

ORDINANCE NO. 109

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SHERIDAN, MONTANA, PROVIDING FOR THE REGULATION OF ENCROACHMENTS UPON THE PUBLIC RIGHTS OF WAY WITHIN THE TOWN OF SHERIDAN AND PROVIDING A PENALTY FOR VIOLATION.

WHEREAS, the Town of Sheridan desires to be in full compliance with all applicable federal and state laws providing for the free and safe flow of traffic; and

WHEREAS, the Town Council deems it to be in the public interest to provide standards for the regulation and control of encroachments and private use of public rights of way within the jurisdictional limits of the Town.

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

Section 1. Except as otherwise provided in this ordinance, it is unlawful to obstruct the public right of way with debris, machinery and equipment, encumbrances, or encroachments of any kind which hamper or interfere with the free and safe use or passage by the public. Encroachments shall include all private devices placed upon the public right of way, including devices which overhang or underlie the right of way.

Section 2. No private sign, eaves, marquee, or similar device is permitted to encroach on public rights of way within the Town's jurisdictional limits, except as may be permitted by a Town Permit that may be issued by the Town for limited duration.

Section 3. No gainful private or commercial use of the public right of way is permitted, including but not limited to non-emergency servicing or washing of vehicles and parking or placing of portable advertising devices, except as may be permitted by a Town Permit that may be issued by the Town for limited duration.

Section 4. 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 5. 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 6. All resolutions, ordinances and sections of the Sheridan Municipal Code and parts thereof in conflict herewith are hereby repealed.

Severability

Section 7. 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 8. This ordinance shall be in full force and effect thirty (30) days after passage on second reading.

References:

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