

# ORDINANCES OF THE CITY OF HELENA, MONTANA

## ORDINANCE NO. 3210

AN ORDINANCE AMENDING CHAPTER 8 OF TITLE 7 OF THE HELENA CITY CODE

BE IT ORDAINED BY THE COMMISSION OF THE CITY OF HELENA,  
MONTANA:

That Chapter 8 of Title 7 of the Helena City Code is hereby amended as follows:

SECTION:

- 7-8- 1: Snow And Ice Removal From Sidewalks
- 7-8- 2: Declaration; Traffic Emergency
- 7-8- 3: Parking; Snow Routs
- 7-8- 4: Notice; Parking Emergency Termination
- 7-8- 5: Removal; Parked Vehicles
- 7-8- 6: Emergency Snow Routes; Establishment; Signs
- 7-8- 7: Unlawful Sight Obstruction
- 7-8- 8: Unlawful Hazard To Pedestrians Or Automobiles
- 7-8- 9: Unlawful Hazard To Drivers
- 7-8-10: Penalty

7-8-1: **SNOW AND ICE REMOVAL FROM SIDEWALKS:** ~~During the time of year when the fall of snow creates or tends to create obstructed sidewalks or creates slippery sidewalks, it shall be the duty of every owner, lessee or occupant of premises in front of and/or to the side of which there is a sidewalk, to remove said snow, ice or obstruction within reasonable time after said snow has been deposited thereon, so as to avoid the walks becoming treacherous or dangerous to the users of sidewalks in the city.~~

A. Every owner of property within the city fronting on or abutting a paved or brick sidewalk on public rights-of-way must remove and clear away, or cause to be removed and cleared away, any snow or ice from that portion of the sidewalk in front of or abutting their property, from all portions of abutting ADA curb ramps and bulb outs, and from driveway aprons on rights of way that must be crossed for pedestrian travel, according to the following standards:

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1. Except as provided in subsection B of this section and regardless of the manner in which the snow or ice is deposited on sidewalks, all snow and ice must be removed from sidewalks on public rights-of-way in the B-2 and B-3 zoning districts within the city by 9:00 a.m. of the next business day, by 12:00 noon of the next non-business day, or within four business hours after any snow or ice deposit, whichever period is shorter.
  2. Except as provided in subsection B of this section and regardless of the manner in which the snow or ice are deposited, all snow and ice must be removed from sidewalks on public right-of-way within the city within 24 hours after the cessation of snowfall or other cause of the accumulation.
- B. In the event the director of public works determines snow or ice on a sidewalk cannot be reasonably removed, the director of public works may require the use of sand or other suitable substance to make pedestrian travel reasonably safe. This requirement must be complied with within the time set forth in subsection A of this section. In event of such a requirement, the sidewalk must be thoroughly cleaned of the sand or any other substance as soon as weather permits.
- C. Should any person fail to clear away or treat with sand or other suitable substance and subsequently clear away any snow or ice from any sidewalk as required within the above prescribed timeframes, the director of public works may, as soon as practicable after such failure, have the sidewalk cleared.
- D. The director of public works shall record the name of the property owners, the legal description and street address of the properties, the exact dates and costs of all snow removal done in accordance with this section, including but not limited to, the costs of private contractors hired for such purpose, and any administrative costs.

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- E. Each property owner who fails to clear any sidewalk as required herein and causes the city to perform the clearing in accordance with this section shall be liable to the city for the cost of such work, plus a civil penalty of \$50.00, or 30 percent of such costs, whichever is greater.
- F. The director of public works shall give property owners written notice of amounts owed to the city as soon as practicable following completion of the work. All property owners fronting or abutting public sidewalks who receive such written notification are responsible for payment within thirty (30) days of the date of the written notification.
- G. The city manager shall develop a program allowing all property owners billed in accordance with subsection F above to appeal said bills. Property owners wishing to appeal must submit appeals to the city manager within 15 days of the date of the notice required in subsection F above.
- H. If any fronting or abutting property owner fails to pay the city for costs incurred by the city and the civil penalty, the payment of such amounts may be enforced through civil collection lawsuits or by levying an assessment on the fronting or abutting property or both. In the event of assessment, the city commission shall annually adopt a resolution levying an assessment and tax against each property fronting or abutting the sidewalks ordered cleared by the director of public works in accordance with the provisions of this chapter. All assessments levied must be charged simple interest at the rate of ten percent per year from the date the work is performed until the assessment is fully paid and satisfied.
- I. For purposes of this chapter the term "sidewalk" means the portion of any public right of way intended for the use of pedestrians. This term does not include asphalt bicycle-pedestrian paths. Ord. 2025, 1-24-1977; amd. Ord. \_\_\_\_\_, \_\_\_-\_\_\_-2015)

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7-8-2 through 7-8-9: No change.

~~7-8-10: PENALTY: Any person, property owner, business or corporation found to be in violation of this chapter will be subject to a maximum penalty of fifty dollars (\$50.00) for each violation.~~

FIRST PASSED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA,  
THIS 18<sup>th</sup> DAY OF MAY, 2015.

/S/ James E. Smith  
MAYOR

ATTEST:

/S/ Debbie Havens  
CLERK OF THE COMMISSION

FINALLY PASSED BY THE COMMISSION OF THE CITY OF HELENA,  
MONTANA, THIS 15<sup>th</sup> DAY OF JUNE, 2015.

/S/ James E. Smith  
MAYOR

ATTEST:

/S/ Debbie Havens  
CLERK OF THE COMMISSION