

TOQUERVILLE CITY
ORDINANCE 2020.18



AN ORDINANCE AMENDING AND RESTATING TITLE 6, CHAPTER 2, SECTIONS 17 & 20 OF THE TOQUERVILLE CITY CODE TO INCLUDE AN AUTHORIZED CITY STAFF MEMBER AS ONE HAVING AUTHORITY TO HAVE REMOVED IMPROPERLY PARKED OR NON-OPERATIONAL VEHICLES FROM PUBLIC STREETS AND RIGHTS OF WAY WITHIN THE CITY AND TO UPDATE THE PENALTY FEE SCHEDULE.

RECITALS

WHEREAS, Toquerville City (“City”) is an incorporated municipality duly organized under the laws of the State of Utah.

WHEREAS, pursuant Article XI, Section 5 of the Utah Constitution, the City is delegated by the State of Utah the police power to adopt regulations for the health, safety and general welfare of the Residents of the City including regulations regarding on street parking and the obstruction of public roads and rights of way.

WHEREAS, the City, acting by and through, its governing body, the Toquerville City Council (“City Council”), has determined that Title 6, Chapter 2 of the Toquerville City Code regarding parking and sidewalk safety should be amended to allow authorized members of the City Staff, in addition to law enforcement officers, to have removed vehicles improperly parked or located upon a public roads or rights away.

WHEREAS, the City, acting by and through the City Council, has determined that the fines for improperly parking on, or obstructing, a public road or right of way should be increased in instances where the violation occurs over multiple days so as to create an additional deterrent from persons committing said infractions over an extended period of time.

ORDINANCE

NOW THEREFORE, BE IT HEREBY ORDAINED by the City Council of Toquerville City, State of Utah, as follows:

1. AMENDMENT AND RESTATEMENT OF TITLE 6, CHAPTER 2, SECTIONS 17 & 20. Toquerville City Code 6-2-17 and 6-2-20 are hereby amended and restated as follows:

6-2-17: AUTHORITY TO MOVE VEHICLE:

Whenever any law enforcement officer or authorized city staff member finds a vehicle in violation of this chapter, such officer or staff member is hereby authorized to have said vehicle moved by a licensed and bonded towing operator to a place of storage, or require the driver or other person in charge of the vehicle to move the same, to a position off the roadway in compliance with the provisions of this chapter.



A. Any law enforcement officer or authorized city staff member is authorized to have removed by a licensed and bonded towing operator to a place of storage any unattended vehicle illegally left standing upon any highway, bridge, causeway or in any tunnel in such position or under such circumstances as to obstruct the normal movement of traffic.

B. Any law enforcement officer or authorized city staff member is authorized to have removed by a licensed and bonded towing operator to a place of storage any vehicle found upon a highway when:

1. Report has been made that such vehicle has been stolen or taken without the consent of its owner; or
2. The person or persons in charge of such vehicle are unable to provide for its custody or removal; or
3. When the person driving or in control of such vehicle is arrested for an alleged offense for which the officer is required by law to take the person arrested before a proper magistrate without unnecessary delay; or
4. When it is discovered that there are five (5) or more outstanding parking violations with respect to the subject vehicle.

6-2-20: PENALTY:

Persons guilty of violating sections of this chapter shall be punished according to the following fee schedule and be required to pay all towing and storage fees:

Violation	Section	Fee	Fee After 5 Days	Fee After 10 Days
Fire lane violation	6-2-9	\$ 35.00	\$ 135.00	\$275.00 (\$125.00 per month thereafter)
Handicapped zone	6-2-8	\$125.00	\$ 435.00	\$825.00 (\$125.00 per month thereafter)
Parking of vehicle for display	6-2-15	\$ 25.00	\$ 225.00	\$500.00 (\$125.00 per month thereafter)
All other parking violations	6-2-1 through 6-2-7 , 6-2-10 through 6-2-14	\$ 25.00	\$ 105.00	\$225.00 (\$125.00 per month thereafter)
All obstruction violations	6-2-18 , 6-2-19	\$ 25.00	\$ 105.00	\$225.00 (\$125.00 per month thereafter)

2. REPEALER. This Ordinance shall repeal and supersede all prior ordinances and resolutions governing the same.

3. SAVINGS CLAUSE: If any provision or clause in this Ordinance or the application thereof to any person or entity or circumstance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other sections, provisions, clauses, or applications hereof which can be implemented without the invalid provision, clause, or application hereof, and to this end the provisions and clauses of this Ordinance are declared to be severable.



4. EFFECTIVE DATE. This Ordinance shall take effect immediately upon approved by the City Council.

PASSED AND APPROVED THIS 12th DAY OF NOVEMBER, 2020.

John 'Chuck' Williams	Aye <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>	Absent/Abstain <input type="checkbox"/>
Keen Ellsworth	Aye <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>	Absent/Abstain <input type="checkbox"/>
Justin Sip	Aye <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>	Absent/Abstain <input type="checkbox"/>
Gary Chaves	Aye <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>	Absent/Abstain <input type="checkbox"/>
Ty Bringhurst	Aye <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>	Absent/Abstain <input type="checkbox"/>

TOQUERVILLE CITY
a Utah Municipal Corporation



Lynn Chamberlain, Mayor

11/16/2020

Date

Attest:


Ruth Evans, City Recorder

