

TITLE 6
MOTOR VEHICLES AND TRAFFIC

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CHAPTER 1

STATE TRAFFIC CODE; GENERAL PROVISIONS

SECTION:

- 6-1-1: Idaho Vehicle Laws Adopted
- 6-1-2: Through And Stop Streets
- 6-1-3: Parking Restrictions
- 6-1-4: Penalty

6-1-1: **IDAHO VEHICLE LAWS ADOPTED:** Title 49, the Idaho motor vehicle laws, rules of the road, chapters 5, 6 and 7, together with all subsequent additions and revisions to said title 49, Idaho motor vehicle laws, rules of the road, chapters 5, 6 and 7, are hereby adopted by reference to govern the city. (Ord. 179, 9-6-1977; amd. 2011 Code)

6-1-2: **THROUGH AND STOP STREETS:** Main Street in the city extending from the south side of the state highway south to the city limits is hereby designated as a through street. A sign with the word "stop" thereon shall be erected by the city on each side of any street intersecting said Main Street, now designated as a through street. It shall be unlawful for any person to enter with a vehicle upon said through street without first stopping, and when entering said street, shall enter the same with due caution as to traffic already on said through street. (Ord. 124, 9-16-1947; amd. 2011 Code)

6-1-3: **PARKING RESTRICTIONS:**

- A. Main Street, Angle Parking: All cars or vehicles parked along Main Street in the city shall be parked on the right hand side of the street at an angle of forty five degrees (45°).
- B. Twenty Four Hour Limitation: No automobile, truck, tractor, or any other vehicle or farm machinery may be parked along any street or

avenue in the city for a longer period than twenty four (24) hours at any one time. (Ord. 124, 9-16-1947)

6-1-4: **PENALTY:** Any person violating any provision of this chapter, or the Idaho motor vehicle laws adopted by reference in section 6-1-1 of this chapter, shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to penalty as provided in section 1-4-1 of this code. (2011 Code)

CHAPTER 2

SNOWMOBILES AND ALL-TERRAIN VEHICLES

SECTION:

- 6-2-1: Purpose
- 6-2-2: Definitions
- 6-2-3: Vehicle License Required
- 6-2-4: Use And Operation Restrictions
- 6-2-5: Penalty

6-2-1: **PURPOSE:** In order to assist users of vehicles commonly described as snowmobiles and all-terrain vehicles to transport snowmobiles and all-terrain vehicles from places of storage to locations for recreation or other purposes not located upon public streets, alleyways or other public thoroughfares located within the city limits, the restrictions, regulations and penalties set forth in this chapter will be enforced by the law enforcement agencies of the city and the county. (Ord. 172, 10-18-1972, eff. 10-24-1972)

6-2-2: **DEFINITIONS:** For the purpose of this chapter, the following terms shall have the meanings ascribed to them in this section:

PUBLIC STREET: A street, alleyway or other public thoroughfare which is maintained for winter use.

SIDEWALK: Sidewalks used for public use which are maintained for use in the wintertime. This term will not include sidewalks not cleaned and maintained for winter use during the periods of time when snow is on the ground. (Ord. 172, 10-18-1972, eff. 10-24-1972)

6-2-3: **VEHICLE LICENSE REQUIRED:** No person shall be allowed to operate a snowmobile or other terrain vehicle along a

maintained public street, alley or thoroughfare located within the city unless he has been issued a valid Idaho state operator's license in accordance with the Idaho statutes for the purpose of operating a motor vehicle upon a public highway, and said operator will be required to have his driver's license in his possession while operating said snowmobile on the public thoroughfare. (Ord. 172, 10-18-1972, eff. 10-24-1972)

6-2-4: USE AND OPERATION RESTRICTIONS:

- A. **Speed:** No snowmobile or snow machine may be operated upon any city street or thoroughfare within the city limits at a rate of speed in excess of twenty (20) miles per hour.
- B. **Stopping At Intersections:** Operators of snowmobiles or other terrain vehicles on public streets in the city shall bring said snowmobile or other terrain vehicle to a full and complete stop at every intersection where two (2) or more streets or alleys cross, regardless of the type of traffic control displayed at the various intersections or in the absence of said traffic control sign or symbol.
- C. **Operation On Right, Single File:** Any operation of a snowmobile or other terrain vehicle on the public streets or thoroughfares of the city shall be restricted exclusively to the extreme right hand side of said roadway while operating said snowmobile or other terrain vehicle as closely to the right hand side of the street as possible, and the operation of a snow machine directly in the lane of traffic as utilized by wheeled vehicles is prohibited. It is further prohibited to operate snowmobiles or other terrain vehicles on public streets in any manner other than single file along the extreme right hand side of the road.
- D. **Headlights And Taillights:** It shall be unlawful to operate a snowmobile or other terrain vehicle on the streets of Bancroft regardless of the time of day or night or prevailing weather conditions unless the rear illuminary or taillight and the headlight or lamp are lit.
- E. **Hours Of Operation:** It shall be unlawful to operate a snowmobile or other terrain vehicle within the city limits between ten o'clock (10:00) P.M. and six o'clock (6:00) A.M. on the public streets, and the use of a snowmobile or other terrain vehicle shall further be prohibited during any of these hours when the operation of said snowmobile or other terrain vehicle would cause a public nuisance.

- F. Private Property, Permission Required: It shall be unlawful to operate any snowmobile or other terrain vehicle upon any privately owned real estate in the city limits without the express and specific consent of the legal occupant of said property.
- G. Use On Sidewalks: It shall be unlawful for any person to operate a snowmobile or other terrain vehicle on any public sidewalk or walkway maintained for winter use for pedestrian traffic.
- H. Crossing Street In Most Direct Route: It shall be unlawful for any snowmobile or other terrain vehicle to cross any public street except when in the most direct route across the street, this being direct and straight across the street.
- I. Obey State Traffic Laws: In addition to the regulations contained herein, the operators of all snowmobiles will be required to obey all laws of the Idaho motor vehicle statute.
- J. Transporting Only One Person: Operators of any snowmobile or other terrain vehicle shall not carry or otherwise transport more than one person on said machine while said vehicle is being operated on the public streets of Bancroft, irrespective of the size or age of the passenger.
- K. Towing Other Devices: No sled, toboggan, trailer or any other device shall be towed by a snowmobile except by means of a rigid tow bar connecting the same to such device.
- L. Main Street: It shall be unlawful for the operator of any snowmobile, snow machine, or other terrain vehicle to operate said machine or vehicle for any purpose on Main Street, except when crossing said street in accordance with the Idaho state statute at defined intersections. (Ord. 172, 10-18-1972, eff. 10-24-1972)

6-2-5: **PENALTY:** All violators of this chapter shall be guilty of a misdemeanor and shall be subject to penalty as provided in section 1-4-1 of this code. (Ord. 172, 10-18-1972, eff. 10-24-1972; amd. 2011 Code)

CHAPTER 3

ABANDONED, JUNKED VEHICLES

SECTION:

- 6-3- 1: Definitions
- 6-3- 2: Nuisance On Public Or Private Property
- 6-3- 3: Notice And Hearing
- 6-3- 4: Responsibility For Removal
- 6-3- 5: Removal And Impoundment By City
- 6-3- 6: Disposition
- 6-3- 7: Proceeds Of Sale
- 6-3- 8: Redemption
- 6-3- 9: Immunity From Damages
- 6-3-10: Penalties

6-3-1: **DEFINITIONS:** For the purpose of this chapter, the following terms, phrases, words, and their derivations shall have meanings ascribed herein. When not inconsistent with the context, words used in the present tense shall include the past, and singular words shall include the plural. The word "shall" is always mandatory and not merely directory.

ABANDON: Any "person" as defined in this section, who deserts or surrenders his claim or rights to any "motor vehicle" or other vehicle as defined in this section.

CITY: The city of Bancroft, Caribou County, Idaho.

DIRECTOR OF TRAFFIC: Any city employee or other person designated by the mayor or city council to serve in this capacity.

JUNKED: Any "motor vehicle" or other vehicle as defined in this section, which is wrecked, dismantled, partially dismantled, inoperative, abandoned or

discarded and which is not capable of being licensed and which does not have lawfully affixed thereto both unexpired license plate or plates.

MOTOR VEHICLE: Any vehicle which is self-propelled and/or designed to travel along the ground, on water, or through the air, including, but not limited to: aircraft, watercraft, automobiles, buses, motor bikes, motor homes, motorcycles, motor scooters, trucks, tractors, go-carts, snowmobiles, or other self-propelled appurtenances.

OTHER VEHICLES: Any vehicle which is not self-propelled and/or is designed to travel along the ground, on water, or through the air, including, but not limited to: camp trailers, mobile homes, boats, boat trailers, campers, farm equipment, and other not self-propelled appurtenances and not inhabited or affixed to a foundation.

PERSON: Any person, firm, partnership, association, corporation, company, or organization of any kind.

PRIVATE PROPERTY: Any real property within the city which is privately owned and which is not "public property" as defined in this section.

PUBLIC PROPERTY: Any street or highway, including the entire width between the boundary lines of every road or way publicly maintained for the purpose of vehicular travel, and shall also mean any other real property or facility owned or operated by any government agency. (Ord. 177, 11-7-1977)

6-3-2: NUISANCE ON PUBLIC OR PRIVATE PROPERTY:

A. Public Property:

1. No person shall park, store, leave, abandon, junk, or permit the parking, storing, junking, or abandoning of any motor vehicle or other vehicle of any kind, whether attended or not, upon any public prop-

erty within the city for a period of time exceeding a forty eight (48) hour period.

2. The presence of an abandoned or junked vehicle, or parts thereof, is hereby declared to be a nuisance in that it represents a serious hazard to the public health, safety, convenience, and welfare of the residents of the city. Its removal by a towing service may be authorized by the director of traffic, and the responsibility for removal as described in section 6-3-4 of this chapter will apply. (Ord. 177, 11-7-1977)

B. Private Property:

1. No person shall park, store, leave, abandon, junk or permit the parking, storing, junking, or abandoning of any motor vehicle or other vehicle of any kind, whether attended or not, upon any private property within the city for a period of time exceeding ten (10) days. (Ord. 177, 11-7-1977; amd. 2011 Code)

2. The presence of an abandoned or junked vehicle or parts thereof can be declared to be a nuisance in that it represents a serious hazard to the public safety, health, convenience, and welfare of the residents of the city. Such nuisance may be abated as provided in this chapter. This subsection shall not apply to any motor vehicle or other vehicle completely enclosed within a building on private property, or to any motor vehicle or other vehicle held in connection with a business enterprise lawfully licensed by the city and located in an area where such a business is permitted by the zoning laws of the city.

C. Complaint: Where a nuisance exists in subsection B of this section, a formal complaint must be filed with the director of traffic, mayor and/or the city council. (Ord. 177, 11-7-1977)

6-3-3: NOTICE AND HEARING:

A. Notice: Whenever it comes to the attention of the director of traffic that any nuisance exists, as described in section 6-3-2 of this chapter, within the city, a notice in writing shall be served upon the registered and/or legal owner of the motor vehicle or other vehicle, notifying him of the existence of the nuisance and requesting its removal, within forty eight (48) hours, as stated in subsection 6-3-2A1 of this chapter, and fifteen (15) days following issuance of notice as stated in this subsection. The notice shall further advise

that, upon failure to comply with its terms, the director of traffic or his designee shall undertake such removal with the costs incurred thereby to be levied against the registered and/or legal owner of the motor vehicle or other vehicle. If the registered and/or legal owner cannot be located personally, it shall constitute sufficient notice if a copy of the same is posted in a conspicuous place upon the motor vehicle and/or other vehicle and duplicate copies of the notice are sent by certified mail to the owner of the motor vehicle and/or other vehicle to the last known address.

- B. Hearing: Persons to whom notices are directed, or their duly authorized agents, following a subsection 6-3-2B of this chapter nuisance, may file a request for hearing before the city council within the fifteen (15) day period prescribed herein, for the purpose of showing just cause why they should not be required to comply with the terms of this chapter. Such hearing shall be held at the next regularly scheduled meeting of the city council at least ten (10) days after the filing of the request for hearing, and the persons to whom the notice is directed shall be advised of the time and place of said hearing at least three (3) days in advance thereof. The time remaining for compliance with the notice shall be followed upon the filing of a request for hearing and shall not again commence to run until the city council has issued its decision. At any such hearing, the city and the persons to whom notices have been directed may introduce such witnesses and evidence as either party deems necessary. (Ord. 177, 11-7-1977)

6-3-4: **RESPONSIBILITY FOR REMOVAL:** Upon proper notice and opportunity to be heard as specified in section 6-3-3 of this chapter, the registered and/or legal owner of an abandoned and/or junked motor vehicle or other vehicle shall be responsible for its prompt removal. In the event of removal and disposition by the city, the registered and/or legal owner shall be liable for the expenses incurred. (Ord. 177, 11-7-1977)

6-3-5: **REMOVAL AND IMPOUNDMENT BY CITY:** If the violation described in the notice has not been remedied within the compliance period, or if a hearing has been conducted and the compliance period has expired following affirmance of the violation by the city council, the director of traffic or his designee is authorized to take possession of the motor vehicle and/or other vehicle in question and remove it from the premises where it is located. Within forty eight (48) hours after the removal of such motor vehicle and/or other vehicle, the director of traffic or his designee shall give notice to the registered and/or legal owner that the

motor vehicle and/or other vehicle has been impounded and stored for violation of this chapter. The notice shall specify the location where the motor vehicle and/or other vehicle is stored and the costs incurred by the city for its removal and storage. (Ord. 177, 11-7-1977)

6-3-6: DISPOSITION:

- A. If thirty (30) days have elapsed after impounding a motor vehicle and/or other vehicle, and giving notice as authorized in this chapter, during which the motor vehicle and/or other vehicle has not been claimed and the city's cost paid, the city shall cause the motor vehicle and/or other vehicle to be appraised.
- B. If the vehicle is appraised at seventy five dollars (\$75.00) or less, the director of traffic shall execute an affidavit so attesting and describing the vehicle, including the numbers of license plates, if any, and stating the location and appraised value of the vehicle. The director of traffic may then summarily dispose of the motor vehicle and/or other vehicle, and execute an appropriate certificate of sale or destruction. One copy of such certificate shall be filed with the city clerk-treasurer and another copy shall be forwarded to the Idaho transportation department, division of motor vehicles.
- C. If the motor vehicle and/or other vehicle is appraised in excess of seventy five dollars (\$75.00), the director of traffic shall give notice of public sale not less than ten (10) days before the date of the proposed sale. Such notice of sale shall include: 1) a statement that the sale is of impounded property in the possession of the city; 2) a description of the motor vehicle and/or other vehicle; 3) a statement of the terms of sale; 4) a recitation of the date, time, and place of sale. The motor vehicle and/or other vehicle shall be sold to the highest bidder. At the time of payment of the purchase price, the director of traffic shall execute an appropriate certificate of sale, the original to be given to the purchaser, one copy to be filed with the city clerk-treasurer and another copy to be forwarded to the Idaho transportation department division of motor vehicles. (Ord. 177, 11-7-1977)

6-3-7: PROCEEDS OF SALE: When a vehicle located within the corporate limits of the city is authorized to be disposed of as set forth in this chapter, the proceeds of the public sale or disposition after the deduction of expenses incurred shall be deposited in the municipal treasury. (Ord. 177, 11-7-1977)

6-3-8: **REDEMPTION:** The owner of, or person asserting a lien or secured interest in, any motor vehicle and/or other vehicle impounded under the provisions of this chapter may redeem such motor vehicle and/or other vehicle at any time after its removal but prior to its sale or destruction upon proof of ownership, lien, or secured interest and payment to the city clerk-treasurer for any expenses incurred for removal, storage, and prior sale expenses. Expenses incurred reflecting the city's actual costs shall be posted in the office of the clerk-treasurer and shall be made available for public inspection. (Ord. 177, 11-7-1977)

6-3-9: **IMMUNITY FROM DAMAGES:** Any member of the county sheriff's department, city employee, towing service owner, operator, or employee shall not be held liable for damages in any action brought by the registered and/or legal owner, former registered owner, or his legal representative, or any other person legally entitled to the possession of a motor vehicle and/or other vehicle when the vehicle was processed and sold or disposed of as provided by this chapter. (Ord. 177, 11-7-1977; amd. 2011 Code)

6-3-10: **PENALTIES:**

- A. Civil Action; Lien: Upon failure of compliance with this chapter by the registered and/or legal owner of the motor vehicle and/or other vehicle removed by the city, the city may file a civil action against the registered and/or legal owner to recover the unpaid expenses incurred by such removal, including litigation costs and reasonable attorney fees. In addition, as part or separately from the civil action, the city may cause a lien or special assessment to be placed directly upon the property of the registered and/or legal owner of the motor vehicle and/or other vehicle, for the amount of such expenses.

- B. Violation A Misdemeanor: Any violation of a provision of this chapter shall be unlawful and punishable as a misdemeanor. Each day that such violation continues with respect to each motor vehicle and/or other vehicle may be deemed a separate offense. Prosecution for such offense shall not preclude a civil action for recovery of costs as provided in subsection A of this section. (Ord. 177, 11-7-1977)