activated signs which shall notify motorists of the said restrictions. Said signs shall be installed by the state department of transportation and shall comply with its regulations. (Ord. 2000-O-2, 6-15-2000)

6-1-3 : PARKING AND GENERAL REGULATIONS:

A. Signs; Erection: The town council may authorize or direct any person employed by the town to erect or install any sign or traffic control device required to enforce the provisions of this section. (1980 Code § 11-342)

B. Properly Posted Areas: It shall be an infractiona violation, subject to penalty as provided in section 1-4-1 of this code, to park or leave standing at any time a "motor vehicle", as defined in the state traffic code, as adopted by the town, in any place when properly posted, except when necessary to avoid interference with other traffic or in compliance with the directions of a police officer or traffic control device. (1980 Code § 11-343; amd. 2010 Code)

C. Blocking Streets Or Highways: In addition to the parking provisions contained in the state traffic code, as adopted by the town, it shall be a class-B misdemeanor, violation, subject to penalty as provided in section 1-4-1 of this code, for any person to: (1980 Code § 11- 341; amd. 2010 Code)

1. Remain standing, lying or sitting on any street or highway in such a manner as to obstruct the free passage of vehicular or pedestrian traffic thereon.

2. Wilfully remain standing, lying or sitting on any street or highway in such manner for more than one minute after being requested to move by any police officer.

3. Wilfully remain on such street or highway in such manner as to obstruct the free passage of any person or vehicle into or out of any property abutting upon the street or highway or any property having access to such street or highway. (1980 Code § 11-341)

D. Unlawful Parking:

1. Parking At Curb: No motor vehicle shall be parked with the left side of the vehicle next to the curb, except on one-way streets. It shall be unlawful to stand or park any motor vehicle in a street other than parallel with the curb and with the two (2) right wheels of the vehicle within twelve inches (12") of the regularly established curb line, except on those streets which have been marked for angle parking; then vehicles shall be parked at the angle to the curb indicated by such marks.

2. Vehicles For Sale: It shall be unlawful to park any vehicle on any street for the purpose of displaying it for sale, or to park any vehicle from which merchandise is peddled on any business street.

3. Loading Zone: When so posted, it shall be unlawful for the driver of a passenger vehicle to stand or park such vehicle for a period of time longer than is permitted by the posted sign for the loading or unloading of passengers, or for the driver to stand or park any freight carrying motor vehicle for a period of time longer than is necessary to load, unload and deliver materials in any place designated as a loading zone and marked as such.

4. Parking Prohibited: It shall be unlawful for any person, except physicians on emergency calls or designated emergency vehicles, when properly posted, to park any motor vehicle on any street in violation of the posted restrictions.

5. Alleys: No person shall park a motor vehicle within an alley in such manner or under such conditions as to leave less than ten feet (10') of the width of the roadway available for the free movement of vehicular traffic. No person shall stop, stand or park a vehicle within an alley in such a position as to block the driveway entrance to any abutting property.

6. Cab Stands; Bus Stands: No motor vehicle other than a licensed taxicab shall be parked in any area designated by ordinance as a taxicab stand and no vehicle other than a bus shall be parked in a place so designated as a bus loading zone.

7. Time Limit; Impoundment: It shall be an infractions violation, subject to penalty as provided in section 1-4-1 of this code, for any person to park or leave standing on any public road, street, alley or town property any motor vehicle for forty eight (48) or more consecutive

hours, and any vehicle so parked or left standing may be impounded or removed by the town marshal. For purposes of impoundment and removal, the town marshal may impound and remove any motor vehicle which reasonably appears to have remained unmoved for forty eight (48) consecutive hours. The cost of impoundment and removal shall be charged to the owner or any person who claims the impounded motor vehicle.

8. Real Property Owner To Regulate Traffic: Nothing in this subsection shall be construed to prevent the owner of real property, used by the public for purposes of vehicular travel by permission of the owner and not as a matter of right, from prohibiting such use, or from requiring other, or additional conditions specified in this subsection, or otherwise regulating such use as may be deemed best to such owner.

9. Driving To Conform To Existing Conditions: Every person driving a vehicle or riding a bicycle on a street or alley shall operate the same at a speed and in a manner which is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing, and every driver of a vehicle, in compliance with legal requirements and the duty to use due care, shall use every reasonable means to avoid endangering or colliding with any person, vehicle or other.

10. Marshal Or Deputy To Move Vehicle Illegally Parked: Whenever the town marshal or any deputy finds a vehicle parked or standing in violation of any of the provisions of this subsection, such office is hereby authorized to move such vehicle, or require the driver or other person in charge of the vehicle to move the same.

11. Leaving Vehicle Unattended In Specified Areas: No person will stop and leave his vehicle unattended in any of the following places:

- a. At any place where official signs or traffic markings prohibiting stopping, standing or parking exist.
- b. On the south side (downhill side) of the state highway running through the town between the hours of twelve o'clock (12:00) midnight to seven o'clock (7:00) A.M.

12. Parking Not To Obstruct Traffic: No person shall park any vehicle upon a street in such a manner or under such condition as to leave available less than ten feet (10') of the width of the roadway for free movement of vehicular traffic.

13. Utilizing Street For Storage: No person who owns or has possession, custody or control of any vehicle shall park said vehicle upon any street or alley for more than seven (7) consecutive days.

14. Collision With Unattended Vehicles Or Objects: The driver of any vehicle which collides with any vehicle or object which is unattended shall immediately stop and shall then and there either locate and notify the operator or owner of such vehicle or object of the name and address of the driver and owner of such vehicle striking the unattended vehicle, or shall leave a written notice firmly attached in a conspicuous place in or on the vehicle or object struck, giving the name, address and telephone listing, if any, of the driver and of the owner of the vehicle doing the striking.

15. Vehicles To Be Moved After Snowfall: Every person with a vehicle parked on the

streets or public parking areas of the town must move such vehicle after every snowfall, if requested to do so by the town marshal or deputy. Such vehicles must be moved within twelve (12) hours of this notification. In the event that the owner or operator of such vehicle cannot be located, then said vehicle may be impounded in accordance with subsection E3 of this section. The town marshal or deputy is hereby given specific authority to require such vehicles to be moved into an area designated as a "no parking" zone and to further require that said vehicles be removed from the "no parking" zone within a designated period thereafter.

16. Moving Or Defacing Parking Control Signs: It shall be unlawful under this chapter for any person to remove, relocate, change, alter or deface any signs, barriers or other structures, whether of a temporary or permanent nature, placed under the authority of the town marshal or deputy for the purpose of traffic control and the regulation of parking upon the streets or public parking areas of the town. (1980 Code § 11-344; amd. Ord. 2009-O-1, 5-14-2009; 2010 Code)

E. Parking Restrictions:

1. It shall be unlawful to:

a. Leave a vehicle unattended in areas marked "no parking" or on the south side of State Highway 210 from twelve o'clock (12:00) midnight to seven o'clock (7:00) A.M., between November 1 and May 1. (Ord. 1997-O-2, 1-9-1997; amd. 2010 Code)

b. Leave a vehicle unattended in a manner which obstructs traffic. An unobstructed width of highway shall be maintained opposite any standing, unattended vehicle for free passage of other vehicles and a clear view of such unattended vehicle shall be available from a distance of two hundred feet (200') in each direction.

c. Leave a vehicle unattended for more than seven (7) consecutive days.

d. Fail to move an unattended vehicle within twelve (12) hours of a snowstorm which deposits twelve inches (12") or more of snow.

e. Leave any vehicle unattended on the north side of State Highway 210 which is not parked within five feet (5') of any existing snowbanks, which snowbanks shall be determined by both sign placements and flag placements as established by employees of the state department of transportation.

f. Fail to remove snow from the surface of all motor vehicles parked on State Highway 210 within twelve (12) hours of any snowfall. In addition, within the same twelve (12) hour period, a path of at least two feet (2') in width shall be cleared around any such parked vehicle in a manner which allows access to it. Snow shall be cleared off of a parked vehicle so that license plates can be clearly identified.

g. Leave any motor vehicle unattended within the town between November 1 and May 1 which is not equipped with snow tires or chains on the tires providing the power from the drive train. (Ord. 1997-O-2, 1-9-1997)

2. Violations of this subsection shall be ~~an infraction~~, subject to penalty as provided in section 1-4-1 of this code. (Ord. 1997-O-2, 1-9-1997; amd. 2010 Code)

3. In addition to citing a vehicle under this subsection, any peace officer who finds a vehicle in violation of this subsection may move the vehicle, cause the vehicle to be moved, or require the driver or other person responsible for the vehicle to move the vehicle to a safe position off the highway. A peace officer who causes to be removed a vehicle under this section shall have the vehicle removed by a tow truck service which meets standards established by the state department of transportation. (Ord. 1997-O- 2, 1-9-1997)

F. Enforcement: The town of Alta may designate parking enforcement personnel to enforce town parking regulations and assist with parking and traffic management under the supervision of the marshal for enforcement of this chapter. The marshal may delegate to such parking enforcement personnel the authority to enforce any regulations and restrictions contained in this section. (Ord. 2011- O-4, 11-10-2011)

6-1-4: BICYCLE OPERATION:

A. Regulations: It shall be unlawful for any person to operate a bicycle except on established trails on which bicycle use has not been prohibited through signage. Persons operating bicycles shall be subject to the same speed limits as other vehicles on all roads and trails. If there is not a posted speed limit, the maximum speed limit shall be fifteen (15) miles per hour. All persons operating bicycles shall slow to five (5) miles per hour when passing others on trails or when approaching blind turns and must yield to pedestrians at all times. No person shall operate a bicycle off trail. No person operating a bicycle shall operate the bicycle in a manner in which to annoy, endanger, frighten, harass, or otherwise disturb other bikers, hikers and visitors. (Ord. 1994-O-5, 8-11- 1994)

B. Penalty: A violation of this section shall be a criminal infraction, subject to penalty as provided in section1-4-1 of this code. (Ord. 1994-O-5, 8-11-1994; amd. 2010 Code)

6-1-5 FINES

The fine for a violation of this Chapter is as follows:

<u>Vehicle/Parking Violations:</u>	<u>6-1-3(C)</u>	<u>\$75.00/per violation; or</u> <u>\$150 if not paid within 10</u> <u>days;</u>
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