COUNCIL BILL NO. 14-6

ORDINANCE NO. 14-6

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

SECTION 1: Amendment:

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

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

SECTION 2: Amendment: Ordinance No. 187 and Section 12.12.040 of the Butte-Silver Bow Municipal Code (B-SB MC) shall be and are hereby amended to read as follows:

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

A. Sidewalks; or

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

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

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

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

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

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

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

"12.12.055 Snow and ice removal-Exemptions for

disability and economic hardship.

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

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

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

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

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

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

grant the exemption.

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

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

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

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

SECTION 6: New Section. There is hereby created a new section of the Butte-Silver Bow Municipal Code (B-SB MC) which shall read as follows:

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

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

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

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

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

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

PASSED this _____ day of _____, 2014.

_____
CINDY SHAW
CHAIRMAN OF THE COUNCIL OF COMMISSIONERS

APPROVED this _____ day of _____, 2014.

_____
MATT VINCENT
CHIEF EXECUTIVE

ATTEST:

SALLY J. HOLLIS
CLERK AND RECORDER

_____
BY_____