

ORDINANCE # 157

AN ORDINANCE OF THE DARBY TOWN COUNCIL AMENDING TOWN CODE SECTION 5-4-7 TO PROVIDE FOR LIMITS AND REGULATION OF PARKING.

**WHEREAS;** it is the desire of the Town Council to provide and encourage a healthy, safe atmosphere within the boundary of the Town of Darby, and

**WHEREAS;** it is the desire of the Darby Town Council to protect the property values of local residents, and

**WHEREAS;** added text shall be indicated in bold font, deleted or changed text shall be indicated by strikethrough font, and

**WHEREAS;** a duly scheduled and noticed public hearing was held on April 10, 2018 at a regularly scheduled meeting thereof, and

**WHEREAS;** two readings of this ordinance and Town Council action thereupon shall be incorporated by reference into the official minutes of the meeting.

**NOW THEREFORE BE IT ORDAINED** by the Darby Town Council to amend Darby Town Code Section 5-4-7 Parking Time Limited on All Streets, pursuant to MCA §61-8-356, to read as follows:

**Darby Town Code 5-4-7: PARKING TIME LIMITED ON ALL STREETS**

**A. Time Restriction:** a vehicle may not be parked or left standing upon the right of way of a public highway for a period longer than forty eight (48) hours or upon a town street or state, county, or town property for a period longer than five (5) days regardless of where said vehicle is and/or has been parked.

**B. Parking for Camping Purpose:** No person shall occupy a recreational vehicle or any vehicle that has been designed, altered, or unaltered to include living quarters, sleeping quarters et al parked on a public street, road, alley, boulevard, or median in the Town. For the purpose of this Section, a recreational vehicle is a vehicular type unit designed as temporary living quarters for recreation, camping, or travel use that either has its own mode of power or is mounted on or towed by another vehicle, including but not limited to a: (a) travel trailer, (b) camping trailer (c) truck campers, or (d) motor home. For the purposes of this Section, "occupy" means spending more than an insignificant amount of time in the recreational vehicle. The provisions of this section to not apply to the following:

1. A property owner or tenant may allow a guest's recreational vehicle to be parked on the public right of way adjacent to their residence for sleeping purposes for a maximum of five (5) consecutive days without violating this provision, provided the recreational vehicle is not occupied for more than five (5) days in any consecutive thirty (30) day period while on the block adjacent to the property owner or tenant's residence.
2. Upon approval by the Darby Police Department, the requirements and restrictions imposed by Darby Town Code 5-4-7 (B) may be suspended in order to accommodate special events held within the Town within the time frames designated in the special event permit.
  - a. It is unlawful for any person to dump or deposit any sink water or sewage from a motor vehicle or vehicle designed for camping anywhere except in a disposal site approved by the Town Council.

b. Penalty:

The penalty for violation of Darby Town Code 5-4-7 B (1, 2) shall be a fine only of up to \$100 with no penalty of imprisonment.

The penalty for a violation of Darby Town Code 5-4-7 B (a) shall be a fine only of up to \$500 with no penalty of imprisonment.

This penalty is an alternative to the penalty applied by Montana State law. Montana State law's penalty may be applied if the person is cited pursuant to Montana State Law.

**C. Abandonment:** The abandonment of a vehicle, other than a bicycle, on a public highway, a town street, public property, or a private property creates a prima facie presumption that the last registered owner of the vehicle is responsible for the abandonment and is liable for the costs incurred in removing, storing and disposing of the abandoned vehicle, less the amount realized if the vehicle is sold.


**D. Filing of Theft Report:** The filing of a theft report with the town law enforcement agency prior to the abandonment relieves the last registered owner of liability under Subsection B C of this section (1975 Code § 10.24.070; Amended 2006 Code).

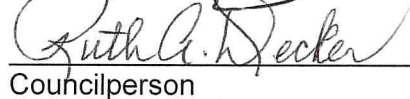
**Effective Date:** This ordinance shall be in full effect and force thirty (30) days following the Town Council approval on second and final reading

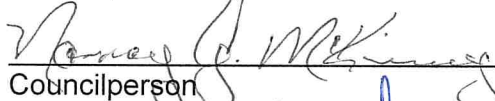
**Passed and Approved on first reading by the Darby Town Council at a duly noticed Town Council meeting held on November 13th, 2018.**

  
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Councilperson

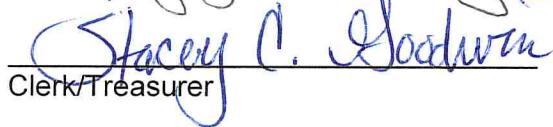
  
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Mayor

  
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Clerk/Treasurer

**Passed, Adopted and Approved on a second and final reading by the Darby Town Council at a duly noticed Town Council meeting held on this 27 day of November, 2018.**

  
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Councilperson

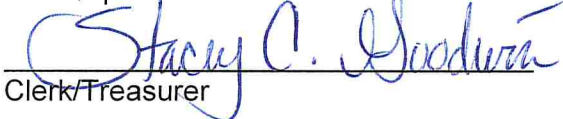
  
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