

ORDINANCE NO. 486

AN ORDINANCE OF MALAD CITY, IDAHO, A POLITICAL AND MUNICIPAL SUBDIVISION OF THE STATE OF IDAHO, AMENDING ORDINANCE NO. 468 AND ORDINANCE NO. 471 BY MODIFYING THE PROHIBITIONS AND REGULATIONS REGARDING THE PARKING OF COMMERCIAL VEHICLES AND PROHIBITING THE RUNNING OR IDLING OF COMMERCIAL VEHICLES AND GENERATORS, AUXILIARY POWER UNITS, PONY MOTORS, AND REEFERS ASSOCIATED WITH COMMERCIAL OR RECREATIONAL VEHICLES BETWEEN 10:00 P.M. – 7:00 A.M.; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE UPON PASSAGE AND PUBLICATION.

WHEREAS, the Mayor and City Council of Malad City, Idaho, deem it necessary for the health, peace, safety, morals, convenience, order and general welfare of the present and future inhabitants of Malad City to make and adopt certain amendments regarding parking of commercial vehicle and running commercial vehicles and generators, auxiliary power units, pony motors, and reefers associated with commercial or recreational vehicles during certain hours within Malad City limits; and

WHEREAS, pursuant to Idaho Code, Title 50, Chapter 9, such is authorized;

NOW, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL FOR THE CITY OF MALAD, STATE OF IDAHO, AS FOLLOWS:

SECTION 1: Malad City Ordinance Number 468, Section 4, and Malad City Ordinance Number 471, Section 1, are hereby amended to read in entirety, as follows:

SECTION 4: PARKING OF COMMERCIAL VEHICLES REGULATED.

- (A) Any person who parks a commercial vehicle, as defined in Idaho Code §49-104 and §49-123, on any public street or alley, or street or alley open to the public, within the incorporated Malad City limits, unless duly

permitted under a parking or loading zone authorized under Section 14 of Malad City Ordinance 468, shall be guilty of an infraction unless such parking is necessary to load or unload such vehicle in an expeditious manner. Each occurrence of violation of this subsection shall constitute a separate offense.

- (B) Any person or entity who idles, leaves running, or causes to idle or leave running the motor of a commercial vehicle, as defined in Idaho Code §49-104 and §49-123, or runs, idles, leaves running, or causes to idle or leave running a generator, auxiliary power unit, or pony motor associated with a commercial vehicle or a recreational vehicle, as defined in Idaho Code §49-119(6), or runs, idles, leaves running, causes to idle or leave running or operates a refrigeration storage unit commonly known as a reefer within the incorporated Malad City limits between the hours of 10:00 p.m. – 7:00 a.m. shall be guilty of an infraction. Each occurrence of violation of this subsection shall constitute a separate offense.
- (C) The infraction penalty schedule for a violation of subsections (A) and (B) above shall be:

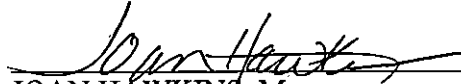
First Offense	\$100.00
Second Offense within Two (2) Years	\$200.00
Third or Greater Offense within Two (2) Years	\$300.00

SECTION 2: Except as expressly amended above, the balance of Malad City Ordinance Nos. 468 and 471 are hereby ratified and confirmed without further change.

SECTION 3: If any section, chapter, provision, paragraph or sentence hereof or the application thereof to any particular circumstance shall ever be held invalid or unenforceable, such holding shall not affect the remainder hereof, which shall continue in full force and effect and applicable to all circumstances to which it may validly apply.

SECTION 4: This Ordinance shall be in full force and effect after passage and approval by the City Council and Mayor of Malad City, Idaho, and publication as provided by law.

PASSED, ADOPTED, AND APPROVED by the City Council of Malad City, Oneida
County, State of Idaho, on this 10th day of February, 2021.



JOAN HAWKINS, Mayor

ATTEST:



SUSAN J. WITTMAN, City Clerk