

ORDINANCE NO. 108

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SHERIDAN, MONTANA, REQUIRING PROPERTY OWNERS TO MAINTAIN SIDEWALKS; ESTABLISHING SIDEWALK CONSTRUCTION STANDARDS; PROHIBITING CUTTING OR DAMAGING A SIDEWALK WITHOUT A TOWN PERMIT; PROVIDING FOR THE ABATEMENT AND RECOVERY OF COSTS OF ABATING SIDEWALK HAZARDS; AND PROVIDING A PENALTY FOR VIOLATION.

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

Section 1. The cost of constructing, maintaining and repairing sidewalks that front or abut private property is the responsibility of the property owner.

Section 2. Property owners shall maintain abutting sidewalks in good repair, cleared of snow and ice, and free of obstructions, litter, peelings or any other materials that might reasonably interfere with unfettered pedestrian passage or that may constitute a hazard to the safe pedestrian use of the sidewalk.

Sections 3. Sidewalks abutting businesses shall be six feet in width with a grade to be established by a qualified surveyor where no sidewalk has previously been constructed. Sidewalks in residential areas shall be four feet in width. Only good quality, reinforced concrete is to be used in constructing sidewalks and laid to a thickness of four inches while maintaining a six inch curb height.

Section 4. No person shall cut, excavate, dig or otherwise damage a sidewalk without first obtaining a Town Permit to do so as provided in Sub-section (1). If a walk cut or excavation is permitted by the Town, the permittee shall take all necessary precautions including, at a minimum, appropriate warning signage, lighting, barricades and safe alternative routes to insure that safe alternative pedestrian passage is maintained during construction.

(1) Prior to issuing a Town Permit to cut, excavate or otherwise damage a sidewalk within Town limits, the applicant must provide proof of general liability insurance in an amount acceptable to the Town and which includes the Town as an additional named insured. Additionally, the construction site must be inspected by a Town official to insure that the sidewalk cut is feasible and will not unnecessarily damage or interrupt Town services. A permit shall not be issued until this inspection has been completed to the satisfaction of the inspecting official. Following completion of the project, the permittee will so advise the Town inspecting official who shall again inspect the construction site to insure that the sidewalk has been restored in a timely fashion to a safe and satisfactory condition.

(2) No Town Permit to cut, excavate or otherwise damage a sidewalk shall be issued

to an applicant without first furnishing a public liability bond in the sum of one thousand dollars (\$1,000.00), approved as to form and sufficiency by the Mayor or Director of Public Works and conditioned that such person will, in good faith, perform all the things required of him by this ordinance and that if any injury to any person or damage to any property results by reason of his failure or neglect to conform with this ordinance, he shall save harmless and indemnify such injured person or the owner of such damaged property.

Section 5. Upon determination by the Mayor of the Town of Sheridan that a sidewalk is in a hazardous condition or that dangerous obstructions interfere with or impede safe pedestrian passage thereon, the Mayor may, in writing, order the abatement of the hazard and require repair of the sidewalk or removal of obstructions by the abutting property owner within 30 days of receipt of the written order. In the event that the abutting property owner fails to abate the hazard within 30 days, the Mayor may order necessary repair of the sidewalk or removal of the obstruction by employees of the Town, or by contract for private services. The cost of such repair, 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 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:

7-14-4122, M.C.A.

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

ATTEST:

Dean Derryberry, Mayor

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 27th day of August, 2007.

ATTEST:

Dean Derryberry, Mayor

Gail Leary, Town Clerk

APPROVED AS TO FORM:

Douglas Smith, City Attorney