

ORDINANCE NO. 10-5501

AN ORDINANCE AMENDING THE BILLINGS CITY CODE BY ADDING A NEW ARTICLE 18-1300 TO BE KNOWN AS MUNICIPAL INFRACTIONS, REPEALING MULTIPLE SECTIONS, ADDING NEW SECTIONS, AND AMENDING MULTIPLE SECTIONS TO PROVIDE FOR CIVIL PENALTIES.

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

Section 1. That the Billings, Montana City Code be amended by revising Sections 1-110, 4-303, 4-309, 4-403, 4-404, 4-406, 4-409, 4-437, 4-438, 4-501, 6-206, 10-402, 10-403, 21-202, 22-405, 22-408, 22-433, 24-445, 24-458, 24-467, 24-1011, 25-306, 27-601, 27-604, 27-607, 27-615, 27-706, 27-1604, repealing sections 4-411, 24-327, 24-343, 24-354, adding new sections 4-310, 4-454, 7-204, 7-321, 7-1215, 13-305, 18-404, 22-409, 22-449, 24-355, 24-473, 27-745 designating specific offenses as municipal infractions, and adding an Article to be numbered 18-1300, to read as follows:

Sec. 1-110. Violations; penalty.

(a) Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Code or any ordinance of this city or any rule or regulation adopted pursuant to this Code, shall be guilty of a misdemeanor, and any person convicted of a misdemeanor under this Code or any ordinance of this city, shall be punished by a fine of not more than five hundred dollars (\$500.00), or by imprisonment not to exceed six (6) months, or by both such fine and imprisonment. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this Code or any ordinance of this city, is committed, continued or permitted by any such person, and he/she shall be punished accordingly.

(b) In addition to the above penalty the city may abate any condition which is in violation of this Code.

(c) Any person found to have committed an offense specifically designated as a municipal infraction shall be subject to civil penalties as specified in Section 18-1304.

Sec. 4-303. Rabbitry.

(a) Whenever the term "rabbitry" is used in this section it shall be deemed to mean any premises or property of any kind or description where more than one female rabbit or hare is kept for purposes of breeding, or where more than one litter of rabbits or hares is kept for purposes of sale.

(b) No person shall keep or maintain a rabbitry on premises controlled by such person, ~~and every person permitting a rabbitry to be kept or maintained on such premises is hereby declared to be guilty of maintaining a nuisance.~~

Sec. 4-309. Roadside and flea market sales.

- (a) It shall be unlawful for any person to sell, trade, or barter a live animal on a roadside, public right-of-way, commercial parking lot, or at an outdoor special sale, swap meet, flea market, parking lot sale, or similar event.
- (b) This section does not apply to:
 - (1) An agent of a business that has a certificate of occupancy from the building inspection division authorizing the occupancy of the premises for purposes of operating a business selling pets;
 - (2) An event primarily for the sale of agricultural livestock such as hoofed animals or animals or fowl commonly raised for food, dairy, or fiber products; or
 - (3) A tax-exempt non-profit organization founded for the purpose of providing humane sanctuary or shelter for abandoned or unwanted animals.

~~Any person/organization found in violation is guilty of a misdemeanor.~~

Sec. 4-310. Penalties

Violations of Sections 4-302 through 4-309 are designated as municipal infractions and punishable by civil penalties as specified in Section 18-1304.

Sec. 4-403. Female small animals.

Every person having under his/her control any female small animal in heat (i.e., in the oestral period) shall confine such small animal in a house, garage or other enclosed area. The female small animal shall be contained in such a manner that the female cannot come into contact with a male of the same species except for planned breeding. Such female not so confined is a public nuisance, and the owner or other person in control of such small animal ~~is guilty of maintaining a public nuisance and upon conviction shall be guilty of a misdemeanor. shall be subject to civil penalties as specified in Section 18-1304.~~ The animal control officer or any police officer shall immediately abate every such nuisance by impounding such small animal.

Sec. 4-404. Noisy animals.

Every person who keeps, feeds, harbors or allows to stay about any premises occupied or controlled by such person, any animal which unreasonably annoys or disturbs any person by continuous and habitual barking, howling, yelping, whining or other noise is ~~guilty of maintaining a public nuisance and is therefore guilty of a misdemeanor. responsible for maintaining a public nuisance and shall be subject to civil penalties as specified in Section 18-1304.~~ This section does not apply to an animal that is owned, kept, or harbored as part of the business of a licensed veterinarian, animal boarding facility, or agricultural or livestock operation.

The complainant must identify himself or herself by name, address and telephone number. To constitute a violation for prosecution under this section, a written complaint must be received by the ~~animal shelter control officer~~ which shall include but not be limited to a summary of the nature and duration of the animal noise and any other information as may be required by the ~~animal shelter control officer~~ to establish a violation of this section. ~~Upon conviction in municipal court of a noisy animal, the penalty shall be in accordance with section 4-411.~~

Sec. 4-406. Small animals at large.

No small animal shall be allowed to run at large in the city. No owner shall allow or permit any small animal to be at large off the owner's property unless restrained by leash, cord, chain, fence or other physical means of control; provided, that an obedience trained dog shall be allowed to participate in obedience training, field trials, dog shows or competition. In all individual obedience training within the city, the small animal shall not be allowed to be separated from its owner or trainer by more than six (6) feet except on private property with owner permission or on public property as referenced in section 4-407. Any small animal found to be running at large in the city or on private property in violation of this section is a public nuisance and shall be impounded in the animal shelter. ~~In addition, the small animal's owner upon conviction shall be fined as provided in section 4-411. Persons found to have committed a violation of this section shall be subject to civil penalties as specified in Section 18-1304.~~

Sec. 4-409. Vaccination of dogs/cats for rabies.

The owner of every dog/cat kept, harbored or maintained within the city which is three (3) months old or older shall, at the owner's expense, cause the dog/cat to be vaccinated for rabies by a licensed veterinarian, and the owner of any such dog/cat who for thirty (30) days willfully fails to have such dog/cat vaccinated ~~is guilty of a misdemeanor. shall be subject to civil penalties as specified in Section 18-1304.~~ The veterinarian shall retain a copy of the vaccination receipt for such period as the health officer of the city shall prescribe. The owner of such dog/cat when applying for registration required by section 4-431 shall present the vaccination receipt as proof of current and valid vaccination.

Sec. 4-411. Minimum penalty.

The following fines are hereby imposed:

(1) Small animal running at large (Sec. 4-406):

- a. First offense Minimum fine of twenty dollars (\$20.00).
- b. Second offense Minimum fine of one hundred dollars (\$100.00) and mandatory spaying or neutering if the animal has not been spayed or neutered prior.

(2) Noisy animal (Sec. 4-404):

- a. First offense Minimum fine of fifty dollars (\$50.00).
- b. Second offense Minimum fine of one hundred dollars (\$100.00).

Subsequent offenses within a 12 month period will result in a minimum doubling of fines from the previous offense onward.

~~A person convicted of a violation of this article shall be fined not to exceed five hundred dollars (\$500.00) or be imprisoned not to exceed six (6) months or both.~~

Sec. 4-437. Tags and collars.

(a) Upon payment of the registration fee under this division, the animal control officer or agent designated as herein provided shall issue to the owner a registration certificate in the form of a receipt and a metallic tag for each dog/cat so registered. The tag shall have stamped thereon the year for which it was issued and the number appearing on the certificate. The dog/cat is required to display a registration and vaccination tag when off of the owner's property.

(b) No registration provided for in this chapter is transferable, and no registration tag shall be fastened to any dog/cat other than the one for which it was issued.

(c) Any person who knowingly fastens a registration tag or a vaccination tag to any dog or cat other than the one for which such tag was issued or who willfully permits such dog or cat to wear any registration tag or vaccination tag issued for another dog or cat is ~~guilty of a misdemeanor. shall be subject to civil penalties as specified in Section 18-1304.~~ The animal control officer shall impound every dog or cat found bearing a registration tag or vaccination tag not issued for that dog or cat, and shall dispose of such dog or cat as provided by section 4-450.

(d) In case a registration tag is lost or destroyed, the owner of the dog/cat shall apply to the animal control officer for a duplicate tag and the animal control officer shall issue a duplicate tag upon presentation of the receipt showing payment for the registration for the current year and upon payment of a fee.

(e) In case a vaccination receipt is lost or destroyed, the owner of the dog or cat shall apply to the veterinarian who vaccinated the dog or cat for a duplicate receipt.

Sec. 4-438. Unregistered dogs/cats.

Every person who knowingly keeps, feed, harbors or allows to stay about any premises occupied or controlled by such person, any unregistered dog/cat or upon which no registration tag current and valid vaccination tag are kept as required by section 4-437 is ~~guilty of a misdemeanor. shall be subject to civil penalties as specified in Section 18-1304.~~

Sec. 4-454. Penalties

Violations of Sections 4-403, 4-404, 4-406, 4-407, 4-409, 4-437, and 4-438 are designated as municipal infractions and punishable by civil penalties as specified in Section 18-1304.

Sec. 4-501. Running at large prohibited.

No person owning or having control of a horse, donkey, bovine, sheep, goat, swine, chicken, duck, turkey, or other livestock animals, shall allow any such animal to be at large. A violation of this section is designated as a municipal infraction and punishable by civil penalties as specified in Section 18-1304.

Sec. 6-206. Violations.

Violation of the model technical codes or Administrative Rules of Montana, as adopted in section 6-201, or any other provision of articles 6-200, 6-300, 6-400, and 6-500, is a municipal infraction and punishable by civil penalties as specified in Section 18-1304. misdemeanor. A person convicted of a violation shall be subject to the penalties of section 1-110. Each day that the violation continues is a separate offense, and shall be punished accordingly.

(Ord. No. 94-4961, § 3, 5-23-94)

Sec. 7-204. Penalties

Violations of this article are designated as municipal infractions, and punishable by civil penalties as specified in Section 18-1304.

Sec. 7-321. Penalties

Violations of this article are designated as municipal infractions, and punishable by civil penalties as specified in Section 18-1304.

Sec. 7-1215. Penalties

Violations of this article are designated as municipal infractions, and punishable by civil penalties as specified in Section 18-1304.

Sec. 10-402. Establishment of municipal court disposition administrative fee.

There is hereby established administrative fees and charges to be assessed by the municipal court as part of the disposition of all citations, and complaints, and municipal infractions, criminal, civil, and traffic, for which there is a conviction, bond forfeiture, finding or admission of violation, nolo contendre plea, or plea of guilty entered. An administrative processing fee for any citation or complaint in the city municipal court of ten dollars (\$10.00) shall be assessed each citation or complaint in addition to the regular fines, surcharges and fees at the time ~~the defendant pleads or is convicted of any charges of disposition~~. The amount of the administrative processing fee may be modified by resolution of the city council.

Sec. 10-403. Establishment of municipal court time pay contract administrative fee.

The municipal court shall assess a fee on all time payment contracts allowed the defendant for payment of fines, costs, civil penalties, and charges in municipal court on an installment basis at an amount of ten dollars (\$10.00). The amount of the administrative processing fee may be modified by resolution of the city council.

Sec. 13-305. Penalties

Violations of this article are designated as municipal infractions, and punishable by civil penalties as specified in Section 18-1304.

Sec. 18-404. Penalties

Violations of this article are designated as municipal infractions, and punishable by civil penalties as specified in Section 18-1304.

Sec. 21-202. Duty of owner or occupant.

(a) It shall be the duty of the owner or occupant of any premises within the city limits to keep such premises and one-half of the alley immediately adjacent thereto and the gutter in front of or adjoining his or her property clean, open and free of wastepaper, cans, leaves or any unhealthy materials of any kind.

(b) Before a complaint can be filed charging a violation of this section, the person to be charged must first be given written notice of the violation, setting forth in the notice the nature of the violation, and a period of five (5) days after receiving such notice to remedy the violation.

(c) A violation of this section is designated as a municipal infraction and punishable by civil penalties as specified in Section 18-1304.

Sec. 22-405. Awnings.

Any person placing or maintaining any awning upon a street or avenue of the city, unless the same is attached firmly to the front or sides of a building by means of iron brackets or iron framework, and is supported without posts, so that the lowest part of the awning is elevated at least seven (7) feet above the surface of the sidewalk, is guilty of a misdemeanor. shall be subject to civil penalties as specified in Section 18-1304.

Sec. 22-408. Failure to remove obstructions.

Any person who shall willfully and unnecessarily obstruct any sidewalk, street or alley without first obtaining permission of the city or who shall fail to remove any obstruction placed in or upon any street, sidewalk or alley whenever any permission previously granted shall have been withdrawn, or when notified to do so by the city, shall be deemed guilty of maintaining a ~~nuisance and upon conviction thereof shall be punished as provided in section 1-110. subject to civil penalties as specified in Section 18-1304.~~

Sec. 22-409. Penalties

~~Violations of this article, division 1 are designated as municipal infractions, and punishable by civil penalties as specified in Section 18-1304.~~

Sec. 22-433. Vehicle owner's responsibility.

It shall be the duty of the owner of any motor vehicle to remove the vehicle parked along through streets at any time that accumulations of snow, ice or sleet are greater than two (2) inches. Should the owner fail or refuse to remove the vehicle, the city shall impound the vehicle and it will only be released to the owner upon the city being reimbursed for towing charge and the posting of an appearance bond. ~~Violation of this section may be punished as provided in section 1-110. Persons found to have committed a violation of this section shall be subject to civil penalties as specified in Section 18-1304.~~

Sec. 22-449. Penalties

~~Violations of this article, division 4 are designated as municipal infractions, and punishable by civil penalties as specified in Section 18-1304.~~

See. 24-327. Penalty.

~~A violation of this division is a misdemeanor punishable by a maximum fine of five hundred dollars (\$500.00).~~

See. 24-343. Penalty.

~~A violation of this division is a misdemeanor punishable by a maximum fine of five hundred dollars (\$500.00).~~

See. 24-354. Penalty.

~~A violation of this division is a misdemeanor punishable by a maximum fine of five hundred dollars (\$500.00).~~

Sec. 24-355. Penalties

~~Violations of this article are designated as municipal infractions, and punishable by civil penalties as specified in Section 18-1304.~~

Sec. 24-445. Penalty.

A person who parks a motor vehicle in violation of this division ~~shall be subject to a civil penalty of \$100. is guilty of a misdemeanor and is punishable by a fine as set out in section 24-1011. However, a person charged with violating this division shall not be subject to any penalty 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.

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 wilfully 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. shall be subject to civil penalties as specified in Section 18-1304.~~

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 as set out in section 24-1011 for each offense. shall be subject to civil penalties as specified in Section 18-1304.~~ Each day that a violation occurs is a separate offense.

Sec. 24-473. Penalties

Violations of this article are designated as municipal infractions, and punishable by civil penalties as specified in Section 18-1304.

Sec. 24-1011. Penalty for violations.

~~Upon conviction any person who violates or permits or allows anyone to violate the following listed sections shall pay the fine specified. The City Administrator or designee shall establish a bond schedule for parking violations subject to the maximum penalties established in Section 1-110 and Section 18-1304.~~

TABLE INSET:

Section(s)	Description	Fine
24-443	Handicap	\$100
24-455 24-456(a)(1) 24-462	Meter Expired	180-day escalation courtesy/ 5/10/20
24-412	Posted Signs (Time Zones)	180-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	100
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	25
24-454	Taking up 2 Spaces	10
24-463	Garage	10
24-471	Fire Lane	100
24-1008	Boot Fee	100

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:

First citation . . . No charge

Second citation . . . \$5.00

Third citation . . . 10.00

Fourth and subsequent citations . . . 20.00

If fewer than one hundred eighty (180) 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 one hundred eighty (180) 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.

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

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

Sec. 25-306. Failure to comply misdemeanor.

Any person who willfully fails to comply with the provisions of this article is guilty of a misdemeanor and upon a signed complaint or citation shall be punished as provided in section 1-110. Failure to comply municipal infraction.

A violation of the provisions of this article shall be a municipal infraction. Persons found to have committed a violation of this article shall be subject to civil penalties as specified in Section 18-1304.

Sec. 27-601. Parking and storage restrictions.

(c) Penalties. A violation of this section is designated as a municipal infraction, and punishable by civil penalties as specified in Section 18-1304.

Sec. 27-604. Fences, walls and hedges.

(i) Penalties. A violation of this section is designated as a municipal infraction, and punishable by civil penalties as specified in Section 18-1304.

Sec. 27-607. Livestock and fowl.

(e) Penalties. A violation of this section is designated as a municipal infraction, and punishable by civil penalties as specified in Section 18-1304.

Sec. 27-615. Visibility at intersections.

(e) Penalties. A violation of this section is designated as a municipal infraction, and punishable by civil penalties as specified in Section 18-1304.

Sec. 27-706. Special circumstance signs.

(8) *Penalty.* Any person convicted of a violation of this section shall be guilty of a misdemeanor and shall be punished by a fine of not less than one hundred fifty dollars (\$150.00). A violation of this section is designated as a municipal infraction, and punishable by civil penalties as specified in Section 18-1304.

Sec. 27-745 Penalties.

Violations of this article are designated as municipal infractions, and punishable by civil penalties as specified in Section 18-1304.

Sec. 27-1604. Penalties for violation.

(a) A violation of this act or any chapter adopted pursuant thereto, other than offenses specifically declared to be municipal infractions, is hereby declared to be a misdemeanor and shall be punishable by a fine not exceeding five hundred dollars (\$500.00) or imprisonment in the county jail not exceeding six (6) months, or both, and in addition shall pay all costs and expenses involved. Each day such violation continues shall be considered to be a separate offense.

(b) In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this act, or of any resolution/ordinance made under authority conferred hereby, the proper authorities of the city or county may institute any appropriate action or proceedings, in addition to other remedies, to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use to restrain, correct, or abate such violation to prevent the occupancy of such building, structure, or land to prevent any illegal act, conduct, business, or use in or about such premises.

New Article:

ARTICLE 18-1300. MUNICIPAL INFRACTIONS

Sec. 18-1301. Definitions

MUNICIPAL INFRACTION: Any violation of this Code which has been specifically declared to be a municipal infraction under provisions of this Code.

OFFICER: Any employee or official authorized to enforce provisions of this Code, as amended.

REPEAT VIOLATION: A recurring violation of the same section of this Code within a twelve (12) month period.

Sec. 18-1302. Civil Citations: Service and Requirements

- A. Any officer may issue a civil citation to a person who commits a municipal infraction.
- B. The citation may be served on the alleged violator by any one of the following methods:
 1. Personal service; or
 2. By certified mail addressed to the defendant at the defendant's last known mailing address, return receipt requested; or
 3. By publication, in the manner described in rule 4D(5) of the Montana rules of civil procedure.
- C. A copy of the citation must be retained by the issuing officer and one copy be sent to or filed with the clerk of the Billings Municipal Court.
- D. The citation shall serve as notification that a municipal infraction has been committed and shall contain the following information:
 1. The name and address of the defendant;
 2. The name or description of the infraction attested to by the officer issuing the citation;
 3. The location and time of the infraction;
 4. The amount of the civil penalty to be assessed or the alternative relief sought, or both;
 5. The manner, location and time in which the penalty may be paid;
 6. The time and place of court appearance; and

7. The penalty for failure to appear in court.

Sec. 18-1303. Court Proceedings

A. If the total amount of civil penalties does not exceed three thousand dollars (\$3,000.00), the matter shall be tried before the Municipal Court Judge in the same manner as a small claim. If the total amount of civil penalties assessed exceeds three thousand dollars (\$3,000.00), the matter must be tried before a District Court Judge.

B. The City has the burden of proof that the municipal infraction occurred and that the defendant committed the infraction. The proof must be by clear and convincing evidence.

C. The court shall ensure that the defendant has received a copy of the charges and that the defendant understands the charges. The defendant may question all witnesses who appear for the municipality and produce evidence or witnesses on the defendant's behalf.

D. The defendant may be represented by counsel of the defendant's own choosing and at the defendant's own expense.

E. The defendant may answer by admitting or denying the infraction.

F. If a municipal infraction is proven, the court shall enter judgment against the defendant. If the infraction is not proven, the court shall dismiss the charges. If the action is dismissed by the court, the municipality is liable for the court costs and court fees.

G. If the person named in the citation is shown to have been served with the civil citation in the proper manner and, without good cause, fails to appear in response to the citation, judgment shall be entered against the person by the court.

Sec. 18-1304. Penalties

A. A municipal infraction is a civil offense and for a proven violation, a civil penalty may be imposed.

B. For a first violation, a civil penalty of not more than three hundred dollars (\$300.00) shall be imposed.

C. For each repeat violation, a civil penalty not to exceed five hundred dollars (\$500.00) shall be imposed. Each day that a violation occurs or is permitted to exist constitutes a separate and distinct infraction.

D. Seeking a civil penalty as authorized in this article does not preclude the City from seeking alternative relief from the court in the same action.

E. Statutory surcharges and required City surcharges must be imposed, as provided in MCA Sections 3-1-317(1)(a), 3-1-318(1), and 46-18-236(6), on municipal infractions that are criminal offenses under state law, and the amounts must be distributed as provided in those sections.

F. All penalties and forfeitures collected by the Municipal Court for a municipal infraction shall be remitted to the City in the same manner as fines and forfeitures collected for criminal offenses.

G. A defendant against whom judgment is entered shall pay court costs and fees as in small claims court under Title 25, Chapter 35 of the Montana Code Annotated in addition to the penalties imposed by the court.

H. In addition to the imposition of civil penalties authorized by law against a defendant, the court may impose alternative relief in the same action. Alternative relief may consist of any of the following:

1. Direct that payment of the civil penalty be suspended or deferred under conditions imposed by the court;
2. Order the defendant to abate or cease the violation;
3. Authorize the City to abate or correct the violation;
4. Order the City's costs for abatement or correction of the violation be entered as a judgment against the defendant or assessed against the property where the violation occurred or both.

I. The Municipal Court may assess or enter judgment for costs of abatement or correction in any amount not to exceed the jurisdictional amount for a money judgment in a civil action under MCA Section 3-11-103. If the City seeks abatement or correction costs in excess of this amount, the matter shall be referred to District Court for hearing and entry of an appropriate order. The procedure for hearing in the District Court shall be the same procedure as that for a small claims appealed under MCA Section 25-35-803.

J. A defendant who willfully violates the terms of an order imposed by the Municipal Court is guilty of contempt.

Sec. 18-1305. Appeals Following Judgment

A. The defendant or the City may file a motion for a new trial or may appeal the decision to District Court.

B. A factual determination made by the trial court, supported by substantial evidence as shown on the record, is binding for purposes of appeal relating to the violation at issue, but is not admissible or binding as to any future violations for the same or similar ordinance provision by the same defendant.

Sec. 18-1306. Issuance of Civil Citations Not Grounds for Further Legal Action

Except for willful or wanton misconduct on the part of the City, the issuance of a civil citation for a municipal infraction or the ensuing court proceedings do not provide an action for false arrest, false imprisonment, or malicious prosecution.

Sec. 18-1307. Environmental Actions

An action brought by the City for an environmental violation does not preclude, and is in addition to, any other enforcement action that may be brought under State law.

Sec. 18-1308. Designated Offenses

In addition to those code sections specifically identified as municipal infractions, violations of the following code sections are hereby designated as municipal infractions and subject to civil penalties as specified in Section 18-1304.

Section 24-101 -The following Title 61, M.C.A. offenses adopted and incorporated by reference into B.M.C. Section 24-101

Certificates of Ownership, Registration and Taxation of Motor Vehicles--Registration

61- 3-301. Registration--License plate required--Display

61- 3-302. Residents operating motor vehicles under licenses issued by any state other than Montana forbidden

61- 3-322. Certificates of registration--Issuance

Traffic Regulation--General Provisions:

61- 8-104. Required obedience to traffic laws

61- 8-105. Obedience to police officers and highway patrolmen

61- 8-106. Responsibility of public officers and employees

61- 8-108. Traffic laws applicable to persons driving animal-drawn vehicles

Traffic Regulations--Traffic-Control Devices:

61- 8-201. Obedience to traffic-control devices

61- 8-207. Traffic-control signal legend

61- 8-208. Pedestrian control signals

61- 8-209. Flashing signals

61- 8-210. Display of unauthorized signs, signals or markings

Traffic Regulations--Vehicle Operating Requirements:

61- 8-302. Careless driving (misdemeanor)

61- 8-311. Minimum speed regulations

61- 8-312. Special speed limitations on trucks, truck-tractors, motor-driven cycles, and vehicles towing housetrailers

61- 8-313. Special speed limitations

61- 8-321. Drive on right side of roadway--Exceptions

- 61- 8-322. Passing vehicles proceeding in opposite directions
- 61- 8-323. Overtaking a vehicle on the left
- 61- 8-324. When overtaking on right is permitted
- 61- 8-325. Limitations on overtaking on the left
- 61- 8-328. Driving on roadways laned for traffic
- 61- 8-329. Following too closely
- 61- 8-330. Driving on divided highways
- 61- 8-331. Restricted and controlled access
- 61- 8-332. Restrictions on use of controlled-access roadway
- 61- 8-333. Required position and method of turning at intersection--Bicycle turn procedures--
Signs
- 61- 8-334. Turning on curve or crest of grade prohibited
- 61- 8-335. Starting parked vehicle
- 61- 8-336. Turning movements and required signals
- 61- 8-337. Signals by hand and arm or signal device
- 61- 8-338. Method of giving hand-and-arm signals
- 61- 8-339. Vehicle approaching or entering intersection
- 61- 8-340. Vehicle turning left at intersection
- 61- 8-342. Vehicle approaching "yield" sign
- 61- 8-343. Vehicle entering highway from private road, driveway, or public approach ramp
- 61- 8-344. Vehicles to stop at stop signs
- 61- 8-345. Stop before emerging from alley, driveway, or building
- 61- 8-347. Obedience to signal indicating approach of train
- 61- 8-348. All vehicles to stop at certain railroad grade crossings
- 61- 8-349. Certain vehicles to stop at all railroad grade crossings
- 61- 8-350. Moving heavy equipment at railroad grade crossings
- 61- 8-351. Meeting or passing school bus
- 61- 8-352. Prohibited operation of special lighting equipment on school buses
- 61- 8-354. Stopping, standing or parking prohibited in specified places
- 61- 8-355. Additional parking regulations
- 61- 8-356. Prohibition against parking or leaving vehicles on public property
- 61- 8-357. Unattended motor vehicles
- 61- 8-358. Limitations on backing
- 61- 8-359. Riding on motorcycles
- 61- 8-360. Obstruction to driver's view or driving mechanism
- 61- 8-362. Coasting prohibited
- 61- 8-363. Following fire apparatus prohibited
- 61- 8-364. Crossing firehose
- 61- 8-365. Putting refuse on highway prohibited
- 61- 8-366. Riding on fenders or running boards prohibited
- 61- 8-367. Riding in housetrailers
- 61- 8-368. Opening and closing vehicle doors
- 61- 8-369. Shooting from or across highway

Traffic Regulations--Pedestrian Traffic:

- 61- 8-501. Pedestrians subject to traffic regulations

- 61- 8-502. Pedestrians' right-of-way in crosswalk
- 61- 8-503. Crossing at other than crosswalks
- 61- 8-504. Drivers to exercise due care
- 61- 8-505. Pedestrians to use right half of crosswalk
- 61- 8-506. Pedestrians on roadways
- 61- 8-507. Pedestrians soliciting rides or business
- 61- 8-508. Intoxicated pedestrian
- 61- 8-509. Pedestrians' right-of-way on sidewalks

Traffic Regulations--Bicycle Traffic:

- 61- 8-601. Effect of regulations
- 61- 8-602. Traffic laws applicable to persons operating bicycles
- 61- 8-603. Riding on bicycles
- 61- 8-604. Clinging to vehicles
- 61- 8-605. Riding on roadways and bicycle paths
- 61- 8-606. Carrying articles
- 61- 8-607. Lamps and other equipment on bicycles
- 61- 8-608. Bicycles on sidewalks

Vehicle Equipment--General Provisions:

- 61- 9-104. Required obedience to traffic laws
- 61- 9-105. Obedience to police officers and highway patrolmen
- 61- 9-107. Traffic laws applicable to persons driving animal-drawn vehicles
- 61- 9-109. Driving vehicle in unsafe condition prohibited--Applicability of chapter

Vehicle Equipment--Lighting Equipment:

- 61- 9-201. When lighted lamps are required
- 61- 9-202. Visibility distance and mounted height of lamps
- 61- 9-203. Headlamps on motor vehicles
- 61- 9-204. Taillamps
- 61- 9-205. New motor vehicles to be equipped with reflectors
- 61- 9-206. Stop lamps--When required
- 61- 9-207. Application of succeeding sections
- 61- 9-208. Additional equipment required on certain vehicles
- 61- 9-209. Color of clearance lamps, side marker lamps, reflectors, and back-up lamps
- 61- 9-210. Mounting of reflectors, clearance lamps, and side marker lamps
- 61- 9-211. Visibility of reflectors, clearance lamps, and marker lamps
- 61- 9-212. Obstructed lights not required
- 61- 9-213. Lamp or flag on projecting load
- 61- 9-214. Lamps on parked vehicles
- 61- 9-215. Lamps on farm tractors, farm equipment, and implements of husbandry
- 61- 9-216. Lamps on other vehicles and equipment
- 61- 9-217. Spot lamps and auxiliary lamps
- 61- 9-218. Signal lamps and signal devices
- 61- 9-219. Additional lighting equipment
- 61- 9-220. Multiple-beam road-lighting equipment

- 61- 9-221. Use of multiple-beam road-lighting equipment
- 61- 9-222. Single-beam road-lighting equipment
- 61- 9-223. Lighting equipment on motor-driven cycles
- 61- 9-225. Number of driving lamps required or permitted
- 61- 9-226. Special restrictions on lamps
- 61- 9-227. Blinker-type red light on fireman's private vehicle--Use--Identification card
- 61- 9-228. Standards for lights on snow-removal equipment

Vehicle Equipment--Brakes:

- 61- 9-301. Brake equipment required
- 61- 9-302. Service brakes--Adequacy
- 61- 9-303. Parking brakes--Adequacy
- 61- 9-304. Brakes required on all wheels--Exceptions
- 61- 9-305. Automatic trailer brake application upon breakaway
- 61- 9-306. Tractor brakes protected
- 61- 9-307. Trailer air reservoirs safeguarded
- 61- 9-308. Two means of emergency brake operation
- 61- 9-309. Single control to operate all brakes
- 61- 9-310. Reservoir capacity and check valve
- 61- 9-311. Warning devices
- 61- 9-312. Performance ability of brakes
- 61- 9-313. Maintenance of brakes

Vehicle Equipment--Miscellaneous Regulations:

- 61- 9-401. Horns and warning devices
- 61- 9-403. Mufflers--Prevention of noise
- 61- 9-404. Mirrors
- 61- 9-405. Windshields to be unobstructed and equipped with wipers
- 61- 9-406. Restrictions as to tire equipment
- 61- 9-407. Fenders, splash aprons, or flaps required on certain vehicles--Dimension and location
- 61- 9-408. Safety glazing material in motor vehicles
- 61- 9-409. Seatbelts required in new vehicles
- 61- 9-411. Certain vehicles to carry flares or other warning devices
- 61- 9-412. Display of warning devices when vehicle disabled
- 61- 9-413. Vehicles transporting explosives
- 61- 9-414. Logging trucks
- 61- 9-415. Slow-moving vehicles
- 61- 9-417. Headgear required for minor motorcycle riders
- 61- 9-418. Motorcycle noise suppression devices
- 61- 9-420. Child safety restraint systems--Standards—Exemptions

Vehicle Equipment--Enforcement--Penalties:

- 61- 9-503. Owners and drivers to comply with inspection laws
- 61- 9-514. Unauthorized use of firefighter's private vehicle—Penalty

Size--Weight--Load--Standards, Permits, and Fees:

- 61-10-101. Standards of maximum dimensions, weights, etc.
- 61-10-102. Width
- 61-10-103. Height
- 61-10-104. Length
- 61-10-106. Measuring distance between axles
- 61-10-107. Maximum gross weight--When permit required
- 61-10-108. Reduction under special circumstances
- 61-10-109. Operation without special permits prohibited
- 61-10-144. Violation of standards--Tolerance

Section 2. Effective Date. This ordinance shall be effective March 1, 2010.

Section 3. 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 14th day of December, 2009.

PASSED, ADOPTED and APPROVED on second reading this 11th day of January, 2010.



CITY OF BILLINGS

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

ATTEST:

By: Cari Martin
Cari Martin, City Clerk