



### 12.1 Purpose

It is the purpose of this Title to control adverse environmental impacts within residential zones (R-1) due to overflow parking for beach access; to protect Town residents from unreasonable noise and disturbance during nighttime hours; to protect Town residents from unreasonable burdens in gaining access to their residences; and to protect and preserve the peace, safety, good order, convenience and character of neighborhoods in the residential zones.

### 12.2 Definitions

As used in this Title:

- A. *Resident* shall have the meaning of anyone who resides or owns property within the boundaries of Huntsville Town.
- B. *Vehicle* shall include any vehicle, trailer, truck, recreational vehicle, or watercraft.

### 12.3 Designation of “residential permit parking” areas and “No Parking” areas<sup>1</sup>

The Town Council by resolution shall define “residential permit parking areas” and “No Parking” areas.

### 12.4 Permits

- A. Following the designation of residential permit parking areas the Town will issue residential parking permits to all residents of Huntsville Town. Two permits stickers shall be issued to each residential or commercial addressee of Huntsville Town.
- B. Any resident, upon receipt of a permit sticker, will be permitted to park in the designated residential permit parking areas. Residential parking permit holders may obtain annual or temporary guest passes from Huntsville Town.
- C. Permits issued pursuant to subsection A. shall not be transferable, and may be revoked in the event the Town determines the owner of the vehicle for which the permit has been attached no longer resides or owns property in Huntsville Town.
- D. Replacement permits or additional permits may be issued upon proof of residence, proof of vehicle registration and the applicant demonstrates to the satisfaction of the Town the need for a replacement or additional permit.
- E. Fees for guest passes, replacement sticker permits, or additional sticker permits will be set forth by resolution by the Town Council.
- F. It shall be unlawful for any person to use or display, or to allow to be used or displayed, a permit issued under this Title upon any vehicle not registered to the Town resident or property owner.

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<sup>1</sup> Title 12: Parking Ordinance was amended: Sept. 4, 2014. To add sections 12.4: A, B,C,D,E, and F.

### 12.5 Parking Restrictions

- A. In any area designated as a residential permit parking area, it shall be unlawful for any person to park any vehicle unless there is affixed to the driver's side of the interior of the windshield of such vehicle a valid residential parking permit; provided, however, that the provisions of this Title shall not apply to emergency or governmental vehicles, to delivery and service vehicles while engaged in such delivery or service, or to vehicles displaying a valid guest pass plainly visible from the exterior of the vehicle.
- B. The parking restrictions in areas designated as residential permit parking areas shall be in effect every year commencing May 1 and ending September 30.
- C. It shall be unlawful to park or cause to be parked any vehicle along the streets designated "NO PARKING" or "PARKING BY PERMIT ONLY" by a sign or device placed in said area, or, everything West of 7300 E. as being a no roadside parking area during the months of May-September.<sup>2</sup>

### 12.6 Prohibition of Overnight Camping on Town Property

Overnight camping in motor homes, campers, trailers, tents, or any vehicles on Huntsville Town property, streets, rights of way, alleys, cemetery, or parks is prohibited.

### 12.7 Signs

Following the designation of "residential permit parking" and "No Parking" areas, the Town Council shall cause to be posted in appropriate locations within such areas signs indicating the restrictions set forth in this Title.

### 12.8 Penalties

- A. The Town Council by resolution shall set forth penalties for violations of parking restrictions set forth in this Title. Penalties imposed can be in the form of fines and/or removal of the vehicle by Huntsville Town by towing.
- B. A violation of the overnight camping restriction is a Class C misdemeanor.

### 12.9 Procedures for Impounded Vehicles

Impounded vehicles will only be released to the owner thereof or the person legally entitled to possession under a rental or lease agreement. Impounded vehicles shall be released under the

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<sup>2</sup> Amended 4-19-2018: Title 12.5.C: Added "or everything West of 7300 E as being a no parking area from May-Sept."

regulations established by the Weber County Sheriff's Department or by ordinance for release and inventory of impounded vehicles, and upon payment of the impound fees and towing fees.

### **12.10 Appointees to enforce parking regulations**

The Mayor shall be authorized to appoint personnel under contract with the Town, in addition to Weber County Sheriff officers, to enforce the provisions of this Title.

### **12.11 Weber County Parking Ordinance**

## **CHAPTER 4. - PARKING**

- **Sec. 42-4-1. - Authority to regulate parking.**

Weber County may place signs on all county highways prohibiting or restricting the parking or stopping of vehicles where, in its opinion, such parking or stopping is dangerous to those using said highways or would unduly interfere with the free movement of traffic.

( [Ord. No. 2016-11](#), 9-6-2016)

- **Sec. 42-4-2. - Parking prohibited.**

It shall be unlawful to park or stop a vehicle upon any highway when signs or traffic markings give notice that parking or stopping is prohibited.

( [Ord. No. 2016-11](#), 9-6-2016)

- **Sec. 42-4-3. - Authority to move vehicles.**

Whenever any officer of the Weber County Sheriff's Office ("sheriff's office") finds a vehicle parked or stopped upon a highway in violation of the provisions of this chapter, such officer is hereby authorized to move the vehicle, cause the vehicle to be moved, or require the driver or other person in charge of the vehicle to move the vehicle.

( [Ord. No. 2016-11](#), 9-6-2016)

- **Sec. 42-4-4. - Enforcement.**

Officers of the sheriff's office shall be authorized to:

- (1) Issue citations for violation of this chapter and require the payment of a fine;
- (2) Move any vehicle in violation of this chapter at the owner's expense; or
- (3) Use other enforcement actions as may be necessary for parking control.

( [Ord. No. 2016-11](#), 9-6-2016)

- **Sec. 42-4-5. - Presumption of liability.**

The fact that a vehicle which is illegally parked or stopped is registered in the name of a person shall be sufficient to constitute a rebuttable presumption that such person was in control of the vehicle at the time of such parking or stopping.

( [Ord. No. 2016-11](#) , 9-6-2016)

- **Sec. 42-4-6. - Notice.**

Notice of violation shall be given by affixing a citation to a conspicuous place on the vehicle or mailing a copy of the citation to the registered owner. A written notice of violation shall be issued to each person alleged to have committed a violation of this chapter.

Each notice of violation shall contain:

- (1) The name and address of the person alleged to have committed the violation;
- (2) The date, time, and place of the violation;
- (3) The make of the vehicle and its license number;
- (4) The amount of the fine; and
- (5) The procedure for paying or contesting the fine.

( [Ord. No. 2016-11](#) , 9-6-2016)

- **Sec. 42-4-7. - Response to notice.**

Any person to whom a notice of a violation has been issued shall respond within 14 days by:

- (1) Paying the fine; or
- (2) Contesting the violation in the manner described in [section 42-4-12](#).

( [Ord. No. 2016-11](#) , 9-6-2016)

- **Sec. 42-4-8. - Fine.**

Any person who violates the provisions of this chapter shall be liable for a civil fine. If the fine is paid within 14 days from the date of the notice of violation, or if the citation is contested with a hearing officer within 14 days, the fine shall be \$50.00. If the fine is not paid or contested within 14 days, the fine shall be increased to \$100.00.

( [Ord. No. 2016-11](#) , 9-6-2016)

- **Sec. 42-4-9. - Default.**

If the fine is not paid within 28 days from the date of the notice of violation, within five days of a hearing officer finding that a violation did occur, or within five days of any date agreed upon by a hearing officer for the payment of all or part of the fine, the fine shall be deemed to be in default.

( [Ord. No. 2016-11](#) , 9-6-2016)

- **Sec. 42-4-10. - Payment of fines.**

Fines shall be paid to the sheriff's office in such manner as the sheriff's office shall direct. Fees may be paid by mail, but the risk that payments may be lost or delayed in the mail shall be on the sender. For purposes of the deadlines imposed by this chapter, the date of payment shall be the date the sheriff's office actually receives payment.

( [Ord. No. 2016-11](#) , 9-6-2016)

- **Sec. 42-4-11. - Hearing officer.**

The sheriff's office shall appoint an impartial and unbiased hearing officer to conduct hearings under [section 42-4-12](#).

( [Ord. No. 2016-11](#) , 9-6-2016)

- **Sec. 42-4-12. - Contesting the violation.**

Any person who has received a notice of violation issued under this chapter may contest the alleged violation before a hearing officer within 28 days from the date of the notice of violation. The hearing officer shall conduct an informal civil hearing to determine whether a violation occurred. The notice of violation shall constitute prima facie evidence that the violation alleged actually occurred.

If the hearing officer finds by a preponderance of the evidence that a violation did occur and no applicable defense exists, the person to whom the notice of violation was issued shall pay the fine within five days of the hearing. The hearing officer may, in the interest of justice and on behalf of the county, enter into an agreement setting a different payment deadline or establishing a payment plan.

( [Ord. No. 2016-11](#) , 9-6-2016)

- **Sec. 42-4-13. - Dismissal.**

If the hearing officer finds that no violation occurred or a violation occurred but one or more of the defenses set forth in this chapter is applicable, the hearing officer may dismiss the citation.

It shall be a defense to a violation of this chapter if:

(1)

At the time of the violation, the vehicle was in the possession of a third party in violation of the criminal laws of the state;

(2)

Compliance with the provisions of this chapter would have presented an imminent and irreparable injury to persons or property; or

(3)

Such other defenses as may be approved by the county attorney's office.

( [Ord. No. 2016-11](#), 9-6-2016)

- **Sec. 42-4-14. - Reduction of fine.**

If the hearing officer finds that a violation occurred but one or more mitigating circumstances set forth in this chapter is applicable, the hearing officer may reduce the fine.

Mitigating circumstances include the following:

(1)

At the time and date of the notice of violation, the vehicle was in the possession of a third party pursuant to a written lease agreement or similar written agreement;

(2)

The vehicle was mechanically incapable of being moved;

(3)

Any traffic markings or signs were not clearly visible or comprehensible; or

(4)

Such other mitigating circumstances as may be approved by the county attorney's office.

( [Ord. No. 2016-11](#), 9-6-2016)

- **Sec. 42-4-15. - Collection.**

If the fine imposed pursuant to this chapter goes into default, the county may use such lawful means as are available to collect such fine, along with court costs and attorney fees incurred in the collection process.

( [Ord. No. 2016-11](#), 9-6-2016)