

ORDINANCE NO. 2049

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ORDINANCE 2030 AND CHAPTER 9, ARTICLE IV OF THE LIVINGSTON MUNICIPAL CODE ENTITLED “PARKING, STOPPING, AND STANDING” BY MAKING VIOLATIONS THEREOF A CIVIL OFFENSE, PROVIDING A PENALTY FOR CIVIL OFFENSES AND ESTABLISHING METHOD FOR APPOINTMENT OF ENFORCEMENT PERSONNEL.

Preamble.

The purpose of this Ordinance is provide for the public health, safety and welfare of the community by requiring limiting parking time to allow for frequent turnover of limited parking spots to better provide access to the local businesses and to enforce such limited parking time by designating violations of the parking, stopping and standing provisions of the Livingston Municipal Code as civil offenses and providing for enforcement thereof.

* * * * *

WHEREAS, to create a viable downtown business economy the City Commission believes that it is in the best interest of the business community to restrict parking time to allow for frequent turnover of the limited parking spaces for its business customers.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Livingston, Montana, as follows:

SECTION 1

That Section 9-243 of Chapter 9 of the Livingston Municipal Code is hereby amended, with additions underlined and deletions struck through, as follows:

9-221. Unlawful parking generally, repairs or for sale.

(a) It shall be unlawful for any person to, use or occupy any portion of any street within the Restricted or Congested Area limits of the City for the purpose of setting up, assembling,

experimenting with, overhauling or repairing any engine or machinery of any sort, for, any implements, any vehicles or washing or greasing any vehicle, or to stand, keep or park any motor vehicle in the possession or custody of any garage, on any street, or for displaying any vehicle for sale.

(b) It shall be unlawful to make repairs or conduct maintenance on motor vehicles on any public street other than emergency repair which is defined as the required repair sufficient to get a temporarily stalled vehicle to a repair shop or garage.

Section 9-222. Parking prohibited in certain places generally.

It shall be ~~unlawful~~ a civil offense for the operator of a vehicle to stop, stand or park such vehicle or trailer in any of the following places, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or traffic control sign or signal:

A. Within an intersection. The minimum ~~fine~~ civil penalty under this subsection shall be ~~Ten dollars (\$10.00)~~ Twenty Dollars (\$20.00).

B. On any crosswalk, sidewalk or boulevard. The minimum ~~fine~~ civil penalty under this subsection shall be ~~Ten dollars (\$10.00)~~ Twenty Dollars (\$20.00).

C. Upon the approach to an intersection within ten (10) feet of the inside boundary line of the sidewalk, or if no sidewalk is in place within twenty (20) feet of the intercepting roadway, except that this provision shall not apply to alleys. The minimum ~~fine~~ civil penalty under this subsection shall be ~~Ten dollars (\$10.00)~~ Twenty Dollars (\$20.00).

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D. Within twenty (20) feet of the driveway entrance to any fire station. The minimum ~~fine~~ civil penalty under this subsection shall be twenty-five dollars (\$25.00)

E. Within fifteen (15) feet of a fire hydrant. The minimum ~~fine~~ civil penalty under this subsection shall be twenty-five dollars (\$25.00).

F. In front of a functional private driveway. A functional private driveway means a driveway capable of actually being used by a motor vehicle to access a garage or private parking area and not merely a curb cut. The minimum ~~fine~~ civil penalty under this subsection shall be ~~Ten dollars (\$10.00)~~ Twenty Dollars (\$20.00).

G. Alongside or opposite any street excavation or construction when such standing or parking would obstruct traffic. The minimum ~~fine~~ civil penalty under this subsection shall be ~~Ten dollars (\$10.00)~~ Twenty Dollars (\$20.00).

H. In an alley when to so stop in such alley would obstruct traffic through such alley or obstruct access to a garage, driveway or entryway. The minimum ~~fine~~ civil penalty under this subsection shall be ~~Ten dollars (\$10.00)~~ Twenty Dollars (\$20.00).

I. In any City owned, leased, or operated parking lot in violation of a posted no parking sign or a no parking sign after designated hours. The minimum ~~fine~~ civil penalty under this subsection shall be twenty-five dollars (\$25.00).

J. In any parking space designated by sign that reserves the parking space for handicapped persons only. A fine of not less than one hundred dollars (\$100.00) shall be imposed upon any person violating this section.

K. Any designated fire zone adjoining any public school or any public building.

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The minimum ~~fine~~ civil penalty under this subsection shall be Twenty-five dollars (\$25.00).

L. No parking shall be allowed on either side of Park Street between 5th Street and 6th Street. The minimum ~~fine~~ civil penalty under this subsection shall be ~~Ten dollars (\$10.00)~~ Twenty Dollars (\$20.00).

M. No parking shall be allowed on either side of "H" Street between Butte Street and View Vista Drive. The minimum ~~fine~~ civil penalty under this subsection shall be ~~Ten dollars (\$10.00)~~ Twenty Dollars (\$20.00).

N. It is unlawful for any unauthorized vehicle or equipment to park in any parking space that is properly marked or barricaded with a permit issued under Section 9-248. The minimum ~~fine~~ civil penalty under this subsection shall be ~~Ten dollars (\$10.00)~~ Twenty Dollars (\$20.00) and the vehicle shall be subject to impoundment.

Section 9-224. Vehicles exceeding eighteen feet in length to park parallel.

No vehicle of greater length than eighteen (18) feet shall be parked upon the streets within the Restricted or Congested Area limits, except upon those streets where parking is parallel with the curb. The "Restricted or Congested Area" is defined by Section 9-1 of the Livingston Municipal Code. The minimum civil penalty under this subsection shall be Twenty Dollars (\$20.00).

[NOTE: not to be included in Ordinance, placed here for City Commissioners' information.

Section 9-1 Definitions:

"Restricted or congested area limits":

(a) Park Street from Third Street to the alley between B Street

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and C street, Callender Street from Third Street to the alley between B Street and C Street; Lewis Street from Third Street to the alley between B street and C Street; Clark Street from Second Street to B Street; B Street from Park Street to Clark; Main Street from Park Street to Clark Street; Second Street from Park Street to Clark Street; the east side of Third Street from Park Street to Lewis Street, including any and all alleys within the boundaries on Third Street from Park Street to Lewis Street, down Lewis Street to Second Street and from Second Street to Clark Street, and from Clark Street east to B Street, and North on B Street to Lewis Street, and east on Lewis Street to the alley between B Street and C Street and along the east line of the alley between B Street and C Street to Park Street and along Park Street to Third Street; except that all those lots and parcels of land lying east of B Street and from Clark Street to Lewis Street are not included in this description of the restricted or congested area limits, also all those lots and parcels of land lying west of Second Street between Clark Street and Lewis Street are not included in the restricted or congested area limits as referred to in this chapter.

- (b) Where the description in this chapter refers to any portion lying east of, west of, north of, and south of, any certain street or alley, except where specifically described therein, it shall mean the center line of the street or alley referred to.]

Section 9-225. Manner of Parking

All motor vehicles parked upon any street in this City shall be parked as follows:

(a) Whenever any motor vehicle is parked upon any street in this City, it shall be headed as though proceeding upon the right side of the street.

(b) Motor vehicles shall be parked head-in to the curb at the angle and between painted stripes or other markings upon the pavement where such head-in parking is indicated.

(c) Motor vehicles shall be parked parallel with the curb where such parallel

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parking is indicated by a painted strip or other markings upon the pavements, and the entire vehicle shall be within such painted strip or other marking.

(d) Whenever the owner or driver of a vehicle discovers that his vehicle is parked immediately in front of or close to a building to which the fire department has been summoned he shall immediately remove such vehicle from such area.

(e) The minimum civil penalty under this subsection shall be Twenty Dollars (\$20.00).

Section 9-226. Proximity to curb; position.

Except when necessary in obedience to, traffic regulations or traffic signs or signals, the operator of a vehicle shall not stop, stand or park, such vehicle in a roadway other than parallel with the edge of the roadway, headed in the direction of traffic, and with the curb-side wheels of the vehicle within eighteen (18) inches of the edge of the roadway, except as permitted for loading and unloading. The minimum civil penalty under this subsection shall be Twenty Dollars (\$20.00).

Section 9-227. Parking in alley in fire district.

No person shall stop, stand or park a vehicle for any purpose other than the loading or unloading of person or materials for longer than 30 minutes at anyone time in any alley within the Fire Limit District of the City. The Fire Limit District is defined by Section 6-8 of the Livingston Municipal Code. The minimum ~~fine~~ civil penalty under this subsection shall be Twenty-five dollars (\$25.00).

[NOTE: NOT TO BE INCLUDED IN THIS ORDINANCE, INSERTED

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FOR COMMISSIONERS INFORMATION ONLY.

Section 6-8 - Fire limits, description of area included.

The following blocks and parts of blocks are declared to be within the fire limits of the city:

All of Blocks Sixty (60), Sixty-one (61), Sixty-two (62), Seventy-eight (78), Seventy-nine (79), Eighty (80), Ninety-five (95), and Ninety-six (96); and Lots one (1) to six (6) inclusive and lots twenty-three (23) to thirty-two (32) inclusive, in Block Sixty-three (63), and lots seventeen (17) to thirty-two (32) inclusive in Block Seventy-seven (77), all of the above being in the Original Townsite of the City of Livingston, County of Park, State of Montana; otherwise described as:

Beginning at the intersection of the center lines of Park Street and Third Street of the Townsite of Livingston, Park County, Montana, thence North 52°30' East along the center line of Park Street to its intersection with the center line produced, of the alley between B Street and C Street, thence South 37°30' East, along the said center line of the alley between B Street and C Street and said center line produced, to its intersection with the center line of Lewis Street, thence South 52°30' West, along the said center line of Lewis Street to its intersection with the center line of B Street, thence South 37°30' East along the said center line of B Street to its intersection with the center line of Clark Street, thence South 52°30' West, along the said center line of Clark Street to its intersection with the center line of Second Street, thence north 37°30' West along the said center line of Second Street to its intersection with the center line of Lewis Street, thence South 52°30' West along the said center line of Lewis Street to its intersection with the center line of Third Street, thence North 37°30' West along the said center line of Third Street to its intersection with the center line of Park Street, the place of beginning. (Code 1988, Sec. 6-2).]

Section 9-228. Double parking prohibited; exception for delivery of merchandise.

No driver or operator of a motor vehicle shall stop such motor vehicle abreast of another vehicle parked parallel to the curb or edge of the roadway, nor at the back or rear of any vehicle parked at an angle to the curb or edge of the roadway where such angle parking is permitted;

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provided double parking shall be permitted, not to exceed ten minutes duration, for the purpose of delivery of merchandise provided the full street is not obstructed. The minimum ~~fine~~ civil penalty under this subsection shall be ~~Ten dollars (\$10.00)~~ Twenty Dollars.

Section 9-229. Parking for loading and unloading.

When it is necessary to place the rear of any motor truck against the curb on any street in this City for the purpose of actually loading or unloading of heavy freight, household goods, office equipment or other large items, such motor truck shall be parked at an angle of forty-five (45) degrees from the curb, and headed in the same direction as vehicular traffic upon any such street, and the front of any such motor truck shall project a minimum distance into the line of vehicular traffic. Further, such vehicle shall not remain backed up to the curb except while actually loading and unloading and in no case longer than the actual loading or unloading required. The minimum civil penalty under this subsection shall be Twenty Dollars (\$20.00).

Section 9-230. Parking illegally in loading zones.

No person shall stop, stand or park a vehicle in any zone designated as a loading zone for any purpose other than loading or unloading passengers or material. The minimum ~~fine~~ civil penalty under this subsection shall be ~~Ten dollars (\$10.00)~~ Twenty Dollars.

Section 9.231. Parking as to impede traffic.

It shall be unlawful for any operator to stop, stand or park any vehicle that hinders the free movement of vehicular traffic, except that this provision shall not apply to the operator of a vehicle stopped momentarily during the actual loading or unloading of passengers if such stopping does not actually impede traffic, nor shall it apply to a necessary stop in obedience to

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traffic regulations or traffic signs or signals of a police officer. The minimum ~~fine~~ civil penalty under this subsection shall be ~~Ten dollars (\$10.00)~~ Twenty Dollars.

9-232. Restricted parking zones-designation and marking; regulations.

A. The City Commission is authorized and directed at any time, when in their judgment it shall be necessary, to designate restricted parking areas within the City, and they may in such restricted parking areas prohibit the parking of vehicles, or fix a time limit for the parking of such vehicles.

~~B. Within sixty (60) days of a new City Commission taking office, the City Manager shall present a list of restricted parking zones to the Commission, and the Commission may in its discretion and by motion, make such modifications as it deems appropriate.~~

~~C.~~ It shall be unlawful for any operator of a vehicle to park the same on any of the streets of the City in violation of a posted restricted parking area. The minimum civil penalty under this section shall be a fine of Twenty Dollars.

Section 9-234. Restricted parking zones - fifteen minutes parking at the post office.

The operator of any vehicle shall not park such vehicle for more than fifteen (15) minutes at anyone time on the west side of Second Street from the intersection of Second Street and Callender Street, north to the north line of the United States Post Office during the hours of 9:00 a.m. to 5:00 p.m. The minimum ~~fine~~ civil penalty under this subsection shall be ~~Ten dollars (\$10.00)~~ Twenty Dollars.

Section 9-235. Restricted parking zones commercial vehicles in residential districts at night.

(A) For the purpose of this section a commercial vehicle is defined as any motor vehicle

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or trailer weighing greater than sixteen thousand (16,000) pounds as such weights are stamped on vehicles according to the laws of the State, and requiring a Montana license plate thereof designating the vehicle as a truck or trailer by having stamped or imprinted on the plate the letter "T" or "TR" as part of the license plate numbering.

(B) For the purposes of this section residential districts are defined as all of the streets in the City other than the following: Main Street from Park Street to Geysers Street, Second Street from Park Street to Clark Street, B street from Park Street to Clark Street, Park Street from Third Street to the City Limits on the easterly end of Livingston, Callender Street from Third Street to B Street Lewis Street from Third Street to B Street Lewis Street from Third Street to B Street, and Clark Street from Second Street to B Street.

(C) Between the hours of six (6) p.m. and eight (8) a.m. there shall be no parking of commercial vehicles as herein defined.

(D) Emergency vehicles, which are defined as ambulances, automobile wreckers, public utility service trucks, hearses and fire trucks are excepted from this section.

(E) The minimum ~~fine~~ civil penalty under this subsection shall be ~~Ten dollars (\$10.00)~~ Twenty Dollars.

Section 9-236. Storage on streets - not licensed or inoperable motor vehicle.

It shall be ~~unlawful~~ civil offense for any owner or operator of a motor vehicle, not licensed or which is wrecked, dismantled, in a partially dismantled condition, inoperative, i.e. not capable of moving under its own power or in an unsafe conditions as defined by 61-9-101 *et seq.* of the Montana Code Annotated to park, store or leave the same upon any street of the City for

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more than seventy-two hours. The minimum ~~fine~~ civil penalty under this subsection shall be ~~Ten dollars (\$10.00)~~ Twenty Dollars.

Section 9-237. Storage on streets - trailers, motor homes, etc..

It shall be ~~unlawful~~ a civil offense for any owner or person in possession of a trailer or trailer house or motor home to store or leave the same upon any street of the City for more than five (5) consecutive days. The minimum ~~fine~~ civil penalty under this subsection shall be ~~Ten dollars (\$10.00)~~ Twenty Dollars.

Section 9-238. Parking in depository driveways.

(A) The purpose of this section is to provide the public with safe and secure access from City Streets to places of deposit with financial institutions and to hereby protect life and property.

(B) It shall be ~~unlawful~~ a civil offense for any owner or operator of a motor vehicle to park or stop a motor vehicle in a driveway area designated by a financial institution and the Chief of Police as a depository driveway lane between the hours of 8:00 o'clock a.m. and 5:30 o'clock p.m. Monday through Friday. This section shall not apply to any person parking or stopping in the driveway lane for the purpose of using depository services.

(C) The minimum ~~fine~~ civil penalty under this subsection shall be ~~Ten dollars (\$10.00)~~ Twenty Dollars.

Section 9-240. Parking - City Park Property.

No person shall park a motor vehicle upon any street or road in or around the perimeter of Sacajawea or Miles Park, upon City Park grounds, or upon City park parking areas after 11:00 p.m. The minimum ~~fine~~ civil penalty under this subsection shall be ~~Ten dollars (\$10.00)~~ Twenty

Dollars.

This section shall not apply to persons who have been given authorization from the City Commission for camping overnight or overnight stays pursuant to Section 10-26.

Section 9-241. Parking Overnight or camping.

No person may park a motor vehicle upon the City streets for purposes of camping or remaining in the vehicle overnight. The minimum civil penalty under this subsection shall be Twenty Dollars (\$20.00).

Section 9-242. Loading/unloading zones established.

1. An loading/unloading zone for one parking spot is hereby established for the purpose of dropping off and picking up children for the child care center located at 210 East Lewis Street. No vehicle shall park longer than 5 minutes at said location during the hours of 7:30 a.m. to 7:00 p.m., Monday through Saturday. The minimum ~~fine~~ civil penalty under this subsection shall be ~~Ten dollars (\$10.00)~~ Twenty Dollars.

Section 9-243. Reserved.

Sec. 9-243 Restricted Parking Zones - Reserved Spaces for Handicapped or Disabled Persons.

A. Definitions:

1. For the purpose of this section, "special parking spaces" are defined as on street parking spaces reserved for disabled persons who were issued a permit, license plate, or placard by the State of Montana in accordance with MCA 49-4-302 Montana Code Annotated (MCA) which entitles a person to park a motor vehicle in a special parking space reserved for a person with a disability, whether on public property or on private property available for public use, when the person for whom the permit was issued is using the special parking space to enter or exit the vehicle.

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2. "Special reserved parking spaces" are defined as restricted on street parking spaces reserved for the personal use of a disabled person(s) who has been issued a special parking permit by the State of Montana under MCA 49-4-301(1).

A. Special Parking Spaces: Any person requesting an on-street special parking space shall make written application to the Public Works Department using a form provided by the City. The application shall state the name and address of the applicant, the location of the requested space and the reason for the request. All eligible applications will be reviewed by City staff and submitted to the City Commission for approval.

1. The following factors will be taken into consideration and used as criteria in approving signs for special parking spaces on public streets:

- a. Existing parking problems in the area where the sign is being requested.
- b. Overall availability of parking in the area where the sign is being requested.
- c. The availability of reasonably accessible and practicable off street parking in close proximity to the area where the sign is being requested.
- d. The nature and use of the adjacent buildings.
 - i. The requested space must comply with applicable regulations and legal mandates in terms of dimensional requirements and location as specified in 49-4-302 MCA as follows:

In accordance with subsection (2), the governing body of a city, town, or county or appropriate state agency may impose all, but not less than all, of the following requirements with respect to any special parking space constructed after September 30, 1985, and reserved for a person with a disability or a permit holder on ways of this state open to the public, as defined in 61-8-101:

(a) The space must be located on a smooth, level surface as near as practicable to building entrances or walkways that have curb cuts and appropriately designed ramps and access lanes to accommodate wheelchairs.

(b) If parallel to curbside, the parking space must be separated from an adjacent space, either in the front or the rear, by at least 5 feet of striped no-parking area.

(c) If at an angle to curbside, the parking space must be at least 8 feet wide and free of obstruction if located at the end of a line of angle parking spaces, and each other angle parking space designated for a person with a disability must be at least 13 feet wide.

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(d) A parking space reserved for a person with a disability must be designated by a sign showing the international symbol of accessibility, indicating that a permit is required, and stating the penalty for a violation. In order to meet the penalty statement requirement, signs existing on October 1, 1993, must have attached a decal stating the penalty for a violation. The sign must be attached to a wall or post in a way that it is not obscured by a vehicle parked in the space.

This section shall not limit the City from exercising its own discretion in establishing special parking spaces on public streets at other locations as deemed appropriate and as approved by the City Commission.

- b. Once approved by the City Commission, the special parking space must be designated by a sign showing the international symbol of accessibility, indicating that a permit is required, and having a decal stating the penalty for a violation. The sign must be attached to a wall or post in a way that is not obscured. The parking space shall be in compliance with any other applicable regulations and legal mandates in terms of dimensional requirements and location.
- c. A special parking space may be removed, as approved by the City Commission, if there is a change in the circumstances such that the parking space shall no longer be appropriate under the criteria referred to herein.

B. Special Reserved Parking Space. A disabled person may request an on-street special reserved parking space restricted for their personal use in a residential area outside of the two-hour parking zone. The application shall be made in writing to the Public Works Department using a form provided by the City. The application shall state the name and address of the applicant, the location of the requested space, the reason for the request, and list the license number(s) of the vehicle(s) authorized to use the space. All eligible applications will be reviewed by City staff and submitted to the City Commission for approval. If the City Commission approves the personalized special parking space, the applicant will be notified and shall submit a non-refundable \$50 fee to pay for the installation of the sign. The sign will be installed after payment of the fee.

- a. The criteria for designating an on street special reserved parking space restricted for the personal use of disabled persons outside of the 2-hour parking zone shall be as follows:

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- i. The applicant must show that (1) they operate a vehicle(s), registered under MCA 61-3-332(9) or MCA 61-3-458(3)(b) or(3)(i), that displays a specialty inscribed license plate issued by the state of Montana to disabled persons and displaying a wheelchair symbol or the letters "DV" issued to disabled veterans or; (2) they possess a permit issued under MCA 49-4-301(1) and MCA 49-4-304. A copy of the vehicle registration or permit must accompany the application;
- ii. The requested special reserved parking space must be adjacent to the applicant's permanent residence.
- iii. No more than one special reserved parking space shall be provided to any one individual, or more than one special reserved parking space provided per dwelling unit.
- iv. No more than two vehicles may be designated as being authorized to use the space.
- v. No reserved parking space shall be provided within the downtown Two-Hour Parking Zone, as identified in Section 9-246 of this chapter.
- vi. No reserved parking space shall be provided if reasonably accessible and practicable off street parking exists at the requested location.
- vii. The requested space must be able to comply with the requirements of 49-4-302(4) MCA as follows:
 1. In accordance with subsection (2), the governing body of a city, town, or county or appropriate state agency may impose all, but not less than all, of the following requirements with respect to any special parking space constructed after September 30, 1985, and reserved for a person with a disability or a permit holder on ways of this state open to the public, as defined in 61-8-101:
 - (a) The space must be located on a smooth, level surface as near as practicable to building entrances or walkways that have curb cuts and appropriately designed ramps and access lanes to accommodate wheelchairs.
 - (b) If parallel to curbside, the parking space must be separated from an adjacent space, either in the front or the rear, by at least 5 feet of striped no-parking area.
 - (c) If at an angle to curbside, the parking space must be at

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least 8 feet wide and free of obstruction if located at the end of a line of angle parking spaces, and each other angle parking space designated for a person with a disability must be at least 13 feet wide.

(d) A parking space reserved for a person with a disability must be designated by a sign showing the international symbol of accessibility, indicating that a permit is required, and stating the penalty for a violation. In order to meet the penalty statement requirement, signs existing on October 1, 1993, must have attached a decal stating the penalty for a violation. The sign must be attached to a wall or post in a way that it is not obscured by a vehicle parked in the space.

- b. Once approved by the City Commission, the special reserved parking space must be designated by a sign displaying the license plate number(s) of the vehicle(s) authorized to park in the special reserved parking space and stating the penalty for violation. The sign must be attached to a wall or post in a way that is not obscured.
- c. Reapplications to maintain a special reserved parking space must be made by December 31st of each year. A fee of \$5.00 is required with each reapplication. If the reapplication is not received by December 31st, the person will be notified by mail and an application form shall accompany such notice. The sign will be removed if the reapplication is not received within 30 days.
- d. If a person who has been provided a special reserved parking space moves to a new residence within the City limits, and a space is needed for the new residence, the City will relocate the sign to the new location without additional fee if the City is promptly notified of the change of address and provided that the new address is in a residential area outside of the 2-hour parking zone.
- e. A special reserved parking space shall promptly be removed if there is a change in the circumstances such that the parking space shall no longer be appropriate under the criteria referred to herein.

Section 9-244. Parking Restrictions for B Street Parking Lot.

No parking of vehicles, trailers or equipment shall be allowed between the hours of 3:00

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o'clock a.m. and 6:00 o'clock a.m. in the B Street Parking Lot which is described as being Lots 17 through 27 of Block 77 of the Original Townsite to the City of Livingston, Montana. The minimum ~~fine~~ civil penalty under this subsection shall be ~~Ten dollars (\$10.00)~~ Twenty Dollars.

Section 9-245. Parking upon City or County owned premises

No person shall park his motor vehicle upon a parking area or lot owned by the City or County except in designated parking stalls which shall be denoted by white painted lines upon the parking surface. The minimum ~~fine~~ civil penalty under this subsection shall be ~~Ten dollars (\$10.00)~~ Twenty Dollars.

Section 9-246. Two Hour Parking Zones.

A. Downtown 2-hour parking zone.

1. The following streets or portions of streets are designated as two-hour parking zones between the hours of 9:00 o'clock a.m. and 5:00 o'clock p.m., except upon Sundays and legal holidays:
 - a. B Street from Park Street to Lewis Street;
 - b. Third Street from Park Street to Callender Street;
 - c. West Lewis from Main to Third Street;
 - d. West side of South Second Street from Lewis Street to the south line of Lot 10 in Block 94 of the Original Townsite;
 - e. East side of south Second Street from Lewis Street to Clark Street
 - f. Callender Street from Third Street to B Street;
 - g. South side of east Callender Street from B Street east for three {3} parking places;
 - h. The south side of Park Street from Third to B Street;
 - i. East Lewis Street from Main Street to B Street;
 - j. Main Street from Park Street to Clark Street;

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- k. The West side of Main Street in front of Lots 1, 2, 3, 15, and 16 of Block 111 of the Original Townsite to the City of Livingston
 - l. The Eastside of Main Street in front of Lots 29 and 30 of Block 110 of the Original Townsite to the City of Livingston;
 - m. Second Street from Park Street to Lewis Street;
 - n. The north side of Clark Street from the alley between Main and B Streets to the alley between Main and Second Streets;
 - o. The south side of Clark Street from the alley between Main and Second Street to Main Street;
 - p. The south side of Geysler Street from the alley in the 100 Block of East Geysler to Main Street.
2. The minimum ~~fine~~ civil penalty under this subsection shall be ~~Ten dollars~~ (\$10.00) Twenty Dollars.

B. City-County Complex 2-hour Parking Zone.

(a) Designation of City-County Complex Parking Zone. The following lots, streets or portions of streets are designated as two-hour parking zones between the hours of 9:00 o'clock a.m. and 5:00 o'clock p.m., except upon Sundays and legal holidays, as follows:

- 1. the paved public parking lot immediately behind and adjacent to the City-County Complex;
- 2. that portion of "D" Street running north from the alley between Callender Street and Lewis Street only on that side of "D" Street which is adjacent to and abuts the lots upon which the City-County Complex is situated;
- 3.. that portion of "E" Street running north from the alley between Callender Street and Lewis Street only on that side of "E" Street which is adjacent to and abuts the lots upon, which the City-County Complex is located; and

4. both sides of Callender Street between "D" Street and "E" Street which has not been zoned for fifteen (15) minute parking..

(b) Parking Violations and exceptions.

(i) It is ~~unlawful~~ a civil offense for any person, between the hours of 8:00 o'clock a.m. and 5:00 o'clock p.m. on Monday through Friday, to park his or her vehicle in the City-County Complex designated two (2) hour parking zone in excess of two (2) hours per day on each and every day the parking restriction is in effect; the two (2) hour parking limitation is the total time allotment per day per vehicle thereby having the effect of preventing vehicles being moved to gain an additional two (2) hours of parking.

(ii) Persons called for jury trial in any of the courts situated in the City-County Complex shall be exempted from the punishment set forth hereinafter upon written proof to the Clerk of the City Court that they were called for jury service at the date and time they received the citation for violating the two (2) hour parking zone.

(iii) City or county employees that respond to an emergency shall be exempted from the punishment set forth hereinafter upon written proof to the Clerk of the City Court that they were responding to an emergency at the date and time they received the citation for violating the two (2) hour parking zone.

(iv) Drivers of vehicles legally parking in a parking spot designated for official vehicles by the City-County Complex parking plan are also exempted from the regulations and punishment set forth herein.

(c) Punishment.

The civil penalty for violating section 2(b)(i) shall be by fine only in the amount of ~~Ten Dollars (\$10.00)~~ Twenty dollars (\$20.00) per violation.

3. Exception to 2 hour downtown parking zones.

Persons, firms or entities are exempt from the requirements of this section upon obtaining a permit authorized in section 9-248.

Ordinance No. 2049

Creating a civil offense for violations of the parking, stopping and standing section of the Livingston Municipal Code.

Section 9-247. Enforcement Officer.

Personnel, in addition to ~~other than~~ regularly appointed peace officers, upon being duly appointed by the ~~Chief of Police~~ City Manager, may issue a parking ticket for violations that may be placed upon any vehicle in violation of Article IV - Parking, Stopping and Standing.

Section 9-248. Extended Parking Permit.

A. A person, firm or entity, engaged in construction or remodeling of a premises located in a restricted two hour parking zone may obtain a permit for extended parking or reserving a parking space adjacent to the property under construction.

1. Permits for extended parking will be issued on a per day basis and may be utilized by vehicles or equipment involved with the construction project. The person, firm or entity obtaining the permit will be responsible for placing a City provided placard or sticker on the vehicle or equipment which shall be conspicuously displayed.
2. Permits for reserving a parking space will be issued on a per day basis and apply to a designated parking space or spaces adjacent to the property under remodel or construction. The City will provide signs and/or barricades for each reserved space.

B. Permits shall be obtained from the Building Department. Fees for the extended parking permits and reserved parking spaces will be set by resolution of the City Commission.

Section 9-249. Vicarious Liability.

(a) All violations of the parking ordinances are hereby deemed an absolute liability upon the registered owner of the motor vehicle.

(b) It shall be no defense to any parking violation that the motor vehicle was illegally parked by another unless it is shown the vehicle was being used without the consent of the registered owner. (See City of Missoula v. Shea, 661 P.2d 410 (Mont. 1983).

Ordinance No. 2049

Creating a civil offense for violations of the parking, stopping and standing section of the Livingston Municipal Code.

Section 9-250 Vehicle Immobilization authorized.

The City of Livingston Police Department is hereby authorized to use a vehicle immobilizer, hereinafter referred to as the “boot,” to immobilize any vehicle that is parked upon a City street, alley or parking lot open to the public which has received five (5) or more parking tickets which are due and have not been paid, and at least one of the parking tickets has been unpaid for 30 days or more.

Prior to immobilizing a vehicle, the City shall mail to the registered owner of the vehicle at the address provided by the State of Montana Department of Motor Vehicles a notice which will state the following:

- a) That there are five (5) or more unpaid parking tickets which are due and outstanding and that at least one of which has been unpaid for 30 days or more;
- b) That the vehicle will be immobilized if all of the unpaid parking tickets which are due are not paid within ten (10) days of the notice’s date;
- c) That if the vehicle is immobilized, the City will charge an immobilization fee of Fifty Dollars (\$50.00); and
- d) That if release of the vehicle is not obtained within 48 hours of immobilization, the vehicle will be towed and impounded which will result in towing charges and impound fees being imposed in addition to the parking fines and immobilization fees.

Service of notice shall be deemed effective on the date of mailing to the address of the vehicle’s registered owner as maintained by the Montana Department of Motor Vehicles.

Section 9-251. Procedure for vehicle immobilization and release.

(a) After the ten (10) day period provided in the notice has past without payment, the Finance Officer will thereafter notify the Police Chief to immobilize the vehicle. The Police Department when immobilizing the vehicle shall affix a conspicuous notice to the vehicle notifying the driver of the following:

Ordinance No. 2049

Creating a civil offense for violations of the parking, stopping and standing section of the Livingston Municipal Code.

1. That the vehicle has been immobilized pursuant to Section 9-250 of the Livingston Municipal Code;

2. That the vehicle will be released from immobilization by paying all outstanding parking tickets and immobilization fee during business hours at the Livingston City Offices located at 414 East Callender Street;

3. That if the release of the vehicle is not obtained within forty-eight (48) hours, the vehicle will be towed and impounded as provided in Section 9-252 of the Livingston Municipal Code and that a towing fee and impound fee will be charged; and

4. That any attempt to remove or attempt to remove the boot before obtaining the release as herein provided is unlawful and punishable as a misdemeanor and that if any damage is done to the boot, additional charges will be assessed to repair or replace the boot; and

5. That a hearing on the immobilization, towing or impound may be requested by filing a written request with the City Court to determine if the City did not follow the procedures set forth in §§ 9-250, 9-251 or 9-252 of the Livingston Municipal Code.

(b) An immobilized vehicle shall not be released by the City until all outstanding and due parking fines and the immobilization fee are paid, or by posting a bond.

(c) A towed and impounded vehicle will not be released by the City until all outstanding and due parking fines, immobilization fee, towing charges and impound fees are paid, or by posting a bond.

Section 9-252, Towing and Impound.

(a) Any vehicle which has not been released from immobilization after forty-eight (48) hours as provided by Section 9-251, will be towed and impounded by the City.

(b) In the event the vehicle is towed and impounded, the City will notify the registered

Ordinance No. 2049

Creating a civil offense for violations of the parking, stopping and standing section of the Livingston Municipal Code.

owner of the vehicle by mail of the fact that the vehicle has been towed and impounded and the procedure to obtain the vehicle's release.

Section 9-253, Appeal of immobilization, towing and impound.

Following immobilization, towing and impound of a vehicle, the registered owner may request a hearing before the City Court by filing a request setting forth the name of the person making the request, the facts and circumstances upon which the request is based and the relief requested. A copy of the request will be mailed or delivered to the City Attorney. The City Judge shall attempt to timely schedule a hearing to determine whether the immobilization, towing or impound was in violation of §§ 9-250, 9-251 or 9-252 of the Livingston Municipal Code. If the City Judge finds that the immobilization, towing or impounding was in violation of §§ 9-250, 9-251 or 9-252 of the Livingston Municipal Code, the vehicle will be immediately released and the registered owner or any other person having an interest in the vehicle shall not be held liable for any fees or costs incurred and in that event any fees or costs paid shall be refunded to the person paying the fees or costs, however, any such release shall not excuse payment of unpaid fines for any outstanding parking tickets.

Section 9-254, Criminal Offense and Penalty.

A person commits the offense of unauthorized release of an immobilized vehicle if he purposely or knowingly removes or attempts to remove the immobilizing device (boot) from a vehicle before obtaining the vehicle's release from the Livingston Police Department. A person convicted of unauthorized release of an immobilized vehicle may be punished by a fine not to exceed \$500.00 and/or imprisonment in the county jail for a term not to exceed six (6) months. In addition, if damage is done to the boot, the Court may impose restitution for the repair or replacement of the boot.

SECTION 2

Statutory Interpretation and Repealer:

Any and all resolutions, ordinances and sections of the Livingston Municipal Code and

Ordinance No. 2049

Creating a civil offense for violations of the parking, stopping and standing section of the Livingston Municipal Code.

parts thereof in conflict herewith are hereby repealed.

SECTION 3

Severability:

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provision or application and, to this end, the provisions of this ordinance are declared to be severable.

SECTION 4

Savings Provision:

This ordinance does not affect the rights or duties that matured, penalties and assessments that were incurred or proceedings that begun before the effective dates of this ordinance.

SECTION 5

Effective date:

This ordinance will become effective 30 days after second and final adoption.

* * * * *

PASSED by the City Commission of the City of Livingston, Montana, upon first reading at a regular session thereof held on the 18th day of February, 2014.



JAMES BENNETT - Chairman

ATTEST:



EMILY POST
Acting as Recording Secretary

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PASSED, ADOPTED AND APPROVED by the City Commission of the City of

Livingston, Montana, on second reading at a regular session thereof held on the 18th day of

~~February~~, 2014.

March


JAMES BENNETT - Chairman

ATTEST:


EMILY POST
Acting as Recording Secretary

APPROVED AS TO FORM:


BRUCE E. BECKER
City Attorney

NOTICE

The public is invited to attend and comment at a public hearing to be held on _____, 2014, at 6:30 p.m. in the Community Room of the City County Complex, 414 East Callender Street, Livingston, Montana, on the second reading of **ORDINANCE NO. 2049** entitled **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ORDINANCE 2030 AND CHAPTER 9, ARTICLE IV OF THE LIVINGSTON MUNICIPAL CODE ENTITLED "PARKING, STOPPING, AND STANDING" BY MAKING VIOLATIONS THEREOF A CIVIL OFFENSE, PROVIDING A PENALTY FOR CIVIL OFFENSES, AND ESTABLISHING METHOD FOR APPOINTMENT OF ENFORCEMENT PERSONNEL**. A copy of the ordinance is available for inspection at the City Office, 414 East Callender Street, Livingston, MT 59047. For further information call the City Attorney at (406)823-6007.

(Notice must be published twice at least 6 days apart. (7-1-4127(6) and posted on the City Bulletin Board, and copies available for the public (7-5-103 MCA).

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Creating a civil offense for violations of the parking, stopping and standing section of the Livingston Municipal Code.

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NOTICE

The public is invited to attend and comment at a public hearing to be held on March 4, 2014 at 6:30 p.m. in the Community Room of the City County Complex, 414 East Callender Street, Livingston, Montana, on the second reading of **ORDINANCE NO. 2049** entitled **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ORDINANCE 2030 AND CHAPTER 9, ARTICLE IV OF THE LIVINGSTON MUNICIPAL CODE ENTITLED "PARKING, STOPPING, AND STANDING" BY MAKING VIOLATIONS THEREOF A CIVIL OFFENSE, PROVIDING A PENALTY FOR CIVIL OFFENSES AND ESTABLISHING METHOD FOR APPOINTMENT OF ENFORCEMENT PERSONNEL.** A copy of the ordinance is available for inspection at the City Office, 414 East Callender Street, Livingston, MT 59047. For further information call the City Attorney at (406) 823-6007.

Please publish February 24, 2014 and February 26, 2014.

Pam Payovich
Administrative/Accounting Clerk

Date: February 20, 2014

NOTICE

The public is invited to attend and comment at a public hearing to be held on March 18, 2014, at 6:30 p.m. in the Community Room of the City County Complex, 414 East Callender Street, Livingston, Montana, on the second reading of **ORDINANCE NO. 2049** entitled **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ORDINANCE NO. 2030 AND CHAPTER 9, ARTICLE IV OF THE LIVINGSTON MUNICIPAL CODE ENTITLED "PARKING, STOPPING, AND STANDING" BY MAKING VIOLATIONS THEREOF A CIVIL OFFENSE, PROVIDING A PENALTY FOR CIVIL OFFENSES AND ESTABLISHING METHOD FOR APPOINTMENT ENFORCEMENT PERSONNEL.** A copy of the ordinance is available for inspection at the City Office, 414 East Callender Street, Livingston, MT 59047. For further information call the City Attorney at (406) 823-6007.

Please publish March 6, 2014 and March 12, 2014.



Livingston City Commission
LEGISLATIVE ACTION SUMMARY
Ordinance/Resolution No: 2049

Date of First Consideration/Status: February 4, 2014

Purpose of Legislation: First reading of Parking Enforcement Ordinance

Statutory Authority/Reference: N/A

Background: Ordinance 2049 will amend the City's parking policy by making parking violations a civil offense as well as increasing most of the parking fees from \$10 to \$20. In addition, the Ordinance establishes that personnel, other than sworn peace officers, may be appointed by the City Manager to do parking enforcement activities. The Ordinance also provides a specific definition for "functional" private driveways which include those driveways capable of being used to access garages or parking area, and not merely a curb cut.

Fiscal Impact: N/A. Predicted higher revenues will result from the increase in fees.

Regulatory Impact (local): N/A

Attachments: N/A



Livingston City Commission
LEGISLATIVE ACTION SUMMARY
Ordinance/Resolution No: **2049**

Date of First Consideration/Status: February 4, 2014

Purpose of Legislation: Public hearing to amend the City's Parking Ordinance

Statutory Authority/Reference: N/A

Background: Ordinance 2049 will amend the City's parking policy by making parking violations a civil offense as well as increasing most of the parking fees from \$10 to \$20. In addition, the Ordinance establishes that personnel, other than sworn peace officers, may be appointed by the City Manager to do parking enforcement activities. The Ordinance also provides a specific definition for "functional" private driveways which include those driveways capable of being used to access garages or parking area, and not merely a curb cut

Fiscal Impact: N/A. Predicted higher revenues will result from the increase in fees.

Regulatory Impact (local): N/A

Attachments: N/A