

CHAPTER 7

REMOVAL OF SNOW AND/OR ICE

Section:

9-7-1: Duty To Remove Snow and Ice from Sidewalks:

(a) It shall be the duty of the owner or tenant of any privately held real property in the following zoning districts the city of Sidney to remove snow, ice and slush from sidewalks abutting said real property within forty-eight (48) hours after a snowfall: R-1, R-2, R-3, C-1, C-2, C-3.

(b) It shall be the duty of the owner or tenant of any privately held real property in any other zoning district to remove snow, ice and slush from sidewalks abutting said real property within twenty-four (24) hours after a snowfall.

(c) It shall be the duty of the owner of a lot or parcel of land where the sidewalk runs to an alley or other public way to clear snow and ice from said surface for one-half of the distance across the alley or public way or to the gutter line of the street.

9-7-2: Unlawful Dumping of Snow onto Public Rights of Way:

(a) It shall be unlawful and it is hereby declared a nuisance for any private owner or tenant of real property within the City to dump or deposit snow, ice and slush from said real property onto public streets, avenues, alleys or rights of ways of the City of Sidney; provided, that owners and tenants of real property in the "central business district" of the City of Sidney where no landscaped boulevard exists adjacent to said real property may deposit snow, slush and ice from sidewalks adjacent to their property onto public streets or avenues of the City of Sidney. For the purposes of this section, the "central business district" is defined as: [INSERT description]

(b) Persons cleaning or causing to be cleaned any parking lot, service station, yard or court shall remove snow to a suitable disposal point not on any public rights of way, at his/her own expense.

9-7-3: Parking of Motorized vehicles During Removal of Snow and Ice.

Snow emergency routes. The following streets in the City of Sidney are declared snow emergency routes as follows:

(a) Snow emergency routes are those streets normally traversing the entire City or a major part of the City of Sidney and are essential to the rapid movement of emergency vehicles and normally

carry the heaviest traffic volumes. The following Streets or portions of streets in the City are hereby designated as snow emergency routes.

East Main Street, from 10th Avenue to Central Avenue.

West Main Street, from Central Avenue to 11th Avenue.

5th Street S.E., from 9th Avenue S.E. to Central Avenue.

5th Street S.W. from Central Avenue to 14th Avenue S.W.

14th Avenue S.W., from 5th Street S.W. to West Holly Street.

12th Avenue S.W., from 5th Street S.W. to West Holly Street.

4th Avenue S.E., from 14th Street S.E. to East Main Street.

4th Avenue N.E., from East Main Street to East Holly Street.

12th Avenue N.W., from West Holly Street to 4th Street N.W.

9th Avenue S.W., from 5th Street S.W. to 14th Street S.W.

22nd Avenue N.W., from West Holly to Bitterroot Drive.

The City of Sidney, City Council by resolution may designate and amend streets or portions of streets which shall constitute snow emergency routes within the City.

(b) Snow emergency defined. When winter weather conditions exist that make it necessary for motorized vehicle travel to be expedited such that parking on snow emergency routes be prohibited for snow plowing and/or hauling, an emergency conditions exists. Whenever the Director of Public Works or the City Street Superintendent determines that three inches (3”) or more of snow, sleet, or freezing rain has accumulated on the designated snow emergency routes, and that a public service announcement to the local media and/or social media platform has been issued stating that snow route plowing will begin, a parking prohibition on said routes shall be become necessary.

A parking prohibition under this section shall remain in effect until such time as the City plows have completed plowing and/or hauling snow on a particular street designated as a snow emergency route. It is City policy to start plowing snow emergency routes within 12 hours of a snow event ending that creates the emergency situation. While the parking prohibition is in effect, no person shall park, or allow to remain parked, any vehicle or trailer on any portion of the designated snow emergency route.

Nothing herein contained will be construed to permit parking at any time or place where it is forbidden by any other ordinance provision.

(c) Signs to mark the route. Snow emergency routes shall be posted with special signs with wording “EMERGENCY SNOW ROUTE – NO PARKING IF OVER THREE INCHES.”

(d) Impounding vehicles. Any vehicle stopped on any snow emergency route in violation of the provisions of this section or on any other street of the City in violation of this section providing for the completion of plowing of snow or ice may be impounded by members of the Sidney Police Department and held in accordance with City ordinance or state law.

(e) Evidence with respect to vehicles parked or left in violation of section. In any prosecution with regard to a vehicle parked or left in place in violation of any provision of this section, proof that the particular vehicle described in the complaint was parked or left in violation of a provision of the section, together with proof that the defendant named in the complaint was at the time the registered owner of such vehicle, shall constitute prima facie evidence that the defendant was the person who parked or left the vehicle in violation of this section.

(f) Effective date. This section shall be in full force and effect from and after the passage, approval, and publication of the listed streets when signed as snow emergency routes in accordance with this section.

(g) Violations – Traffic citation – complaint. Whenever any motor vehicle is found stopped or parked contrary to the provisions of this section, the owner of such vehicle may be charged with a violation of this section. Any person violating this section is subject to a fine of \$100 per day of violation.

9-7-4: Violations.

(a) Any person, whether owner or occupant, who refuses or fails to keep sidewalks upon the property free from snow and ice shall be guilty of an offense and shall be subject to a penalty as follows:

(b) Upon failure of the property owner to remove snow and ice, the city may take action to remove snow and ice and assess the property, as provided in MCA7-14-4106 and further described below.

1. If snow and ice are not removed from sidewalks within the time and in the manner provided by the ordinances of the municipality, the snow and ice may be removed by or

under the direction of the director of public works director or street commissioner and the necessary expense thereof shall be chargeable against the abutting property.

Annually, on or before May first, the public works director shall make and file in the office of the city clerk a list showing separately the amount chargeable and assessed against each lot and tract and stating the name of the owner of each such lot or tract so far as known to the director of public works.

2. The city clerk shall give notice of the hearing and confirmation of the report of snow and ice removal and of the assessment therefore at the first regular June meeting of the governing body. Such notice shall notify all persons objecting to the report and assessment to appear and present their objections. The notice shall be published once each week for two consecutive weeks in the official municipal newspaper and the last publication shall not be less than eight days before the date set for the hearing.

3. At the meeting of the governing body in June or at such later meeting as the hearing and confirmation of such assessment may be adjourned to, the governing body shall consider and hear any objection to the snow and ice removal assessment, or to any part thereof, and after revising or correcting the assessment, if revision or correction is necessary, it shall approve and confirm the same. The city clerk shall attach to the assessment list the city clerk's certificate that the list is correct as confirmed by the governing body and shall file the same in the city clerk's office and shall certify the assessment in the manner provided by law for the assessment of property taxes.

4. From the time any assessment list provided for in this chapter is approved by the governing body, the assessment, with interest and penalties thereon, shall be and remain a permanent lien upon the property upon which the assessment is levied until the assessment is paid in full, and it shall have precedence over all other liens except general taxes. Such lien shall not be divested by any judicial sale, and no mistake in the description of the property assessed nor in the name of the owner thereof shall defeat such lien if the property assessed can be identified by the description in the assessment list.

9-7-5: Penalties.

(a) Any person who interferes with or hinders the removal of said snow and ice by the city, shall be guilty of a class B misdemeanor.

(b) Any person who dumps or deposits snow, ice and slush from any real property onto the public streets, avenues, alleys or rights of ways of the City of Sidney shall be guilty of a class B misdemeanor.

This ordinance shall be in full force and effect upon its final passage and approval.

(ALTERNATE VERBAGE FOR SECTION 9-7-3)

9-7-3: Parking of Motorized vehicles During Removal of Snow and Ice.

Snow emergency routes. The following streets in the City of Sidney are declared as primary posted snow emergency routes as follows:

12th Avenue S.W./N.W., from 5th Street S.W. to West Holly Street.

12th Avenue N.W., From West Holly Street to 4th Street N.W.

5th Street S.W. from Central Avenue to 14th Avenue S.W.

9th Avenue S.W., from 5th Street S.W. to 14th Street S.W.

22nd Avenue N.W., from West Holly to Bitterroot Drive.

Lincoln Avenue N.W./S.W., from West Holly to Central Avenue.

East Main Street, from 10th Avenue to Central Avenue.

West Main Street, from Central Avenue to Lincoln Avenue

(i) Snow emergency routes are those streets normally traversing the entire City or a major part of the City of Sidney and are essential to the rapid movement of emergency vehicles and normally carry the heaviest traffic volumes. The following Streets or portions of streets in the City are hereby designated as secondary, non-posted snow emergency routes.

5th Street S.E., from 9th Avenue S.E. to Central Avenue.

West Main Street, from Lincoln Avenue to 11th Avenue.

14th Avenue S.W., from 5th Street S.W. to West Holly Street.

4th Avenue S.E., from 14th Street S.E. to East Main Street.

4th Avenue N.E., from East Main Street to East Holly Street.

14th Street S.W., from 16th Avenue to Central Avenue.

The City of Sidney, City Council by resolution may designate and amend streets or portions of streets which shall constitute snow emergency routes within the City.