

ORDINANCE NO. 2010-04

AN ORDINANCE AUTHORIZING THE AMENDMENT OF THE SNOW AND/OR ICE REMOVAL ORDINANCE

WHEREAS, the City of Hardin desires to modify and change its Ordinance on Snow and/or Ice Removal;

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF HARDIN, MONTANA, that Title 9, Chapter 4, of the Official Code of the City of Hardin is hereby amended as follows:

9-4 is deleted in its entirety and replaced with the following language:

SNOW AND/OR ICE REMOVAL

Sections:

- 9-4-1 Definitions
- 9-4-2 Snow and Ice to Be Removed from Sidewalks
- 9-4-3 Depositing of Snow and Ice Restricted
- 9-4-4 Violations-Civil Penalty and Collection
- 9-4-5 Appeals
- 9-4-6 Penalties
- 9-4-7 Legislative Intent

9-4-1 Definitions

The following definitions shall apply in the interpretation and enforcement of this chapter:

1. "Person" means any individual, business association, partnership, corporation, or other legal entity.
2. "Lot" means a parcel of land occupied or intended for occupancy by one main building together with its accessory building and which may include more than one platted lot.
3. "Street " or "highway" means the entire width between the exterior boundary lines of every publicly maintained way or other public or private place adapted and fitted for the use of the public for purposes of vehicular travel.
4. "Roadway" means that portion of a street of highway improved, designed, or ordinarily used for vehicular travel or parking, exclusive of the berm or shoulder.
5. "Sidewalk" means that portion of a street between the curb line, or the lateral lines of a roadway, and the adjacent property line paved and intended for the use of pedestrians.
6. "Business day" is any day not a Sunday or a national holiday.
7. "Business district" includes all lots located within the City of Hardin that are zoned as commercial property.
8. "Business hours" are the hours between nine a.m. and five p.m. on any business day.
9. The "director" is the Director of Public Works or his duly designated and acting representative.
10. The "City" is the City of Hardin.

9-4-2 Snow and Ice to Be Removed from Sidewalks

A. Every owner of land within the city fronting on, adjoining or abutting a paved sidewalk shall remove and clear away, or cause to be removed and cleared away, any snow and ice from that portion of the sidewalk in front of or abutting the building or lot of land.

1. Except as provided in Subsection B and regardless of the manner in which the snow or ice is deposited on sidewalks, all snow and ice shall be removed

from sidewalks in all business districts within the city by eleven a.m. of the next business day, by twelve noon of the next nonbusiness day or within four business hours after any snow or ice deposit, whichever period is shorter.

2. Except as provided in Subsection B and regardless of the manner in which the snow and ice are deposited, all snow and ice shall be removed from all other sidewalks within the city within the first twenty-four hours after any snow or ice deposit.

B. However, in the event the Director of Public Works or designated representative determines the snow and ice on a sidewalk cannot be reasonably removed, the director or designated representative may require the use of sand or other suitable substance to make pedestrian travel reasonably safe. This request will be complied with within the time set forth in Subsection A. In that event, however, the sidewalk will be thoroughly cleaned as soon as the weather permits.

9-4-3 Depositing of Snow and Ice Restricted

No person shall deposit or cause to be deposited any accumulation of snow or ice on or against a fire hydrant or on any sidewalk, roadway, curb, or gutter, any loading and unloading area of a public transportation system or any area designated for use by emergency vehicles for access.

9-4-4 Violations-Civil Penalty and Collection

A. Should any person fail to clear away or treat with abrasives and subsequently clear away any snow and ice from any sidewalk as required, the director or designated representative may, as soon as practicable after such failure, have the sidewalks cleared.

B. The director or designated representative shall record the name of the property owner, the legal description and street address of the lot(s), the exact dates and costs of all snow removal done in accordance with this section including but not limited to the costs of private contractors hired for such purpose and administrative costs.

C. Each person who fails to clear the sidewalk as required herein and thus requires the city to perform the work in accordance with this section shall be liable to the city for the cost of such work plus a civil penalty of fifty dollars or twenty percent of such costs, whichever is greater.

D. The director or designated representative shall give the property owner(s) written notice of the amount owed to the city as soon as practicable following the completion of the work. The payment of such amount may be enforced through suit for collection or by levying an assessment on the property or both.

E. In the event of assessment, the City Council shall annually adopt a resolution levying an assessment and tax against each lot or parcel of land fronting or abutting on the sidewalks ordered cleared by the director in accordance with the provisions of this chapter. All assessments levied shall be charged simple interest at the rate of ten percent per year from the date the work is performed until the assessment is fully paid and satisfied.

9-4-5 Appeals

A property owner assessed in accordance with this chapter shall have the right to appeal the assessment to City Council. Property owners wishing to appeal the assessment will submit their appeal to the Director of Public Services or designated representative within thirty days of the date of the first notice required in 9-4-4(D) herein or five working days prior to the City Council meeting at which the assessment is being considered, whichever is sooner.

9-4-6 Penalties

Any person who violates any provision of this chapter shall be subject to the penalties set forth in Section 1 of the City Ordinances for a civil violation. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

9-4-7 Legislative Intent

It is the intent of the City Council that the offenses listed in this Chapter 9-4 be offenses involving absolute liability. Those offenses shall not require proof of any one of the mental states described in Subsections (33), (37), and (58) of Section 45-2-101, MCA.

DATE OF EFFECT.

The amendment to this ordinance shall take effect and be in force thirty (30) days from the date of its second reading and passage by the City Council as required by law.


FIRST READING AND PASSAGE By a majority vote of the members present this 16 day of February, 2010.

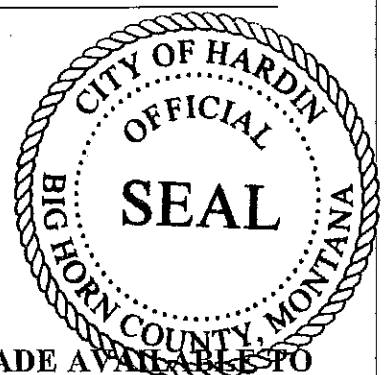
YEAS 6

NAYS 0


MAYOR

ATTEST:


City Clerk



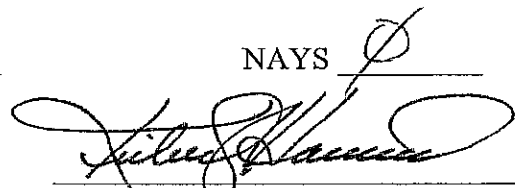
POSTED IN THREE (3) PUBLIC PLACES AND MADE AVAILABLE TO THE PUBLIC this 18th day of February, 2010.


City Clerk

SECOND READING AND PASSAGE By a majority vote of the members present this 2 day of March, 2010.

YEAS 6

NAYS 0


MAYOR

ATTEST:


City Clerk