

# ORDINANCES OF THE CITY OF HELENA, MONTANA

## ORDINANCE NO. 3287

AN ORDINANCE AMENDING THE CITY'S REGULATIONS CONCERNING THE PARKING OF VEHICLES, TRAILERS, RECREATIONAL VEHICLES, AND BOATS ON CITY STREETS DURING WINTER BY AMENDING TITLE 7, PUBLIC WAYS AND PROPERTY, CHAPTER 8 SNOW AND ICE, OF THE HELENA CITY CODE

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

That Title 7, Public Ways and Property, Chapter 8, Snow and Ice, is hereby amended as follows:

### TITLE 7: PUBLIC WAYS & PROPERTY

#### CHAPTER 8

#### SNOW AND ICE

#### SECTION:

- 7-8-1: Snow and Ice Removal from Sidewalks
- 7-8-2: Definitions
- 7-8-3: Emergency Snow Route Parking Prohibited
- 7-8-4: Towing of Vehicles on Emergency Snow Routes
- 7-8-5: Parking of Trailers, Recreational Vehicles, and Boats; Towing
- 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

#### **7-8-1: SNOW AND ICE REMOVAL FROM SIDEWALKS:**

- 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

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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:

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 nine o'clock (9:00) A.M. of the next business day, by twelve o'clock (12:00) noon of the next non-business day, or within four (4) 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 is deposited, all snow and ice must be removed from sidewalks on public rights-of-way within the City within twenty four (24) hours after the cessation of snowfall or other cause of the accumulation.
- B. In the event the Director of ~~Public Works~~ Transportation Systems determines snow or ice on a sidewalk cannot be reasonably removed, the Director of ~~Public Works~~ Transportation Systems 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 time frames, the Director of ~~Public Works~~ Transportation Systems may, as soon as practicable after such failure, have the sidewalk cleared.
- D. The Director of ~~Public Works~~ Transportation Systems 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

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section, including, but not limited to, the costs of private contractors hired for such purpose, and any administrative costs.

- 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 fifty dollars (\$50.00), or thirty percent (30%) of such costs, whichever is greater.
- F. The Director of ~~Public Works~~ Transportation Systems 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 notifications 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 of this section to appeal said bills. Property owners wishing to appeal must submit appeals to the City Manager within fifteen (15) days of the date of the notice required in subsection F of this section.
- 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~~ Transportation Systems in accordance with the provisions of this chapter. All assessments levied must be charged simple interest at the rate of ten percent (10%) 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

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pedestrians. This term does not include asphalt bicycle-pedestrian paths. (Ord. 3210, 6-15-2015; amd. Ord. 3287, 2-22-2021)

**7-8-2: DEFINITIONS: NO CHANGE.**

**7-8-3: EMERGENCY SNOW ROUTE PARKING PROHIBITED:** To allow for snow plowing and snow removal on City streets, whenever two inches (2") or more of snow is predicted to accumulate by the National Oceanic and Atmospheric Administration, vehicles may not be parked on designated emergency snow routes between the hours of eight o'clock (8:00) A.M. and five o'clock (5:00) P.M. Parking on Benton Avenue between West Lyndale Avenue and Bishop Carroll Drive, East Broadway between North California Street and Saddle Drive, and East Broadway between North Montana Avenue and North Sanders Street, on 6<sup>th</sup> Avenue between North Montana Avenue and North Roberts Street is permitted between the hours of five o'clock (5:00)A.M. and eight o'clock (8:00) P.M. but is prohibited from eight o'clock (8:00) P.M. to five o'clock (5:00) A.M. (Ord. 3243, 10-29-2018 ; amd. Ord. 3287, 2-22-2021)

**7-8-4: TOWING OF VEHICLES ON EMERGENCY SNOW ROUTES: NO CHANGE.**

**7-8-5: PARKING OF TRAILERS, RECREATIONAL VEHICLES, AND BOATS; TOWING:**

- A. Unless a permit has been issued pursuant to 7-8-5(C) or (D), trailers, recreational vehicles, boats, or other stored items may not be parked or stored within the public right-of-way between November 1 and April 15.
- B. Any trailer, recreational vehicle, boat, or other stored items ~~parked within the public right-of-way between November 1 and April 15~~ parked or stored in violation of 7-8-5(A) may be towed and stored at the expense of the registered owner ~~of the vehicle.~~
- C. The City Manager has the authority to issue a permit to any contractor working on an active construction project occurring within city limits that will allow the contractor

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to park or store a construction trailer or trailers within the public right-of-way between November 1 and April 15.

- D. From November 1 to April 15, the City Manager has the authority to issue a short-term permit to a person who, because of extraordinary circumstances, has no option but to park a trailer, recreational vehicle, or other stored item within the public right-of-way. The short-term permit will allow the person to park the trailer, recreational vehicle, or other stored item within the public right-of-way for up to seventy-two (72) hours (Ord. 3243, 10-29-2018; amd. Ord. 3287, 2-22-2021)

## **7-8-6: EMERGENCY SNOW ROUTES; ESTABLISHMENT; SIGNS:**

- A. The following streets are hereby established and designated as emergency snow routes within the City:

1. East-west streets:

Broadway - Park Avenue to Colonial Drive.  
Helena Avenue - Last Chance Gulch to Railroad Avenue.  
6th Avenue - Park Avenue to ~~Lamborn~~ Roberts Street.  
11<sup>th</sup> Avenue - Park Avenue to Montana Avenue.

2. North-south streets:

Benton Avenue - Custer Avenue to Neill Avenue.  
California - 11th Avenue to Winne Street.  
Colonial - Fee Street to Broadway.  
Hannaford Street - Prospect Avenue to 11th Avenue.  
Henderson - Custer to LeGrande.  
Park Avenue - Neill Avenue to Cruse.  
Rodney - Helena Avenue to Broadway.

- B. The ~~Public Works~~ Transportation Systems Department shall cause appropriate signs to be installed along each of said streets designated as emergency snow routes. (Ord. 3243, 10-29-2018; amd. Ord. 3287, 2-22-2021)

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7-8-7: UNLAWFUL SIGHT OBSTRUCTION through 7-8-9: UNLAWFUL HAZARD TO DRIVERS: NO CHANGE.

FIRST PASSED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA,  
THIS 8<sup>th</sup> DAY OF FEBRUARY, 2021.

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MAYOR

ATTEST:

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CLERK OF THE COMMISSION

FINALLY PASSED BY THE COMMISSION OF THE CITY OF HELENA,  
MONTANA, THIS 22<sup>ND</sup> DAY OF FEBRUARY, 2021.

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MAYOR

ATTEST:

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CLERK OF THE COMMISSION