

**KUNA CITY ORDINANCE NO. 2023-04
CITY OF KUNA**

A MUNICIPAL ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KUNA:

- **AMENDING SECTION 5, CHAPTER 2, TITLE 11 OF KUNA CITY CODE DEFINITIONS ADDING ACRONYM “GVWR”; AND MAKING TECHNICAL CHANGES TO THE “HIGHWAY” DEFINITION; AND**
- **REPEALING SECTION 9, CHAPTER 2, TITLE 11 OF KUNA CITY CODE; AND**
- **AMENDING TITLE 11 BY THE ADDITION OF A NEW SECTION 9, CHAPTER 2; AND**
- **PROVIDING A SEVERABILITY CLAUSE; AND**
- **DIRECTING THE CITY CLERK; AND**
- **PROVIDING AN EFFECTIVE DATE.**

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF KUNA, IDAHO, as follows:

Section 1: That Section 5, Chapter 2 of Title 11 Kuna City Code is hereby amended to read as follows:

ALLEY: Means a public way of limited use intended only to provide access to the rear or side of lots or buildings in urban districts.

BUSINESS DISTRICT: The territory contiguous to and including a highway when within any six hundred (600) feet along the highway there are buildings in use for business or industrial purposes, including hotels, banks or office buildings, railroad stations and public buildings which occupy at least three hundred (300) feet of frontage on one side or three hundred (300) feet collectively on both sides of the highway.

CHAPTER: Chapter 2, [Title 11](#) of the Kuna City Code.

CITY: City of Kuna, Idaho.

CITY PARKING LOTS: Unless otherwise expressly provided, the term "city parking lots," or any derivation thereof used in this chapter, shall mean any city-owned or maintained off-street parking facility including facilities, or portions thereof, leased from, or licensed by, the city for parking purposes.

COMMERCIAL VEHICLE: For the purposes of this chapter, a motor vehicle or combination of motor vehicles designed or used to transport passengers or property if the motor vehicle:

- A. Has a manufacturer's gross combination weight rating (GCWR) in excess of twenty-six thousand (26,000) pounds inclusive of a towed unit with a manufacturer's gross vehicle weight rating (GVWR) of more than ten thousand (10,000) pounds; or
- B. Has a manufacturer's gross vehicle weight rating (GVWR) in excess of twenty-six thousand (26,000) pounds; or
- C. Is designed to transport sixteen (16) or more people, including the driver; or
- D. Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the hazardous material transportation act and which require the motor vehicle to be placarded under the hazardous materials regulations (49 CFR part 172, subpart F).

A motor vehicle used in a ridesharing arrangement that has a seating capacity for not more than fifteen (15) persons, including the driver, shall not be a "commercial vehicle" under the provisions of this chapter.

DRIVEWAY: Means a private road giving access from a public way to a building on abutting grounds; this shall include paved, concrete, gravel, or other designated parking areas on private property in front of residential structures.

GVWR: Means the gross vehicle weight rating prescribed by a vehicle manufacturer as the maximum loaded weight under which a vehicle can safely operate.

HIGHWAY: Means roads, streets, alleys and bridges laid out or established for the public or dedicated or abandoned to the public. Highways include the entire width between the boundary lines of every Highway publicly maintained right-of-way when any part that is open to the use by the public for vehicular travel, including sidewalks, shoulders, berms and rights-of-way not intended for motorized traffic. The term "street" is interchangeable with highway.

MOTOR VEHICLE: Every vehicle that is self-propelled, and for the purpose of titling and registration meets federal motor vehicle safety standards as defined in section 49-107, Idaho Code. Motor vehicle does not include vehicles moved solely by human power, electric personal assistive mobility devices, personal delivery devices, electric-assisted bicycles, and motorized wheelchairs or other such vehicles that are specifically exempt from titling or registration requirements under title 49, Idaho Code.

PARK or PARKING: Means the standing of a vehicle, whether occupied or not, other than temporarily for the purpose of and while actually engaged in loading or unloading property or passengers.

RECREATIONAL VEHICLE: Means a motor home, travel trailer, fifth-wheel trailer, park model recreational vehicle, truck camper or folding camping trailer, with or without motive power, designed for recreational or emergency occupancy. It does not include pick-up hoods, shells, or canopies designed, created or modified for occupational usage. School buses or van type vehicles which are converted to recreational use, are defined as recreational vehicles.

RESIDENTIAL DISTRICT: The territory contiguous to and including a highway not comprising a business district when the property on the highway for a distance of three hundred

(300) feet or more is in the main improved with residences, or residences and buildings in use for business.

STAND or STANDING: Means the halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers.

STREET: See "Highway."

TRAILER: Includes the following:

- A. General. Every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle.
- B. Fifth-wheel trailer. A vehicular unit equipped in the same manner as a travel trailer but constructed with a raised forward section that allows a bi-level floor plan. This style is designed to be towed by a vehicle equipped with a device known as a fifth-wheel hitch, which is typically installed in the bed of a pickup truck.
- C. Fold down camping trailer. A vehicular portable unit mounted on wheels and constructed with collapsible partial side walls, which fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters, for recreational, camping or travel use.
- D. Pole trailer. Every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, or structural members capable, generally, of sustaining themselves as beams between the supporting connections.
- E. Semitrailer. Every vehicle without motive power, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by the towing vehicle.
- F. Travel trailer. A vehicular unit, mounted on wheels designed to provide temporary living quarters for recreational, camping, travel or emergency use and of such size or weight as not to require special highway movement permits when towed by a motorized vehicle.
- G. Utility trailer. A trailer or semitrailer designed primarily to be drawn behind a passenger car or pickup truck for domestic and utility purposes. Utility or domestic use shall include a farm trailer while being used to haul agricultural products or livestock from farm to storage, market or processing plant, or returning therefrom.
- H. Watercraft Trailer: A trailer designed to carry a boat or other watercraft, whether or not the boat or other watercraft is presently on the trailer.

VEHICLE: Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks.

Section 2: That Section 9, Chapter 2 of Title 11 Kuna City Code be and the same is hereby repealed.

Section 3: That Chapter 2 of Title 11 Kuna City Code is hereby amended by the addition thereto of a new Section 9 to read as follows:

11-2-9: - PARKING OF COMMERCIAL VEHICLES, RECREATIONAL VEHICLES, AND TRAILERS:

- ~~A.~~ No person shall park or place, or cause a vehicle to be parked or placed upon any street, regardless of whether attended or unattended:
 - 1. For longer than seventy-two (72) hours:
 - a. Any company branded vehicle having a GVWR of less than ten thousand (10,000) pounds.
 - ~~b.~~ Any motor home or recreational vehicle.
 - ~~c.~~ Any utility trailer that is attached to a vehicle.
 - ~~2.~~ For longer than two (2) hours:
 - ~~a.~~ Any utility trailer that is not attached to a vehicle.
 - 3. For any length of time
 - ~~a.~~ Any company vehicle having a GVWR greater than ten thousand (10,000) pounds.
 - ~~b.~~ Any commercial vehicle.
- ~~B.~~ Exceptions:
 - ~~1.~~ For the purpose of loading or unloading materials or merchandise, when such materials or merchandise are actually being loaded or unloaded, and where such vehicle or trailer is parked within one hundred (100) feet of the loading or unloading point.
 - 2. For any purpose incident to any ongoing, lawful construction project, where such construction project is conducted under a valid City of Kuna building permit and such trailer or vehicle is parked within one hundred (100) feet of such construction project.
 - 3. For any purpose incident to a lawful commercial or industrial operation, so long as the vehicle is parked within one hundred (100) feet of such commercial or industrial operation.
 - 4. For the purpose of maintenance or response to emergency by a public utility, public entity, public agency, or the duly authorized agent thereof, where such vehicle is visibly marked and identified as such.
 - 5. For purposes of law enforcement activities by a public agency.

Section 4: Severability Provision

4.1 This ordinance is hereby declared to be severable. Should any portion of this ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be read to carry out the purpose(s) of the ordinance before the declaration of partial invalidity.

Section 5: Directing the City Clerk

5.1 The City Clerk is directed to file, this Ordinance in the official records of the City and to provide the same to the City's codifier for inclusion and publication in the Kuna City Code.

Section 6: Effective Date

6.1 This Ordinance shall take effect and be in force from and after its passage, approval, and publication as required by law and at the discretion of the City Clerk and In lieu of publication of the entire ordinance, a summary thereof in compliance with Section 50-901 A, Idaho Code, may be published.

ADOPTED this _____ day of _____, 2023.

CITY OF KUNA

Joe L. Stear, Mayor

ATTEST:

Chris Engels, City Clerk