

**TITLE 10            TRAFFIC AND PARKING**

<b>Chapter 10.04</b>	<b><u>Traffic and Motor Vehicle Regulations</u></b>
<b>Chapter 10.08</b>	<b><u>Careful Driving</u></b>
<b>Chapter 10.12</b>	<b><u>Parking and Vehicle Impoundment</u></b>
<b>Chapter 10.16</b>	<b><u>Parking Regulations</u></b>

**Chapter 10.04        Traffic and Motor Vehicle Regulations**

<b>10.04.010</b>	<b><u>Adoption of Selected Utah State Traffic Laws</u></b>
<b>10.04.015</b>	<b><u>Street Legal All-Terrain Vehicles</u></b>
<b>10.04.020</b>	<b><u>Citation</u></b>
<b>10.04.030</b>	<b><u>Violation - Penalties</u></b>

**10.04.010        Adoption of Selected Utah State Traffic Laws**

- A. Titles 41 and 53 of Utah Code Annotated, as they may from time to time be amended, are adopted by reference and are made a part of the ordinances of Spanish Fork City as if fully set forth in the body of the municipal code and shall take effect and be controlling within the limits of the city; provided, however, that this chapter is not intended to nor does it purport to grant to the city any powers or jurisdiction not specifically or by implication granted by law. Any section included within Titles 41 and 53 of the Utah Code dealing with administration by state agencies or other matters not applicable to traffic and motor vehicle control and regulation are hereby excluded from the said ordinances of the city.
- B. All ordinances of Spanish Fork City or statutes of the State of Utah relating to foot or vehicular traffic as set forth in paragraph A shall be applicable and enforceable upon public school property of the Nebo School District located within Spanish Fork City.
1. For purposes of subparagraph B, any reference to "highway", "street", "public right of way", "roadway", "public roadway", or other similar term used to designate thoroughfares for use by motor vehicles shall include and refer to school parking lots, rights of way, roads, lanes, or other areas designated for vehicular use on school property.

(Ord. No. 07-93, Amended 08/04/1993)

(Ord. No. 09-93, Amended 11/03/1993)

**10.04.015        Street Legal All-Terrain Vehicles**

(Ord. No. 15-09, Enacted 08/18/2009)

(Ord. No. 12-14, Repealed 06/03/2014)

**10.04.020 Citation**

Where a citation or complaint is issued, it shall be sufficient to use the number of the Utah Code followed by "the ordinances of Spanish Fork City" to show the section of the ordinance of the city which has been violated.

**10.04.030 Violation - Penalties**

Any person violating, causing or permitting a violation of any provision of this chapter or the provisions adopted or incorporated by reference is guilty of an infraction unless, within the provisions of the chapter or provisions adopted or incorporated by reference, a greater or lesser penalty is specifically provided.

(Ord. No. 04-93, Amended 04/07/1993)

(Ord. No. 13-16, Amended 08/16/2016)

**Chapter 10.08      Careful Driving**

**10.08.010      Improper Lookout**

**10.08.020      Private Drives and Parking Lots**

**10.08.010      Improper Lookout**

It is a class C misdemeanor for any person to drive any vehicle on the streets of the city without keeping a reasonable and proper lookout for other traffic, objects, fixtures or property thereon or adjacent thereto.

**10.08.020      Private Drives and Parking Lots**

It is a class C misdemeanor for any person to drive non-stop through or across any private driveway or parking lot, or to block the access or use of any private driveway or parking lot by those entitled to the access or use thereof.

**Chapter 10.12 Parking and Vehicle Impoundment**

- 10.12.010 Illegally Parked Vehicles**
- 10.12.020 Notice to Owner**
- 10.12.030 Procedure for Owner to Claim Vehicle**
- 10.12.040 Unclaimed Vehicles - Advertisement and Auction**
- 10.12.050 Owner may Receive Proceeds of Sale - Conditions**
- 10.12.060 Record of Impoundment and Disposal of all Vehicles**
- 10.12.070 Not to Prevent Criminal Prosecution**
- 10.12.080 Improperly Registered Vehicles**
- 10.12.090 Parking of Cars on Vacant Lots**
- 10.12.100 Snow Removal from Streets**
- 10.12.110 Angle Parking**
- 10.12.120 Violations**

**10.12.010 Illegally Parked Vehicles**

- A. Towing and impoundment. The following vehicles, together with or in addition to any other vehicles parked in violation of any provision of this title or the laws of the state, are declared to be nuisances:
  - 1. Any unattended vehicle stopped, standing or parked in violation of any of the provisions of this title;
  - 2. A vehicle found upon the streets or alleys of the city with faulty or defective equipment;
  - 3. A vehicle left unattended upon any bridge, viaduct or at any subway where such vehicle constitutes an obstruction to traffic;
  - 4. Any vehicle upon a street so disabled as to constitute an obstruction to traffic and the person in charge of the vehicle is by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal;
  - 5. Any vehicle left unattended upon a street or alley and so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic;
  - 6. Any vehicle continuously parked upon any public street or right-of-way for seventy-two (72) hours.
  - 7. Any vehicle the driver of which has been taken into custody by the police department under such circumstances as would leave the vehicle unattended in a street, alley or restricted parking area;
  - 8. Any vehicle found being driven on the streets not in a proper condition to be driven;
  - 9. Any vehicle found so parked as to constitute a fire hazard or an obstruction to fire-fighting apparatus.
- B. The same may be summarily abated by removing any vehicle by or under the directions or at the request of a police officer to a place of storage by means of

towing or otherwise.

- C. It shall be illegal for any camp trailer, mobile home, semi-trailer, utility trailer, or any other type trailer which is not capable of self-propulsion, but which in some manner must be towed or pulled to remain upon any public street or right-of-way for a period of time in excess of twenty-four (24) hours.

(Ord. No. 04-93, Amended 04/07/1993)

#### **10.12.020 Notice to Owner**

As soon as is reasonable under the circumstances, a written notice that the vehicle has been impounded shall be mailed to the owner of the vehicle and any recorded lien holder thereof at their last known address as shown by the records of the Motor Vehicle Division or the Utah State Tax Commission. If the license plates on the vehicle are from another state, written notice shall be mailed to the department of motor vehicles in that state, requesting the department of motor vehicles in that state to notify the registered owner of that vehicle that the same has been impounded by the police department and that the same shall be sold at public auction as is provided by this chapter, if not claimed by the owner or his or her proper representative.

#### **10.12.030 Procedure for Owner to Claim Vehicle**

Before the owner or his or her agent shall be permitted to remove a vehicle which has been impounded he or she shall;

- A. Furnish satisfactory evidence to the police department of his or her identity and his or her ownership of the vehicle;
- B. Request and obtain from the police department a written order to the place of storage in which the vehicle is impounded, authorizing the release of the vehicle to the owner or his or her agent upon the payment to the place of storage of towing and storage charges reasonably incurred in the towing and storage of the vehicle from the date of said impounding to the time of presenting the order of release from the police department therefore;
- C. Sign a written receipt for the vehicle and deliver the same to the place of storage upon receiving the impounded vehicle.

#### **10.12.040 Unclaimed Vehicles - Advertisement and Auction**

If, at the expiration of fifteen (15) days after mailing the notice provided for in 10.12.020 such vehicle is not redeemed by the owner or his/her proper representative, the chief of police or his/her authorized agent shall proceed to sell the same at public auction to the highest bidder after first giving at least ten (10) days' notice of sale by publishing the notice at least once in a newspaper published in the city stating the time and place of the sale. The notice shall also describe the vehicle to be sold with reasonable certainty and shall state to whom, if anyone, the records of the office of the Motor Vehicle Division or the State Tax Commission show the same to belong, and if the name of the owner or recorded lien holder, if any is known, the police department

shall send the owner or recorded lien holder a copy of the notice as published immediately after the publication of the same, which notice shall be mailed to their address as shown on the records of the Motor Vehicle Division or the Utah State Tax Commission. A copy of this notice as published shall immediately, after publication, be mailed to the owner of the place of storage. The money received by the chief of police or his/her authorized agent from the sale of any vehicle shall be applied first to the actual cost of towing and storage of the impounded vehicle, then to pay the cost of advertising the notice of sale, and the balance, if any, shall then be paid into the city treasury to be used as hereinafter provided.

**10.12.050 Owner may Receive Proceeds of Sale - Conditions**

At any time within one (1) year from and after the date of sale, the former owner of the vehicle sold appears and makes a claim, and upon application to the city council and upon presentation of satisfactory proof that he/she was the owner of the vehicle sold, shall be paid the proceeds of the sale less the necessary expenses thereof and less the towing, impounding, and storage charges provided for in ' 10.12.010. and ' 10.12.030.

**10.12.060 Record of Impoundment and Disposal of all Vehicles**

The police department shall keep a record of all vehicles impounded by manufacturer's name or make, body type, motor and license number, the names and addresses of all persons claiming the same and such other descriptive matter as may identify the vehicles, the nature and circumstances of the impounding thereof, and the violation on account of which the vehicles were impounded, the date of the impounding and the name and address of any person to whom any vehicle is released.

**10.12.070 Not to Prevent Criminal Prosecution**

The impoundment of a vehicle shall not prevent or preclude the institution and prosecution of criminal proceedings against the owner or operator of the impounded vehicle.

**10.12.080 Improperly Registered Vehicles**

The police department may immediately impound in a proper place of storage all vehicles found that are improperly registered, stolen or bear defaced motor numbers, and shall within ninety-six (96) hours thereafter notify in writing the motor Vehicle Division or the Utah State Tax Commission of the impounding, setting forth in the notice the date found, the address where found, the make, registration number and date and place where stored.

**10.12.090 Parking of Cars on Vacant Lots**

It shall be an infraction for the owner of a motor vehicle, camper, trailer, boat, or other type of vehicle to park it or allow it to be parked on a vacant lot or parking lot

owned by another person for the purpose of displaying it for sale, unless the owner or lessee of the property on which it is parked has city business license to engage in the business of selling motor vehicles, campers, trailers, boats, or other vehicles at that location. It shall also be a class C misdemeanor for the owner or lessee of such property to allow another person to park a motor vehicle, camper, trailer, boat or other vehicle on the property for the purpose of displaying it for sale unless such owner or lessee has a city business license to engage in the business of selling such merchandise at that location.

(Ord. No. 13-16, Amended 08/16/2016)

#### **10.12.100 Snow Removal from Streets**

(Ord. No. 09-03, All of 10.12.100 Repealed, 12/02/2003)

#### **10.12.110 Angle Parking**

Angle parking is allowed in Spanish Fork City only where Spanish Fork City has striped the street to indicate angle parking is allowed. Cars may be allowed to park diagonally to the curb within the parking areas so striped. In all other locations on public streets, the parking shall be parallel.

(Ord. No. 19-97, Enacted 10/21/1997)

#### **10.12.120 Violations**

A person who violates any provision of this Chapter is subject to receiving an administrative notice of violation and handling the matter administratively, if they so desire. If an alleged violator wants to challenge the violation or otherwise does not want to resolve the matter administratively they shall receive a citation to court. Violations referred to court are infractions.

(Ord. No. 05-15, Amended 02/03/2015)

**Chapter 10.16      Parking Regulations**

- 10.16.010      Parking Prohibited**
- 10.16.020      Parking of Trucks**
- 10.16.030      Wrecked or Disabled Vehicles**
- 10.16.040      Snow Removal**
- 10.16.050      Violations**

**10.16.010      Parking Prohibited**

- A. It shall be unlawful for any person to park any vehicle on either side of Main Street south of I-15 or north of the Spanish Fork River between the hours of 11:00 p.m. and 5:00 a.m. It shall also be unlawful for any person to park a vehicle on either side of the street between the hours of 11:00 p.m. and 5:00 a.m. on Center Street between Main Street and 100 East, on 100 East between Center Street and 100 South, and on 100 South between 100 East and Main Street.
- B. It shall be unlawful for any person to park any vehicle on either side of Main Street, between 5:00 a.m. and 11:00 p.m., south of I-15 and north of the Spanish Fork River for a period of time longer than three consecutive hours.
- C. A Vehicle@ is defined to include, but not necessarily be limited to, automobiles, trucks, trailers, mobile homes, travel trailers, boats, motorcycles, buses, snowmobiles, and other objects used or capable of being used for transportation purposes whether for the transport of humans, animals or freight of any kind.

(Ord. No. 02-03, Amended 02/04/2003)

(Ord. No. 03-03, Amended 04/01/2003)

(Ord. No. 10-06, Amended 09/01/2006)

(Ord. No. 07-14, Amended 05/06/2014)

**10.16.020      Parking of Trucks**

- A. No truck or truck-trailer with rated capacity of 2 1/2 tons or more, or licensed for more than 24,000 pounds gross, shall be allowed to be parked on the public streets in residential districts for a period of time in excess of two (2) hours, except while actually loading or unloading merchandise. In no event, shall it remain parked for longer than eight (8) hours.
- B. Except as set forth in subparagraph A, no truck with a rated capacity of 2 1/2 tons or more, or licensed for more than 24,000 pounds gross weight shall be parked on any public street closer than thirty (30) feet to the entrance or exit or intersection with any private driveway, private street, alley, or public street.
- C. For purposes of this section, a truck shall be deemed parked, even though the

motor is running, if the vehicle is left standing for any period in excess of three (3) minutes when the same is not attended by a driver lawfully authorized to drive the said vehicle (except when loading or unloading as provided in paragraph A above).

- D. In addition to any other remedies available under this section, any truck or truck trailers parked illegally under this section, which has had a previous violation, may be impounded and towed. The requirements of chapter 10.12 shall be applicable to any such truck which is impounded.

(Ord. No. 09-93, Enacted 11/03/1994)

(Ord. No. 06-99, Enacted [D], 05/04/1999)

### **10.16.030 Wrecked or Disabled Vehicles**

- A. As used in this section, wrecked or disabled vehicle means any motor vehicle, off-road vehicle, trailer, or other mode of transportation use for travel on streets or highways or for recreational pursuits Aoff-road.@, which cannot be started or operated without additional parts or additional assembly.
- B. No more than one wrecked or disabled vehicle may be stored on any premises in Spanish Fork City, with the exception of a business properly licensed within a commercial or industrial zone which stores such vehicles as a part of its business. The one vehicle which is allowed to be stored must be screened from public view by means of a solid visual barrier fence, opaque covering, or garage or similar structure.
- C. In addition to any criminal or administrative penalties, the City retains the right to dispose of such vehicles and charge the costs thereof against the owner of the property where the vehicle was improperly stored, as well as against the vehicle owner. It will be an infraction.

(Ord. No. 03-98, Enacted 04/07/1998)

(Ord. No. 05-15, Amended 02/03/2015)

(Ord. No. 13-16, Amended 08/16/2016)

### **10.16.040 Snow Removal**

Parking is prohibited on city public streets during snow removal operations. All vehicles are to be removed from city public streets during snow storms and for up to 48 hours thereafter, or until snow plowing and snow removal efforts are completed, as determined by the Public Works Department, whichever is sooner. During snow storms shall mean at the point in time that snow begins to accumulate on the streets, rather than melt. The Mayor has the authority to extend the 48 hours in the event of an unusually large storm which takes City crews more than 48 hours to clear the streets of

snow. Notice of the extension is to be posted on the City web page, SFCN, and through mass communication messages.

#### **10.16.050 Violations**

The registered owner(s) of a vehicle which is in violation of this Chapter is subject to receiving an administrative notice of violation and handling the matter administratively, if they so desire. If the registered owner wants to challenge the violation or otherwise does not want to resolve the matter administratively, they shall receive a citation to court. Parking violations referred to court are infractions. The registered owner(s) is responsible for a vehicle in violation of this Chapter, whether or not they were driving the vehicle, and whether or not they were responsible for where the vehicle was parked. Administrative fees shall be established by the Council in the City's annual budget, or by resolution.

(Ord. No. 05-15, Amended 02/03/2015)

(Ord. No. 01-16, Created 02/16/2016)