

ORDINANCE NO. **02-5232**

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA CITY CODE BE AMENDED BY REVISING SECTIONS 24-401, 24-402, 24-403, 24-412, 24-428, 24-429, 24-430, 24-445, 24-454, 24-456, 24-458, 24-463, 24-467, 24-1011 AND BY ADDING NEW SECTIONS TO BE NUMBERED 24-400 AND 24-472; PROVIDING MINOR CHANGES IN ORGANIZATION AND CLARIFICATION OF PARKING ORDINANCES AND INCREASING SOME FINES; AND BY REPEALING SECTIONS 24-432, 24-433, 24-444, 24-461, 24-463.5, 24-464, AND 24-472 OF THE CODE OF ORDINANCES, CITY OF BILLINGS, MONTANA, AND DECLARING SAME TO BE NULL AND VOID AND OF NO EFFECT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA:

Section 1. That the Billings, Montana City Code be amended by adding a section to be numbered 24-400 to read as follows:

“Sec. 24-400. Owner’s absolute liability for violations

Every person in whose name a vehicle is registered or licensed shall be responsible for the parking, stopping or standing of a vehicle in violation of this article. It is no defense to a charge for such violation that the vehicle was illegally parked by another, unless it is shown that at such time the vehicle was being used without the consent of the registered or licensed owner thereof.”

Section 2. That Section 24-401 of the Billings, Montana City Code be amended so that such section shall read as follows:

“Sec. 24-401. Places where parking is prohibited at all times.

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:

- (1) Within three (3) feet of or in front of a public or private driveway;
- (2) In an alley, except while loading or unloading as provided in section 24-406;
- (3) Within the traveled portion of a street;

- (4) Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless otherwise indicated by appropriate signs;
- (5) Places where parking is prohibited at all times;
- (6) On a boulevard owned by the city;
- (7) On any front or side yard unless asphalt or cement driveways and parking spaces are provided, except that this prohibition shall not be construed to prevent or make unlawful the existence or construction of a gravel driveway equal in width to the maximum width of the curb cut serving the property or if no curb cut, the maximum width allowed for driveways by section 6-1208.
- (8) ~~Every person in whose name a vehicle is registered or licensed shall be responsible for the parking, stopping or standing of a vehicle in violation of this section. It is no defense to a charge for such violation that the vehicle was illegally parked by another, unless it is shown that at such time the vehicle was being used without the consent of the registered or licensed owner thereof."~~

Section 3. That Section 24-402 of the Billings, Montana City Code be amended so that such section shall read as follows:

“Sec. 24-402. Additional parking restrictions.

- (a) No person shall park any vehicle or motor vehicle upon any street, roadway or thoroughfare or on and in any other public place for the principal purpose of:
 - (1) Displaying such vehicle or motor vehicle for sale;
 - (2) Washing, greasing or repairing such vehicle except repairs necessitated by an emergency;
 - (3) Storing any such vehicle or motor vehicle not then in transit or actual use and service.

- (b) No person shall park any vehicle upon a street in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for free movement of vehicular traffic at all times.
- (c) No person shall stop, stand or park any vehicle within an alley for a period of time longer than ~~is necessary~~ 20 minutes for the reasonably expeditious loading or unloading of such vehicle and only when the vehicle has a valid delivery permit affixed to it.
- (d) No person shall stop, stand or park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for the free movement of vehicular traffic.
- (e) No person shall stop, stand or park a vehicle within an alley in such a position as to block the driveway or entrance to any abutting property."

Section 4. That Section 24-403 of the Billings, Montana City Code be amended so that such section shall read as follows:

"Sec. 24-403. Curb painting Yellow zone.

The appropriate city department as designated by the city administrator is hereby authorized and directed to paint street curbs yellow to reinforce no parking zone designations. The yellow color is to be uniform throughout the city. No person shall stop, stand or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the law or the direction of a police officer or traffic-control device when the curb is painted yellow."

Section 5. That Section 24-412 of the Billings, Montana City Code be amended so that such section shall read as follows:

"Sec. 24-412. Parking in violation of duly erected signs.

Whenever signs are erected by the city pursuant to an ordinance or resolution of the city which ~~prohibits parking~~, establishes limited time parking zones or in any way limits or restricts parking, no person shall park, stop, stand or park in violation of the provisions indicated in such signs."

Section 6. That Section 24-428 of the Billings, Montana City Code be amended so that such section shall read as follows:

“Sec. 24-428. Curb markings Signs to indicate loading zones.

Loading zones shall be indicated by a sign erected nearby stating "LOADING AND UNLOADING ONLY." Passenger loading zones shall be indicated by a sign erected nearby stating "PASSENGER LOADING ONLY.""

Section 7. That Section 24-429 of the Billings, Montana City Code be amended so that such section shall read as follows:

“Sec. 24-429. Restrictions and time limits upon permission to load or unload.

- (a) Permission granted under the provisions of this division to stop or stand a vehicle for purposes of loading or unloading of materials shall apply only to commercial vehicles with a delivery permit and shall not extend beyond the time necessary therefor, and in no event for more than twenty (20) minutes.
- (b) The loading or unloading of materials shall apply only to commercial deliveries and to the delivery or pickup of express and parcel post packages and United States mail.
- (c) Permission granted under the provisions of this division to stop or park for purposes of loading or unloading passengers within a specified passenger loading zone shall include the loading or unloading of personal baggage but shall not extend beyond the time necessary therefor and in no event more than ten (10) minutes.
- (d) Within the total time limits specified, the provisions of this section shall be enforced so as to accommodate necessary and reasonable loading or unloading but without permitting abuse of the privileges granted.”

Section 8. That Section 24-430 of the Billings, Montana City Code be amended so that such section shall read as follows:

Sec. 24-430. Stopping, standing or parking in yellow loading zones.

No person shall stop, stand or park a vehicle in any loading zone or central business district alley for any purpose other than loading or unloading passengers or material for such time as is permitted by section 24-429 and only when the vehicle had a valid delivery permit affixed to it.

Section 9. That Section 24-445 of the Billings, Montana City Code be amended so that such section shall read as follows:

“Sec. 24-445. Penalty.

A person who parks a motor vehicle in violation of this division is guilty of a misdemeanor and is punishable by a fine as set out in Section 24-1011 of one hundred dollars (\$100.00). However, a person charged with violating this division may not be convicted if within twenty-four (24) hours the person produces in court or the office of the arresting officer a special parking permit that was previously issued to the person and that was valid at the time the citation was issued.”

Section 10. That Section 24-454 of the Billings, Montana City Code be amended so that such section shall read as follows:

“Sec. 24-454. ~~Meter~~ Space designations.

The city administrator shall place lines or marks on the curb or on the street ~~alongside of each parking meter~~ to designate the parking space for which the ~~meter~~ is to be used, and each ~~vehicle parked alongside of any parking meter~~ shall park within the lines or markings so established. It is unlawful to park any vehicle across any such line or mark or to park such vehicle in such a way that the same is not within the area so designated by such lines or markings.”

Section 11. That Section 24-456 of the Billings, Montana City Code be amended so that such section shall read as follows:

“Sec. 24-456. Violations--Designated.

(a) It is unlawful and a violation of the provisions of this division for any person to:

(1) Leave a vehicle parked at an expired meter between the times of 8:00 a.m. and 5:00 p.m., weekdays;

(2) Deposit or cause to be deposited in a parking meter a coin for the purpose of increasing or extending the parking time of any vehicle beyond the legal maximum parking time which has been established for the parking space;

(23) Park or cause to be parked in any parking meter zone or parking garage a vehicle which does not display a valid and current license plate as required by state law;

(34) Park or cause to be parked in any parking garage a vehicle which does not have a valid permit paid for within the first ten (10) days of the month. Said valid permit designates rental of the use of a space for parking for one month. Payment of parking fees upon exit from the parking garage shall also constitute a valid permit.

(b) Each meter shall show on its face the maximum parking time allowed per each deposit of coins. When any person violates any of the terms of this division, and such violation continues longer than the maximum time as shown on the face of the meter, then such period of time constitutes a separate violation."

Section 12. That Section 24-458 of the Billings, Montana City Code be amended so that such section shall read as follows:

"Sec. 24-458. Slug deposit or injury to meter prohibited.

- (a) It is unlawful to deposit or cause to be deposited in any parking meter any slug, device or metallic substitute for a coin of the United States.
- (b) It is unlawful for any person to deface, injure, tamper with or open or willfully break, destroy or impair the usefulness of any parking meter installed under the terms of this division.
- (c) Every person who violates this section is guilty of a misdemeanor, and upon conviction thereof shall be fined not more than three hundred dollars (\$300.00) or imprisoned for not more than ninety (90) days, or by both such fine and imprisonment."

Section 13. That Section 24-463 of the Billings, Montana City Code be amended so that such section shall read as follows:

“Sec. 24-463. Parking garages.

There is established a city parking zone in all areas of the city parking garages. Such parking areas are designated as reserved or general parking. Each parking space shall be designated with lines or marks, and each vehicle shall park entirely within the lines or markings so established. Any person improperly parking or parking in violation of posted directions shall be fined ~~in the amount of five dollars (\$5.00)~~ for each offense. Citations for violations may be issued in the same manner as citations for violation of parking meter zones in the city.”

Section 14. That Section 24-467 of the Billings, Montana City Code be amended so that such section shall read as follows:

“Sec. 24-467. Failure to pay parking fees.

A person who parks in a non-metered city parking space is required to pay an hourly or monthly parking fee in the manner and at the time set by the city. A person who fails to pay the required parking fee when due is guilty of a misdemeanor and upon conviction shall be fined ~~in the amount of five dollars (\$5.00) as set out in Section 24-1011~~ for each offense. Each day that a violation occurs is a separate offense.”

Section 15. That Sections 24-432, 24-433, 24-444, 24-461, 24-463.5, 24-464, and 24-472 of the Billings, Montana City Code are hereby repealed and declared null and void and of no effect.

Sec. 24-432. Owner's absolute liability for violations.

~~Every person in whose name a vehicle is registered or licensed shall be absolutely liable for any parking, backing, stopping or standing of the vehicle in violation of this division. It is no defense to such charge that the vehicle was illegally parked by another, unless it can be shown that at such time the vehicle was being used without the consent of the registered or licensed owner.~~

Sec. 24-433. Penalties for violations

~~Any person who violates or permits or allows anyone to violate sections 24-426, 24-429, or 24-430 is guilty of a misdemeanor and upon conviction shall be fined in the amount of ten dollars (\$10.00) for each offense.~~

~~Sec. 24-444. Owner's absolute liability for violations.~~

~~The person in whose name a vehicle is registered or licensed shall be absolutely liable for any parking of the vehicle in violation of this division, unless it can be shown that at such time the vehicle was being used without the consent of the registered or licensed owner.~~

~~Sec. 24-461. Owner's absolute liability for violations.~~

~~Every person in whose name a vehicle is registered or licensed shall be absolutely liable for any parking of the vehicle in violation of this division. It is no defense to such charge that the vehicle was illegally parked by another, unless it can be shown that at such time the vehicle was being used without the consent of the registered or license owner.~~

~~Sec. 24-463.5. Courtesy parking ticket.~~

- ~~(a) Any motor vehicle bearing a current license plate issued by a state other than the State of Montana or a county other than Yellowstone County, which is parked adjacent to an expired City of Billings parking meter, shall receive a courtesy parking ticket on a form approved by the city administrator.~~
- ~~(b) This section does not apply to a vehicle which has received three (3) or more courtesy parking tickets within any thirty (30) consecutive days or which remains parked in the same position for two (2) or more hours after receiving a courtesy parking ticket.~~
- ~~(c) There shall be no fine or penalty for a courtesy parking ticket.~~

~~Sec. 24-464. Penalties for violations.~~

- ~~(a) Any person who violates or permits or allows anyone to violate sections 24-454, 24-455, 24-456, or 24-462 is guilty of a misdemeanor and upon conviction the minimum fine shall be:~~

TABLE INSET:

First citation	No Charge
Second citation	\$ 5.00
Third citation	10.00

Fourth and subsequent citations	20.00
---------------------------------	-------

~~If fewer than thirty (30) days have elapsed between the issuance of the first citation and the issuance of the present citation, the fine will escalate from the previous citation as provided above. When thirty (30) or more days have elapsed from the issuance of the first citation, the fine for the present citation shall become the first citation and the above escalation provisions shall apply.~~

~~(b) Every person who violates the provisions of section 24-458 is guilty of a misdemeanor, and upon conviction thereof shall be fined not more than three hundred dollars (\$300.00) or imprisoned for not more than ninety (90) days, or by both such fine and imprisonment."~~

Sec. 24-472. Owner's absolute liability for violations.

~~The person in whose name a vehicle is registered or licensed shall be absolutely liable for any parking of the vehicle in violation of this division, unless it can be shown that at such time the vehicle was being used without the consent of the registered or licensed owner.~~

Section 16. That the Billings, Montana City Code be amended by adding a section to be numbered 24-472, to read as follows:

"Sec. 24-472. Parking by fire hydrants.

No person shall stop, stand, or park a vehicle within 15 feet of a fire hydrant."

Section 17. That the Section 24-1011 of the Billings, Montana City Code be amended so that such section shall read as follows:

"Sec. 24-1011. Penalty for violations.

(a) Upon conviction any person who violates or permits or allows anyone to violate the following listed sections shall pay the fine specified.

Section(s)	Description	Fine
24-443	Handicap	\$100
24-455	Meter Expired	30 day escalation

24-456(a)(1) 24-462		courtesy/5/10/20
24-412	Posted Signs (Time Zones)	30 day escalation courtesy/5/10/20
24-430	Loading Zone	25
24-401	No Parking	25
24-402	Alley	25
24-429	No Delivery Permit	25
24-403	Yellow Zone	25
24-472	Fire Hydrant	50
24-101	Sidewalk	25
24-413	Cab Zone	25
24-413	Bus Zone	25
24-101	Parked Against Traffic	15
24-456(a)(2)	Meter Plugging	10
24-454	Taking up 2 Spaces	10
24-463	Garage	10
24-471	Fire Lane	50
24-1008	Boot Fee	50

Posted signs include 10-minute zones and 2-hour zones.

(b) Any person who violates or permits or allows anyone to violate sections 24-412, 24-455, 24-456(a)(1), or 24-462 is guilty of a misdemeanor and upon conviction shall be fined as follows:

TABLE INSERT:

First citation	<u>No Charge</u>
Second citation	<u>\$ 5.00</u>
Third citation	<u>10.00</u>
Fourth and subsequent citations	<u>20.00</u>

If fewer than thirty (30) days have elapsed between the issuance of the first citation and the issuance of the present citation, the fine will escalate from the previous citation as provided above. When thirty (30) or more days have elapsed from the issuance of the first citation, the fine for the present citation

shall become the first citation and the above escalation provisions shall apply.

(a c) Unless otherwise provided, it is a misdemeanor for any person to violate any of the provisions of this chapter.

(b d) Every person convicted of a misdemeanor for a violation of any of the provisions of this chapter for which another penalty is not provided shall be punished as provided in section 1-110.

(e e) Upon conviction, the court costs or any part thereof may be assessed against the defendant in the discretion of the court.

Section 18. EFFECTIVE DATE. This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

Section 19. REPEALER. All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

Section 20. 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 this _____ day of _____, 2002.

PASSED, ADOPTED and APPROVED on second reading this _____ day of _____, 2002.

CITY OF BILLINGS

By _____
Mayor

ATTEST:

Ord 02-5232

By _____
City Clerk