

PARK COUNTY ORDINANCE NO. _____

ORDINANCE OF PARK COUNTY PROHIBITING PARKING IN PINE CREEK AREA

1. **Purpose.** After discussions with law enforcement and members of the public, the Board of County Commissioners of Park County (Commission) determined that reasonable parking regulations should be established for the Pine Creek area. Parking on the roads in and around Pine Creek presents a safety hazard and interferes with the movement of traffic.

2. **Findings.** East River Road is a state highway. Pine Creek Road, Frelich Lane, Deep Creek Bench Road, and Deep Creek South Fork Road are county roads. Luccock Park Road is a United States Forest Service road. All of these roads are open to the public for vehicular travel. A public hearing was held on January 24 and January 31, 2023. The public commented that parking along the roads included in this Ordinance interferes with the movement of traffic. Pursuant to this information from the public, and information from the Park County Sheriff's Office, rural fire officials, and emergency responders, the Commission finds that allowing parking on the roads shown on the attached map as Exhibit 1 would unduly interfere with the free movement of traffic and present a safety hazard. A parking prohibition in the Pine Creek area is reasonable and appropriate.

3. **Authority.** Park County may establish traffic ordinances regulating the parking of vehicles. §61-12-101(1)(a), MCA. Park County may establish penalties for a violation of an ordinance. § 7-5-109, MCA.

4. **Regulation.** It shall be unlawful for any person to park a motor vehicle on any portion of the following roads and associated rights of way in Park County, Montana:

- (1) Pine Creek Road from Highway 89 to East River Road;
- (2) Frelich Lane;
- (3) Luccock Park Road, beginning at East River Road and continuing east for 1 mile;
- (4) Deep Creek Bench Road, beginning at East River Road and continuing east for 1 mile;
- (5) Deep Creek South Fork Road, beginning at East River Road and continuing east for 1 mile; and
- (6) East River Road, from Deep Creek Bench Road to Barney Creek Road.

The roads included in this Ordinance are also shown on Exhibit 1. Motor vehicles parked in violation of any section of this chapter may be removed and this ordinance will result in fine of up to five hundred dollars (\$500.00). § 7-5-109(1), MCA. Costs associated with vehicle removal will be paid by the owner of the vehicle in violation. Any violation of this chapter, unless otherwise specified, shall constitute a misdemeanor under the laws of the state of Montana and this Ordinance. For any violation of this chapter, the registered owner of the vehicle at the time of the violation shall be personally responsible. It shall be no defense to such charge that the vehicle was illegally parked by another unless it is shown that at such time the vehicle was being used without the consent of the owner. *"Park" or "parking" means to stand an attended or unattended vehicle, other than temporarily while loading or unloading merchandise or passengers. Parking does not mean vehicles stopped in cases of a justifiable emergency or disabled vehicles left in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position. Vehicles or agricultural equipment used in active farming or ranching operations are exempted from this ordinance. (Proposed language in italics)*

5. **Severability.** Should one or more of the provisions of this Ordinance be deemed unenforceable, the remainder shall remain in force.

6. **Effective Date.** This Ordinance shall be in full force and effect June 1, 2023 and after the roads have been posted with signage that complies with § 61-8-206, MCA.

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Date of First Reading and Approval: _____

Board of Park County Commissioners

By: _____

Date: _____

Bill Berg, Chairman

By: _____

Date: _____

Michael Story, Commissioner

By: _____

Date: _____

Clint Tinsley, Commissioner

ATTEST:

Maritza Reddington, Clerk and Recorder

Date of Second Reading and Approval: _____

Board of Park County Commissioners

By: _____

Date: _____

Bill Berg, Chairman

By: _____

Date: _____

Michael Story, Commissioner

By: _____

Date: _____

Clint Tinsley, Commissioner

ATTEST:

Maritza Reddington, Clerk and Recorder

EXHIBIT 1

