



STAFF REPORT

To: Summit County Council

From: Blaine Thomas

Date: August 6, 2020

AGENDA ITEM: Consideration and possible approval of Ordinance No. 911 adopting amendments to Title 6, Chapter 2 of the Summit County Code: County Parking Code.

State law allows counties, as “local highway authorities,” to regulate or prohibit stopping, standing, or parking on its roads U.C.A. § 41-6a-208. State law also allows counties to “adopt an ordinance establishing an administrative hearing process to review and decide matters relating to the violation, enforcement, or administration of a county civil ordinance.”¹

Summit County (the “County”) has adopted an administrative hearing process (“Administrative Code Enforcement Hearing Program”).² Summit County has recently authorized special service districts to use that administrative hearing process to enforce code enforcement programs proposed by a special service district within the county and adopted by ordinance by the County Council as governing body.

Currently, the county sheriff’s department is the only entity authorized under the County Parking Code (Summit County Code § 6-2-1) to enforce by towing or otherwise removing vehicles parked in violation of this chapter without first having given notice to the owner of the vehicle that it may be towed if not removed.

With limited law enforcement, and only one code enforcement officer, the County has a limited ability to enforce its County Parking Code, which enforcement is an important county function. In order to perform that function, while at the same time to protect tax dollars and keep costs low, staff recommends amending the County Parking Code to allow all authorized entities to enforce the County Parking Code. This will allow special service districts the authority to enforce the County Parking Code through code enforcement programs proposed by a special

¹ Utah Code Annotated § 17-53-228.

² Title I, Ch. 13, Summit County Code.

service district within the county and adopted by ordinance by the County Council as governing body.

The immediate purpose for allowing special service districts to enforce the County Parking Code will be to enlist help addressing the issue of keeping emergency egress near trailheads accessible. Summit County does not have the staff available to maintain its trailheads at a level sufficient to ensure safe egress in case of emergency. This has been a top priority for the County.

If the County Parking Code is amended as proposed, Snyderville Basin Recreation Special Service District intends to propose a code enforcement program that will allow it to enforce the County Parking Code to help keep emergency egress near trailheads accessible.

The general language in this amendment will allow other authorized entities to propose code enforcement programs that will allow them to enforce the County Parking Code as well.

RECOMMENDATION

Staff is recommending the approval and passing of Ordinance No. 911 adopting the **amendments to Title 6, Chapter 2 of the Summit County Code:** County Parking Code as the official county parking code and authorizing special service districts to enforce the County Parking Code where such is proposed to and adopted by ordinance by the County Council.

ORDINANCE # 911

AN ORDINANCE AMENDING
THE COUNTY PARKING CODE

Preamble

WHEREAS, the Summit County Council has determined that administrative enforcement of the County Parking Code (Summit County Code § 6-2-1 *et al.*) by the enforcement officials of any organization or party duly authorized by the Highway Authority under the Traffic Code (U.C.A. § 41-6a-101 *et al.*) is in the best interests of the citizens of the County; and

WHEREAS, allowing the enforcement officials of any organization or party duly authorized by the Highway Authority under the Traffic Code (U.C.A. § 41-6a-101 *et al.*) to administratively enforce the County Parking Code would be an efficient use of governmental resources and tax dollars;

NOW, THEREFORE, BE IT ORDAINED BY THE SUMMIT COUNTY COUNCIL AS FOLLOWS:

Section 1. Title 6, Chapter 2 of the Summit County Code should be amended as provided in the attached Appendix A.

Section 2. That any organization or party duly authorized by the Highway Authority under the Traffic Code desiring to utilize the Administrative Code Enforcement Hearing Program to enforce the County Parking Code shall enter into interlocal agreements with Summit County to further define the costs and responsibilities associated with the program.

Section 3. **Severability.** If any provision or clause of this Ordinance or the application thereof to any person or circumstances is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other sections, provisions, clauses or applications hereof which can be implemented without the invalid provision, clause or application hereof. To this end, the provisions and sections of this Ordinance are declared to be severable.

Section 4. **Effective date.** The County legislative body herewith finds that for the immediate preservation of the peace, health and safety of the County and the inhabitants thereof, this Ordinance shall be effective on _____, 2020.

APPROVED, ADOPTED, AND PASSED and ordered published by the Summit County Council, this ___ day of _____, 2020.

SUMMIT COUNTY COUNCIL
SUMMIT COUNTY, STATE OF UTAH

Council Member Armstrong voted: _____
Council Member Carson voted: _____
Council Member Clyde voted _____
Council Member Robinson voted: _____
Council Member Wright voted _____

By: _____
Douglas Clyde, Chair

ATTEST:
SUMMIT COUNTY CLERK

APPROVED AS TO FORM:
SUMMIT COUNTY ATTORNEY

County Clerk

By: _____
Deputy County Attorney

Chapter 2 PARKING CODE

6-2-1: GENERAL PROVISIONS:

6-2-2: DEFINITIONS:

6-2-3: STANDARD PARKING REGULATIONS:

6-2-4: TIME LIMITATIONS:

6-2-5: SEASONAL LIMITATIONS ON PARKING:

6-2-6: COMPLIANCE REQUIRED; FINES; IMPOUNDMENT:

6-2-1: GENERAL PROVISIONS:

- A. Citation: This chapter shall be referred to as the *COUNTY PARKING CODE*.
- B. Applicability: This chapter is applicable on all public ways within the unincorporated areas of the county.
- C. Tow Enforcement: Because unlawfully parked cars prevent access to large areas by emergency vehicles and snowplows, as well as local residents, the county sheriff's department, as well as any other organization or party duly authorized by the Highway Authority under the Traffic Code (U.C.A. §41-6a-101 et al.), are authorized to enforce this chapter by towing or otherwise removing vehicles parked in violation of this chapter without first having given notice to the owner of the vehicle that it may be towed if not removed.
- D. Regulations Not Exclusive: The parking regulations established by this chapter are not all encompassing, and additional regulations may be established by posting permanent or seasonal signs stating the additional regulation imposed, or by law enforcement officers directing traffic during periods of heavy traffic volume or during periods of emergencies.
- E. Presumption Of Responsibility: The presence of any vehicle on any street which is parked in violation of the regulations of this chapter or the adopted regulations of any organization or party duly authorized by the Highway Authority under the Traffic Code (U.C.A. §41-6a-101 et al.) -is prima facie evidence that the registered owner of the vehicle parked the vehicle in violation of this chapter, or permitted others to park his vehicle in violation of this chapter, and is deemed responsible for the violation and for the fine imposed. (~~Ord. 710, 12-17-2008, eff. 1-1-2009~~)

6-2-2: DEFINITIONS:

As used in this chapter, the following terms shall have the meanings stated, unless the context clearly requires some other meaning:

DELIVERY VEHICLES: Shall include any motor vehicle being used for the purpose of loading or delivering goods or cargo to businesses or individuals.

ENFORCEMENT OFFICIAL: An enforcement official shall be defined in section 1-13 of this Code.

MOTOR VEHICLE: Any automobile, truck, motorcycle, trailer, backhoe, loader or other piece of construction machinery, and every other means of conveyance of persons or cargo included within the Utah motor vehicle code.

PARKING: Stopping, standing or leaving a motor vehicle in a fixed spot or location on a street for any length of time, except when required to stop or stand because of the flow of traffic or to yield to other traffic, or in compliance with the requirements of traffic control devices or ~~law~~ enforcement officials.

STREET: Every street, alley, roadway or parking lot under the control and/or maintenance of Summit County, whether on public or private property. The term "street" shall not include private driveways, parking lots or private roadways. ~~(Ord. 710, 12-17-2008, eff. 1-1-2009)~~

6-2-3: STANDARD PARKING REGULATIONS:

A. Parking Prohibited In Certain Places: It shall be unlawful and a violation of this chapter for any person to park a vehicle, or to permit others to park a vehicle in any of the following manners or places on a street: ~~(Ord. 729, 11-18-2009)~~

1. On a sidewalk or across a sidewalk.
2. In front of, or within five feet (5') on either side of a driveway.
3. Within an intersection, or within fifteen feet (15') of an intersection.
4. In front of or within five feet (5') from a fire hydrant.
5. In or on a crosswalk.
6. Within twenty feet (20') of a crosswalk at an intersection.
7. Within thirty feet (30') from the approach to any flashing beacon or traffic control device, including stop signs controlling traffic on the same roadway as the approach.
8. Within fifty feet (50') of the nearest rail of any railroad crossing.
9. Within twenty feet (20') of the entrance to a fire station, or on the street opposite of the entrance to a fire station if designated a no parking area by signs.
10. Alongside any street excavation or construction fence or barricade if parking in that location would obstruct the free flow of traffic on the street.

11. On a bridge or other elevated portion of a street, or under an overpass.
12. At any place marked by signs as a no parking zone.
13. In such location or manner that the motor vehicle is parked opposite of the flow of traffic on the street, except as provided in this chapter. ~~(Ord. 710, 12-17-2008, eff. 1-1-2009)~~
14. In such location or manner that the motor vehicle blocks access to a private or public road, regardless of whether that private or public road is blocked off or closed with a gate.
14. In a parking stall designated for the use of disabled or handicapped persons without a proper permit.
15. In a manner which blocks an access ramp for disabled persons.
16. In a manner which abuses the parking privileges granted to disabled persons under a properly issued permit. ~~(Ord. 729, 11-18-2009)~~

B. Parking May Not Obstruct Traffic: No person shall park a vehicle on a street in any manner that obstructs a street, sidewalk or driveway and impedes the free movement of vehicular or pedestrian traffic.

C. Stopping Or Parking On Streets:

1. No person shall park a vehicle, whether attended or not attended, on the traveled portion of a street when it is possible under the existing conditions to park the vehicle off the traveled portion of the street. When stopping or parking a vehicle, it must be parked in a manner that leaves an unobstructed width along the vehicle for the passage of other vehicles.
2. This section shall not apply to vehicles which are parked as a result of mechanical failures or are otherwise disabled to an extent that the vehicle cannot be moved out of the traffic lane. It is the duty of the owner or operator of the disabled vehicle to activate warning lights on the vehicle, and to open the hood in order to give notice to other vehicles on the street that traffic is blocked by a disabled vehicle. It is also the duty of the owner or operator of a disabled vehicle to obtain assistance as soon as possible under the circumstances to have the disabled vehicle removed from the traffic lane.

D. Parking For Certain Purposes Prohibited: It shall be unlawful to park a vehicle on any street or within any public parking facility for the following purposes:

1. Displaying the vehicle for sale.

2. Greasing, servicing or repairing the vehicle, except to the extent necessary under emergency conditions to move a disabled vehicle.
3. Displaying of advertising.
4. Selling food or other merchandise, or soliciting orders for food or merchandise, except when properly licensed by the county to do so.
5. Camping or other habitation.

E. Condition Of Unattended Vehicles: It shall be unlawful for any person to park a vehicle on a street or public parking lot without stopping the engine, locking the ignition, and removing the key from the ignition, and if the vehicle is parked on a readily perceptible grade, the wheels must be turned toward the curb or edge of the road and the parking brake set.

F. Double Parking: No person shall park a vehicle on a street at the side of another vehicle which is also parked, except while actually engaged in loading or unloading passengers or cargo, and except when complying with the instructions of a police officer, allowing an emergency vehicle to pass, or when necessary to avoid other traffic.

G. Parallel Parking: It shall be unlawful to park any vehicle in a manner other than parallel with the curb or shoulder of the street, with the front of the vehicle facing the direction of traffic flow, with the right hand wheels (passenger side) not more than eighteen inches (18") from the curb, shoulder or snow bank, whichever is nearer to the traffic lane.

H. Angle Parking: Angle parking is permitted only when designated by posted signs, and then, only when conditions are such that angle parking does not result in obstruction of the driving lanes such that traffic has to deviate from its normal course to avoid the parked vehicles. Further, no vehicle in excess of twenty feet (20') in length shall park in an angled parking place at any time.

I. Overnight Parking, Camping: It shall be unlawful to park a vehicle on a public street, or within a public parking lot, or within public parks, playing fields, or other areas for purposes of overnight camping, sleeping or other habitation.

J. Parking On Narrow Alleys And Streets Prohibited: It shall be unlawful for any person to park a vehicle on any street or alley in a manner that obstructs the flow of traffic on that street by failing to leave an unobstructed lane of at least twelve feet (12') in width for passing traffic. It shall be unlawful to park opposite another parked vehicle so as to leave less than a twelve

foot (12') wide traffic lane, or in any other manner to obstruct the free movement of traffic through the alley or narrow street.

K. Lighting Requirements: The owner or operator of a vehicle is not required to provide any warning lights on any lawfully parked vehicle. Any vehicle that is parked so as to obstruct the normal flow of traffic, whether illegally parked or disabled in traffic, shall display one or more lights to the front and rear which are visible from a distance of five hundred feet (500'). The light shown to the front of the vehicle shall be white or amber, and the light shown to the rear of the vehicle shall be red. If the headlights are left on, they shall be set on the dimmed setting. It shall be the duty of the owner or operator of a vehicle so parked to open the hood as an additional warning to other motorists, and to keep the lights free of snow, mud or other obstructions so the lights are clearly displayed. (~~Ord. 710, 12-17-2008, eff. 1-1-2009~~)

6-2-4: TIME LIMITATIONS:

It shall be unlawful to leave a vehicle parked on any street or public parking lot for more than seventy two (72) consecutive hours or as otherwise indicated on street signs. After seventy two (72) consecutive hours, or as otherwise indicated on street signs, the vehicle is subject to impoundment. (~~Ord. 710, 12-17-2008, eff. 1-1-2009~~)

6-2-5: SEASONAL LIMITATIONS ON PARKING¹:

A. Special Winter Limitations: It shall be unlawful to park any vehicle on a public street in subdivisions and other areas during the winter season designated as dated in section 7-3-3 of this code where signs have been posted prohibiting parking. Vehicles so parked are subject to impoundment. (~~Ord. 710, 12-17-2008, eff. 1-1-2009; amd. Ord. 212 A, 11-14-2012~~)

B. Parking Not To Obstruct Snow Removal: It shall be unlawful to park any vehicle in a manner that obstructs snow removal by failing to leave adequate room for passage of plows and other removal equipment. Vehicles so parked are subject to impoundment.

C. Snow Removal Emergency Routes: In order to maintain a free flow of traffic during periods of heavy snow, and immediately following heavy snowstorms, the county sheriff's department may declare a snow removal emergency, during which time it shall be unlawful to park any vehicle on streets designated by the county sheriff as no parking areas. (~~Ord. 710, 12-17-2008, eff. 1-1-2009~~)

D. Fire Season Limitations: It shall be unlawful to park any vehicle on or blocking a public or private street designated for emergency egress by signage, code, or otherwise during the fire season where signs have been posted prohibiting parking. Vehicles so parked are subject to impoundment.

6-2-6: COMPLIANCE REQUIRED; FINES; IMPOUNDMENT:

A. Compliance Required: Compliance with this chapter is required when proper signs are posted, or when the regulation is such that no sign is required under this chapter. It shall be unlawful to park any vehicle in violation of the regulations established by this chapter, or in violation of regulations contained on posted signs.

B. Obligation Of Owner To Move Vehicle: It is the obligation of the owner or operator of a vehicle to remove that vehicle when it is illegally parked. When an ~~offieer~~ enforcement official finds an illegally parked vehicle that is impeding traffic or snow removal, the ~~offieer~~ enforcement official is authorized to move the vehicle to the extent necessary to remove the obstruction, including towing the vehicle to an impound yard. (~~Ord. 710, 12-17-2008, eff. 1-1-2009~~)

C. Nature Of Violation: Violations of this chapter are class C misdemeanors, and generally subject to the penalty provided in section 1-4-1 of this code, penalties prescribed in section 1-13 of this code, as well as the adopted code enforcement programs of any other organization or party duly authorized by the Highway Authority under the Traffic Code (U.C.A. §41-6a-101 et al.).-

1. Pursuant to the provisions of section 1-13-4-3 of this code, in lieu of a criminal citation for violations of this title or the adopted code enforcement programs of any other organization or party duly authorized by the Highway Authority under the Traffic Code (U.C.A. §41-6a-101 et al.), there is hereby established an administrative civil fee which may be assessed by means of an administrative citation issued by an enforcement official of Summit County or any other organization or party duly authorized by the Highway Authority under the Traffic Code (U.C.A. §41-6a-101 et al.) as follows:

a. Class I violations shall be those which deprive disabled persons of access to designated parking areas and access ramps. The initial fee for class I violations shall be the sum of one hundred dollars (\$100.00). However, in the event the fee is not paid within a timely fashion after receipt of the citation, the fee shall be as follows:

After 10 days	\$125.00
After 20 days	150.00
After 30 days	170.00
After 60 days	185.00

b. Class II violations shall be those which block or impede emergency egress or hamper the ability of police, fire, EMS or public works officials to properly carry out their official duties and jeopardize the public health, safety and welfare by the violation. The initial fee for class II violations shall be the sum of fifty dollars (\$50.00). However, in the event the fee is not paid within a timely fashion after receipt of the citation, the fee shall be as follows:

After 10 days	\$ 60.00
After 20 days	65.00
After 30 days	70.00
After 60 days	105.00

c. Class III violations shall be those which impede the free movement of vehicular and/or pedestrian traffic. The initial fee for class III violations shall be the sum of thirty dollars (\$30.00). However, in the event the fee is not paid within a timely fashion after receipt of the citation, the fee shall be as follows:

After 10 days	\$45.00
After 20 days	60.00
After 30 days	75.00
After 60 days	90.00

d. Class IV violations shall be all other violations which are not class I, II, or III violations. The initial fee for class IV violations shall be the sum of fifteen dollars (\$15.00). However, in the event the fee is not paid within a timely fashion after receipt of the citation, the fee shall be as follows:

After 10 days	\$25.00
After 20 days	32.00
After 30 days	45.00
After 60 days	68.00

2. Any person receiving an administrative citation who wishes to challenge the citation, may request a hearing before the administrative law judge as outlined in section [1-13-4-4](#) of this code. (~~Ord. 729, 11-18-2009~~)

D. Towing Costs: In addition to fine on the violation, the owner of the vehicle is responsible for paying towing fees and impound fees for the release of the vehicle.

E. Payment: Fines shall be paid to Summit County by cash or check, mailed to P.O. Box 128, Coalville, UT 84017.

F. Release Of Impounded Vehicles: Impounded vehicles will only be released to the owner thereof or the person legally entitled to possession under a rental or lease agreement. Impounded vehicles shall be released under the regulations established by the county sheriff's

department or by ordinance for release and inventory of impounded vehicles, and upon payment of the impound fees and towing fees. (~~Ord. 710, 12-17-2008, eff. 1-1-2009~~)