

RESOLUTION NO. 90-064

A RESOLUTION CREATING A RESIDENTIAL ON-STREET PARKING PERMIT
REGULATION PROGRAM IN THE MACLAY BRIDGE AREA

WHEREAS, the Board of County Commissioners of Missoula County is authorized, pursuant to Section 7-14-2106 M.C.A., to establish parking regulations by resolution for the purpose of regulating the parking of motor vehicles in unincorporated towns and villages; and

WHEREAS, Section 61-12-101 M.C.A. provides that local authorities may regulate, within the reasonable exercise of police power, the standing or parking of vehicles on streets or highways under their jurisdiction; and

WHEREAS, the Board of County Commissioners has received a petition from residents living in the MacLay Bridge area requesting the establishment of a residential on-street parking permit regulation program; and

WHEREAS, the Board of County Commissioners of Missoula County, Montana, has determined after a Public Hearing on July 18, 1990, and public input that:

1. The area proposed for the parking permit regulation program, as outlined in the attached Exhibit "A", is predominantly residential in character;
2. The streets in the area near MacLay Bridge are regularly congested with vehicles parked by persons not residing in the area;
3. In order to better provide adequate motor vehicle parking for residents of the area, it is necessary to establish an area limiting the parking of vehicles along the public streets in the residential area to vehicles registered or controlled and exclusively used by persons residing in the residential area; and

WHEREAS, the Board of County Commissioners has deemed it a necessity to immediately address the problems of littering, noise and disruptive behavior through the adoption of a resolution creating a residential on-street parking permit regulation program in the MacLay Bridge area;

NOW, THEREFORE, BE IT RESOLVED that effective August 1, 1990, this Resolution shall be in full force and effect in Missoula County (7- 5-123, M.C.A.).

SECTION 1: LIMITATIONS ON PARKING.

- A. It shall be unlawful for any person to stop, stand or park a vehicle on any street included in the MacLay Bridge On-Street Parking Permit Regulation Program, as identified in Exhibit "A" of this resolution adopted by the Board of County Commissioners, during the months and hours set forth in this resolution except in the following circumstances:
1. Those vehicles displaying a valid residential parking permit for the area.
 2. An emergency vehicle, including but not limit to an ambulance, fire engine or other law enforcement vehicle.
 3. A clearly marked business vehicle which is under the control of a person providing a service to persons or

property located in the designated residential permit only parking area, including but not limited to a delivery vehicle.

- B. The months and hours during which the area is designated a residential permit only parking area shall be June 1st through September 30th during the hours of 3:00 p.m. to 6:00 a.m.
- C. Anyone violating this section shall be subject to a fine of not less than twenty dollars (\$20.00) and not more than forty dollars (\$40.00) per ticket. Each day an offense exists constitutes a separate offense. Imprisonment may not be a part of any penalty imposed for a violation of this part.

SECTION 2: RESIDENTIAL PARKING PERMIT APPLICATION PROCEDURE.

Applications for residential parking permits shall be submitted to the Missoula Parking Commission on a form prescribed by the Missoula Parking Commission and shall be accompanied by proof in a form satisfactory to the Missoula Parking Commission of the applicant's place of residence within the residential parking permit only area, as well as proof of registration or use and control of each vehicle for which a residential parking permit is sought. Each application shall be accompanied by the appropriate fee of seven dollars (\$7.00). No part of the parking permit fee shall be refundable. This fee is established at a level that covers the cost of administration and enforcement of the residential parking permit only regulations in the residential area.

SECTION 3: RESIDENTIAL PARKING PERMIT FORM AND ISSUANCE.

- A. Upon approval by the Missoula Parking Commission of the application of any person residing in a residential parking permit only area, a residential parking permit shall be issued for each vehicle receiving approval. Approved residences may also purchase packets of fifteen (15) guest parking permits for a fee of five dollars (\$5.00).
- B. Each residential parking permit issued by the Missoula Parking Commission for a vehicle shall set forth the date of issuance and license number of the vehicles for which it is issued. Annual permits shall be required. A permit shall be valid for no longer than the permit year of issuance. The issuance of a residential parking permit does not serve as a guarantee that there will always be a parking space available for the permit holder on the public streets within the designated residential parking permit area.

SECTION 4: DISPLAY OF RESIDENTIAL PARKING PERMITS REQUIRED.

Residential parking permits shall be displayed on a vehicle in the place and in the manner prescribed by the Missoula Parking Commission. It is unlawful to either fail to display or improperly display a residential parking permit, or to attempt to use a residential parking permit from another area in a designated residential area. Anyone violating this section shall be subject to a minimum fine of twenty dollars (\$20.00) and a maximum fine of forty dollars (\$40.00). Each day an offense exists constitutes a separate offense. Imprisonment may not be a part of any penalty imposed for a violation of this section.

SECTION 5: SEVERABILITY.

If any section, subsection, sentence, clause, phrase or work of this resolution is for any reason held to be invalid or

unconstitutional, such decision shall not affect the validity of the remaining portions of this resolution.

DATED this 18th day of July, 1990.

BOARD OF COUNTY COMMISSIONERS

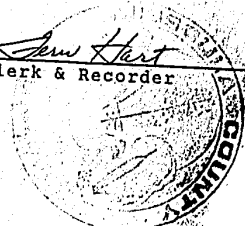
Janet Stevens
Janet Stevens, Chairman

Barbara Evans
Barbara Evans, Commissioner

Ann Mary Dussault
Ann Mary Dussault, Commissioner

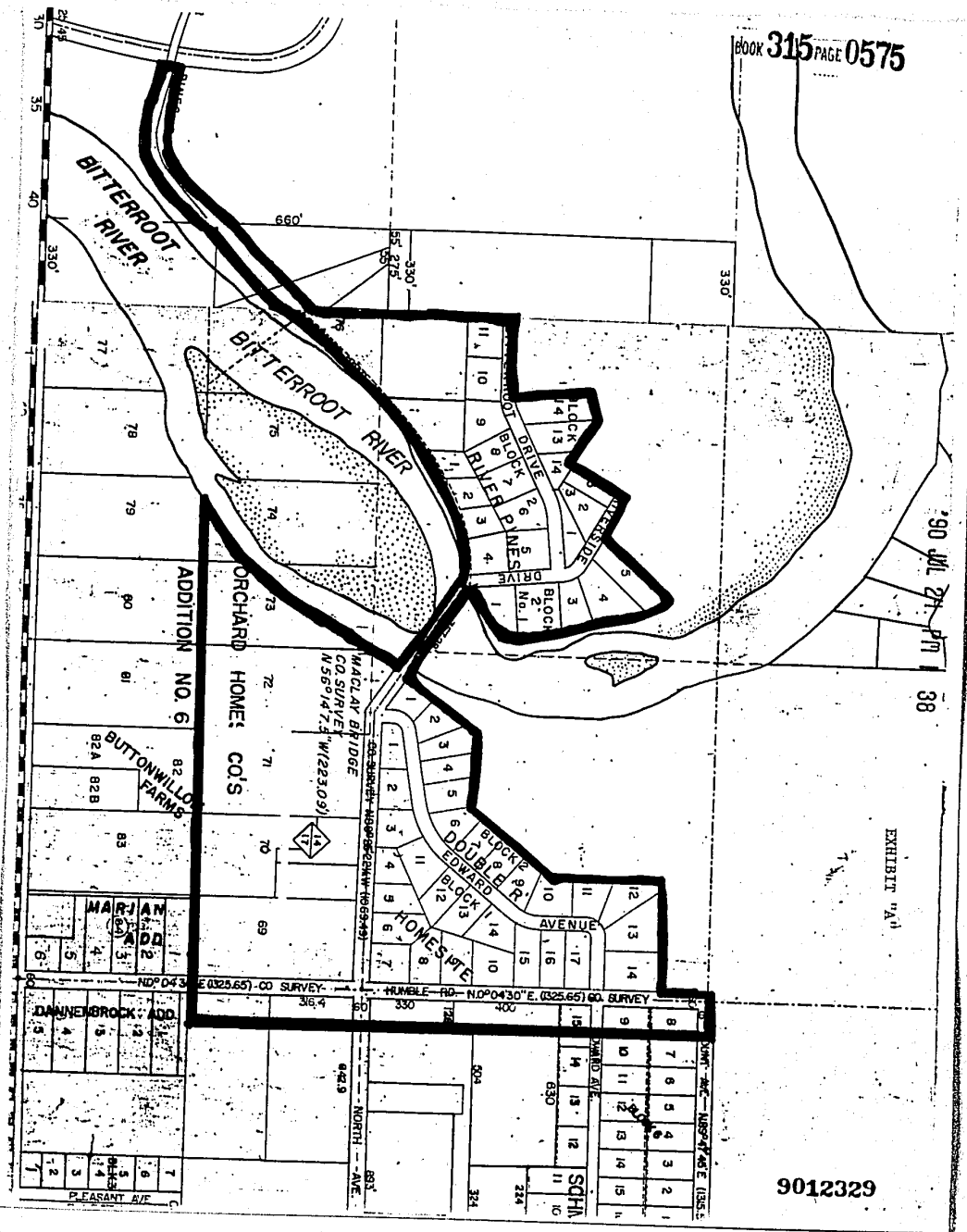
ATTEST:

Jim Hart
Clerk & Recorder



APPROVED AS TO FORM AND CONTENT:

Michael W. Schmitt
Deputy County Attorney



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EXHIBIT "A"

9012329

I RECEIVED AND FILED THIS INSTRUMENT FOR RECORD ON THE 24 DAY OF July 1938 AT 1:35 O'CLOCK P.M. AND IT IS RECORDED IN VOL 315 OF MICRO RECORDS OF THE COUNTY OF MISSOULA, STATE OF MONTANA, ON PAGE 575. FEE PAID. RETURN TO ADDRESS Resolution file. WITNESS MY HAND, BERN HART, COUNTY RECORDER. BY [Signature] DEPUTY DOC RES.