



ORDINANCE 2163

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF BOZEMAN, MONTANA TO AMEND THE MUNICIPAL CODE TO PROHIBIT PARKING IN BICYCLE LANES AND BICYCLE PATHS AND SET PENALTY FOR VIOLATION IN THE CITY OF BOZEMAN, MONTANA.

WHEREAS, the City of Bozeman Parking Division is responsible for the enforcement of parking regulations as outlined in Chapter 36 of Bozeman Municipal Code;

WHEREAS, the City of Bozeman Engineering Division has the responsibility of enforcing portions of the code related to obstructing streets (BMC 34.02.040);

WHEREAS, the City of Bozeman Streets Are For Everyone (SAFE) Plan of 2022 identified increasing enforcement of safety-critical transportation infractions as a means of improving street safety;

WHEREAS, prohibition of parking in bike lanes eliminates safety conflicts caused by blockages of bike lanes that force bicyclists to enter the adjacent vehicle;

WHEREAS, the City of Bozeman would like to provide authority under Chapter 36 of the Bozeman Municipal Code for the parking division to issue citations for bike lane obstructions;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BOZEMAN, MONTANA:

Section 1

Bozeman Municipal Code Sec 36.04.030 is amended to read:

Sec. 36.04.030. - Locations where prohibited.

- A. 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 police officer or traffic control device, in any of the following places (no signs are required):
 1. On a sidewalk;

Ordinance No. 2163, Prohibiting Parking in Bicycle Lanes

2. In front of a public or private driveway;
3. Within an intersection;
4. Within 15 feet of a fire hydrant, except where parking areas are designated and plainly marked by direction of the director of transportation and engineering;
5. On a crosswalk;
6. Within 20 feet of a crosswalk at an intersection, except where parking areas are designated and plainly marked by direction of the director of transportation and engineering;
7. Within 30 feet upon the approach to any flashing beacon, stop sign or traffic control signal located at the side of a roadway, except where parking areas are designated and plainly marked by direction of the director of transportation and engineering;
8. Between a safety zone and the adjacent curb, or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless the director of transportation and engineering has indicated a different length by signs or markings;
9. Within 50 feet of the nearest rail of a railroad crossing, except where parking areas are designated and plainly marked by direction of the director of transportation and engineering;
10. Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of such entrance when properly signposted, except where parking areas are designated and plainly marked by direction of the director of transportation and engineering;
11. Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
12. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
13. Upon any bridge or other elevated structure upon a highway, or within a highway tunnel;
14. In front of a mailbox or similar receptacle utilized for curbside postal delivery, except where such receptacle is solely owned by the person stopping, standing or parking the vehicle;
15. At any place where official signs or markings prohibit stopping or parking;
16. At any place where street maintenance signs or barricades are posted;
17. Within a bicycle lane or bicycle path designated for the exclusive use of active transportation modes through striping, pavement markings, and/or signage

Ordinance No. 2163, Prohibiting Parking in Bicycle Lanes

per the Federal Highway Administration Manual for Uniform Traffic Control Devices and Montana Department of Transportation Traffic Engineering Manual.

- B. No person shall move a vehicle not lawfully under such person's control into any such prohibited area or away from a curb such distance as is unlawful.

Section 2

Bozeman Municipal Code Sections 36.04.380 is amended to read:

Sec. 36.04.380. Enforcement; penalty for violations.

- A. *Fines.* A violation of this article shall be punishable by a penalty and the penalties shall be imposed as follows:
1. The minimum penalty for parking in violation of section 36.04.180 shall be a fine of not less than \$50.00 or more than \$300.00.
 2. The minimum penalty for parking in violation of section 36.04.260.E and for violation of section 36.04.604.A shall be a fine of not less than \$30.00 or more than \$300.00.
 3. ~~The minimum penalty for parking in violation of section 36.04.030.A.1—15~~ The minimum penalty for parking in violation of section 36.04.030.A.1-15 and 36.04.030A.17 shall be a fine of not less than \$50.00 or more than \$300.00.
 4. The minimum penalty for parking in violation of section 36.04.050 shall be a fine of not less than \$50.00 or more than \$300.00.
 5. The minimum penalty for parking in violation of section 36.04.250 shall be a fine of not less than \$50.00 or more than \$300.00.
 6. The minimum penalty for parking in violation of section 36.04.360 shall be a fine of not less than \$60.00 or more than \$300.00.
 7. The minimum penalty for parking in violation of other sections of this article shall be a fine of not less than \$20.00 or more than \$300.00.

Section 3

Repealer.

All provisions of the ordinances of the City of Bozeman in conflict with the provisions of this ordinance are, and the same are hereby, repealed and all other provisions of the ordinances of the City of Bozeman not in conflict with the provisions of this ordinance shall remain in full force and effect.

Section 4

Ordinance No. 2163, Prohibiting Parking in Bicycle Lanes

Savings Provision.

This ordinance does not affect the rights and duties that matured, penalties that were incurred or proceedings that were begun before the effective date of this ordinance. All other provisions of the Bozeman Municipal Code not amended by this Ordinance shall remain in full force and effect.

Section 5

Severability.

That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof, other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Bozeman Municipal Code as a whole.

Section 6

Codification.

This Ordinance shall be codified as indicated in Section 1 – 2

Section 7

Effective Date.

This ordinance shall be in full force and effect thirty (30) days after final adoption.

NOTE: Due to an administrative error in the City Clerks' Office issuing duplicate Ordinance numbers, this Ordinance was provisionally adopted as 2159

PROVISIONALLY ADOPTED by the City Commission of the City of Bozeman, Montana, on first reading at a regular session held on the 9th day of April, 2024.

DocuSigned by:

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TERRY CUNNINGHAM
Mayor

Ordinance No. 2163, Prohibiting Parking in Bicycle Lanes

ATTEST:

DocuSigned by:

Mike Maas

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MIKE MAAS

City Clerk

DocuSigned by:



FINALLY PASSED, ADOPTED AND APPROVED by the City Commission of the City of Bozeman, Montana on second reading at a regular session thereof held on the 7th of May, 2024. The effective date of this ordinance is June 6th, 2024.

DocuSigned by:

Terry Cunningham

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TERRY CUNNINGHAM

Mayor

ATTEST:

DocuSigned by:

Mike Maas

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MIKE MAAS

City Clerk

DocuSigned by:



APPROVED AS TO FORM:

DocuSigned by:

Greg Sullivan

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GREG SULLIVAN

City Attorney