

ORDINANCE # 923

AN ORDINANCE TO CLARIFY AND AMEND THE MUNICIPAL CODE OF THE CITY OF RED LODGE REGARDING THE USE OF THE PUBLIC RIGHTS-OF-WAY.

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 ENACTED 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.

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, or near a single location, for more than seventy-two (72) consecutive hours.

Non-Over-the-Road includes, but is not limited to, watercraft, snow machines, and all-terrain vehicles. Non-Motorized includes but is not limited to trailers (**regardless of size, weight, or classification**) and any inoperable vehicle.

Council - This section does not apply to operable on-highway vehicles (e.g. Cars, Pick-Ups, Motor Homes; as well as 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.

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.

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 at **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.~~

Council – This limits All vehicles/trailer/boats/ snowmobiles, etc. on Broadway & core side streets to 1st alley approx..

Sub-Section E.1. Additional Time Restrictions.

No **on-road vehicle (under ??? pounds --- non-commercial ???)** shall be ~~parked continuously at any one place~~ **left in or near a single location on any public right of way** for a longer period of time than five (5) days. **Further, no on-road vehicle (in excess of ??? pounds --- commercial ???) shall be left in or near a single location for a longer period of time than twenty-four (24) hours.**

Council --- this entire sub-section is new as its own section; but the 5 day rule is not new and currently exists with the above section. Its recommended to be broken out for increased clarity.

Sub-Section I. Removal of Improperly Parked Vehicles; Impoundment.

Whenever any police officer finds an **on-road vehicle (regardless of weight) , Non-Over-the-Road vehicle, or Non-Motorized vehicle** standing, ~~or parked,~~ **or left in or near a single location** upon any street, avenue or alley in violation of the foregoing provisions of this chapter **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.

~~6-2-2 Duty of Police Department. A. Duty to Remove: It shall be the duty of the Police Department, whenever a motor vehicle is found abandoned upon the streets or alleys in the same position for a period of five (5) days to take said motor vehicle into custody.~~

With the above noted changes, this section seems moot; (if it is deemed to be left in the Code, a definition for "Abandoned" will be needed.)

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 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.

5. Codification Note:

This Ordinance is intended to be codified in Title 4 – Public Health and Safety; and Title 6 - Motor Vehicle and Traffic, 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