

## ORDINANCE NO. 107

### **AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SHERIDAN, MONTANA REQUIRING THE REMOVAL OF SNOW AND ICE FROM SIDEWALKS; PROVIDING FOR THE ABATEMENT AND RECOVERY OF COSTS OF ABATEMENT OF THE HAZARD; AND PROVIDING A PENALTY FOR VIOLATION.**

**WHEREAS**, the accumulation of snow and ice on the Town sidewalks is hereby declared to be a hazard to public safety; and

**WHEREAS**, if the owner or owners of buildings, residences and lots of land fail to remove snow and ice from the sidewalks abutting their property, the Town is obliged to do so in order to abate the hazard.

**NOW, THEREFORE, BE IT ORDAINED** by the Town Council of the Town of Sheridan, Montana, that:

**Section 1.** Every owner, occupant, tenant, lessee or any other person in control of any building, residence or lot of land within the Town of Sheridan fronting on or abutting a paved sidewalk shall remove and clear away, or cause to be removed and cleared away, snow and ice from so much of said sidewalk as abuts the front, sides or rear of said building, residence or lot of land.

**Section 2.** Snow and ice shall be removed from sidewalks abutting any business within four business hours of the cessation of snow, sleet or freezing rain, or by 9:00 a.m. of the next business day, or by 12:00 noon of the next non-business day, whichever period is earlier.

**Section 3.** Snow and ice shall be removed from all other sidewalks in Town within 24 hours after the cessation of snowfall, sleet or freezing rain.

**Section 4.** In the event that the snow and ice on a sidewalk has become so hard that it cannot reasonably be removed, the person herein charged with its removal shall cause sand or other suitable substance to be put on the sidewalk to make travel thereon reasonably safe; said person shall comply within the times set forth in Section 2, hereof, and shall then, as soon thereafter as weather permits, cause said sidewalk to be thoroughly cleared of snow and ice.

**Section 5.** In the event that the property owner fails to remove or cause to be removed snow and ice from abutting sidewalks or to apply sand or other suitable substance and subsequently clear away snow and ice within the time limits provided herein, the Mayor of the Town of Sheridan may order the abatement of the hazard by removal of snow and ice by employees of the Town or by contract for private services. The cost of such removal and abatement of hazard shall be payable to the Town by the property owner or owners and, if unpaid after 60 days from the date of billing, the cost shall be included with interest on the property tax bill of the owner or owners, pursuant to law.

**Section 6.** Any person violating the provisions of this ordinance is guilty of a misdemeanor and, upon conviction, shall, in addition to paying the cost of abating the hazard, be fined not less than \$25 nor more than \$500.

**Absolute Liability**

**Section 7.** It is the legislative purpose of the Sheridan Town Council, pursuant to the provisions of 45-2-104, M.C.A., to impose absolute liability for the misdemeanor offenses(s) enacted by and set forth in this ordinance. Those offenses shall not require proof of the mental status described in 45-2-101, M.C.A.

**Repealer**

**Section 8.** All resolutions, ordinances and sections of the Sheridan Municipal Code and parts thereof in conflict herewith are hereby repealed.

**Severability**

**Section 9.** If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provision or application and, to this end, the provisions of this ordinance are declared to be severable.

**Effective Date**

**Section 10.** This ordinance shall be in full force and effect thirty (30) days after passage on second reading.

**References:**

7-14-4105, MCA.

**PASSED AND ADOPTED** by the Town Council of the Town of Sheridan, Montana at a regular session thereof held on the 13<sup>th</sup> day of August, 2007.

**ATTEST:**

\_\_\_\_\_  
Dean Derryberry, Mayor

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Gail Leary, Town Clerk

**PASSED, ADOPTED AND FINALLY APPROVED** by the Town Council of the Town of Sheridan, Montana at a regular session thereof held on the 27<sup>th</sup> day of August, 2007.

**ATTEST:**

\_\_\_\_\_  
Dean Derryberry, Mayor

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Gail Leary, Town Clerk

**APPROVED AS TO FORM:**

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Douglas Smith, City Attorney