

## Chapter 10-11

### PARKING

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#### Section 10-11-01 LEGAL AUTHORITY

Idaho Code Sections 50-302, 50-314 and 49-208 authorize the City, to regulate, limit and control traffic and parking within its boundaries.

#### Section 10-11-02 PURPOSE

The purpose of the regulations and standards established within this Chapter is to ensure

adequate on-street parking is provided and maintained throughout the City. These regulations are intended to: relieve congestion; provide for the safe and orderly movement of traffic throughout the City; protect the integrity of neighborhoods which are experiencing heavy concentrations of vehicles parking from persons coming from outside of these areas through the use of residential and special parking districts permit systems; reduce air and noise pollution; promote business and industry through providing adequate parking; and to balance the needs of construction companies staging necessary vehicles, equipment and apparatus at construction sites with the needs of the general public and business for the use of on-street parking spaces through a temporary use permit system.

### **Section 10-11-03 SCOPE**

This Chapter sets forth policies, standards, requirements, and procedures applicable to standing, stopping and parking within the City, including but not limited to, temporary use parking permits, and residential and special parking district permits.

### **Section 10-11-04 DEFINITIONS**

For the purposes of this Chapter, the following terms, phrases, words, and derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. Words used throughout this Chapter, but not defined herein, shall have their plain, ordinary, and common meaning. Words in any gender shall apply to the feminine, masculine and neuter genders.

- A. **Accessible Parking Space:** A parking space which is specifically marked and signed as reserved for a person with a disability who has and displays an accessible parking placard or plates issued by the Idaho Department of Transportation pursuant to Idaho Code Section 49-410.
- B. **Alley:** A public way of limited use intended only to provide access to the rear or side of lots or buildings.
- C. **Bike Lane:** The portion of a roadway designated for preferential or exclusive use by bicycles which is distinguished by a painted strip and other pavement markings from that portion of the roadway to be used by motor vehicles.
- D. **Bike Path:** A physically separated route which is set aside and designated primarily for use by bicycles and pedestrians. As used herein, this term shall include both the paved surface and a minimum of two feet (2') on either side of the pavement's edge.
- E. **Bike Path Approach:** The area where a transition is made between a roadway, parking lot, sidewalk or other facility and a bike path. This area is generally identified by wooden bollards, pavement markings and a parking prohibition.
- F. **Bike/Pedestrian Curb Ramp:** A break in a curb designated to facilitate movement by a

bicyclist, pedestrian or a person with a disability from a street or parking lot to a sidewalk or bicycle facility.

- G. **Boise City Accessible Parking Committee:** The committee established under Boise City Code Title 2, Chapter 25, which is empowered to provide information and recommendations to the Parking Services Office relating to issues of accessible on-street parking.
- H. **Block Face:** The side of a city block between two other streets or boundaries of standard geographic areas.
- I. **City:** The City of Boise City, Idaho.
- J. **City Clerk's Office:** The Office of the City Clerk of the City or its designee.
- K. **City Park:** Any and all lands, buildings, reserves, sports complexes, swimming pools, golf courses, trails, the Boise River Greenbelt, and other places that are owned, operated or maintained by the City, and are delineated generally in the publication known as the Department of Parks and Recreation Map, or specifically in the Inventory of Park Properties at the office of the Director of the Department of Parks and Recreation for the City.
- L. **City Parking Facility:** A parking lot or parking structure owned, leased or operated by the City.
- M. **Person with a Disability:** A person who is: a) physically needs to use a wheelchair; b) a person who is physically unable to walk two hundred feet (200') without the assistance of another person or cane, walker, crutches, prosthetic, or other aid device; or c) a person who is physically unable to walk two hundred feet (200') without great difficulty or discomfort due to neurological, orthopedic, respiratory, cardiac or arthritic impairment, or blindness or the loss of function or absence of a limb.
- N. **Driver:** See "Operator" definition herein. The terms are interchangeable.
- O. **Highway:** The entire width between the boundary lines of every public way for vehicular travel use, 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.
- P. **Obstruction:** Any obstacle, person, or thing impeding or rendering dangerous public travel upon and along a street, alley or sidewalk.
- Q. **Operator:** A person who drives, operates or is in actual physical control of a vehicle.
- R. **Motor Vehicle:** Every vehicle which is self-propelled, but excludes all vessels which are solely solar or human-powered, and electric or motorized personal assistive mobility

devices and wheelchairs.

- S. **Park or Parking:** The stopping or 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.
- T. **Parking Services Office:** The Boise City Parking Services Office, or its designee.
- U. **Person:** Any individual, partnership, association, corporation, or organization of any kind, or any governmental entity, including the state of Idaho and every political subdivision thereof.
- V. **Residential Parking District:** A geographical area of residential streets which are designated by resolution of the Boise City Council for the purpose of managing parking issues specific to such area. Residents and businesses located within such designated area may apply for and, if qualified, receive special parking permits which exempt their associated vehicle(s) from the parking time restrictions otherwise enforced in such area.
- W. **Roadway:** The portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of sidewalks, shoulders, berms and rights-of-way.
- X. **Safety Zone:** The area or space officially set apart within a highway for the exclusive use of pedestrians and which is protected or is so plainly visible at all times while set apart as a safety zone.
- Y. **Sidewalk:** The portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for use by pedestrians.
- Z. **Special Parking District:** A subset of a residential parking district which utilizes separate parking permits and has stricter parking limitations than the rest of the residential parking district.
- AA. **Stopping or Standing:** The complete cessation of movement of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of law enforcement, authorized personnel representing an entity with jurisdiction, or an official traffic control device.
- BB. **Street:** See “Highway” definition herein. The terms are interchangeable.
- CC. **Traffic-control Device:** Any marker, sign, signal or other manually, electrically or mechanically operated device placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.
- DD. **Vehicle:** Every vessel 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 10-11-05 STOPPING, STANDING OR PARKING PROHIBITED IN SPECIFIED PLACES**

Except when necessary to avoid conflict with other traffic, or to comply with the law, the directions of a law enforcement officer or an official traffic control device, no person shall:

- A. Stop, stand or park a vehicle:
1. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
  2. On a sidewalk;
  3. Within an intersection;
  4. On a crosswalk;
  5. On a bike lane or bike path;
  6. Within twenty feet (20') of a bike path approach;
  7. Between a safety zone and the adjacent curb or within thirty feet (30') of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings;
  8. Alongside or opposite any street excavation or obstruction when doing so would obstruct traffic;
  9. Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
  10. On any railroad track;
  11. At any place where a traffic-control device prohibits or limits such stopping, standing or parking;
  12. On the same block face after the expiration of the posted time limit on a traffic control device during the remainder of that calendar day;
  13. Along any yellow or red painted curb; or
  14. Along any blue painted curb without a valid accessible parking placard or plates.
- B. Stop, stand or park a vehicle, unless driver occupied, except momentarily to pick up or discharge a passenger:
1. In front of a public or private driveway;
  2. Within fifteen feet (15') of a fire hydrant;
  3. Within twenty feet (20') of a crosswalk or a bike/pedestrian curb ramp, except at an intersection where a traffic control signal is in operation, or in a parking meter zone;
  4. Within thirty feet (30') upon the approach to any flashing signal, stop sign, yield sign or traffic control signal located at the side of a roadway;
  5. Within twenty feet (20') of the driveway entrance to any fire station, and on the side of a street opposite the entrance to any fire station within seventy-five feet (75') of said entrance when properly sign-posted; or
  6. At any place where traffic-control devices prohibit such stopping, standing or parking.
- C. Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers:

1. Within fifty feet (50') of the nearest rail of a railroad crossing; or
2. At any place where traffic-control devices prohibit such parking.

**Section 10-11-06 STANDING OR PARKING CLOSE TO CURB**

- A. Except as otherwise provided in this Chapter, every vehicle stopped or parked upon a two-way street shall be stopped or parked with the right-hand wheels of the vehicle parallel to and within eighteen inches (18") of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder.
- B. On one-way streets, every vehicle shall stop or park parallel to the curb or edge of the roadway in the direction of authorized traffic movement, with its right-hand wheels within eighteen inches (18") of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder, or with its left-hand wheels within eighteen inches (18") of the left-hand curb or as close as practicable to the left edge of the left-hand shoulder.

**Section 10-11-07 ANGLE PARKING**

On those streets which have been signed or marked for angle parking, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by such markings.

**Section 10-11-08 PARKING NOT TO OBSTRUCT FLOW OF TRAFFIC**

No person shall stop, park or leave standing any vehicle, whether attended or unattended, upon a highway in such a manner or under such conditions as to leave less than twelve feet (12') of the roadway unobstructed.

**Section 10-11-09 PARKING IN ALLEYS**

No person shall park a vehicle within an alley, except while actively engaged in the loading or unloading of passengers, supplies or merchandise. In no case shall the stop for loading or unloading exceed thirty (30) minutes.

**Section 10-11-10 EXTENDED PARKING PROHIBITED**

No person shall park a vehicle upon any street, alley or public property for a period of seventy-two (72) hours or longer unless specifically allowed by permit.

**Section 10-11-11 PARKING TRAILERS, CONTAINERS, DROP BOXES AND OTHER NON-VEHICULAR ITEMS UPON ON-STREET PARKING SPACES**

Unless specifically allowed by permit issued by the Ada County Highway District or other entity with jurisdiction, no person shall stop, stand, park or deposit a trailer, shipping container, storage container, drop box or any other non-vehicular item in an on-street parking space:

- A. For a period longer than seventy-two consecutive(72) hours;
- B. In a manner that impedes or renders dangerous the movement of vehicular or pedestrian traffic; or

- C. Between sunset and sunrise without reflective devices attached on the edge or side of the non-vehicular item nearest the center of the street. The reflective device must be visible for a distance of two hundred feet (200') from either direction from the trailer, container, drop box or other non-vehicular item.

**Section 10-11-12      PARKING OF OVERWEIGHT COMMERCIAL VEHICLES IN RESIDENTIAL DISTRICTS PROHIBITED**

No person shall park any commercial vehicle having a gross weight capacity in excess of eight thousand (8,000) pounds, whether attended or unattended, upon the streets of any residential district within the City for a period in excess of two (2) hours, except:

- A. For the purpose of loading or unloading passengers, materials or merchandise;
- B. For any purpose incident to any lawful construction project located within the immediate vicinity of the parked commercial vehicle; or
- C. For any purpose incident to a lawful commercial operation located in any residential district within the immediate vicinity of the parked commercial vehicle.

**Section 10-11-13      PARKING WITHIN CITY PARKS**

- A. No person shall stop, stand, or park a vehicle within a city park:
  - 1. In any location other than the established or designated parking area;
  - 2. In any place or manner not in compliance with authorized signs;
  - 3. Beyond the city park's hours of operation, except by permit in designated areas;
  - 4. Upon the grass or turf, except wheelchairs or by permit in designated areas;
  - 5. In any place or manner that blocks or re-routes or redirects the regular flow of vehicular, pedestrian, or bicycle traffic;
  - 6. Outside the designated stall lines or markings for a single parking space, or in a manner that utilizes more than a single parking space;
  - 7. In any area that is posted closed to the public;
  - 8. Beyond the posted parking time limits, except by permit in designated areas.
- B. All vehicles which stop, stand, or park within a city park with posted parking time limits must be removed from the boundaries of such city park at the expiration of the posted time limit for parking, for the remainder of that calendar day.

**Section 10-11-14      REQUIREMENTS FOR LEAVING VEHICLE UNATTENDED**

No person having control or charge of a vehicle shall allow such vehicle to stop, stand, or park on any street unattended without stopping the motor of the vehicle and setting the parking brakes thereon.

**Section 10-11-15      ACCESSIBLE PARKING**

- A. Issuance of accessible parking placards or license plates is governed by Idaho Code Section 49-410 and administered by the Idaho Department of Transportation.
- B. The Boise City Accessible Parking Committee shall serve in an advisory capacity to the Parking Services Office to provide information and recommendations relating to the need for additional accessible parking spaces and the relocation, repair or modification of existing accessible parking spaces. The Boise City Accessible Parking Committee shall also accept, analyze and provide recommendations to the Parking Services Office regarding applications for additional accessible parking spaces.
- C. **On-Street Accessible Parking Requirements.**
  - 1. The Parking Services Office, with the assistance of the Boise City Accessible Parking Committee acting in an advisory role, is hereby granted authority to establish requirements for accessible parking zones and spaces within the City pursuant to Idaho Code Section 49-213(d). Accordingly, the Parking Services Office is responsible for determining the minimum number and placement of accessible parking spaces for each city block controlled with parking meters.
  - 2. All designations of accessible parking spaces and marking thereof, shall be done in conformance with the requirements of all federal, state and local laws and the regulations and provisions of this Chapter.
  - 3. In addition to the accessible parking requirements set forth in Idaho Code Section 49-213, the following requirements are applicable to all on-street accessible parking spaces:
    - a. There shall be at least one (1) accessible parking space for every thirty (30) parking spaces citywide which is controlled by an on-street parking meter or otherwise in conformance with the Americans with Disabilities Act.
      - i. These spaces shall be parallel with the sidewalk where parallel parking is required, or at an angle to the sidewalk where angle parking is required.
      - ii. In angle parking spaces, the accessible parking space shall be at least fourteen feet (14') in width or otherwise in conformance with the Americans with Disabilities Act, whichever is wider.
  - 4. All accessible parking spaces shall be located on the shortest route to curb cuts and ramps for wheelchair and other mobility aid devices.
  - 5. All accessible parking spaces shall be free from obstructions and shall be located in areas where persons exiting the vehicle shall exit onto a flat, hard surface.
  - 6. For each designated accessible parking space there shall be a sign posted immediately adjacent thereto, which is visible from each accessible parking space, is at least sixty inches (60") above the ground, and contains the international accessible symbol as shown in Idaho Code, Section 49-410(3).
- D. **Applications for On-Street Accessible Parking.** Persons may file applications for the designation of new accessible parking spaces or for the relocation, repair or modification of existing accessible parking spaces with the Parking Services Office, which shall review such applications with the Boise City Accessible Parking Committee in such form



and manner as prescribed. The Parking Services Office upon its own volition may originate applications for the designation, relocation, repair or modification of accessible parking spaces.

1. The written application for designation, relocation, repair or modification of accessible parking spaces shall include, at a minimum, the following:
  - a. The name, address and phone number of the applicant;
  - b. A clear description of the location or specific parking space for which the application is being filed;
  - c. An explanation detailing what action the applicant would recommend regarding the location or condition of the specific parking space in question;
  - d. Any other relevant information required by the Parking Services Office;
  - e. A statement signed and sworn by the applicant, under penalty of perjury, that all information submitted is true and correct to the best of his knowledge.
2. Upon the receipt of an application, the Boise City Accessible Parking Committee shall analyze and provide recommendations to the Parking Services Office regarding such application for final disposition and order. The Parking Services Office shall consider the Boise City Accessible Parking Committee's recommendation, and may, to the extent necessary, complete its own analysis and investigation of the application in the process of deciding whether to grant or deny the application.
3. All denied applications for the designation, relocation, repair or modification of on-street accessible parking spaces may be reviewed following the review process detailed in Boise City Code Section 10-17-12 *et seq.*

E. **Designation of On-Street Accessible Parking Spaces.** The Parking Services Office is not obliged to accept or follow the recommendations of the Boise City Accessible Parking Committee in making a final determination of the appropriateness of all applications from persons requesting the designation, relocation, repair or modification of on-street accessible parking spaces. All granted applications shall follow the accessible parking space requirements in Boise City Code Section 10-11-15(C) and any other applicable federal, state or city code.

F. **Accessible Parking Unlawful Acts.** Only a permitted and authorized person with a disability, who has a valid accessible parking placard or plates, may park in an accessible parking space.

The following unauthorized uses and behaviors are unlawful under this Chapter:

1. **Unauthorized use of an accessible parking space.** No vehicle shall stop, stand or park in a designated accessible parking space unless either the driver or a passenger has been issued a disabled parking permit placard, temporary card or special license plates which are clearly displayed on the vehicle, except in the limited circumstance to momentarily stop to pick up or discharge a person with a

- disability from such vehicle.
2. **Blocking access to an accessible parking space.** It is unlawful for any person to park a vehicle either in a manner which prevents or reasonably could restrict a person with a disability from entering or exiting his vehicle; or in a manner as it would block access to a curb cut or ramp.
  3. **Unauthorized use of an accessible parking placard or plates.** It is unlawful for either a holder of an accessible parking placard or plates to allow another person to misuse such accessible parking privileges or for any person to use an accessible parking placard or plates without official authorization.
- G. **Enforcement.** Law enforcement officials and their designees as authorized by the City shall enforce the accessible parking provisions and are empowered, using reasonable discretion, to check personal identification to determine if the user of an accessible parking placard or plates is authorized.

#### **Section 10-11-16 CITY PARKING FACILITIES**

- A. The Parking Services Office is hereby authorized and directed to designate and mark the parking spaces within all city parking facilities. The Parking Services Office is also authorized to determine whether an hourly, daily, weekly, monthly or annual rate of use shall be set on city parking facility parking spaces.
- B. **City Parking Facility Rates.** A person using a city parking facility parking space shall pay a fee for such use. The fees for use of city parking facility parking spaces shall be established by the Boise City Council and listed on the most current City Clerk Fee Schedule.
- C. **Collection of Fees.** City parking facility parking fees shall be collected through the use of parking meters, a collection box system, by attendants, or any other method as directed by the Parking Services Office.
- D. **City Parking Facilities Unlawful Acts.** It shall be unlawful in all city parking facilities for any person to:
1. Stop, stand or park a vehicle in a parking space without paying the requisite parking fee;
  2. Stop, stand or park along any yellow painted curb or area, except momentarily to pick-up or discharge passengers while the vehicle is driver occupied;
  3. Stop, stand or park in any restricted or reserved parking space as posted, unless the vehicle is specifically permitted to use such parking space;
  4. Stop, stand or park a vehicle beyond the designated stall lines for any parking space;
  5. Stop, stand or park in an area which is not a designated parking space as shown with designated stall lines; or
  6. Fail to comply with any of the terms, conditions, or restrictions placed on the issuance and use of a city parking facilities parking permit pursuant to this Chapter and Boise City Code Title 10, Chapter 17.

- E. **Towing and Impounding of Vehicles in City Parking Facilities.** Except where specifically allowed, no person shall park a vehicle for more than seventy-two consecutive (72) hours in a city parking facility as posted. The Parking Services Office or the Boise Police Department has the right to tow and impound any vehicle found parked in a city parking facility in violation of this provision.

**Section 10-11-17 PARKING PERMIT APPLICATIONS AND REQUIREMENTS**

- A. All parking permits regulated under this Chapter shall be issued, maintained, and renewed by the Parking Services Office.
- B. In addition to the minimum, standard, parking permit application information set forth in Boise City Code 10-17-07(B), every application for a parking permit regulated by this Chapter shall contain the specific application information and permit requirements set forth within this Chapter.
- C. A nonrefundable application fee in an amount established by the Boise City Council and listed on the most current City Clerk Fee Schedule shall accompany every application for a parking permit.
- D. All parking permits issued under this Chapter shall be clearly displayed in full and unobstructed view in order to park in a parking meter space without paying for purchased time.

**Section 10-11-18 TEMPORARY USE PARKING PERMITS SPECIFIC REQUIREMENTS**

- A. In addition to the minimum parking permit application and requirements set forth in Boise City Code Section 10-17-07, all applicants for temporary use permits shall also provide the following information:
  - 1. Current contact information for the construction site foreman or his designee;
  - 2. A detailed description of the construction project, including but not necessarily limited to, the project location, type of project, and the anticipated date of completion for project; and
  - 3. A specific list identifying all of the equipment, apparatus and vehicles to be used as part of the construction project which will be parked upon or otherwise obstructing the street.
- B. The holder of a temporary use permit is entitled to place dumpsters, vehicles, or other apparatus for construction related purposes as specified in the permit application, upon on-street parking spaces.
- C. Every applicant for a temporary use permit shall obtain an Ada County Highway District issued Right-of-Way Permit or other necessary permits prior to applying for a temporary

use parking permit under this Chapter.

- D. **Extension of Temporary Use Permits.** Temporary use permit holders shall be granted a thirty (30) days' grace period for projects which exceed the original expiration date of the permit, if the applicant applies for and obtains such extension permission and pays all additional fees listed on the most current City Clerk's Fee Schedule by or before the expiration date of the original permit.
- E. **Refunds.**
1. **Metered Parking Spaces.** All temporary use permit fees paid for metered parking spaces are non-refundable.
  2. **Non-Metered Parking Spaces.** Applicants for non-metered parking space temporary use permits must estimate the completion date of the project prior to receiving a permit. The fee assessed shall be for the estimated duration of the project. Upon completion of the project and relinquishment of the temporary use permit, the Parking Services Office shall refund fifty percent (50%) of the fee for any unused permit time to the applicant. No refunds are given for extension payments.
- F. **Use of Parking Spaces under a Temporary Use Permit.** A temporary use permit holder may not use the permitted parking space(s) other than for the authorized purpose stated on the permit application.
1. **Limitation of Allowed Space.** The Parking Services Office is authorized to limit the amount of space available to a construction project to minimize the impact of construction on the general public, non-related businesses and others who may require access into such area. The Parking Services Office may establish an area for use by the contractor and sub-contractors of the project.
  2. **Temporary Removal of Parking Signs, Meters and Markings.** If within the construction area there are signs or meters that need to be temporarily removed during the project, the contractor is required to contact the Parking Services Office at least twenty-four (24) hours in advance of that need. The Parking Services Office shall remove all affected signage, meters or other city parking equipment and store such items until reinstallation is required.
  3. **Sidewalk Replacement.** In the case of sidewalk renovations, the contractor shall reinstall all sign and meter posts and re-paint any parking space markings on the street removed or damaged as a result of the contractor's project. The replacement of both the posts and the parking space markings must meet the Parking Services Office requirements and specifications. In the case of new streetscaping in which sidewalks are being installed, the contractor shall erect the posts for parking signs and meters. If the contractor fails to comply with these requirements the City shall send a written notice to the address on the temporary use permit application for the contractor demanding compliance within ten (10) business days. The contractor must either complete the work as detailed in the City's demand letter or respond in writing to the City requesting an informal review on the matter within ten (10) business days. If the contractor neither completes the work nor requests an informal review within the ten (10) business day period from receipt of the City's demand letter, the City may have the work

completed and charge the contractor for the actual costs and fees incurred for completing the work.

- G. **Temporary Use Permit Unlawful Acts.** It shall be unlawful for any person to:
1. Place equipment, materials, dumpsters, or other apparatus in an on-street parking space without first obtaining a temporary use permit from the Parking Services Office;
  2. Place equipment, materials, dumpsters, or other apparatus in an on-street parking space without first securing any staging or delivery area with use of temporary fencing or barricades, which identify such area as a part of the temporary use zone and restrict access by the public; or
  3. Fail to comply with any of the terms, conditions, or restrictions placed on the issuance and use of a temporary use permit pursuant to this Chapter and Boise City Code Title 10, Chapter 17.

### **Section 10-11-19 CREATION OF RESIDENTIAL AND SPECIAL PARKING DISTRICTS**

- A. Through resident recommendation or its own volition, the Parking Services Office may determine which, if any, areas of the City should be designated as either Residential Parking District (RPD) or Special Parking District (SPD) permit parking zones.
- B. The Parking Services Office shall conduct a public hearing concerning any proposed designation of a RPD or SPD. The public hearing shall be held only after notice thereof has been published in a newspaper of general circulation throughout the City or written notification has been distributed to all properties in the affected area at least ten (10) days prior to the date set for the hearing.
- C. After hearing and considering public input, the Parking Services Office may submit a written recommendation to the Boise City Council specifying the proposed area for RPD or SPD designation and the reasons for such designation.
- D. Upon ratification of the recommendation, the Boise City Council shall direct the Parking Services Office to erect signs indicating that the designated area is a RPD or SPD permit zone and the time limits for parking.
- E. The Parking Services Office shall determine for all RPD and SPD permit zones:
1. The days of the week that the zone shall be in effect, and the hours of enforcement for the zone;
  2. The design and proper posting requirement for all RPD and SPD permit zone signs;
  3. The specific requirements for the parking permits used within RPD and SPD permit zones; and
  4. The specific locations, if any, within a RPD or SPD permit zone in which parking must be further restricted to maintain public safety or previous commitments, such as, but not limited to, loading zones or no parking zones.

- F. **Review.** Applicants for the creation of an RPD or an SPD, who are denied by the Parking Services Office, may request an informal review of the denial following the review procedure set forth in Boise City Code Section 10-17-12 *et seq.*

**Section 10-11-20 RESIDENTIAL AND SPECIAL PARKING DISTRICT PERMITS SPECIFIC REQUIREMENTS**

- A. In addition to the minimum parking permit application and requirements set forth in Boise City Code Section 10-17-07, all applicants for RPD or SPD parking permits shall also provide written proof of the applicant's residency within the applicable RPD or SPD zone, which may include documented proof that the applicant's vehicle is registered to a residence within the RPD or SPD zone.
- B. **Bona Fide Visitor Permits.** The Parking Services Office is hereby authorized and directed to create provisions for the issuance of temporary parking permits for bona fide visitors of residents within a RPD or SPD.
- C. In order to maintain the integrity of the neighborhoods and properly manage RPD and SPD zones, the Parking Services Office may:
1. Limit the number of RPD or SPD parking permits issued per household;
  2. Limit the number of temporary visitor parking permits issued per household;
  3. Limit the total number of parking permits issued within an entire RPD or SPD zone;
  4. Charge a fee for RPD, SPD or visitor parking permits before their issuance; and
  5. Require RPD, SPD or visitor permits to contain information which the Parking Services Office has deemed necessary.
- D. Any RPD, SPD or visitor's parking permit fees that are established by the Boise City Council and listed on the most current City Clerk Fee Schedule shall accompany the application and are non-refundable.
- E. All issued RPD, SPD or visitor parking permits shall be displayed as directed by the Parking Services Office and clearly visible at all times when parking pursuant to a RPD, SPD or visitor's parking permit. All RPD and SPD parking permits are specifically assigned to the vehicle listed on the permit application and are non-transferrable, except by express written permission of the Parking Services Office.
- F. All RPD and SPD parking permits shall be issued for a one (1) year period and shall automatically expire at the end of such period. RPD and SPD parking permit holders must follow the permit renewal process as developed and implemented by the Parking Services Office.
- G. Holders of valid accessible parking placards or plates are exempt from RPD and SPD parking permit requirements.

**Section 10-11-21 USE OF RESIDENTIAL AND SPECIAL PARKING DISTRICT PERMITS**

- A. The designation of a RPD or SPD shall allow the Parking Services Office to create zones for use by special groups with permits and shall limit the length of time that vehicles without such permits shall be allowed to park within such RPD or SPD.
- B. Any authorized vehicle with a valid and properly displayed RPD, SPD or visitor's permit for such RPD or SPD, is entitled to park within the RPD or SPD to which the permit applies, without regard to the posted parking time limitations.
- C. A parking permit for a RPD or SPD is specific to the RPD or SPD for which it was issued. A RPD, SPD or visitor's parking permit shall not authorize the holder thereof to park beyond the posted time limits in any RPD or SPD other than that to which his permit applies.
- D. Upon written notification suspending or revoking a RPD, SPD or visitor's permit, the permittee shall immediately surrender such permit to the Parking Services Office.
- E. **Specific Limitations of Parking within a Residential or Special Parking District.** In addition to the qualifications, requirements and other standards set forth in this Chapter which apply to both RPDs and SPDs, the following limitations and restrictions are specific to each type of district:
  - 1. **Residential Parking District Specific Use Limitations.** Every vehicle parked within a RPD which properly displays a current RPD permit or visitor's permit may only be parked pursuant to the permit within two (2) blocks of the residence listed on the permit application. The RPD permit code on the vehicle must correspond with the decal code displayed on the posted RPD signs. All vehicles without a valid RPD permit or visitor's permit which stop, stand or park within an RPD, must be removed from that block face at the expiration of the posted time limit for parking, for the remainder of that calendar day.
  - 2. **Special Parking District Specific Use Limitations.** Businesses within a SPD shall be limited to the set number of SPD parking permits available. All vehicles without a valid SPD permit or visitor's permit which stop, stand or park within an SPD, must be removed from the boundaries of the SPD at the expiration of the posted time limit for parking, for the remainder of that calendar day.

**Section 10-11-22 RESIDENTIAL AND SPECIAL PARKING DISTRICT UNLAWFUL ACTS**

- A. It shall be unlawful for any person to:
  - 1. Park a vehicle without a properly displayed and valid RPD, SPD or visitor's permit past the expiration of the posted time limits for that RPD or SPD zone;
  - 2. Fail to remove a non-permitted vehicle from the same block face in a RPD zone at

the expiration of the posted parking time limits for the remainder of that calendar day;

3. Fail to remove a non-permitted vehicle from the boundaries of a SPD zone at the expiration of the posted parking time limits for the remainder of that calendar day;
4. Fail to park within two (2) blocks of residence on the list on the permit application of the vehicle displaying a RPD zone permit or visitor's permit;
5. Park a vehicle with a RPD, SPD or visitor's permit past the posted parking time limits in any other RPD or SPD zone to which the vehicle's permit does not apply; or
6. Fail to comply with any of the terms, conditions, or restrictions placed on the issuance and use of a RPD, SPD or visitor's permit pursuant to this Chapter and Boise City Code Title 10, Chapter 17.

### **Section 10-11-23 DENIAL, SUSPENSION OR REVOCATION OF PARKING PERMITS**

Failure to comply with the standards, requirements and qualifications established by the Parking Services Office, shall be the basis for the denial, suspension, or revocation of any parking permit regulated under this Chapter. The denial, suspension or revocation of any parking permit under this Chapter and any review thereof, is governed by Boise City Code Section 10-17-12 *et seq.*

### **Section 10-11-24 NOTICE OF PARKING VIOLATIONS AND PROCEDURES**

- A. Upon observing any vehicle stopped, standing or parked in violation to the provision of this Chapter, the provisions of Title 10, Chapter 17 of the Boise City Code or of the provisions specified in Boise City Code Section 10-10-12, the Parking Services Office or the Boise Police Department is authorized to serve a notice of parking violation, (which is also referred to in this Chapter as a "parking citation"), by any one (1) or more of the following means:
  1. By securing a notice of parking violation to the vehicle;
  2. By personally serving the operator or owner of the vehicle with a notice of parking violation;
  3. By personally serving a passenger of the vehicle with a notice of parking violation in the presence of the owner or operator of the vehicle; or
  4. By mailing, via United States Postal Service First Class Mail, a notice of parking violation to the vehicle's owner at the address maintained in motor vehicle registration records.
  
- B. Every notice of parking violation shall include the following, if applicable to the observed violation:
  1. The date and time at which the violation was observed;
  2. The location where the violation occurred, including if relevant, the parking meter number;
  3. The license plate number and make of the vehicle observed to be in violation;



4. The code section violated and a brief description of the violation;
  5. The fine amount;
  6. Instructions explaining how the registered owner or operator of the vehicle in violation may pay the fine associated with the violation; and
  7. A statement describing the process by which the operator or registered owner of the vehicle in violation may contest the violation indicated on the notice of parking violation.
- C. A separate notice of parking violation may be served for each violation, including cumulative violations for each time period exceeded.
- D. One copy or an automated record of each notice of parking violation shall be filed with the Parking Services Office.
- E. Each person served with a notice of parking violation shall, within ten (10) business days from the date on the notice of parking violation, or if notice is served by mail, within ten (10) business days from the date of posting to the address of the vehicle's registered owner:
1. Pay the corresponding parking fine amount on the City Clerk Fee Schedule;
  2. Pay the corresponding parking fine amount, plus any applicable fees, using an on-line payment system authorized by the Parking Services Office; or
  3. Appear at the Parking Service Office to contest the violation indicated on the notice of parking violation in order to avoid an administrative fee being assessed to the parking violation in addition to the original fine amount.
- F. Failure of an operator or owner to either pay the parking fine or appear to contest the notice of parking violation within ten (10) business days from the date on the notice of parking violation, or if notice is served by mail, within ten (10) business days from the date of posting notice to the address of the vehicle's registered owner, shall result in an additional fifteen dollar (\$15.00) administrative fee being assessed for each violation to defray the administrative and personnel costs and mailing expenses arising from such overdue fines.

#### **Section 10-11-25 PENALTIES**

- A. Any registered owner or operator who violates any provision of this Chapter shall be deemed guilty of an infraction, and upon conviction shall be punishable by civil infraction penalty as established by the Boise City Council and listed on the most current City Clerk Fee Schedule.
- B. In the case of temporary use permit violations, the operator or registered owner of a vehicle or other apparatus, equipment or non-vehicular items parked in violation of this provision shall be guilty of an infraction, which shall be assessed per violation, per parking space, per day. Second or subsequent offenses within a calendar year shall be assessed at an enhanced fee rate. The penalty for the infraction and any enhanced penalty fee rates shall be established by the Boise City Council and listed on the most current

City Clerk Fee Schedule.

**Section 10-11-26 PROCEDURES TO CONTEST PARKING VIOLATIONS;  
PARKING CITATION DELINQUENCY AND COLLECTION**

- A. In order to contest a parking city in the Fourth District Magistrate Court, a registered owner or operator must within thirty (30) days:
1. Provide notice to the Parking Services Office written notice of his intent to contest a parking citation; and
  2. Accept service of complaint and summons in person at the Parking Services Office.
- Failure to strictly comply with these requirements prohibits the registered owner or operator from contesting his parking citation in court.
- B. Each calendar day on which a violation to any provision of this Chapter occurs or continues shall constitute a separate offense, unless otherwise specified herein.
- C. **Delinquent Parking Citations.** A parking citation shall be deemed delinquent if:
1. The registered owner or operator fails to either pay or contest a parking citation within thirty (30) days from the date of its original date of issuance;
  2. The registered owner fails to either pay or contest a parking citation within thirty (30) days from the date of posting notice of the citation by U.S. First Class Mail to the address of the vehicle's registered owner; or
  3. The registered owner or operator fails to accept service of the summons within thirty (30) days of his written notice to contest the parking citation.

If a parking citation becomes delinquent, all applicable late fees shall be assessed in addition to the original citation fine amount. The City may utilize all available collection methods to recoup fines and late fees owed on all delinquent parking citations. Nothing herein alters the assessment of fees associated with failure to pay the parking citation within the time frames dictated within this Chapter.

**Section 10-11-27 SEVERABILITY**

If any clause, sentence, paragraph, section, or any part of this Chapter is declared or adjudged to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect, invalidate, or nullify the remainder of this Chapter.

(Ord-57-15, 12/1/2015; (6731, Amended, 08/25/2009; 6698, Amended, 01/27/2009, 6631, Amended, 1-15-2008; 6606, Amended, 09/25/2007; 6418, Amended, 09/20/2005;6271, Amended, 10/21/2003;; 6243, Amended, 07/15/2003; 04/26/1994; 6127, Amended, 02/26/2002; 6005, Amended, 07/18/2000; 5746, Amended, 08/20/1996;5595, Amended, 12/06/1994; ; 5593, Amended, 12/06/1994;5576, Amended, 10/04/1994; 5540, Amended, 04/26/1994;5474, Added, 08/10/1993; 5263, Amended, 09/25/1990; 5220, Amended, 03/20/1990; 5200, Amended, 12/19/1989; 5126, Amended, 10/11/1988; 5125, Added, 10/11/1988; 5061, Amended, 01/12/1988; 4990, Amended, 03/03/1987 4986, Amended, 02/17/1987, 4959, Amended, 10/07/1986;4875, Amended, 11/25/1985; 4769, Added, 01/04/1984;4558, Added, 09/29/1980; 4432, Added, 08/13/1979)