ORDINANCE #2018-02

AN ORDINANCE AMENDING THE CITY OF MOAB MUNICIPAL CODE, TITLE 10 VEHICLES AND TRAFFIC, CHAPTER 10.04 VEHICLE CODE; SPECIFICALLY, THE RECENTLY AMENDED SECTION 10.04.230, TO FURTHER CLARIFY RESTRICTIONS FOR VEHICLES PARKED WHILE IDLING OR RUNNING.

WHEREAS, the City Council ("Council") adopted the Moab Municipal Code ("Code") and especially Chapter 10.04, also known as "Vehicles and Traffic" in an effort to promote safe use of all City streets and vehicles within the City limits; and,

WHEREAS, from time to time the City has noticed that there is a need to amend the Code in order to clarify existing uses or prohibit activities that may be deemed unsafe or which may disturb the peace of residents; and,

WHEREAS, the City has received several noise complaints from residents due to commercial trucks and recreational vehicles parking for hours on public streets while running or idling; and,

WHEREAS, Council passed Ordinance #2017-35 in a regularly scheduled public meeting held on October 17, 2017 to approve changes to Chapter 10.04, Vehicles and Parking, of the Moab Municipal Code; and,

WHEREAS, Staff and City Attorney found an error to the amendments to the Code; and,

WHEREAS, Councilor Jones requested changes to the definition section of 10.04.020; and,

WHEREAS, Council finds that the proposed changes are in the best interests of the City.

NOW, THEREFORE, the Moab City Council hereby adopts Ordinance #2018-02 and amends Chapter 10.04, specifically Sections 10.04.020 and 10.04.230 as follows:

10.04.020 Definitions.

Unless the context otherwise requires, all references in the traffic code to:

"Block" means the distance on both sides of a street between two (2) intersecting streets

"Inoperative vehicle" is defined as any vehicle that is unlicensed or unregistered, and/or is unable to be operated because of needed mechanical or other physical repairs.

"Local authorities" means the governing body of this municipality.

"Magistrate" means the justice of the peace or judge of the municipality.

"Recreational vehicle (RV)" means a vehicle other than a mobile home, primarily designed as a temporary dwelling for travel, recreational or vacation use, which is either a self-propelled motor vehicle or pulled by another vehicle. The term recreational vehicle also includes a boat, a snowmobile,
personal watercraft, an all-terrain vehicle, or off-highway vehicle, a travel trailer, a camping trailer, a motor home, a fifth wheel trailer, trailers, and other similar vehicles. “Trailer” means any truck trailer or other trailer designed or adapted primarily for the transportation of materials, debris, or property of whatever kind, including, without limitation, boats, personal watercraft, snowmobiles, all-terrain vehicles, or motorcycles, whether occupied or empty.

“Travel trailer,” “camping trailer,” or “fifth wheel trailer” means a portable vehicle without motive power, whether occupied or empty, designed as a temporary dwelling for travel, recreational or vacation use that does not require a special highway movement permit when drawn by a self-propelled motor vehicle.

“The State Road Commission” or “State Department of Transportation” means the municipality and its officers, departments, agencies and agents.

10.04.230 Unlawful Parking, Idling or Camping

A. Definitions. As used in this section:

1. “Block” means the distance on both sides of a street between two (2) intersecting streets

2. “Commercial vehicle” means a motor vehicle in excess of one-ton capacity of whatever make or type designed for or adapted to commercial or agricultural purposes, regardless of the use to which such vehicle is put at any particular time. The term “commercial vehicle” includes, without limitation, all so-called “semi” truck tractors and “semi” truck-trailers, as well as motorized equipment, such as loaders, backhoes, excavators, or the like.

3. “Idling” means running an engine on a motor vehicle while parked.

4. “Public Street” means any right of way owned by the City of Moab, Grand County or Utah Department of Transportation (UDOT) within the city limits of Moab. This includes roads, streets and alleys.

5. “Recreational vehicle (RV)” means a vehicle other than a mobile home, primarily designed as a temporary dwelling for travel, recreational or vacation use, which is either a self-propelled motor vehicle or pulled by another vehicle. The term recreational vehicle also includes a boat, a snowmobile, personal watercraft, an all-terrain vehicle, or off-highway vehicle, a travel trailer, a camping trailer, a motor home, a fifth wheel trailer, trailers, and other similar vehicles.

6. “Running” means any vehicle, as defined in this section, parked with a generator or refrigeration unit in operation.
7. "Trailer" means any truck trailer or other trailer designed or adapted primarily for the transportation of materials, debris, or property of whatever kind, including, without limitation, boats, personal watercraft, snowmobiles, all-terrain vehicles, or motorcycles, whether occupied or empty.

8. "Travel trailer," "camping trailer," or "fifth wheel trailer" means a portable vehicle without motive power, whether occupied or empty, designed as a temporary dwelling for travel, recreational or vacation use that does not require a special highway movement permit when drawn by a self-propelled motor vehicle.

B. Idling or Running Prohibited. It is unlawful for any person to park while idling or running, any motor vehicle, commercial vehicle, or recreational vehicle as defined in this section on any public road, street, alley or municipal property for a period of time in excess of four consecutive hours. Any vehicle parked or left standing in violation of this subsection may be impounded or removed by any certified peace officer or other designated official, and the owner may be fined as provided in this chapter.

C. Idling or Running Overnight Prohibited. It is unlawful for any person to park while idling or running any motor vehicle, commercial vehicle, or recreational vehicle on any public road, street, alley, or municipal property for any length of time between the hours of 10:00 p.m. and 7:00 a.m. Any vehicle so parked or left standing in violation of this subsection may be impounded or removed by any certified peace officer or other designated official, and the owner may be fined as provided in this chapter.

D. Camping Prohibited. It is unlawful to park any motor vehicle, commercial vehicle, or recreational vehicle on a public road, street, alley, or private property for purposes of human habitation or overnight camping. Any vehicle parked in violation of this subsection for a period exceeding four consecutive hours may be impounded or removed by any on duty peace officer, or other designated official, and the owner may be fined as provided in this chapter.

1. Vehicles moved from a parking spot and then re-parked on the same block, as defined in this section, within twenty-four (24) hours from the time of removal shall be deemed to have been continuously parked for the purposes of this subsection.

E. Impoundment. For purposes of impoundment and removal, a certified peace officer, or other designated official, may, after placing a visible notification on the vehicle and making a reasonable effort to locate the owner, impound and remove any motor vehicle which has been unmoved for four consecutive hours. The cost of impoundment and removal shall be charged to the owner or any person who claims the impounded motor vehicle.

F. Ownership. The presence of any motor vehicle, commercial vehicle, or recreational vehicle when parked in violation of this section is prima facie evidence that the registered owner or lessee of such vehicle parked the same, or that the driver was acting as the agent of the owner or lessee.

G. Relocation. No motor vehicle, commercial vehicle, or recreational vehicle that has been the subject of a violation of this section shall be subsequently relocated or parked on the same block where the violation occurred for a period of one hundred eighty (180) days from the date of violation. Relocation or parking of the vehicle in violation of this subsection shall be a separate violation.

H. Continuing violations. In the case of a continuing violation under this section, each day of violation shall be deemed a separate offense.
I. Exception. The prohibitions in this section shall not apply to vehicles under continuous human
operation in connection with construction activities, or vehicles left temporarily idling or running in
connection with deliveries.

J. Conflicting Ordinances. This section shall control and take precedence over any conflicting provisions
in this code concerning parking or storage of vehicles.

This ordinance shall take effect immediately upon passage.

PASSED AND APPROVED in open Council by a majority vote of the Governing Body of Moab
City Council on, February 27, 2018

SIGNED:

Emily S. Niehaus, Mayor

ATTEST:

Rachel Stenta, Recorder