

ORDINANCE NO. 900

AN ORDINANCE GENERALLY AMENDING RED LODGE ORDINANCE NO. 6-1-9 ENTITLED "PENALTY" OF THE MUNICIPAL CODE OF THE CITY OF RED LODGE SO AS TO PROVIDE ENFORCEMENT PROCEDURES FOR PARKING VIOLATIONS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RED LODGE:

PARKING VIOLATION ENFORCEMENT PROCEDURES

1. Owner responsible for vehicle.

A. Every person in whose name a vehicle is registered or licensed shall be legally responsible and subject to citation for any parking of such vehicle in violation of any of the provisions of this chapter.

B. It shall be no defense to such charge that such vehicle was illegally parked by another unless it is shown that, at such time, the vehicle was being used without the consent of the registered (licensed) owner thereof.

C. The express legislative purpose thereunder is to impose absolute liability upon the registered or licensed owners of vehicles for any violations of any of the provisions of this chapter, pursuant to Section 45-2-104, MCA.

2. Penalties—parking violations.

Any person violating a provision of this chapter for which another penalty has not been specifically provided shall, upon conviction thereof, be punished by a fine of not greater than five dollars.

3. Parking violation notice-Issuance.

Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by ordinance of this city or by state law, the police officer finding the vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user/owner, and shall conspicuously affix to the vehicle a notice of parking violation in writing on a form provided by the chief of police, for the driver/owner to answer to the charge against him within a specified time at least forty-eight hours later, during the hours and at a place specified in the notice. The officer shall enter the notice information in the police computer records and send the original of such notice to the city court.

4. Failure to comply with notice—Issuance of Notice to Appear.

A. If a user/owner of a motor vehicle charged with the violation of any restriction on stopping, standing or parking under this Title fails to appear in response to a notice affixed to the motor vehicle within the time specified in the notice, the chief of police shall send to the registered owner of the motor vehicle to which the notice was affixed a letter, by mail at the registered owner's last known address, informing him of the violation and requiring him to appear and answer the charge specified in the notice. In the event the letter is disregarded for a period of ten (10) days, a complaint will be filed with the City Court and the Court will send a notice to appear to the registered owner at their last known address.

B. The failure of the owner of the motor vehicle to appear and answer within ten (10) days of receipt of the letter referred to in paragraph 4A. shall constitute a misdemeanor, regardless of the disposition of the original charges. Failure to appear and answer is a misdemeanor punishable by a fine of no greater than \$500.00.

First Reading this 9th day of July, 2013

PASSED AND APPROVED on second reading this 23rd day of July, 2013.

Brian Roat, Mayor

Attested to by:

Debbie Tomicich, City Clerk