

ORDINANCE NO. 2021-01

ORDINANCE BY THE CITY COUNCIL OF THE CITY OF HARLOWTON, MONTANA, ESTABLISHING A NEW CHAPTER 4 OF THE CITY OF HARLOWTON MUNICIPAL CODES ENACTING LIMITATIONS ON OVERNIGHT STAYS IN CHIEF JOSEPH PARK, AND ESTABLISHING MONETARY PENALTIES FOR OVERNIGHT STAYS LONGER THAN 14 DAYS.

RECITALS

WHEREAS, the City Council has found that there are no existing Municipal Codes Sections concerning time limitations on overnight stays in Chief Joseph Park within the city limits of the City of Harlowton; and

WHEREAS, the City Council has found that it is in the public interest of the residents of the City of Harlowton that overnight stays in the RV park sections or tent camping sections or overflow sections of Chief Joseph Park not be indefinite and that a 14-day limit on the length of stay in such sections; and

WHEREAS, the City Council has found that the public interest is best served if tents, campers and other recreational vehicles, and any other vehicle used to facilitate overnight stays in Chief Joseph Park, be required to leave the space where parked, and to absent the park for at least one full day (including the hours from 12:00 a.m. through 11:59 p.m); and

WHEREAS, the City Council has found that violations of the new limit on overnight stays in Chief Joseph Park should be enforced by a \$100.00 penalty for the first day of violation and a \$100.00 penalty for each additional day that such violation continues; and

WHEREAS, the City Council has found that a violation of the 14-day limitation that continues more than one week (seven days) should be subject to removal by the Wheatland County Sheriff's Office; and

WHEREAS, the City Council has found that it is in the best interests of the City of Harlowton to amend the existing Municipal Codes to include a new Chapter 1 of new Title 4, Parks and Recreation, which will include the sections addressed in this resolution as specifically detailed 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 Title 4, entitled “Parks and Recreation” should be enacted to read as follows:

Title 4

PARKS AND RECREATION

- B. The City Council proposes that the title of Chapter 1 of Title 4, should read as follows:

4.01. Overnight Stays in Chief Joseph Park.

- C. The City Council proposes that Section 4.01.010, entitled “Overnight Parking in Sections of Chief Joseph Park.” should be enacted and should read as follows:

“Parking or camping in the RV park sections, tent camping sections, and overflow sections of Chief Joseph Park in the City of Harlowton is permitted by persons or corporations in slots or areas as indicated by signage in Chief Joseph Park.”

- D. The City Council proposes that Section 4.01.020, entitled “Limits on Overnight Parking in Sections of Chief Joseph Park,” should be enacted to read as follows:

“No person or persons or corporation shall be allowed to park any vehicle, camper or recreational vehicle, or tent in the RV park sections, tent camping sections, or overflow sections of Chief Joseph Park in the City of Harlowton for more than 14 consecutive days. After 14 days have passed, such vehicle, camper or recreational vehicle, or tent shall not be allowed to park in any of the designated overnight parking spaces unless such vehicle, camper or recreational vehicle, or tent be removed from Chief Joseph Park for a period



of at least one full day, including the 24 hours from 12:00 a.m. through 11:59 p.m.”

E. The City Council proposes that Section 4.01.030, entitled “Penalties for Violations of Limits on Parking in Chief Joseph Park” should be enacted to read as follows:

“Any person, persons, or corporation violating any of the provisions of this ordinance, upon conviction thereof, shall be punished by a fine of one hundred dollars (\$100) for the first day and one hundred dollars (\$100) for each day such violation continues, or by imprisonment in the county jail for a period of not more than fifty (50) days, or both. Any such violation which continues for more than seven consecutive days is subject to removal by the Wheatland County Sheriff’s Office, after which payment of all fines and charges for removal must be paid in order to reclaim possession of property removed by the Wheatland County Sheriff’s Office.”

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 January 12, 2021.

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 26th day of January, 2021.

Allison Jones
Councilperson

X
Yes No Absent

James R. Kalitowski
Councilperson

X
Yes No Absent

Jack R. Sumner
Councilperson

X
Yes No Absent

[Signature]
Councilperson

X
Yes No Absent

[Signature]
Councilperson

X
Yes No Absent

Ron Teig
Councilperson

X
Yes No Absent

Approved:

Paul Otten
Paul Otten, Mayor

Approved as to Form and Content

[Signature]
Karen Finstad Hammel, City Attorney

ATTEST:

Lara E. Brisco
Lara Brisco, City Clerk

