

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 2nd 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. This is consistent with the requirements of MCA 60-3-304. Any modifications of this rule to include snowmobiles in the future may only be done subsequent to a public hearing regarding the proposed change and in accordance with MCA 60-3-304.

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:

1st Offense – Written warning by the Red Lodge Police Department.

2nd Offense - \$50.00 fine.

3rd Offense - \$100.00 fine.

4th 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



