



435 North Main Street
La Verkin, Utah 84745
(435) 635-2581 (435) 635-2104 Fax

Blair Gubler
Micah Gubler
Chuck Hardy
Richard Hirschi
Patricia Wise

Kyle Gubler
City Administrator

Kelly B. Wilson
Mayor

Council Members

ORDINANCE NO. 2023- 12

AN ORDINANCE AMENDING CHAPTER 3 OF TITLE 6 AND CHAPTER 2 OF TITLE 7 OF THE LaVERKIN CITY CODE, TO PROHIBIT TRAVEL AND PARKING ON TEMPORARILY-CLOSED PUBLIC ROADWAYS AND PROPERTIES AND AUTHORIZE THE IMMOBILIZATION, REMOVAL, RELOCATION, AND/OR TOWING OF VEHICLES THAT ARE IN VIOLATION OF THE PROHIBITIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Part 1 of Title 10, Chapter 8, and Part 14 of Title 41, Chapter 6a, of the *Utah Code Annotated* (1953, as amended), provide authority for the City to establish, close, and regulate the use of public rights of way, including roadways, sidewalks, accessways, and other public property, and access, travel, parking, and standing thereon; and

WHEREAS, the City temporarily closes (and has the need to close) roadways, sidewalks, accessways, and other public property, from time to time, for parades, celebrations, and/or other special events; road construction and/or maintenance; utility work; and other public purposes; and

WHEREAS, there currently is no authority set forth in *The LaVerkin City Code* ("LVCC") providing for such closures or the enforcement thereof (including but not be limited to unlawful access, travel, and/or parking or standing thereon), and/or the immobilization, relocation, towing, and/or impoundment of a vehicle access, traveling, and/or parking or standing on such closed roadway, sidewalk, accessway, or public property; and

WHEREAS, there have been and may continue to be incidents where individuals have access, driven upon, and/or parked or left standing, along a cleared parade route, roads undergoing construction or maintenance work, or accessed roadways and other public properties that (due to current conditions, construction, or utility work, etc.) may be dangerous to children and others accessing and crossing thereon; and

WHEREAS, the City's directors of law enforcement and operations have indicated the need for legislation to close public roadways, sidewalks, accessways, and other public property; enforce such closures; and provide for the removal (including towing) of vehicles in violation thereof; and

WHEREAS, the City Council deems it to be in the best interests of the City and its residents, guests, and businesses to amend the LVCC to address such needs by ordinance.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF LaVERKIN, UTAH:

SECTION I: AMENDMENT OF THE CODE OF THE LaVERKIN CITY CODE, BY REVISING THE PROVISIONS OF SECTION 6-3-4:

SECTION 6-3-4. STOPPING OR PARKING PROHIBITED IN SPECIFIED PLACES.

Section 6-3-4 of *The LaVerkin City Code*,

Which currently reads as:

- 6-3-4: STOPPING OR PARKING PROHIBITED IN SPECIFIED PLACES:** No person shall stop or park a vehicle, whether attended or unattended:
- A. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
 - B. On a sidewalk;
 - C. Within an intersection;
 - D. On a crosswalk;
 - E. Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
 - F. In front of a public or private driveway;
 - G. Within fifteen feet (15') of a fire hydrant;
 - H. Within twenty feet (20') of a crosswalk at an intersection;
 - I. Within thirty feet (30') of the approach to any flashing signal, stop sign, yield sign or traffic control signal located at the side of a roadway;
 - J. Within twenty feet (20') of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy five feet (75') of said entrance when properly posted with a sign; or
 - K. At any place where official traffic control devices or signs prohibit parking.

is hereby amended to read as follows:

- 6-3-4: STOPPING OR PARKING PROHIBITED IN SPECIFIED PLACES:** No person shall stop or park a vehicle, whether attended or unattended:
- A. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
 - B. On a sidewalk;
 - C. Within an intersection;
 - D. On a crosswalk;
 - E. Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
 - F. In front of a public or private driveway;
 - G. Within fifteen feet (15') of a fire hydrant;
 - H. Within twenty feet (20') of a crosswalk at an intersection;
 - I. Within thirty feet (30') of the approach to any flashing signal, stop sign, yield sign or traffic control signal located at the side of a roadway;
 - J. Within twenty feet (20') of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five feet (75') of said entrance when properly posted with a sign; or

- K. On any City street, roadway, or public property that has been temporarily closed by the City under and in accordance with Section 7-2-4.A (*the contents and provisions of which, as they relate to parking, are hereby incorporated herein as though fully set forth*); and
- L. At any place where official traffic control devices or signs prohibit parking.

SECTION II: AMENDMENT OF THE CODE OF THE LaVERKIN CITY CODE, BY ADDING SECTION 6-3-13 THERETO:

Section 6-3-13 is hereby added to *The LaVerkin City Code*, to read as follows:

SECTION 6-3-13. VEHICLES PARKED IN VIOLATION OF THIS CHAPTER.

6-3-13: Vehicles Parked in Violation of this Chapter: Vehicles parked in violation of the provisions of this Chapter (as set out or incorporated) are subject to immobilization and/or being moved, relocated, towed, and/or impounded. Whenever any law enforcement officer finds a vehicle in violation of this Chapter, such officer is hereby authorized, at his or her option, and subject to available resources, to:

- A. Require the owner, operator, or other person having charge of the vehicle to relocate the vehicle to a location that is not in violation of the provisions of this Chapter;
- B. Immobilize the vehicle;
- C. Move and/or relocate the vehicle to a location that is not in violation of the provisions of this Chapter; and/or
- D. Have the vehicle towed and/or impounded, at the expense of the owner, operator, and/or claimant of the vehicle.

SECTION III: AMENDMENT OF THE CODE OF THE LaVERKIN CITY CODE, BY ADDING SECTION 7-2-4.A THERETO:

Section 7-2-4.A is hereby added to *The LaVerkin City Code*, to read as follows:

SECTION 7-2-4.A. TEMPORARY ROAD AND PUBLIC PROPERTY CLOSURES.

7-2-4.A. TEMPORARY ROAD AND PUBLIC PROPERTY CLOSURES:

- A. Types of Closures:
 - 1. Construction: From time to time, part or all of a city street, roadway, and/or sidewalk may be temporarily closed by the City or State for various purposes, including road construction, reconstruction, and/or road maintenance; utility street cuts and other work associated with the installation, maintenance, and/or repair of public utilities; and (on a time-limited basis, and with the approval of the City and/or applicable public road authority) construction, installation, and/or removal of structures, utilities, dumpsters, and/or other improvements on adjacent property and/or the placement of any dumpster.

2. Public Event: From time to time, part or all of a city street, roadway, and/or sidewalk may be temporarily closed by the City for City-sponsored outdoor special events (including but not limited to city celebrations, parades, and/or carnivals; runs and/or other nonmotorized races or athletic events; temporary outdoor food and/or craft sales; dances, concerts and/or other musical events; and other special events and activities of and sponsored by the City).

B. General Restrictions during Closures:

1. Construction Closure: Except as provided in subsection C below, and when properly posted, it shall be unlawful to operate, park or stand, or allow the continued parking or standing after notice of any motor or motorized vehicle, and/or to walk upon or operate a self-propelled (nonmotorized) vehicle or mode of transportation, on any city street, roadway, and/or sidewalk that has been temporarily closed for use by the public—for construction under subsection A.1—during the period of such posted closure.
2. Public Event Closure: Except as provided in subsection C below, and when properly posted, it shall be unlawful to operate, park or stand, or allow the continued parking or standing after notice, of any motor or motorized vehicle of any person on any city street, roadway, and/or sidewalk, or other public property, that has been temporarily closed for use by the public—for a public event under subsection A.2—during the period of such posted closure.

C. Exceptions to the General Restrictions. The restrictions set forth in Subsection B above shall not apply to the following:

1. Associated construction vehicle(s) and personnel at roadway and adjacent constructions sites.
2. Physicians on emergency calls and their vehicles, and emergency vehicles and their occupants responding to a medical call for assistance.
3. Public safety personnel and their vehicles when said officials are acting or responding in their official capacities.
4. City personnel, vehicles, and equipment, in an official capacity, involved in the regulation, inspection, enforcement, and oversight of construction identified in subsection B.1.

5. City personnel and authorized volunteers, and their vehicles, acting in an official governmental capacity, in support—or the provision, conduct, operation, or security—of a City-sponsored public or special event identified in subsection B.2.
 6. Persons with special needs, children under the age of twelve (12), and persons residing, working, or engaging in commerce on or visiting the closed portion of the public street, roadway, or sidewalk, provided they safely access such residence or business using City-approved alternate accessways.
- D. Except in the event of an emergency or time-sensitive situation, no roadway closure (and any restrictions associated therewith) shall be in effect unless and until:
1. A “road closed” or similar sign and/or traffic control device has been installed giving notice of the closure and/or a law enforcement officer is present to stop and give directions to the traveling public with regards to said closure.
 2. With regards to a vehicle already parked on the roadway or any residence or business located along the roadway to be closed, a 24-hour advance written notice (a) has been posted on the car and/or (b) conspicuously posted on the property of or provided to a resident/owner/occupant of any affected residence or business located along the roadway. Notice of the intended road closure shall state the date(s) and time(s) that such closure is expected to be in effect, subject to weather and force majeure, and shall direct the recipient of the notice to a place where (s)he can obtain further information about the closure, where to park vehicles during the period of time that the closure is in effect, and where unlawfully parked vehicles are, may be, or have been relocated.

SECTION IV: REPEAL OF CONFLICTING PROVISIONS.

All ordinances or resolutions, or parts or provisions thereof, in conflict with the provisions of this Ordinance, are hereby repealed to the extent that they conflict herewith.

SECTION V: SEVERABILITY.

The sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable. If any such section, paragraph, sentence, clause, or phrase shall be declared invalid or unconstitutional by the valid judgment or decree of a Court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences, clauses, or phrases of this Ordinance.

SECTION VI: EFFECTIVE DATE.

In the opinion of the City Council of LaVerkin City, it is necessary for the preservation of the peace, welfare, health, and safety of the inhabitants of LaVerkin City that this Ordinance take effect as soon as possible. This Ordinance, therefore, shall take effect immediately upon its passage and first publication as provided by law.

PASSED AND ADOPTED by the City Council of LaVerkin City this 16 day of August, 2023.



KELLY WILSON, Mayor

ATTEST:



CHRISTY BALLARD, City Recorder