

ORDINANCE # 910 - Amended

AN ORDINANCE AMENDMENT TO ORDINANCE # 910 REGARDING ~~CLARIFY AND REVISE~~ THE REMOVAL OF SNOW AND ICE FROM SIDEWALKS WITHIN THE CITY OF RED LODGE; 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 Title 9.06.100 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 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 ENACTED 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 zoning districts (including C-1, C-2, C-3N, C-3S, and C-4) of the city, and

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.)

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 shall be removed from as much of the sidewalk as can be reasonably accomplished without putting snow back into the street or alley. ~~(As provided in Ordinance 896 Section 5, it is unlawful to willfully move snow back into the streets and alleys)~~

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 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~~ to 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)

It is 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.

As City and other equipment will be used to remove snow and ice from sidewalks, the City may require that any obstructions including, but not limited to, benches, flower pots, bike racks, etc be removed from public sidewalks in areas that require snow removal between October 15 and April 15 of each year.

~~While not specifically required by this Ordinance, other owners, tenants or occupants of property within the City of Red Lodge but outside of the required areas are STRONGLY encouraged to remove accumulated snow and ice from the sidewalks adjoining their property to enhance pedestrian safety. Furthermore, Commercial properties (whether zoned or based upon primary use) along Broadway Avenue between 8th and 15th Streets~~

shall ~~are encouraged to~~ clear at least one walkways (approx.. 36" wide) per property through the berms that accumulate at the curb to facilitate safe routes for pedestrians.

Section 2. Penalty for Noncompliance.

In the event that a property owner, tenant, or occupant does not remove ~~obstructions caused by~~ snow and ice, in violation of the provisions of this ordinance, within 24 hours of issuance of written warning ~~notification~~, 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 notification~~ - by the Red Lodge Police Department certified mail.
- 2nd Offense - \$50.00 fine.
- 3rd Offense - \$100.00 fine.
- 4th 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, ~~residents to~~ move snow onto or across the driving lanes of any City Right-of-Way ~~dispose of snow accumulations~~ from public or private property. ~~within the moving lanes of any public right-of-way.~~

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

- A. ~~1st offense Verbal warning.~~
- B. ~~2nd offense One hundred dollar (\$100.00) fine.~~
- C. ~~3rd or subsequent offense Three hundred dollar (\$300.00) fine. (Ord. 896, 10-23-2012)~~

3. Effective Date.

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

4. 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.

Codification Note:

This Ordinance is intended to be codified in Title 4 – Public Health and Safety, Chapter 4 Snow Removal from Sidewalks, and Chapter 5 - Removal Of Snow And Ice From Public Rights-Of-Way ~~9.06.100 Removal of Snow and Ice From Sidewalks~~ 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 _____ day of January, 2016.

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

PASSED and APPROVED by a majority of the elected members of the Red Lodge City Council this _____ day of February, 2016.

The City of Red Lodge

By: _____

Ed Williams, Mayor

Attest: _____

Loni Hanson, City Clerk