

# **ORDINANCE # 910-AMENDED**

**AN ORDINANCE OF THE CITY OF RED LODGE, MONTANA, TO AMEND ORDINANCE #910 REGARDING THE REMOVAL OF SNOW AND ICE FROM SIDEWALKS WITHIN THE CITY; AND CLARIFICATION AND REVISION OF THE CITY MUNICIPAL CODE REGARDING DEPOSITION OF SNOW ON STREETS.**

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 the City Municipal Code Title 4, Chapter 4 is not in the best interest of the City, its residents and business owners; and

WHEREAS: The City of Red Lodge has entered into a Sidewalk Maintenance Agreement with the Montana Department of Transportation which calls for more stringent requirements for snow removal from sidewalks adjoining State and Federal Highways within the City; and

WHEREAS: It is necessary to provide for reasonable pedestrian access to all businesses and commercial zones; and

WHEREAS: The City Council of the City of Red Lodge, Montana has determined the need to clarify the requirements for the deposition of snow in the public rights of way, including but not limited to streets, alleys, and rows; and

WHEREAS: It is the opinion of the City Council that the current Municipal Code Title 4, Chapter 5 is not in the best interest of the City, its residents and business owners.

## **NOW THEREFORE:**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RED LODGE, MONTANA**

**1. Title 4 - Public Health and Safety, Chapter 4 - Snow Removal from Sidewalks of the Red Lodge City Municipal Code shall be as noted below:**

### Section 1. Duty.

The owners, tenants and/or occupants of property within areas that require snow removal from sidewalks shall keep such sidewalks free from snow and ice.

Areas that require snow removal from sidewalks include:

1. Any of the commercial zone districts (including C-1, C-2, C-3N, C-3S, and C-4; see the City of Red Lodge Zone District Map (on the City Website), as said map may be amended from time to time.

2. Any property being used primarily for commercial purposes regardless of zoning district, and
3. Any multi-family residential development with 3 or more dwellings on a lot, and
4. Any property adjoining either US Highway 212 or Montana Highway 78 (if such a property is not being used for commercial purposes and is not zoned commercial, snow removal shall only be mandated for the portion of sidewalk along the highway.)
5. For the purpose of this Ordinance, the paved Multi-Use Path along Highway 212, extending northward more or less from the traffic circle at 3<sup>rd</sup> Street shall not be considered a sidewalk and shall therefore be exempt from the requirement herein to remove snow and ice from thereupon.

Snow and ice shall be removed from such sidewalks by such owners, tenants or occupants by 10:00 A.M. the day after the cessation of any storm. Snow and ice shall be removed from an area of at least a five foot (5') width along the length of the sidewalk, or from as much of the sidewalk as can be reasonably accomplished without putting snow and ice back into the street; except as otherwise permitted below. For the purpose of this Ordinance, snow and ice removed from the sidewalk may be placed upon the snow berm which forms generally along the edge between the sidewalk and the street; however the placement of snow and ice into and upon the portion of the street which lies beyond said snow berm shall be prohibited, and shall constitute a violation of this Code.

Properties with an ADA (Americans with Disabilities Act) ramp within the sidewalk adjacent to the property shall be additionally responsible to keep the entirety of the ramp clear of snow and ice including any snow berm that may exist where the street meets the sidewalk.

To encourage compliance with the duties prescribed herein, the use of mechanical methods (i.e. snow blowers, ATV's, blade equipped trucks and tractors) to assist in the removal of accumulated snow and ice are hereby exempted from the nuisance noise ordinance of the City of Red Lodge between the hours of 6:00 a.m. and 10:00 p.m. during and in the 36 hours following the cessation of any snow storm. (Any equipment used on sidewalks within the City must weigh less than 10,000 lbs. to minimize damage to the sidewalks)

When possible due to personnel availability, it shall be the intention of the City to use equipment to clear snow and ice from key areas / sidewalks to help facilitate pedestrian access and safety. Any such removal by the City should be seen as assistance and does not remove responsibility from the owners, tenants and/or occupants for removing snow and ice from additional areas and at additional times.

In the event the City elects to remove snow and ice from sidewalks, the City may choose to remove and or relocate any obstructions including, but not limited to, benches,

flower pots, bike racks, etc. from the sidewalks in such areas that require snow and ice removal between October 15 and April 15 of each year.

#### Section 2. Penalty for Noncompliance.

In the event that a property owner, tenant, or occupant does not remove snow and ice, in violation of the provisions of this ordinance, within 24 hours of issuance of written warning, the City may cause the removal of the snow and ice in the best practicable manner and shall charge the cost of such snow and ice removal to the owner of said property. The amount billed to the owner shall be due and payable to the City within thirty (30) days of billing. The amount billed shall include the full cost of the removal along with administrative costs to effect said removal. If payment is not received by the City, said amount shall be certified to by the City Clerk to the Carbon County Treasurer to be collected at the time of collection of other City taxes.

Additionally, 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:

- 1st Offense - Written warning - by the Red Lodge Police Department
- 2<sup>nd</sup> Offense - \$50.00 fine.
- 3<sup>rd</sup> Offense - \$100.00 fine.
- 4<sup>th</sup> or subsequent offense within 2 year period would constitute “maintaining a public nuisance” MCA 45-8-111.

#### 2. Title 4 - Public Health and Safety, Chapter 5 - Removal of Snow and Ice From Public Rights-of-Way of the Red Lodge City Municipal Code shall be as noted below:

Sections 1, 2, 3, and 4 of Title 4, Chapter 5 remain unchanged and approved hereby. The following Section 5 shall replace the existing Title 4, Chapter 5, Section 5 - Depositing Snow onto Streets.

#### Section 5.

It shall be unlawful for any owner, tenant, occupant, or agent thereof, to move snow onto or across the driving lanes of any City Right-of-Way from public or private property; unless all such snow is immediately removed from the driving lanes and such snow is deposited either:

1. On private property with the permission of the owner(s) of said private property; or
2. Onto the Public R.O.W. beyond the driving and/or parking lanes in such a manner as to not obstruct the use of the R.O.W. including parking areas, walks, or trails; and also to not interfere with the drivability of the road or create any adverse impacts to sight distance.

- 1st Offense - Written warning - by the Red Lodge Police Department.
- 2<sup>nd</sup> Offense - \$100.00 fine.
- 3<sup>rd</sup> Offense - \$300.00 fine.

**3. Repealer.**

All other resolutions and ordinances or sections thereof, of the Red Lodge City Council pertaining to the removal of snow and ice from sidewalks, and the deposition of snow onto the public rights-of-way within the City of Red Lodge are repealed upon the effective date of this ordinance.

**4. Effective Date.**

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

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

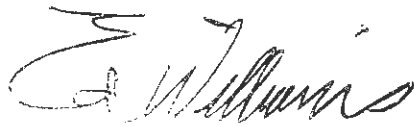
First Reading by the Council on the 26<sup>th</sup> day of January, 2016.

Second Reading by the Council on the 9<sup>th</sup> day of February, 2016.

PASSED and APPROVED by the Red Lodge City Council this 9<sup>th</sup> day of February, 2016.

The City of Red Lodge

By: \_\_\_\_\_



Ed Williams, Mayor

Attest: \_\_\_\_\_



Loni Hanson, City Clerk