

Ordinance 923 – Exhibit A

AREA AFFECTED	REGULATORY ELEMENTS	
	Existing	Proposed
<u>Broadway Avenue ... between 8th & 15th Streets & 150' along the side streets</u>	>4 hour limit between 8:00 am & 5:00 pm >Specific only to "On-Highway" vehicles	>Consider Expanding the area to 5 th Street >Expand scope to also include "Non-Motorized ¹ " & "Non-Over-the-Road ² " vehicles
<u>All Areas of the City ... except Broadway as noted above & as noted below for Country Club Estates, Diamond C & the Spires</u>	>5 day limit >All vehicles – driven or towed regardless of classification type	<u>Commercial Heavy Duty (HD)</u> >24 hour limit >All driven HD over 18,000 lbs. >All towed HD vehicles in excess of ____ lbs. typically used to haul HD equipment & material
		>72 hour limit >"Non-Motorized" & "Non-Over-the-Road" vehicles other than HD as noted above
		>5 Day limit ⁴ (Previously unlimited time period) >All "On-Highway" ³ vehicles other than as noted above (Commercial HD, Non-Motorized and Non-Over-the-Road vehicles)
<u>Country Club Estates, Diamond C, and Spires</u>	<u>See Above ... All Areas of the City</u>	>48 hour limit >All "on-highway" vehicles under 18,000 lbs.

1. "Non-Motorized" vehicles include, but are not limited to, all trailers (regardless of size, weight, style, use, or classification); as well as any inoperable vehicle.
2. "Non-Over-the-Road" vehicles include, but are not limited to, watercraft, snow machines, and *un-licensed* all-terrain vehicles.
3. "On-Highway" vehicles include, but are not limited to, cars, pick-up trucks, SUVs, Motorhomes, Dump-Trucks, and Tractors for 18 wheelers.

4. This had previously been proposed as "No Time Limit"; however MCA 61-8-356 limits the time limit to 5 days. As a local municipality, we lack the ability to create a City Code which is "less" restrictive than MCA. See below:

MCA --- 61-8-356. Prohibition against parking or leaving vehicles on public property -- presumption of ownership. (1) A vehicle may not be parked or left standing upon the right-of-way of a public highway for a period longer than 48 hours or upon a city street or state, county, or city property for a period longer than 5 days.....

ORDINANCE # 923

Draft 3-22-16

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.

Council: Applicability – Towed Vehicles (all types) in All Areas of City except Broadway between 8th & 15th

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 seventy-two (72) consecutive hours. 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.

Council: Applicability – All Vehicles (Driven or Towed; Passenger / Commercial) on Broadway between 8th & 15th

Sub-Section E. Time Restrictions.

No On-Highway vehicle, ~~Non-Over-the-Road vehicle, or Non-Motorized 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 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. ~~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.~~

Sub-Section E.1. Additional Time Restrictions.

1. Passenger Vehicles (Non-Commercial) –

Council: Applicabilty - this sub-section applies to ONLY the Golf Course and Spires areas for what is “typically” referred to as a Non-Commercial vehicle --- cars, pick-ups, SUVs, etc.

Prohibited in Specified Places:

A. No On-Highway vehicle (non-commercial) or licensed ATV/UTV shall be ~~Parked continuously at any one place~~ left in or near a single location upon any of the following public rights-of-way within the same Block, for more than 48 consecutive hours:

Lazy M Street; Lazy M Circle; Kane Circle, Bobcat Circle; Barrier Circle West; Barrier Circle East; Bear Paw Circle; Bigfoot Circle; Grizzly Circle:

Council, the names of ALL Public Streets in all of the Golf Course and Spires areas will be added subject to Council support to move this concept forward

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; and exclusive of any area within the bulb of a cul-de-sac (see Exhibit A.)

Council: Applicability - this sub-section applies ALL areas of the City OTHER than the Golf Course/Spires for what is "typically" referred to as a Non-Commercial vehicle --- cars, pick-ups, SUVs, etc

B. No On-Highway vehicles (non-commercial) or licensed ATVs / UTVs shall be left in or near a single location in all areas of the City other than the public rights-of-way noted in Section E.1.1 above for more than five (5) consecutive days.

Council: Applicability - this sub-section applies to ALL areas of the City --- Both in Town and on the Golf Course/Spires for what is "typically" referred to as Heavy Duty / Commercial vehicles etc. --- Dump Trucks, Over the Road Tractors (i.e. Tractor Trailers), Low-Boy Trailers for bulldozers, "18 Wheeler" Trailers, etc.

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

No On-Highway vehicle (rated in excess of 18,000 pounds) and H.D. Trailers (rated in excess of ?? pounds) shall be left in and 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.)

Council --- this sub-section is not new but has been updated to sync with the above proposed changes.

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 rights-of-way of the City in violation of the ~~foregoing~~ 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.

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

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

PASSED and APPROVED by a majority of the elected 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