

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF ENNIS, MONTANA, PROVIDING FOR REMOVAL OF SNOW AND ICE FROM SIDEWALKS; AND IMPOSING PENALTIES

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ENNIS:

Section 1

12.04.010 Definitions

The following definition shall apply in the interpretation and enforcement of this ordinance:

- (a) "Person" means any individual, business association, partnership, corporation or other legal entity.
- (b) "Lot" means a parcel of land occupied or intended for occupancy by one (1) main building together with its accessory buildings and which may include more than one (1) platted lot.
- (c) "Front lot line" means the front boundary line of a lot bordering on the street and, in the case of a corner lot, may be either frontage.
- (d) "Rear lot line" means the rear boundary line or lines of a lot located opposite its front lot line.
- (e) "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.
- (f) "Arterial street" means any U.S. or state numbered route, controlled access highway or other major radial or circumferential street or highway designated by the Town as part of its major arterial system.
- (g) "Roadway" means that portion of a street or highway improved, designed, or ordinarily used for vehicular travel or parking, exclusive of the berm or shoulder.
- (h) "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.

- (i) "Business day" is any day not a Sunday or a national holiday.
- (j) "Business district" includes all lots located with a C-1, C-2, or C-3 District as defined in the zoning code of the Ennis Municipal Code excepting however those lots which are occupied solely by one or more dwelling units.
- (k) "Business Hours" are the hours between 9:00 a.m. and 5:00 p.m. on any business day.
- (l) The "director" is the Director of Public Service (Works) or his duly designated and acting representative.
- (m) The "Town" is the Town of Ennis.

Section 12.04.020 Snow and Ice to be Removed from Sidewalks.

- (a) Every person in charge or control of any building or lot of land within the Town fronting or abutting on a paved sidewalk, whether as owner, tenant, occupant, lessee, or otherwise, shall remove and clear away, or cause to be removed and cleared away, snow and ice from so much of said sidewalk as is in front of or abuts on said building or lot of land.

- (1) Sidewalks which front on or abut both the rear lot line of a lot and an arterial street shall be excepted from this ordinance.

- (2) Except as so provided in Subsection (b) hereof, snow and ice shall be removed from sidewalks in all business districts within the Town by 9:00 a.m. of the next business day, by 12:00 noon of the next non-business day or within four (4) business hours after the cessation of any fall of snow, sleet or freezing rain, whichever period is shorter.

(3) Except as provided in Subsection (b) hereof, snow and ice shall be removed from all other sidewalks within the Town within the first twenty-four (24) hours after the cessation of any fall of snow, sleet or freezing rain.

(b) However, in the event the director, in his discretion, determines that the snow and ice on a sidewalk has become so hard that it cannot be reasonably removed he may request that the person charged with its removal cause sand or other suitable substance to be put on the sidewalk to make travel thereon reasonably safe; said person or entity shall comply with such a request within the time mentioned in Subsection (a) hereof and shall then, as soon thereafter as weather permits, cause said sidewalk to be thoroughly cleaned.

Section 12.04,030 Violations; Work Done, Liability
Therefore; Civil Penalty and Collection.

- (a) In the event of the failure of any person to clear away or treat with abrasives and subsequently clear away any snow and ice from any sidewalk as hereinbefore provided, or cause this to be done, the director may, as soon as practicable after such failure, cause such work to be done.
- (b) The director shall ascertain and keep a record of the exact date and cost of all work he causes to be done in accordance with this section on account of each act or omission of each person; a legal description of the lot or lots fronting or abutting on the sidewalks cleared along with the street address; and he shall identify the owner(s) of the premises along with any tenant(s), occupant(s) or lessee(s) with particularity.

- (c) Each person whose act or omission makes it necessary that the director cause work to be done in accordance with this section shall be liable to the Town for the cost of such work plus a civil penalty of Twenty Dollars (\$20) or twenty percent (20%) of such costs, whichever is greater.
- (d) The director shall give each person written notice of the amount owed to the City as soon as practicable. The payment of such amount may be enforced through suit for collection or by levying an assessment on the premises or both.
- (e) In the event of assessment, the Town Commission shall annually and before the first Monday of October of each year pass and adopt a resolution levying an assessment and Tax against each lot or parcel of land fronting or abutting on the sidewalks cleared under the order of the director and according to his report. Upon all assessments levied and assessed in accordance with the provisions of this chapter, simple interest shall be charged at the rate of ten percent (10%) per year from the date when the work is performed and up to the date when the assessment becomes due and payable.

Section 12.04.040 Criminal Penalties.

Any person who violates any provision of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount of not less than Twenty-Five Dollars (\$25) or more than Three Hundred Dollars (\$300). Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

Section 12.04.050 Legislative Intent.

It is the intent of the Town Council that the criminal offenses listed in Chapter 12.04 of the Ennis Municipal Code 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, M.C.A.

Section 2

Savings Provision

This ordinance does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before the effective date of this ordinance.

Section 3

Severability

If any provision of this ordinance is declared unconstitutional, or the applicability thereof to any person or circumstances is held invalid, the constitutionality of the remainder of the ordinance and applicability thereof to other persons and circumstances shall not be affected thereby.

Section 4

Ordinances Repealed

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

PROVISIONALLY PASSED, ADOPTED AND APPROVED by the Town Council of the Town of Ennis, Montana, this _____ day of _____, 1993

ATTEST:

TOWN CLERK

FINALLY PASSED, ADOPTED AND APPROVED by the Town Council
of the Town of Ennis, Montana, this 9th day of
December, 1993, and effective
thirty (30) days after said date.

R.W. Barr
MAYOR

ATTEST:

Pamela M. Allison
TOWN CLERK

AFFIDAVIT OF PUBLICATION

STATE OF MONTANA }
County of Madison } SS.

Daryl L. Tuberos
being duly sworn says that he is publisher and
printer of The Madisonian, a weekly newspaper
published in the City of Virginia City, County of
Madison, State of Montana; that the annexed
notice is a true copy which was published in said
newspaper for a period of 2
successive weeks, commencing on the 4th
day of November, 1993,
and ending on the 11th day of
November, 1993
Daryl L. Tuberos

Publisher and Printer:

Subscribed and sworn to before me this 17th
day of November, 1993

Tami L. Christensen

Notary Public in and for the State of Montana,
residing at Virginia City, Montana. My commission
expires 31, 1996.



ORDINANCE NO. 113
AN ORDINANCE OF
THE TOWN COUNCIL OF
THE TOWN OF ENNIS,
MONTANA, PROVIDING
FOR REMOVAL OF
SNOW AND ICE FROM
SIDEWALKS; AND IM-
POSING PENALTIES.
I, Pamela Allison, Clerk
for the Town of Ennis, do
hereby certify that the
foregoing is the true and cor-
rect title and number of Or-
dinance No. 113 passed and
adopted at a regular session
thereof held on the 28th day
of October, 1993.
Pamela M. Allison
Town Clerk
(Pub. Nov. 4, 11, 1993) et