

ORDINANCE NO. 04-5270

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA CITY CODE BE AMENDED BY REVISING SECTIONS 24-401, 24-433, 24-1007 AND 24-1008; PROVIDING CLARIFICATION AS TO PLACES WHERE PARKING IS PROHIBITED, FINES THAT CAN BE ASSESSED FOR CERTAIN VIOLATIONS, AND WHERE A VEHICLE CAN BE IMMOBILIZED; AND PROVIDING THAT MOVING AN IMMOBILIZED VEHICLE IS A MISDEMEANOR.

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

Section 1. 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 or any curb cut;
- (2) In an alley, except while loading or unloading with a valid permit 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.

Section 2. That section 24-433 of the Billings Montana City Code be amended so that such section shall read as follows:

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~~ pay the fine specified in Sec. 24-1011 for each violation.

Section 3. That section 24-1007 of the Billings Montana City Code be amended so that such section shall read as follows:

Sec. 24-1007. Authorization to tow or use vehicle immobilizer.

In addition to, or as an alternative to towing, the city administrator is authorized to use a vehicle immobilizer ("boot") to immobilize any vehicle that is parked in a city parking space or along any right of way within the City limits and that has one (1) or more unpaid handicapped parking tickets or ten (10) or more other unpaid parking tickets, provided that the city administrator has sent the registered owner of the vehicle a final written notice for one (1) or more of the unpaid parking tickets as required by section 24-1005.

Section 4. That section 24-1008 of the Billings Montana City Code be amended so that such section shall read as follows:

Sec. 24-1008. Procedure for vehicle immobilization.

If the city administrator chooses to immobilize a vehicle with a boot as allowed by section 24-1007, then the city administrator shall conspicuously affix to such vehicle a notice in writing notifying the owner, driver or person in charge of such vehicle: that such vehicle has been immobilized by the city for violation of one or more provisions of this chapter; that release from such immobilization may be obtained at a designated place; that unless arrangements are made for the release of such vehicle within forty-eight (48) hours the vehicle will be impounded and towed as provided in section 24-1009; and that removing or attempting to remove the immobilization device from the vehicle, or removing or attempting to move the vehicle from the place at which the immobilization device was affixed to the vehicle before a release is obtained is unlawful.

It shall be a misdemeanor punishable as provided in section 1-110 for any person to remove or attempt to remove any immobilization device or to move any immobilized vehicle from the place at which the immobilization device was affixed to the vehicle before a release is obtained from the city administrator. An immobilized vehicle shall not be released by the city until a fee of fifty dollars (\$50.00) for the immobilization is paid, together with payment of all outstanding parking fines, or posting of bond as allowed by Section 24-1009.5(b).

If the vehicle has remained immobilized for a period of forty-eight (48) hours and a release has not been obtained, then the city administrator shall have the vehicle impounded and towed as provided in section 24-1009.

Section 5. EFFECTIVE DATE. This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

Section 6. REPEALER. All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

Section 7. 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, 2004.

PASSED, ADOPTED and APPROVED on second reading this 12th day of April, 2004.

CITY OF BILLINGS

By _____
Charles F. Tooley Mayor

ATTEST:

By _____
Marita Herold, CMC/AAE City Clerk