

ORDINANCE NO. 2024-02

AN ORDINANCE AMENDING HARDIN CITY CODE TO CHANGE DEFINITIONS OF DRIVEWAYS AND TO REGULATE PARKING ON DRIVEWAYS AND BOULEVARDS

WHEREAS, the City Council (hereinafter "Council") of the City of Hardin (hereinafter "City") desires to modify and change the City Code of Hardin, Montana to further define Driveways, and to regulate parking on Driveways and Boulevards;

WHEREAS, the Council desires to add regulations for new construction, to create specific sizes for driveways and streets.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF HARDIN, MONTANA, Title 9, Chapter 6, Sections 2, 6, and 10 are amended with the addition of language (underlined) and removal of language (strikethrough), as follows:

9-6-2: DEFINITIONS:

For the purpose of this chapter, the following definitions shall apply:

ALLEY: A narrow public thoroughfare providing access to the rears of the abutting properties.

BOULEVARD: That portion of the street right of way lying between the property line and the back of the closest curb.

CURB CUT: The total street curbing that is removed to place a driveway and slopes.

CURB RETURN: The curved portion of a street curb at driveway approaches.

DRIVEWAY: That area on private property where vehicles are operated, parked, or allowed to stand. A driveway must be constructed of asphalt, concrete, or gravel (1 inch minus road mix), a minimum of four inches (4") thick and must connect to a street or alley. A driveway must be fully covered with these approved materials. A driveway may not be dirt, soil, sand, sediment, grass, pit run, rocks larger than one inch (1") in diameter, or a combination thereof. A driveway must be a minimum of twelve feet (12') wide, and no wider than thirty feet (30').

DRIVEWAY APRON: The area, construction or improvement between the curb cut or proposed curb line and the back edge of the walk or proposed walk line, to

provide ingress and egress for vehicles from the alley, street, or roadway to a definite area of the private property.

DRIVEWAY WIDTH: That portion of the street curbing that is removed, excluding curb returns or transitions, to provide ingress to and egress from abutting property.

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

PARKING: The presence of a vehicle on ~~the boulevard~~ a street or driveway. Parking is not allowed on grass, dirt, or any other part of private property that does not meet the definition of a driveway. Parking in alleys is prohibited.

PERSON: Every natural person, firm, copartnership, association or corporation.

RIGHT OF WAY: Public property dedicated for streets, alleys or other public uses.

ROADWAY: That portion of a street improved, designed, and customarily used for vehicular travel, exclusive of the berm or shoulder.

SIDEWALK: That portion of a street between curb lines or the outer lateral lines of a roadway, and the adjacent property lines, intended for use of pedestrians.

STREET: The entire width between the boundary lines of the right of way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

TRAFFIC: Pedestrians, vehicles, and other conveyances, either singly or together, while using any street, alley or roadway for purposes of travel.

TRANSITIONS: The three foot (3') ramp sections along the street curb on each side of a driveway apron.

VEHICLE: Any motorcycle, car, truck, trailer, boat, etc. which requires a license to be operated within or on a public right of way. (1984 Code)

9-6-6: ALLOWABLE CURB CUT LENGTHS:

A. In single-family residential zoned districts, the maximum driveway width shall be ~~twenty-four feet (24')~~ thirty feet (30') and shall be located in accordance with City specifications or drawings.

B. In any multi-family and professional zoned districts, the maximum driveway width shall not exceed ~~twenty four feet (24')~~ thirty feet (30') and shall be located in accordance with City specifications or drawings. The minimum distance between curb cuts shall be twenty five feet (25').

C. In any commercial and industrial zoned districts, the maximum driveway width shall be forty feet (40'), when approved by City Council, and shall be located in accordance with City specifications and drawings. The minimum distance between curb cuts shall be twenty five feet (25').

D. In any allowable location, no driveway width shall be less than twelve feet (12') wide.

E. Frontages of sixty feet (60') or less shall be limited to one driveway. Not more than two (2) driveways shall be provided to any single property tract or business establishment, except where the property frontage exceeds six hundred feet (600'), there may be one additional driveway for each additional three hundred feet (300') of frontage.

9-6-10: DEVIATION:

Permission to deviate from the requirements and regulations of this Chapter shall be granted by the City Council only where unusual conditions or strict adherence to this Chapter would cause undue and extreme hardship.

A. If any one or more sections, sentences, clauses or parts of this Chapter shall, for any reason, be questioned or be held invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this Chapter, but shall be confined in its operation to the specific sections, sentences, clauses, or parts of this Chapter so held unconstitutional and invalid and the inapplicability and invalidity of any section, sentence, clause or part of this Chapter, in any one or more instances shall not affect or prejudice in any way the applicability and validity of this Chapter in any other instance.

B. Any person violating any provision of this Chapter may be charged with a misdemeanor, which shall be punishable as provided in section 3-11-102, M.C.A., 1983. Every day of such violation shall constitute a separate offense. (1984 Code)

B. The following standard drawing shall be considered a part of this Chapter.

WIDTHS OF DRIVEWAYS

Residential and Professional Zones	12' Minimum - 24 <u>30</u> ' Maximum
Commercial and Industrial Zones	12' Minimum - 40' Maximum

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 6th day of February, 2024.

YEAS 6

NAYS 0

Joe Ruess
Mayor

ATTEST:

Andrew Lehn
City Clerk



POSTED AND MADE AVAILABLE TO THE PUBLIC this 7th day of February, 2024.

Andrew Lehn
City Clerk

SECOND READING AND PASSAGE By a majority vote of the members present this 20th day of February, 2024.

YEAS 5

NAYS 0

Joe Ruess
Mayor

ATTEST:

Andrew Lehn
City Clerk

