

**An Ordinance Establishing Chapter 12, Trail Regulations, of Title 8, Public Ways and Public Property, of the Red Lodge Municipal Code**

**WHEREAS**, various regulations are established under Title 8 of the Red Lodge Municipal Code for the occupation of right-of-way for any City sidewalk, City alley or City street, and

**WHEREAS**, there are multiple existing trails and a recently constructed paved path within the City of Red Lodge in public rights-of-way, and

**WHEREAS**, the City desires to prevent user conflicts and/or the obstruction of these trails that would compromise usage and safety, and

**WHEREAS**, current regulations do not address the use of trails within the City of Red Lodge, and

**NOW, THEREFORE, Chapter 12, Title 8, is hereby adopted as follows:**

**Title 8, Public Ways and Public Property**

**Trails Regulations**

**Section:**

**8-12-1: Short Title**

**8-12-2: Purpose**

**8-12-3: Definitions**

**8-12-1: Short Title.**

This Chapter shall be known and cited as **TRAILS REGULATIONS OF THE CITY OF RED LODGE, IN THE COUNTY OF CARBON, STATE OF MONTANA.**

**8-12-2: Purpose.**

It is the purpose of these regulations to recognize that the trails in Red Lodge, Montana are for the use and enjoyment of the public and that it is in the public's interest that laws be promulgated to protect the safety and welfare of those using these trails and to protect community investments in trail infrastructure.

**8-12-3: Definitions.**

As used in this Chapter, the following words and terms shall have the meanings ascribed to them in this Section.

- A. **Bicycle:** A vehicle propelled solely by human power on which any person may ride, irrespective of the number of wheels, except scooters, wheelchairs, and similar devices. The term includes an electrically assisted bicycle. MCA 61-8-102
  
- B. **Electrically Assisted Bicycle:** A vehicle on which a person may ride that has two tandem wheels and an electric motor capable of propelling the vehicle and a rider who weighs 170 pounds no faster than 20 miles an hour on a paved, level surface. MCA 61-8-102
  
- C. **Trail:** A trail within the City of Red Lodge as identified by the Red Lodge Parks, Trees and Recreation Board. Trails subject to this ordinance include, but are not limited to, trails on the following types of land within the City of Red Lodge:
  - 1. City-owned lands.
  - 2. Dedicated parklands.
  - 3. A public right of way or public easement.
  - 4. Privately owned lands where landowners have made trails or areas available to public use through lease, easement, agreement or other means.
  
- D. **Motorized Vehicle:** Any motorized conveyance including, but not limited to cars, trucks, motorcycles, tractors, farm machinery, golf carts, mopeds with an independent power source, motorized scooters, snowmobiles, all-terrain vehicles or tracked vehicles. This shall not include motorized wheelchairs or other devices that are necessary to facilitate movement due to a disability.
  
- E. **Pedestrian:** Any person on foot or any person in a manually or mechanically propelled wheelchair or other low-powered, mechanically propelled vehicle designed specifically for use by a physically disabled person. MCA 61-8-102

**8-12-4: Applicable Trails.**

- A. **Existing Trails:** These regulations apply to existing trails identified as:
  - 1. Airport Trail and McGillan Trail Connector.
  - 2. Rock Creek Trail in the Area of Coal Miner’s Park and the Yellowstone Wildlife Sanctuary, including connectors on Beartooth Lane and on the east side of the High School.
  - 3. Highway 212 Paved Trail from 2<sup>nd</sup> Street to Beartooth Lane.
  - 4. Highway 78 Paved Trail from Lazy M Street to Rodeo Road.
  - 5. South Rotary Park.
  - 6. Spires Subdivision dedicated public trails.

A map depicting these trails is included as an Attachment.

- B. **Future Trails:** Trails developed in the future on City-owned lands, public rights-of-way, or on property where public use is granted shall be subject to any additional use regulations developed by the Red Lodge Parks, Trees and Recreation Board and

approved by the City Council by Resolution. Regulations in this part shall apply to future trails until any additional regulations specific to such trails are approved.

**8-12-5: Regulations Concerning The Obstruction Of Applicable Trails.**

- A. Parking Motor Vehicles:** No person shall park a motorized vehicle on any trail with the exception of authorized maintenance and public safety officials.
- B. Objects:** No person shall place any object, whether temporarily placed or whether permanently secured, on, under or across any trail with the exception of supporting trail features such as signs, benches, tables or other appropriate trail features approved by the Public Works Director.
- C. Snow, Dirt, Gravel:** No person shall place or pile snow, dirt or gravel on any trail.

**8-12-6: Regulations Concerning the Use of Applicable Trails**

All types of users, with the exception of motorized vehicles as defined in 8-12-3D, are authorized to use the applicable trails.

**8-12-7: General Regulations Concerning Applicable Trails**

- A. Dogs:** Dogs shall not be unrestrained. Red Lodge City Code 5-5B-5
- B. Animal Refuse:** Users shall remove animal refuse from trails and cat and dog refuse shall be placed in designated trash receptacles.
- C. Disturbing Flora and Fauna:** No person shall disturb flora or fauna along a trail without prior authorization from the Public Works director.
- D. Safe Use:** All users should keep to the right side of the trail, except when passing, and allow faster trail users to pass safely. Parked bicycles or other non-motorized equipment should be moved off the edge of the trail surface in a manner that does not impede safe use by other trail users.
- E. Yielding:** Bicyclists and skaters must yield to pedestrians and all users must yield to horses.
- F. Alcoholic Beverages:** The possession of open alcoholic beverages is prohibited. Red Lodge Code 5-4-7.
- G. Garbage:** Throwing or depositing any glass, cans, garbage, waste or refuse of any kind on any trail or the lands adjacent thereto is unlawful. All trash or litter shall be placed in designated trash receptacles or carried off-site for proper disposal.
- H. Organized Events:** Special, organized events on any trail shall be subject to the approval by the City under Title 8, Chapter 8.

I. **Signs:** The City Parks, Trees and Recreation board shall recommend placing signs at appropriate locations indicating regulations and prohibited trail uses. This ordinance shall be enforceable regardless of the presence or absence of such signs.

**8- 12-7: Penalties.**

A. The Red Lodge Police Department shall serve notice of noncompliance or cite the person or persons responsible for violating any provision of this Title and Chapter as follows:

1<sup>st</sup> 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 two-year period would constitute ‘maintaining a public nuisance’. MCA 45-8-111

B. A person or persons responsible for damage to any trail may be held liable for any damages incurred and be ordered to make restitution for those damages.

Effective Date:

This Ordinance shall be effective 30 days after approval of a 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 \_\_\_\_\_ day of \_\_\_\_\_ 2016.

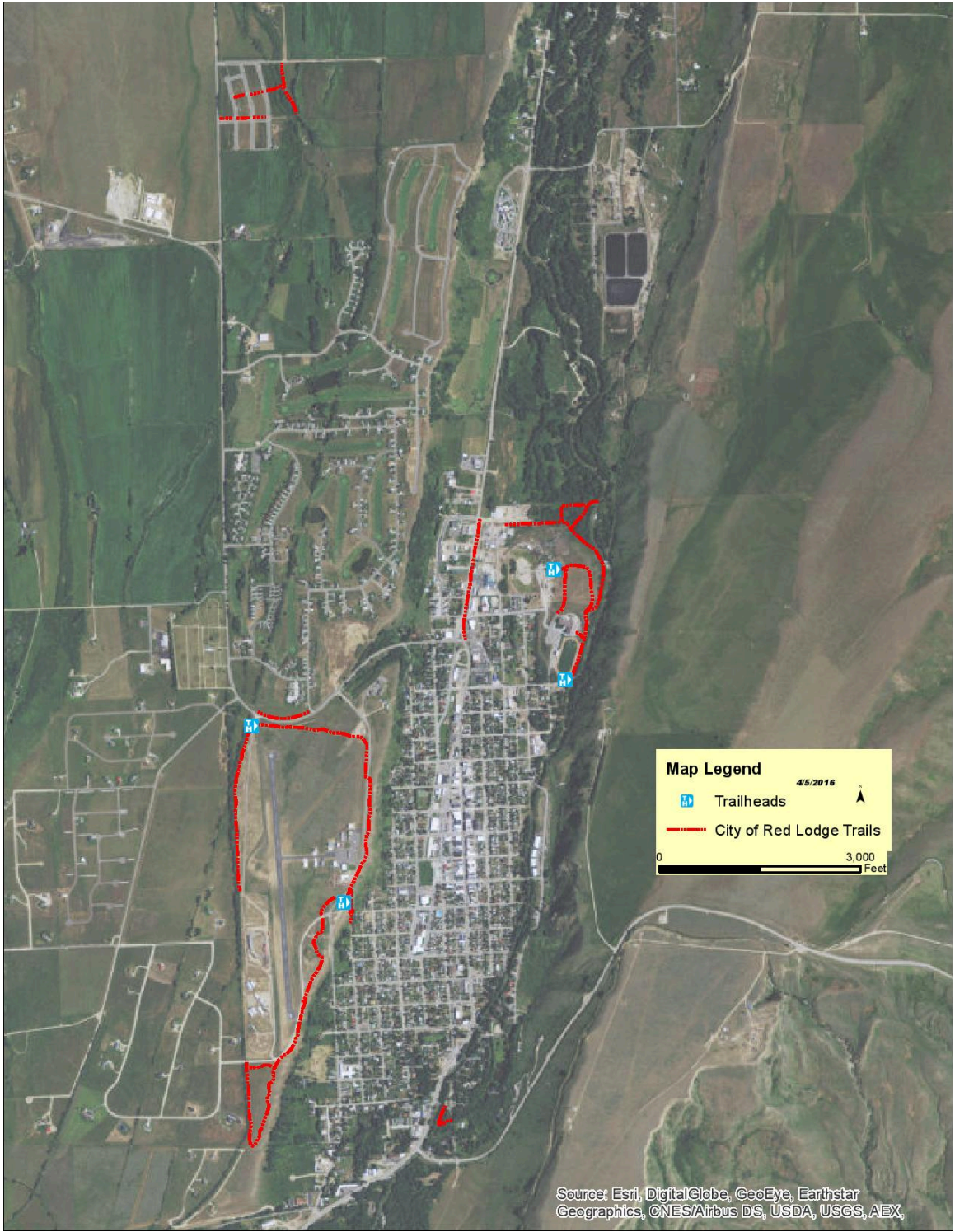
Second reading by the Council on the \_\_\_\_\_ day of \_\_\_\_\_ 2016.

PASSED AND APPROVED BY NO LESS THAN FOUR MEMBERS OF THE RED LODGE CITY COUNCIL THIS \_\_\_\_\_ day of \_\_\_\_\_ 2016.

The City of Red Lodge

By: \_\_\_\_\_  
Ed Williams, Mayor

Attest: \_\_\_\_\_  
Loni Hanson, City Clerk



Proposed Ordinance 922, Trail Regulations, has been developed by the Council's Public Works Committee at the request of the Mayor to primarily provide the capability of enforcing complaints related to the obstruction of existing and proposed trails within the City.

The following persons have provided input to the Council's Public Works Committee in the development of the proposed ordinance:

- Peter Italiano, Community Development Director, City of Red Lodge
- Dan Seifert, Red Lodge Parks, Trees and Recreation Board Chair
- Grant Barnard, President, Beartooth Recreational Trails Association
- Melinda Barnes, Executive Director, Bike Walk Montana
- Stefan Streeter, Division Engineer, Montana Department of Transportation (MDT)

The Public Works Committee referred the proposed ordinance to the Parks Board for an official recommendation. Ordinance 918 tasks the Parks Board to oversee the review and update of the Trails Plan and incorporation in the Growth Policy.

Outstanding issues to be addressed in the review of the proposed ordinance include the following:

- Should snowmobiles be allowed on the Highway 212 and Highway 78 paved trails, from 2<sup>nd</sup> Street to Beartooth Lane and from Lazy M Street to Rodeo Road respectively? This has been recommended by Peter Italiano. MDT guidance from Stefan Streeter notes that the City through ordinance can determine when and if a path can be used for snowmobiles. If the Council agrees to allow snowmobile use, a formal request would then be made to the Montana Transportation Commission for concurrence per the following section of Montana Code:

**60-3-304. Duties of department of transportation.** (1) The establishment of paths and trails and the expenditure of funds as authorized by this part are for the promotion of traffic safety on the highways, roads, and streets of the state. The transportation commission shall, when requested, provide technical assistance and advice to cities and counties in carrying out the purpose of this part. (2) The department of transportation shall recommend construction standards for footpaths and bicycle trails. The department shall provide a uniform system of signing footpaths and bicycle trails which shall apply to paths and trails under the jurisdiction of the commission and cities and counties. The commission and cities and counties shall restrict the use of footpaths and bicycle trails under their jurisdiction to pedestrians and nonmotorized vehicles to the maximum possible extent, except that the commission, in cooperation with local governments, may authorize the operation of snowmobiles on designated portions of bicycle trails and footpaths when snow conditions permit.

**History:** En. 32-2627 by Sec. 4, Ch. 544, L. 1975; R.C.M. 1947, 32-2627; amd. Sec. 3, Ch. 512, L. 1991; amd. Sec. 6, Ch. 75, L. 1995.

**Parks Board Recommendation, March 16, 2016**

Motion passed unanimously by the Parks Board that for the following reasons, the Parks Board recommends to the Red Lodge City Council that motorized vehicles, as defined in Ordinance 922, be prohibited on all City trails.

- (1) A single motorized use, in a single season, on select trails, establishes an inconsistent and confusing regulation and has not been identified as a need in any survey or public hearing conducted by the Board.
  - (2) Motorized use mixed with pedestrian, skier and dog walking creates a significant safety concern. The motorized use on a trail with multiple street intersections is also a safety concern. A third safety concern is that snowmobiles lose a significant amount of their maneuverability on hard surfaces that would be present on the asphalt trails.
  - (3) The carbide runners used on the skis of current day snowmobiles can be very destructive to asphalt surfaces.
  - (4) The short length of the asphalt trails do not provide a significant recreational value to snowmobilers. Also, the trails do not connect to any other established snowmobile trails.
  - (5) Snowmobiles would create noise and air pollution near residential areas in the golf course community.
- Should the ordinance include a provision that tents, campers and other objects not be placed within a certain distance (i.e. 10 yards) of the Airport trail, instead of the provision for not allowing objects ‘on, under or across the trail’? This has been recommended by Bob Jesser from his experience for those camping immediately adjacent and on both sides of the Airport Trail during events held at the Rodeo grounds.

**Parks Board Recommendation, March 16, 2016**

No. The existing proposed provision for not allowing objects on the trail is adequate given the limited number of applicable events that impact the Airport Trail and issues involved with a perception of over enforcement.

- Confirmation of the applicable existing trails in Section 8-12-4A is requested. Grant Barnard has also requested that Beartooth Lane, from the Wildlife Sanctuary to the Highway 212 paved path, be added.

**Parks Board Recommendation, March 16, 2016**

The applicable existing trails list has been modified to delete the section at Highway 78 and White Avenue, and to add Beartooth Lane with the understanding that this is platted as a street but not used as such. A marked trail on the south side of Beartooth Lane is to be identified.

**Post Meeting Recommendation**

The Parks Board Chair, who has also prepared the trails map, has added the Spires Subdivision dedicated public trails.