

CITY OF FERNAN LAKE VILLAGE

ORDINANCE NO. 104

AN ORDINANCE OF THE CITY OF FERNAN LAKE VILLAGE, KOOTENAI COUNTY, STATE OF IDAHO, CREATING A NO PARKING ZONE ON THIES LANE FROM ITS INTERSECTION WITH LAKEVIEW DRIVE SOUTH TO ITS TERMINATION AND ADJACENT AREAS; PROVIDING THAT A VIOLATION SHALL CONSTITUTE AN INFRACTION; AND ADOPTING THE IDAHO INFRACTION RULES WHICH PRESCRIBE THE PENALTY FOR AN INFRACTION.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF FERNAN LAKE VILLAGE, KOOTENAI COUNTY, IDAHO:

Section I. Words and phrases used in this Ordinance are defined as set forth in this section. Words used in the masculine gender include the feminine gender, and the singular number includes the plural, as well as the plural the singular.

(a) "Boat" means all vessels for the carrying of persons on water and includes sail powered vessels and boards, motor powered vessels, canoes, rafts, kayaks, and other human powered vessels.

(b) "Boat launch ramp" means that portion of the hard surfaced area leading from the southern termination of Thies Lane into the waters of Fernan Lake, customarily used to launch boats into Fernan Lake and to retrieve boats from Fernan Lake.

(c) "Motor vehicle" means every vehicle which is self-propelled, except vehicles moved solely by human power and motorized wheelchairs.

(d) "Park" and "parking" means the standing of a vehicle or boat, whether occupied or not, other than temporarily.

for the purpose of and while actually engaged in loading or unloading property or passengers.

(e) "Peace officer" means a member of the Idaho State Police, a sheriff or deputy sheriff, a prosecuting attorney or deputy prosecuting attorney, a city policeman or marshal, or constable or any other officer duly authorized to enforce municipal, county, or state laws.

(f) "Person" means a natural person, and not a firm, fiduciary, private or municipal corporation, or other entity.

(g) "Street" means the entire width between the boundary lines of every way publicly maintained when any part is open to the use of the public for vehicular travel, with jurisdiction extending to the adjacent property line, including sidewalks, shoulders, berms and rights-of-way not intended for motorized traffic.

(h) "Trailer" means every vehicle without motive power designed for carrying persons or property and for being drawn or towed by a motor vehicle.

(i) "Turnaround area" means that certain portion on or adjacent to the southern termination of Thies Lane within that portion of the right-of-way easement, and extending to the adjacent property lines, customarily used by the public to turn vehicles.

(j) "Vehicle" means every devise in, upon, or by which any person or property is or may be transported or drawn upon a highway or street, including motor vehicles and trailers.

Section II: No person shall park a vehicle or boat on that certain street known as Thies Lane in the City of Fernan Lake

Village from its intersection with Lakeview Drive south to the termination of Thies Lane nor on the boat launch ramp and turnaround area. A violation of this section shall constitute an infraction.

Section III: The Supreme Court of the State of Idaho Infraction Rules as are now in effect and as may be hereafter amended are adopted as the rules of the City of Fernan Lake Village governing infractions, including the fixed penalty provisions for infractions set forth therein. The Clerk of the City of Fernan Lake Village shall keep at least one copy of said Infraction Rules on file at all times, and shall also keep on file all amendments to the Idaho Infraction Rules as may be adopted hereafter by the Supreme Court of the State of Idaho.

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Section IV: A peace officer may issue a uniform citation, as provided in Rule 5 of the Idaho Infraction Rules, for a violation of this Ordinance in which he shall certify that he has reasonable grounds to believe, and does believe, that the person cited committed the offense. Uniform citations may also be issued in any other manner prescribed in Rule 5.

Section V. The person cited for a parking violation as prescribed herein may pay such fine by mailing payment to the City Clerk within 5 days of the date the citation was issued. If the parking fine is not paid to the City Clerk within the time allotted, then the citation shall be referred to the Clerk of Court for the district court of the First Judicial District of the State of Idaho, in and for the County of Kootenai, for further proceedings.

Section VI: The City shall erect "no parking" signs on part of Thies Lane and the boat launch ramp and turnaround areas designated herein as a no parking zone in such numbers, and at such intervals, so as to reasonably inform the public of the parking prohibition. This Ordinance shall not be enforced until such signs have been erected.

Section VII: All Ordinances or parts of Ordinance in conflict herewith are hereby repealed.

Section VIII: Subject to the provisions of Section VI, this Ordinance shall take effect and be in full force and effect upon its passage, approval and publication in one issue of the Coeur d'Alene Press, the official newspaper of the City of Fernan Lake Village.

Passed under suspension of the rules at which a roll call vote was taken at a regular meeting of the City Council of the City of Fernan Lake Village, Kootenai County, Idaho this 4th day of June, 1990.

H Douglas Potter
MAYOR

Attest:

Vicki Forbes
CITY CLERK