

**ORDINANCE 3170**

**AN ORDINANCE REPEALING AND REPLACING TITLE 12 OF  
THE OFFICIAL CODE OF THE CITY OF GREAT FALLS  
(OCCGF), PERTAINING TO STREETS AND SIDEWALKS**

\* \* \* \* \*

**WHEREAS**, the City Commission established Title 12 of the OCCGF outlining provisions pertaining to Streets and Sidewalks; and

**WHEREAS**, the City Commission has recognized deficiencies throughout OCCGF Title 12, including but not limited to, typographical, grammatical, formatting, and referencing deficiencies; and

**WHEREAS**, the City Commission wishes to cure the deficiencies contained in OCCGF Title 12; and

**WHEREAS**, the City Commission wishes to make several substantive amendments to current Streets and Sidewalks regulations; and

**WHEREAS**, the City Commission wishes to clarify language by removing references to “the governing body” in OCCGF Title 12; and

**WHEREAS**, the City Commission wishes to remove codified fee amounts from OCCGF Title 12; and

**WHEREAS**, the City Commission wishes to amend provisions related to Sidewalks and Streets code enforcement responsibilities to create better consistency with other provisions of the OCCGF and, where applicable, the Montana Code Annotated.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA:**

Section 1. Title 12 of the OCCGF pertaining to Streets and Sidewalks shall be amended as depicted in Exhibit “A” attached hereto, which removes any language indicated by a ~~strikeout~~ and adds any language which is **bolded**; and

Section 2. This ordinance shall be in full force and effect thirty (30) days after second reading and final adoption by the City Commission.

ACCEPTED by the City Commission of the City of Great Falls, Montana on first reading January 16, 2018.

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading February 6, 2018.

\_\_\_\_\_  
Bob Kelly, Mayor

ATTEST:

(CITY SEAL)

\_\_\_\_\_  
Darcy Dea, Deputy City Clerk

APPROVED FOR LEGAL CONTENT:

\_\_\_\_\_  
Joseph P. Cik, Assistant City Attorney

State of Montana    )  
County of Cascade   : ss  
City of Great Falls   )

I, Darcy Dea, Deputy City Clerk of the City of Great Falls, Montana, do certify that I did post as required by law and as prescribed and directed by the Commission, Ordinance 3170 on the Great Falls Civic Center posting board and the Great Falls City website.

\_\_\_\_\_  
Darcy Dea, Deputy City Clerk

(CITY SEAL)

Exhibit "A"

(Updated from First Reading)

Title 12 STREETS, AND SIDEWALKS, TREES, AND SHRUBBERY

**Title 12 STREETS, AND SIDEWALKS, TREES, AND SHRUBBERY**  
**Chapter**

---

Chapter ~~4~~ **1**- BOULEVARDS

Chapter ~~6~~ **2**- DISCOVERY GALLERY

Chapter ~~8~~ **3**- OBSTRUCTIONS IN STREETS AND PUBLIC PLACES

Chapter ~~12~~ **4**- EXCAVATIONS

Chapter ~~14~~ **5**- PARADES, PROCESSIONS, FUN RUNS AND STREET CLOSURES

Chapter ~~16~~ **6**- STREET MAINTENANCE

Chapter ~~18~~ **7**- VEHICLE REMOVAL

Chapter ~~20~~ **8**- RIGHT-OF-WAY VACATION FEES

Chapter ~~24~~ **9**- STREET NAMES

Chapter ~~28~~ **10**- SIDEWALKS AND CURBS

Chapter ~~32~~ **11**- SIDEWALK MAINTENANCE

Chapter ~~33~~ **12**- EMERGENCY SNOW ROUTE

Chapter ~~36~~ **13**- PRIVATE DRIVEWAYS AND CROSSWALKS

Chapter ~~40~~ **14**- TREES AND SHRUBBERY

Chapter ~~44~~ **15**- TREE REMOVAL

Exhibit "A"

(Updated from First Reading)

Title 12 STREETS, AND SIDEWALKS, TREES, AND SHRUBBERY

**Chapter 41 BOULEVARDS**

**Sections:**

- ~~12.4.010 Definitions and responsibility.~~
- ~~12.4.020 Clear vision triangle – defined – responsibility.~~
- ~~12.4.030 Vehicle parking – prohibited where – exception.~~
- ~~12.4.040 Boulevard encroachment permit – issuance conditions.~~
- ~~12.4.060 Violation – penalty.~~

- 12.1.010 Definitions.**
- 12.1.020 Adjoining owners' responsibility.**
- 12.1.030 Clear vision triangle – defined – responsibility.**
- 12.1.040 Vehicle parking – prohibited where – exception.**
- 12.1.050 Boulevard encroachment permit – issuance conditions.**
- 12.1.060 Exceptions.**
- 12.1.070 Violation – penalty.**

~~12.4.010 – Definitions and responsibility.~~

**12.1.010 Definitions.**

**Unless otherwise specified in this chapter the following definitions shall apply:**

- A. ~~Definitions.~~ "Boulevard" ~~within the City~~ is that area within any **City** street, avenue, or highway right-of-way, not occupied by street paving, curb and gutter, and sidewalks.
- B. ~~An "Inside Boulevard"~~ is the boulevard area on the property line side of the sidewalk.
- C. ~~An "Outside Boulevard"~~ is the boulevard area on the street side of the sidewalk. Except as permitted under Section 12.4.040**1.050**, no boulevard area may be encumbered by any obstacle whatsoever.
- D. "Obstacle" means any strung wire or netting, any fence or railing, or any barrier or structure of any kind whatsoever, ~~but~~ **Obstacle** does not include trees, **or the following:**
  - 1. ~~Ornamental lamp-posts;~~
  - 2. ~~Telephone or electric light poles;~~
  - 3. United States government mailboxes;

Exhibit "A"

(Updated from First Reading)

Title 12 STREETS, AND SIDEWALKS, TREES, AND SHRUBBERY

4. ~~s~~Signage for structures on the National Historical Register provided by the Montana Historical Society,;

5. ~~or e~~Other structures erected by permit to aid owners in caring for the boulevards adjoining their property. The Director of Public Works may grant a special permit for a temporary barrier to protect newly sown grass on boulevard areas if such barrier will not endanger passers by.

(Ord. 2785, 2000)

**12.1.020 Adjoining Owners' Responsibility.**

- A. It shall be the duty of the owners ~~and tenants~~ of any premises within the **City** limits ~~of the City~~ to maintain the boulevard section in front of, and adjoining, their premises in a safe ~~and substantial~~ condition **and in compliance with Official Code of the City of Great Falls (OCCGF) Title 12..**
- B. Any portion of the right-of-way which is not occupied by roadway section, curb and gutter, driveway, sidewalk, or crosswalk shall be maintained as required by the **OCCGF. Section 17.44 Landscaping.** ~~It is also the responsibility of corner lot owners/tenants to maintain the clear vision triangle as described in Section 12.4.020.~~
- C. **It is also the responsibility of corner lot owners to maintain the clear vision triangle as described in OCCGF 12.1.030.**
- D. **The Public Works Director or designee may grant a special permit for a temporary barrier to protect newly sown grass on boulevard areas, if such barrier will not create a safety hazard.**

(Ord. 2549 § 1(part), 1989).

(Ord. No. 3086, § 1(Exh. A), 6-19-2012, eff. 7-19-2012)

~~12.4.020~~ **12.1.030 Clear vision triangle—defined—responsibility.**

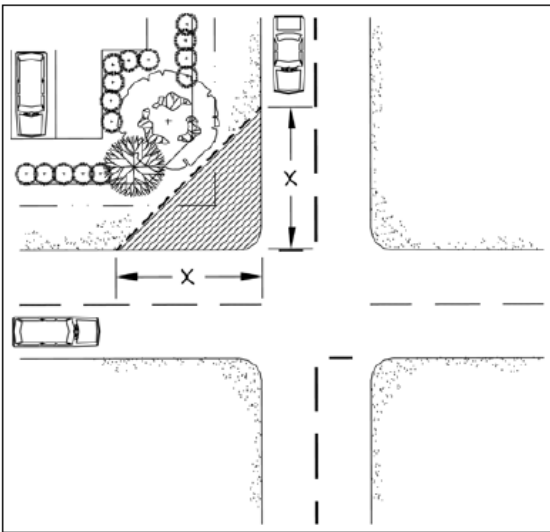
The clear vision triangle is the isosceles triangle having sides of forty-five (45) feet as measured along the back of the curb section of each intersecting roadway. The triangle ~~thus~~ begins at the point where the intersecting back of each curb line would meet, ~~thence~~ forty-five (45) feet along the back of each curb and diagonally across connecting the curb lines-, ~~See drawing.~~ **and is depicted as set forth in Exhibit 12.1.030.**

**Exhibit 12.1.030 Clear vision triangle**

Exhibit "A"

(Updated from First Reading)

Title 12 STREETS, AND SIDEWALKS, TREES, AND SHRUBBERY



- A. Any signs, fences, plant material, or other items placed in this area shall provide an unobstructed cross-visibility at a level between three (3) feet and eight (8) feet above street surface elevation. Trees having over eight (8) feet of clear trunk, as measured from the surface elevation with limbs and foliage trimmed in such a manner as not to extend into the cross-visibility, are permitted in the clear vision triangle.
- B. It is the responsibility of the owner or tenant of a corner lot to maintain the clear vision triangle by trimming or removing the cause of any sight obstruction within the area described above.
- C. No obstruction to cross-visibility shall be exempted or excluded from the application of this section because of the obstruction's existence.

~~(Ord. 2549 §1(part), 1989).~~

**12.4.030 12.1.040 Vehicle parking—prohibited where—exception.**

No vehicle shall be parked upon any boulevard area in the City except ~~in the following instances:~~

- A. Upon any lawfully constructed driveway, although no vehicle may be parked upon any sidewalk or sidewalk area; **or**
- ~~B. Upon any boulevard area in a residential area if the boulevard area has no curbing or has a curb cut access to the boulevard area;~~
- C. B.** By permit issued under ~~Section~~ **OCCGF 12.4.0401.050**, boulevard encroachment permit.

~~(Ord. 2549 § 1(part), 1989).~~

~~(Ord. No. 3086, § 1(Exh. A), 6-19-2012, eff. 7-19-2012)~~

Exhibit "A"

(Updated from First Reading)

Title 12 STREETS, AND SIDEWALKS, TREES, AND SHRUBBERY

~~12.4.040~~ **12.1.050 Boulevard encroachment permit—issuance conditions.**

A temporary and revocable permit to allow encroachments upon any inside boulevard area or other public grounds within any area of the City, may be granted to the owner or lessee of the adjoining property, **or a permitted owner or operator of bench signs or transit shelters**, by the City Manager or designee. Any such Boulevard Encroachment permit must comply with **all of** the following conditions:

- A. The encroachment, as proposed, must not be detrimental to the health, safety, or welfare of the public as a whole.;
- B. Payment to the City of a one ~~(1)~~ -time application fee **set by City Commission resolution** to defray administrative costs **must be paid prior to construction**.~~The fee shall be established by City Commission resolution.;~~
- C. Payment to the City of an annual encroachment rental fee **set by City Commission resolution** based upon the square footage of encroachment. ~~The annual rental fee amount shall be established by City Commission resolution.~~ **Non-advertising transit shelters and non-advertising bicycle racks may be exempted from this annual fee, at the discretion of the City Manager or designee.**
- D. No encroachment permit may be granted to allow parking necessary to fulfill the **off-street parking** requirements of the off-street parking code as set forth in **OCCGF** Title 17.~~36~~.;
- ~~E. In all locations where the sidewalk is constructed adjacent to the street curbing and in all locations where no sidewalk has been constructed, no permit may be granted for any encroachment within seven (7) feet from the back of the curb except in cases where artwork has been approved by the City and placed within the Business Improvement District as part of the Discovery Gallery.~~

~~(Ord. 2766; 2000)~~

- ~~FE.~~ Parking blocks shall be placed in the boulevard area for any permit issued for vehicle parking under this section, and **blocks** must be placed sufficiently back from the sidewalk area to keep parked vehicles at least two (2) feet from the sidewalk ~~or beyond the seven-foot sidewalk area provided in subsection E of this section.~~;
- ~~GF.~~ The Boulevard Encroachment permit may be issued by the City Manager or designee, at the permit holder's risk, upon receipt of a completed application and the processing fee. ~~Should~~ **Subject to the provisions of subsection (K) of this part, should** the City deem it necessary, the Boulevard Encroachment permit may be revoked upon giving thirty (30) days' notice in writing to the permit **holder**.;
- ~~HG.~~ The City Manager or designee shall have authority to deny or immediately revoke any such permit wherever the public safety may be jeopardized or other traffic, utility or other **public** concerns are paramount.;
- ~~H.~~ Any permits issued for fencing part of the boulevard area shall ensure that no fence is installed within two (2) feet of any sidewalk, ~~or where and if~~ a sidewalk does not exist, ~~within seven (7) feet~~ **the Public Works Director or designee shall determine the location of the back curb section fence**;
- ~~J.~~ The requirements of ~~Section~~ **OCCGF 12.4.0201.030**, clear vision triangle, must be met for any permit involving a corner lot.;

Exhibit "A"

(Updated from First Reading)

Title 12 STREETS, AND SIDEWALKS, TREES, AND SHRUBBERY

- ~~KJ.~~ Any violation of the terms of ~~this~~ **the boulevard encroachment** permit shall be cause for immediate revocation at the time of the violation. If the permit holder chooses to reapply for a new permit, the entire permit process including any charges, must be repeated-;
- K. Upon written request by the property owner, and good cause shown, a boulevard encroachment permit may be discontinued and removed from the property file maintained by the County Clerk and Recorder;**
- L. Upon notice of revocation of a Boulevard Encroachment permit, the permit holder, **at the permit holder's expense**, shall remove or correct any encroachments affected by the revocation within ~~ten (10)~~ **thirty (30) calendar days**. The City shall not be held liable for any costs as a result of the revocation, removal, or corrections-;
- M. Once a permit has been revoked, should the ~~responsible party~~ **permit holder** fail to remove or correct the ~~situation~~ **condition causing the violation**, the City shall have the structure removed and the cost of the removal **shall be** assessed to the permit holder-; **and**
- N. In any case where it is ~~contended that~~ **a party objects to** the decision of the City Manager or designee, regarding an application, ~~was unfair, inequitable, or unreasonable,~~ **the objecting party objecting thereto may must appeal in writing within fifteen (15) calendar days of the date of the decision** to the Board of Adjustment ~~and submitted for review by the City Commission.~~

~~(Ord. 2549 §1(part), 1989).~~

~~(Ord. No. 3086, § 1(Exh. A), 6-19-2012, eff. 7-19-2012)~~

**12.1.060 Exceptions.**

The provisions of this chapter do not apply to the following:

- A. Transit shelters servicing designated routes as approved by the Public Works Director or designee, which do not unduly interfere with vehicle or pedestrian traffic and access to utilities and abutting properties in the immediate vicinity. A transit shelter shall be defined as a structure occupying no more than one hundred twenty (120) square feet in floor area and designed for the temporary shelter of transit passengers.**
- B. Pushcarts or any other non-motorized wheeled device may be moved or used on the City sidewalks under the following conditions:**
  - 1. No pushcart or other device shall exceed thirty-six (36) inches in width, five (5) feet in length and seven (7) feet in height; and**
  - 2. No vendor selling from a pushcart, or such device, shall conduct business in such a way as would restrict or interfere with the ingress or egress of abutting property owners or tenants or create or become a public nuisance, increase traffic or pedestrian congestion, or delay or constitute a traffic hazard, pedestrians or property, or obstruct adequate access for emergency services.**



Exhibit "A"

(Updated from First Reading)

Title 12 STREETS, AND SIDEWALKS, TREES, AND SHRUBBERY

- C. Statues, as approved by the Public Works Director, or designee, upon review of a traffic study and located in accordance therewith so as not to unduly interfere with vehicular or pedestrian traffic and access to utilities and abutting property in the immediate vicinity.
- D. As permitted under this chapter, boulevard encroachment permits.
- E. Handicap ramps, railing, and related improvements which comply with Americans With Disabilities Act requirements. Such improvements shall be approved by the Public Works Director or designee prior to construction. Prior to approval, the owner of the property shall make reasonable efforts to locate handicap ramps outside of the boulevard.
- F. Where setbacks do not allow adequate space for steps to access doorways, steps placed in the boulevard if no other reasonable option exists.

~~12.4.060~~ 12.1.070 Violation—penalty.

- A. Any violation of the provisions of this chapter shall be considered a public offense punishable under the general penalty of the official code of the City set forth in Chapter OCCGF 1.4.070 of this Code.
- B. A violation of the provisions of this chapter is hereby declared a nuisance as defined in OCCGF Title 8, Chapter 49.

~~(Ord. 2549 § 1(part), 1989).~~

## Chapter 62 DISCOVERY GALLERY

### Sections:

[12.62.010 Intent.](#)

[12.62.020 Responsibilities.](#)

[12.62.030 Allowable boundaries—placement-approval process.](#)

[12.62.040 Clear Vision Triangle—comply with compliance.](#)

### 12.62.010 Intent.

The designation of a sidewalk gallery to display art works in downtown Great Falls is a continuation of the City's recognition and support of the Arts as a major economic and social base in the community. In addition, the involvement of the Business Improvement District in developing the proposal and project guidelines reflects ~~their~~ **its** own efforts to enhance the downtown as a vital community and commercial center.

### 12.62.020 Responsibilities.

- A. The artwork accepted by the City for placement in the Discovery Gallery ~~may~~ **becomes** the property of the City and will be positioned, relocated, or removed at the City's discretion, **unless the City allows**

Exhibit "A"

(Updated from First Reading)

Title 12 STREETS, ~~AND~~ SIDEWALKS, TREES, AND SHRUBBERY

**in writing.** ~~In some instances, the artist will be permitted to retain ownership of the artwork. Regardless of ownership, the City shall approve all plans to affix and place each piece of art. Nothing in this chapter shall diminish or be considered an exception to the principles of public safety and access as defined in this Title 12.~~

- B. The City shall be responsible for the repair and maintenance of the artwork unless ownership of the artwork is retained by the artist. In that event, the artist shall be responsible for the repair and maintenance of ~~their~~ **his or her** art.
- C. The artwork will be durable ~~in order~~ to minimize the threat of vandalism and the amount of maintenance.
- D. The Business Improvement District shall develop guidelines for the Discovery Gallery. At a minimum the guidelines shall address:
  - 1. Size of the art objects-;
  - 2. Materials-;
  - 3. Construction-;
  - 4. Spacing-;
  - 5. Textures and sounds-;
  - 6. Mechanical and other powered devices-;
  - 7. General accessibility to the art-;
  - 8. Themes-;
  - 9. Sight lines to commercial property-;
  - 10. Rights-of-way-;
  - 11. Costs, fees, **and** insurance-; **and**
  - 12. Application process and review.
- E. The Business Improvement District shall also establish a review panel consisting of at least one (1) member of the Business Improvement District Board, ~~one~~ downtown retailer, one (1) artist, ~~one~~ City staff **member**, and one (1) architect/ ~~or~~ engineer.

**12.62.030 Allowable boundaries—placement-approval process.**

- A. The Discovery Gallery shall be within the boundaries of the Business Improvement District.
- B. The Discovery Gallery's width will be from the back of the curb to a maximum of seven (7) feet ~~inward~~ **inward**. The Discovery Gallery shall extend to the second parking space at each end of the block or one (1) space away at alleys.
- C. The Business Improvement District shall appoint a committee as described in ~~12.6.020.D~~ **12.2.020** to review all proposals submitted for the artwork which shall include a process for public comment. Said Committee shall forward a recommendation for the City Commission to accept or not-accept the proposed artwork. The Commission may hold a public hearing on the artwork proposals submitted for consideration.

Exhibit "A"

(Updated from First Reading)

Title 12 STREETS, AND SIDEWALKS, TREES, AND SHRUBBERY

**12.62.040 Clear Vision Triangle—~~comply with~~ compliance.**

All artwork in the Discovery Gallery shall ~~meet~~ **be displayed in a manner meeting** the requirements of OCCGF ~~42-4-020-12.1.030~~, the clear vision triangle.

## Chapter 8 3 OBSTRUCTIONS IN STREETS AND PUBLIC PLACES

### Section:

[12.83.010 Prohibited—applicability.](#)

[12.3.020 Penalty.](#)

### 12.83.010 Prohibited—applicability.

- A. Except as provided in ~~subsection C~~ of this ~~section~~**Title**, it is unlawful for any person, ~~or persons, or~~ corporations, **or other entities** to erect, place, ~~or locate,~~ or cause to be erected, placed, or located, any building, fence or obstruction of any kind ~~whatsoever~~, in whole or in part, upon any street, **right-of-way (developed or undeveloped)**, avenue, alley, or other public grounds within the City. ~~Any person or persons or corporation who is convicted of a violation of any of the provisions of this chapter, shall be deemed guilty of a separate violation of this chapter for every twenty-four (24) hours the same remains un-removed.~~
- B. In the interest of the public health, welfare and safety, the City may remove **any** such obstruction **violating this chapter** and assess the costs of removal to the property owner; or where circumstances permit, and the public interest is not greatly jeopardized, notice may be given to the violator for removal of the obstruction, **subject to the following conditions:-**
1. Such notice shall provide the time allowed for removal, include the Public Works Director's address and telephone number for information or hearing thereon, briefly describe the nature of the violation and the possible sanctions; **and**
  2. ~~The~~ **If removal is not completed in compliance with the notice, the** City's costs of removal shall be assessed against the property.
- ~~C. Exceptions.~~
- ~~1. Transit shelters as approved by the City Commission and located so as to not unduly interfere with vehicle or pedestrian traffic and access to utilities and abutting properties in the immediate vicinity.~~
    - ~~a. A transit shelter shall be defined as a structure occupying no more than one hundred twenty (120) square feet in floor area and designed for the temporary shelter of transit passengers.~~
  - ~~2. Pushcarts or any other non-motorized wheeled device may be moved or used on the City sidewalks under the following conditions:~~
    - ~~a. No pushcart or other device shall exceed thirty-six (36) inches in width, five (5) feet in length and seven (7) feet in height.~~
    - ~~b. No vendor selling from a pushcart or such device shall conduct business in such a way as would restrict or interfere with the ingress or egress of abutting property owners or tenants or create or become a public nuisance, increase traffic or pedestrian congestion, or delay or~~

Exhibit "A"

(Updated from First Reading)

Title 12 STREETS, AND SIDEWALKS, TREES, AND SHRUBBERY

~~constitute a hazard to traffic, pedestrians or property or obstruct adequate access for fire or police.~~

- ~~3. Statuary as approved by the City Commission upon review of a traffic study and located in accordance therewith so as not to unduly interfere with vehicular or pedestrian traffic and access to utilities and abutting property in the immediate vicinity.~~
- ~~4. As permitted under Section 12.4.040, boulevard encroachment permit and Section 12.4.020, permitted structures.~~
- ~~5. Handicap ramps, railing and related improvements which comply with Americans With Disabilities Act requirements. Such improvements shall be approved by the Director of Public Works or designee prior to construction. Reasonable efforts shall be made to locate handicap ramps outside of the boulevard prior to approval.~~
- ~~6. Where setbacks do not allow adequate space for steps to access doorways, steps may be placed in the boulevard if no other reasonable option exists.~~

~~(Ord. 2549 § 1(part), 1989).~~

~~(Ord. No. 3086, § 1(Exh. A), 6-19-2012, eff. 7-19-2012)~~

---

FOOTNOTE(S):

---

~~---(1)---~~

~~Prior ordinance history: Prior code §§6-1-3(B) and (F) and Ordinances 2314, 2338, 2409 and 2460.~~

**12.3.020 Penalty.**

- A. Any violation of the provisions of this chapter shall be considered a public offense punishable under OCCGF 1.4.070.**
- B. A violation of the provisions of this chapter is hereby declared a nuisance as defined in OCCGF Title 8, Chapter 49.**

**Chapter 12 4 EXCAVATIONS**

**Sections:**

[12.424.010 Application—required.](#)

[12.424.020 Application—fee.](#)

[12.424.030 Application—refusal—issuance.](#)

[12.424.040 Bond.](#)

[12.424.050 Insurance required.](#)

Exhibit "A"

(Updated from First Reading)

Title 12 STREETS, AND SIDEWALKS, TREES, AND SHRUBBERY

[12.424.060 Permittee responsibility.](#)

[12.424.070 License—suspension—revocation—limitation.](#)

**12.424.010 Application—required.**

- A. Excepting where **when** such person is operating under a contract with the City involving the opening of a public way, any person **properly licensed pursuant to OCCGF Title 5** desiring to excavate in, or cut through, **access**, or tear open the surface of any street, avenue, alley, sidewalk, or other public way within the City shall first file written application with the **Planning and Community Development Department (P&CD) Director of Public Works**. ~~The application shall state the object sought, the purpose for which the public way is to be excavated in, cut through, or broken open, the proposed area of such opening and the exact location thereof.~~

~~(Prior code §9-10-1).~~

**B. The application shall state the following:**

1. **The object sought;**
2. **The purpose for which the public way is to be excavated in, accessed, cut through, or broken open;**
3. **The proposed area of such opening; and**
4. **The exact location of the proposed opening.**

**12.424.020 Application—fee.**

The application shall be accompanied by the applicable ~~following~~ fee, **set by City Commission resolution**, payable to the City.:

- A. ~~For an opening not exceeding one hundred (100) square feet, there shall be and is a minimum fee of twenty dollars (\$20.00).~~
- B. ~~For an opening greater than one hundred (100) square feet, the fee shall be twenty dollars (\$20.00) plus ten cents (\$0.10) per square foot in excess of one hundred (100) square feet.~~

~~(Ord. 2485 §1, 1987; Ord. 2462 §2, 1987).~~

**12.424.030 Application—refusal—issuance.**

- A. The **Planning and Community Development (P&CD) Director of Public Works or designee** may, in his/ or her discretion, grant or refuse to grant such application. **Justification for refusal includes, but is not limited to, the applicant's outstanding debt or obligation to the City.**

Exhibit "A"

(Updated from First Reading)

Title 12 STREETS, AND SIDEWALKS, TREES, AND SHRUBBERY

- B. The refusal of the director ~~to grant any such application is subject to review by the City Commission. may be appealed, in writing, to the City Manager's office within fifteen (15) calendar days of the director's refusal. If the City Manager or designee affirms the refusal, the applicant may appeal the decision in writing to the City Commission within fifteen (15) calendar days of the City Manager's affirmation.~~
- C. ~~Where~~ If the application is granted, whether by the **P&CD Director, the City Manager,** or the City Commission, the applicant shall accomplish the proposed work within the time allowed by the **Public Works Director** and under the ~~D~~director's supervision.;~~and,~~
- D. **All excavation shall be conducted** in accordance with rules, regulations and specifications on file in the Department of Public Works.;
- E. **All excavation shall be thoroughly backfilled, and any such excavation or opening and shall be restored to the surface thereof to the condition it was prior to such excavation or opening, or better,** except that the City will replace all asphaltic surfacing in paved streets, **with costs to be paid by the applicant, unless the Public Works Director or designee authorizes the applicant to replace the asphaltic surfacing.**
- F. **Flowable fill shall be used to backfill trench excavation on arterial and collector streets when deemed necessary by the Street Division Supervisor or designee on local streets and alleys.**
- G. **Flowable fill shall be used to cap street openings during the winter and whenever hot mix asphaltic surfacing is not available. The surface shall be maintained, by the permittee, until hot mix asphaltic surfacing becomes available.**

(Ord. 2476, 1987: prior code §9-10-3).

**12.424.040 Bond.**

Any applicant ~~for permission~~ **desiring** to excavate in, **access,** cut through, or tear open any City street, avenue, alley, sidewalk, boulevard, or any other public way must file with the ~~City Clerk~~ **P&CD Department** a bond in the penal sum that shall be established by City Commission resolution.; **The bond shall:**

- A. **Be** payable to the City ~~and/or the s~~State as their interests appear with respect to the expenditure of funds toward the construction of the street, avenue, alley, sidewalk, boulevard, or public way within the City;;
- B. **Be** conditioned for the protection of the City ~~and/or s~~State from and against any liability of any kind or character whatsoever which may arise as a result of the applicant's excavating in, cutting through, or opening up any such street, avenue, alley, sidewalk, boulevard, or other public way or which may in any way or manner be connected with or related thereto, **payable by the applicant; and**
- C. **Be** further conditioned that the permittee shall properly backfill and restore the surface of any and all excavations, openings, or cuttings made or dug in the public ways of the City, and shall do and complete all work in connection therewith in a good, competent, and workmanlike manner and in compliance with the specifications required therefore by the City ~~and/or s~~State; ~~and provided, that where any applicant has at the time of the application for permit under the terms of this chapter, on file with the City Clerk, and in force, a water service line layer's license bond under the provisions of Chapter 13.04 of this Code, or a drain layer's license bond under the provisions of Chapter 13.20 of this Code, and the conditions of either of such bonds is amended by endorsement to protect the state as set forth above and to include the condition as required in~~

Exhibit "A"

(Updated from First Reading)

Title 12 STREETS, AND SIDEWALKS, TREES, AND SHRUBBERY

~~this section, then such drain layer's license bonds or water service line layer's license bond shall stand in lieu of the bond required in this section.~~

~~(Ord. 2801, 2001; Prior code §9-10-4).~~

- D. Remain on file with the P&CD Department; or
- E. Include a water service line layer's license bond under the provisions of OCCGF Title 13, or a drain layer's license bond under the provisions of OCCGF Title 13, and the conditions of either of such bonds shall be amended to include the conditions as required by this section.

**12.424.050 Insurance required.**

Before any application to **excavate, cut, access or tear** open any public way is granted, such applicant shall furnish satisfactory evidence ~~that there has been issued to the applicant, and is in full force and effect,~~ **applicant's activities are properly covered by applicable liability insurance coverage, auto insurance and workers' compensation insurance** in an amounts that shall be set by City Commission resolution.

~~(Ord. 2801, 2001; Prior code §9-10-5).~~

**12.424.060 Permittee responsibility.**

- A. The permittee, in accepting and acting under a street opening permit granted under the provisions of this ~~section~~ **chapter**, agrees to assume full responsibility for injury to persons or losses or damage to property incurred by reason of or arising out of any act or omission of ~~such said~~ permittee in making ~~such said~~ excavation, cut, or opening or in failing to properly barricade, guard and warn the public of such excavation or trench, and further agrees to assume full responsibility for injury to persons and losses or damage to property incurred by reason of or arising out of any settlement of a restored area occurring within two (2) years of the date of completion of the permanent resurfacing.
- B. ~~If a~~Any settlement in a restored area **which** occurs within two (2) years of the date of completion of the permanent surfacing, ~~it~~ shall be considered as conclusive evidence of defective backfill. Upon failure or refusal of such permittee to correct such settlement within five (5) days after notice by the **Public Works Director or designee of Public Works** to do so, **the City may correct such settlement and** any expense incurred by the City in correcting such settlement shall be paid by the permittee.

~~(Prior code §9-10-6).~~

- C. **To the fullest extent permitted by law, the permittee shall fully indemnify, defend, and save the City, its agents, representatives, employees, and officers harmless from and against any and all claims, actions, costs, fees, losses, liabilities or damages of whatever kind or nature arising from or related to the permittee's performance of the permitted excavation and the permittee's work, or work of any subcontractor or supplier to applicant.**

Exhibit "A"

(Updated from First Reading)

Title 12 STREETS, AND SIDEWALKS, TREES, AND SHRUBBERY

**12.124.070 License—suspension—revocation—limitation.**

The provisions of this chapter are in no way intended, nor shall they be construed, ~~so as~~ to limit or in any way repeal any of the provisions of ~~Chapters OCCGF Title 13.04 and 13.20 of this code~~ with respect to the right of the City Commission to suspend or revoke the licenses, provided for in ~~Chapters OCCGF Title 13.04 and 13.20~~, upon failure or refusal of any such licensee to refill properly any trench or excavation and to restore the surface thereof.

~~(Prior code §9-10-7).~~

**Chapter 14 5 PARADES, PROCESSIONS, FUN RUNS AND STREET CLOSURES**

**Sections:**

[12.445.010 Definitions.](#)

[12.445.020 Established and designated ~~parade~~ procession routes.](#)

[12.445.030 Public conduct during ~~parades, processions and fun runs.~~](#)

[12.445.040 Participants' conduct during ~~parades, processions and fun runs.~~](#)

[12.445.050 Application - contents.](#)

[12.445.060 Street closure permits for public events and block parties.](#)

**12.445.010 Definitions.**

The following words and phrases, when used in this chapter, shall have the **following** meanings respectively ascribed to them.:

- A. "~~Parade~~ "**Procession**" means any march, **parade, motorcade, fun run, assembly to support a cause**, or ~~procession~~ **other event**, consisting of people, animals, ~~or~~ vehicles, or combination thereof, except funeral processions, upon any public street, sidewalk or alley, which does not comply with normal and usual traffic regulations and controls and is expressly designed for the ~~enjoyment~~ **safety and involvement** of the public as well as the participants, **which is approved by the City under the provisions of this chapter.**
- B. "Motorcade" means an organized procession containing twenty-five (25) or more vehicles, except funeral processions, upon any public street, sidewalk or alley.
- C. "~~Parade~~ **Procession Route**" means the route of travel of any parade, **march**, motorcade, ~~or~~ fun run, **or other procession**, to include the assembly, staging and disbanding areas.
- D. "Street" includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, or other public ways in this City which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of the State.

~~(Ord. 2734, 1998).~~



Exhibit "A"

(Updated from First Reading)

Title 12 STREETS, AND SIDEWALKS, TREES, AND SHRUBBERY

**12.145.020 Established and designated parade procession routes.**

**Processions are to proceed as follows:**

- A1. **Parade Procession** to stage on Park Drive South, in **designated areas**, and proceed north past the east side of the Police Department onto 1st Avenue South, then east to Park Drive, then North to Central, then east to 8th Street, disbanding on the north and/or south side of Central Avenue;
- B2. **Parade Procession** to stage on the north and/or south side of Central Avenue at 8th Street and proceed west on Central Avenue to Park Drive, then south to 1st Avenue South, then west until disbanding. ~~Any alternate route must be approved by the City;~~ **or**
- C3. ~~Routes for other parades, processions or fun runs not requiring street closures can be~~ **Any alternate route approved and** designated at the discretion of the City **Manager or designee**.

(Ord. 2734, 1998).

**12.145.030 Public conduct during parades, processions and fun runs.**

- A. ~~Joining the parade.~~ No person shall knowingly ~~join~~ or **purposely:**
  - 1. ~~Participate in any parade, procession or fun run conducted in violation of any of the terms of the permit;~~ **nor knowingly**
  - 2. ~~Join or participate in any permitted parade or procession without the consent and over the objection of the permittee;~~ **and/or, nor**
  - 3. **Interfere** in any manner ~~interfere~~ with ~~it's~~ **the procession's** progress or orderly conduct.
- B. ~~Interference.~~ No person shall hamper, obstruct, impede, or interfere with any ~~parade or procession or with any person, vehicle or animal participation~~ **participating** or used in a ~~parade or procession~~.
- C. ~~Driving through parades or processions.~~ No driver of a vehicle shall drive between the vehicles or persons comprising a ~~parade or motorcade~~ **procession** when such vehicles or persons are in motion and are ~~conspicuously designated as~~ **traveling along** a ~~parade or procession~~ **route**. Nothing in this section shall prohibit an emergency vehicle from interrupting a ~~parade or procession~~ for the purpose of responding to an emergency.
- D. ~~Viewing the Parade or Procession.~~ No person shall view, watch or observe the ~~parade or procession~~ from the street or beyond the sidewalk curb or beyond the imaginary curb line that, if it existed, would extend through the intersection from corner to corner of any street perpendicular to the ~~parade~~ **procession** route.
- E. ~~Parking on parade route.~~ 1.—No vehicle larger than an automobile or pickup truck shall park along the ~~parade~~ **procession** route during the ~~parade~~ **procession**.
- 2F. The City Manager, or designee, shall have the authority, when reasonably necessary, to prohibit parking of vehicles along a ~~parade~~ **procession** route. Signs shall be posted to such effect and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof. **The applicant shall be responsible for posting and removing of signs.**

(Ord. 2734, 1998).

Exhibit "A"

(Updated from First Reading)

Title 12 STREETS, AND SIDEWALKS, TREES, AND SHRUBBERY

**12.145.040 Participants' conduct during ~~parades, processions and fun runs.~~**

- A. It is unlawful for any persons in a ~~parade or~~ procession to deviate from the established or approved ~~parade~~ **procession** route.
- B. No participant in a ~~parade or~~ procession shall throw, cast, or drop candy, trinkets, or any other articles. A violation of this provision shall be a misdemeanor punishable by a fine; ~~as set forth OCCGF 1.04.070~~ **not to exceed five hundred dollars (\$500.00)**. This does not prohibit a ~~parade~~ **walking procession** participant from handing the candy or other articles directly to the spectators ~~providing the parade participant is walking.~~
- C. No participant in a ~~parade or~~ procession shall entice, ~~or~~ lure, or attempt to entice or lure, any spectator to leave the designated viewing area. **A violation of this provision shall be a misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00).**
- D. No participant in a ~~parade or~~ procession shall operate any vehicle in a careless manner ~~so~~ as to endanger the safety and welfare of other ~~parade~~ **procession** participants or spectators.
- E. ~~Each~~ **As a condition to the permit, each** permittee shall provide ~~a persons, or a horses with a riders, to walk or a persons~~ in a small motorized vehicles, such as a golf cart, **to travel** on both sides of any ~~parade procession~~ vehicle **which is** larger than an automobile or pickup ~~as a condition to the permit.~~
- F. Any person operating a motor vehicle in a ~~parade or~~ procession shall ~~be possess~~ a licensed **valid driver's license**. All **participants in the procession shall follow all** applicable ~~seat belt motor vehicle laws and/or helmet laws must be complied with by all participants~~ **regulations**.

**12.145.050 Application - contents.**

- A. Any person, **firm, corporation, or other entity desiring** ~~who wants to~~ conduct a ~~parade, procession, band practice, or fun run,~~ **as defined in OCCGF 12.5.010**, shall apply to the Park and Recreation Department for a permit at least ~~one (1) month~~ **forty-five (45) calendar days** in advance of the event date ~~and comply with the provisions set forth in such permit.~~ The application shall designate the intended route, date and time of the event. **In the City Manager or designee's discretion, and for good cause shown, applications may be accepted less than forty-five (45) calendar days in advance of the event date.**
- B. Park and Recreation Department may approve, revise, or deny the application in consideration of the following factors:
  - 1. **Promotion of the community as a whole;**
  - 2. **Provision of positive civic and economic benefit;**
  - 3. **Impact on neighboring business and properties;**
  - 4. **Impact on public uses, safety, and services;**
  - 5. **Consideration of frequency of closures;**
  - 6. **Consideration of the event's financial impact; and**
  - 7. **The applicant's performance under prior issued permits.**
- BC. Following approval from the City, the ~~requesting organization~~ **applicant** will be responsible for ~~notifying~~ **notification of** news media, ~~in~~ **and the associated costs of said notice, in** order to inform the public of the date, time and ~~parade procession~~ route.

Exhibit "A"

(Updated from First Reading)

Title 12 STREETS, AND SIDEWALKS, TREES, AND SHRUBBERY

- ~~GD.~~ The ~~organization sponsoring the parade~~ **applicant** will designate a person who can be contacted by the City to coordinate plans for the ~~parade or band practice~~ **procession**.
- ~~DE.~~ The ~~parade or band practice~~ **procession** shall not deviate from the designated route, time, or date approved in the permit. If, for any reason, the event is postponed, or canceled, the ~~City~~ **applicant** shall immediately ~~be notified~~ **notify the City**.
- ~~EF.~~ ~~Parades~~ **Processions** shall be scheduled between the hours of 9:00 a.m. and ~~noon~~. ~~When parades cannot be held in the mornings and during this time period,~~ **12:00 p.m.** ~~s~~Special requests will be considered **for processions at other times**, provided arrangements can be made which, **in the City's determination**, will not impede normal traffic conditions or inhibit business in the downtown area.
- ~~FG.~~ ~~Organizations sponsoring parades~~ **The applicant** will be responsible for placing and removing barricades on the ~~parade~~ **designated procession** route side of the nearest designated alleys/~~and~~ streets no earlier than thirty (30) minutes prior to the start of the ~~parade~~ **procession** and, in no case, longer than fifteen (15) minutes following the end of the ~~parade~~ **procession**. Barricades ~~are~~ **may be** available at the Park and Recreation Department: ~~and may be rented~~ **subject to a fee set by City Commission resolution**. It will be the responsibility of the ~~sponsoring organization~~ **applicant** to pick up from and return to the Park and Recreation Department all barricades used, and to contact the ~~Park and Recreation Director or designee,~~ **Supervisor** at least ~~two (2) weeks~~ **fourteen (14) calendar days** in advance to discuss a barricading plan acceptable to the City.
- ~~GH.~~ No sales/~~or~~ solicitations will be permitted by ~~parade~~ **procession** participants without proper licensing **in advance**.
- ~~HI.~~ ~~Applicants or~~ ~~Organizations sponsoring parades or band practices~~ **processions** will be required to remove all trash, paper and litter from the streets and sidewalks. Street cleaning arrangements must be made with the Public Works Street Division ~~within two (2) weeks~~ **at least fourteen (14) calendar days before** of the event date.
- ~~IJ.~~ The Police Department will provide one (1) vehicle to escort the ~~parade~~ **procession**. All other traffic and crowd control must be provided by the sponsoring organizations and, in no case, be less than two (2) people for each block of ~~parade or band practice~~ **procession** length.
- ~~JK.~~ ~~Sponsoring organizations will~~ **The applicant shall indemnify, defend and hold harmless** the City ~~harmless~~ from any and all claims, damages, losses and expenses arising from the ~~parade or band practice~~ **procession** or created by any of the participants. The ~~sponsoring organization~~ **applicant** shall be required to carry insurance for comprehensive general liability, automobile liability and designated premises in the amount of one million dollars (\$1,000,000.00) per occurrence and ~~one~~ **two** million dollars (\$~~2,000,000.00~~ **2,000,000.00**) aggregate, and list the City as an additional **named** insured **under the policy**. **Documentation of such insurance must be provided to the City at least 72 hours prior to the event.**
- ~~KL.~~ If determined necessary **by the City, considering the factors listed in B. above, or** due to the type, length, time or date of the ~~parade or band practice~~ **procession**, the ~~City may require~~ additional provisions and safeguards ~~may be deemed in the public interest~~ **required as conditions of the permit**.
- ~~LM.~~ Failure to comply with ~~these~~ **the provisions of this chapter** and other permit requirements will be cause for rejection of future ~~parade or band practice~~ **procession** permits requested by the **applicant**.
- ~~M.~~ ~~Any organization requesting a permit for other events such as motorcades, processions or fun runs will comply with any and all specific rules and requirements promulgated by the City.~~

Exhibit "A"

(Updated from First Reading)

Title 12 STREETS, AND SIDEWALKS, TREES, AND SHRUBBERY

~~(Ord. 2734, 1998).~~

- N. The ~~parade~~ **procession** organizer must submit with the permit request information as to how property owners, tenants, and/or business owners along the ~~parade~~ **procession** route ~~were~~ **will be notified of parade, the procession, and provide verification of such notice to the City,** ~~band practice or fun run.~~
- O. **If the application for a procession permit is denied or revised in a way which is unacceptable to the applicant, the applicant may appeal the decision in writing to the City Manager within fifteen (15) calendar days of the denial or reversal. The City Manager or designee shall review the application and uphold, reverse, or revise the decision on the application within ten (10) calendar days. If applicant makes no such appeal, the Park and Recreation Department's determination will stand.**
- P. **If the City Manager affirms or revises the determination of the application for a procession permit, the applicant may appeal the decision in writing within fifteen (15) calendar days of the date of affirmation or revision to the City Commission, which shall review the application in a public meeting and uphold, reverse, or revise the decision on the application within ten (10) calendar days of the hearing. If applicant makes no such appeal, the City Manager's determination will stand.**
- Q. **Unless otherwise specified in this chapter, appeals to the City Commission of the denial, revocation, or suspension of licenses or permits under this chapter shall comply with the provisions of OCCGF 1.2.040.**

**12.445.060 Street closure permits for public events and block parties.**

**Persons or entities who organize events which require the temporary closure of a public street must comply with the provisions of OCCGF Title 9.**

- ~~A. Events encouraging community and neighborhood involvement are encouraged and may require the temporary closure of city streets.~~
- ~~B. Organizers of an event that require the temporary closure of a public street must obtain a street closure permit. The application for the permit shall contain the name and contact information of the person or entity requesting the permit, the location of the proposed event, the day(s), times(s) and duration of the event. Applications must be turned in for review a minimum of fourteen (14) days prior to the event.~~
- ~~C. During the review, city staff will develop a street closure plan the applicant must follow. Staff will also make available the necessary street closure equipment and charge a fee set by Commission resolution.~~
- ~~D. If the event involves the sale, possession and/or consumption of alcohol, the event organizer must also obtain a special event permit as stipulated in 9.20.040.~~
- ~~E. The City Manager, or designee, shall review, approve or deny the permit application and has the authority to require additional information from the applicant.~~
- ~~F. The event organizer must submit with the permit application information as to how property owners, business owners and tenants adjacent to the temporary street closure were notified of special event or activity that required a temporary street closure.~~

## Exhibit "A"

(Updated from First Reading)

### Title 12 STREETS, AND SIDEWALKS, TREES, AND SHRUBBERY

- ~~G. A fee for the street closure permit shall be set by Commission resolution to cover administrative time and any additional costs incurred by the City to ensure the event is safe and the area returned back into the same condition it was prior to the event.~~
- ~~H. If the event involves more than seventy five (75) people, the person or organization must provide liability insurance, including liquor liability if applicable, providing coverage for their organization and naming the City as an additional insured. To the extent reasonably possible, liability insurance coverage shall be in the minimum amounts of seven hundred fifty thousand dollars (\$750,000.00) per claimant and one million five hundred thousand dollars (\$1,500,000.00) per occurrence. The City Manager has the authority to waive this requirement or due to the type of event, require insurance for events with fewer than seventy five (75) people should he determine it necessary due to the type of event.~~
- ~~I. Applicants for a temporary street closure permit shall agree in writing to defend, hold the City and its employees harmless and indemnify the City for any and all claims, lawsuits or liability including attorneys' fees and costs allegedly arising out of loss, damage or injury to person or person's property occurring during the course of or pertaining to the special event caused by the conduct of employees or agents of applicants.~~
- ~~J. Permit Denial Appeal. If an applicant is denied a temporary street closure permit, the applicant may appeal to the City Commission.~~

## Chapter 12.46 STREET MAINTENANCE

### Sections:

[12.46.010 District designation authority.](#)

[12.46.020 Cost—assessment.](#)

[12.46.030 Cost—assessment—levy—resolution.](#)

**12.6.040 Assessment alternatives.**

### **12.46.010 District designation authority.**

Whenever any portion of the City has been designated as a street maintenance district, the streets, avenues and alleys **in the district** may be maintained for such time and in such manner as the City Commission may direct under the supervision of the Public Works Director.

~~(Ord. 2584 (part), 1991).~~

### **12.46.020 Cost—assessment.**

The cost assessed for maintaining streets, avenues, and alleys **in the district** shall be charged to the property bordering on **all** the streets and avenues so maintained **properties within the Street Maintenance District** by one (4) or a combination of the following methods **to be determined by the City:**

Exhibit "A"

(Updated from First Reading)

Title 12 STREETS, AND SIDEWALKS, TREES, AND SHRUBBERY

1. ~~e~~Each lot or parcel of land bearing its share of the cost according to the part of the whole cost which its area bears to the area of the entire district; or, by that part of the whole cost which each lot or parcel's street frontage bears to the street frontage of the entire district; ~~or,~~
2. ~~i~~f the City Commission determines that the benefits derived from the maintenance by each lot or parcel are substantially equivalent, the cost may be assessed equally to each lot or parcel located within the district without regard to the assessable area of the lot or parcel; or,
3. ~~e~~Each lot or parcel of land, including the improvements thereon, may be assessed for that part of the cost of the district which its taxable valuation bears to the total taxable valuation of the property of the district. The assessment for the same shall be certified by the City Clerk to the ~~Fiscal Services~~ **Finance** Director, to be extended on the tax roll in the same manner as other special assessments.

~~(Ord. 2584 (part), 1991).~~

**12.46.030 Cost—assessment—levy—resolution.**

~~Not~~**No** later than the second Monday in August of each year the Public Works Director shall estimate the annual maintenance cost and the City Commission shall pass and ~~finally~~ adopt a resolution levying and assessing all the property within the ~~s~~**Street m**~~aintenance d~~**District** with an amount equal to ~~not less than~~ seventy-five (75) percent of the entire cost of the work.

~~(Ord. 2584 (part) 1991).~~

---

FOOTNOTE(S):

---

~~(2)~~

Prior history: ~~Prior code Sections 9-14-1 through 9-14-4, Ord. 2301.~~ [\(Back\)](#)

**12.6.040 Assessment Alternatives.**

**A property owner may, after providing good cause acceptable to the City Manager or designee, enter into an alternative agreement, in the best interest of the City, to satisfy an assessment pursuant to this chapter.**

Exhibit "A"

(Updated from First Reading)

Title 12 STREETS, ~~AND~~ SIDEWALKS, TREES, AND SHRUBBERY

**Chapter 18 7 VEHICLE REMOVAL**

**Sections:**

[12.487.010 Notification of designated areas.](#)

[12.487.020 Vehicle parking restrictions.](#)

[12.487.030 Vehicle removal.](#)

**12.487.010 Notification of designated areas.**

- A. The Public Works Director or designated representatives ~~are~~ **is** authorized to prohibit parking in areas where street cleaning operations are scheduled.
- B. Notice of such street cleaning shall be given to local radio, television, ~~and to the news press,~~ **and published on the City Website.** In addition, **signs notifying which** streets to be swept will be posted twenty-four (24) hours in advance of street cleaning operations.

~~(Ord. 2393 (part), 1985).~~

**12.487.020 Vehicle parking restrictions.**

- A. Upon notification of street cleaning operations, ~~a designated area~~ pursuant to Section 12.487.010(B), it shall be unlawful for any person to stop, stand, park or leave unattended any motor vehicle or trailer, **in a designated area**, between the hours of 8:00 a.m. and 4:00 p.m. or until such time as designated street cleaning is completed.
- B. This provision shall not prohibit the stopping of commercial passenger vehicles, **school buses, or Great Falls Transit District vehicles** for periods sufficient to load or discharge passengers from vehicles.

~~(Ord. 2393 (part), 1985).~~

**12.487.030 Vehicle removal.**

Whenever a motor vehicle or trailer has been stopped, parked or left unattended after notification of street cleaning operation pursuant to ~~subsection 12.18.010(B)~~ **this chapter**, such vehicle shall be declared a ~~public nuisance~~ **as defined in OCCGF Title 8, Chapter 49**, and the Director of Public Works or designee shall order it to be removed at the owner's expense.

~~(Ord. 2393 (part), 1985).~~

**Chapter 20 8 RIGHT-OF-WAY VACATION FEES**

**Section:**

[12.208.010 Schedule of costs.](#)

~~12.208.010~~ Schedule of costs.

Exhibit "A"

(Updated from First Reading)

Title 12 STREETS, AND SIDEWALKS, TREES, AND SHRUBBERY

Any person petitioning for a right-of-way vacation shall, prior to the passage of the resolution of intention to vacate, pay to the City fees according to the following schedule: **appropriate fees set by City Commission resolution.**

- A. ~~Administrative costs including the preparation of the resolution of intention to vacate, legal publication in a newspaper, the preparation of the vacation ordinance(s) material review by the City Attorney, placement of material on the commissions agenda, and filing and recording legal documents shall be two hundred dollars (\$200.00).~~
- B. ~~Preparation and service of notice to property owners abutting the right of way to be vacated shall be twenty five dollars (\$25.00) per notice served by the Great Falls Police Department; and thirty five dollars (\$35.00) per notice served by authority other than the Great Falls Police Department.~~
- C. ~~Compensation to the Public Works Department and other departments for review and examination of existing or proposed utility and transportation or other facilities affected by the proposed right of way vacation including the preparation of any necessary easements shall be based upon the existing prevailing man hour costs plus fifty (50) percent.~~

~~In the event the right of way requested to be vacated was originally established by an official subdivision plat and the City determines it is appropriate and necessary to formulate an amended plat or replat in accordance with the State Subdivision and Platting Act, then the petitioner shall incur all costs associated with the preparation and review of the amended plat or replat.~~

(Prior code §9-15-1).

**Chapter 24 9 STREET NAMES**

**Section:**

[12.249.010 Renaming.](#)

**12.249.010 Renaming.**

In order to eliminate the duplication of street names and addresses within the City, ~~and to provide for~~ **uniformity, and** to alleviate the presently existing situation in these areas, the street names as designated on the plats of the following named additions shall be changed as follows:

A.	North Riverview Terrace Addition.		
	From 18th Avenue N.E.		to 21st Avenue N.E.
	From 19th Avenue N.E.		to 22nd Avenue N.E.
	From 20th Avenue N.E.		to 23rd Avenue N.E.
	From 6 "A" Street Northeast		to 6th Street Northeast



Exhibit "A"

(Updated from First Reading)

Title 12 STREETS, ~~AND~~ SIDEWALKS, TREES, AND SHRUBBERY

	From 7 "A" Street Northeast	to 7th Street Northeast
	From 34 "A" Street Northeast	to 34th Avenue Northeast
	From Riverview 1 West	to Riverview "A"
B.	Twilite Terrace Addition.	
	From 21st Avenue N.E.	to 24th Avenue N.E.
	From 22nd Avenue N.E.	to 25th Avenue N.E.
	From 23rd Avenue N.E.	to 26th Avenue N.E.
C.	Montana Addition.	
	From Gosman Drive	to Treasure State Drive (north to Aronson Drive)
	From Gosman Drive	to 10th Street S.W. (south of Aronson Drive)
	From Aronson Drive	to Treasure State Drive
	From Hinman Avenue	to 17th Avenue Southwest
	From Montana Avenue	to 18th Avenue Southwest
	From 13 A Street S.W.	connecting Treasure State Drive and 24th Avenue S.W. to Sundance Drive
D.	Lincoln Height Addition.	
	From Wilson Avenue	to 11th Avenue South
	From Washington Avenue	to 12th Avenue South
	From Madison Avenue	to 13th Avenue South

Exhibit "A"

(Updated from First Reading)

Title 12 STREETS, AND SIDEWALKS, TREES, AND SHRUBBERY

E.	Sunrise Terrace Addition.	
	From 4th Avenue South	to Carol Drive
F.	Tynes Addition	
	From 3rd Street South	to 2 "A" Street South
	From 3 "A" Street South	to 2 "B" Street South
G.	Horizon Addition.	
	From Grandview Road	to 3rd Street Northwest
H.	Yeoman-Tynes Addition.	
	From Cactus Court	to Palm Court
I.	BN Car Shop Addition.	
	From Burlington Northern Bay Drive	to Bay Drive
J.	Bel-View Palisade Addition.	
	From Ivy Drive (portion located in Centennial Ridge PUD) to Centennial Court	
K.	Valeria Way	
	From ½ Avenue South	
L.	Chowen Springs Loop	
	From Parkdale	
M.	Stone Meadows Addition	

Exhibit "A"

(Updated from First Reading)

Title 12 STREETS, AND SIDEWALKS, TREES, AND SHRUBBERY

	Phase II.	
	From Choteau Avenue	To Choteau Avenue Northeast

(Ord. 3143, 2016; Ord. 2798, 2001; Ord. 2564 §1, 1990; Ord. 2489 §1, 1988; Ord. 2435 §1, 1986; Ord. 2022, §1, 1977; prior code §9-11-1).

## Chapter 28 10 SIDEWALKS AND CURBS

### Sections:

- [12.2810.010 Improvements—permit required—appeal.](#)
- [12.2810.020 Construction—compliance with City specifications.](#)
- [12.2810.030 Construction—grade conformance required.](#)
- [12.2810.040 Construction—width and slope designations.](#)
- [12.2810.050 Construction—materials.](#)
- [12.28.060 Construction—order—notice to owner.](#)
- [12.28.070 Construction—failure to perform—notice—cost assessment.](#)
- [12.28.080 Construction—notice—form.](#)
- [12.28.090 Construction—annual contract—bid.](#)
- [12.28.100 Construction—cost—assessment—payment.](#)
- [12.28.110 Construction—payment—delinquency.](#)
- [12.2810.120060 Condemnation.](#)
- [12.2810.130070 Repair—owner's duty.](#)
- [12.28.140 Repairs required when—enforcement—injunction.](#)
- [12.28.150 Special fund created.](#)
- [12.10.080 Enforcement.](#)
- [12.10.090 Inspection.](#)
- [12.10.100 Violation - penalty.](#)

### **12.2810.010 Improvements—permit required—appeal.**

- A. ~~No improvement mentioned in~~ **Any person or entity who will perform construction pursuant to this chapter, shall be made without first obtain a permit first having been obtained from the Planning and Community Development (P&CD) Director by the person actually before performing the**

Exhibit "A"

(Updated from First Reading)

Title 12 STREETS, AND SIDEWALKS, TREES, AND SHRUBBERY

construction. All **such** applications ~~therefore~~ shall be made in duplicate on the form prepared by the ~~Planning and Community Development~~ **P&CD Director** who shall ~~fix~~ **assess a reasonable schedule of fees as set by City Commission resolution** for services provided by the City.

- B. ~~Any applicant deeming himself aggrieved may appeal the decision~~ **denial of a permit pursuant to this section by the Department of Planning and Community Development P&CD Director may be appealed, in writing, to the City Manager's office within fifteen (15) calendar days of the denial. The City Manager shall render a written decision on the appeal within ten (10) calendar days. Such decision may then be appealed, in writing, to the City Commission. However, within fifteen (15) calendar days of said decision or become final. The City Commission shall conduct a hearing on the matter and issue a final written decision within ten (10) calendar days of the hearing.**
- C. ~~‡The applicant shall do no such applied-for improvement work pending the any appeal, except in strict accordance with the directions of the Planning and Community Development Director until a final decision is made.~~

~~(Ord. 2549 §1 (part), 1989; code §9-1-2).~~

~~(Ord. No. 3057, § 1, 8-17-2010)~~

**12.2810.020 Construction—compliance with City specifications.**

- A. It is unlawful for any person to build or construct any sidewalk, private work, or curb in any street, avenue, alley or boulevard or to build or construct any parking or any improvement of any nature whatsoever in any street, avenue, alley or boulevard, unless the same is constructed strictly in accordance with the current standard specifications and plans for such work and under the supervision of the ~~Director of Public Works~~ **Director or designee.**

~~(Ord. 2549 § 1(part), 1989; code § 9-1-1).~~

~~(Ord. No. 3057, § 1, 8-17-2010; Ord. No. 3086, § 1(Exh. A), 6-19-2012, eff. 7-19-2012)~~

**12.2810.030 Construction—grade conformance required.**

- A. Sidewalk construction on improved or graded streets must conform with the established grade and sidewalk line;
- B. ~~On all other streets, sidewalks must be laid to the proper sidewalk line, and otherwise to the satisfaction of the Director of Public Works. Driveway crossings into private grounds shall be of form and construction as specified by the Director of Public Works~~ **Director or designee.**

~~(Ord. 2549 §1(part), 1989; code §9-1-3).~~

- C. **Driveway crossings into private properties shall be of form and construction as specified by the Public Works Director or designee.**

Exhibit "A"

(Updated from First Reading)

Title 12 STREETS, AND SIDEWALKS, TREES, AND SHRUBBERY

**12.2810.040 Construction—width and slope designations.**

- A. All sidewalks hereafter ~~to be~~ built or constructed in the City shall be of the following width, except where otherwise ordered by the ~~governing body~~**City Commission**: ~~on~~
1. First Avenue North from Park Drive East to Ninth Street, fifteen (15) feet; on Central Avenue, from Park Drive East to Ninth Street, fifteen (15) feet; ~~on~~
  2. First Avenue South from Park Drive East to Sixth Street, fifteen (15) feet; ~~on~~
  3. Second Avenue South from Second Street East to Fifth Street, fifteen (15) feet; ~~on~~
  4. ~~The east side of Park Drive from First Avenue North to First Avenue South, fifteen (15) feet; ~~on~~~~
  5. Second Street from Second Avenue North to First Avenue South and on the east side from First Avenue South to Second Avenue South, fifteen (15) feet; ~~on~~
  6. Third Street from Second Avenue North to Second Avenue South, fifteen (15) feet; ~~on~~
  7. Fourth Street from Second Avenue North to Second Avenue South, fifteen (15) feet; ~~on~~
  8. Fifth Street from Second Alley North to First Avenue South, fifteen (15) feet; ~~on~~
  9. Sixth Street from First Avenue North to First Avenue South, fifteen (15) feet.; **and**
  10. Sidewalks on all other streets and avenues, **not classified as arterials**, shall be five (5) feet wide, and in alleys a two-foot walk may be constructed and laid in such manner that it will not interfere with traffic of any kind or be ~~injured there~~**damaged by traffic**.
- B. All sidewalks shall rise three sixteenth ( 3/16 ) inch to the foot or one and one-half (1.5) percent from the curb grade to the property line.~~and shall slope toward the street. Boulevards shall generally slope at two (2) percent from the top back-of-curb elevation to the property line to ensure positive drainage towards the street.~~

~~(Prior code § 9-1-4).~~

~~(Ord. No. 3086, § 1(Exh. A), 6-19-2012, eff. 7-19-2012)~~

**12.2810.050 Construction—materials.**

- A. Hereafter all sidewalks shall be constructed only of solid **Portland asphaltic** cement concrete, or ~~upon permission from the Director of Public Works may be constructed of a dense clay brick with a non-slip surface and having an average saturation coefficient of 0.78 or less and meeting ASTM specifications C216 and C62 grade SW placed on a concrete base and grouted with a Portland cement grout all~~ **other material** conforming to current specifications established by the ~~Director of Public Works~~ **Director or designee**; ~~provided,~~ **except** that the ~~governing body~~ **City Commission** may order temporary sidewalks of other material to be constructed.
- B. Hereafter all curbing shall be constructed only of solid **Portland asphaltic** cement concrete, ~~provided~~ **except** that the ~~governing body~~ **City Commission** may order temporary curbing of other material.

~~(Prior code § 9-1-5).~~

~~(Ord. No. 3086, § 1(Exh. A), 6-19-2012, eff. 7-19-2012)~~

Exhibit "A"

(Updated from First Reading)

Title 12 STREETS, AND SIDEWALKS, TREES, AND SHRUBBERY

~~12.28.060 — Construction — order — notice to owner.~~

~~A. Whenever the governing body orders any sidewalk or curb to be constructed, it shall be the duty of the City Clerk to enter such order upon the minutes of the governing body and shall name the street along which the sidewalk or curb is to be constructed.~~

~~B. Whenever the governing body orders any sidewalk or curb to be constructed and after the making of such order, it shall be the duty of the City Clerk to give written notice thereof to the owner or agent of such property in front of which lot or parcel of land the governing body orders the sidewalk or curb to be constructed, which written notice must be published for five (5) days in a daily newspaper published in the City and by mailing a copy of such notice to every person or the agent of such person having property in front of which such sidewalk or curb is to be constructed at their last known address upon the same day such notice is first published; the service of such notice to construct such sidewalk or curb to be constructed shall be deemed complete on the date of first publication and mailing.~~

~~(Prior code §9-1-9).~~

~~12.28.070 — Construction — failure to perform — notice — cost assessment.~~

~~If the owner or agent of such lot or parcel of land fails or neglects for a period of thirty (30) days after the date of the service of such notice to construct or cause such sidewalk or curb to be constructed, the City shall construct or cause such sidewalk or curb to be constructed and shall assess the cost thereof against the property in front of which the same are constructed.~~

~~(Prior code §9-1-9).~~

~~12.28.080 — Construction — notice — form.~~

~~The written notice to be so published and mailed shall be in substantially the following form:~~

<del>NOTICE FOR CONCRETE SIDEWALK AND CURB CONSTRUCTION</del>
<del>—Department of Public Works — Great Falls, Montana</del>
<del>_____ "Notice is hereby given that the Governing Body of the City of Great Falls, Montana, at its regular meeting on _____ / _____ / _____, ordered concrete sidewalk and curb to be constructed as follows:</del>
<del>_____ "The names of the streets along which said sidewalk and curb is ordered constructed appears upon the minutes of the Governing Body of the above date to which reference is hereby made.</del>

Exhibit "A"

(Updated from First Reading)

Title 12 STREETS, AND SIDEWALKS, TREES, AND SHRUBBERY

<p><del>_____</del> "All walk and curb remaining un built at the expiration of thirty (30) days will be built by the City and all costs assessed as a special tax to the abutting property in accordance with the provisions of City law.</p>
<p><del>_____</del> Director of Public Works</p>
<p>First publication _____ / _____ / _____ "</p>
<p>(Prior code §9-1-11).</p>

~~12.28.090 Construction—annual contract—bid.~~

- ~~A. The governing body shall annually let to the lowest responsible bidder a contract for the construction of all cement or concrete sidewalks in accordance with the specifications prepared therefore by the Director of Public Works and approved by the governing body, which specifications shall provide for the method of construction and the material contemplated during the period of such contract.~~
- ~~B. The governing body shall, at the same time when it lets its contract as provided for in subsection A for the construction of concrete cement sidewalks, also let its contract for the construction of concrete cement curbs, and the contract for the concrete sidewalks and concrete cement curbs shall be let at the same time and for the same period to the same contractor.~~

~~(Prior code §9-1-12).~~

~~12.28.100 Construction—cost—assessment—payment.~~

- ~~A. The total cost of all cement or concrete sidewalks constructed by the City cement or concrete sidewalk contractor in accordance with the orders of the governing body which total costs shall include that of the sidewalk proper as well as that of any notice, grading, hand railing, private crossing and all other necessary expenses, shall be assessed as a special assessment against the property in front of which such cement or concrete sidewalk is built or constructed. The property occupying street corners shall be assessed for that part of such sidewalk thereon which is within the street intersection.~~
- ~~B. Such special assessments shall be payable in installments extending over a period of eight (8) years, and the governing body for such sidewalk improvements may issue special improvement warrants and levy and collect assessments to pay the same. When any such installment payment becomes delinquent, that installment payment, plus the interest due thereon, shall become a lien against the property subject to such assessment, and the property shall be subject to sale for delinquent payment of such special assessment the same as other property is sold for delinquent special assessments.~~

~~(Prior code §9-1-13).~~

Exhibit "A"

(Updated from First Reading)

Title 12 STREETS, AND SIDEWALKS, TREES, AND SHRUBBERY

~~12.28.110 Construction—payment—delinquency.~~

~~Upon the payments after the first, the Controller shall collect simple interest per annum at the maximum rate allowed on judgments under state law (§25-9-205, MCA) from the date when the first payment becomes delinquent, and shall receive payment in full and give receipts therefore for the entire special assessment of any property with interest to the date of payment, at any time the same may be tendered by the owner or agent.~~

~~(Prior code §9-1-13).~~

~~12.2810.120060~~ **Condemnation.**

- ~~A. Any sidewalks may be condemned by the Public Works Director or designee, which are now, or which may become, by reason of because of natural deterioration or decay, or by reason of unevenness, steps, rapid slopes or from any cause whatsoever, become dangerous to the public safety, may be condemned by the Director of Public Works.~~
- ~~B. Condemned sidewalks shall and may be immediately removed and replaced, repaired, remodeled, or rebuilt, repaired or newly built, as may be most expedient, and the cost thereof shall be a lien upon the lot abutting upon such sidewalk at the discretion of the Public Works Director or designee. Construction shall be arranged and paid for by the adjoining property owner and shall be performed by a contractor properly licensed and insured to perform this type of work within the City.~~
- ~~C. Any costs incurred by the City pursuant to this section shall be paid by the adjoining property owner within thirty (30) calendar days of invoice, and if not, be recorded as a lien upon the adjoining lot and may be enforced or the amount may be recovered against the owner by a suit before any court of competent jurisdiction or may be assessed and collected as a special tax against such lot.~~

~~(Prior code § 9-1-7).~~

~~(Ord. No. 3086, § 1(Exh. A), 6-19-2012, eff. 7-19-2012)~~

- ~~D. The condemnation by the director may be appealed, in writing, to the City Manager's office, within fifteen (15) calendar days of the director's notice of condemnation. If the City Manager or designee affirms the decision, the applicant may appeal, in writing, the decision to the City Commission within fifteen (15) calendar days of the City Manager's affirmation. The City Commission shall conduct a meeting and hear testimony on the Condemnation within ten (10) calendar days of receipt of the appeal. The City Commission shall by written finding affirm or reverse the decision within ten (10) calendar days of the hearing.~~

~~12.2810.130070~~ **Repair—owner's duty.**

- ~~A. It shall be the duty of the owners and tenants owner(s) of any premises within the limits of the City to keep the sidewalk in front of and adjoining their premises in good, safe and substantial functional condition., and the~~



Exhibit "A"

(Updated from First Reading)

Title 12 STREETS, AND SIDEWALKS, TREES, AND SHRUBBERY

- B. ~~owners~~**Owner(s)** shall see that all breaks or unsoundness of any character resulting from natural deterioration, or from any cause whatsoever, is repaired with all possible dispatch and **diligence**.
- C. ~~w~~**When** by reason of the construction or repairs of sidewalks from any cause whatsoever, any sidewalk or section thereof is removed or rendered dangerous or impassable to the public, such spaces or openings shall be securely fenced, and from ~~dark~~ **sunset** until sunrise ~~red~~ lights shall be maintained thereon, while such dangerous condition exists, and a plank walk not less than two (2) inches in thickness and not less than three (3) feet in width shall be constructed around such construction or dangerous walk, the same to extend from sidewalk to sidewalk on each side of the opening or obstruction.

(Prior code §9-1-6).

~~12.28.140 — Repairs required when — enforcement — injunction.~~

~~It shall be the duty of the Chief of Police and members of the Police Department to enforce the provisions of this chapter, and Police Officers shall immediately report any broken, defective or unsafe sidewalk to the owner of the premises in front of which such defect exists and shall notify the owner to repair the same forthwith. Police Officers shall also report all such defective walks and crossings as well as the particulars of any accidents that may occur, the names of witnesses, and persons injured thereby, to the Chief of Police, specifying the hour at which the owner as aforesaid was notified to repair the walk, and the Chief of Police shall in turn notify the street commissioner or Director of Public Works thereof. Upon the refusal or neglect of the owner of any premises to remove obstructions from or to make necessary repairs to the walks in front of the same, and when in the opinion of the street commissioner or Director immediate repairs or removal of the obstructions is necessary to prevent accidents, the street commissioner or Director may forthwith proceed with same, and the full costs of the repairs or the removal of such obstructions shall be collected or assessed as provided in Section 12.28.120. Absence of notice to owners to repair or remedy a dangerous walk or to remove obstructions therefrom shall not constitute a valid excuse against the payment of any fine or damages by such owners or occupants, and nothing contained in any of the preceding sections shall be so construed as to release the owners or occupants of real estate from the duty of keeping the sidewalks in front or adjoining their respective premises at all times in a safe and passable condition, and in good and thorough state of repair, but such duty is hereby expressly enjoined and imposed upon all such owners and occupants.~~

(Prior code §9-1-8).

~~12.28.150 — Special fund created.~~

- A. ~~There is created a fund to be known as the "special sidewalk and curb fund." All monies hereafter collected from assessments made for the construction of sidewalks and curbs ordered by the governing body shall be placed to the credit of the special sidewalk and curb fund.~~
- B. ~~Warrant Form. When any sidewalk or curb is constructed by or under the direction of the governing body, payment for the construction thereof shall be made by special warrants, which shall be in substantially the following form (regular City warrant form to be used):~~

<p><del>"THE TREASURER OF THE CITY OF GREAT FALLS, MONTANA No.</del></p>
--

Exhibit "A"

(Updated from First Reading)

Title 12 STREETS, AND SIDEWALKS, TREES, AND SHRUBBERY

DATE		WILL PAY TO		FUND	WARRANT NO.	AMOUNT
\$						
		Mayor				
		Clerk				

~~C. Denomination. The special sidewalk and curb warrants shall be issued in a denomination of no more than one thousand dollars (\$1,000.00) each.~~

~~(Prior code §9-1-15).~~

**12.10.080 Enforcement.**

It shall be the duty of the Public Works Director or designee, upon receipt of a written complaint, to enforce the provisions of this chapter.

**12.10.090 Inspection.**

Any improvements made pursuant to this chapter are subject to inspection or approval, at any reasonable time, by the Public Works Director or designee, before, during, and after construction is performed.

**12.10.100 Violation - penalty.**

A. Any violation of the provisions of this chapter shall be considered a public offense punishable under the general penalty OCCGF 1.4.070.

B. A violation of the provisions of this chapter in hereby declared a nuisance as defined in OCCGF Title 8, Chapter 49.

**Chapter 32 11 SIDEWALK MAINTENANCE**

Sections:

[12.3211.010 Obstruction—defined—prohibited.](#)

[12.3211.020 Sidewalk—restricted use.](#)

[12.3211.030 Snow and ice removal—owner's duty.](#)

Exhibit "A"

(Updated from First Reading)

Title 12 STREETS, AND SIDEWALKS, TREES, AND SHRUBBERY

~~12.3211.040 Snow and ice removal—hours designated for completion.~~

~~12.3211.050 Snow and ice removal—depository prohibited where.~~

~~12.3211.060 Sanding required when—owner's duty.~~

~~12.3211.070 Wet cement—trespassing prohibited.~~

~~12.32.080 Failure to comply—City performs work—cost—assessment.~~

~~12.3211.090~~**080** Violation—penalty.

**12.3211.010 Obstruction—defined—prohibited.**

- A. "Obstruction," as used in this chapter, ~~is intended to mean~~ **means** clothing, fruit, or any kind of merchandise, boxes, crates, trunks, racks and stands of every nature and description, **or any other object that may hinder and/or impede pedestrian or other traffic.**
- B. It is unlawful for any person or persons, firm, or corporation, **or other entity** to place, cause to be placed, or to permit any obstruction to be placed or remain upon any of the sidewalks of the City, except in cases where artwork has been approved by the City and placed within the Business Improvement District as part of the Discovery Gallery.

~~(Ord. 2766, 2000; Prior code §9-3-1).~~

**12.3211.020 Sidewalk—restricted use.**

- A. Except as otherwise specified in the OCCGF, it is unlawful hereafter** for any person or persons to ride, or drive, **or park** any horse, mule, or other animal-**driven**, buggy, wagon, bicycle or other vehicle along, over or on any of the sidewalks within the City, or ~~to push any pushcart or wheelbarrow thereon or do damage in any way to the sidewalks.~~

~~(Prior code §9-3-2).~~

- B. Unless otherwise allowed by designated City approved signage, or conditions render bicycle travel on a street unsafe, bicycles may only be ridden on those portions of the sidewalk that are a portion of the River's Edge Trail System, as depicted on the most currently published River's Edge Trail Map available at the City Computer Mapping and Addressing Department.**
- C. Children under the age of thirteen (13) are exempted from the provisions of this Section.**
- D. Law enforcement and other emergency services personnel are exempted from the provisions of this Section.**

**12.3211.030 Snow and ice removal—owner's duty.**

It shall be the duty of the owner(s) ~~and tenant~~ of any premises within the limits of the City to keep the sidewalk in front of and adjoining the premises free from obstructions **or accumulation** subject to the special conditions set out in ~~Sections 12.32.040 through 12.32.060~~ **this chapter.**

~~(Prior code §9-3-3(part)).~~

Exhibit "A"

(Updated from First Reading)

Title 12 STREETS, ~~AND~~ SIDEWALKS, TREES, AND SHRUBBERY

**12.3211.040 Snow and ice removal—hours designated for completion.**

Snow, ice, and similar material that has accumulated during the preceding hours shall be removed from sidewalks in commercial areas before 11:00 a.m. each day and shall be removed from residential areas within twenty-four (24) hours after the snowfall. Once cleared, all sidewalks shall be kept clear of snow, ice, and similar material.

~~(Prior code §9-3-3(A)).~~

**12.3211.050 Snow and ice removal—depository prohibited where.**

Snow, ice, and similar material removed from sidewalks ~~in commercial areas~~ **and driveways** shall not be deposited on the adjoining streets, avenues, **separately owned properties**, or alleys ~~within two (2) feet of the curbline.~~

~~(Prior code §9-3-3(B)).~~

**12.3211.060 Sanding required when—owner's duty.**

Polish or smoothness resulting from any cause which renders a sidewalk dangerous and unsafe shall be sanded and where there is permanent polish or smoothness on a sidewalk, the surface of the sidewalk shall be repaired in accordance with the directions of the **Public Works** Director ~~of Public Works.~~

~~(Prior code §9-3-3(C)).~~

**12.3211.070 Wet cement—trespassing prohibited.**

It is unlawful for any person to **deface**, tramp, step or trespass ~~unnecessarily~~ upon any cement or concrete sidewalk in course of construction before such sidewalk becomes set and firm.

~~(Prior code §9-3-4).~~

**12.32.080 — Failure to comply—City performs work—cost—assessment.**

~~If the owners or tenants of property adjoining a sidewalk fail to comply with the provisions of this chapter, the City shall cause any and all obstructions to be removed and shall bill the cost thereof, together with a reasonable charge for the administration and supervision, to the parties. If the charges are not paid within sixty (60) days, the commission shall pass a resolution assessing the charges as a special tax against the premises.~~

~~(Prior code §9-3-3 (D)).~~

**12.3211.090080 Violation—penalty.**

- ~~A. Violation of this chapter shall be deemed a misdemeanor and any person violating the provisions of this chapter may be fined in an amount not exceeding five hundred dollars (\$500.00) or~~

Exhibit "A"

(Updated from First Reading)

Title 12 STREETS, AND SIDEWALKS, TREES, AND SHRUBBERY

~~imprisonment not to exceed six (6) months for any one (1) offense. Any violation of the provisions of this chapter shall be considered a public offense punishable under the general penalty OCCGF 1.4.070.~~

~~(Prior code §9-3-3(E)).~~

**B. A violation of the provisions of this chapter is hereby declared a nuisance as defined in OCCGF Title 8, Chapter 49.**

**Chapter 33 12 EMERGENCY SNOW ROUTE**

**Sections:**

[12.3312.010 Declaration of snow emergency.](#)

[12.3312.020 Emergency snow routes—designation.](#)

[12.3312.030 Emergency snow routes—signing.](#)

[12.3312.040 Removal—vehicles.](#)

[12.3312.050 Snow emergency—notice.](#)

**12.3312.010 Declaration of snow emergency.**

The City Manager, or designated representative, ~~are~~ **is** authorized to declare a snow emergency ~~when in their opinion~~ an emergency exists in the City or in a section or sections thereof because of snow, freezing rain, sleet, snow drifts or other natural phenomenon which creates ~~or are~~ **is** likely to create hazardous road conditions or impede the free movement of fire, health, police, emergency or other vehicular traffic or otherwise endangers the safety and welfare of the community and shall remain in effect until the snow has been plowed to the curb lines or removed from the street.

~~(Ord. 2526 §1(part), 1989).~~

**12.3312.020 Emergency snow routes—designation.**

**A.** To facilitate the removal **of snow** and to assure the regular flow of traffic during a snow emergency, the following streets and public thoroughfares are designated as emergency snow routes:

Central Avenue	<del>9<sup>th</sup> Street</del> <b>Park Dr.</b> to 46 <sup>th</sup> Street
Central Avenue West	20 <sup>th</sup> Street <del>S.W.</del> <b>South West</b> to <del>29<sup>th</sup></del> <b>30<sup>th</sup> Street S.W. South West</b>
Division Road	Skyline Dr. to Smelter Avenue

Exhibit "A"

(Updated from First Reading)

Title 12 STREETS, ~~AND~~ SIDEWALKS, TREES, AND SHRUBBERY

Fox Farm Road	10 <sup>th</sup> Avenue South to East Fiesta
Park Garden Road	Riverview Court to <del>Ivy Drive</del> <b>Big Ranch Road</b>
Smelter Avenue	3 <sup>rd</sup> Street <del>N.W. North West</del> to 9 <sup>th</sup> Street <del>N.W. North West</del>
1 <sup>st</sup> Westhill Drive	3 <sup>rd</sup> Westhill Drive to Sun River Road
3 <sup>rd</sup> Avenue South	38 <sup>th</sup> Street South to 57 <sup>th</sup> Street South
4 <sup>th</sup> Street South	10 <sup>th</sup> Avenue South to 17 <sup>th</sup> Avenue South
6 <sup>th</sup> Street <del>N.W. North West</del>	Smelter Avenue to Central Avenue West
8 <sup>th</sup> Avenue North	Park Drive to 38 <sup>th</sup> Street North
8 <sup>th</sup> Street <del>N.E. North East</del>	Smelter Avenue to Skyline Drive
9 <sup>th</sup> Street	River Drive to 17 <sup>th</sup> Avenue South
9 <sup>th</sup> Street <del>N.W. North West</del>	Smelter Avenue to Central Avenue West
9 <sup>th</sup> Street <del>N.E. North East</del>	Skyline Drive to 36 <sup>th</sup> Avenue <del>N.E. North East</del>
17 <sup>th</sup> Avenue South	4 <sup>th</sup> Street South to 9 <sup>th</sup> Street South
20 <sup>th</sup> Street <del>S.W. South West</del>	Central Avenue West to 5 <sup>th</sup> Avenue <del>S.W. South West</del>
25 <sup>th</sup> Street	River Drive North to <del>13<sup>th</sup></del> <b>10<sup>th</sup></b> Avenue South
26 <sup>th</sup> Street	8 <sup>th</sup> Avenue North to <del>18<sup>th</sup></del> <b>22<sup>nd</sup></b> Avenue South
33 <sup>rd</sup> Street South	10 <sup>th</sup> Avenue South to 17 <sup>th</sup> Avenue South
38 <sup>th</sup> Street	River Drive North to 10 <sup>th</sup> Avenue South

Exhibit "A"

(Updated from First Reading)

Title 12 STREETS, AND SIDEWALKS, TREES, AND SHRUBBERY

46 <sup>th</sup> Avenue N.E. North East	Bootlegger Trail to 9 <sup>th</sup> Street N.E. North East
Park Drive	1 <sup>st</sup> Avenue North to 2 <sup>nd</sup> Avenue South
2 <sup>nd</sup> Street South	2 <sup>nd</sup> Avenue South to 10 <sup>th</sup> Avenue South
13 <sup>th</sup> Street South	10 <sup>th</sup> Avenue South to 30 <sup>th</sup> Avenue South
24 <sup>th</sup> Avenue	13 <sup>th</sup> Street South to 15 <sup>th</sup> Street South
2 <sup>nd</sup> Street North East	Division Road to 36 <sup>th</sup> Avenue North East
Skyline Drive	8 <sup>th</sup> Street North East to 9 <sup>th</sup> Street North East
Watson Coulee Road	North West Bypass to 9 <sup>th</sup> Street North East
3 <sup>rd</sup> Street South West	Central Avenue West to 6 <sup>th</sup> Street South West
18 <sup>th</sup> Avenue South West	Fox Farm Road to Treasure State Drive
Big Ranch Road	Park Garden Road to Huckleberry Drive
Huckleberry Drive	Big Ranch Road to Acacia Way
Acacia Way	Huckleberry Drive to Park Garden
Sun River Road	14 <sup>th</sup> Street South West to 4 <sup>th</sup> West Hill Road
14 <sup>th</sup> Street South West	Exit 0 Ramp to 13 <sup>th</sup> Avenue South, and Exit 0 Ramp to Park Garden Road
3 <sup>rd</sup> West Hill Drive	1 <sup>st</sup> West Hill Drive to 4 <sup>th</sup> West Hill Drive
4 <sup>th</sup> West Hill Drive	3 <sup>rd</sup> West Hill Drive to Sun River Road

~~(Ord. 2526 § 1(part), 1989).~~

~~(Ord. No. 3086, § 1(Exh. A), 6-19-2012, eff. 7-19-2012)~~

Exhibit "A"

(Updated from First Reading)

Title 12 STREETS, ~~AND~~ SIDEWALKS, TREES, AND SHRUBBERY

- B. Any routes included in the most current agreement between the City of Great Falls and Cascade County for snow and ice control may also, with proper notice, be included as emergency snow routes.**

**12.3312.030 Emergency snow routes—signing.**

- A.** When signs have been erected giving notice thereof, it shall be unlawful for any person to stop, stand, park or leave unattended any motor vehicle upon a designated snow route within the City, during a snow emergency.
- B.** Parking may be resumed on individual streets as soon as the snow has been plowed or removed. This provision shall not prohibit the stopping or commercial passenger vehicles for periods sufficient to load or discharge passengers from such vehicles.

~~(Ord. 2526 §1 (part), 1989).~~

**12.3312.040 Removal—vehicles.**

Whenever a motor vehicle has been stopped, parked or left unattended after the inception of a snow emergency, upon a designated emergency snow route within the City, said vehicle is declared to be a traffic hazard and the ~~Chief of Police~~ **City Manager, or designee**, shall order said motor vehicle removed at the owner's expense.

~~(Ord. 2526 §1(part), 1989).~~

**12.3312.050 Snow emergency—notice.**

Notice of such emergency shall be given by press, radio, ~~and~~ television, and **the City website**. ~~the news media shall be requested to cooperate with City officials and, w~~When given, such notice shall constitute due and proper notice.

~~(Ord. 2526 §1(part), 1989; Ord. 2187, 1980).~~

**Chapter 36 13 PRIVATE DRIVEWAYS AND CROSSWALKS**

**Sections:**

[12.3613.010 Construction—supervision.](#)

[12.3613.020 Construction—permit—application—fee.](#)

[12.3613.030 Construction—barricades required.](#)

[12.3613.040 Construction—sidewalk—materials.](#)

[12.3613.050 Construction—driveway—location.](#)

[12.3613.060 Construction—driveway—drainage structures.](#)



Exhibit "A"

(Updated from First Reading)

Title 12 STREETS, AND SIDEWALKS, TREES, AND SHRUBBERY

~~12.3613.070~~ Construction—driveway—transition design.

~~12.36.080~~ Construction—driveway—adjoining.

~~12.3613.090~~**080** Construction—right-of-way distances.

~~12.3613.400~~**090** Construction—intersection clearances.

~~12.3613.440~~**100** Construction—conformance with national regulations.

~~12.3613.420~~**110** Use discontinuance—sidewalk restoration.

12.13.120 Violation - penalty.

~~12.3613.010~~ **Construction—supervision.**

**A.** The construction of concrete driveways and concrete crosswalks used for private purposes, within the street lines of the City, shall be under the supervision and direction of the **Public Works Director or designee**. ~~Director of Planning and Community Development, authorized assistant or duly appointed inspector. The design and concrete mixture shall conform to standard specifications on file in the Department of Public Works office of the City for concrete sidewalks and concrete crossings.~~

~~(Ord. 2568 §1(part), 1990; prior code §9-2-1).~~

~~(Ord. No. 3057, § 1, 8-17-2010)~~

**B.** ~~The design and concrete mixture shall conform to standard specifications on file in the City Public Works Department for concrete sidewalks and concrete crossings.~~

~~12.3613.020~~ **Construction—permit—application—fee.**

**A.** All applications for permits for concrete driveways or concrete crosswalks must give a description of the property to be served and such other information as may be required by the **Public Works Director**, for the proper direction of the work, and must be signed by the **property owner(s)** or authorized agent.

**B.** Before commencing the construction, modification or repair of any concrete driveway or concrete crosswalk, the contractor shall first obtain a written permit from the Department of Planning and Community Development, and such permit shall be **available** upon the ~~ground~~ **work site** at all times during the progress of the work and must be shown to any **designated City representative** ~~office in authority~~, on demand.

**C.** For each and every permit a fee will be charged and collected by the **Public Works Director**. **The amount of said fee shall be established by City Commission resolution.**

~~(Ord. 2568 §1(part), 1990; prior code §9-2-2).~~

~~(Ord. No. 3057, § 1, 8-17-2010)~~

Exhibit "A"

(Updated from First Reading)

Title 12 STREETS, AND SIDEWALKS, TREES, AND SHRUBBERY

**12.3613.030 Construction—barricades required.**

- A. Excavations in streets and avenues shall be made in such manner as to impede travel as little as possible, and the time that such excavation is open may be limited by the **Public Works Director, or designee.** ~~his assistant or inspector.~~
- B. Efficient barricades shall be erected by the ~~contractor~~ **permittee** around all trenches or embankments made within the limits of any street or avenue, and ~~red~~ lights shall be maintained thereon from dark to daylight until the street or avenue has been restored to a safe and passable condition. ~~At no time during the progress of the work shall sidewalks be unnecessarily blocked to travel.~~

~~(Prior code §9-2-3).~~

- C. **At no time during the progress of the work shall sidewalks be unnecessarily blocked to travel.**

**12.3613.040 Construction—sidewalk—materials.**

- A. After the governing body orders any cement concrete sidewalk to be built in any boulevard district, no private walk shall be built therein from the curb-line to the property line or from the sidewalk to either line, unless the same is made of cement concrete, **or other Public Works approved material.**
- B. Cement concrete private walks shall be of uniform width and shall be built upon the established grade from the curb-line to the property line, and shall be not less than thirty-six (36) inches in width or more than sixty (60) inches in width; provided, that in front of churches, schoolhouses, nursing homes, long term care facilities, medical facilities, ~~the~~ court houses, and other public buildings, the cement concrete private walks may be of greater width than above mentioned.

~~(Prior code §9-2-4(A)).~~

~~(Ord. No. 3086, §1(Exh. A), 6-19-2012, eff. 7-19-2012)~~

**12.3613.050 Construction—driveway—location.**

Driveways shall be so located at the discretion of, and by the approval of, the **Public Works Director or designee,** ~~of Public Works~~ as to result in no undue interference with, or hazard to, the free movement of normal traffic or interfere with the placement and proper functioning of highway signs, signals, lighting, or other devices that affect traffic operation.

~~(Prior code §9-2-4(B)).~~

**12.3613.060 Construction—driveway—drainage structures.**

All driveways shall be ~~so~~ constructed so as not to impair drainage within the street or highway right-of-way nor alter the stability of the roadway sub-grade and ~~at the same time~~ not impair or materially alter drainage of the adjacent areas. All drainage structures required within the public right-of-way and under the

Exhibit "A"

(Updated from First Reading)

Title 12 STREETS, AND SIDEWALKS, TREES, AND SHRUBBERY

driveways, as a result of the property being developed, shall be installed in accordance with the standards of approved by the **Public Works** Director or **designee** of ~~Public Works~~.

~~(Prior code § 9-2-4(D)).~~

~~(Ord. No. 3086, § 1(Exh. A), 6-19-2012, eff. 7-19-2012)~~

**Editor's note** — Formerly § 12.36.070.

**12.3613.070 Construction—driveway—transition design.**

- A. All driveways shall have the back of curb dropped a minimum of four (4) inches for the width of the driveway. The minimum driveway transition distance shall be from the back of the curb to the property line and shall occur in a uniform manner.
- B. Curb fillets constructed by filling in the curb and gutter are prohibited as a means of transition from the street to the driveway. This prohibition of curb fillets is retroactive to all existing curb fillets within the City and all future annexations to the City. Exceptions for cause must be approved by the **Public Works** Director or **designee** of ~~Public Works~~.

~~(Ord. 2490, 1988).~~

~~(Ord. No. 3086, § 1(Exh. A), 6-19-2012, eff. 7-19-2012)~~

**Editor's note** — Formerly § 12.36.071.

**12.36.080 Construction—driveway—adjoining.**

~~The distance between two (2) adjacent driveways to the same frontage shall be not less than thirty (30) feet.~~

~~(Prior code § 9-2-4(F)).~~

~~(Ord. No. 3086, § 1(Exh. A), 6-19-2012, eff. 7-19-2012)~~

**Editor's note** — Formerly § 12.36.090.

**12.3613.090080 Construction—right-of-way distances.**

Gasoline pump islands or other installations with parking parallel to the right-of-way line shall be at least ten (10) feet outside of the right-of-way line. Buildings or other installations with an angle of ninety (90) degrees parking between **the building or other installation** # and the right-of-way line shall be at least thirty (30) feet outside the right-of-way line.

~~(Prior code § 9-2-4(G)).~~

Exhibit "A"

(Updated from First Reading)

Title 12 STREETS, AND SIDEWALKS, TREES, AND SHRUBBERY

~~(Ord. No. 3086, § 1(Exh. A), 6-19-2012, eff. 7-19-2012)~~

~~**Editor's note**—Formerly § 12.36.100.~~

**12.3613.400090 Construction—intersection clearances.**

At an intersecting street or highway, the dimension measured along the edge of the traveled way to provide adequate corner clearance shall be measured a minimum distance of ten (10) feet from the intersecting property line, except at intersections where there are traffic signals, the nearside clearance shall be two (2) or more times this distance.

~~(Prior code § 9-2-4(H)).~~

~~(Ord. No. 3086, § 1(Exh. A), 6-19-2012, eff. 7-19-2012)~~

~~**Editor's note**—Formerly § 12.36.110.~~

**12.3613.440100 Construction—conformance with national regulations.**

Specific controls, not defined in this chapter, shall be in accordance with the standards for private driveway regulations established by the American Association of State Highway Officials and as applied by at the discretion of the **Public Works** Director ~~or designee of Public Works~~.

~~(Prior code § 9-2-4(I)).~~

~~(Ord. No. 3086, § 1(Exh. A), 6-19-2012, eff. 7-19-2012)~~

~~**Editor's note**—Formerly § 12.36.120.~~

**12.3613.420110 Use discontinuance—sidewalk restoration.**

**A.** Whenever the use of any existing or future driveway is discontinued by reason of change in the use, or design of the private property served thereby, the owner of the private property shall remove that portion of the driveway located within the City right-of-way, and shall restore the sidewalk and curbing affected by the driveway to their normal levels, all under the direction, supervision and standards required by the **Public Works** Director ~~or designee of Public Works~~.

**B.** This section shall be applicable to any existing driveway, the use of which is presently discontinued. ~~Upon the failure or refusal of the owner to restore the sidewalk and curbing as provided in this section, the City Commission may order the restoration of the sidewalk and curbing under the provision of Sections 12.28.060 through 12.28.110 and 12.28.150.~~

~~(Prior code § 9-2-4(J)).~~

~~(Ord. No. 3086, § 1(Exh. A), 6-19-2012, eff. 7-19-2012)~~

Exhibit "A"

(Updated from First Reading)

Title 12 STREETS, AND SIDEWALKS, TREES, AND SHRUBBERY

~~Editor's note~~ — Formerly § 12.36.130.

**12.13.120 Violation - penalty.**

- A. Any violation of the provisions of this chapter shall be considered a public offense punishable under the general penalty OCCGF 1.4.070.
- B. A violation of the provisions of this chapter is hereby declared a nuisance as defined in OCCGF Title 8, Chapter 49.

**Chapter 4014 TREES AND SHRUBBERY**

**Sections:**

[12.4014.010 Trimming required.](#)

[12.4014.020 Hedge and shrubbery maintenance.](#)

[12.4014.030 Injuring trees and shrubbery unlawful.](#)

[12.14.040 Violation - penalty.](#)

**12.4014.010 Trimming required.**

Any owner or occupant of any real property shall ~~trim~~ **be responsible for trimming** all trees on property ~~owned or occupied by him/her,~~ overhanging any public thoroughfare **or boulevard district**, so that the branches thereon will not interfere with pedestrians or public travel.

~~(Prior code §9-4-1).~~

**12.4014.020 Hedge and shrubbery maintenance.**

Any owner or occupant of any real property shall maintain all hedges and shrubbery adjacent to public sidewalks so that no part of the hedges and/or shrubbery shall extend over any part of a public sidewalk in the municipality.

~~(Prior code §9-4-2).~~

**12.4014.030 Injuring trees and shrubbery unlawful.**

It is unlawful for any person, not the owner thereof, or without lawful authority to do so, to injure willfully, deface, disfigure or destroy any tree or shrub, or to injure, destroy, cut or pick any flower or plant located ~~either on private ground or on any public place or thoroughfare~~ **or boulevard district**.

Exhibit "A"

(Updated from First Reading)

Title 12 STREETS, AND SIDEWALKS, TREES, AND SHRUBBERY

~~(Prior code §9-4-3).~~

**12.14.040 Violation - penalty.**

- A. Any violation of the provisions of this chapter shall be considered a public offense punishable under the general penalty OCCGF 1.4.070.**
- B. A violation of the provisions of this chapter in hereby declared a nuisance as defined in OCCGF Title 8, Chapter 49.**

**Chapter 44- 15 TREE REMOVAL**

**Sections:**

[12.4415.010 Application.](#)

[12.4415.020 New location.](#)

[12.44.030 Construction—obstruction to growth—prohibited.](#)

[12.4415.940030 City Forester to remove or supervise.](#)

[12.15.040 Trees interfering with right-of-way.](#)

[12.15.050 Violation - penalty.](#)

**12.4415.010 Application.**

- A. Any person, firm, or corporation, or other entity** desiring to cut down any of the trees located the boulevards of the City, shall submit an application to the City ~~p~~**Park and r**~~Recreation~~ ~~d~~**Department** for its review.
- B. The application shall state the following:**
  - 1. **The** lot, block, and street number adjacent to the affected boulevard area;
  - 2. ~~t~~The reason for the request;
  - 3. ~~a~~**A** plan showing the location of the tree or trees; **and**
  - 4. ~~t~~The distance the tree or trees will be moved; or
  - 5. ~~t~~The tree or trees to be cut down.
- C. The p**~~Park and r~~**Recreation d**~~Department~~ shall review the application and within ten (10) days of the receipt thereof, submit its recommendation to the City Manager, ~~Whereupon the City Manager~~ **who** shall approve or reject the application and immediately notify the applicant of the decision.
- D. The applicant may appeal the decision of the City Manager by filing a written notice of appeal with the office of the City Clerk within ~~ten (10)~~ fifteen (15) calendar days of the receipt date of the decision. The appeal shall be heard at the next regularly scheduled meeting of the City Commission, unless another date is mutually agreed upon by the applicant and the City. The Commission shall, by written finding, affirm or reverse the decision within fifteen (15) calendar days after the hearing.**

Exhibit "A"

(Updated from First Reading)

Title 12 STREETS, AND SIDEWALKS, TREES, AND SHRUBBERY

~~(Ord. 2065 (Part 1), 1979; prior code §6-1-3(E)).~~

- E. Any tree removed pursuant to an approved application, shall be replaced with a two-inch balled and burlapped tree. The Park and Recreation Director or designee shall designate permissible replacement tree species. Care and maintenance of replacement trees shall be the responsibility of the applicant for two consecutive calendar years from the date of replacement.**

**12.4415.020 New location.**

No tree or trees shall be moved to a place where the conditions will hinder their growth or the growth of others, and the new location must conform as nearly as possible to the regular spacing and alignment of the trees in the locality to which it is moved.

~~(Prior code §6-1-3 (E-1)).~~

~~**12.15.030 Construction—obstruction to growth—prohibited.**~~

~~It is unlawful for any person, firm or corporation to build or construct anything around the base or about any part of a tree that may hinder its growth or disfigure its appearance.~~

~~(Prior code §6-1-3 (E-2)).~~

**12.4415.040030 City Forester to remove or supervise.**

Upon the permission of the City Manager, the City Forester may cut down or remove any tree or trees which have been petitioned to be cut down or removed from the public boulevards of the City, provided, however, that all expenses of cutting or removal and transplant shall be paid by the petitioning party and such cutting, removal and transplanting shall be supervised by the City Forester.

~~(Ord. 2065 (Part 2), 1979; prior code §6-1-3 (E-3)).~~

**12.15.040 Trees interfering with right-of-way.**

The City Manager or designee may order the City Forester to remove any tree, subject to the provisions of this chapter, that in judgment of the Public Works Director is either interfering with, or damaging, a City street or public right-of-way.

**12.15.050 Violation - penalty.**

- A. Any violation of the provisions of this chapter shall be considered a public offense punishable under the general penalty OCCGF 1.4.070.**
- B. A violation of the provisions of this chapter in hereby declared a nuisance as defined in OCCGF Title 8, Chapter 49.**

Exhibit "A"

(Updated from First Reading)

Title 12 STREETS, ~~AND~~ SIDEWALKS, TREES, AND SHRUBBERY

(Ord. 3170, 2018; Ord. 3143, 2016; Ord. 3086, 2012; Ord. 3057, 2010; Ord. 2801, 2001; Ord. 2798, 2001; Ord. 2785, 2000; Ord. 2766, 2000; Ord. 2734, 1998; Ord. 2584, 1991; Ord. 2568, 1990; Ord. 2564, 1990; Ord. 2549, 1989; Ord. 2526, 1989; Ord. 2490, 1988; Ord. 2489, 1988; Ord. 2485, 1987; Ord. 2476, 1987; Ord. 2462, 1987; Ord. 2460, 1987; Ord. 2435, 1986; Ord. 2409, 1985; Ord. 2393, 1985; Ord. 2338, 1983; Ord. 2314, 1983; Ord. 2312, 1982; Ord. 2301, 1982; Ord. 2187, 1980; Ord. 2065, 1979; Ord. 2022, 1977)  
(Prior Codes: §§ 9-15-1, 9-14-4, 9-14-3, 9-14-2, 9-14-1, 9-11-1, 9-10-7, 9-10-6, 9-10-5, 9-10-4, 9-10-3, 9-10-1, 9-4-3, 9-4-2, 9-4-1, 9-3-4, 9-3-3, 9-3-2, 9-3-1, 9-2-4, 9-2-3, 9-2-2, 9-2-1, 9-1-15, 9-1-14, 9-1-13, 9-1-12, 9-1-11, 9-1-10, 9-1-9, 9-1-8, 9-1-7, 9-1-6, 9-1-5, 9-1-4, 9-1-3, 9-1-2, 9-1-1, 6-1-3)