

**COMMITTEE OF THE WHOLE**

**MAY 2, 2022**

**6:00 PM**

1. Tour of the Police and Dispatch Departments – meet there

**NOTICE FOR, AND AGENDA FOR, A REGULAR MEETING OF THE CITY COMMISSION, CITY OF LEWISTOWN, MAY 2, 2022 AT 7:00 P.M. AT THE CENTRAL MONTANA COMMUNITY CENTER LOCATED AT 307 W WATSON**

**To participate virtually the options are as follows:**

**To join by zoom:** <https://zoom.us/j/8486275925?pwd=dTVGbndDK253ZUJLMjRuZXU5QVpMdz09>

**Meeting ID: 848 627 5925    Passcode: 59457**

**To participate by phone: dial (253) 215-8782    Meeting ID: 848 627 5925    Passcode: 59457**

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**APPROVAL OF MINUTES** – April 18, 2022

**COURTESIES**

**PROCLAMATIONS** – Historic Preservation Month

**BOARD AND COMMISSION REPORTS**

**CITY MANAGER REPORT**

**PUBLIC COMMENT** – non agenda items

**CONSENT AGENDA**

Acknowledgment of the claims that have been paid from April 15, 2022 to April 28, 2022 for a total of \$30,900.59.

**\*REGULAR AGENDA – Resolutions, Ordinances & Other Action Items:**

1. Discussion and action on authorizing the City Manager to sign the intent to seek coverage for the public library through endorsement with the Montana Municipal Interlocal Authority (MMIA) (**Action: approve, disapprove or amend authorizing the City Manager to sign the intent**) City Manager Holly Phelps
2. Discussion and action on approving a curb cut deviation for the Fergus County Council on Aging for the project located at 210 3<sup>rd</sup> Ave S (**Action: approve, disapprove or amend approving a curb cut deviation**) City Manager Holly Phelps
3. Discussion and action on appointing Brad Doney to serve an additional three-year term on the Lewistown Police Commission (**Action: approve, disapprove or amend appointing Brad Doney to the Police Commission**) City Manager Holly Phelps
4. Discussion and action on approving and authorizing the City Manager or designee to enter into and sign the Department of Natural Resources and Conservation (DNRC) cooperative support agreement (**Action: approve, disapprove or amend approving and authorizing entering into and signing the DNRC cooperative support agreement**) City Manager Holly Phelps
5. Discussion on the City of Lewistown's parking ordinances and permit process. City Manager Holly Phelps

**CITIZENS' REQUESTS**

**COMMISSIONER'S MINUTE**

**ADJOURNMENT**

\* All citizens are invited to make comment on any agenda item prior to action being taken by the Commission

## **A PROCLAMATION OF THE LEWISTOWN CITY COMMISSION DECLARING MAY 2022 AS HISTORIC PRESERVATION MONTH**

**WHEREAS**, historic preservation endeavors to protect, conserve, and preserve buildings, places, and other artifacts of historical significance for the benefit of present and future generations; and

**WHEREAS**, historic preservation is an effective tool for maintaining growth and sustainable development, revitalizing neighborhoods, fostering local pride, and maintaining community character while enhancing livability; and

**WHEREAS**, historic preservation is relevant for communities across the nation, both urban and rural, and for Americans of all ages, all walks of life, and all ethnic backgrounds; and

**WHEREAS**, it is important to celebrate the role of history in our lives and the contributions made by dedicated individuals in helping to preserve the tangible aspects of the heritage that has shaped us as a people; and

**WHEREAS**, 2022 marks the 56th anniversary of the National Historic Preservation Act which established the legal framework and incentives for the documentation and preservation of historic buildings, places, and other artifacts; and

**WHEREAS**, The City of Lewistown is hosting the Historic Resources Commission's annual awards ceremony on Wednesday, May 17, 2022 in honor of National Historic Preservation Month.

**NOW, THEREFORE, BE IT RESOLVED** that the Lewistown City Commission does proclaim May 2022 as National Historic Preservation Month and call upon the people of Lewistown to join communities across the United States in recognizing and participating in this special observance.

Dated this 2nd day of May, 2022

For the Commission:

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Gayle Doney, Chairman of the Commission



## MEMORANDUM

TO: Nikki Brummond  
City of Lewistown

FROM: Alan Hulse, CEO

DATE: March 30, 2022

RE: Coverage Changes affecting Libraries and Library Boards

In Montana, there are various types of public library formations including: city libraries, county libraries, city-county libraries, library districts, and multi-jurisdictional libraries. It has recently come to the MMIA's attention that regardless of a public library's formation, the employees may not be employees of the city/town, but rather employees of the library board. That nuance poses a coverage challenge in workers' compensation and employee benefits as employers cannot insure the employees of another employer. It also poses a coverage challenge in liability as the city/town may not have oversight of employment related matters such as the hiring process, disciplinary process, harassment prevention, workplace safety, etc. From a risk management perspective, insuring something you can't control is not advisable.

In response to these coverage issues, *effective 7/1/2022 the MMIA is excluding coverage for libraries and library boards in the liability, workers' compensation, and employee benefits programs.* However, the MMIA and its board of directors understand the importance of providing these coverages to cities and towns and their respective libraries. As a result, the MMIA has established a process for those member-owners and libraries that desire to have these coverages with MMIA to obtain coverage through an endorsement by meeting specific underwriting criteria.

The underwriting criteria includes but is not limited to:

- Library staff must be employees of the city/town.
- Library must adopt and adhere to city/town personnel policies.
- Library agreement must allow input and authority by city/town for personnel decisions such as hiring, termination, discipline, grievances, ADA, harassment prevention, and safety.
- Agreement between the city/town and library must incorporate the items above.

It's important for cities/towns that desire to obtain coverage for their library through MMIA to work with their city/town attorney to meet the underwriting criteria. ***MMIA must receive notice of intent to obtain or reject coverage for libraries from each city/town by close of business on 05/16/2022*** on the enclosed form. If no response is received by that date, MMIA will assume coverage is not being sought.

Those cities/towns and libraries that do not desire to maintain coverage for the library with MMIA will need to secure other coverage for liability, workers' compensation, and employee benefits as of 07/01/2022.

For questions or concerns regarding your coverage, please do not hesitate to call me at 406-495-7014.



**MONTANA MUNICIPAL INTERLOCAL AUTHORITY  
NOTICE OF INTENT FOR PUBLIC LIBRARY COVERAGE**

**Member:**

City of Lewistown

Effective 07/01/2022, libraries and library boards are excluded from coverage for liability, workers' compensation, and employee benefits in the MMIA programs. However, the MMIA and its board of directors understand the importance of providing these coverages to cities and towns and their respective libraries. As a result, the MMIA has established a process for those member-owners and libraries that desire to have these coverages with MMIA to obtain coverage through an endorsement by meeting specific underwriting criteria.

The underwriting criteria includes but is not limited to:

- Library staff must be employees of the city/town.
- Library must adopt and adhere to city/town personnel policies.
- Library agreement must allow input and authority by city/town for personnel decisions such as hiring, termination, discipline, grievances, ADA, harassment prevention, and safety.
- Agreement between the city/town and library must incorporate the items above.

Please indicate below whether City of Lewistown intends to seek coverage for the public library through endorsement, and return this form to Britani Laughery at [blaughery@mmia.net](mailto:blaughery@mmia.net) or via fax to Britani's attention at 406-449-7440 no later than close of business on **05/16/2022**. If no response is received by that date, MMIA will assume coverage is not being sought.

For questions, please contact Alan Hulse at 406-495-7014 or Britani Laughery at 406-495-7004.

**Yes, City of Lewistown intends to seek coverage for the public library through endorsement.**

\_\_\_\_\_  
Authorized Representative (Print Name)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**No, City of Lewistown does not intend to seek coverage for the public library through endorsement.**

\_\_\_\_\_  
Authorized Representative (Print Name)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



March 31, 2022

To the City Commission of Lewistown,

Fergus County Council on Aging has been working on a structure to store transportation vehicles for three years. All the work is about ready to come to fruition. We were able to receive a grant from Montana Department of Transportation for approximately 1.4 million. Starting in April this year we will commence to build a 60' by 80' building at 312 West Watson Street across from the City Fire Department. We have spent time with the Fire Department to make sure that fire codes are met and making sure that what we will be doing won't interfere with any part of their job protecting the city. The building at front and back has a 15' set back from the property line. This will allow for proper line of site at the corner and leave plenty of room for the buses to enter the back of the building when we park for the night. Our engineering firm, Stahly Engineering has been working with City Building Inspector to make sure our building meets code specifications.

The Council on Aging would like to ask at this time that we receive a variance on the curb cut in the city building codes. The code would allow for two curb cuts in the length of our building front. The curb really needs to be a flat apron for the length of our doors in the front of the building. This would be approximately 72' of the total 80' front. Without this flat apron the Transportation department will deal with the ups and downs of the two curb cuts causing back end drops of the buses if hit wrong. I am worried the drivers will be initially worried about hitting the curb cuts right first and the side of the bus against the building second. We really need to pull those buses out straight. Having the two curb cuts would be a hardship that drivers would have to deal with for years. Thank you for your time.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "Dale".

Dale Pfau, Director FCCOA



100%  
CONSTRUCTION  
DOCUMENTS

REVISIONS

1. 10/20/2016 ADD P

# COUNCIL ON AGING TRANSIT FACILITY

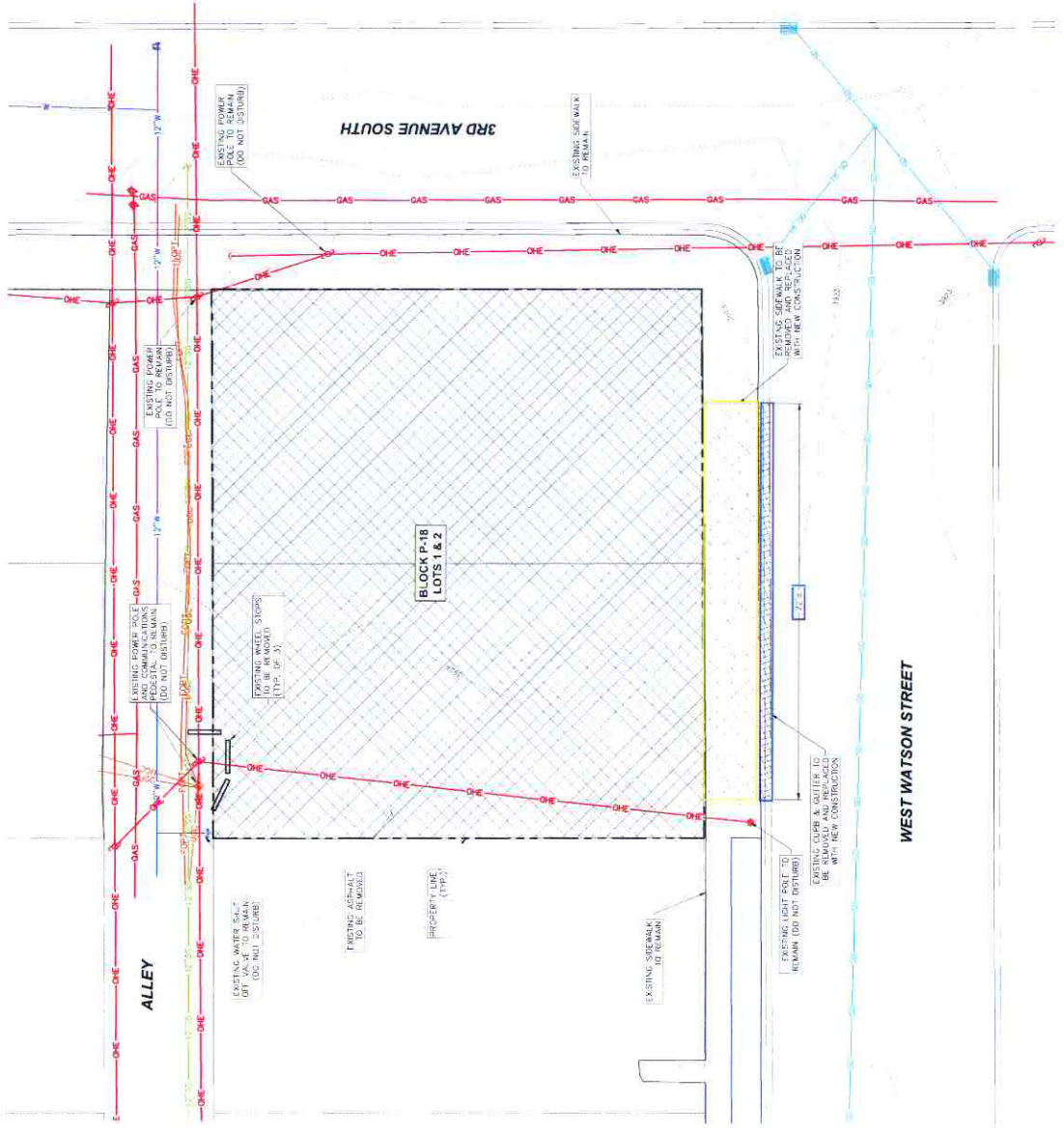
FERGUS COUNTY  
LEWISTOWN, MT 59457

Project No. 1-200906  
Issue Date: JANUARY 21, 2023  
DEMO PLAN

Sheet No. **C103**



- DEMOLITION NOTES:**
1. REMOVE ALL EXISTING CONCRET, ASPHALT, LITURES, CURBS, SIDEWALKS, AND DRIVEWAYS. DEMOLITION TO BE DONE IN ACCORDANCE WITH THE MONTANA DEPARTMENT OF TRANSPORTATION (DOT) STANDARD SPECIFICATIONS FOR CONSTRUCTION OF HIGHWAYS AND BRIDGES, LATEST EDITION.
  2. SMOOTH EXISTING CONCRETE AND ASPHALT WHERE MATCHING NEW CONSTRUCTION TO PROVIDE SMOOTH TRANSITION.



## CHAPTER 8

### CURB CUTS

#### SECTION:

- 9-8-1: Purpose
- 9-8-2: Permit Required
- 9-8-3: Application For Permit
- 9-8-4: Permit Fee
- 9-8-5: Inspector Furnished By City; Notification Required
- 9-8-6: Driveway Width Limitations
- 9-8-7: Construction, Specifications And Regulations
- 9-8-8: Deviation From Requirements
- 9-8-9: Violation; Penalty

9-8-1: **PURPOSE:** The purpose of this chapter is to standardize, regulate and control the location, size, type, construction, maintenance and quality of curb cuts, driveway aprons and sidewalk driveway crossings in the city from the standpoint of proper design, safe and efficient entry to and exit from city streets to private property, safety of vehicular traffic in the streets and safety of pedestrian traffic on the sidewalk area. (Ord. 1457, 7-7-1980)

9-8-2: **PERMIT REQUIRED:** It is unlawful for any person either as owner, agent, contractor or employee to cut, break, remove, alter or install any curbing, driveway apron or sidewalk, or cause to have cut, broken or removed, any curbing, driveway apron or sidewalk, or to install or cause to have installed any driveway, or any vehicular access on any public right of way in the city without a permit. Permits shall be issued only to properly licensed contractors or to persons for their own residence by the building official after payment of fees as provided in section 9-8-4 of this chapter.

At the time the permit application is made, the building official shall be advised of any parking meters, traffic or street signs, signal poles,

streetlight poles, fire plugs, trees or obstructions that will be affected by the placement or removal of the driveway or sidewalk. (Ord. 1457, 7-7-1980)

9-8-3:           **APPLICATION FOR PERMIT:** All applications for curb cuts shall give a description of the property to be served and such other information as may be required by the building official, for the proper direction of the work and must be signed by the owner or his authorized agent.

Before commencing the construction, modification or repair of any curb cut, the contractor shall first obtain a written permit from the building official, and such permit shall be upon the grounds at all times during the progress of the work and must be shown to any office in authority, on demand. (Ord. 1457, 7-7-1980)

9-8-4:           **PERMIT FEE:** All applications submitted under provisions of this chapter shall be accompanied by a permit fee computed at the rate of twenty cents (\$0.20) per one foot (1') of driveway applied for, payable to the city to help defray costs of inspection of site and engineering costs. (Ord. 1457, 7-7-1980)

9-8-5:           **INSPECTOR FURNISHED BY CITY; NOTIFICATION REQUIRED:** The building official shall furnish an inspector to inspect every piece of curb, driveway and driveway apron to be constructed, whose duties shall be to check the forms for alignment, grade and materials, and to see that work is done in accordance with the specifications of the city at the time of the issuance of the permit.

The building official shall be notified at least twenty four (24) hours in advance of the time when the work is proposed to be started. (Ord. 1457, 7-7-1980)

9-8-6:           **DRIVEWAY WIDTH LIMITATIONS:**

(A) Driveway width, as measured parallel with the edge of the traveled way, shall not exceed twenty feet (20') in residential areas nor thirty feet (30') in commercial or industrial areas, except driveway widths for service stations and trucking businesses may be up to forty feet (40') when approved by the building official, and shall be located in accordance with city specifications for driveways.

- (B) The minimum distance between curb cuts shall be twenty five feet (25').
- (C) Frontages of fifty feet (50') 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. (Ord. 1457, 7-7-1980)

9-8-7: **CONSTRUCTION, SPECIFICATIONS AND REGULATIONS:**  
Every curb cut and driveway apron constructed or altered in the street right of way shall conform to the following regulations:

- (A) No driveway apron shall be constructed closer than five feet (5') to, nor shall it be so located as to interfere with intersecting sidewalks, utility facilities, light standards, fire hydrants, catch basins, street signs, signals or other public improvements or installations.
- (B) At an intersecting street or highway, the dimension measured parallel to the edge of the traveled way to provide adequate corner clearance shall be a minimum distance of fifteen feet (15') from the intersecting property line.
- (C) No curb cut or driveway apron shall be located so as to create a hazard to pedestrians or motorists, or to invite or compel illegal or unsafe traffic movements.
- (D) In any commercial or industrial zone, driveways shall be designed such that vehicles entering or egressing shall not be required to back from or into a street right of way.
- (E) Radii shall be three feet (3') for residential uses and five feet (5') for commercial or industrial uses.
- (F) All parts of driveway aprons, including radii, shall be confined within the frontage for which the permit is issued.
- (G) All driveways shall be so constructed so as not to impair drainage within the street or highway right of way nor alter the stability of the roadway subgrade and at the same time not impair or materially alter drainage of the adjacent areas. All drainage structures required within the public right of way and under the driveways as a result of

the property being developed shall be installed in accordance with the standards of the city.

- (H) The angle between any driveway apron and the street and/or curb line shall be ninety degrees (90°) to the street tangent or on a radial line to the street curve.
- (I) All curb cuts and driveway aprons are to be constructed of Portland cement concrete of a quality and type as specified by the building official, and in accordance with city specifications in effect at the time of such work.
- (J) All work shall be done under the supervision of the building official, and in accordance with city specifications in effect at the time of such work.
- (K) The licensed contractor or his agent doing the construction or alteration work shall maintain the premises in a safe manner and shall provide adequate barricades and lights at his own expense to protect the safety of the public using the adjacent streets or sidewalks, and shall hold the city free from any damages incurred by his operation.
- (L) Any curb cut or driveway apron which has become abandoned or used through a change of the conditions for which it was originally intended shall be closed and the owner shall replace any such curb cut and/or driveway apron with a standard curb and sidewalk to be constructed according to city specifications in effect at the time of such work. In the event the owner does not make such replacement within sixty (60) days after written notice, the city may do so at the expense of the owner.
- (M) Specific controls not defined in this chapter shall be in accordance with the standards for private driveway regulations established by the American Association of State Highway Officials and as applied by the discretion of the building official. (Ord. 1457, 7-7-1980)

9-8-8:       **DEVIATION FROM REQUIREMENTS:** Permission to deviate from the requirements and regulations of this chapter shall be granted by the city commission only where unusual conditions or strict adherence to this chapter would cause undue and extreme hardships. (Ord. 1457, 7-7-1980; amd. Ord. 1664, 1-3-2000)

# *Police Department*

## *City of Lewistown*

*Chief of Police*  
*Justin Jenness*

*305 W. Watson, Lewistown, MT 59457*  
*Tele: (406) 535-1800 Fax: (406) 535-7407*

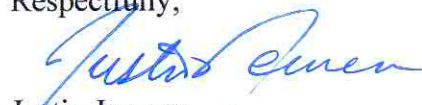
*Assistant Chief*  
*Jon Polich*

4/27/2022

To: Holly Phelps – City Manager  
From: Justin Jenness – Chief of Police  
RE: Police Commissioner

Holly,  
Brad Doney is currently due for reappointment to the Lewistown Police Commission. I have spoke with Brad and he is willing to continue his service on the Commission. If you would please request for approval from the City Commission for his reappointment, I would greatly appreciate it.

Respectfully,



Justin Jenness  
Chief

COOPERATIVE SUPPORT AGREEMENT BETWEEN THE CITY OF LEWISTOWN FIRE  
DEPARTMENT, LEWISTOWN RURAL FIRE DEPARTMENT AND THE STATE OF  
MONTANA, DEPARTMENT OF NATURAL RESOURCES & CONSERVATION,  
NORTHEASTERN LAND OFFICE  
DNRC Agreement: XXXX

This is a cooperative support agreement, hereinafter referred to as the "agreement," between the City of Lewistown Fire Department and Lewistown Rural Fire Department and the State of Montana, Department of Natural Resources and Conservation's Northeastern Land Office (DNRC).

I. Parties:

A. The City of Lewistown Fire Department and Lewistown Rural Fire Department are local government entities that maintain personnel, equipment and facilities necessary for routine, day to day business, and emergency activities. Wildland fire emergencies may necessitate cooperative use of these resources between the City of Lewistown Fire Department and Lewistown Rural Fire Department and the DNRC.

B. DNRC is the state agency that maintains the county cooperative wildland fire protection authority on state and private lands for numerous areas within the boundaries of the Northeastern Land Office including; Hill, Blaine, Chouteau, Phillips, Valley, Daniels, Sheridan, Roosevelt, Judith Basin, Fergus, Petroleum, Golden Valley, and Wheatland counties.

II. Purpose: This agreement identifies the process for the DNRC to order the City of Lewistown Fire Department and/or Lewistown Rural Fire Department resources for use during wildland fire emergencies and provides instructions for financial reimbursement of City of Lewistown Fire Department and/or Lewistown Rural Fire Department by the DNRC for those ordered resources.

III. Terms

**A. The City of Lewistown Fire Department and/or Lewistown Rural Fire Department will:**

1. Upon request, provide resources, personnel and or other representatives as needed within manpower availability. This will be the determination of the Fire Chief or in his absence the Assistant Fire Chief after an evaluation of manpower for incidents within our jurisdiction.
2. Provide worker's compensation insurance for all employees. All firefighters under employment of the City of Lewistown and/or Lewistown Rural Fire Department are covered under Workers Compensation Insurance as provided by the Montana Municipal Interlocal Authority, Policy # XXX.
3. Provide resources as ordered through the National Dispatch System to perform specific duties detailed as in the resource order.

4. Submit an invoice within 30 days of the demobilization of the resources, to the DNRC Northeastern Land Office for those personnel resources ordered through the National Dispatch System. The invoice will provide line item detail as per the Northern Rockies Coordinating Group (NRCG) Supplement to Chapter 50 of the Standards for Interagency Incident Business Management handbook (SIIBM), hiring Option 3. Hourly rates are to be provided on the Option 3 – LGFF Cooperative Agreement Personnel Billing Rate Form.
5. Incident Finance will process an Emergency Equipment Use Invoice using the Un-Operated Equipment rates per the Chapter 50 SIIBM for that equipment used by Lewistown Rural Fire Department. This will be based upon shift tickets submitted to Incident Finance on a daily basis by Lewistown Rural Fire Department personnel.
6. Submit supporting documentation with the invoice to DNRC. Supporting documentation must include the Resource Order generated by the National Dispatch System as well as shift tickets/crew time reports generated by the wildland fire incident or Lewistown City Fire Department and/or Lewistown Rural Fire Department that detail the exact person, equipment, and associated hours worked.
7. Submit additional supporting documents when available or applicable to document costs incurred for reimbursement. Supporting documents include:
  - i. Fuel receipts
  - ii. Travel receipts and per diem payments.
  - iii. Provide a copy of the department Travel Policy outlining per diem rates used or State rates will be reimbursed.
  - iv. Copy of the agreement with DNRC.
  - v. Equipment inspection forms from assignment.
  - vi. Any claims of damage to equipment during the assignment.

**B. The DNRC Northeastern Land Office will:**

1. Order Lewistown City Fire Department and/or Lewistown Rural Fire Department resources through the national dispatch system for use on wildland fire emergencies by contacting the Fire Chief or in his absence the Assistant Fire Chief
2. Reimburse Lewistown Rural Fire Department equipment resources ordered through the National Dispatch System for costs incurred, at rates set forth in the NRCG supplement to the SIIBM, Chapter 50.
3. Reimburse personnel resources ordered through the National Dispatch System for costs incurred per the Option 3 IRA.
4. Draft an Incident Rental Agreement (IRA), Option 3, per the NRCG SIIBM for City of Lewistown Fire Department personnel resources, and an additional Option 1 IRA for Lewistown Rural Fire Department equipment resources, on an annual basis. These IRA's and Chief Certification forms serve the purpose of documenting the exact personnel and resources to be utilized on an incident.

**C. City of Lewistown Fire Department and Lewistown Rural Fire Department and the DNRC mutually agree that:**

1. Both parties will collectively review this agreement on a mutually agreed upon basis and cooperatively make changes in writing.
2. The SIIBM Chapter 50 is the controlling document pertaining to the business relationship between the DNRC and City of Lewistown Fire Department and Lewistown Rural Fire Department during wildland fire emergencies.
3. Reimbursement of the Lewistown Rural Fire Department equipment costs are established annually per the rates in the SIIBM Chapter 50. Any equipment utilized will have an IRA completed annually or prior to mobilization
4. Reimbursement for City of Lewistown Fire Department personnel are as follows, Part-paid Firefighters' will be reimbursed at the current rate of pay DNRC rates for seasonal wildland firefighters. Career staff members will be paid per the Collective Bargaining Agreement. The rates will include regular and overtime hourly rates and will include benefits. These rates will be documented on a Local Government Fire Fighter (LGFF) personnel billing rate form and signed by a DNRC authorized signer prior to mobilization.
5. Nothing in this agreement is intended to waive or otherwise limit any applicable law, rule, or regulation.
6. The primary City of Lewistown Fire Department and Lewistown Rural Fire Department contacts for this agreement are:  
Joe Ward, Fire Chief  
Lewistown Fire Department  
305 W Watson St.  
Lewistown, MT 59457  
(406) 535-1780
7. The alternate City of Lewistown Fire Department contacts for this agreement are:  
Mike Davis, Assistant Chief  
Lewistown City Fire Department  
305 W Watson St.  
Lewistown City, MT 59457  
(406) 535-1780
8. The primary DNRC contact for this agreement is:  
Don Pyrah, Fire Management Officer  
DNRC – Northeastern Land Office  
PO Box 201  
Lewistown MT 59457  
(406) 535-1906

9. The alternate DNRC contacts for this agreement are:  
Brandon Sandau, Assistant Fire Management Officer  
DNRC – Northeastern Land Office  
PO Box 1021  
Lewistown MT 59457  
(406) 535-1907

#### IV. Signatures:

The authority and format of this agreement has been reviewed and approved. This agreement will be effective as of the date of the last signature. This agreement will expire five (5) years from the last signature date.

\_\_\_\_\_  
Joe Ward, Fire Chief                      Date  
City of Lewistown Fire Department  
Lewistown Rural Fire Department

\_\_\_\_\_  
Don Pyrah, FMO                      Date  
Northeastern Land Office

## CHAPTER 5

### PARKING TIME LIMITS

#### SECTION:

#### 10-5-1: Parking Time Limits Designated

#### 10-5-2: Parking Time Limited

#### 10-5-3: Parking Time Limited For Snow Routes

#### 10-5-1: PARKING TIME LIMITS DESIGNATED:

No operator of a vehicle shall park such vehicle between the hours of nine o'clock (9:00) A.M. and six o'clock (6:00) P.M., on any day, longer than five (5) minutes at any one time on the northwestern side of 3rd Avenue in front of the post office between Broadway and Washington.

No operator of any vehicle in the city shall park such vehicle on Main Street between 1st Avenue and 6th Avenue; on Janeaux Street between 1st Avenue and 6th Avenue; on Broadway Street between 1st Avenue and 6th Avenue; on 2nd Avenue, 3rd Avenue, 4th Avenue, or 5th Avenue between Janeaux Street and Broadway Street; all between the hours of two o'clock (2:00) A.M. and six o'clock (6:00) A.M., of any day except Saturday, Sunday and legal holidays. (Ord. 1547, 3-17-1986)

#### 10-5-2: PARKING TIME LIMITED:

(A) No person shall park any vehicle, motor vehicle, or trailer on any street, road, highway, alley or in any other public place within the city limits of the city for a period greater than five (5) consecutive days.

(B) A vehicle, motor vehicle or trailer left on a city street, alley, roadway or public property over five (5) consecutive days without being moved shall be deemed abandoned. After the vehicle has been declared abandoned, the city police may place a twenty four (24) hour notice of intent to remove and impound the vehicle at the owner's expense.

(C) The city police, at the request of the owner or person in lawful possession or control of private property upon which a motor vehicle is located, may remove and hold the vehicle at owner's expense if it has been abandoned on said property for a period of five (5) days or more.

(D) Every person convicted of a violation of this section may be punished by a fine of not less than twenty five dollars (\$25.00) nor more than one hundred dollars (\$100.00) or by imprisonment in the county jail for no more than ten (10) days or both such fine and imprisonment. A person convicted hereunder will be responsible for moving and storage expenses arising from the transportation of said abandoned vehicle. (Ord. 1547, 3-17-1986)

#### 10-5-3: PARKING TIME LIMITED FOR SNOW ROUTES:

(A) Parking Limitations: No person shall park on the following streets Monday through Saturday any vehicle, motor vehicle, trailer or equipment from two o'clock (2:00) A.M. until seven o'clock (7:00) A.M., November 1 through April 1 in any manner so as to obstruct city snow removal equipment:

| <u>Street</u>     | <u>Area Covered</u>                     |
|-------------------|-----------------------------------------|
| <u>Street</u>     | <u>Area Covered</u>                     |
| Airport Road      | From Spring Street to Casino Creek Road |
| Boulevard         | From Entrance Street to Elm Street      |
| Brassey           | From 6th Avenue to 1st Avenue           |
| Broadway          | From Daws Street to Sixth Avenue        |
| C Street          | From Entrance Street to Wendell         |
| Casino Creek Road | From Summit Street to 6th Avenue        |

|                            |                                                 |
|----------------------------|-------------------------------------------------|
| Daws                       | From Broadway to Janeaux                        |
| Entrance                   | From State Highway 191/87 to Highwood Boulevard |
| Janeaux                    | From Daws Street to Seventh Avenue              |
| Spring                     | From Airport Road to 5th Avenue                 |
| Water                      | From 5th Avenue to 1st Avenue                   |
| Watson                     | From 5th Avenue to 3rd Avenue                   |
| Wendell                    | From U.S. Highway 191 to Mount Pleasant Street  |
| 2nd Avenue                 | From Broadway to Janeaux                        |
| 3rd Avenue                 | From Broadway to Water                          |
| 4th Avenue                 | From 1st Avenue truck bypass to Water Street    |
| 5th Avenue                 | From Broadway to Brassey                        |
| 6th Avenue                 | From Broadway to Brassey                        |
| 7th Avenue                 | From 1st Avenue truck bypass to Main Street     |
| 8th Avenue                 | From Broadway to Janeaux                        |
| State highway plow routes: |                                                 |
| Main Street                | Entire length in city limits                    |
| 1st Avenue                 | Entire length in city limits                    |

(B) Vehicles To Be Ticketed And/Or Towed: Any vehicle, motor vehicle, trailer or equipment parked in violation of this section and found to have obstructed city snow removal equipment may be ticketed and/or towed and the person owning such vehicle shall, in addition to any fine which may be imposed, be responsible for all towing and storage expenses which may arise.

1. An "obstruction" shall be defined as any vehicle, motor vehicle, trailer or equipment being parked or situated in a manner so as to prevent, hinder or impair snow removal equipment from plowing or removing snow from the entire width of the street to the curb or edge of the street.

(C) Penalty: Every person convicted of a violation of this section shall be punished by a fine of not less than five dollars (\$5.00) or more than one hundred dollars (\$100.00) per infraction. (Ord. 1740, 2-21-2012)

## CHAPTER 6

### RESTRICTED PARKING ZONE

#### SECTION:

#### 10-6-1: Restricted Parking Zone Created

#### 10-6-2: Installation By City

#### 10-6-3: Permits

#### 10-6-4: Overtime Parking

#### 10-6-5: Duty Of Police

#### 10-6-1: RESTRICTED PARKING ZONE CREATED:

A zone within the general parking limits of the city to be known as the restricted parking zone, as herein defined, is hereby designated and created.

(A) Restricted Parking Zone Area: The restricted parking zone shall constitute that area on Main Street between 7th Avenue and Daws Street and Janeaux Street and Broadway Street between 6th Avenue and Daws Street and all cross streets between Janeaux and Broadway from 6th Avenue to Daws Street. (Ord. 1711, 4-17-2006)

#### 10-6-2: INSTALLATION BY CITY:

In the restricted parking zone the city shall cause parking spaces to be marked or otherwise designated in such a manner and position as to facilitate the necessary regulation and control and inspection of the parking of vehicles in the restricted zone, making provisions for reserved loading zones as now marked out in the district. (Ord. 1711, 4-17-2006)

#### 10-6-3: PERMITS:

Permits may be issued by order of the city manager for the exclusive use of parking spaces in the restricted parking zone by public carriers and taxicabs operating through or in the city; any such enterprise desiring a permanent parking stand within the restricted parking zone shall make a written application to the city manager for a permit to use such parking spaces in the zone and to have them permanently reserved for their use, which application shall specify the number of parking spaces desired and hours during which it is necessary to have the exclusive use of such spaces, and upon the granting of such permit shall use such spaces only during the hours set out in their application; and if the application is approved by the city manager, a permit shall be issued by the treasurer to such applicant upon the payment of a service and maintenance fee for each meter space to be used in the sum of one hundred dollars (\$100.00) per year. The permittee shall, while having exclusive use of such space, maintain and keep in place two (2) "No Parking" signs to indicate the ends of such zones, such signs to be of a uniform standard and to be obtained from the city. All permits shall expire on December 31 of the year of issuance. In case a permit is issued for a period of less than one year, the charge therefor will be that portion of the annual charge which the period for which the permit is issued bears to one year; provided, however, that the minimum fee shall in no case be less than one-fourth ( $\frac{1}{4}$ ) of the annual charge. The city manager hereby reserves the right to deny any and all requests for permits, and to cancel any permits previously issued, and from time to time to increase or lower the fee to be paid; money received by reason hereof to be paid into the general fund of the city. (Ord. 1711, 4-17-2006)

#### 10-6-4: OVERTIME PARKING:

(A) In addition to any other parking restrictions that may apply, if any vehicle shall remain parked in any parking space in the restricted parking zone for a period longer than two (2) hours during the period from eight o'clock (8:00) A.M. to five o'clock (5:00) P.M., Monday through Saturday, it shall constitute a violation of this chapter and the registered owner thereof shall be punished as hereinafter provided.

(B) It shall be no defense to such charge that the vehicle is illegally parked by another unless it is shown that at such time the vehicle is being used without the consent of the registered owner thereof. (Ord. 1711, 4-17-2006)

#### **10-6-5: DUTY OF POLICE:**

(A) It shall be the duty of the police or code enforcement officers of the city, acting in accordance with instructions issued by the city manager, to report:

1. The description of the parking space which indicates that the vehicle occupying that space is or has been parking in violation of any of the provisions of this chapter.
2. The state license number of each such vehicle.
3. The times such vehicle is parking in violation of any of the provisions of this chapter.
4. Any other fact, or knowledge of which, that is necessary to a thorough understanding of the circumstances attending such violations.

(B) Each such police or code enforcement officer shall also attach to such vehicle a notice to the registered owner thereof that such vehicle has been parked in violation of a provision of this chapter and instructing such registered owner to report to the police station in regard to such violation. Each such registered owner shall within ten (10) days of the time when such notice was attached to the vehicle pay to the desk sergeant at the police station as a bond the sum as set forth below:

1. For a first violation, twenty five dollars (\$25.00).
2. For a second violation within twelve (12) months of a first violation, fifty dollars (\$50.00).
3. For a third or subsequent violation within twelve (12) months of a second or subsequent violation, seventy five dollars (\$75.00). (Ord. 1711, 4-17-2006)

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**10-6-3: PERMITS:**

Permits will be issued by the City Office for the exclusive use of parking spaces in the restricted parking zone (Business District) by residents living in private housing within the zone, businesses open during the hours of 6:00 pm and 6:00 am within the zone and public carriers operating throughout the city; any such entity desiring a permanent parking permit within the restricted parking zone shall make written application to the City Office for a permit to use parking spaces in the zone and upon the granting of such permit shall use such spaces only during the hours set out in their application; and if the application is approved by the City Manager, a permit shall be issued by the City Office to such applicant upon the payment of a permit fee. (we are proposing the sum of one hundred dollars (\$100.00) per year) Permit fees will be set by resolution by the City Commission. All permits shall expire on December 31 of the year of issuance. The City Manager hereby reserves the right to deny any and all requests for permits, and to revoke any permits previously issued. Money received by reason hereof to be paid into the general fund of the city. (Ord.)