

ORDINANCE NO. 110

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SHERIDAN, MONTANA, REQUIRING PLACEMENT OF BARRICADES AND WARNING LIGHTS AROUND EXCAVATIONS ON STREETS, ALLEYS, SIDEWALKS AND OTHER PUBLIC PLACES; PROMPT REMOVAL OF SAME UPON RESTORATION; PROHIBITING MARKING OR MARRING NEWLY LAID CONCRETE AND PROVIDING A PENALTY FOR VIOLATION.

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

Section 1. Whenever excavation work on any street, alley, sidewalk or other public place within the Town of Sheridan is in progress, effective barricades shall be provided and erected by the contractor, or other person in control, around all trenches, holes, excavations or embankments made by the contractor. Warning lights shall be illuminated and maintained thereon from dusk to daylight until the street, alley, sidewalk or other public place shall be restored to a safe and passable condition.

Section 2. Failure or omission to protect the public from accidents in the manner described herein shall result in forfeiture of any Town Permit related to the project which may have been granted by the Town.

Section 3. Following completion of the construction work and restoration of the street, alley, sidewalk or other public property to a safe and passable condition, the contractor, or other person in charge of the work, shall promptly remove all barricades, warning lights and other safety devices from the work site.

Section 4. No person shall move, remove or disable any barricade, warning lights or other warning devices placed on a street, alley, sidewalk or other public place as required by this ordinance.

Section 5. Where barricades, warning lights or other warning devices have been placed and maintained to protect newly laid concrete, no person shall walk, run, drive, ride or step upon the newly laid concrete, so as to mark, mar or in any way damage or deface the same.

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:

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