

# **ORDINANCE # 923**

*Draft 2-9-16*

## **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 - This section does NOT apply to operable on-highway vehicles (e.g. Cars, Pick-Ups, Motor Homes, "licensed" ATVs; nor to Heavy Duty Commercial vehicles such as dump trucks, etc.)*

*It also does NOT apply to Broadway Avenue between Eighth and Fifteenth Streets; and within one hundred fifty feet (150') of intersecting streets with Broadway Avenue between Eighth and Fifteenth Streets; as those areas are further regulated under the City Municipal Code at 6.1.3.E.*

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 (see Exhibit A.)

Non-Over-the-Road includes, but is not limited to, watercraft, snow machines, and Un-licensed all-terrain vehicles. Non-Motorized includes but is not limited to trailers (regardless of size, weight, or classification) 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 – This limits all vehicles (passenger & commercial) / trailer / boats / snowmobiles, etc. on Broadway & side streets (8<sup>th</sup> to 15<sup>th</sup>) back to the 1st alley, more or less.*

**\*\*\*NEW\*\*\***

*Please note that the enforceability of the 4 hour rule has been questioned due to lack of proper signage along Broadway.*

**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.**

**\*\*\*NEW\*\*\***

*Council --- this entire sub-section is new as its own section; but the 5 day rule which now exists has been changed based upon our last Council mtg. discussion.*

*It's recommended these sections be broken out for increased clarity and ease of implementation.*

**Passenger Vehicles (Non-Commercial) –**

**\*\*\*NEW\*\*\***

*Council --- this sub-section applies to ONLY the Golf Course (CC and Diamond C) and Spires areas for what is "typically" referred to as a Non-Commercial vehicle --- cars, pick-ups, SUVs, etc. Rationale for this different approach is that homes at the GC/Spires have garages and driveways, and hence should not need to park on the street other than occasionally.*

Prohibited in Specified Places:

1. No on-road passenger vehicle (non-commercial) or licensed ATV 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, I will add names of ALL Public Streets in all of the Golf Course and Spires areas 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 --- this sub-section applies to 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. Rationale for this different approach is that many homes "in-town" do not have garages and driveways, and hence have nowhere else to park except on the street.*

2. On-road passenger vehicles (non-commercial) or licensed ATV in all areas of the City other than the public rights-of-way noted in Section E.1.1 above may park without time restrictions; however all such passenger vehicles (non-commercial) or licensed ATVs shall at all times be parked in such a manner as to be in compliance with all other applicable sections of the City Code.

*Council --- 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 etc.*

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

No on-road vehicle (in excess of???) pounds --- commercial) 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 (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-road 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