
PUBLIC NOTICE

Notice is Hereby Given that the Tooele City Council will meet in a Work Session, on Wednesday, December 4, 2019 at the hour of 5:00 p.m. The Meeting will be Held at the Tooele City Hall Large Conference Room, located at 90 North Main Street, Tooele, Utah.

1. Open City Council Meeting

2. Roll Call

3. Discussion:

- **Ordinance 2019-31** An Ordinance of Tooele City Amending Tooele City Code Chapter 10-3 Regarding Parking in the Public Rights-of-Way
Presented by Roger Baker
- **Ordinance 2019-34** An Ordinance of Tooele City Amending Tooele City Code Section 10-2-7 Regarding Large Vehicle Parking on the Public Rights-of-Way
Presented by Roger Baker
- **Resolution 2019-77** A Resolution of the Tooele City Council Approving Budget Amendments for Fiscal Year 2019-2020
Presented by Glenn Caldwell
- **Multi-Operational Businesses**
Presented by Jim Bolser
- **Residential Driveway Location Requirements**
Presented by Jim Bolser
- **Pool Fees**
Presented by Darwin Cook

4. Close Meeting

Litigation & Property Acquisition

5. Adjourn

Michelle Y. Pitt
Tooele City Recorder

Pursuant to the Americans with Disabilities Act, Individuals Needing Special Accommodations Should Notify Michelle Y. Pitt, Tooele City Recorder, at 435-843-2113 or michellep@tooelecity.org, Prior to the Meeting.

TOOELE CITY CORPORATION

ORDINANCE 2019-31

AN ORDINANCE OF TOOELE CITY AMENDING TOOELE CITY CODE CHAPTER 10-3 REGARDING PARKING IN THE PUBLIC RIGHTS-OF-WAY.

WHEREAS, UCA Sections 10-3-702 and 10-8-84 empower municipal legislative bodies to pass all ordinances “necessary and proper to provide for the safety and preserve the health, and promote the prosperity, improve the morals, peace and good order, comfort, and convenience of the city and its inhabitants, and for the protection of property in the city”; and,

WHEREAS, Tooele City Code Chapter 10-3 governs parking in the public rights-of-way, and is intended to protect the public health, safety, welfare, and good order of the community; and,

WHEREAS, for ease of interpretation, administration, and enforcement, it is appropriate to add to Section 10-3-1 the definitions of “alley,” “angle parking,” “highway,” “parking space,” “roadway,” “shoulder,” and “street,” and to expand the definition of “public right-of-way”; and,

WHEREAS, it is appropriate to eliminate an apparent conflict between Sections 24 and 26 regarding parking between the edge of the paved street and the curb or right-of-way property line; and,

WHEREAS, it is appropriate to clarify the ability for angle parking and a prohibition of double parking, as well as to address parking on an unimproved street shoulder; and,

WHEREAS, it is appropriate to repeal Section 8, which purports to allow Tooele City to enforce the school district’s parking regulations on school campuses; and,

WHEREAS, the amendments attached as Exhibit A were requested by and approved by the Chief of Police and are recommended by the City Administration:

NOW, THEREFORE, BE IT ORDAINED BY THE TOOELE CITY COUNCIL that Tooele City Code Chapter 10-3 is hereby amended to read in its entirety as shown in redline in Exhibit A; and,

This Ordinance is necessary for the immediate preservation of the peace, health, safety, or welfare of Tooele City and shall become effective upon passage, without further publication, by authority of the Tooele City Charter.

IN WITNESS WHEREOF, this Ordinance is passed by the Tooele City Council this ____ day of _____, 2019.

TOOELE CITY COUNCIL

(For)

(Against)

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

ATTEST:

Michelle Y. Pitt, City Recorder

S E A L

Approved as to Form:

Roger Evans Baker, City Attorney

Exhibit A

TCC Chapter 10-3 (Amended)

CHAPTER 3. STOPPING, STANDING AND PARKING

- 10-3-1. Regulation of parking - Definitions.
- 10-3-2. Signs and color markings.
- 10-3-3. Angle parking.
- 10-3-4. Parallel parking.
- 10-3-5. Parking not to obstruct traffic.
- 10-3-6. All night parking.
- 10-3-7. Parking for certain purposes prohibited.
- 10-3-8. Parking at Tooele High School. **(Repealed.)**
- 10-3-9. Application of provisions.
- 10-3-10. Provisions not exclusive.
- 10-3-11. Vehicles - Registration and plates.
- 10-3-12. Parking signs required.
- 10-3-13. Approaching a parking space.
- 10-3-14. Procedure for leaving vehicle unattended.
- 10-3-15. Lights on parked vehicles.
- 10-3-16. Handicap parking - Public property.
- 10-3-17. Handicap parking - Private property.
- 10-3-18. Parking lots owned by the city.
- 10-3-19. Loading zones and restricted parking - Designation and signs.
- 10-3-20. Freight curb loading zones.
- 10-3-21. Restricted parking zones.
- 10-3-22. Parking in alleys.
- 10-3-23. Double parking, standing or stopping.
- 10-3-24. Stopping or parking - Roadways without curb.
- 10-3-25. Stopping standing or parking prohibited in certain areas.
- 10-3-26. Parking between curb and property line prohibited.
- 10-3-27. Using **public rights-of-way streets** for storage prohibited.
- 10-3-28. Presumption of liability.
- 10-3-29. Parking violation - Owner's responsibility.
- 10-3-30. Moving illegally parked vehicles - Police authority.
- 10-3-31. Violations - Penalties.
- 10-3-32. Parking violations - Appeal procedure.
- 10-3-33. Using parking lots and vacant lots to display used vehicles for sale.

10-3-1. Regulation of Parking - Definitions.

(1) The chief of police is authorized to prohibit, restrict, ~~and or~~ regulate the parking, stopping, and standing of vehicles, including towing authority, as set forth ~~in this Chapter~~ **herein**:

- (a) on any public right-of-way;
- (b) on any off-street parking facility or property which Tooele City owns or operates; and,
- (c) as otherwise authorized by federal, state, or local law.

(2) Definitions.

"Alley" means a public right-of-way of the type described in Section 4-8-2.

"Angle parking" means the parking of a vehicle in a manner other than parallel to the street edge. Includes diagonal parking.

"Emergency use" areas" means: those areas:

(a) **in a public right-of-way** designated by red curb markings (also known as "red zones");

(b) designated as ambulance zones, fire hydrant zones, or fire lanes, whether on public or private property; and,

(c) any other designated area of the city posted as restricted for emergency vehicles or emergency use.

"Highway"—see Street.

"Park" "stand" and "stop" (as well as their variants), ~~for purposes of this Chapter~~, shall have the same meaning, and mean a vehicle's complete cessation of movement upon or within a public right-of-way or other property under subsection (1). If any portion of a parked vehicle protrudes into the public right-of-way, the vehicle is deemed to be parked within the public right-of-way.

"Parking space" means that area of a right-of-way designated by street markings or signage for the parking of a single vehicle.

"Public right-of-way" means the surface of, and the space above and below, any public highway, roadway, street, sidewalk, alley, curb and gutter, park strip, shoulder, or other public way of any type whatsoever, now or hereafter existing as such within Tooele City. A public right-of-way extends across its cross-section from property line to property line. A public right-of-way can be created through dedication by plat, dedication by deed, conveyance by deed, prescriptive use, or other method recognized by Utah law.

"Roadway"—see Street.

"Street" means the portion of a public right-of-way paved and utilized for vehicular traffic. Includes highway and roadway.

"Shoulder" means:

(a) the unpaved portions of a public right-of-way located between the paved street edge and the right-of-way property line; and,

(b) the paved portions of a public right-of-way located between a painted solid white line and the right-of-way property line.

"Vehicle" means any motorized device for the transportation of people or goods containing two or more wheels.

(Ord. 2019-11, 04-17-2019) (Ord. 1990-08, 06-14-1990)

10-3-2. Signs and Color Markings.

The City is authorized, subject to the provisions and limitations of this ~~Chapter~~ **Title**, to place and maintain signs ~~and or~~ traffic markings to indicate stopping, standing, ~~and or~~ parking regulations. The following traffic markings shall designate zones and have the following meanings:

(1) Red curb means no stopping, standing, or parking at any time.

(2) Yellow curb means no stopping, standing, or parking except as designated by signs or traffic markings. (Ord. 2019-11, 04-17-2019) (Ord. 1990-08, 06-14-1990)

10-3-3. Angle Parking.

The chief of police shall determine on what public rights-of-way and streets angle parking shall be permitted and shall **cause angle parking areas to be marked or**

~~signed them.~~ Angle parking in the public rights-of-way is prohibited unless otherwise marked or signed. Angle parking shall not be permitted upon any federal-aid or state right-of-way ~~highway~~ unless the Utah Department of Transportation has determined that the right-of-way roadway is of sufficient configuration to permit angle parking without interfering with the free movement of vehicular traffic, and the angle parking is marked or signed.—

(Ord. 2019-11, 04-17-2019) (Ord. 1990-08, 06-14-1990)

10-3-4. Parallel Parking.

No person shall stop, stand, or park a vehicle within a public right-of-way in a roadway provided with curb other than parallel with the edge of the roadway, headed in the direction of lawful traffic movement. ~~and~~ Where a gutter is provided, of whatever design, the right-hand (passenger-side) tires of the vehicle must be located entirely on the gutter, with the right-hand wheels of the vehicle within eighteen inches of the curb, except where the gutter is a historic deep irrigation structure, or as otherwise provided in this Chapter. Where no gutter is provided, vehicles shall be parked so as to not create a risk to vehicles traveling on the roadway.

(Ord. 2019-11, 04-17-2019) (Ord. 1990-08, 06-14-1990)

10-3-5. Parking Not To Obstruct Traffic.

No person shall stop, stand, or park a vehicle upon a public right-of-way street in such a manner as to leave available less than ten feet of the width of the a roadway for the free movement of vehicular traffic.

(Ord. 2019-11, 04-17-2019) (Ord. 1990-08, 06-14-1990)

10-3-6. All Night Parking.

No person shall park a vehicle on any public right-of-way street between the hours of 2:00 a.m. and 6:00 a.m. of any day from November 1 through March 31. This provision does not apply to authorized emergency vehicles in the performance of official duties.

(Ord. 2019-11, 04-17-2019) (Ord. 1990-08, 06-14-1990)

10-3-7. Parking for Certain Purposes Prohibited.

No person shall park a vehicle upon any public right-of-way street for any of the following purposes:

- (1) displaying the vehicle for sale;
- (2) washing, greasing, or repairing the vehicle except repairs necessitated by an emergency;
- (3) displaying advertising; or,
- (4) selling food or other merchandise, except as expressly authorized in this Code.

(Ord. 2019-11, 04-17-2019) (Ord. 1990-08, 06-14-1990)

10-3-8. Parking at Tooele High School. (Repealed.)

~~The parking regulations of the current Student-Parent Manual of Tooele High School are hereby adopted and shall be enforced upon the premises of Tooele High School only.~~

(Ord. 1990-08, 06-14-1990)

10-3-9. Application of Provisions.

The provisions of this Chapter shall apply at all times, or at those times specified in this Chapter, or as

indicated on official signs, except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic-control device.

(Ord. 2019-11, 04-17-2019) (Ord. 1990-08, 06-14-1990)

10-3-10. Provisions Not Exclusive.

The provisions of this Chapter imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing, or parking of vehicles in specified places or at specified times.

(Ord. 2019-11, 04-17-2019) (Ord. 1990-08, 06-14-1990)

10-3-11. Vehicles - Registration and Plates.

(1) Every vehicle at all times while standing or being stopped or parked upon a public right-of-way the streets or alleys of this city shall:

(a) be registered in the name of the owner thereof in accordance with the laws of the state, unless the vehicle is not required by the laws of Utah to be registered in this state;

(b) display in proper position two valid, unexpired registration plates, one on the front and one on the rear of the vehicle; and,

(c) when required, bear current validation or indicia of registration attached to the rear plate and in a manner complying with the laws of the state of Utah, which registration shall be free from defacement, mutilation, grease, dirt, and other obscuring items, so as to be plainly visible and legible at all times.

(2) If the vehicle is not required to be registered in this state, and the indicia of registration issued by another state, territory, possession, or district of the United States, or of a foreign country, substantially complies with the provisions hereof, such registration shall be considered as in compliance with this Section.

(Ord. 2019-11, 04-17-2019) (Ord. 1990-08, 06-14-1990)

10-3-12. Parking Signs Required.

(1) When the City desires to implement any site-specific parking regulation that imposes a parking time limit or parking prohibition in a specific location, the City shall install and maintain signs and/or pavement markings that provide notice of the regulation at the location where enforcement is sought.

(2) This section shall not apply to the following:

(a) general parking regulations that apply city-wide;

(b) general parking regulations that apply under specified circumstances or to places in general that meet specified criteria without identifying specific places by address, street name, or other specific place description;

(c) any provision of the Tooele City Code listed below:

- i. §10-3-6
- ii. §10-3-11
- iii. §10-3-14
- iv. §10-3-22
- v. §10-3-23
- vi. §10-3-24
- vii. §10-3-25(1)

viii. §10-3-26

ix. §10-3-27; and,

(d) any State Code parking regulation of general application.

(3) When signs or pavement markings are erected or placed by direction of the City, it shall be a violation for any person to park a vehicle or allow a vehicle to remain parked upon any ~~right-of-way street~~ for longer than the time specified or contrary to the signs or markings.

(Ord. 2019-11, 04-17-2019) (Ord. 2007-31, 12-19-2007)

(Ord. 1990-08, 06-14-1990)

10-3-13. Approaching a Parking Space.

(1) No person shall move a vehicle in any manner or leave a parking space and then reenter it to avoid the intent of this Chapter.

(2) Every driver about to enter a parking space being vacated shall stop the vehicle and wait to the rear of the vehicle in the actual process of vacating the parking space, and having so waited shall have prior right to the parking space over all other drivers.

(3) No driver shall stop a vehicle ahead of a parking space being vacated and attempt to interfere with a driver who has waited properly to the rear of a parking space being vacated.

(4) No driver shall stop and wait for a parking space unless the vehicle vacating the space is actually in motion in the process of vacating.

(Ord. 2019-11, 04-17-2019) (Ord. 1990-08, 06-14-1990)

10-3-14. Procedure for Leaving Vehicle Unattended.

~~Except for emergency vehicles in the performance of official duties, No~~ driver or person in charge of a vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, and removing the key and, when the vehicle is standing, parked, or stopped upon any perceptible grade, without effectively setting the brakes thereon and turning the front wheels to the curb or side of the street.

(Ord. 2019-11, 04-17-2019) (Ord. 1990-08, 06-14-1990)

10-3-15. Lights on Parked Vehicles.

(1) Whenever a vehicle is lawfully parked upon any ~~right-of-way street~~, no lights need be displayed upon the parked vehicle.

(2) Any lighted headlamp upon a parked vehicle, except official emergency vehicles in the performance of official duties, shall be depressed or dimmed.

(Ord. 2019-11, 04-17-2019) (Ord. 1990-08, 06-14-1990)

10-3-16. Handicap Parking - Public Property.

(1) Handicap Parking in Restricted Areas.

(a) A disabled person whose automobile has affixed thereto, as provided by law, the handicap license plate or a transferable motor vehicle identification card issued by the state of Utah, shall be entitled to park in the following identified restricted parking areas without charge, notwithstanding any other state or municipal parking restriction:

(i) freight loading zones;

(ii) passenger loading zones; and,

(iii) time-limited parking zones.

(b) It is unlawful for a disabled person to park for longer than the maximum designated time at restricted parking areas.

(2) The City is hereby authorized, at its discretion, to reserve by appropriate signage various public areas or property for handicap parking. It is unlawful for:

(a) any disabled person to park longer than the time shown on the sign designating the area as “handicap parking”; or,

(b) any vehicle to be parked in an area designated as handicap parking, unless the vehicle has displayed upon it the handicap parking plate or transferable identification card issued by the state.

(3) It is unlawful for any person using a vehicle with a handicap license plate or transferable motor vehicle identification card who is not disabled to use handicap parking.

(4) Restricted Areas Not Authorized for Special Handicap Parking. Nothing herein shall be construed to permit parking by any individual, contrary to or as an exception to the limited purpose of any of the following designated areas:

(a) any area where official signs or traffic markings absolutely prohibit stopping, standing, or parking;

(b) areas reserved for emergency use;

(c) on a sidewalk;

(d) in front of or within five feet of a private driveway;

(e) within five feet of a fire hydrant, as measured in both directions along the street or highway curblines ~~or public right-of-way property line~~, from a line extending from the center of the hydrant to the curblines ~~or property line~~ at its nearest point;

(f) within 20 feet of a crosswalk at an intersection;

(g) within 30 feet of the approach to any flashing beacon or traffic-control device located at the side of a roadway;

(h) between a safety zone and the adjacent curb, or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless official signs or markings indicate a different length;

(i) within 50 feet of the nearest rail of a railroad crossing;

(j) within 20 feet of the driveway entrance to any fire station, and on the side of a street opposite the entrance when properly signposted;

(k) alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct or be hazardous to traffic;

(l) upon any bridge or other elevated structure upon a street;

(m) at any place in any public park, playground, or grounds of any public building other than on the roads ~~and on~~ parking lots provided for public parking in accordance with provisions of any officially installed signs;

(n) on any footpath or trail in any park, recreational area, or playground; or,

(o) taxi and bus stands or stops.

(Ord. 2019-11, 04-17-2019) (Ord. 1990-08, 06-14-1990)

10-3-17. Handicap Parking - Private Property.

Only those vehicles displaying a handicap license plate or transferable identification card issued by the state may park in any parking ~~space spot~~ designated for the parking of handicapped or disabled persons. This restriction shall apply to and be enforceable upon public property and private property where parking is open to the general public, whether parking is provided to the general public for free or for a fee.

(Ord. 2019-11, 04-17-2019) (Ord. 1990-08, 06-14-1990)

10-3-18. Parking Lots Owned by the City.

(1) No person, on the premises of any parking lot owned by the City where a sign or signs are posted designating such parking lot as a parking lot of Tooele City, shall do any of the following:

- (a) park any vehicle continuously **within the parking lot** in excess of 48 hours;
- (b) park any boat, trailer, or recreational vehicle;
- (c) park any vehicle over 18 feet in length or eight feet wide;
- (d) abandon any vehicle;
- (e) make repairs on any vehicle; or,
- (f) park any vehicle thereon which does not bear a valid license plate and current registration.

(2) Any vehicle found in violation of ~~S~~subsection (1) is hereby declared to be a nuisance and may be summarily abated by removing any such vehicle by, or under the direction of, or at the request of a police officer or other officer charged with enforcing the parking laws of the City to a place of storage ~~within the city~~ by means of towing.

(Ord. 2019-11, 04-17-2019) (Ord. 1990-08, 06-14-1990)

10-3-19. Loading Zones and Restricted Parking - Designation and Signs.

The City is hereby authorized to determine the location of passenger and freight curb loading zones and restricted parking zones. The City shall place and maintain signs or markings indicating the same and stating the hours during which the provisions of this Section are applicable.

(Ord. 2019-11, 04-17-2019) (Ord. 1990-08, 06-14-1990)

10-3-20. Freight Curb Loading Zones.

(1) No person shall stop or park a vehicle or permit the same to remain stopped or parked for any purpose or length of time other than for the expeditious loading or unloading of materials in any place marked as a freight curb loading zone during the hours when the provisions applicable to such zones are in effect. In no case shall the stop for loading or unloading of materials exceed 30 minutes.

(2) The driver of a passenger vehicle may stop and park at a place marked as a freight curb loading zone for the purpose of and while actually engaged in loading or unloading passengers provided that the driver must remain with the vehicle.

(Ord. 2019-11, 04-17-2019) (Ord. 1990-08, 06-14-1990)

10-3-21. Restricted Parking Zones.

No person shall stop, stand, or park a vehicle for any purpose or length of time in any restricted parking zone other than for the purpose to which parking in the zone is restricted, except that a driver of a passenger vehicle may stop or park temporarily in the zone for the purpose of and while actually engaged in loading or unloading of passengers when such stopping does not interfere with any vehicle which is waiting to enter or about to enter the zone for the purpose of parking in accordance with the purposes to which parking is restricted. The driver must remain with the vehicle.

(Ord. 2019-11, 04-17-2019) (Ord. 1990-08, 06-14-1990)

10-3-22. Parking in Alleys.

No person shall park a vehicle within an alley except during the necessary and expeditious loading and unloading of merchandise. No person shall stop, stand, or park a vehicle within an alley in such a position as to block the driveway entrance of any abutting property, or interfere with the free movement of traffic through the alley.

(Ord. 2019-11, 04-17-2019) (Ord. 1990-08, 06-14-1990)

10-3-23. Double Parking, Standing, or Stopping.

No person shall park, stand, or stop a vehicle **in a public right-of-way** upon the roadway side of another vehicle which is parked, standing, or stopped **in a public right-of-way** except while actually engaged in loading or unloading passengers, or in compliance with **the** directions of a police officer or traffic-control device, or when **temporarily** necessary to avoid other traffic.

(Ord. 2019-11, 04-17-2019) (Ord. 1990-08, 06-14-1990)

10-3-24. Stopping or Parking - Roadways without Curb.

(1) No person shall stop, park, or leave standing any vehicle, whether attended or unattended, upon any street without a curb, when it is practical to stop, park, or so leave such vehicle off the street. In every event, any parked vehicle shall be parked in the direction of lawful traffic movement with an unobstructed width of the street opposite the standing vehicle left for the free passage of other vehicles, **and leaving** a clear view of such stopped vehicles ~~shall be available~~.

(2) This Section shall not apply to the driver of any vehicle which is disabled while on ~~the main traveled portion of~~ a street in such a manner and to such an extent that it is impossible to avoid stopping and temporarily leaving the disabled vehicle in that position.

(Ord. 2019-11, 04-17-2019) (Ord. 1990-08, 06-14-1990)

10-3-25. Stopping Standing or Parking Prohibited in Certain Areas.

(1) No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic-control device, in any of the following places:

- (a) on a sidewalk or curb;
- (b) in front or within five feet of a private driveway, **to include the drive approach**;

(c) within an intersection;
(d) within five feet of a fire hydrant, as measured in both directions along the street or highway curblines **or right-of-way property line** from the line extending from the center of the hydrant to the curblines **or property line** at its nearest point;

(e) on a crosswalk;

(f) within 20 feet of a crosswalk at an intersection;

(g) within 30 feet upon the approach of any flashing beacon or traffic-control device located at the side of a roadway;

(h) between a safety zone and the adjacent curb, or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless authorized signs or markings indicate a different length;

(i) within 50 feet of the nearest rail of a railroad crossing;

(j) within 20 feet of the driveway entrance to any fire station, and on the side of a street opposite the entrance when properly signposted;

(k) alongside or opposite any street excavation or obstruction, when stopping, standing, or parking would obstruct or be hazardous to traffic;

(l) upon any bridge or other elevated structure upon a street;

(m) where official signs or traffic markings prohibit stopping, standing, or parking;

(n) in any public park, playground, recreational area, or grounds of any public buildings other than on the roads or parking lots provided for public parking and then only in accordance with provisions of any signs, officially installed by direction of the city;

(o) on any footpath or trail in any park, recreational area, or playground;

(p) within a fire lane, as designated by Tooele City, whether on public or private property;

(q) on any median or island, or on any dividing section of a street;

(r) on any **public** street or alley less than 20 feet wide; or,

(s) on the south or east side of any **public** street or alley where the width is over 20 feet, but less than 30 feet, unless otherwise directed by traffic-control devices.

(2) No person shall stop, stand, or park a vehicle in any manner or position contrary to any sign or marking officially placed by direction of the City.

(3) No person shall move a vehicle under such person's control into any such prohibited area, or upon any area not designated for vehicular travel or parking. (Ord. 2019-11, 04-17-2019) (Ord. 1990-08, 06-14-1990)

10-3-25.1. Truck Parking.

Vehicles defined in Section 10-2-7(1):

(1) are prohibited from parking on public rights-of-way except those routes identified in Section 10-2-7(3); and,

(2) shall comply with the provisions of this Chapter.

10-3-26. Parking between Curb and Property Line Prohibited.

No person shall **stop, stand, or park** ~~leave or cause to~~

~~be left, or parked,~~ any vehicle upon any portion of a **public right-of-way street or highway** between the curb lines ~~or, if there is no curb, between the roadway edge of pavement,~~ and the adjacent property lines.

(Ord. 2019-11, 04-17-2019) (Ord. 1990-08, 06-14-1990)

10-3-27. Using Public Rights-of-way Streets for Storage Prohibited.

No person shall park a vehicle, boat, trailer, motor home, camper, recreational vehicle, motorcycle, or other item upon any public right-of-way for a period of time longer than 48 hours.

(Ord. 2019-11, 04-17-2019) (Ord. 1990-08, 06-14-1990)

10-3-28. Presumption of Liability.

The fact that a vehicle which is ~~illegally~~ parked in violation of the provisions of this Chapter is registered in the name of a person shall be sufficient to constitute a presumption that such person was in control of the vehicle at the time of its parking.

(Ord. 2019-11, 04-17-2019) (Ord. 1990-08, 06-14-1990)

10-3-29. Parking Violation - Owner Responsibility.

Whenever any vehicle is parked in violation of any of the provisions of this Chapter, the person in whose name the vehicle is registered shall be prima facie responsible and strictly liable for the violation and associated penalty.

(Ord. 2019-11, 04-17-2019) (Ord. 1990-08, 06-14-1990)

10-3-30. Moving Illegally Parked Vehicles - Police Authority.

A police officer is hereby authorized to remove or caused to be removed to a place of safety any unattended vehicle stopped, parked, or left standing on a street or public right-of-way in a position or under circumstances as follows:

(1) the vehicle obstructs the normal and safe movement of vehicular, bicycle, or pedestrian traffic;

(2) the vehicle obstructs the normal and safe movement of authorized emergency vehicles and City service vehicles, including snow plows, in the performance of official duties;

(3) the vehicle otherwise creates a risk of danger to persons or damage to property; and,

(4) the vehicle is abandoned or displays common indicia of abandonment.

(Ord. 2019-11, 04-17-2019) (Ord. 1990-08, 06-14-1990)

10-3-31. Violations - Penalties.

(1) A violation of **any provision** of this Chapter shall be a civil offense.

(2) Any person violating **any** provision of this Chapter shall be liable for a \$50 civil penalty **for each violation**. Any penalty assessed under this Chapter may be in addition to such other penalties as may be provided in this Title.

(3) Any penalty that is not paid within 15 calendar days from the date of receipt of notice shall be increased to \$100.

(4) As used in this Chapter, "receipt of notice" means the affixing of a notice to the vehicle alleged to have been in violation, or by delivery of notice to the

owner or driver of the vehicle in violation.
(Ord. 2019-11, 04-17-2019) (Ord. 1990-08, 06-14-1990)

10-3-32. Parking Violations - Appeal Procedure.

Appeal of civil penalties imposed under this Chapter shall be to the Administrative Hearing Officer under Chapter 1-28 of this Code.

(Ord. 2019-11, 04-17-2019) (Ord. 2013-07, 04-17-2013)
(Ord. 2006-02, 01-04-2006) (Ord. 1990-08, 06-14-1990)

10-3-33. Using Parking Lots and Vacant Lots to Display Used Vehicles for Sale.

It shall be unlawful for the owner of a vehicle or boat, or for any other person, to park, cause to be parked, or allow to be parked the vehicle or boat on a vacant lot or parking lot owned by another person for the purpose of displaying the vehicle or boat for sale unless the owner or lessee of the property on which it is parked has given authorization for the vehicle or boat to be so parked.

(Ord. 2019-11, 04-17-2019) (Ord. 1994-29, 07-06-1994)

TOOELE CITY CORPORATION

ORDINANCE 2019-34

AN ORDINANCE OF TOOELE CITY AMENDING TOOELE CITY CODE SECTION 10-2-7 REGARDING LARGE VEHICLE PARKING ON THE PUBLIC RIGHTS-OF-WAY.

WHEREAS, UCA Sections 10-3-702 and 10-8-84 empower municipal legislative bodies to pass all ordinances “necessary and proper to provide for the safety and preserve the health, and promote the prosperity, improve the morals, peace and good order, comfort, and convenience of the city and its inhabitants, and for the protection of property in the city”; and,

WHEREAS, Tooele City Code Section 10-2-7 governs the movement of large vehicles on the public rights-of-way, including parking; and,

WHEREAS, Tooele City Code Chapter 10-3 comprehensively governs parking on the public rights-of-way, and is intended to protect the public health, safety, welfare, and good order of the community; and,

WHEREAS, on December 4, 2019, the City Council approved Ordinance 2019-31 to revise Chapter 10-3; and,

WHEREAS, Ordinance 2019-31 provided that the parking of large vehicles be regulated under Chapter 10-3 rather than under Section 10-2-7, which change would allow for a clearer articulation of the parking regulation as well as impose a civil rather than a criminal penalty; and,

WHEREAS, to follow up on Ordinance 2019-31, it is necessary to amend Section 10-2-7 regarding large vehicle parking; and,

WHEREAS, the amendments attached as Exhibit A were approved by the Chief of Police and are recommended by the City Administration:

NOW, THEREFORE, BE IT ORDAINED BY THE TOOELE CITY COUNCIL that Tooele City Code Section 10-2-7 is hereby amended to read in its entirety as shown in redline in Exhibit A; and,

This Ordinance is necessary for the immediate preservation of the peace, health, safety, or welfare of Tooele City and shall become effective upon passage, without further publication, by authority of the Tooele City Charter.

IN WITNESS WHEREOF, this Ordinance is passed by the Tooele City Council this ____ day of _____, 2019.

TOOELE CITY COUNCIL

(For)

(Against)

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

ATTEST:

Michelle Y. Pitt, City Recorder

S E A L

Approved as to Form:

Roger Evans Baker, City Attorney

Exhibit A

TCC Section 10-2-7 (Amended)

CHAPTER 2. MISCELLANEOUS PROVISIONS

10-2-1. Utah Code motor vehicle provisions adopted by reference.

10-2-2. Improper lookout.

10-2-3. Unlawful acceleration.

10-2-4. Funeral processions.

10-2-5. Ordinances enforceable at Tooele High School.

10-2-6. Violations.

10-2-7. Large vehicle and vehicles with dangerous load regulations - Truck routes.

10-2-1. Utah Code Annotated motor vehicle provisions adopted.

The following sections of the Utah Code Annotated, 1953 as amended, are hereby adopted by reference in their entirety as if fully set forth in this city code: Sections 41-1a-101 et seq., 41-6-1 et seq., 41-8-1, 41-12a-101 et seq., 41-21-1 et seq., and 41-22-1 et seq., and 53-3-101 et seq., save and except sections 41-6-101, 41-6-102, 41-6-103, and 41-6-104, and such sections the violation of which constitutes class A misdemeanors other than 41-6-44(6), 41-6-44.6, 53-3-227, 41-6-43, 41-6-44.10, 76-5-207, or felonies. Subsequent amendments by the Utah State legislature to those sections adopted hereby are also hereby expressly adopted by this reference.

(Ord. 1994-48, 08-17-1994)

10-2-2. Improper lookout.

No person shall drive a vehicle on a roadway without keeping a reasonable and proper lookout for other traffic, pedestrians or impediments to safe travel.

(Ord. 1988-12, 03-16-1988)

10-2-3. Unlawful acceleration.

No person shall accelerate an automobile faster than is reasonable and prudent, or necessary under the circumstances then existing upon any highway.

(Ord. 1988-12, 03-16-1988)

10-2-4. Funeral processions.

(1) For purposes of this Section, "funeral procession" means an organized or formal group of two or more vehicles traveling in close formation to or from a mortuary, funeral home, or memorial service, accompanying the body or the cremated remains of a deceased person.

(2) It shall be unlawful for a funeral procession or any participant in a funeral procession to block vehicular traffic, to close or limit access to a public right-of-way, or to violate the traffic laws of the state of Utah.

(3) It shall be unlawful for any person to block vehicular traffic or to close or limit access to a public right-of-way for a funeral procession.

(4) Any violation of Subsections (2) or (3) of this Section shall be a class C misdemeanor.

(5) Notwithstanding the above, Tooele City, in its

sole discretion, may block vehicular traffic and may close or limit access to public rights-of-way, using Tooele City peace officers and other peace officers under Tooele City's control, for funeral processions involving the following:

(a) fallen police officers;

(b) fallen firefighters;

(c) fallen soldiers;

(d) elected or appointed officials who die in office;

(e) individuals who have served Tooele City with distinction, such as, former elected officials; and,

(f) other individuals in the discretion of the Mayor or, in the Mayor's temporary absence, the Chairperson of the City Council.

(Ord. 2019-16, 06-05-2019) (Ord. 2016-22, 12-07-2016)

(Ord. 1988-12, 03-16-1988)

10-2-5. Ordinances enforceable at Tooele High School.

The Ordinances of Tooele City are declared to be enforceable upon the premises of Tooele High School.

(Ord. 1988-12, 03-16-1988)

10-2-6. Violations.

Violations of this chapter are Class "B" misdemeanors unless specifically indicated otherwise.

(Ord. 1988-12, 03-16-1988)

10-2-7. Large vehicle and vehicles with dangerous load regulations - Truck routes.

(1) It is hereby declared necessary in order to safely move traffic in, out and through the city, to regulate the movement and parking of large vehicles and vehicles with dangerous loads. The regulations in this Section apply to:

(a) all trucks licensed or actually used with a gross weight in excess of 19,000 pounds;

(b) trucks rated for one and one-half tons or larger under standard practices of the State of Utah; and,

(c) all explosive, corrosive and flammable liquid carriers capable of carrying in excess of 3,000 gallons or licensed for a gross weight in excess of 9,000 pounds.

(2) Any vehicle or truck as defined in this Section shall use only those routes specified in Subsection (3) or such additional temporary routes as shall be established by the chief of police, either by written permission upon application to deviate from the truck route or by the posting of temporary road signs during the period of temporary or alternate truck routing.

(3) The following are designated truck routes:

(a) State Road 36 (Main Street);

(b) State Road 112;

(c) Tooele Boulevard (1100 West Street);

(d) Droubay Road;

(e) Pine Canyon Road;

(f) other streets as designated by express written permission of the police chief, subject to such necessary regulations as are set forth in the written permission in

order to accommodate necessary deviation of truck traffic from designated truck routes.

(4) The truck routes identified in Subsection (3) shall not apply to emergency vehicles, school busses, Utah Transit Authority busses, city, county and state service vehicles, utility service vehicles, trucks making neighborhood deliveries or pick-ups or traveling to a business located in the immediate neighborhood, or to construction trucks delivering to or returning from construction sites where it is not possible to use a designated truck route.

(5) (a) The parking of vehicles regulated by this Section on the public rights-of-way shall be regulated by Section 10-3-25.1.

(b) The parking of a vehicle regulated by this Section on a public right-of-way shall be presumptive evidence of it being operated on the right-of-way on which it is parked. ~~and those excepted under Subsection (4) shall not be parked overnight on city streets other than designated truck routes.~~

(6) The driver or owner of any vehicle regulated by this Section that is driven or parked in violation of this Section shall be guilty of a class B misdemeanor.

(Ord. 2014 -11, 08-06-2014) (Ord. 1994-51, 10-25-1994)

TOOELE CITY CORPORATION

RESOLUTION 2019-77

A RESOLUTION OF THE TOOELE CITY COUNCIL APPROVING BUDGET AMENDMENTS FOR FISCAL YEAR 2019-2020.

WHEREAS, the City Council finds it necessary and prudent to re-open the 2019-2020 fiscal year budget to make amendments, pursuant to U.C.A. §§10-6-124-128, in order to more efficiently utilize funds to be received, said amendments being shown in the attached Exhibit A; and,

WHEREAS, the City Council convened a duly-noticed public hearing on December 4, 2019, pursuant to the requirements of U.C.A. §§10-6-113-114:

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that the budget amendments for fiscal year 2019-2020 as shown on Exhibit A, which is attached hereto and made a part hereof, are hereby approved.

This Resolution shall be effective immediately upon passage, without further publication, by authority of the Tooele City Charter.

Passed this ____ day of _____, 2019.

TOOELE CITY COUNCIL

(For)

(Against)

ABSTAINING:

MAYOR OF TOOELE CITY

(For)

(Against)

ATTEST:

Michelle Y. Pitt, City Recorder

S E A L

Fiscal Approval:

Glenn Caldwell, Director of Finance

Approved as to Form:



Roger Evans Baker, City Attorney

Exhibit A

Budget Amendments

TOOELE CITY CORPORATION

BUDGET AMENDMENTS

11/26/19

3:50 PM

FISCAL YEAR ENDING 06/30/2020

0

ACCT NUMBER	ACCOUNT NAME	CURRENT	AMENDMENT	AMENDED
10 GENERAL FUND				
GOLF ADVERTISING TRUST				
10 - 3870 - 108 - 000	CONTRIBUTION - GOLF ADVERTISING TRUST	(18,603)	(5,300)	(23,903)
10 - 4565 482 - 016	OQUIRRH HILLS GOLF-500 DOZEN GOLF BALLS	8,500	2,500	11,000
10 - 4565 482 - 016	PGA UTAH SECTION - FULL PAGE AD	11,000	1,300	12,300
10 - 4565 482 - 016	FALCON GRAPHICS-LOGOS FOR GOLF CARTS	12,300	1,500	13,800
JUNIOR GOLF TRUST				
10 - 3870 - 105 - 000	CONT - GOLF/JUNIOR GOLF TRUST	(30,919)	(7,325)	(38,244)
10 - 4565 - 483 - 007	OQUIRRH HILLS GOLF / JUNIOR GOLF T-SHIRTS	6,500	3,113	9,613
10 - 4565 - 483 - 007	OQUIRRH HILLS GOLF / MAYORS TOURNAMENT	9,613	4,212	13,825
JUNIOR GOLF TRUST				
10 - 3870 - 105 - 000	TRUST - JUNIOR GOLF	(32,844)	(10,843)	(43,687)
10 - 4565 483 - 007	SUMMER LEAGUE SCHOLARSHIPS	6,500	1,355	7,855
10 - 4565 - 483 - 007	MAYORS ANNUAL GOLF TOURNAMENT	7,855	9,488	17,343
POLICE INSURANCE PROCEEDS				
10 - 3640 - 000 - 000	SALE OF FIXED ASSETS	(15,000)	(1,647)	(16,647)
10 - 3640 - 000 - 000	SALE OF FIXED ASSETS	(16,647)	(2,732)	(19,379)
10 - 4211 - 252 - 000	OPERATION AND MAINTENANCE	116,000	4,379	120,379
EVIDENCE CASH - RETURNED TO OWNER				
10 - 3830 - 000 - 000	CONTRIBUTION - OTHER FUNDS	0	(2,950)	(2,950)
10 - 4211 - 482 - 025	EVIDENCE RETURNS	0	2,950	2,950
AMEND POLICE EASY GRANT				
10 - 3340 - 102 - 000	EASY/CUBS REIMBURSEMENT GRANT	0	(400)	(400)
10 - 4211 - 112 - 000	POLICE OVERTIME	73,376	300	73,676
11 - 4211 - 486 - 010	CUBS/EASY PROGRAM EXPENSE	0	100	100
MICRO CHIP TRUST TO ANIMAL CONTROL				
10 - 3830 - 000 - 000	CONTRIBUTION - OTHER FUNDS	0	(1,310)	(1,310)
10 - 4253 - 252 - 000	OPERATION AND MAINTENANCE	12,000	1,310	13,310
21 PAR TAX FUND				
RAILROAD MUSEUM PROJECT / TOOELE COUNTY T.R.T.				
21 - 3370 - 105 - 000	T-COUNTY TRANSIENT ROOM GRANT	0	(10,000)	(10,000)
21 - 4511 - 732 - 030	RAILROAD MUSEUM PROJECT	0	10,000	10,000
CAPITAL PROJECTS / FUND BALANCE				
21 - 3890 - 000 - 000	APPROPRIATION - FUND BALANCE	(382,150)	(691,672)	(1,073,822)
21 - 4511 732 - 022	ELTON PARK SIDEWALK	0	50,000	50,000
21 - 4511 732 - 002	SPLASH PAD REPAIR AND BARK	0	100,000	100,000
21 - 4511 732 - 016	GOLF COURSE HOLE # 17 SAFETY NET	0	14,000	14,000
21 - 4511 732 - 000	GLEN EAGLES PLAYGROUND EQUIPMENT	0	72,187	72,187
21 - 4511 732 - 013	DOW JAMES CULINARY BACK FLOW/METER	0	35,860	35,860
21 - 4511 732 - 007	AQUATIC CENTER PARK BACK FLOW/METER	0	22,700	22,700
21 - 4511 732 - 020	PICKLE BALL COURT LIGHTING	0	135,000	135,000
21 - 4511 732 - 020	WEST PICK BALL COURT	0	127,000	127,000
21 - 4511 732 - 000	PARKERS PLAYGROUND	0	134,925	134,925
51 WATER FUND				
EQUIPMENT / RETAINED EARNINGS				
51 - 3890 - 510 - 000	APPROPRIATION FROM RETAINED EARNINGS	(3,343,012)	(237,337)	(3,580,349)
51 - 5100 - 741 - 000	FRONT END LOADER	0	137,337	137,337
51 - 5120 - 741 - 000	EXCAVATOR - 50/50 WITH SEWER FUND	0	100,000	100,000
52 SEWER FUND				
EQUIPMENT / RETAINED EARNINGS				
52 - 3890 - 520 - 000	APPROPRIATION FROM RETAINED EARNINGS	(2,686,790)	(150,000)	(2,836,790)
52 - 5220 - 741 - 000	EXCAVATOR - 50/50 WITH WATER FUND	0	100,000	100,000
52 - 5220 - 721 - 000	GREEN HOUSE	0	50,000	50,000
54 STORM DRAIN FUND				
EQUIPMENT / RETAINED EARNINGS				
54 - 3890 - 540 - 000	APPROPRIATION FROM RETAINED EARNINGS	(1,956,319)	(343,926)	(2,300,245)
54 - 5400 - 741 - 000	MINI EXCAVATOR	0	72,926	72,926
54 - 5400 - 741 - 000	VACTOR TRUCK FOR STORM DRAINS	0	271,000	271,000
78 ROAD "C" MAINTENANCE FUND				
EQUIPMENT AND TRAFFIC STUDY				
78 - 3890 - 000 - 000	APPROPRIATION FROM FUND BALANCE	(420,672)	(168,246)	(588,918)
78 - 4415 741 - 000	FRONT END LOADER	158,546	158,546	317,092
78 - 4415 311 - 000	TRAFFIC STUDY	9,700	9,700	19,400

Center	fee	type	# lessons	length/min	Notes
Pratt	\$25	school yr	8	45	
	\$30	summer	9	45	
Clearfield	\$29	resident	6	45	
	\$34		8	45	
	\$34	non resident	6	45	
	\$40		8	45	
Fairmonth	\$18	type	6	30	
	\$24	school yr	6		
Sorenson	\$24	year round	8	30	
Multicultural					
NorthWest	\$24	year round	8	30	
West Valley CTR	\$36	members	9	40	
	\$45	non-member	9	40	
	\$24	members	6	40	
	\$30	non-member	6	40	
Kearns Oquirrh	\$30	members	6	40	Year round
Park Fitness ctr	\$36	nonmember	6	40	
Sports Complex	\$40	year round	8	30	
Stiener East					
Sports Mall	\$50	members	8	30	Summer only
	\$60	non-member	8	30	private
Average	\$33		7.315789	38.3333333	
	\$31	w/out sports mall			
Proposal increase	\$30		8	45	