

ORDINANCE NO. 2022-11

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 wishes to change parking tickets from a criminal matter to a civil matter to be handled outside of Hardin City Court; and

WHEREAS, the City of Hardin wishes to amend parking fines and to establish a means to collect those fines and to enforce non-payment of fines.

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 10-3-7(B) shall be amended by striking certain language within the subsection and inserting other language as follows:

B. Civil Infractions; Citations:

1. A violation of parking regulations under the Hardin City Code this chapter shall be enforced by the Hardin Police Department. A parking citation issued by a Hardin Police Officer is a civil infraction unless a criminal complaint is filed in Hardin City Court. The issuance of a civil parking citation does not prohibit the enforcement of parking violations by criminal action in Hardin City Court pursuant to the Hardin City Code, or the Montana Code Annotated.
2. When Citation ~~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, or any other applicable Title and chapter, in the City of Hardin, an officer of the Hardin Police Department may issue a civil parking citation to 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 in possession of the vehicle, to appear in Hardin City Court for an initial appearance

~~and arraignment on the complaint, or to submit payment of the civil fine to the Hardin Police Department within 10 days of receiving the parking citation for bond forfeiture. A parking citation 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. Appeal Process: A person in receipt of a civil parking citation may appeal the citation to the supervising officer of the officer that issued the civil parking citation, or the Chief of Police if a supervising officer is not available. The decision of the supervising officer, or the Chief of Police if a supervising officer is not available, is final and there is no further appeal process. An appeal must be made within 10 days of the citation, or the offender waives the right to an appeal. The supervising officer or the Chief of Police may extend the deadline for an appeal for good cause.

~~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.~~

2. Section 10-3-8 shall be amended by striking certain language within the section and inserting other language as follows:

10-3-8: **PENALTIES:**

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

1. Parking Violations, generally: \$20.00-30.00
2. Unlawful handicap parking, 10-3-2(G): \$50.00-100.00
3. Parking in fire lane or in front of fire hydrant: \$50.00-100.00

Civil fines collected by the Hardin Police Department shall be documented by the Hardin Police Department, and the Chief of Police shall report the civil fine collections to the City Finance Officer at least quarterly. Seventy-five percent (75%) of the fines collected shall be assigned to the Hardin Police Department, and twenty-five percent (25%) of the fines shall go to the General Fund.

- B. Surcharges. ~~There shall be a surcharge of \$30 for each parking violation, upon conviction.~~ The surcharges of Section 1-8-3 of this Code shall not apply to parking violations for which a civil fine is collected.

C. CRIMINAL PENALTY: It shall be a criminal misdemeanor to have three (3) or more unpaid parking citations issued by the Hardin Police Department 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.

In addition to the \$500 fine, the Hardin City Court shall have the authority to direct the payment of civil fines to the Hardin Police Department as in subsection A, above. The Hardin City Court is not authorized to hear contestations of the parking citations themselves, and is authorized only to adjudicate a complaint filed for the failure to pay civil fines. A complaint is not considered unpaid if the person has appeared in Hardin City Court, pleaded not guilty and is awaiting trial. The Hardin City Court may, at its discretion, dismiss any criminal complaint for failure to pay civil parking citations upon proof that the defendant has paid all outstanding civil parking fines to the Hardin Police Department. 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 16th day of August, 2022.

YEAS 5

NAYS 0



Joe Ruess
Mayor

ATTEST:

Andrew Lehn
City Clerk

POSTED AND MADE AVAILABLE TO THE PUBLIC this 18th day of August, 2022.

Andrew Leh
City Clerk

SECOND READING AND PASSAGE By a majority vote of the members present this 6th day of September, 2022.

YEAS 5 NAYS 0

Joe Ruess
Mayor



ATTEST:

Andrew Leh
City Clerk

