

ORDINANCE 3230

AN ORDINANCE AMENDING TITLE 10 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF) TO PROHIBIT THE LONG-TERM PARKING AND/OR STORAGE OF RECREATIONAL VEHICLES, UTILITY TRAILERS OR VESSELS IN RESIDENTIAL DISTRICTS

* * * * *

WHEREAS, the City of Great Falls is authorized by its Charter and Montana law to establish laws to protect the health, safety and welfare of the citizens of Great Falls; and

WHEREAS, the City Commission has in the exercise of those powers previously established Title 10 of the OCCGF pertaining to vehicles, traffic and parking; and

WHEREAS, the City Commission and City staff have received complaints over the course of several years regarding the long-term parking and/or storage of large recreational vehicles, trailers and boats on streets within residential districts and neighborhoods; and

WHEREAS, the Commission has determined that the long-term and high-volume presence of such vehicles on the street in residential districts and neighborhoods poses a safety risk to children and other pedestrians because of the visibility obstructions that such parked vehicles create for drivers;

WHEREAS, the Commission also recognizes that the street dimensions for residential areas were not designed or intended for the long-term parking or storage of large recreational vehicles, trailers or boats, but rather were intended to accommodate a limited amount of on-street parking of the type of vehicles typically used by residents to commute to and from work and school; and

WHEREAS, for those reasons, the City Commission wishes to amend Title 10 of the OCCGF to contain a new restriction on the long-term parking and/or storage of recreational vehicles, trailers and boats on streets within residential districts and neighborhoods.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA:

Section 1. The provisions of OCCGF Title 10 are hereby amended as depicted by Exhibit "A" attached hereto and by reference incorporated herein with deleted language identified by ~~strikeout~~ and inserted language **bolded**; and

Section 2. This ordinance shall be in full force and effect thirty (30) days after public hearing and final adoption by the City Commission.

ACCEPTED by the City Commission of the City of Great Falls, Montana on first reading August 17, 2021.

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading and public hearing September 7, 2021.

Bob Kelly, Mayor

ATTEST:

(CITY SEAL)

Lisa Kunz, City Clerk

APPROVED FOR LEGAL CONTENT:

Sara R. Sexe, City Attorney

State of Montana)
County of Cascade : ss
City of Great Falls)

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do certify that I did post as required by law and as prescribed and directed by the Commission, Ordinance 3230 on the Great Falls Civic Center posting board and the Great Falls City website.

Lisa Kunz, City Clerk

(CITY SEAL)

10.1.010 Definitions.

Unless otherwise specified in this Title, the following definitions apply:

- A. "Abandoned vehicle" means any of the following:
 - 1. A vehicle that has been left unattended on public property for more than forty-eight (48) hours and is rendered inoperable;
 - 2. A vehicle that has remained illegally parked on public property for more than forty-eight (48) hours;
 - 3. A vehicle that has been unlawfully parked on private real property or has been placed on private property without the consent of the real property owner or person in control of the property for more than forty-eight (48) hours;
 - 4. A vehicle that has been legally impounded by order of a law enforcement authority and has not been reclaimed for a period of five (5) days; or
 - 5. Any vehicle parked on a street determined by a law enforcement authority to create a hazard to other vehicle traffic.
- B. "Bicycle" means a non-motorized vehicle consisting of a metal frame on two (2) or more wheels and having handlebars and a seat.
- C. "Central Business District" means the C-4 Central Business Core Zoning District.
- D. "Commercial motor vehicle" any vehicle meeting the definition provided by Mont. Code Ann. § 61-1-101.
- E. "Freight Loading Zone" means a portion of a public right-of-way that is designated for short-term use by vehicles loading and unloading goods. Freight loading zones are established following the procedures adopted in this Title. This term also includes delivery zones in the metered parking district.
- F. "Handicapped Parking Zone" means a portion of a public right-of-way that is designated for use only by vehicles that have a handicapped parking permit or plate. Handicapped parking zones are established following the procedures adopted in this Title.
- G. "Junk vehicle" means any vehicle, machinery, trailer, or parts thereof, located on public property or illegally parked on private property within the incorporated City limits, which, as to a vehicle or trailer, does not properly display license plates or stickers indicating current registration and/or which has any one (1) or more of the following characteristics:
 - 1. Lacks an engine, wheel, tire, properly installed battery or other structural part which renders the vehicle inoperable for use as designed by the manufacturer;
 - 2. Has a broken or missing fender, door, bumper, hood, steering wheel, trunk top, trunk handle, tail pipe, muffler, driver's seat, fuel tank, driveshaft, differential, generator, or alternator;
 - 3. Has become or has the potential to become the breeding ground or habitat of rats, mice, snakes, mosquitoes or other vermin, rodents or insects, or is otherwise used for the storage, harbor, caging or dwelling for an animal of any kind;
 - 4. Has heavy growth of weeds or other noxious vegetation over eight (8) inches in height under or immediately next to it;
 - 5. Has become a point of collection for stagnant water;
 - 6. Contains junk, garbage, refuse, gasoline or fuel other than in its fuel tank, paper, cardboard, wood or other combustible materials, solid waste, or other hazardous material in it or is primarily used for storage of any materials;

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7. Has become a source of danger for children through possible entrapment in areas of confinement that cannot be opened from inside, through a danger of the vehicle falling or turning over, or through possible injury from exposed surfaces of metal, glass, or other rigid materials;
 8. Has become a potential source of contamination of the soil from petroleum products or other toxic liquids being discharged or leaking from the vehicle;
 9. Has become illegal to operate on the public streets because it is missing one (1) or more parts required by law; or
 10. Because of its defective, deteriorated, or obsolete condition, in any other way constitutes a nuisance or a threat to the public's health or safety.
- H. "Law enforcement authority" means a peace officer or any City, State, or Federal department or agency member operating in his or her professional capacity within the incorporated City limits.
- I. "Local service" means limiting the authorized use of City streets or avenues to those trucks which have either point of origin or destination for immediate business purposes within the incorporated City limits.
- J. "Machinery" is synonymous with and means the same as "machine" as defined by the current edition of the Merriam-Webster Dictionary.
- K. "OCCGF" means the Official Code of the City of Great Falls.
- L. "Operator" means any person who operates or is in actual physical control of the operation of vehicle.
- M. "Parking Administrator" means the City employee or contractor tasked by the City Manager with the management of the City's parking facilities. Within this Title this person may also be referred to as "The Administrator".
- N. "Parking Official" means peace officers and other persons designated by the City Manager to enforce the provisions of this Title.
- O. "Parking Meter" means any device installed for the regulation of the time allowed for parking as provided by this Title.
- P. "Part" means any mechanical, structural, body, or decorative component of any vehicle, machinery, or trailer.
- Q. "Passenger Loading Zone" means a portion of a public right-of-way that is designated for short-term use by vehicles loading and unloading people. This specifically includes school bus loading zones. Passenger loading zones are established following the procedures adopted in this Title.
- R. "Person" means any individual, partnership, association or corporation, or other legal entity.
- S. "Recreational Vehicle" means a vehicle primarily designed as temporary living quarters for recreational living, camping or travel use that either has its own motor power or is mounted on or drawn by another vehicle. The term includes a travel trailer, camping trailer, truck camper and motor home. A recreational vehicle does not include a pickup truck with an attached topper shell.**
- T. "Residential Zoning District" means any area within the City which is zoned R-1, R-2, R-3, R-5, R-6, R-9 or R-10 and those portions of a Planned Unit Development which are specified for residential uses.**
- ~~S.U~~ "Snowmobile" means any self-propelled vehicle designed primarily for travel on the snow or ice, which may be steered by wheels, skis or runners, and which is not otherwise registered or licensed under Montana State law.
- ~~T.V~~ "Trailer" means any vehicle without motor power designed for carrying persons or property and for being drawn by a motor vehicle. The term includes devices intended for recreational camping purposes carried in the bed of a pick-up truck. **a non-motorized vehicle designed to be towed by a**

motor vehicle and used to transport (enclosed or un-enclosed) one or more boats, personal watercraft, snowmobiles, all-terrain vehicles, off-road equipment, construction equipment, live-stock, vehicles or any other goods, materials or equipment.

~~U.W.~~ "Vehicle" means any device by which any person or property may be propelled, moved, or drawn upon a street. The term includes, but is not limited to:

1. An automobile;
2. Truck;
3. Van;
4. Sport utility vehicle;
5. Recreational vehicle;
6. Watercraft;
7. Boat;
8. Jet ski;
9. Snowmobile;
10. ATV;
11. Aircraft, ~~or~~
- 12. Motorized scooters and other small, lightweight and usually single-person motorized vehicles used for transportation, excepting electronic personal assistive devices;**
- 13. All motorized nonstandard vehicles as defined in Title 61, Chapter 1, MCA;**
- 14. Trailer; or**
- ~~15.~~Parts thereof.

X. "Vessel" means watercraft used or capable of being used as a means of transportation of persons and property on water, other than single chamber air-inflated devices.

10.9.310 Parking of Certain Types of Vehicles Prohibited

- A. Except as provided in subsection (B), it is unlawful for any person to park a recreational vehicle, trailer or vessel upon the public right-of-way in any residential zoning district.**
- B. A person may temporarily park a recreational vehicle, trailer or vessel upon the public right-of-way in a residential-zoned district for the limited purpose of loading and unloading, which shall be limited to a period of no more than thirty six (36) hours in a seven (7) day period.**
- C. It shall not be a defense to this section that the recreational vehicle, trailer or vessel parked in violation of this section was moved to a different location within the public right-of-way of any residential-zoned district. The recreational vehicle, trailer or vessel must be removed from the public right-of-way in order to achieve compliance with this section.**
- D. The registered owner of any recreational vehicle, trailer or vessel parked in violation of this section will be held strictly and absolutely liable for the violation and will be subject to the penalties set forth in 10.9.330.**
- E. This section is enforceable by Great Falls Police Officers, Community Service Officers and other persons as may be designated by the City Manager.**

10.9.320 Notice

The City shall provide notice of a violation of 10.9.310 by affixing a written notice upon the recreational vehicle, trailer or vessel advising of the violation and requiring the removal of the recreational vehicle, trailer or vessel within twenty-four (24) hours. The notice shall advise that failure to remove the recreational vehicle, trailer or vessel within that time period will result in the issuance of a parking citation.

10.9.330 Penalty

Any registered owner of a recreational vehicle, trailer or vessel parked in violation of 10.9.310 who has not removed the recreational vehicle, trailer or vessel within twenty-four (24) hours of the affixing of the notice required under 10.9.320 may receive a parking citation with fines as set forth by City Commission Resolution. If, after the issuance of a second or subsequent citation, the registered owner has not removed the recreational vehicle, trailer or vessel from the public right-of-way, the recreational vehicle, trailer or vessel may be immobilized and removed in accordance with 10.10.010 through 10.10.050.

10.10.010 Authorization to use vehicle immobilizer.

- A. Members of the GFPD, or other ~~Parking Administrator~~ authorized persons **designated by the City Manager**, are authorized to use a vehicle immobilizer ("boot") to immobilize any vehicle that is parked in a City parking space located in the downtown residential district, the parking meter district, or any City owned off-street pay-to-park facility that has five (5) or more parking tickets unpaid or delinquent thirty (30) days or more.
- B. Members of the GFPD, or other persons designated by the City Manager, are authorized to use a boot after a second or subsequent citation issued for violation of 10.9.310 when the registered owner has not removed the recreational vehicle, trailer or vessel from the public right-of-way.**
- ~~B.C.~~ Prior to any vehicle immobilization **under subsection (A) above**, the Planning and Community Development Department's Parking Division is **City officials are** required to either:
1. Mail the registered owner of the vehicle a final notice for five (5) or more of the unpaid or delinquent parking tickets; or
 2. File a complaint in Great Falls Municipal Court charging the registered owner with unpaid parking tickets on the vehicle, and no individual has appeared for arraignment on the complaint.

10.10.020 Procedure for vehicle immobilization.

- A. If ~~parking officials~~ **authorized persons**, as defined in **10.10.010** ~~this Chapter~~, choose to immobilize a vehicle with a boot as allowed by **10.10.010** ~~by Chapter~~, then the on-site persons immobilizing the vehicle shall ensure that a written notice is conspicuously affixed to the vehicle.
- B. The written notice will **state** ~~inform the owner, driver, or person in charge of such vehicle that:~~
1. The vehicle has been immobilized by the City pursuant to this Chapter;
 2. Release from such immobilization may be obtained at a designated place;
 3. Unless arrangements are made for the release of such vehicle within forty-eight (48) hours, the vehicle will be towed and impounded pursuant to this Chapter; and

4. Removing or attempting to remove the immobilization device before a release is obtained is unlawful.
- C. An immobilized vehicle shall not be released by the City until the immobilization fee is paid, together with payment of all outstanding parking fines, or posting of a bond as allowed by this Chapter.
- D. If the vehicle has remained immobilized for a period of forty-eight (48) hours and a release has not been obtained, then the GFPD shall have the vehicle towed and impounded.

10.10.030 Removal of violation vehicle.

- A. The City is authorized to remove a vehicle or tow a vehicle ~~from parking spaces located in the areas listed in section 10.10.010~~ to the designated tow site when a vehicle with an immobilization device attached remains immobilized for a period of forty-eight (48) hours and a release has not been obtained.
- B. Whenever an officer removes a vehicle from a street or City parking space as authorized in this section, and the officer knows or is able to ascertain from the registration records on the vehicle the name and address of the vehicle owner, the officer shall give notice in writing to the owner of the removal, the violations, and the place where the vehicle has been relocated.
- C. If a vehicle is stored at a designated tow site, a copy of the notice shall be given to the proprietor of the tow site. The party towing the vehicle shall immediately notify the GFPD dispatcher that a vehicle has been towed from a specific location and give the dispatcher a detailed description of the vehicle and the location to which it is being towed.
- D. Whenever an officer removes a vehicle from a street under this section and does not know and is not able to ascertain the name of the owner, or for any other reason is unable to give the notice to the owner, and if the vehicle is not returned to the owner within a period of three (3) days, then the officer shall send a report of the removal to the Montana Department of Transportation Motor Vehicle Division and shall file a copy of the notice with the proprietor of the designated tow site. The notice shall include a complete description of the vehicle, the date, time, and place from which removed, the violations, and name of the tow site.
- E. The cost of towing or removing the vehicle and costs of storing the vehicle shall be chargeable against the vehicle and shall be paid by the owner of the vehicle before it is released.
- F. The taking of possession of a vehicle for violation of any parking ordinance or regulation shall not prohibit the filing of a complaint in Municipal Court for the violation(s).

10.21.020 Illegally parked vehicle notice of failure to comply.

If an alleged violator of the ~~restrictions on stopping, standing, or parking under legally authorized restriction provisions of this Title~~ does not appear in response to a notice affixed to such ~~motor~~ vehicle within the time set forth in the notice, the City shall implement the following process:

- A. The penalty for a violation of ~~this section occurring in a parking management district~~ **the parking provisions of this Title** must be paid within thirty (30) calendar days of the date of the citation. If payment is not received within that time, an administrative fee will be added to the violation. The penalties and fees will be set by Commission resolution.
- B. After thirty (30) days without payment, a statement of the amount due for the violation and the administrative fee will be sent to the address associated with the license plate in the records of vehicle registrations maintained by the appropriate licensing agency or authority.

- C. After sixty (60) days without payment, a second statement of the amount due for the violation and the administrative fee will be sent to the address associated with the license plate in the records of vehicle registrations maintained by the appropriate licensing agency or authority.
- D. After ninety (90) days without payment, a third statement that is clearly marked as a pre-collection notice of the amount due for the violation and the administrative fee will be sent to the address associated with the license plate in the records of vehicle registrations maintained by the appropriate licensing agency or authority.
- E. After one hundred twenty (120) days without payment, the amount due for the violation and the administrative fee will be referred to a collection agency. If the payment through collection efforts is not received within ten (10) months of the date of the citation, the City may request an arrest warrant and proceed with an action through the Municipal Court as provided by this Chapter.
- F. Proceedings through the Municipal Court for enforcement of this Title must be filed within one (1) year of the date of the citation.