

TO: City of Great Falls Commission
2 Park Drive South
Great Falls, MT 59401
Gibson Room, Civic Center

August 17, 2021 at 7 PM

From: Brian Kelley
P.O. BOX 6712
Great Falls, MT 59406
City Resident

SUBJECT: Proposed City Ordinance 3230
RV/Large vehicle and utility trailer parking

POSITION: OPPOSED to proposed Ordinance

Aug 17, 2021

Honorable Mayor and Commission Members:

I would like to address the city commission with regard to the proposed RV / Large vehicle and utility trailer parking ordinance 3230.

There are several factors that the city is not properly taking into consideration. First, there is the matter of city re-inventing vehicle definitions to accommodate its own end goal. Motorhome, RV trailer, and utility trailer are already defined in Montana Code Annotated (MCA), MCA 61-1-101. This is solely the purvey of the state legislature, not the city commission. Powers of local authorities requires local ordinance to conform to Montana code as per MCA 61—8-103; Provisions Uniform Throughout the State - - Power of Local Authorities.

Then there is the unreasonable and arbitrary parking limit of 36 hours. Montana Code provides for 72 hours up to five days before a vehicle is considered in violation MCA 61-12-401. This MCA code includes City Streets. The types of Vehicles the city is proposing to regulate is discriminatory to those who own one, versus those who do not own that vehicle type. All residents of Great Falls have paid for the legal right to use the public right of way just as any other motorist. We have paid our taxes, and vehicle registration fees, which gives us the same lawful right to use the public right of way as anyone else would be afforded. The Montana cod also requires the right of real property owners not be affected by local ordinance, MCA 61-8-109 Rights of Owners of Real Property Not Affect - - when... The vehicles you are proposing to severely regulate is "Real Property" and the use of that real property shall not be unduly infringed upon.

Other factors the city has failed to take into consideration are, the potential loss of tourism income. If tourists aren't welcome to park on our city streets, they will move on to a town where they are welcome and not run off by a restrictive arbitrary parking ordinance. Last year's tourist income for Great Falls was estimated at \$160 million. It would seem very short sighted to risk the loss of tourism dollars supporting our community.

The added financial burden that will be placed on the residents of Great Falls when they are forced to either construct a parking area on their property at their own expense, (if they even have space or access on their property) or be forced to pay for storage 12 months of the year, multiplied by however many trailers one might own. This would be an unattainable expense for most Great Falls residents.

Montanans are very active out-door oriented people. And, Great Falls City residents are no exception. To that end, residents have motorhomes, RV trailers, boats, small water craft, snowmobile trailers, and utility trailers. The freedoms we enjoy as Montanans should not be infringed upon.

When I purchased my home here in Great Falls twenty years ago, I chose a home in a neighborhood that DID NOT HAVE GATES or HOME OWNER ASSOCIATION for a reason. I had no interest in an HOA dictating to me how I should live. The City of Great Falls has no business playing the role of an HOA.

With regard to the many parking complaints and alleged safety issues, they are just that, "alleged violations". Very few, if any, have resulted in any citations being issued or a stationary trailer being the primary cause of an accident. Just because some residents find something objectionable does not justify the City of Great Falls redefining vehicles and enacting a burdensome and unnecessary ordinance that financially affects many residents of Great Falls.

Should the City of Great Falls forge ahead and adopt this very objectionable ordinance, there is another matter that must be considered: the use of large 30-yard steel dumpsters. These dumpsters do not meet Department of Transportation (DOT) reflective marking requirements. DOT reflective tape class "DOT - C2". Montana code MCA 61-9-211 Visibility of Reflectors. However, the City of Great Falls, Pacific Iron & Steel, Steel Etc., and Republic Services are allowed to place these dangerous and poorly marked steel boxes on any city street for any undetermined amount of time. If large vehicles will not be allowed on public right of way, then large poorly marked steel dumpster boxes should not be allowed on public right of way either.

I would like to thank the City Commission for listening to my concerns. And strongly implore the Commission not to adopt the proposed Ordinance 3230.

Sincerely,
Brian Kelley
Concerned Great Falls Resident