



City of Red Lodge
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MEMO

December 8, 2015

TO: City Council
FROM: Peter Italiano

RE: Code Enforcement

At the recent Council meeting wherein the Code Enforcement presentation was given, the question arose as to what type of revisions to the Code might be necessary in order to move ahead with a concerted code enforcement effort. Below are some preliminary suggestions for Code revisions based upon the idea that the first tier of enforcement efforts would be limited to areas within the public R.O.W. Should the Council desire to move ahead with enforcement efforts beyond the recommended first tier, additional review of the Code will be required.

4-1-18 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 nonmotorized vehicles (**but not operable on-road vehicles**) left in or near a single location for more than ~~seventy-two (72)~~ **twenty-four (24)** consecutive *hours*. Non-over-the-road includes but is not limited to watercraft, snow machines, and all-terrain vehicles. Nonmotorized includes but is not limited to trailers (**regardless of size, weight, or classification**) and any inoperable vehicle.

This section does Not apply to operable "on-highway" vehicles (e.g. Cars, Pick-Ups, Motor Homes; as well as heavy duty commercial vehicles such as dump trucks, etc); nor does it apply to Broadway between 8th & 15th etc.

6.1.3. E. **Time Restrictions:** No **on-highway** vehicle, **non-over-the-road vehicle, or nonmotorized vehicle** shall be ~~parked continuously~~ **left in or near a single location** on Broadway Avenue between Eighth *Street* and Fifteenth *Street* and within one hundred fifty feet (150') of intersecting streets between Eighth *Street* and the north side of Fourteenth *Street* at any one place for a longer period than four (4) hours within the hours of 8:00 a.m. and 5:00 p.m. between Eighth *Street* and Fifteenth *Street*; ~~and that otherwise and in any other district, no vehicle shall be parked continuously at any one place for a longer period of time than five (5) days.~~ **This limits All vehicles/trailers/boats/snowmobiles, etc. on Broadway.**

6.1.3.E. 1. No on-road vehicle (under ??? pounds --- non-commercial???) shall be *parked* continuously at any one place left in or near a single location on any public right of way for a longer period of time than five (5) days. Further, no on-road vehicle (in excess of ??? pounds --- commercial ???) shall be left in or near a single location for a longer period of time than twenty-four (24) hours.

6.1.3.I. Removal of Improperly *Parked Vehicles*; Impoundment: Whenever any police officer finds an on-road vehicle (regardless of weight) , non-over-the-road vehicle, or nonmotorized vehicle standing, ~~or parked,~~ **or left in or near a single location** upon any *street*, avenue or alley in violation of the foregoing provisions of this ~~chapter~~ **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.

~~6-2-2 Duty of Police Department. A. Duty to Remove: It shall be the duty of the Police Department, whenever a motor vehicle is found abandoned upon the streets or alleys in the same position for a period of five (5) days to take said motor vehicle into custody.~~ **With the above noted changes, this section seems moot; (if it is deemed to be left in the Code, a definition for “Abandoned” will be needed.)**