

## ORDINANCE 24-5884

### AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA CITY CODE (BMCC) BE AMENDED BY REVISING SECTIONS 24-426 PERMIT FOR LOADING OR UNLOADING BY BACKING TO CURB AND 24-431 PERMIT FOR CURB LOADING ZONES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS THAT:

1. That Section 24-426 Permit for Loading or Unloading by Backing to Curb of the Billings Montana City Code (BMCC) is amended and renumbered so that such section shall read as follows:

The city administrator is authorized to issue special loading permits to allow the stopping, standing or backing of a vehicle to the curb for the purpose of loading or unloading merchandise or materials in central business district alleys or in designated loading zones and subject to the terms and conditions of such permit. Application for a loading permit shall be made on the forms and in accordance with the procedure prescribed by the city administrator. A fee, set by Resolution of the City Council, of ~~twelve dollars (\$12.00)~~ for the permit shall be charged. Such permit may be issued to holders of business tax receipts, governmental entities, educational or nonprofit organizations and shall grant to such persons the privileges as therein stated and authorized herein. Every such permit shall be annual and shall expire on the last day of the fiscal year (June 30). ~~midnight on the last day of the month of issuance.~~

2. That Section 24-431 Permit for Curb Loading Zones of the Billings Montana City Code (BMCC) is amended and renumbered so that such section shall read as follows:

The city administrator shall not hereafter designate or sign any curb loading zone upon special request of any person unless such person makes application for a permit for such zone and for two (2) signs to indicate the ends of each such zone. The city administrator upon granting a permit and issuing such signs may, by general regulations, impose conditions upon the use of such signs, provide for reimbursement of the city for the value thereof in event of their loss or damage, and provide for the return of such signs in the event of their misuse. The granting of any such permit and any special conditions imposed thereon shall be subject to city council approval. Every such permit shall expire at the end of the fiscal ~~calendar~~ year.

3. **EFFECTIVE DATE**. This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

4. **REPEALER**. All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

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

PASSED by the City Council on first reading the 13<sup>th</sup> day of May, 2024.

PASSED, ADOPTED and APPROVED on second reading this 28<sup>th</sup> day of May, 2024.



CITY OF BILLINGS:

BY: William A. Cole  
William A. Cole, Mayor

ATTEST:

BY: Denise R. Bohlman  
Denise R. Bohlman, City Clerk

**City Council Regular**

**Date:** 05/28/2024  
**Title:** Second / Final Reading Ordinance Amending BMCC, Sections 24-426 and 24-431  
**Presented by:** Tracy Scott, Parking Manager  
**Department:** Parking  
**Presentation:** No  
**Legal Review:** Yes  
**Project Number:** N/A

**RECOMMENDATION**

Recommendation to approve an ordinance amending Sec. 24-426 Permit for Loading and Unloading by Backing to Curb and Sec. 24-431 Permit for Curb Loading Zones, BMCC.

**BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)**

Starting July 1, 2024, the Parking Department will manage Delivery Permits, which were previously handled by the Finance Department. During the middle of FY'22, the revenue from Delivery Permits shifted from Finance to the Parking Fund. In FY'23, the Billings Parking Board suggested increasing the annual fee for Delivery Permits from \$12 to \$50. The City Council Budget and Finance Committee reviewed this suggestion and proposed raising the fee to \$25 per permit for the first year, followed by another \$25 increase for the subsequent year. The details of the permit are outlined in Ordinance 24-426 "Permit for Loading or Unloading by Backing to Curb," with adjustments made to the fee amount language and expiration terms. The amendment removes the fee amount in the ordinance and has it set by the City Administrator through an administrative order, where the other parking fees and fines are established. Furthermore, Ordinance 24-431 "Permit for Curb Loading Zones" amended the expiration period from calendar year to fiscal year.

**ALTERNATIVES**

City Council may:

- Approve; or,
- Not Approve and the permit fee will continue to be an annual \$12.00 per permit.

**FISCAL EFFECTS**

Revenue in FY22 was \$13,224, FY23 was \$17,252 and estimated FY24 \$13,224. FY25 was budgeted for \$15,500. Parking is anticipating a potential reduction in the number of permits sold, especially for businesses with a large fleet of vehicles if the new rates are implemented. The Parking Division will monitor the effects of the increase in permit fees and enforcement needed for compliance.

**Attachments**

Ordinance Amendment

*CM Neese moved to change the setting of the fees by Resolution of the City Council.*

*Ord. 24-5884*

COUNCIL ACTION	<i>Approved</i>
<i>10-1, Jay opposed</i>	
MAY 28 2024	
<i>db</i>	
CITY CLERK	

**ORDINANCE 24-\_\_\_\_\_**

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PROVIDING THAT THE BILLINGS, MONTANA CITY  
CODE (BMCC) BE AMENDED BY REVISING SECTIONS  
24-426 PERMIT FOR LOADING OR UNLOADING BY  
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LOADING ZONES**

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2. That Section 24-431 Permit for Curb Loading Zones of the Billings Montana City Code (BMCC) is amended and renumbered so that such section shall read as follows:

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3. **EFFECTIVE DATE.** This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.
4. **REPEALER.** All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.
5. **SEVERABILITY.** If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provisions or application, and, to this end, the provisions of this ordinance are declared to be severable.

PASSED by the City Council on first reading the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

PASSED, ADOPTED and APPROVED on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

CITY OF BILLINGS

BY: \_\_\_\_\_  
William A. Cole, Mayor

Attest:

BY: \_\_\_\_\_  
Denise R. Bohlman, City Clerk

**City Council Regular**

**Date:** 05/13/2024  
**Title:** Public Hearing and Amendment to Ordinance 24-426 and 24-431  
**Presented by:** Tracy Scott, Parking Manager  
**Department:** Parking  
**Presentation:** Yes  
**Legal Review:** Yes  
**Project Number:** N/A

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**RECOMMENDATION**

Recommendation to amend Sec. 24-426 Permit for Loading and Unloading by Backing to Curb and Sec. 24-431 Permit for Curb Loading Zones.

**BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)**

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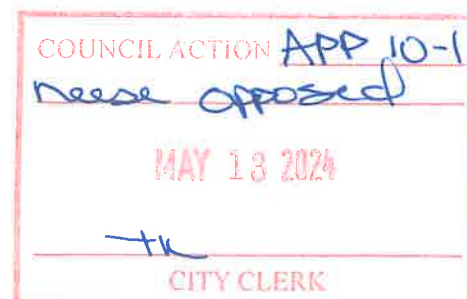
**FISCAL EFFECTS**

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CITY OF BILLINGS

BY: \_\_\_\_\_  
William A. Cole, Mayor

Attest:

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Denise R. Bohlman, City Clerk