

ORDINANCE # 923

AN ORDINANCE OF THE CITY OF RED LODGE, MONTANA, TO AMEND THE MUNICIPAL CODE PERTAINING TO THE USE OF THE PUBLIC RIGHTS OF WAY AS GOVERNED IN TITLE 4 - PUBLIC HEALTH AND SAFETY, CHAPTER 1 - NUISANCES, AND TITLE 6 – MOTOR VEHICLE AND TRAFFIC, CHAPTER 1 – TRAFFIC CODE

WHEREAS: The City Council of the City of Red Lodge, Montana has determined the need to clarify certain aspects and sections of the Municipal Code as it applies to the use of the public R.O.W throughout the City; and

WHEREAS: The City of Red Lodge has entered into a Sidewalk Maintenance Agreement with the Montana Department of Transportation which calls 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: It is necessary to provide clear and consistent expectations for all reasonable uses of the public R.O.W. including storage, time restrictions, and the removal of improperly parked vehicles.

NOW THEREFORE:

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

1. --- Title 4 - Public Health and Safety, Chapter 1 - Nuisances, of the Red Lodge City Municipal Code are approved as noted below:

Section 18. Storage in Public Rights-of-Way.

Storage in and on public rights-of-way is a public nuisance, subject to removal at the owner's expense. Storage for purposes of this provision includes Non-Over-the-Road and Non-Motorized vehicles (but not operable On-Highway vehicles) left in and on the public rights-of-way, in or near any one place within the same Block, for more than five (5) consecutive days. For the purpose of this Code, a Block shall be defined as any portion of a public right-of-way between two (2) successive intersections, or between an intersection and a dead-end (see Exhibit A.) Non-Over-the-Road includes, but is not limited to, watercraft, snow machines, and un-licensed all-terrain vehicles (i.e. Snow-Cats, Argos, ATVs/ UTVs, etc.) except as otherwise defined herein as Non-Passenger / H.D. Commercial. Non-Motorized includes, but is not limited to, trailers (regardless of size, weight, or classification except as otherwise defined and regulated herein in Section E.1.2) and any inoperable vehicle.

2. --- Title 6 – Motor Vehicle and Traffic, Chapter 1 – Traffic Code, of the Red Lodge City Municipal Code are approved as noted below:

Section 3. Stopping, Standing, and Parking.

Sub-Section E. Time Restrictions.

No On-Highway vehicle, Non-Over-the-Road vehicle, or Non-Motorized vehicle shall be left in or near a single location on Broadway Avenue between Fifth Street and Fifteenth Street; and within one hundred fifty feet (150') of intersecting streets between Fifth Street and the north side of Fourteenth Street in or near any one place for a longer period than four (4) hours within the hours of 8:00 a.m. and 5:00 p.m.

Sub-Section E.1. Additional Time Restrictions.

1. Passenger Vehicles (Non-Commercial) –

Prohibited in Specified Places:

No On-Highway vehicle (non-commercial) or licensed ATV/UTV shall be left in or near a single location on the public Rights-of-Way within the same City Block, for more than five (5) consecutive days. For the purpose of this Code, a City Block shall be defined as any portion of a public Right-of-Way between two (2) successive intersections, or between an intersection and a dead-end.

2. Non-Passenger Vehicles (Commercial / Other Heavy Duty Types) -

No On-Highway or Non-Over-the-Road vehicle (rated in excess of 18,000 pounds), and H.D. Trailers (rated in excess of 6,000 pounds) shall be left in or near a single location on the public Rights-of-Way within the same Block, for more than twenty four (24) consecutive hours. For the purpose of this Code, a Block shall be defined as any portion of a public right-of-way lying between two (2) successive intersections; or an intersection and the adjacent dead-end (see Exhibit A.)

Sub-Section I. Removal of Improperly Parked Vehicles; Impoundment.

Whenever any Police Officer finds an On-Highway vehicle (regardless of passenger or commercial / weight classification), Non-Over-the-Road vehicle, or Non-Motorized vehicle standing or parked, in or near a single location upon any public Right-of-Way in violation of the provisions of the City Code, such officer is hereby authorized to remove such vehicle or to require the driver or other person in charge of the vehicle to move the same and refusal or disobedience shall be punishable as is hereinafter provided. In addition, in the event of neglect, refusal or disobedience, the officer may, if he/she so elects, cause the vehicle to be removed, held and impounded at the expense of the owner, driver or occupant thereof.

3. Repealer.

All other ordinances and resolutions of the Red Lodge City Council pertaining to above noted Sections of the City Municipal Code are repealed upon the effective date of this ordinance.

4. Effective Date.

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

Be It Ordained By the Council Members of the City of Red Lodge, Montana

First Reading by the Council on the 12th day of April, 2016.

Second Reading by the Council on the _____ day of _____, 2016.

PASSED and APPROVED by no less than four (4) members of the Red Lodge City Council this 12th day of April, 2016.

The City of Red Lodge

By: _____

Ed Williams, Mayor

Attest: _____

Loni Hanson, City Clerk