

Chapter 34

STREETS, SIDEWALKS AND OTHER PUBLIC PLACES*

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*State law reference—Municipal streets, MCA 7-14-4101 et seq.

ARTICLE I. IN GENERAL

Sec. 34-1. Obstructions.

(a) No person shall erect or place, or cause to be placed or erected, an obstruction of any kind whatsoever, in whole or in part, upon any street, alley, or other public grounds within the town.

(b) The owner of any obstruction now standing, or which may be hereafter erected or placed upon any street, alley, sidewalk, or other public grounds within the town, shall remove the same upon being required to do so by a notice from the mayor or street commissioner. For every violation of this section the offender shall, on conviction, be fined not less than \$5.00 nor more than \$100.00, and an additional sum not exceeding \$100.00 for every day that he shall continue in such violation thereof.

(c) Whenever the owner of any obstruction standing or encroaching upon any street, alley, sidewalk, or public ground in the town, shall refuse or neglect to remove the same after notice as provided in subsection (b) of this section, the same shall be deemed a nuisance, and it shall be lawful for the mayor to cause the same to be removed or taken down, in his discretion, and the cost thereof shall be added to the penalty prescribed in subsection (b) of this section; and every person who shall oppose or resist the execution of the orders of the mayor made in pursuance hereof shall, upon conviction, be fined not less than \$1.00 nor more than \$100.00.

(d) No person shall, without the consent of the town council, erect or maintain any bow-window, balcony, or portico extending or projecting over or across any street or sidewalk, or any part thereof. Any person violating the provisions of this section shall be fined not less than \$1.00 nor more than \$50.00 for every day that the same shall be continued after notice to remove the same.

(e) It shall be the duty of the occupant of any premises within the limits of the town to keep the sidewalk in front of the same at all times clear of boxes, wood, or other encumbrance or obstruction to travel, except that such occupants, when receiving or shipping goods, may temporarily occupy such portion of the sidewalk as is necessary for that purpose, leaving a passageway at all times.

(f) No person shall place or deposit any boxes, barrels, fuel, wagons, carts, sleighs, or other encumbrances upon any street, avenue, alley, sidewalk, or public place within the limits of the town except in accordance with the provisions of this chapter respecting building permits.

(g) No person shall keep a stand for the sale of goods upon any street, avenue, alley, or sidewalk, or do any act or thing to collect a crowd so as to interfere with the free passage of teams or pedestrians.

(Prior Code, § 10.02.010)

Sec. 34-2. Blocking public grounds and alleyways.

It shall be unlawful for any person or corporation to encumber any alleys or public grounds with abandoned or junk vehicles, lumber, firewood, or any other material or obstacles. Any person or corporation violating this section or any part thereof, or failing to comply with any of its provisions, upon conviction thereof, shall be fined not less than \$25.00 nor more than \$100.00; and in addition to such fine, shall be liable to any person, and to each person desiring to lawfully use and occupy such public street or highway and who is prevented from doing so by a violation of this section, in the sum of \$25.00.

(Prior Code, §§ 12.02.020, 12.02.030; Ord. of 10-27-1980)

State law reference—Penalty for ordinance violations, MCA 7-1-111(8), 7-5-109.

Sec. 34-3. Sidewalk maintenance and cleaning.

It shall be the duty of the occupant of any premises within the town limits, or in case the same are occupied, then of the owner or his agent to keep the sidewalks in front of and adjoining his premises clean and safe for pedestrians, and to repair the same from time to time, and such occupant, owner, or agent shall, with all reasonable dispatch, remove snow, ice, slush, mud, or other impediment to safe and convenient foot travel, and prevent the continuance and accumulation of the same. Every person failing to comply with the provisions of this section shall be deemed guilty of committing a nuisance, and upon conviction thereof, shall be fined not less than \$1.00 nor more than \$50.00.

(Prior Code, § 10.02.010)

Sec. 34-4. Maintenance of ditches, sewers, etc.

Any person, corporation, or corporations who shall dig, construct, maintain, own or use, either as proprietor or tenant, any ditch, flume, canal, pipe, or sewer, over or across or through or along the line of or extending into the town, shall be required to keep such ditch, flume, canal, pipe, or sewer substantially covered at every point where the same crosses or extends into, through or over any portion of any street or alley or public square, so that the same may be crossed or passed over by the traveling public with safety and convenience, and shall sink, imbed, cover and protect such ditch, flume,

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canal, pipe, or sewer at such points in such manner as that the same shall cause no obstruction or impediment to the free, convenient and safe use of such street, alley, or public square as a public highway. Any person, corporation, or corporations offending against any of the provisions of this section shall be fined not less than \$10.00 nor more than \$100.00, and the judge may, as a part of the judgment in such case, order that such nuisance be abated by the town marshal, at the cost of the person owning the property causing such nuisance.

(Prior Code, § 10.02.010)

Sec. 34-5. Gutters and downspouts.

No person, corporation, or company shall, without the consent of the town council, erect, construct, or maintain any gutter, eaves-trough, or eaves-spout extending or projecting into, over, or across any street or sidewalk within the town.

(Prior Code, § 10.02.010)

Sec. 34-6. Lawn sprinklers.

No person shall place any revolving foundation, hose, or lawn sprinkler so that the water from the same shall be thrown upon any street, avenue, or sidewalk to the annoyance of passersby, and no person shall cause any water to flow over or upon any street, avenue, or sidewalk.

(Prior Code, § 10.02.010)

Secs. 34-7—34-30. Reserved.

ARTICLE II. EXCAVATIONS

Sec. 34-31. Application and fees.

No person, firm, or corporation shall dig up or excavate any portion or part of any street or alley within the town, for the purpose of repairing or laying service pipes for water supply, or for any other purpose whatsoever, without first filing with the town clerk-treasurer a written application for a permit to do said work. Said application for permit is to contain a description of the kind and character of work to be done, the square feet of the roadway or alley to be disturbed, the material to be used, how the work will be done, and a statement that the street or alley will be left in the same condition, after the work is done, as it was before.

(Prior Code, § 12.10.010; Ord. of 1-10-1980)

Sec. 34-32. Excavation liability insurance.

Before any excavation work is started in the town, the individual, persons, or corporation performing said excavation shall provide the town with an acceptable broad form liability insurance policy, covering excavation, with minimum limits of \$100,000.00/\$300,000.00 for bodily injury, and \$100,000.00 for property damage. (Prior Code, § 12.10.015; Ord. of 4-5-1982)

Sec. 34-33. Rate for street repairs.

The person, firm, or corporation doing work pursuant to the provisions of this article or authorizing the same, shall pay an additional amount of \$0.26 per square foot of street or alley on nonpaved streets or alleys, and \$0.75 per square foot of paved streets or alleys to be disturbed. (Prior Code, § 12.10.020; Ord. of 1-10-1980)

Sec. 34-34. Permit.

If it appears from said application that the proposed work will conform to all provisions of this article so far as applicable, and if said application is accompanied by said proof of liability insurance, the town clerk-treasurer shall issue a permit for the work desired, and it shall be unlawful for anyone to do said work without such a permit. (Prior Code, § 12.10.030)

Sec. 34-35. Inspection and regulation.

All work done under said permit shall be done under and in compliance with the direction of the street and alley committee of the town council, which shall approve or disapprove of the work as completed. If the council approves of the work, then the cash shall be cancelled and the money returned to the owner. (Prior Code, § 12.10.040; Ord. of 1-10-1980)

Sec. 34-36. Penalties.

Any person, firm, or corporation found guilty of any violation of any of the provisions of this article shall be fined not to exceed \$500.00, and each day's maintenance shall be a separate offense. In addition, said person shall pay the cost of restoring said excavated portion of street or alley to the same condition as it was before. In addition, said town may refuse, through its town council, to supply water to any service pipes laid in violation of this article until this article has been complied with. (Prior Code, § 12.10.050)

State law reference—Penalty for ordinance violations, MCA 7-1-111(8), 7-5-109.

Secs. 34-37—34-60. Reserved.

ARTICLE III. POLES AND WIRES

Sec. 34-61. Interpretation.

This article shall be construed to be in harmony with the provisions of the Revised Statutes of Montana.

(Prior Code, § 5.12.010)

Sec. 34-62. Regulations.

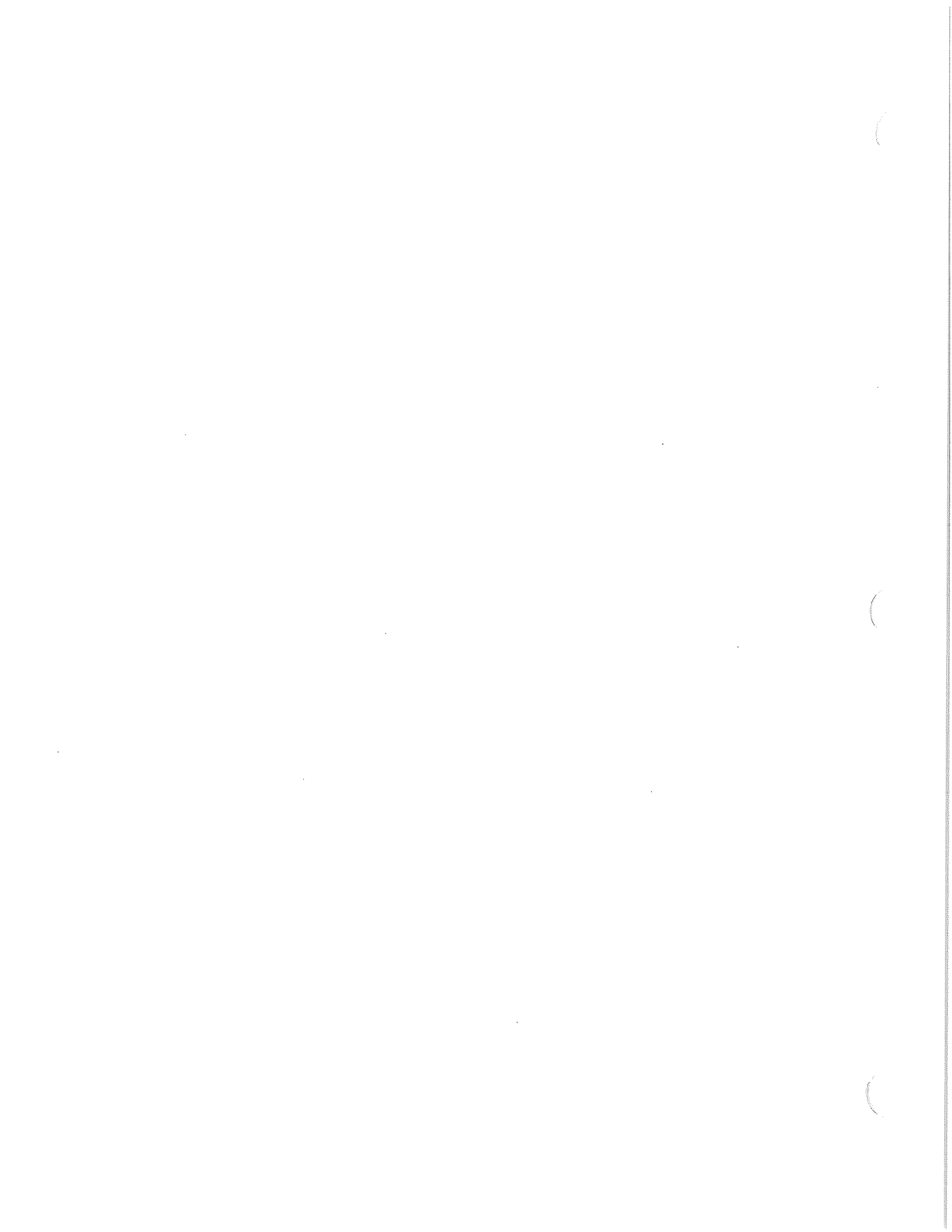
It shall be unlawful for any telegraph, telephone, electric light, or electric power line to be constructed upon any of the streets of the town. It shall be unlawful for any of said lines or for any new poles or fixtures to be erected, established, or constructed on any of the streets of the town.

(Prior Code, § 5.12.020)

Sec. 34-63. Duty of mayor.

It shall be the duty of the mayor to designate such alleys within the limits of the town as he may deem proper, upon which such line shall be constructed, operated, and maintained.

(Prior Code, § 5.12.030)



Chapter 35

RESERVED