

ORDINANCE NO. 05-2019

ORDINANCE BY THE CITY COUNCIL OF THE CITY OF HARLOWTON, MONTANA, AMENDING CHAPTER 10.08 OF THE CITY OF HARLOWTON MUNICIPAL CODES CONCERNING THE TRAFFIC AND PARKING ON CITY STREETS, TO CLARIFY AND CHANGE SECTIONS THEREIN CONCERNING PARKING AND SPEED RESTRICTIONS, TO ADD SECTIONS PREVIOUSLY INCLUDED IN CHAPTER 10.46, AND TO REPEAL SECTIONS NO LONGER NECESSARY AND REASONABLE.

RECITALS

WHEREAS, the City Council has found that the existing Municipal Codes Section 10.08.010 concerning Traffic and Parking on City Streets should be amended to change the distance between vehicle right wheels and sidewalks for parallel parking, and to add a map showing streets where diagonal parking is permitted within the City of Harlowton ; and

WHEREAS, the City Council has found that the existing Municipal Codes Section 10.08.020 concerning time-limited parking restrictions on either side of the street from the alley east to the intersection on First Street Southeast, between Central Avenue and "A" Avenue southeast between the hours of 8:00 am and 6:00 pm, should be repealed; and

WHEREAS, the City Council has found that the existing Municipal Codes Section 10.08.040 concerning parking by fire hydrants is covered by Montana statute and should be repealed; and

WHEREAS, the City Council has found that the existing Municipal Codes Section 10.08.050 concerning restrictions on parking in bus or taxi stops is no longer necessary and should be repealed; and

WHEREAS, the City Council has found that the existing Municipal Codes Section 10.08.060 concerning speed limits on Highway 12 should be revised to reflect current law; and

WHEREAS, the City Council has found that the existing Municipal Codes Section 10.08.060 concerning restrictions on truck/semi-trailer parking and unloading on city streets should be amended to reflect current issues facing the City and to clarify such restrictions; and

WHEREAS, the City Council has found that Section 10.46.020, entitled "Speed Limits on City Streets," should be removed from Chapter 10.46 and included in Chapter 10.08; and

WHEREAS, the City Council has found that Section 10.46.030, entitled "Non-Parking Zones," should be removed from Chapter 10.46 and included in Chapter 10.08; and

WHEREAS, the City Council has found that Section 10.08.140, entitled “Reporting Accidents to Police Department,” should be repealed because it is otherwise covered by state law; and

WHEREAS, the City Council has found that Sections 10.08.120 and 10.08.130 should be renumbered so as to place the section on penalties at the end of all other sections; and

WHEREAS, the City Council finds that it is in the best interest of the City of Harlowton to amend Sections 10.08.010, 10.08.020, 10.08.040, 10.08.050, 10.08.060, 10.08.070, 10.08.110, 10.08.120, 10.08.130, and 10.08.140, as provided below:

NOW, THEREFORE, BE IT ORDAINED, by the City Council, City of Harlowton, Montana, as follows:

Section 1: Action

A. The City Council proposes that Section 10.08.010, entitled “Traffic and Parking on City Streets,” should be amended to read as follows:

“No person or persons or corporation shall be allowed to stop or park any vehicle, except that the same shall be parallel with the sidewalk, on the right hand side of the street, and both right wheels next to the sidewalk shall be within 18 inches thereof, except on the west side of Central Avenue between Third Street North and Third Street South and on the east side of Central Avenue between Third Street North and First Street South, where parking shall be diagonal to the sidewalk on the right hand side of the street. A map illustrating such parking regulations is included as Appendix 1 to this ordinance.”

B. The City Council proposes that Section 10.08.020, entitled “Parking Not Allowed,” should be repealed.

C. The City Council proposes that Section 10.08.030, entitled “Parking by Corner,” should be renumbered as Section 10.08.020.

D. The City Council proposes that Section 10.08.040, entitled “Parking by Fire Hydrant,” should be repealed.

E. The City Council proposes that Section 10.08.050, entitled “Illegal to Park in Bus or Taxi Stop,” should be repealed.

F. The City Council proposes that Section 10.08.060, entitled “Speed Limits,” should be renumbered as Section 10.08.030, and should be amended to read as follows:

“Speed limits on city streets within the corporate limits of the City of Harlowton, Montana shall be twenty (20) miles per hour, except as established for school zones and other areas designated lower by order of the city council. Any area with a speed limit lower than twenty (20) miles per hour shall be appropriately marked and signed.

"The speed limit on all of U. S. Highway 12 within the City of Harlowton, Montana, shall be twenty five (25) miles per hour, including the area designated as a "SCHOOL ZONE" lying between C Avenue Northeast and Lewistown Avenue, as negotiated between the City of Harlowton and the Montana Department of Highways."

G. The City Council proposes that prior Section 10.46.030, entitled "Non-Parking Zones," should be renumbered as Section 10.08.040, and amended to read as follows:

"Any non-parking zones on U. S. Highway 12 within the corporate limits of the City of Harlowton, Montana and all non-parking zones on city streets as hereinafter provided shall be marked plainly by yellow painting on the curb-way. All non-parking zones on city streets may be so restricted by appropriate resolution of the city council. There are two established NO PARKING zones: (1) on the south side of East Division Street from Lots 11 and 12 in Block 23 extending west to the northeast corner of Lot 15 in Block 24 of the *Graves Second Addition to the City of Harlowton, Wheatland County, Montana*; and (2) on the west side of B Avenue NE in front of Lot 12 of Block 8 of the *Van Cleve Addition to the City of Harlowton, Wheatland County, Montana*. The two established NO PARKING zones shall be subject to the following:

1. Parking shall be restricted to one half hour before the morning school hours until one half hour after school closing.
2. School buses shall be allowed to park in the NO PARKING zones at any time for the purpose of loading and unloading.
3. There shall be designated within said NO PARKING zones, areas to be plainly marked "loading and unloading" to be used for school-related commercial vehicles and school lunch vehicles not to exceed one (1) hour."

H. The City Council proposes that Section 10.08.070, entitled "Parking with Trailer of Truck of One Ton," should be renumbered as Section 10.08.050, retitled as "Parking of Semi-Tractor and Trailers, and amended to read as follows:

"It is unlawful for any operator to stop, stand or park any vehicle so as to hinder the free movement of vehicle traffic, except that this code section shall not apply to the operator of a vehicle stopped temporarily during the actual loading or unloading of passengers, freight, or mail.

It is unlawful for any operator to park a semi-trailer on a residential street, except that this code section shall not apply to the operator of a semi-tractor and trailer stopped during the actual loading and unloading of freight or mail."

I. The City Council proposes that Section 10.08.080, entitled "Making a U Turn," should be renumbered as Section 10.08.060, with no changes.

J. The City Council proposes that Section 10.08.110, entitled "Nothing to Prohibit Officers from Proceeding at Rates of Speed as Necessary," should be renumbered as Section 10.08.070, and amended to read as follows:

"Nothing in this ordinance shall be construed to prohibit city employees operating city vehicles and law enforcement officers for the City of Harlowton from proceeding at such rate of speed as may be necessary for the proper discharge of their respective duties, nor shall anything herein be construed to prohibit the enforcement of any state law."

K. The City Council proposes that Section 10.08.130, entitled "Unlawful to Park as to Block Driveways," should be renumbered as Section 10.08.080.

L. The City Council proposes that Section 10.08.120, entitled "Penalty," should be renumbered as Section 10.08.110, and should be amended to read as follows:

"Any person, persons, or corporation violating any of the provisions of this ordinance shall, upon conviction thereof, shall be punished by a fine of not less than fifty dollars (\$50) nor more than three hundred dollars (\$300), or by imprisonment in the county jail for a period of not more than fifty (50) days, or both."

Section 2: Repealer

All resolutions, ordinances and sections of the City of Harlowton Municipal Code in conflict herewith are hereby repealed.

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 provision or application and, to this end, the provision of this ordinance is declared to be severable.

Section 4: Effective Date

The First Reading of this ordinance occurred on, and is reflected in the minutes of the City Council dated August 27, 2019.

This ordinance shall be in full force and effect 30 days after passage of the Second Reading.

PASSED AND ADOPTED, ON THIS SECOND READING, by the City Council of the City of Harlowton this 24th day of September, 2019.

Charles Bennett
Councilperson

X
Yes No Absent

Jim Kahlowski
Councilperson

X
Yes No Absent

John H. Anderson
Councilperson

X
Yes No Absent

Fred Walker
Councilperson

X
Yes No Absent

Robert O. Howard
Councilperson

X
Yes No Absent

Ronald Teig Jr
Councilperson

X
Yes No Absent

Approved:

Paul Otte
Paul Otten, Mayor

Approved as to Form and Content

Karen Finstad Hammel
Karen Finstad Hammel, City Attorney

ATTEST:

Kathie Newland
Kathie Newland, City Clerk

ANGLE PARKING

Locations that angle parking are allowed are marked in red.

