

## ORDINANCE # 875

AN ORDINANCE TO CLARIFY AND REVISE THE RED LODGE REQUIREMENTS FOR THE REMOVAL OF SNOW AND ICE FROM SIDEWALKS WITHIN THE CITY.

**WHEREAS:** The City Council of the City of Red Lodge, Montana has determined the need to clarify the requirements for the removal of snow and ice from sidewalks; and

**WHEREAS:** It is the opinion of the City Council that the current snow and ice removal ordinance that is codified in Title 9.06.100 is not in the best interest of the City, its residents and business owners.

Now therefore:

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF RED LODGE, MONTANA:

### Section 1. Duty:

For the reasons of pedestrian safety, it shall be the duty of the owners, tenants and/or occupants of property adjoining any of the sidewalks located within the Central Business or Central Business Transition Zoning Districts of the city to keep such sidewalks free from snow and ice. Snow and ice shall be removed from such sidewalks by such owners, tenants and/or occupants by 10:00 A.M. the day after the cessation of any storm.

### Section 2. Penalty for noncompliance.

In case of the failure of any person or persons whose duty it is hereby made to remove such snow and ice, to remove the same within the time prescribed above, the Red Lodge Police Department shall serve notice of noncompliance or cite the person or persons responsible as follows:

- 1<sup>st</sup> Offense- Written notification- by certified mail.
- 2<sup>nd</sup> Offense- \$50.00 fine.
- 3<sup>rd</sup> Offense- \$100.00 fine.
- 4<sup>th</sup> or subsequent offense within a two year period would constitute "maintaining a public nuisance" MCA 45-8-111.

Additionally, in the case of noncompliance the Public Works Director may remove such snow and ice that is not removed within the time prescribed. He shall certify the cost thereof to the City Clerk and thereupon the cost thereof shall be certified by the City Clerk to the County Treasurer of Carbon County, to be collected at the time of the collection of other city taxes.

### Section 3. Effective Date.

This ordinance shall be effective 30 days after approval of second reading by the Red Lodge City Council.

### Section 4. Repealer.

All other ordinances and resolutions of the Red Lodge City Council pertaining to the removal of snow and ice from sidewalks within the City of Red Lodge are repealed upon the effective date of this ordinance.

Codification Note:

This Ordinance is intended to be codified in Title 9.06.100 Removal of Snow and Ice From Sidewalks in the Red Lodge City Code.

Be It Ordained By The Council Members of the City of Red Lodge.

First Reading by the Council on the 24<sup>th</sup> day of March, 2009.

Second Reading by the Council on the 14<sup>th</sup> day of April, 2009.


PASSED and APPROVED by a majority of the elected members of the Red Lodge City Council this 14<sup>th</sup> day of April 2009.

The City of Red Lodge

By:

  
Elizabeth Scanlin, Mayor

Attest:

  
Debbie Tomicich, City Clerk