

**BRIGHTON, UTAH**  
**ORDINANCE NO. 2022 – O – 10 – 3**

**AN ORDINANCE ENACTING TITLE 11 “VEHICLES AND TRAFFIC,” CHAPTER 4  
“DEFINITIONS AND REGULATIONS, AND CHAPTER 20 “STOPPING, STANDING  
AND PARKING” OF THE BRIGHTON CODE OF ORDINANCES TO REGULATE  
VEHICLE PARKING**

WHEREAS, the Brighton Town Council ("Council) met in a regular session on February 10. 2021 enacted a civil code enforcement ordinance; and

WHEREAS, the Town of Brighton ("Town") continues to experience problems from vehicle parking near or on public roads, particularly in winter and during snowstorms; and

WHEREAS, the Council believes that utilizing a civil code enforcement process to regulate vehicle parking would enhance vehicle, bicycle, and pedestrian transportation; and

WHEREAS, after careful consideration, the Council has determined that such amendments are in the best interest of the health, safety and of the present and future inhabitants of the Town of Brighton; and

NOW, THEREFORE, BE IT ORDAINED by the Brighton Town Council that:

**Section 1. Enactment.** Title 11 “Vehicles and Traffic,” Chapter 4 “Definitions and Regulations,” and Chapter 20 “Stopping, Standing and Parking” of the Brighton Code of Ordinances as set forth in Exhibit A is hereby enacted.

**Section 2 Effective Date.** This ordinance shall go into effect upon publication.

**PASSED AND APPROVED** this 11<sup>th</sup> Day of October, 2022

**TOWN OF BRIGHTON**

By:   
Dan Knopp, Mayor

ATTEST:

  
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Kara John, Town Clerk

Exhibit A – Title 11, Chapters 4, 20.



**Exhibit A-**

**TITLE 11 VEHICLES AND TRAFFIC**

**CHAPTER 4 DEFINITIONS AND REGULATIONS**

**11.04.010 Definitions.**

Whenever the following terms are used in this title, they shall have the meanings defined in this section:

"Alley" means a public way, not designed for general travel, within a block primarily intended for service and access to abutting property by vehicles.

"Crosswalk" means that portion of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the street measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway; also, any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

"Crosswalk line" means a single white line, not less than six inches in width, painted on a street marking the outlying limits of a pedestrian crossing.

"Driver" means every person who drives or is in actual physical control of a vehicle.

"Fire department" means the fire department providing fire suppression services to the Town.

"Intersection" means:

1. The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines or the roadway of two streets that join one another at, or approximately at, right angles, or the area within which vehicles, traveling upon different streets joining at any other angle, come in conflict.
2. Where a street includes two roadways thirty feet or more apart, then every crossing of each roadway of such divided street by an intersecting street shall be regarded as a separate intersection.

"Limited access street, highway or roadway" means every highway, street or roadway, with respect to which owners or occupants of abutting lands and other persons have no legal right of access except at such points and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway.

"Motorcycle" means every motor vehicle, other than a tractor, having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground and weighing less than one thousand two hundred fifty pounds.

"Motor vehicle" means every vehicle that is self-propelled and every vehicle that is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

"Owner" means a person who holds the legal title to a vehicle or, in the event a vehicle is subject to an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this title.

"Park" means the standing of a vehicle, whether occupied or not, otherwise than temporarily, for the purpose of and while actually engaged in loading or unloading.

"Pedestrian" means any person afoot.

"Person" means every natural person, firm, partnership, association or corporation.

"Private road or driveway" means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not used by other persons.

"Right-of-way" means the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.

"Safety zone" means that area within the crosswalk for the exclusive use of pedestrians, bounded on two sides by the crosswalk lines and on the other two sides by yellow lines or by physical barriers, or otherwise so protected, marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

"Sidewalk area" means that portion of a street or highway between the curb lines of the lateral lines of a roadway and the adjacent property lines.

"Stop" means complete cessation from movement.

"Stop or limit line" means a single white line not less than twelve inches in width behind which vehicles must stop when directed by a law enforcement officer or traffic control device.

"Stop, stopping or standing when prohibited" means any stopping or standing of a vehicle whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a law enforcement officer or traffic control device.

"Street or highway" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

"Traffic-control devices" means all signs, signals, traffic markings and devices of the state placed or erected by authority of a public body or official having jurisdiction, for the purposes of regulating, warning or guiding traffic.

"Unauthorized use of streets" or "unauthorized use" means a violation of any restriction or prohibition contained in this chapter or its successor.

"Vehicle" means every device in, upon or by which a person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

#### **11.04.020 Applicability.**

All vehicles using the roads and highways of the town shall be subject to the provisions of this title. Every person propelling any pushcart or riding an animal upon a roadway, and every person driving an animal-drawn vehicle, shall be subject to such provisions as are applicable to the drivers of vehicles, except those that by their nature can have no application.

#### **11.04.030 Traffic control devices.**

The mayor or designee shall place and maintain such traffic control devices upon town roads and highways as are necessary to indicate and to carry out the provisions of this code or to regulate, warn or guide traffic.

#### **11.04.040 Driver's license required.**

No motor vehicle subject to the provisions of this title shall be driven upon any road, street, highway or thoroughfare of the town by any person not in possession of a valid operator's license issued by the Driver's License Division of the State Department of Public Safety or of some other state.

#### **11.04.050 Registration card.**

The operator of a motor vehicle shall carry in his vehicle or upon his person a duly signed registration card. The operator shall display the registration card upon the demand of any law enforcement officer.

#### **11.04.070 Obedience required.**

- A. It is unlawful for any person to willfully fail or refuse to comply with any lawful order or direction of any law enforcement officer or other special officer assigned to traffic duty and vested by law with authority to direct, control or regulate traffic.
- B. Law enforcement officers shall direct all traffic in accordance with the provisions of this title, or in emergencies, as public safety or convenience may require. Except in case of an

emergency, it is unlawful for any person not authorized by law to direct or attempt to direct traffic.

#### **11.04.080 Authority to direct traffic at scene of fire.**

The fire department officer in command, or any fireman designated by him, may exercise the powers and authority of a law enforcement officer in directing traffic at the scene of any fire or where the fire department has responded to an emergency call for so long as fire department equipment is on the scene in the absence of law enforcement, or while assisting law enforcement.

### **Chapter 11.20 STOPPING, STANDING AND PARKING**

#### **11.20.010 Erection of traffic control devices.**

The Mayor or designee may erect traffic signs and other traffic control devices to regulate, warn and guide traffic and parking on the streets, highways and property of the town. No traffic control device shall be placed or maintained upon any highway under the jurisdiction of the Utah Department of Transportation.

#### **11.20.020 Curb markings.**

- A. The Mayor or designee is authorized to place and maintain appropriate signs or traffic markings to indicate standing or parking regulations, and the traffic markings shall designate the zones and shall have the meanings set forth in this chapter:
  1. "Red" means no stopping, standing or parking at any time.
  2. "Yellow," with the words "Restricted Zone" stenciled thereon, means no stopping, standing or parking except as stated on the signs or markings giving notice thereof, except that this provision shall not apply on Sundays and legal holidays.
- B. When appropriate signs or traffic curb markings have been erected or placed according to this section, no person shall stop, stand or park a vehicle in any zone in violation of the provisions of this section.

#### **11.20.030 Regulation of parking.**

- A. The Mayor or designee may place signs on all town roads and highways prohibiting or restricting the parking of vehicles where such parking is dangerous to those using the roads or where the parking of vehicles would unduly interfere with the free movement of traffic thereon.
- B. No such regulations shall apply until signs giving notice thereof have been erected.

#### **11.20.050 Parking prohibited in specified areas.**

No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a law enforcement officer or traffic control device, in any one of the following places:

- A. On a sidewalk area;

- B. In front of or within five feet of a private driveway;
- C. Within an intersection;
- D. Within fifteen feet of a fire hydrant, whether on public or private property or within a fire lane as designated and marked in accordance with Utah statute or Town code;
- E. On a crosswalk;
- F. Within twenty feet of an intersection;
- G. Within thirty feet of any flashing beacon or traffic control device located at the side of a roadway;
- H. In a marked special disability group license parking stall or unloading area without a valid and applicable special disability group license plate or placard;
- I. Within twenty feet of a driveway entrance to any fire station and, on the side of the street opposite the entrance to any fire station, within seventy-five feet of the entrance when it is properly posted with signs;
- J. Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct or be hazardous to traffic;
- K. Within any alley, except for the necessary and expeditious loading and unloading of merchandise; provided, that in no event shall the driveway or entrance to any abutting property be blocked or free movement of traffic through the alley be interfered with;
- L. Upon any bridge or other elevated structure on a street or within a street tunnel or underpass;
- M. Upon that side of any street contiguous to any school property during school hours;
- N. At any place where official signs or traffic controls placed by the Mayor or designee prohibit stopping, standing or parking.

#### **11.20.060 Parking of trucks and commercial vehicles.**

A. Definitions. As used in this section:

"Commercial vehicle" means a vehicle in excess of three-quarter-ton capacity of whatever make or type designed for or adapted to commercial or agricultural purposes, regardless of the use to which such vehicle is put at any particular time, provided such vehicle is of a type, kind or adaptation commonly known as a commercial or agricultural vehicle.

"Trailer" means any truck trailer or other trailer designed or adapted primarily for the transportation of property of whatever kind.

"Truck" means any truck-tractor, panel truck, pickup or other truck in excess of three-quarter-ton capacity.

B. Restriction. No person shall park any commercial vehicle, agricultural vehicle, occupied or empty trailer, truck-tractor or truck on any public street adjacent to a lot or parcel containing a residential dwelling(s) or on any public street within a residential subdivision for a period of time longer than three consecutive hours.

- C. Exception. The prohibitions in this section shall not apply to vehicles being used in the servicing of adjacent properties or streets.

#### **11.20.070 Approach to parking space.**

- A. Every driver about to enter a parking space being vacated shall stop his vehicle and wait to the rear of the vehicle in the actual process of vacating the parking space and having so waited shall have prior right to the parking space over all other drivers.
- B. No driver shall stop his vehicle ahead of a parking space being vacated and attempt to interfere with a driver who has waited properly to the rear of a parking space being vacated.
- C. No driver shall stop and wait for a parking space unless the vehicle vacating the space is actually in motion.

#### **11.20.080 Vehicle left unattended.**

- A. It is unlawful for any person having control of a motor vehicle to permit such vehicle to stand unattended without first stopping the engine, locking the ignition, and removing the key.
- B. Neither shall any person allow a vehicle to stand upon any perceptible grade without effectively setting the brakes thereon and turning the front wheels to the curb or side of the roadway.

#### **11.20.090 Parallel parking—Required—Exception.**

No person shall stand or park a vehicle on a roadway other than parallel with the edge of the roadway, headed in the direction of lawful traffic movement and with the right hand wheels of the vehicle within twelve inches of the curb or edge of the roadway, except as otherwise required by code or posted signs.

#### **11.20.100 Angle parking—Restrictions.**

The Mayor or designee may, after placement of appropriate signs and markings, designate certain areas as suitable for angle parking, except that no angle parking shall be permitted or indicated at any place where passing traffic would thereby be caused or required to drive upon the left side of the street or where any vehicle would extend from the curb or edge of the roadway a distance greater than one-third of the width of the roadway.

#### **11.20.110 Double parking, standing or stopping prohibited—Exception.**

No person shall park, stand or stop a vehicle upon the roadway side of another vehicle that is parked, standing or stopped, except while actually engaged in loading or unloading passengers, or in compliance with directions of any law enforcement officer, traffic control device, or when necessary to avoid other traffic.

#### **11.20.120 Obstructing traffic prohibited.**

No person shall park any vehicle upon a street in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for free movement of vehicular traffic.

### **11.20.130 Parking prohibited when.**

No person shall park a vehicle on any town street when it is snowing or snow has accumulated to 2" on the street during the months of November, December, January, February, March and April.

### **11.20.135 Long-term parking prohibited.**

No person owning, possessing, controlling or having custody of a vehicle shall permit it to remain standing upon any town street or alley for a consecutive period of more than seventy-two hours.

### **11.20.140 Parking for certain purposes prohibited.**

No person shall park or operate a vehicle upon any roadway for the principal purposes of:

- A. Greasing or repairing such vehicle, except repairs necessitated by an emergency; or
- B. Selling foodstuffs or other merchandise.

### **11.20.150 Liability.**

The fact than an automobile is illegally parked shall be sufficient to constitute a rebuttable presumption that the registered owner was in control of the automobile at the time it was parked.

### **11.20.160 Removal of illegally parked vehicle.**

Whenever any law enforcement officer or code enforcement officer finds a vehicle parked or standing upon a street in violation of this title, the officer is authorized to move the vehicle or require the driver or other person in charge of the vehicle to move it to a position not in violation of this title.

### **11.20.170 Penalty.**

All parking violations on town streets or highways shall be punishable either as a criminal infraction or as a civil code violation at the Town's discretion.

A civil code violation will be subject to the procedure outlined in Title 12 of the Brighton Code of Ordinances and the following subsections of this chapter and the fines associated with a violation of this code as listed in the Town's Fee Schedule.

- A. Violation: Any person engaging in the unauthorized use of streets, parking lots or other areas as provided under this chapter, within the jurisdiction of the Town, shall be liable for a civil penalty. Any penalty assessed in subsection B of this section may be in addition to such other penalties as may be provided in this chapter.
- B. Late Fee: A twenty five percent (25%) late fee will be added to any penalty that remains unpaid thirty (30) days after the date of the receipt of notice.
- C. Receipt of Notice:
  1. As used in this section, "receipt of notice" means either:
    - a. Affixing a notice of unauthorized parking to the vehicle alleged to have been in violation of this chapter; or

- b. By delivery of such notice of unauthorized use to the owner or driver thereof.
- 2. Receipt of notice shall be issued in writing by a peace officer or duly authorized code enforcement official and contain not less than the following information:
  - a. The make, model, color and license plate of the vehicle (if any).
  - b. The name of the person in whose name such vehicle is registered, if known;
  - c. The date and place of the violation;
  - d. The parking code violation and related fine;
  - e. Notice that the notice of unauthorized use must be responded to; and
  - f. Other information, including information related to payments by mail, telephone, in-person, or electronic means.

E. Response to Notice:

Any person to whom a notice of unauthorized use has been issued shall respond within seven (10) days of receipt by either paying the civil penalty(s) listed on the notice, in the manner provided by the receipt of notice, or contesting the notice in the manner described by subsection F "Adjudication Procedures" of this section.

F. Adjudication Procedures:

- 1. The Greater Salt Lake Municipal Services District shall have jurisdiction to resolve contested matters relating to the unauthorized use of streets.
- 2. The Greater Salt Lake Municipal Services District may take any appropriate steps necessary to authorize one or more hearing officers to initially settle or resolve matters related to the unauthorized use of streets in a manner consist with this chapter.
- 3. Any person, or vehicle owner, having received notice of such unauthorized use, may appear before a hearing officer at an appointed date and time and present and contest such alleged unauthorized use.
- 4. The notice of unauthorized use shall constitute *prima facie* evidence that the violation alleged therein actually occurred. The adjudication shall be conducted as informally as the circumstances will allow and shall be based on the civil standard of a preponderance of the evidence.
- 5. The burden to prove any defense shall be upon the person raising such defense.
- 6. The hearing officer may find that no unauthorized use occurred and dismiss the notice.
- 7. If the hearing officer finds that an unauthorized use occurred but one or more of the defenses set forth in this section are applicable, they may dismiss the notice and release the owner or driver from liability thereunder. Such defenses are:
  - a. At the time of the receipt of the notice, possession of the subject vehicle had been acquired in violation of the criminal laws of the State of Utah;
  - b. Compliance with the subject ordinances would have presented an imminent and irreparable injury to persons or property;
  - c. If the hearing officer finds that the owner of the vehicle is deceased but was living when the notice was issued;

- d. If the hearing officer finds that the vehicle was sold with the original license plates on, and the notice of unauthorized use was received prior to the sale, provided the sale is reported to the Utah Division of Motor Vehicles and the bill of sale is provided within twenty (20) days of receipt of the notice;
- 8. If the hearing officer finds that an unauthorized use occurred but one or more of the defenses set forth in this section are applicable, the hearing officer may reduce the penalty associated therewith, but in no event shall such penalty be reduced below the sum of twenty-five dollars (\$25.00). Such defenses are:
  - a. The subject vehicle was mechanically incapable of being moved from such location; provided, however, such defense shall not apply to any vehicle which remains at such location in excess of six (6) hours;
  - b. At the time of the notice a responsible person receiving such notice of unauthorized use had, but failed to properly display, a special disability group license plate or placard that was valid and relevant to the notice. However, the hearing officer may not reduce the associated civil penalty below the sum of twenty-five dollars (\$25.00).
- 9. If the hearing officer finds that an unauthorized use occurred and no applicable defense exists, the hearing officer may enter into an agreement with a person who has received notice for the timely or periodic payment of the applicable penalty.
- 10. If the hearing officer and a person who has received notice are unable to resolve the notice, the hearing officer may refer the matter to the Town Attorney to commence a civil action to compel enforcement of the notice in a court of competent jurisdiction.
- 11. If the penalty imposed pursuant to this chapter remains unsatisfied after forty (40) days from the receipt of notice of unauthorized use, or ten (10) days from such date as may have been agreed to by the hearing officer, the Town may use such lawful means as are available to collect such penalty, including costs and attorney fees.