

ORDINANCE NO. 49

AN ORDINANCE TO PROVIDE FOR THE REGULATION OF ENCROACHMENTS UPON PUBLIC RIGHTS OF WAY WITHIN THE TOWN OF ENNIS.

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

SECTION I:

TITLE - This Ordinance shall be known as the "Ennis Uniform Right of Way Encroachment Ordinance."
Code

SECTION II:

SCOPE - The purpose of this Ordinance is to provide standards for the regulation and control of encroachments and private use of public rights of way within the incorporated limits of this municipality. This Ordinance will insure full compliance by this incorporated municipality with all applicable federal, state and local laws, in the interest of public safety and the free and safe flow of traffic.

SECTION III:

- (a) ENCROACHMENTS: Encroachments shall include all private devices placed upon the public right of way, including devices which overhang or underlie the right of way.
- (b) CURB LINE: Curb line shall be the line at the face of the curb nearest to the street or roadway. In the absence of a curb, the curb shall be established by the city officials.

SECTION IV:

REGULATION - No private signs, eaves, marquees, or similar device will be allowed to encroach on the public rights of way of this municipality within the incorporated limits, except as provided herein and then only by permit issued by the proper authorities and revocable on 10 days written notice to the permittee. No gainful private or commercial use of the public right of way will be allowed. Examples: Non-emergency servicing of vehicles, parking or placing of portable advertising devices on the public right of way.

SECTION V:

PROJECTION AND CLEARANCE - The outermost portion of an overhanging device should be at least five (5) feet behind the face of the curb, or where there is no curb, from the shoulder of the roadway, and the lowest portion of an overhanging device should be at least ten (10) feet above the top of the curb, sidewalk, or roadway shoulder elevation.

ORDINANCE NO. 49 (Continued)

SECTION VI:

The Section immediately preceding shall be prospective in operation and shall not be construed to affect or concern existing construction; provided, however, that this Ordinance shall apply to structures of any sort presently over and trespassing upon the travelled portion of the roadway within the curb lines or lines of shoulder of any street or highway within the town.

SECTION VII:

PURPOSE - It is the purpose and intent of this Code to provide minimum standards to safeguard life, health, property and public welfare by regulating and controlling the placement of all signs and sign structures within the incorporated limits so as to prevent the obstruction of view of any official traffic sign, signal or device.

SECTION VIII:

ENFORCEMENT - Authorized Town officials are hereby directed to enforce all of the provisions of this Ordinance as provided therein and in accordance with the provisions of Sections 32-4405 to 32-4409, inclusive, R.C.M., 1947. Any person, firm or corporation violating the provisions of this Ordinance shall be, in addition to the penalties provided by the aforementioned Montana Law, punishable by a fine not to exceed Three Hundred (\$300.00) Dollars. Prosecution under this section shall not limit the right of the Town to seek relief by way of injunction for a nuisance.

PASSED by the Town Council and APPROVED by the Mayor this 3rd day of January, 1972.

Robert L. Storey

Mayor

ATTEST:

Roberta R. Neiffer
Roberta R. Neiffer
Town Clerk