

COUNCIL BILL NO. 14-6

ORDINANCE NO. 14-6

1 AN ORDINANCE AMENDING TITLE 12 OF THE BUTTE-SILVER BOW MUNICIPAL  
2 CODE (B-SB MC) ENTITLED "STREETS SIDEWALKS AND PUBLIC PLACES";  
3 AMENDING CHAPTER 12.12 ENTITLED "SIDEWALK MAINTENANCE", AMENDING  
4 SECTION 12.12.020; AMENDING SECTION 12.12.040; AMENDING SECTION  
5 12.12.050; ADDING NEW SECTIONS TO BE NUMBERED 12.12.055; AMENDING  
6 SECTION 12.12.070; ADDING NEW SECTIONS 12.12.072 AND 12.12.074;  
7 AMENDING SECTION 12.12.090 AND ADDING NEW SECTION 12.12.100, AND  
8 PROVIDING FOR AN EFFECTIVE DATE HEREIN.

9 SECTION 1: Amendment:

10 "12.12.020 Snow and ice removal-Generally. It is  
11 the duty of the owner(s) or tenant(s) or their  
12 agents of any premises within the City and County  
13 of Butte-Silver Bow to keep the sidewalks in  
14 front of and adjoining his or her premises clean  
15 and safe for pedestrians. Snow, ice, slush, or  
16 other impediments to clean and safe travel shall  
17 be removed within twenty-four (24) hours after  
18 the accumulation. In no case shall the snow, ice,  
19 slush, mud or other material removed from such  
20 sidewalk be dumped, placed or deposited on upon  
21 adjacent sidewalks. The snow, ice, slush, mud or  
22 other materials may be removed from such sidewalk  
23 on to adjoining streets or on to the parkway  
24 between nonintegral curb and sidewalk but may not

1 be dumped, placed or deposited in such manner so  
2 as to create a hazard to vehicles or pedestrian  
3 traffic. In no event may such snow, ice, slush  
4 or other material be dumped, placed or deposited  
5 beyond the center line of the adjoining streets."

6 SECTION 2:

Amendment: Ordinance No. 187 and Section  
7 12.12.040 of the Butte-Silver Bow Municipal Code  
8 (B-SB MC) shall be and are hereby amended to read  
9 as follows:

10 "12.12.040 Snow and ice removal-depositing on  
11 streets prohibited-Exception. All snow, ice,  
12 slush and other impediments that are removed from  
13 any property within the City and County of Butte-  
14 Silver Bow, except that which is removed from:

15 A. Sidewalks; or

16 B. From private driveways not exceeding  
17 two hundred square feet in area; by  
18 either the tenants or owners of such  
19 premises,

20 shall not be deposited in the streets or  
21 rights-of-way of the City and County of  
22 Butte-Silver Bow.

23 As provided in Section 12.12.020, in no event  
24 shall this snow, ice, slush and other impediments  
25 be placed upon adjoining streets or sidewalks or  
26 parkways within the dedicated public right-of-way

1 in such a manner as to unduly impede pedestrian  
2 or vehicle traffic."

3 SECTION 3: Amendment: Ordinance No. 187 and Section  
4 12.12.050 of the Butte-Silver Bow Municipal Code  
5 (B-SB MC) shall be and are hereby amended to read  
6 as follows:

7 "12.12.050 Snow and ice removal-Time allowed-  
8 Sprinkling of sand or de-icing agents. Sidewalks  
9 must in all cases be freed from the ~~night's~~  
10 accumulation of snow, ice, slush, mud or other  
11 like impediment within twenty-four (24) hours  
12 after the accumulation. When from freezing of  
13 water, snow or slush thereon, or by reason of  
14 such compaction resulting from the wear of foot  
15 travel or from any cause whatever, sidewalks are  
16 rendered dangerous, unsafe or difficult to the  
17 free passage for pedestrians, it shall be the  
18 duty of the owners or tenants of premises in  
19 front of or adjoining such sidewalks to forthwith  
20 remedy such conditions by sprinkling sand or de-  
21 icing agents on the sidewalks, or chipping by  
22 other safe and efficient means."

23 SECTION 4: New Section. There is hereby created a new  
24 section of the Butte-Silver Bow Municipal Code  
25 (B-SB MC) which shall read as follows:

26 "12.12.055 Snow and ice removal-Exemptions for

1                   disability and economic hardship.

2                   A. Any residential property owner or  
3 occupant whose residence abuts any public  
4 sidewalk may qualify for a hardship exception to  
5 the requirements of Sections 12.12.120 and  
6 12.12.050 of this chapter if the property owner  
7 can demonstrate economic hardship and:

8                   1. The owner is sixty-five (65) years  
9 of age or older; or

10                  2. The owner has been issued a valid  
11 mobility handicapped parking permit by the  
12 State of Montana; or

13                  3. The owner provides written  
14 verification of disability issued by the  
15 Social Security Administration.

16                  B. Economic hardship shall be demonstrated  
17 by providing documentation that shows gross  
18 annual income at or below 150% of the federal  
19 poverty level as published for the most recent  
20 year by the United States Department of Health  
21 and Human Services.

22                  C. Disability and economic hardship  
23 documentation shall be presented to the City and  
24 County of Butte-Silver Bow's Department of Public  
25 Works for evaluation, with such department making  
26 the final determination regarding whether to

1 grant the exemption.

2 D. For all individuals issued an exemption  
3 under this section 12.12.055, the Department of  
4 Public Works or its authorized agent shall  
5 coordinate with other local departments,  
6 agencies, and civic groups for the purpose of  
7 coordinating a volunteer program to assist in the  
8 timely removal of snow, ice, slush and other  
9 impediments. Any residential property owner or  
10 occupant who has been granted an exemption shall  
11 within twenty-four (24) hours of the accumulation  
12 of snow, ice, slush and other impediments, inform  
13 the Department of Public Works if their sidewalk  
14 has not been cleared through the volunteer  
15 program."

16 SECTION 5: Amendment: Ordinance No. 187 and Section  
17 12.12.070 of the Butte-Silver Bow Municipal Code  
18 (B-SB MC) shall be and are hereby amended to read  
19 as follows:

20 "12.12.070 Defective sidewalks - Failure of owner  
21 to repair. When the director of Public Works or  
22 his agent has given notice to the owner or tenant  
23 of any premises that obstructions must be removed  
24 from or necessary repairs made to the sidewalks  
25 adjoining the premises, and upon the refusal or  
26 neglect of the owner or tenant of any premises to

1 remove obstructions from or to make necessary  
2 repairs to the sidewalks in front of or adjoining  
3 the premises, and when in the opinion of the  
4 director of Public Works or his agent, immediate  
5 repairs or the removal of obstructions are  
6 necessary to prevent accidents, the director of  
7 Public Works or his agent may immediately proceed  
8 with the same, and the full cost of such repairs  
9 or removal of such obstructions shall be assessed  
10 against the premises."

11 SECTION 6:

New Section. There is hereby created a new  
12 section of the Butte-Silver Bow Municipal Code  
13 (B-SB MC) which shall read as follows:

14 "12.12.072 Tax liability for payment of charges.

15 If any charges to be paid by the owner pursuant  
16 to Section 12.12.070 of this chapter have not  
17 been paid within thirty days, the Clerk and  
18 Recorder for the City-County of Butte-Silver Bow  
19 shall certify the amount thereof, with the  
20 description of the premises charged and shall  
21 extend the same to the assessment list as a  
22 special tax on such real property. If the real  
23 property for any reason is exempt from general  
24 taxation, the amount of such charge may be  
25 recovered by direct claim against the owner and  
26 collected in the same manner as personal taxes."

1 SECTION 7: New Section. There is hereby created a new  
2 section of the Butte-Silver Bow Municipal Code  
3 (B-SB MC) which shall read as follows:

4 "12.12.074 Appeals. If a property owner is not  
5 in agreement with the decision of the Director of  
6 Public Works or his agent, the owner may, within  
7 ten (10) days of receipt of the notice of the  
8 repair costs, appeal to the Council of  
9 Commissioners for abatement of all or part of the  
10 costs. The Council of Commissioners shall hold a  
11 hearing no less than ten (10) days or more than  
12 thirty (30) days from the date of the notice of  
13 appeal. The applicant must be given notice of  
14 the hearing at least seven (7) days before the  
15 date of the hearing. Within four (4) weeks after  
16 the hearing, the Council of Commissioners shall,  
17 in writing, reaffirm, modify or withdraw the  
18 decision of the Public Works Director. Once a  
19 request for a hearing has been made, the  
20 assessment shall be stayed until the Council of  
21 Commissioners has held the hearing and reaffirmed  
22 or modified the determination of the Public Works  
23 Director."

24 SECTION 8: New Section. There is hereby created a new  
25 section of the Butte-Silver Bow Municipal Code  
26 (B-SB MC) which shall read as follows:

1                   "12.12.100 Penalty for failure to maintain  
2                   sidewalks. A person convicted of violating a  
3                   provision of this chapter shall be **provided a**  
4                   **warning for a first offense,** fined in the amount  
5                   of not more than \$50.00 for a ~~first~~ **second**  
6                   offense; not more than 100.00 for a ~~second~~ **third**  
7                   offense and not more than \$150.00 for a ~~third~~  
8                   **fourth** or subsequent offense. Jurisdiction for  
9                   such violations shall be in the City Court of the  
10                  City and County of Butte-Silver Bow, Montana."

11 SECTION 9:       Effective Date. This Ordinance shall be in full  
12                   force and effect from and after thirty (30) days  
13                   after its passage and approval.

14                   PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

16  
17 \_\_\_\_\_  
18 CINDY SHAW  
19 CHAIRMAN OF THE COUNCIL OF COMMISSIONERS

20                   APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

24  
25 \_\_\_\_\_  
26 MATT VINCENT  
27 CHIEF EXECUTIVE

28 ATTEST:

29  
30 SALLY J. HOLLIS  
31 CLERK AND RECORDER

32  
33  
34  
35  
36 BY \_\_\_\_\_