

Chapter 10.50

ENFORCEMENT UPON PUBLIC RIGHT OF WAYS

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10.50.010 Title. This ordinance shall be known as the "Harlowton, Montana Uniform Right of Way Encroachment Code."

10.50.020 Scope. The purpose of this code is to provide standards for the regulation and control of encroachments and private use of those public rights of way within the incorporated limits of this municipality which are designated as state or federal highways. This code will insure full compliance by this incorporated municipality with all applicable federal, state and local laws, in the interest of public safety and the free and safe flow of traffic.

10.50.030 Definitions.

- (a) ENCROACHMENTS: Encroachments shall include all private devices placed upon the public right of way, including devices which overhand or underlie the right of way.
- (b) CURBLINE: Curblin shall be the line at the face of the curb nearest to the street or roadway. In the absence of a curb, the curb shall be established by the city officials.

10.50.040 Regulations. No private signs, eaves, marques or similar device will be allowed to encroach on the said state or federal public rights of way of this municipality within the incorporated limits, except as provided herein and then only by permit issued by the proper authorities and revocable in 10 days by written notice to the permittee. No gainful private or commercial use of the public right of way will be allowed. Examples: Non-emergency servicing of vehicles, parking or placing of portable advertising devices on the public right of way.

10.50.050 Protection and Clearance. The outermost portion of an overhanging device should at least be five (5) feet behind the face of the curb, or where there is no curb, from the shoulder of the roadway, and the lowest portion of an overhanging device should be at least ten (10) feet above the top of the curb, sidewalk, or roadway shoulder elevation.

10.50.060 Purpose. It is the purpose and intent of this code to provide minimum standards to safeguard life, health, property and public welfare by regulating and controlling the placement of all signs and sign structures on the state or federal public rights of way within the incorporated limits so as to prevent the obstruction of any official traffic sign, signal or device.

10.50.070 Enforcement. Authorized city and county officials are hereby directed to enforce all of the provisions of this code as provided herein and in accordance with the provisions of sections 32-4405 to 32-4409, inclusive, R.C.M., 1947. Any person, firm or corporation violating the provisions of this ordinance shall be, in addition to the penalties provided by the aforementioned Montana law, punishable by a fine not to exceed three hundred (\$300.00) Dollars.

