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ORDINANCE NO. 767

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS, MONTANA, AMENDING CHAPTER 10.57 STOPPING, STANDING AND PARKING, OF THE COLUMBIA FALLS MUNICIPAL CODE.

WHEREAS, the City Council desires to amend Chapter 10.57 Stopping, Standing and Parking, of the Columbia Falls Municipal Code; and

WHEREAS, a hearing on said text amendments was held by the City Council of the City of Columbia Falls, Montana, at its regular meeting on Monday, June 5, 2017, after said hearing was advertised according to law; and at said hearing on said date, the City Council considered any and all comments filed or voiced with respect to said changes; and

WHEREAS, the City Council has determined that said amendments to the Columbia Falls Municipal Code are in the best interests of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS, MONTANA AS FOLLOWS:

Section One. Section Amended: Chapter 10.57 Stopping, Standing and Parking, of the Columbia Falls Municipal Code is hereby amended as more particularly set forth on Exhibit "A" attached hereto.

Section Two. Remaining Provisions Intact: The remaining provisions of the Columbia Falls Municipal Code, not specifically amended hereby, are continued in full force and effect.

Section Three. Inconsistent Provisions: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section Four. Severability: The provisions of this Ordinance are severable. If any provision of this Ordinance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision.

Section Five. Effective Date: This Ordinance shall become effective thirty (30) days after its final passage and approval by the City Council of the City of Columbia Falls, Montana.

PASSED AND APPROVED BY THE CITY COUNCIL OF COLUMBIA FALLS, MONTANA THIS 7TH DAY OF AUGUST, 2017, THE COUNCIL VOTING AS FOLLOWS:

AYES: Fisher, Lovering, Petersen, Piper, Shepard and Barnhart

NOES: None

ABSENT: Karper

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City Clerk

APPROVED BY THE MAYOR OF COLUMBIA FALLS, MONTANA, THIS 7th DAY OF AUGUST, 2017.

Mayor

ATTEST:

City Clerk

I, Barb Staaland, City Clerk of Columbia Falls, do hereby certify that on the 7th day of August, 2017, I posted a copy of the foregoing ordinance in my office, and that the same remained posted for a period of five days thereafter, and that the foregoing record is a true copy of the Ordinance as passed by the Council.

Witness my hand and seal this 7th day of August, 2017.

City Clerk

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EXHIBIT A

Chapter 10.57 Stopping, Standing and Parking

Article II Prohibited in Specified Places

10.57.060 Where prohibited--No signs required. (Underlined language – new/corrected)

A. 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. On a sidewalk or bikepath;
2. Within three (3) feet of or in front of a public or private driveway;
3. Within an intersection;
4. Within fifteen feet of a fire hydrant;
5. On a crosswalk;
6. Within twenty feet of a crosswalk at an intersection;
7. Within thirty feet upon the approach to any flashing beacon, stop sign, or traffic-control signal located at the side of a roadway;
8. Between a safety zone and the adjacent curb or within thirty feet of points on the curb immediately opposite the ends of a safety zone, unless the city traffic engineer has indicated a different length by signs or markings;
9. Within fifty feet of the nearest rail of a railroad crossing;
10. Within twenty feet of the driveway entrance to any fire station and on the side of the street opposite the entrance to any fire station within seventy-five feet of such entrance;
11. Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
12. On a roadway side of any vehicle stopped or parked at the edge or curb of a street;
13. Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
14. At any place where official signs prohibit stopping;
15. On any front or side yard unless hard packed gravel, asphalt or cement driveways and parking spaces are provided.

B. No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful. (Ord. 210 § 120, 1957)

C. Leaving Trailers, Motor Homes, Campers On Streets: It is unlawful for any person to store or leave upon the streets any Trailers, Motor Homes, Campers on the street for indefinite periods of time; it is the intent hereof that no Trailers, Motor Homes, Campers shall be parked or left on such streets unless it is in constant and current use. Any Trailers, Motor Homes, Campers not used at least once every forty-eight (48) hours or parked in a location for current use shall be deemed to be stored in violation hereof. The owner of such a vehicle shall be responsible for a violation hereof as well as the person so leaving it.

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10.57.090 Parking prohibited for certain purposes.

No person shall park a vehicle upon any roadway for the principal purpose of:

- A. Displaying such vehicle for sale;
- B. Washing, greasing, or repairing such vehicle except repairs necessitated by an emergency.

C. Storing any such vehicle or motor vehicle not then in transit or actual use and service.

Add: 10.57.143 PARKING TRUCKS, TRUCK-TRACTOR, CAMPERS, TRAILERS AND BOATS

No person shall stand or park any truck, truck-tractor, camper, trailer, semi-trailer or boat on any street for any purpose or period of time other than for the expeditious loading or unloading of such vehicles.

10.06.010 Definitions.

1. The following words and phrases when used in this Title shall for the purpose of this title have the meanings respectively ascribed to them in this section.
2. Whenever any words and phrases used herein are not defined herein but are defined in the state laws regulating the operation of vehicles, any such definition therein shall be deemed to apply to such words and phrases used herein.
3. "Alley" means any public way, twenty feet or less in width, for use by vehicles.
4. "Authorized emergency vehicle" means vehicles of the fire department (fire patrol) , police vehicles, and such ambulances and emergency vehicles of municipal departments or public service corporations as are designated or authorized by the commissioner of motor vehicles or the chief of police of the city.
5. "Bicycle" means:
 - a. Every vehicle propelled solely by human power upon which any person may ride, having two tandem wheels and a seat height of more than twenty-five inches from the ground when the seat is raised to its highest position, position, except scooters and similar devices; or
 - b. Every vehicle equipped with two or three wheels, foot pedals to permit muscular propulsion and an independent power source providing a maximum of two brake horsepower. If a combustion engine is used, the maximum piston or rotor displacement may not exceed 3.05 cubic inches (fifty centimeters) regardless of the number of chambers in the power source. The power source must not be capable of propelling the device, unassisted, at a speed exceeding thirty miles per hour (48.28 kilometers per hour) on a level surface. The device must be equipped with a power drive system that functions directly or automatically only and does not require clutching or shifting by the operator after the drive system is engaged.
6. "Business district" means the territory contiguous to and including a highway when within any six hundred feet along such highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks or office buildings, railroad stations, and public buildings which occupy at least three hundred feet of frontage on one side or three hundred feet collectively on both sides of the highway.
7. "Commercial vehicle" means every vehicle designed, maintained, or used primarily for the transportation of property.
8. "Controlled-access highway" means every highway, street, or roadway in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access to or from the same, except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street, or roadway.
9. "Crosswalk" shall have the meanings set out as follows:
 - a. That part of a roadway at an intersection included within the connections of the lateral lines of the

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sidewalks on opposite sides of the highway measured from the curbs, or in the absence of curbs from the edges of the traversable roadway;

b. Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

10. "Curb loading zone" means a space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

11. "Driver" means every person who drives or is in actual physical control of a vehicle.

12. "Freight curb loading zone" means a space adjacent to a curb for the exclusive use of vehicles during the loading or unloading of freight or passengers.

13. "Intersection" shall have the meanings set out as follows:

a. The area embraced within the prolongation or connection of the lateral curb lines, or if none, then the lateral boundary lines of the roadways of the two highways which join one another at or approximately at right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

b. Where a highway includes two roadways thirty feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways thirty feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection.

14. "Laned roadway" means a roadway which is divided into two or more clearly marked lanes for vehicular traffic.

15. "Motorcycle" means every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.

16. "Motor vehicles" means every vehicle which is self-propelled and every vehicle which is propelled by electric

power obtained from overhead trolley wires, but not operated upon rails.

17. Official Time Standard. Whenever certain hours are named herein they shall mean standard time or daylight saving time as may be in current use in the city.

18. "Official traffic-control devices" means all signs, signals, markings, and devices not inconsistent with this title placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.

19. "Park," when prohibited, means the standing of a vehicle whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading.

20. "Passenger curb loading zone" means a place adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.

21. "Pedestrian" means any person afoot.

22. "Person" means every natural person, firm, copartnership, association, or corporation.

23. "Police officer" means every officer of the municipal police department or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

24. "Private road or driveway" means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

25. "Railroad" means a carrier of persons or property upon cars, other than streetcars, operated upon stationary rails.

26. "Railroad train" means a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except streetcars.

27. "Residence district" means the territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of three hundred feet or more in the main improved with residences or residences and buildings in use of business.

28. "Right-of-way" means the privilege of the immediate use of the roadway.

29. "Roadway" means that portion of a street or highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively.

30. "Safety zone" means the area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

31. "Sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway, and

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the adjacent property lines intended for the use of pedestrians.

32. "Stop," when required, means complete cessation of movement.

33. "Stop, stopping, or standing," when prohibited, means any stopping or standing of a vehicle whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.

34. "Street" or "highway" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

35. "Streetcar" means a car other than a railroad train for transporting person or property and operated upon rails principally within a municipality.

36. "Traffic" means pedestrians, ridden or herded animals, vehicles, streetcars, and other conveyances either singly or together while using any street for purposes of travel.

37. "Traffic-control signal" means any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and to proceed.

38. "Traffic division" means the traffic division of the police department of the city, or in the event a traffic division is not established, the said term whenever used herein shall be deemed to refer to the police department of the city.

39. "Through highway" means every street or highway or portion thereof at the entrances to which vehicular traffic from intersecting streets or highways is required by law to stop before entering or crossing the same and when stop signs are erected as provided in this title.

40. "Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks. (Ord. 474 § 8, 1986; Ord. 210 § (1)--(17), 1957)