

Title 6 – Motor Vehicles and Traffic Code

Chapter 2 Traffic Provisions Generally

ARTICLE A. PARKING CODE

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6-2A-1: TITLE:

This article shall be referred to as the *BRIAN HEAD TOWN PARKING CODE*. (Ord. 08-018, 10-28-2008)

6-2A-2: APPLICABILITY:

This article is applicable on all streets and public parking facilities within the town corporate limits as now constituted or as subsequently amended by annexation or disconnection. (Ord. 08-018, 10-28-2008)

6-2A-3: DEFINITIONS:

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

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

DOUBLE PARKING: Parking, standing or stopping a vehicle, whether attended or unattended:

- A. At the side of another vehicle which is legally parallel parked; or
- B. Behind a parking space which is occupied by a legally parked vehicle.

IMMOBILIZATION: Prohibiting the movement of a vehicle by attaching a "boot" or other device approved by the parking manager to the vehicle. The Town does not guard, assume care or accept liability for any vehicle, its occupants or its contents, nor does it assume responsibility for damage while the vehicle is immobilized.

NONMOTORIZED EQUIPMENT: Any equipment that is nonmotorized and is so designed as to require a motor vehicle for mobility, including but not limited to, uncoupled trailers, detached snowplows, dumpsters, and other items that are not self-propelled.

PARK OR PARKING: Stopping, standing or leaving a motor vehicle in a fixed spot or location on a street or public parking facility 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 police officers.

PUBLIC PARKING FACILITY: Any public parking lot, area, garage or structure that is owned, operated and/or maintained by Brian Head Town, but not on street parking.

STREET: Every street, alley, roadway, right of way or on street parking space under the control and/or maintenance of Brian Head Town, whether on public or private property, including all streets shown as public streets on the general plan. The term "street" shall not include private driveways, private parking lots or private roadways.

VEHICLE OR MOTOR VEHICLE: Any automobile, truck, motorcycle, trailer, backhoe, loader or other piece of construction machinery, and every other means of conveyance or persons or cargo included within the Utah Motor Vehicle Act. (Ord. 08-018, 10-28-2008)

6-2A-4: PRESUMPTION OF IDENTITY:

For any vehicle on any street or public parking facility which is parked in violation of the regulations of this article, it shall be irrefutably presumed that the registered owner of the vehicle parked the vehicle in violation of this article, or permitted others to park his vehicle in violation of this article, and the registered owner is responsible for the violation and for the fine or civil penalty imposed. (Ord. 08-018, 10-28-2008)

6-2A-5: STANDARD PARKING REGULATIONS:

- A. **Parking Prohibited In Certain Places:** It shall be unlawful and a violation of this article for any person to park a vehicle, or non-motorized equipment, or permit others to park a vehicle or non-motorized equipment in any of the following places on a street or public parking facility:

1. On or across a sidewalk.
 2. In front of, or within five feet (5') of a public or private driveway or alleyway.
 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 marked snowmobile or all-terrain vehicle crossing.
 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 twenty feet (20') of the entrance to a fire station, or, if designated a no parking area by signs, on the street opposite of the entrance to a fire station.
 9. Alongside any street excavation or construction fence or barricade if parking in that location would obstruct the free flow of traffic on the street.
 10. On a bridge or other elevated portion of a street or under an overpass.
 11. At any place marked by signs as a no parking zone.
 12. In such a location or manner that the car is parked opposite of the flow of traffic on the street, except as provided in this article.
 13. In such a location or manner so as to occupy more than one marked parking space.
 14. At any place marked with a red curb.
 15. In any parking space designated "handicapped", or otherwise for the mobility disabled under the qualifications of the Americans with disabilities act, when not displaying proper distinguishing license plates or an official state approved placard indicating that the occupant of said vehicle is mobility disabled under the qualifications of the Americans with disabilities act.
- B. Parking May Not Obstruct Traffic: No person shall park a vehicle or non-motorized equipment on a street or public parking facility in any manner that obstructs the street, sidewalk or driveways 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 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. Greasing, servicing or repairing the vehicle, except to the extent necessary under emergency conditions to move a disabled vehicle.
 2. Selling food or other merchandise, or soliciting order for food or merchandise, except when properly licensed by the Town to do so.
- E. **Condition Of Unattended Vehicles:** It shall be unlawful for any person to park a vehicle on a street or public parking facility 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, turning the wheels toward the curb or edge of the road and setting the parking break.
- F. **Double Parking:** No vehicle shall be double parked or stopped upon the traveled portion of any street, except when complying with the instructions of a police officer or flagman, allowing an emergency vehicle to pass, avoiding other traffic, or conducting commercial deliveries under the requirements of this article.
- G. **Parallel Parking:** Except where otherwise clearly designated by a sign, 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/passenger side wheels not more than twelve inches (12"), or as close as practicable to the edge of, the curb, shoulder or snowbank, whichever is nearer to the traffic lane.
- H. **Angle Parking:** Angle parking is permitted only when designated by posted signs or in designated public parking facilities, 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 vehicle. Further, no vehicle in excess of twenty-five feet (25') in length shall park in an angle parking place at any time.
- I. **Overnight Parking, Camping:**
1. It shall be unlawful to park a vehicle (such as a camper van, recreational vehicle, camping trailer, etc.) on a public street, or within a public parking facility, or within public parks, playing fields, or other areas for purposes of overnight camping, sleeping or other habitation without written approval from the Town Manager. The Town Manager may give temporary written approval in conjunction with a special use permit or in times of emergency. (amd. Ord. No. 19-012, 9-23-2019)
 2. Vehicles may be parked on private property for purposes of overnight camping sleeping or other habitation under the following conditions:

- a) The vehicle is on a property which has an active building permit associated with it and construction activity is active and ongoing. (amd. Ord. 21-003, 3-9-2021)
- b) No more than one vehicle per property at any given time is allowed for purposes of overnight camping, sleeping or other habitation. A second inhabited vehicle may be allowed by the Town Manager where no additional ground disturbance is required. (amd. Ord. 21-003, 3-9-21)
- c) Generators must comply with the Town's Noise Ordinance. Generator use will be prohibited after 10pm.
- d) Vehicles are not allowed to be parked in the public right-of-way. (amd. Ord. 21-003, 3-9-21)
- e) Vehicles must be properly licensed and registered.
- f) Vehicles may only be parked for overnight camping, sleeping or other habitation between April 30 and November 1.
(Ord. 19-012, 9-23-2019)

J. **Parking On Narrow Streets Prohibited:** It shall be unlawful for any person to park a vehicle on any street in a manner that obstructs the flow of traffic on that street by failing to leave an unobstructed lane of at least fourteen feet (14') in width for passing traffic. It shall be unlawful to park opposite another parked vehicle so as to leave less than a fourteen foot (14') wide traffic lane, or in any other manner to obstruct the free movement of traffic through the 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, 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 that the lights are clearly displayed.

L. **Construction Site Parking:**

1. Construction site parking shall comply with all parking requirements of this article.
2. Vehicles loading or unloading construction supplies, materials or equipment may park temporarily on the street, provided they leave an unobstructed lane of at least fourteen feet (14') in width for passing traffic.
3. Overnight parking of construction equipment in any street is prohibited.

4. No person shall park any vehicle or place any object that interferes with the snow plowing or snow removal efforts on any town right of way.
- M. Non-motorized Equipment Parking Prohibited: Except for construction equipment and materials allowed under subsection L of this section, no person shall park any non-motorized equipment in any on street or public parking facility. Such non-motorized equipment must be properly stored in private off-street areas or commercial rental storage units. Non-motorized equipment violating this subsection shall be subject to immediate impoundment.
- N. Oversized Vehicles: No person shall park a vehicle that is over eight feet (8') in width in a public parking facility. No person shall park a vehicle that is over twenty-six feet (26') in length or over eight feet (8') in height on town roadways. The following exceptions apply:
1. Vehicles allowed under the construction site subsection and complying with subsection L of this section.
 2. Commercial delivery vehicles temporarily while making deliveries.
 3. Town, fire and public utility vehicles or equipment engaged in official business.
- O. Fire Access ways: It shall be unlawful and a violation of this article for any person to park a vehicle, or to permit others to park a vehicle, in any marked fire lane, emergency access road or vehicle throughway, which is designated and approved for fire access by the town fire marshal, or his/her designee, whether on public or private property. (Ord. 08-018, 10-28-2008)

6-2A-6: TIME LIMITATION PARKING:

- A. Parking For More Than Seventy-Two Consecutive Hours: It shall be unlawful to leave a vehicle parked in any street for more than seventy-two (72) consecutive hours. After seventy-two (72) consecutive hours, the vehicle is subject to impoundment.
- B. Parking For More Than Twenty-Four Hours In Public Parking Facilities: It shall be unlawful to leave any vehicle in any public parking facility for more than twenty-four (24) consecutive hours, except where otherwise posted on official signs. Vehicles parked longer than twenty-four hours (24) consecutive hours are subject to impoundment.
- C. Time Limited Parking In Commercial Zones: Public streets and public parking facilities within commercial zones may be designated with time limitations. It shall be unlawful to park a vehicle in any area so designated by posted signs for longer than designated time limits. Vehicles parked longer than posted time limits are subject to fine and/or impoundment.
- D. Parking Areas And Classifications: The Town Manager, or designee, may establish general classifications of parking areas and the effective periods of time, and shall so designate by posting appropriate signs along the streets, within the facility and/or at the appropriate entry points to the public parking facility. (Ord. 08-018, 10-28-2008)

6-2A-7: SEASONAL PARKING REGULATIONS:

- A. Special Winter Limitations: Notwithstanding the foregoing general parking regulations, there shall be additional regulations which apply during the winter season to facilitate the snow removal and emergency access during the winter months. The winter seasonal regulations shall apply from November 1 to April 30. The special winter regulations are as follows:
 - 1. It shall be unlawful to park any vehicle on any street during the winter season beginning November 1st and running until April 30th. Amd. Ord. 19-005, 6-24-2019
 - 2. Additional parking limitations may be posted by signs stating the nature and effective period for the additional regulations.
- B. Obstructing Snow Removal Prohibited: No person shall park any vehicle or place any object that interferes with the snow plowing or snow removal efforts on any street. (Ord. 08-018, 10-28-2008)

6-2A-8: DELIVERIES AND SHORT-TERM USE:

- A. Space Designated: The Town Manager, or designee, shall designate, where necessary, short term zones.
- B. Unlawful Parking In Short Term Zones: In any area designated as a short-term zone, it shall be unlawful for any person to park any vehicle longer than the posted time limit during the hours posted on designated signs.
- C. Delivery Vehicles On Town Streets: All delivery vehicles parked on a street shall observe the following restrictions:
 - 1. Delivery vehicles shall utilize the loading zones.
 - 2. No delivery vehicle shall be parked in such a manner to impede the flow of traffic.
 - 3. No delivery vehicle shall be parked with its engine left idling. (Ord. 08-018, 10-28-2008)

6-2A-9: SIGNAGE:

- A. Emergency Temporary Parking Regulations: The Town Manager, or designee, shall have the authority to establish additional parking regulations as necessary to provide for efficient traffic circulation and safe parking areas. All areas that are closed to parking shall be so designated by signs posted in the area, except for those regulations set forth in section [6-2A-5](#) of this article, which shall not require signs.
- B. Type, Location: All signs shall be uniform as to type and location throughout the town. The location, type, and design of all parking control signs shall be as determined by the Town Manager, or designee. All traffic control devices so erected shall be official signs and official traffic control devices. Signs shall be erected in sufficient number to adequately inform the public of the parking regulation.

- C. Additional Marking Approved: The Town adopts the marking and sign requirements of the manual of uniform traffic control devices (MUTCD), with the exception that the color red shall be adopted as a supplemental curb marking color to indicate general no parking zones, fire hydrant no parking zones and fire lanes. (Ord. 08-018, 10-28-2008)

6-2A-10: REGULATIONS NOT EXCLUSIVE:

The parking regulations established by this article are not all encompassing, and additional regulations may be established by posting permanent or seasonal signs stating the additional regulation imposed, or by police officers directing traffic during period of heavy traffic volume or during period of emergencies, or during special events as designed by the Town Manager. (Ord. 08-018, 10-28-2008),

6-2A-11: COMPLIANCE REQUIRED; FINES, IMPOUNDMENT, ENFORCEMENT; PENALTY:

- A. Compliance Required: Compliance with this article is required when proper signs are posted, or when the regulation is such that no sign is required under this article. It shall be unlawful to park any vehicle in violation of the regulations established by this article or in violation of regulations contained on posted signs.
- B. Authority To Tow Vehicles: Because unlawfully parked vehicles may prevent access to areas by emergency vehicles as well as local residents, the Public Safety Department is authorized to enforce this article by towing or otherwise removing vehicles parked in violation of this article without first having given notice to the owner of the vehicle that it may be towed if not removed.
- C. 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 officer finds an illegally parked vehicle that is impeding traffic or snow removal, the officer is authorized to move the vehicle to the extent necessary to remove the obstruction, including towing the vehicle to the town impound yard or an impound facility of a private tow company designated by the Town.
- D. Nature Of Violation: Violations of this article are infractions, punishable by a fine, fee or civil penalty, including immobilization and/or towing, but not imprisonment.
- E. Penalties For Illegal Parking: The owner or operator of a vehicle cited for illegal parking under this article shall be required to pay a fine of forty-five dollars (\$45.00) for the violation of the infraction. In addition to the fine imposed for illegal parking, the owner of the vehicle is responsible for paying immobilization, towing and impound fees for the release of the vehicle. Immobilization and towing fees may be levied against the violator or the owner of the vehicle, or both.
- F. Enforcement, Payment: The Town may employ private enforcement officers to enforce this article and issue parking citations for violations thereof, including parking illegally in handicapped spaces. All fees and penalties imposed pursuant to this article shall be paid to

the court of jurisdiction in the manner and by the means specified on the parking citation.
(Ord. 08-018, 10-28-2008)