

ORDINANCE NO. 10-5511

AN ORDINANCE AMENDING THE BILLINGS CITY CODE BY AMENDING 24-400 - DIVISION 4 - PARKING METERS AND ZONES BY REVISING SECTIONS 24-451, 24-452, 24-454, 24-456, 24-462 AND BY ADDING NEW SECTIONS 24-480- USE OF REVENUE FROM PARKING PERMIT SALES WITHIN PARKING PERMIT DISTRICTS and 24-490, 24-491, and 24-492 – EAST BILLINGS PARKING OVERLAY DISTRICT

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

**Section 1.** That sections 24-451, 24-452, 24-454, 24-456, and 24-462 of the Billings Montana City Code are amended so that such sections shall read as follows:

**Sec. 24-451. Definitions.**

Whenever in this division the following terms are used, they shall have the meanings respectively ascribed to them in this section:

*City administrator* means the city administrator or his designee.

*City lot* means any city owned or regulated off-street parking lot which is controlled with parking meters or with monthly or hourly parking fees.

*City parking space* means a metered or non-metered place for the parking of a vehicle in any city lot, parking meter zone, parking garage or on the city streets, public property or public right-of-way.

*Parking garage* means any parking structure owned by the city and operated wholly or in part for the benefit of the public.

*Parking meter zones* means city lots, parking permit districts, and portions of streets described and established by the city as zones within which the parking of vehicles shall be controlled, regulated and inspected with the aid of timing devices or meters, herein referred to as parking meters or meters.

*Parking permit district* means an area designated by ordinance to regulate the parking of vehicles in city parking spaces through issuance of permits to occupy such spaces within the district.

*Roadway* means portions of a street between the regularly established curb lines.

*Sidewalk* means portions of a street between the curb lines and the adjacent property lines.

*Street* means every way set apart for public travel except alleyways, bridle paths and footpaths.

*Vehicle* means a conveyance propelled by motor power.

**Sec. 24-452. Establishment.**

(a) Parking meters shall be established upon such streets and avenues and in such parking lots as the city council from time to time shall designate and pursuant to such designation the city administrator shall install parking meters. The city council may designate parking lots by entering into agreements with the owner of the lots or by resolution.

(b) Parking permit districts may be established by ordinance. The establishment of a parking permit district may include restrictions for parking on specific days or weeks during the year. The City Council must make the following findings prior to establishment of the zone:

- (1) Seventy-five percent (75%) or more of the capacity available for on-street parking and public off-street parking on six contiguous blocks (and/or 12 block faces) in such proposed district is generally occupied at the hour and day of peak observed demand;
- (2) Over thirty-five percent (35%) of the vehicles parked on-street and in public off-street parking facilities in the area at the hour and day of peak observed demand are not owned by property owners, commercial lessees or residents of the designated area;
- (3) That limiting the parking of vehicles along the public streets will provide ample motor vehicle parking for property owners, commercial lessees or residents of the area; and
- (4) Creation of a parking permit area will promote tranquility between commuters and residents, increase pedestrian safety and reduce traffic hazards.

(c) An ordinance designating an area of the city as a permit parking district shall describe the following:

- (1) The designated on-street parking and off-street public parking area where parking will be limited to permit holders;
- (2) Hours of each day and days of each week the parking permit regulations shall be in effect;
- (3) The individuals eligible to purchase a permit;
- (4) Effective dates of annual permits;
- (5) Any special provisions or exceptions applicable to schools, churches, businesses, commercial lessees, public park use, etc. within the district; and
- (6) Visitor permits or special gathering provisions for the area.

(d) Peak-hour parking occupancy within a proposed parking permit district shall be determined by a parking occupancy survey of all public on-street and off-street parking facilities within the proposed district and shall be conducted by the City prior to establishment of the District and after that, on an as needed basis as determined by the City Administrator. These parking occupancy surveys shall be conducted during at least three days within a fourteen day period, including the days and times that the parking problem is alleged to exist.

(e) Within each parking permit district, the City administrator shall set the supply, rates and rules for distribution of permits, and the time limits or other restrictions applicable to non-permit holders as deemed necessary to achieve a target occupancy of eighty-five percent (85%) for on-street parking and ninety-percent (90%) for public off-street parking facilities, at the hour and day of the week of peak observed demand for parking in the District.

(f) The City administrator may expand or reduce boundaries of an existing parking permit district by two (2) contiguous blocks or less, and/or adjust the supply, rates and rules for distribution of permits, and the time limits or other restrictions applicable to non-permit holders, as deemed necessary to achieve a target occupancy of eighty-five percent (85%) for on-street parking and ninety-percent (90%) for public off-street

parking facilities at the hour and day of the week of peak observed demand for parking in the district.

(g) The City Council may dissolve a parking permit district when it determines that dissolution best serves the public interest or meets at least one of the following criteria, including but not limited to:

1. Low permit sales in a district;
2. A small number of blocks with parking permit district signs; or
3. The absence of the original traffic generator.

If approved by the City Council, the district would be dissolved at the beginning of a new permit cycle.

#### **Sec. 24-454. Space designations.**

(a) The city administrator shall place lines or marks on the curb or on the street to designate the parking space to be used, and each 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.

(b) Signs shall be erected along the streets, city parking spaces, and in any off-street public parking area within the parking permit district prior to any enforcement of the parking permit regulation. The parking signs erected shall give notice of the general nature of the parking limitation and shall indicate the hours and days when such parking limitations shall be in effect.

#### **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;

(3) 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;

(4) 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.

(5) Park or cause to be parked a vehicle on any street, city parking space, or off-street public parking area designated a permit only parking area during the hours and on the days set forth in an ordinance adopted by the City Council except in the following circumstances:

- (1) Those vehicles displaying a valid parking permit or a temporary visitor's permit for the area; or

- (2) An emergency vehicle including but not limited to an ambulance, fire engine or police vehicle; or
- (3) A clearly marked business vehicle which is under the control of a person providing a service to persons or property located in the designated permit only parking area including but not limited to a delivery vehicle.

**Sec. 24-461. Reserved.**

**Sec. 24-462. Parking in city lots.**

There is established a parking meter zone for all city controlled and established metered parking lots subject to the following conditions:

- (1) This division shall be applicable to parking meters and parking upon the established city parking lots; provided, however, that parking meters upon the parking lots shall be in operation and subject to the payment of fees for parking privileges during the full twenty-four (24) hours of each and every day.
- (2) Except as herein otherwise provided, all provisions of this division now in effect shall apply to the parking of automobiles or other motor vehicles upon city controlled and operated parking lots.
- (3) City-controlled parking lots within a permit parking district shall be subject to the issuance of permits as set forth in the ordinance adopting such district.

**Section 2. That the Billings, Montana City Code is amended to add a new section to be numbered 24-480, which shall read as follows:**

**Sec. 24-480 -USE OF REVENUE FROM PARKING PERMIT SALES WITHIN PARKING PERMIT DISTRICTS:**

A. Revenues generated from the sale of permits for on-street and public off-street parking within any parking permit district established by the City Council shall be accounted for separately from other City funds and may be used only for the following purposes within or for the benefit of the district wherein the revenues were collected:

1. All expenses of administration of the parking permit program.
2. All expenses of installation, operation and control of parking equipment and facilities within or designed to serve the parking permit district.
3. All expenses for the control of traffic (including pedestrian, bicyclist and motor vehicle safety, comfort and convenience), which may affect or be affected by the parking of vehicles in the district, including the enforcement of traffic regulations as to such traffic.
4. All expenses for alternative transportation and transportation demand management programs and services that help reduce parking demand and alleviate traffic congestion within the district.
5. All expenses for streetscape enhancements including the installation of curbs and gutters, provision of lighting, benches, and other improvements that enhance the comfort and convenience of pedestrians.
6. Such other expenditures within or for the benefit of the District as the City Council may, by resolution, determine to be legal and appropriate.

**Section 3. That the Billings, Montana City Code is amended to add a new Division 6 in Article 24-400 to read as follows:**

**Sec. 24-490. EAST BILLINGS PARKING OVERLAY DISTRICT**

The East Billings Parking Overlay District provides alternative off-street parking standards as set out in Chapter 27 to encourage the development and re-development of property. Parking management within the District may be established as set out in this Division.

**24-491. Parking management**

To manage the use and occupancy of city parking spaces for the public benefit in all areas within the East Billings Parking Overlay District, the following standards, policies and criteria shall apply.

(a) To accomplish the goal of managing the supply of parking and to make it reasonably available when and where needed, target occupancy rates of eighty-five percent (85%) for on-street parking and ninety percent (90%) for public off-street parking are hereby established.

(b) The City may survey the occupancy of all on-street and public off-street parking areas in the East Billings Parking Overlay District on an as needed basis. These parking occupancy surveys shall be conducted during at least three days within a fourteen-day period.

(c) Peak parking occupancy for each block face and each off-street parking facility shall be defined as the day and hour of the survey with the highest observed occupancy during the days and times surveyed.

(d) If the surveys indicate such measures are necessary to achieve the target occupancy rates established in Section 24-490(a), the City administrator may take the following actions:

- (1) Propose the establishment of a new parking permit district or annexation of the area to an existing parking permit district pursuant to Sec. 24-452;
- (2) Establish a means of charging for use on an hourly basis for all public on-street parking spaces and off-street parking facilities;
- (3) Install signs indicating on-street parking spaces are time limited;
- (4) Or any combination of the above actions.

(e) The base parking rate within a permit parking district, in a public off-street parking facility, or for on-street parking spaces, and any adjustments to that rate shall become effective upon the adoption of such rates by the City administrator as set forth in 24-452. A current schedule of parking rates shall be available at the City Clerk's office.

(f) Based on survey results for each area with on-street regulated parking or for public off-street parking facilities for which an hourly or daily use fee is charged, the City administrator may adjust the rates up or down in twenty-five cent (\$0.25) intervals to seek to achieve the on and off-street target occupancy rates established in Section 24-490(a).

**Sec. 24-492. Use of parking revenue.**

Revenues generated from on-street and public off-street parking within the East Billings Parking Overlay District Boundaries shall be accounted for separately from other City funds and may be used only for the following purposes within or for the benefit of the District:

- (a) All expenses of administration of the parking program.
- (b) All expenses of installation, operation and control of parking equipment and facilities within or designed to serve city parking spaces within the East Billings Parking Overlay District.
- (c) All expenses for the control of traffic (including pedestrian, bicyclist, and motor vehicle safety, comfort and convenience), which may affect or be affected by the parking of vehicles in the East Billings Parking Overlay District, including the enforcement of traffic regulations as to such traffic.
- (d) All expenses for alternative transportation and transportation demand management programs and services that help reduce parking demand and alleviate traffic congestion within the District.
- (e) All expenses for streetscape enhancements including the installation of curbs and gutters, lighting, benches, and other improvements that enhance the comfort and convenience of pedestrians.
- (f) Such other expenditures within or for the benefit of the Billings Parking Overlay District as the City Council may, by resolution, determine to be legal and appropriate.

**Section 4.** Effective Date. This ordinance shall be effective May 12, 2010.

**Section 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 this 22nd day of March, 2010.

PASSED, ADOPTED and APPROVED on second reading this 12th day of April, 2010.



CITY OF BILLINGS

By: Thomas W. Hanel, Mayor  
Thomas W. Hanel, Mayor

ATTEST:

By: Cari Martin  
Cari Martin, City Clerk