

# **Maximum Parking Duration in Bozeman**

14 April 2015

Bridger Howell, Author	Date
Michael Manning, Author	Date
Michael Shihrer, Author	Date

## **Abstract**

This report serves to provide an overview of Bozeman municipal code Sec. 36.04.260, research conducted on its purpose, a survey to determine the public awareness of the code, and analysis on possible changes. This report highlights possible alternatives to the ordinance. The report contains a summary, references, analysis of possible policy changes, and proposed changes that will rectify any issues found with the ordinance.

# **Maximum Parking Duration in Bozeman**

## **Table of Contents**

TABLE OF CONTENTS	ii
LIST OF FIGURES	ii
SUMMARY	1
INTRODUCTION	1
EFFECTS AND ANALYSIS	2
POLICY CHANGES	4
RECOMMENDATIONS	5
REFERENCES	5
APPENDIX A: Project Outline Memo	6
APPENDIX B: Progress Report	7

## **List of Figures**

1. Parking Available after 48 Hours	5
-------------------------------------	---

## **Summary**

The research of this report was conducted in order to evaluate Bozeman municipal code Sec. 36.04.260 effectiveness, enforcement, and awareness. The research was used to analyze proposed changes in order to make the policy's intended outcome more effective. As part of the research, a survey was conducted to determine how well known the policy is. Students on the MSU campus were asked a series of questions to determine whether or not they knew about the law and how it has affected them. The results found that only a small portion of the population surveyed were previously aware of the law. The survey also found that nearly every person aware of the law has been fined for violating it.

To gain more information on the ordinance, an interview was conducted with the city parking manager. The interview found that the purpose of the law is different than what we originally believed. It also informed us on the history and how the city enforced the ordinance.

Using the research, survey, and interview, several possible proposals for changing the current policy were determined. Each alternative was analyzed and evaluated to determine which one is most effective. The changes analyzed are increasing public awareness, warnings, limiting the policy to specific periods of time, and repealing the law entirely. Each change considered was reviewed to determine how effective it is, how it affects the intended outcome of the policy, and whether or not it's feasible.

It was found that the best change to the policy is to implement an electronic warning system to allow car owners a chance to move their vehicles before they are ticketed. This would allow car owners a chance to avoid being fined, while also preventing vehicles from being parked for too long on public streets.

## **Introduction**

Bozeman municipal code Sec. 36.04.260 establishes a maximum duration for parking on city streets, alleys, highways, or in parking facilities. Signs may be erected to give notice, but they are not required. According to Sec. 36.04.380, violating the municipal code can result in a minimum fine of \$30 and a maximum of \$300. The policy's intended purpose is to act as a warning and to prevent people from using public streets as storage.

This policy was chosen for research because one of the authors was ticketed after having a vehicle parked in front of their home. They were fined \$40 and there was no warning issued or signs posted to alert residents of the restriction.

Although mostly enforced during the winter, the ordinance was put in place to act as a warning for a state level law that requires cars to be impounded if they're left unattended for 5 days. The Bozeman City Council enacted the law as a means to prevent car owners from facing the harsher penalties they can face and to prevent people from using public streets as private storage. The law was not created to aid snowplows with keeping streets clear.

## Effects and Analysis

In order to determine the effectiveness of the ordinance, we evaluated several different factors: the clarity of the law, how enforcement is conducted, and the awareness of residents. To do this we analyzed the ordinance, conducted an interview with Scott Lee of the Bozeman Parking Commission and surveyed a random sample of Bozeman residents / students at Montana State University.

### Ordinance

The ordinance is as follows:

Sec. 36.04.260. - Maximum parking duration designated.

- A. When signs are erected on any street, alley, highway, or city parking facility, within the city designating a maximum duration for parking, no person shall park any vehicle for longer than the maximum duration posted.
- B. A vehicle may not return to a parking space in the same block face or within 500 feet of where previously parked on the same block face or to the same city parking facility for a three-hour period.
- C. Upon expiration of the maximum parking duration as posted, a citation may be issued, in accordance with section 36.04.380, to any vehicle which remains parked or stopped on the same block face unless for vehicles parked on streets, alleys, and highways:
  - a. The vehicle has moved more than 500 lineal feet, measured along the curb or edge line;
  - b. The vehicle has moved to an unregulated area in the same block face; or
  - c. The vehicle has vacated the block face for a minimum of three hours.
- D. Upon expiration of the maximum parking duration as posted for a city parking facility, a citation may be issued, in accordance with 36.04.380, to any vehicle which remains parked or stopped in the same city parking facility.
- E. Notwithstanding the foregoing, no person shall park a vehicle for longer than 48 consecutive hours at any time upon a street, alley or highway within the city or within a city parking facility, except for the Downtown Bridger Park Garage, unless displaying a valid permit. Signs may be erected by the director of public services giving notice thereof. However, the signs are not required.

While the ordinance language is clear and concise, there is no mention of purpose and some sections are vague. Sections B and C are confusing similar, and possibly need to be redefined.

### Ordinance Reasoning

Given our first encounter of the ordinance, we assumed that the reason behind the law was to provide time for snowplows in the winter and for street cleaners in other seasons. After our interview with Scott Lee, however, we have discovered that this is not the case.

Most people are under the impression that the street in front of their residence is their property, where they can park or store their vehicle(s). This is not true though; any street under the city's jurisdiction is property of the city itself. From one sidewalk to the opposite is all public property

of the city. Parking on the side of the street, should it be allowed, is a service provided by the public for the public's use. Residents who live on city streets only have ownership of their own driveway. Thus there is a distinction between 'personal storage' and 'public space'. This is not the only purpose however for the implementation of the law.

In addition to the aforementioned, the ordinance also serves as a warning to individuals at risk at being towed for 'abandoned vehicles'. State ordinance 61.8.356 that states if a car is unmoved for up to 5 days it may be reported as abandoned/junk. Other ways for a vehicle to be classified as as abandoned/junk: expired registration, leaking fluids, missing parts, or obvious physical damage such as broken windows. If a vehicle is declared abandoned it will be towed and immediately transferred into the possession of Gallatin County Junk Program. Once claimed by the Gallatin County Junk Program it is usually impossible to regain possession of said vehicle. The 48 hour ordinance gives individuals a 'warning' to avoid having their vehicle taken.

In summary, the ordinance was put into place to ensure that this distinction between 'personal storage' and 'public space' is maintained and to serve as a warning to people who may be at risk for having their vehicle classified as abandoned/junk.

## **Enforcement**

Through our interview with Scott Lee we gained insight on how the ordinance is enforced. When a police officer regularly patrols, should they make mental note of car being parked in an area or receive a report of a vehicle being parked for longer than 48 hours, they will make mark the vehicle electronically by block face. Later when they return, if the vehicle has not moved from said block face it will be ticketed in violation of the ordinance.



Figure 1: **Parking Available after 48 Hours**

This is not the only method however, as officers will sometimes ticket a vehicle if there is a way to determine the vehicle has not moved in the last 48 hours such as lack of snow under the car or snow banks. It was through one of these alternative methods that we became aware of the ordinance. Scott made note that while officers are not actively looking to find trespassers of the 48 hour law, it is easier to identify vehicles violating it during winter conditions; this increases ticket frequency during the winter months. The actual ticket fine is predetermined by a city counsel.

## **Permits and Legal Behavior**

To clarify the ordinance (sections B, C, and E) it is important to evaluate what is allowed. Section B states the time and displacement of the vehicle required for the vehicle to be considered moved. Since the ordinance is enforced via block face, going across the street or around the corner onto another street is acceptable to not be cited. To return to the same block face three hours must have passed since the vehicle has left. For example, if the parking space

has a signposting 2 hour limit, the vehicle can stay for 2 hours but must wait 3 hours to pass to park on the same block face. Section C simply explains how the law will be enforced and where it pertains.

The only exception to the ordinance is in predetermined locations, such as the Bozeman Parking Garage, or when the vehicle has a valid permit. Individual Permits or guest passes may be acquired by approval for Bozeman residents.

### **Awareness**

One of the initial problems we felt this ordinance had was the lack of awareness residents had of it. To determine the current awareness we issued a short three question survey. The total sample size was of 38 people. From the responses received 73% had never heard of the law. Of the 27% that had, 3% of them had never received a ticket. There was no discernable pattern in regards to their usual parking location and knowledge of the law. It is clear from these results that there is a lack of awareness regarding this law.

### **Possible Changes**

Reviewing our research, we have considered some reasonable changes to the policy. Below are analyses of these changes.

#### **Publicize the Ordinance by Mail**

As was shown, the major issue with the ordinance is that most people haven't heard of it. The city passed out flyers in certain residential areas in 2014, but it wasn't been very effective in the long term. Instead of passing out flyers, the city could use mail notices to alert citizens to the ordinance. It is often easier to guarantee that a short letter will be read than a flyer, because it takes more time to design an effective flyer.

While it is probably a more effective method, there are extra costs involved in producing a large number of letters targeting a specific area. Notably, there would need to be a person or computer in charge of putting the correct addresses on letters. Because the ordinance is not very heavily enforced (Lee, 2015), and considering that there are also costs involved in printing and postage, it is a bit hard to justify the expense. Additionally, an exhaustive campaign would reach people who may never need to be aware of the law, because they don't have a car or they just park in their driveway.

#### **Require Police Warnings**

Warnings could be placed on cars at some point before the 48 hour limit is reached, similar to a citation. This way, people could easily avoid the citation and become aware of the ordinance without taking a fine. Further, resources would only be invested in people who the ordinance would directly apply to.

The cost of making warnings seems relatively small, but it is difficult to tell when to best place the warning. If warnings are given as soon as the vehicles are electronically marked, officers

would be giving out a lot of warnings and spending a decent amount of time doing so. If warnings are given after a certain period of time, then officers may have to return to cars at inconvenient times. While the police wouldn't be giving out as many warnings, they would likely have to spend more time in doing so. Ultimately, police warnings are probably easier to give out immediately, if the ordinance remains not very heavily enforced, but it wouldn't work very well as a large scale solution.

### **Require Electronic Warnings**

To avoid some of the drawbacks of standard police warnings, the electronic marking system could be modified to leave an automated message at any fixed time after the car is marked. This would save a significant amount of time if officers would otherwise have to go out of their way to give a warning. If the system is setup to automatically lookup the telephone number of the registered owner of the vehicle, officers would not need to perform any additional work. Since it would likely be difficult to setup the system to look up out-of-state plates, these might have to be ran manually, however. Setting up the system for automatic messages is a low fixed cost, and each call only costs a couple cents.

If the system cannot automatically lookup telephone numbers for vehicles that are marked, then officers would have to look them up and input them into the system manually. Because the officer could just walk up to the car, this is probably slower if the warning is to be given immediately upon marking the vehicle. Assuming the cost of setting up automated warnings is cheap, there seem to be very few drawbacks.

### **Limit the Ordinance to Specific Periods**

Because the people are most frequently ticketed for exceeding the maximum parking duration in the winter, it would seem that the main reason for the restriction is to allow snowplow crews to properly access the curb. It would make sense then to limit the times that people could be ticketed to only times where it is pertinent. This would require the City of Bozeman to declare the periods that it would apply, either directly in the law, or by notice, taking street cleaners into account, if needed.

Bozeman's weather conditions may make it difficult to declare exactly when snowplows or street cleaners need to come through. Since snowplows just plow as needed, it is possible that streets may be plowed outside of the period declared, for instance, in early April, unless the period is defined generously. Further, while it wouldn't affect the majority of cases, some people would be able to use city streets for personal storage, as long as they do it outside of the given periods. Allowing this behavior would go against the reason that the ordinance exists altogether.

### **Repeal the Ordinance**

Because the law isn't heavily enforced, it wouldn't seem to be a huge issue to get rid of it entirely. It would seem that the problem of people parking too long on city streets is either uncommon or not very serious. After all, the law is mostly used for the secondary purpose of letting plows access the curb. Ultimately, it wouldn't seem like a major issue if an ordinance that rarely comes into effect tries to clarify that city streets are a public space, because any parking

longer than 5 days violates Montana Code 61-8-356, and would result in the vehicle being towed.

While the ordinance is not currently a very common issue, it is far better for most people to deal with a relatively small ticket for parking longer than 48 hours than to deal with having their car towed or declared as abandoned. Also, the ordinance has the proper legal justification, regardless of how much it is enforced. Similar policies are currently in effect in many other cities, including Seattle (SDOT) and Toronto (Permit Parking), without much disagreement. The City of Bozeman would need the ordinance if the issue were to become more frequent than it is currently.

## **Recommendations**

Despite a lack of public awareness and our initial notion that the ordinance was made to keep the curb accessible to snowplows, we have found from our research that the ordinance is much more integral to the city. However, we feel that the lack of awareness and clearly-stated purpose reduces the ordinance's effectiveness. To remedy this, we recommend the following:

1. Bozeman lawmakers should require a descriptive warning and a reasonable amount response time be given to the registered owner of a vehicle prior to being ticketed for violation of Bozeman Municipal Code Sec. 36.04.260 (E).
2. The Bozeman Police should implement this amendment to the ordinance by extending their current electronic marking system so that it issues telephone warnings to the registered owner of the vehicle.



## References

Lee, S. (2015, March 30). [Telephone interview].

Maximum parking duration designated; Bozeman, MT, Sec. 36.04.260, 12-3-2012

Permit Parking. (n.d.). Retrieved April 14, 2015, from

<http://www1.toronto.ca/wps/portal/contentonly?vgnextoid=bec6a84c9f6e1410VgnVCM10000071d60f89RCRD&vgnextchannel=cd4c4074781e1410VgnVCM10000071d60f89RCRD>

Prohibition against parking or leaving vehicles on public property; Montana Code, Sec. 61.8.356

SDOT - 72-Hour On-Street Parking Ordinance. (n.d.). Retrieved April 14, 2015, from

<http://www.seattle.gov/transportation/parking/parking72hour.htm>

## **APPENDIX A: Project Outline Memo**

**DATE:** April 14th, 2015  
**TO:** Ashley Rives  
**FROM:** Bridger Howell, Michael Manning, Michael Shihrer  
**SUBJECT:** **Policy Report Project Outline**

Our report will tentatively be called “Maximum Winter Parking Duration in Bozeman: Evaluation and Recommendations.” We will evaluate Bozeman Code Sec. 36.04.260, which prohibits parking on unmarked city streets in winter conditions for more than 48 hours. Michael S. was unfortunate to be ticketed for violating this ordinance. Michael S. was given no previous warning or announcement about the law taking effect until after he was ticketed. In the end, Michael S. had to pay a fee of 30 dollars.

### **Goals**

Our goals for this project are the following:

- Fully understand the policy in question
- Determine how effective the policy is and how it needs to be changed
  - Interview local police, if available
  - Interview policy maker, if available
- Produce new procedures and estimate each one’s relative effectiveness
- Offer useful changes to Bozeman Code Sec. 36.04.260

### **Planned Sections and Delegation**

- Title Page - Bridger H.
- Abstract - Bridger H. / Group
- Table of Contents - Bridger H.
- List of Illustrations - Bridger H.
- Introduction and Background - Michael S.
  - Summary
  - Introduction
- Effects / Analysis - Michael M.
  - Ordinance wording
  - Ordinance reasoning
  - Enforcement
  - Permits and Legal Behavior
  - Awareness and Survey
- Policy Change - Bridger H.
  - Possible Modifications
  - Evaluation
  - Recommendations/Conclusion
- References - Group

### **Timeline**

3/6 Policy background researched, interview times specified  
3/13 Interview arranged (Michael M.)  
3/20 Research completed, abstract draft, progress report  
3/27 Internal draft

3/29 First draft and additional research  
4/3 Second draft  
4/10 Practice presentation  
4/14 Final draft and presentation ready

We will meet every Friday at 3PM in the library unless otherwise specified.

## **APPENDIX B: Progress Report**

**DATE:** March 26, 2015  
**TO:** Ashley Rives  
**FROM:** Bridger Howell, Michael Manning, Michael Shihrer  
**SUBJECT:** **Progress on Policy Report**

### **Summary**

The city of Bozeman has an ordinance that prevents vehicles from parking on city streets for more than 48 hours. The ordinance allows law enforcement to ticket individuals a maximum of \$40 when in violation of the ordinance without any warning. We are researching the policy's effectiveness and alternative solutions to prevent the ordinance's misuse. We are looking into instituting warnings, restricting the ordinance to winter weather or specific periods of time, and increasing public awareness.

Currently, we have a decent basis of research; however, we are behind schedule and much work remains to be able to make a definitive conclusion.

### **Work Completed**

#### **Preliminary Research**

We have looked into details surrounding the ordinance, and have produced a few relevant sources, however we have concluded that most of our information will come from interviews.

#### **Interview Questions Prepared**

We have obtained contact information for the City of Bozeman DMV and the Bozeman Police Department. For each, we have prepared several questions regarding the effectiveness and relevance of the ordinance. The interview questions are listed for reference.

#### **Survey Questions Prepared**

We have written a three-question survey, which we plan to distribute among other students, regarding the ordinance to approximate the awareness of this policy. The target sample size is 50 people.

### **Work Remaining**

#### **Continue Research**

We still require a couple more written sources to make an effective report. We can probably find this by considering related policies in other cities.

#### **Conduct Interview**

Interviews are necessary to evaluate the effectiveness of the policy in practice, as there are not many other relevant sources. The interviews have not been scheduled yet.

#### **Conduct Survey and Evaluate Results**

We need to distribute the survey and evaluate the overall awareness of the ordinance, because statistics on this do not seem to have been collected or been made available.

#### **Write Report**

We only have only drafted a small amount of the policy changes section, which is a bit behind what we had expected in our initial schedule. We have yet to draft the rest and revise.

### **Conclusion and Recommendations**

We are currently behind schedule, because we lack the necessary information from our interviews and surveying. To get back on schedule, we are now meeting twice a week and have updated our internal deadlines.

### **Updated Outline and Delegation**

- Title Page - Group
- Abstract - Group
- Table of Contents - Group
- List of Illustrations - Group
- Summary - Group
- Introduction and Background - Michael S.
  - Purpose
  - Ordinance Wording
  - Motivations
- Effects and Analysis - Michael M.
  - Public Awareness - Michael M. / Group
  - Enforcement
  - Importance
  - Opposition
- Policy Changes - Bridger H.
  - Explanations
  - Drawbacks
- Recommendations/Conclusion - Group
- References – Group
- Appendices
  - Project Outline
  - Progress Report

### **Updated Schedule**

3/28 Interviews and survey completed  
3/29 First draft and additional research  
4/3 Second draft  
4/10 Practice presentation  
4/14 Final draft and presentation ready

### **Interview Questions**

Concerning Code Sec. 36.04.260:

Did the law come from another city or source?

What problems lead to this law being adopted?

How frequent were these problems?

Were there any alternative solutions proposed?

How much effort is put into publicizing this ordinance?

What times and how often do the snowplows and street cleaners frequent their routes?

How many streets have signs posted?

Has there been any resistance toward this law?

How many people are ticketed annually?

How is the law enforced and how many resources are put into it?

### **Updated Bibliography**

Don't Duck the Truck! (n.d.). Retrieved March 26, 2015, from

[http://www.bozeman.net/Departments-\(1\)/Public-Works/Streets/Snow-Plowing](http://www.bozeman.net/Departments-(1)/Public-Works/Streets/Snow-Plowing)

Maximum parking duration designated; Bozeman, MT, Bozeman Code Sec. 36.04.260, 12-3-2012

Snow Plow Information. (n.d.). Retrieved March 26, 2015, from

<http://www.ci.west-jordan.ut.us/PW.aspx?pgID=3.14.3.1>