

ORDINANCE NO. 2022-03

AN ORDINANCE AMENDING HARDIN CITY CODE REGARDING PARKING ENFORCEMENT AND PENALTIES

WHEREAS, the City of Hardin desires to modify and change the City Code of Hardin, Montana to in order to enforce parking regulations in the City of Hardin, Montana;

WHEREAS, the City of Hardin has the authority to regulate parking in the City of Hardin, per Mont. Code Ann. § 61-12-101 (2021);

WHEREAS, the City of Hardin now has a police department, and needs to amend the parking regulations to reflect that change;

WHEREAS, the City of Hardin wishes to establish parking fines, and to establish jurisdiction for Hardin City Court to impose such fines.

WHEREAS, the City of Hardin desires that the Code Enforcement Officer no longer issue civil citations for parking violations.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF HARDIN, MONTANA, Title 10, Chapter 3, is amended as follows:

1. Section 10-3-2(G) shall be amended by striking the second paragraph of this section, as follows:
~~Any person violating this subsection is subject of a civil fine of one hundred dollars (\$100) per offense, or the criminal provisions of state law. Any person with five (5) or more unpaid civil citations for violations of this subsection is subject to the criminal provisions of Section 10-3-8(B). (Ord 2019-07, 12-3-2019)~~
2. Section 10-3-7(B) shall be amended by striking all the language within subsection (B) in its entirety and replacing it with the following:
 1. A violation of parking regulations under this chapter shall be enforced by the Hardin Police Department.
 2. When Complaint is to be Issued: In the event a registered owner of a motor vehicle or trailer fails to comply with parking regulations of this chapter in the City of Hardin, an officer of the Hardin Police Department may file a complaint in the Hardin City Court naming the registered owner, last known registered owner, or a person in possession or control of the vehicle if such person can be immediately located, as the defendant. The citation shall direct the registered owner, last known registered owner, or known

violating person, to appear in Hardin City Court for an initial appearance and arraignment on the complaint, or to submit payment for bond forfeiture. A complaint in Hardin City Court does not prohibit vehicle impoundment as outlined in this chapter. An appearance date in Hardin City Court for a parking violation must not be any sooner than 7 days from the date of the violation.

3. Bond Forfeiture. A person named as a defendant in a complaint into Hardin City Court for a parking violation is entitled to post bond, and forfeit said bond in lieu of appearance in Hardin City Court, so long as the bond is posted prior to the appearance date, or by a date approved by Hardin City Court.

3. Section 10-3-8 shall be amended by striking all of subsections A and B and inserting as follows:

10-3-8: PENALTIES:

- A. The following fines for a violation of this chapter shall be as imposed as follows:

1. Parking Violations, generally: \$20.00
2. Unlawful handicap parking, 10-3-2(G): \$100.00
3. Parking in fire lane or in front of fire hydrant: \$100.00

- B. Surcharges. There shall be a surcharge of \$10 for each parking violation, upon conviction. The surcharges of Section 1-8-3 of this Code shall not apply to parking violations.

- C. CRIMINAL PENALTY: It shall be a criminal misdemeanor to have three (3) or more unpaid parking complaints for parking violations, or three (3) or more complaints into Hardin City Court for parking violations upon which the person has failed to appear in Hardin City Court. A person found guilty of a violation of this section shall be subject to a fine of not more than five hundred dollars (\$500.00), and imprisonment of up to six (6) months in the county jail. A complaint is not considered unpaid if the person has appeared in Hardin City Court, pleaded not guilty and is awaiting trial. The surcharges of Section 1-8-3 shall apply to a violation of this subsection.

DATE OF EFFECT.

The amendment to this ordinance shall take effect and be in force thirty (30) days from the date of its second reading and passage by the City Council as required by law.

FIRST READING AND PASSAGE By a majority vote of the members present this 3rd day of May, 2022.

YEAS 5

NAYS 0



Joe Ruessell

Mayor

ATTEST:

Andrew Lehr

City Clerk

POSTED AND MADE AVAILABLE TO THE PUBLIC this 5th day of May, 2022.

Andrew Lehr

City Clerk

SECOND READING AND PASSAGE By a majority vote of the members present this 17th day of may, 2022.

YEAS 5

NAYS 0



acting
James Paul

Mayor

ATTEST:

Andrew Lehr

City Clerk