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**Instrument # 2019001150**

BURLEY, CASSIA, IDAHO

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Index to: ORDINANCE

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## **BEFORE THE MAYOR AND CITY COUNCIL FOR THE CITY OF ALBION, IDAHO**

### **ORDINANCE No. 2019-04-02**

**AN ORDINANCE OF THE CITY OF ALBION, CASSIA COUNTY, IDAHO, AMENDING ALBION CITY CODE TITLE 10, CHAPTER 3, PROVIDING DEFINITIONS FOR "STREET", "TRAILER", AND "VEHICLE OR MOTOR VEHICLE" REPEALING TIME LIMITATIONS FOR PARKING ON STREET, ADDING LANGUAGE FOR SNOW REMOVAL FROM STREETS, MAKING IT UNLAWFUL TO OBSTRUCT SNOW REMOVAL; REPEALING LANGUAGE LIMITING OFF STREET PARKING AND ADDITIONAL OFF STREET PARKING AND STORAGE; AMENDING TO PROVIDE PARKING RESTRICTIONS TO NOT OBSTRUCT SIDEWALK, CURB OR TRAVEL PORTION OF ROADWAY; TO PROVIDE PARKING RESTRICTIONS TO NOT OBSTRUCT SAFE SIGHT DISTANCE AT INTERSECTIONS; TO PROVIDE PARKING RESTRICTIONS TO ALLOW FREE PASSAGE OF VEHICLES TO PRIVATE DRIVEWAY OR GARAGE DRIVEWAY; TO PROVIDE PARKING RESTRICTIONS WITHIN FIFTEEN FEET OF FIRE HYDRANTS; TO PROVIDE PARKING RESTRICTIONS WITHIN THIRTY FEET OF APPROACH TO ANY STOP SIGN OR SIGNAL, YIELD SIGN OR TRAFFIC CONTROL SIGNAL AT THE SIDE OF ANY CITY STREET; AND SETTING AN EFFECTIVE DATE.**

WHEREAS, the Mayor and City Council conduct regular review of city ordinances and policies; and

WHEREAS, in the process of such review, and based upon public comments and complaints, the Mayor and City Council have determined that Albion City Code, Title 10, Chapter 3, regarding parking of recreational vehicles, boats and trailers was not workable in meeting the needs of City residents as presently adopted; and

WHEREAS, the Mayor and the City Council have determined to change ordinance language to reflect the nature and appropriate course of conduct for parking recreational vehicles, boats and trailers within the City of Albion, considering lot sizes, street widths and street parking situations.

**NOW THEREFORE**, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ALBION, CASSIA COUNTY, IDAHO, AS FOLLOWS:

Section 1. That Title 10, Chapter 3 Recreational Vehicles, Boats and Trailers regulations be amended as follows, with repealed language being shown with "strike through" and added language being "underlined", as shown on the EXHIBIT A, the attached four (4) page document entitled Title 10 Chapter 3, RECREATIONAL VEHICLES, BOATS AND TRAILER, which exhibit is hereby incorporated herein by reference.

Section 2. This ordinance shall take effect and be in full force from and after its required reading, passage, approval and publication.


Section 3. The members of the City Council, by motion and vote and pursuant to Idaho Code § 50-902, waived and dispensed with the requirement of three (3) separate readings of this Ordinance, by title and in full. Therefore, this ordinance shall take effect and be in full force from and after its first and only reading, passage, approval and publication.

**PASSED** this 2nd day of April, 2019, by the City Council of the City of Albion, Idaho.

**APPROVED** this 2nd day of April, 2019, by the Mayor of the City of Albion, Idaho.

City of Albion, Idaho

ATTEST:

By:   
Isaac Loveland, Mayor

  
Mary Yeaman, City Clerk

CERTIFICATION

I, Mary Yeaman, the duly appointed Clerk for the City of Albion, Idaho do hereby certify that the foregoing document is a true and correct copy of Ordinance No. 2019-04-02, adopted by the Mayor and City Council of Albion, Idaho, on the 2nd day of April, 2019 and that the original of said document is in my possession as part of the permanent minutes of the City Council of the City of Albion, Idaho.

Dated this 2nd day of April, 2019.

Clerk of the City of Albion, Idaho

  
\_\_\_\_\_  
Mary Yeaman, Clerk

Title 10 Chapter 3  
RECREATIONAL VEHICLES, BOATS AND TRAILERS

Section:

- 10-3-1 : ~~Recreational Vehicle Defined~~Definitions
- 10-3-2: Use as a Permanent Residence Prohibited
- 10-3-3: On Street Parking Limited/Snow Removal
- 10-3-4: Basic Off Street Parking/Storage
- 10-3-5: Additional Off Street Parking/Storage
- 10-3-6: Additional Prohibitions
- 10-3-7: Violation; Penalty

**10-3-1: ~~RECREATIONAL VEHICLE DEFINED~~DEFINITIONS:**

~~For purposes of this chapter,~~

~~"Recreational V~~ehicles" means motor home, travel trailer, truck and camper or camping trailer, with or without motive power, designed for human habitation for recreational occupancy. It does not include pickup hoods, shells, or canopies designed, created or modified for occupational usage. School buses or oversized van type vehicles which are converted to recreational use are defined as recreational vehicles.

"Street" means the entire width between the boundary lines of every way publicly maintained roadway, 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.

"Trailer" means every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle.

"Vehicle or Motor Vehicle" means every self- propelled 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.

**10-3-2: USE AS PERMANENT RESIDENCE PROHIBITED:**

Recreational vehicles and boats may not be used as permanent residences but may only be used as temporary living quarters while occupants are engaged in recreational activities.

**10-3-3: ON STREET PARKING LIMITED/SNOW REMOVAL:**

~~A. Recreational vehicles may be parked in a lawful manner on the public right-of-way for a maximum of seventy two (72) hours for the purpose of loading, unloading, and otherwise preparing the vehicle for use. Boats which are loaded on trailers may be so parked, provided that they are being prepared for use or being unloaded and that they are hitched to a lawfully registered, operating motor vehicle while on the public right-of-way. Other and other legally registered utility trailers may be so parked in a lawful manner on the public right-of-way, provided they are hitched as specified above. Unhitched trailers and unmounted truck camper units may not be parked on the public right-of-way for any length of time.~~

B. Removal of Snow from Streets:

1. The City shall remove snow from public streets. The City shall not be required to remove snow from public alleys or private property.

2. It is unlawful for any person to hinder, interfere or obstruct any person or park a vehicle or leave any other obstruction adjacent to, or upon, any public street in such a manner as to interfere with snow removal by the City.

**10-3-4: BASIC OFF STREET PARKING/STORAGE:**

~~A. Recreational vehicles and boats on trailers may be parked anywhere on the premises during active loading or unloading or while preparing the vehicle for use for a period not to exceed seventy two (72) hours.~~

~~B. Recreational vehicles and boats on trailers may be parked or kept on private property in the residential districts for longer than seventy two (72) hours in the areas and preferential order set forth below, provided that such parking does not otherwise violate nuisance or parking codes.~~

- ~~1. In garages, carports, or other covered structures, or if none is available, then;~~
- ~~2. In the rear yard, or if not reasonably accessible, as specified below, then;~~
- ~~3. In the side yard.~~

**10-3-5: ADDITIONAL OFF STREET PARKING/STORAGE: PARKING RESTRICTIONS:**

~~In the event there is no available space for parking a recreational vehicle as permitted by section 10-3-4 of this chapter, or that there is no reasonable access to either the side or rear yards of the property, recreational vehicles may be parked in the front yard provided that the following conditions are met. For purposes of this chapter, a rear yard shall be deemed "reasonably accessible" if there is sufficient width on the side yard or alley to allow passage into the rear yard of the recreational vehicle or boat on a trailer,~~

~~even though the installation of a gateway through an existing fence might be required; provided further, that the rear yards of all corner lots are deemed to be reasonably accessible.~~

A. No person shall park any vehicle, part of the recreational vehicle, boat, or trailer in such a manner that the vehicle or trailer can extend over the sidewalk, curb, or the travel portion of a public right-of-way.

B. No person shall park anyIn no case shall the recreational vehicle, boat, or trailer in a manner to obstruct the safe sight distance of other vehicles at street intersections.

C. No person shall park any vehicle, recreational vehicle, boat or trailer in such a manner as to prevent the free passage of vehicles though a private driveway or garage driveway.

D. No person shall park any vehicle, recreational vehicle, boat, or trailer, whether occupied or not, within fifteen (15) feet of fire hydrant.

E. No person shall park any vehicle, recreational vehicle, boat, or trailer, whether occupied or not, except momentarily to pick up or discharge a passenger, within thirty (30) feet upon the approach to any stop sign, stop signal, yield sign, or traffic control signal located at the side of any city street.

**10-3-6:ADDITIONAL RESTRICTIONS:**

Recreational vehicles parked in accordance with the provisions of this chapter may not be used for storage of goods, materials, or equipment other than those items considered to be a part of the unit or essential for its immediate use, nor may recreational vehicles so parked be used for dwelling purposes except under the following conditions:

A. Only one such vehicle may be used for dwelling purposes for a maximum of fourteen (14) days in any calendar year.

B. Neither the occupant nor owner of the premises receives any form of compensation for such use.

C. Permanent connection to sewer lines or water lines, or permanent connection to electrical service is strictly prohibited. Temporary connection to an electricity supply shall be allowed for charging batteries.

D. Recreational Vehicle Temporary Dwelling Permit. Any person desiring to use a recreational vehicle for dwelling purposes within the city limits of the City of Albion shall file an application with the City Clerk on form as provided by the City. If the City Clerk finds that the application is complete and in order, the Clerk shall issue the

temporary permit, subject to the terms and provisions of the Albion City Code and subject to conditions reasonably imposed by the City Council.

**10-3-7:VIOLATION; PENALTY:**

A. Any person found to have violated any of the provisions or having failed to comply with any of the mandatory requirements of this Chapter 3, Title 10 of the Albion City Code is guilty of an infraction. Any person found to be in violation of the provisions of this Chapter 3, Title 10 of the City of Albion shall be penalized by a fine of Ninety-Eight Dollars and Fifty Cents (\$98.50), unless the infraction is pursuant to state law, in which instance the person convicted of such infraction shall be penalized pursuant to the provisions of Idaho infraction rule 9.

B. Each such person is guilty of a separate offense for each and every day during any portion of which any violation of any provision of Chapter 3, Title 10 of the Albion City Code is committed, continued or permitted by any such person, and he is punishable and penalized accordingly. [Chapter 3 adopted by Ordinance No. 2011-05-02]

**SUMMARY OF ORDINANCE NO. 2019-04-02**  
**City of Albion, Idaho**

This is the summary of City of Albion Ordinance 2019-04-01 amending Albion City Code Title 10, Chapter 3, providing definitions for "Street", "Trailer", and "Vehicle or Motor Vehicle" repealing time limitations for parking on street, adding language for snow removal from streets, making it unlawful to obstruct snow removal; repealing language limiting off street parking and additional off street parking and storage; amending to provide parking restrictions to not obstruct sidewalk, curb or travel portion of roadway; to provide parking restrictions to not obstruct safe sight distance at intersections; to provide parking restrictions to allow free passage of vehicles to private driveway or garage driveway; to provide parking restrictions within fifteen feet of fire hydrants; to provide parking restrictions within thirty feet of approach to any stop sign or signal, yield sign or traffic control signal at the side of any city street; and setting an effective date.

The full text of City of Albion Ordinance No. 2019-04-02 is available at the City Office, 225 South Main, Albion, Idaho. A copy of the full ordinance will also be provided to any citizen, upon personal request during usual City business hours as posted at the City Office, excepting City recognized holidays.

This ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

DATED this 2nd day of April, 2019.


City of Albion

By:

  
Isaac Loveland, Mayor

**ATTEST:**

By:

  
Mary Yeaman, Clerk