

ORDINANCE NO. 2-2019

ORDINANCE BY THE CITY COUNCIL OF THE CITY OF HARLOWTON, MONTANA, AMENDING CHAPTER 9.16 OF THE CITY OF HARLOWTON MUNICIPAL CODES CONCERNING THE REGULATION OF SNOW AND ICE REMOVAL WITHIN THE CITY LIMITS, TO ADD SECTIONS TO ADDRESS PARKING ON CITY STREETS WHEN SNOW ACCUMULATION EXCEEDS TWO (2) INCHES, TO PROVIDE FOR PERIODIC RESOLUTIONS BY THE CITY COUNCIL FOR SNOW REMOVAL GUIDELINES, AND TO PROHIBIT THE PLACEMENT OF SNOW OR ICE ON PUBLIC STREETS AND OTHER PLACES.

RECITALS

WHEREAS, the City Council has found that the existing Municipal Codes Chapter 9.16 concerning snow and ice removal do not specify the practice in use for issuing guidelines for snow removal and sanding within the City of Harlowton; and

WHEREAS, the City Council has found that the existing Municipal Codes Chapter 9.16 do not address the property owner's responsibility regarding the placement of snow and ice upon city streets and other public areas; and

WHEREAS, the City Council has found that the existing Municipal Codes Chapter 9.16 does not include a provision relating to parking in certain critical areas when snow has accumulated to a depth of two (2) inches or more; and

WHEREAS, the City Council has found that the existing Municipal Codes Section 9.16.020 include a reference to the chief of police of the City of Harlowton, and should be amended to appropriately reflect the current law enforcement status; and

WHEREAS, the City Council finds that it is in the best interest of the City of Harlowton to amend Sections 9.16.020 and 9.16.030, and to add Sections 9.16.050, 9.16.60, and 9.06.070, as provided below:

NOW, THEREFORE, BE IT ORDAINED, by the City Council, City of Harlowton, Montana, as follows:

Section 1: Action

- A. The City Council proposes that Section 9.16.020 (Failure to Remove Snow and Ice) be amended to read as follows:

“Whenever any owner, proprietor, lessee or person entitled to the possession of any vacant lot, block or premises abutting upon any concrete or cement sidewalk within the City of Harlowton during the winter season and during the time snow shall continue on the ground, shall for the space of twenty-four (24) hours, fail, refuse or neglect to clear the sidewalk in front of such vacant lot, block or premises from snow and ice, the Public Works Director or a member of the City Council for the City of Harlowton shall cause such snow and ice to be removed, and shall report the same, together with the verified voucher of the cost of such removal to the city council, and said costs shall be assessed upon the lot, block, or premises abutting upon said sidewalk. Such costs, if found to be correct by the city council, shall constitute a lien upon said property, and shall be collected as other special assessments are collected.”

B. The City Council proposes that Section 9.16.050 (Placement of Snow or Ice on Public Ways) be added, as follows:

“It is unlawful for any person, persons, or corporations to pile, deposit or dump snow or ice on any public road, street, avenue, alley, sidewalk, or any other public place within the city limits. Snow from sidewalks and driveways may only be pushed to the public roadways that will be plowed prior to their plowing by city employees. A violation of this section is a municipal infraction punishable pursuant to Chapter 1.1.

C. The City Council proposes that Section 9.16.060 (Guidelines for Snow Removal and Sanding) be enacted as follows:

“9.16.060 Guidelines for Snow Removal and Sanding. The city council shall adopt guidelines by resolution to inform the public regarding snow removal and sanding policies within the City of Harlowton. Such guidelines shall continue in effect until the city council adopts new guidelines.”

D. The City Council proposes that Section 9.16.070 (Restricted Parking with Snow Accumulation) be enacted as follows:

“9.16.070 Restricted Parking with Snow Accumulation. When snow has accumulated to a depth of two (2) inches or more, parking shall be restricted for the following locations:

1. CENTRAL AVENUE: Only parallel parking is allowed between Third Street N and Second Street SE
2. SCHOOLS: No parking on the school side of the street.
3. HOSPITAL: No parking on the south side of Third Street North from E Avenue NW to H Avenue NW
4. POST OFFICE: No parking on the north side of First Street SE from Central Avenue to A Avenue SE, until the street has been plowed and the snow has been removed.

A vehicle that is parked in any of the above-listed locations for an unreasonable period of time, as determined by the Public Works Director for the City of Harlowton, is subject to notice from the Wheatland County Sheriff’s Office that, after three days, the vehicle may be towed to a facility that is equipped to accept vehicles for storage. The Wheatland County Sheriff’s Office shall make reasonable attempts to locate the owner of the vehicle. The owner of such vehicle shall

be responsible for all towing and storage charges assessed by the storage facility prior to release of the vehicle from storage.

A violation of this section is a municipal infraction punishable pursuant to Chapter 1.1.

Section 2: Repealer

All resolutions, ordinances and sections of the City of Harlowton Municipal Code in conflict herewith are hereby repealed.

Section 3: Severability

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provision or application and, to this end, the provision of this ordinance is declared to be severable.

Section 4: Effective Date

The First Reading of this ordinance occurred on, and is reflected in the minutes of the City Council dated April 23, 2019.

This ordinance shall be in full force and effect 30 days after passage of the Second Reading.

PASSED AND ADOPTED, ON THIS SECOND READING, by the City Council of the City of Harlowton this 11th day of June, 2019.

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|--|-------------------------------------|--------------------------|--------------------------|
| <u>James R. Kaptowski</u> Councilperson | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <u>[Signature]</u> Councilperson | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <u>Charles Bennett</u> Councilperson | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <u>John Anderson</u> Councilperson | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <u>[Signature]</u> Councilperson | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <u>Robert Edward</u> Councilperson | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Approved:



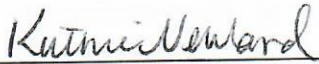
Paul Otten, Mayor

Approved as to Form and Content



Karen Finstad Hammel, City Attorney

ATTEST:



Kathie Newland, City Clerk