

ORDINANCE # 896

AN ORDINANCE TO CLARIFY AND REVISE THE RED LODGE REMOVAL OF SNOW AND ICE FROM PUBLIC STREETS 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 Public Streets; and

WHEREAS: The City Council has determined that there is not a current snow and ice removal ordinance codified in the Municipal Code; and

WHEREAS: The City Council has determined that remaining mute to the issue is not in the best interest of the City, its residents and business owners.

WHEREAS: The City Council recognizes that many factors (wind, amount of snow, time of snow events, temperature, equipment and staffing availability) affect the ability to remove snow and ice from the streets. As such, a formal schedule for removal is unrealistic.

Now therefore:

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

Section 1. Definitions:

1. City: The City of Red Lodge
2. Department: The Public Works Department of the City.
3. Encroachment: Private driveways and other improvements placed within the Public right-of-way.
4. Public Right(s)-of-Way: A dedicated, deeded, platted or declared thoroughfare established for public use not including Highway 212 or Highway 78.

Section 2. Service:

Snow removal from public right-of-ways is a service provided by the City of Red Lodge to our residents and business owners. In the provision of this service the Department shall strive to reasonably keep the snow and ice removed from the driving lanes of our public rights-of-way by 11:00 A.M. the day after the cessation of any storm.

Snow and ice removal from the public right-of-way shall be accomplished in a manner that is the most efficient and cost effective to the City. Snow

removal from sidewalks is the responsibility of the landowner adjacent to the sidewalk and is governed by Chapter 4 of this Title.

Widening of parking lanes may occur once the driving lanes have been opened.

Section 3. Encroachments.

Given the development pattern of the City it is impossible for the Department to avoid pushing snow in a manner that may inconvenience property owners. Residents need to accept the fact that we live in snow country and that snow removal operations may restrict free use of encroachments onto the public right-of-way.

Section 4. Parked Cars.

Cars parked along public rights-of-way during and immediately following a snow event are subject to being plowed in during snow removal and widening operations. Being plowed in does not constitute an exemption to the parking limitations imposed by State Law or other City Ordinances.

Section 5. Depositing Snow on to Streets.

It shall be unlawful for residents to dispose of snow accumulations from public or private property within the moving lanes of any public right-of-way.

- 1st Offense- Verbal Warning.
- 2nd Offense- \$100.00 fine.
- 3rd or subsequent Offense- \$300.00 fine.

Section 6. Effective Date.

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

Section 7. Repealer.

All other ordinances and resolutions of the Red Lodge City Council pertaining to the removal of snow and ice from Streets, Avenues or public ways within the City of Red Lodge with the exception of Title 4 Chapter 4 (Sidewalks) are repealed upon the effective date of this ordinance. Further, references to policies ordinances regarding snow removal are hereby repealed.

Codification Note:

This Ordinance is intended to be codified in Title 4.5. Removal of Snow and Ice From Public Rights-of-Way in the Red Lodge Municipal Code.

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

First Reading by the Council on the 9th day of September 2012.

Second Reading by the Council on the 23rd day of October 2012

PASSED and APPROVED by a majority of the elected members of the Red Lodge City Council this 23rd day of October, 2012.

The City of Red Lodge

By: _____
Brian C. Roat, Mayor

Attest: _____
Debbie Tomicich, City Clerk