

ORDINANCE NO. 08-2019

ORDINANCE BY THE CITY COUNCIL OF THE CITY OF HARLOWTON, MONTANA, REPEALING CHAPTER 10.50 OF THE CITY OF HARLOWTON MUNICIPAL CODES CONCERNING ENCROACHMENTS ON PUBLIC RIGHTS OF WAY.

RECITALS

WHEREAS, the City Council has found that the existing Municipal Codes in Chapter 10.50, entitled "Enforcement upon Public Right of Ways" includes unnecessary regulations controlling signage overhanging or underlying public rights of way and other encroachments on public rights of way; and

WHEREAS, the City Council has found that Chapter 10.50 was enacted primarily to provide standards for regulating and controlling encroachments and private use of public rights of way within the City Limits of the City of Harlowton which are designated as state or federal highways; and

WHEREAS, the City Council has found that the regulations in Chapter 10.50 are no longer necessary as they are otherwise covered by state and federal law; and

WHEREAS, the City Council finds that it is in the best interest of the City of Harlowton to repeal Chapter 10.50, including Sections 10.50.010, 10.50.020, 10.50.030, 10.50.040, 10.50.050, 10.50.060, and 10.50.070, as provided below:

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

Section 1: Action

The City Council proposes that Chapter 10.50, entitled "Enforcement upon Public Right of Ways," should be removed from the existing Municipal Codes:

Chapter 10.50, which includes Sections 10.50.010, 10.50.020, 10.50.030, 10.50.040, 10.50.050, 10.50.060, and 10.50.070, is hereby repealed.

Section 2: Repealer

All resolutions, ordinances and sections of the City of Harlowton Municipal Code in conflict herewith are hereby repealed.

Section 3: Severability


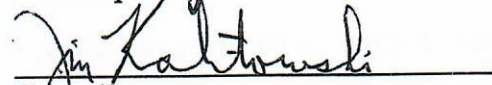




If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provision or application and, to this end, the provision of this ordinance 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 August 27 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 24th day of September, 2019.

 _____ Councilperson	<u> X </u> Yes	<u> </u> No	<u> </u> Absent
 _____ Councilperson	<u> X </u> Yes	<u> </u> No	<u> </u> Absent
 _____ Councilperson	<u> X </u> Yes	<u> </u> No	<u> </u> Absent
 _____ Councilperson	<u> X </u> Yes	<u> </u> No	<u> </u> Absent
 _____ Councilperson	<u> X </u> Yes	<u> </u> No	<u> </u> Absent
 _____ Councilperson	<u> </u> Yes	<u> </u> No	<u> X </u> Absent

Approved:



Paul Otten, Mayor

Approved as to Form and Content



Karen Finstad-Hammel, City Attorney

ATTEST:

Kathie Newland
Kathie Newland, City Clerk

