

Title 12

STREETS, SIDEWALKS AND PUBLIC PLACES

Chapters:

- 12.04 Street and Sidewalk Construction and Maintenance**
- 12.08 Driveway Construction**
- 12.12 Excavations**
- 12.16 Street and Sidewalk Obstructions**
- 12.18 Special Event Permit**
- 12.20 Barricades and Warning Devices**
- 12.24 Moving Buildings**
- 12.28 Park Rules and Regulations**
- 12.32 Trees and Boulevards**
- 12.36 Special Improvement Districts**
- 12.38 Developer Reimbursement of Water and Wastewater Extension Costs**
- 12.40 Street Sweeping Districts**
- 12.44 Street Vacations**

Chapter 12.04

STREET AND SIDEWALK CONSTRUCTION AND MAINTENANCE

Sections:

12.04.010 Non-special improvement district sidewalk replacements.

12.04.020 Residential sidewalk replacement program.

12.04.030 Streets.

12.04.040 Definitions.

12.04.050 District designation authority.

12.04.060 Cost—Assessment.

12.04.070 Cost—Assessment—Levy—Resolution.

12.04.010 Non-special improvement district sidewalk replacements.

A. Sidewalk replacements need not occur by special improvement district when recommended by staff and directed by city council.

B. Without the formation of a special improvement district, the city council may order sidewalks, curbs or gutters constructed or replaced in front of or adjacent to any lot or parcel of land and may order alley approaches constructed or replaced adjacent to any lot or parcel of land by resolution.

C. Whenever the city council orders such construction or replacement it shall adopt a resolution that contains the name of the street and address along which the sidewalk, curb, gutter, or alley approach is to be constructed or replaced.

D. After approving the resolution, the city staff shall provide written notice thereof providing the owner or agent of the owner of such property or the owners or agents of

all adjacent owners having access to their properties by the alley approach, as appropriate.

E. If the owner or agent fails to construct or replace the sidewalk, curb, gutter, or alley approach, as ordered by the city council within thirty days after delivery of the notice, the city may proceed to construct or replace the improvements. The city council shall assess the entire cost, including engineering costs, against the appropriate property.

F. When any sidewalk, curb or court, gutter or alley approach is constructed by or under direction of the city council, payment for the construction shall be made by special warrants in such form as may be prescribed by ordinance and drawn against a fund to be known as the special sidewalk, curb and gutter fund or the special alley approach fund, as appropriate, and the council may provide for the payment of interest annually. The warrants drawn on the sidewalk, curb, and gutter fund and alley approach fund shall bear interest at a rate of up to six percent a year.

G. The payment of the assessments to cover the cost of construction or replacement above may be spread over a term of not to exceed twelve years, payment to be made in equal annual installments. (Ord. 02-36, 2002; prior code § 11.24.010) (Ord. No. O12-07, 1-15-13)

12.04.020 Residential sidewalk program.

A. The city hereby creates a program entitled the residential sidewalk program. The program policy may be obtained from the city planning department. The program's intent is to encourage the replacement of unsafe and aging sidewalks. The

residential sidewalk program may only be utilized when sufficient funds allow. The program shall be utilized as follows:

1. **Voluntary Request.** A city resident may submit a letter of request to be placed on the annual replacement list.

2. **Complaint.** If a complaint is lodged against a property owner, the city shall give written notice to the owner or agent of the owner of such lot or parcel of land and request the sidewalk be repaired or replaced pursuant to Montana Public Works Standards within thirty days. After thirty days, if no improvements have been made, the city may enroll the property in the program or pursue the repair or replacement pursuant to Section 12.04.010.

3. **City Staff Recommendation.** Upon recommendation of city staff, property may be placed on the program's annual list.

B. The city council shall approve the program's sidewalk replacement list by the first Monday of October. Additionally, the city council shall pass a resolution levying an assessment and tax against the appropriate property, lot, or parcel to pay for the construction or replacement of the improvement. The resolution levying the assessment shall be made in every manner prepared and certified the same as resolutions levying assessments for the making of improvements in special improvement districts.

(Ord. No. O12-07, 1-15-13)

12.04.030 Streets.

A. Supervision. All maintenance and repairs of public streets, alleys, sidewalks and other public ways shall be under the supervision of the city engineer. He shall be charged with the enforcement of all ordinances and provisions relating to such public places (except traffic ordinances) and is authorized to enforce such ordinances.

B. Construction. It is unlawful to construct or lay any pavement on any public street, sidewalk, alley or other public way, or to repair the same, without having first secured a permit therefor. Applications for such permits shall be made to the city clerk-treasurer, and approved by the city engineer, and shall state the location of the intended pavement or repair, the extent thereof, and the person or firm who is to do the actual construction work. No such permit shall be issued except where the work will conform to the ordinances of the city.

C. Engineer Plans.

1. Each applicant for construction or reconstruction of any public street, alley or other public way, shall file with the city engineer engineering plans and specifications prepared by an engineer certified by the state. No permit shall be issued until the engineering plans and specifications are approved by the city engineer.

2. The city engineer or any certified engineer may prepare the engineering plans and specifications for construction or reconstruction of any public street. Engineering plans and specifications preparation costs of the city engineer shall be paid by the applicant. The engineering plans and specifications preparation costs to be based on the reasonable, customary charges for such services.

D. Inspection. All street improvements shall be inspected during the course of construction by an inspector appointed by the city engineer, salaries and other costs in connection with such inspections to be paid by the applicant, such costs to be based on the reasonable, customary charges for such services.

E. Bond. Each contractor for construction or reconstruction of any public street shall file a bond in the amount equal to the estimated cost of construction of the improvement and conditioned to indemnify

the city for any loss or damage resulting from the work undertaken or the manner of doing the same.

F. Specifications. All street and sidewalk pavements shall be made in conformity with specifications laid down or approved from time to time by the city council. (Ord. 97-2 § 4 (part), 1997; prior code § 11.32.030)

(Ord. No. O12-07, 1-15-13)

Editor's note—Formerly numbered as § 12.04.020.

12.04.040 Definitions.

"Improvements" as used in this section includes but is not limited to the installation of traffic signs, new curb and gutter construction, and widening and rebuilding of existing streets.

"Maintenance" as used in this section includes but is not limited to sprinkling, graveling, oiling, chip sealing, seal coating, overlaying, treating, general cleaning, sweeping, flushing, snow removal, leaf and debris removal, the operation, maintenance and repair of traffic signal systems, the repair of traffic signs, the replacement and maintenance of pavement markings, and curb and gutter repair. (Ord. 04-2 (part), 2004)

12.04.050 District designation authority.

Whenever the city council designates a portion of the city as a street maintenance district, the streets, avenues and alleys may be maintained and/or improved for such time and in such manner as the city council may direct under the supervision of the public works director. (Ord. 04-2 (part), 2004)

12.04.060 Cost—Assessment.

The cost assessed for maintaining and/or improving streets, avenues and alleys shall be charged to the property bordering on the streets and avenues so maintained by one or

a combination of the following methods: 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, if the city council 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, 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 hereunder shall be certified by the city clerk-treasurer, to be extended on the tax roll in the same manner as other special assessments. (Ord. 04-2 (part), 2004)

12.04.070 Cost—Assessment—Levy—Resolution.

Not later than the second Monday in August of each year the public works director shall estimate the annual maintenance and/or improvement cost and the city council shall pass and finally adopt a resolution levying and assessing all the property within the street maintenance district with an amount equal to not less than seventy-five percent of the entire cost of the work. (Ord. 04-2 (part), 2004)

Chapter 12.08**DRIVEWAY CONSTRUCTION****Sections:**

- 12.08.010 Purpose.**
- 12.08.020 Definitions.**
- 12.08.030 Permit required.**
- 12.08.040 Consent of property owner required.**
- 12.08.050 Permit fees.**
- 12.08.060 City to furnish inspector.**
- 12.08.070 Curb cut lengths.**
- 12.08.080 Curb cuts—Regulations—Conformance.**
- 12.08.090 Curb cuts—Restrictions.**
- 12.08.100 Cause for revocation of permit.**
- 12.08.110 Permission to deviate from requirements when.**

12.08.010 Purpose.

The purpose of this chapter is to standardize, regulate and control the location, size, type, construction, maintenance, and quantity of curb cuts, driveway aprons, and sidewalk driveway crossings in the city from the standpoint of proper design, safe and efficient entry to and exit from city streets to private property, safety of vehicular traffic in the streets, and safety of pedestrian traffic on the sidewalk area. (Prior code § 11.08.010)

12.08.020 Definitions.

For the purpose of this chapter, the following definitions shall apply:

"Alley" means a narrow public thoroughfare, providing access to the rears of the abutting properties.

"Curb cut" means the total street curbing that is removed to place a driveway and slopes.

"Curb return" means the curved portion of a street curb at drive approaches.

"Driveway" means that area on private property where vehicles are operated, parked, or allowed to stand.

"Driveway apron" means the area, construction or improvement between the curb cut or proposed curb line and the back edge of walk or proposed walk line, to provide ingress and egress for vehicles from the alley, street or roadway to a definite area of the private property.

"Driveway width" means that portion of the street curbing that is removed excluding curb returns or transitions to provide ingress to and egress from abutting property.

"Intersection" means the area embraced within the prolongation or connection of the lateral curb lines, or if none, then the lateral boundary lines of the roadways which join each other at, or approximately at, right angles, or the area within which vehicles traveling upon different roadways joining at any other angle may come in conflict.

"Person" means every natural person, firm, copartnership, association or corporation.

"Right-of-way" means public property dedicated for streets, alleys or other public uses.

"Roadway" means that portion of a street improved, designed, and customarily used for vehicular travel, exclusive of the berm or shoulder.

"Sidewalk" means that portion of a street between curb lines or the outer lateral lines of a roadway, and the adjacent property lines, intended for use of pedestrians.

"Street" means the entire width between the boundary lines of the right-of-way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

"Traffic" means pedestrians, vehicles and other conveyances, either singly or together, while using any street, alley or roadway for purposes of travel.

"Transitions" means the three-foot ramp sections along the street curb on each side of a driveway apron. (Prior code § 11.08.020)

12.08.030 Permit required.

A. It is unlawful for any person either as owner, agent, servant, contractor or employee to cut, break, remove or alter any curbing, driveway apron, or sidewalk, or cause to have cut, broken, or removed any curbing, driveway apron or sidewalk, or to install or cause to have installed any driveway, or any vehicular access, on any public right-of-way in the city without a permit. Permits shall be issued to the property owners if the owner is to perform the work to properly licensed bonded contractors by the city building inspector/city engineer after payment of fees as provided for in this section.

B. At the time the permit application is made, the city building inspector/city engineer shall be advised of any parking meters, traffic or street signs, signal poles, street light poles, fireplugs, trees or obstructions that will be affected by the placement or removal of the driveway or sidewalk. (Ord. 912, 1987: prior code § 11.08.030)

12.08.040 Consent of property owner required.

Before a permit is granted for the removal of the curb and/or the construction of a driveway on any street, the applicant for the driveway permit must produce evidence satisfactory to the city building inspector/city engineer to show that the construction of such driveway is agreeable to and in accordance with the desire of the owners of the property to which such drive-

way will be entrance. (Prior code § 11.08.040)

12.08.050 Permit fees.

Permit, inspection and service fees shall be charged by the city as established annually by city council resolution after a public hearing. (Ord. 06-04 (part), 2006: prior code § 11.08.050)

12.08.060 City to furnish inspector.

A. The city building inspector/city engineer shall furnish an inspector to inspect every piece of curb, driveway and driveway apron to be constructed, whose duties shall be to check the forms for alignment, grade and materials and to see that the work is done in accordance with the specifications of the city at the time of the issuance of the permit.

B. The city building inspector/city engineer shall be notified at least twenty-four hours in advance of the time when the work is proposed to be started. (Prior code § 11.08.060)

12.08.070 Curb cut lengths.

A. In single-family residential zoned districts, the maximum driveway width shall be thirty feet and shall be located in accordance with city specifications or drawings.

B. In any multifamily and professional zoned districts, the maximum driveway width shall not exceed thirty feet and shall be located in accordance with city specifications or drawings. The minimum distance between curb cuts shall be twenty-five feet.

C. In any commercial and industrial zoned districts, the maximum driveway width shall be thirty feet except driveway widths for service stations and trucking businesses may be up to forty feet when approved by the city building inspector/city engineer, and shall be located in accordance

with city specifications and drawings. The minimum distance between curb cuts shall be twenty-five feet.

D. In any allowable location, no driveway width shall be less than twelve feet wide.

E. Frontages of sixty feet or less shall be limited to one driveway. Not more than two driveways shall be provided to any single property tract or business establishment, except when approved by the city building inspector/city engineer. (Ord. 06-12 (part), 2006; Ord. 06-06 (part), 2006; prior code § 11.08.070) (Ord. No. O10-04, 12-7-2010)

12.08.080 Curb cuts—Regulations—Conformance.

Every curb cut and driveway apron constructed or altered in the street right-of-way shall conform to the following regulations:

A. No driveway apron shall be constructed closer than five feet from the side property line or as may be regulated by city specifications in effect at the time of such work.

B. No driveway apron shall be closer than five feet to, nor shall it be so located as to interfere with, intersecting sidewalks, utility facilities, light standards, fire hydrants, catch basins, street signs, signals, or other public improvements or installations.

C. Any necessary adjustments to such utility facilities, light standards, fire hydrants, catch basins, street signs, signals, underground conduits for street lighting or fire alarm systems, or other public improvements or installations shall be accomplished without cost to the city.

D. No curb cut shall be made between the points of curvature of any curb radius at intersections nor closer than ten feet from the points of curvature.

E. No curb cut or driveway apron shall be located so as to create a hazard to pedestrians or motorists, or to invite or compel illegal or unsafe traffic movements.

F. Every curb cut and/or driveway apron must provide complete access to a parking space, building or loading dock on private property requiring the entrance of vehicles.

G. In any commercial, professional, and industrial zone, driveways shall be designed such that vehicles entering or egressing shall not be required to back from or into a street right-of-way.

H. All curb cuts and driveway aprons are to be constructed of portland cement concrete of a quality and type as specified by the city building inspector/city engineer, and in accordance with city specifications in effect at the time of such work. Curb cuts shall be permitted only with construction of adjoining portland cement concrete aprons having a minimum depth of five inches.

I. All work shall be done under the supervision of the city building inspector/city engineer, and in accordance with city specifications in effect at the time of such work.

J. The licensed and bonded contractor or his agent doing the construction or alteration work shall maintain the premises in a safe manner and shall provide adequate barricades and lights at his own expense to protect the safety of the public using the adjacent streets or sidewalks and shall hold the city free from any damages incurred by his operations.

K. The angle between any driveway apron and the street and/or curb line shall be ninety degrees to the street tangent or on a radial line to the street curve.

L. The two side borders of each driveway apron between the curb line and property line shall be parallel.

M. City street right-of-way shall not be used for private commercial purposes. A permit for the construction of a curb cut

driveway shall not be issued unless vehicles which will use the driveway can be parked entirely within the private property lines.

N. Any curb cut or driveway apron which has become abandoned or unused through a change of the conditions for which it was originally intended shall be closed and the owner shall replace any such curb cut and/or driveway apron with a standard curb and sidewalk (if necessary) to be constructed according to the city specifications in effect at the time of such work. In the event the owner does not make such replacement within sixty days after notice, the city may do so at the expense of the owner.

O. Driveways serving facilities that will generate five hundred or more vehicle trips per day may, after review and recommendation of the city building inspector/city engineer and the city/county planning board, be classified and constructed as a street intersection. A complete design of the intersection shall be submitted to the city building inspector/city engineer before a permit is issued. Approval of this type entrance may be contingent upon the applicant installing traffic control devices at his sole expense. This type of entrance shall be included in calculating number, spacing, or any other requirement pertaining to driveways as specified herein. (Prior code § 11.08.080)

12.08.090 Curb cuts—Restrictions.

In addition to the general regulations prescribed herein, curb cuts and driveway aprons to be constructed or altered in districts must conform to the following:

A. Where a property abuts more than one city street, the maximum curb cut permitted on each street shall be considered separately and shall be governed by the frontage of the property on that street.

B. Two or more curb cuts serving the same property must be separated by islands with full height curb not less than twenty-five feet long.

C. Where a property width is sixty feet or less, joint curb cut with an adjoining property of sixty feet or less may be constructed at a maximum width of twenty-eight feet. Both property owners must be in agreement to a joint curb cut and must submit a written agreement to the city building inspector/city engineer. The city building inspector/city engineer shall have discretion to waive the maximum width restriction in a proper case, after application has been submitted, when in his opinion the purpose and intent of this section will be maintained. (Prior code § 11.08.090)

12.08.100 Cause for revocation of permit.

A. Any permit issued under the authority of this chapter may be revoked for failure of the permittee to perform the

work in accordance with the specifications, methods, or time limit required or approved by the city.

B. Any permittee whose permit is revoked may, upon request, receive a hearing before the council. The council, after such hearing, may reinstate the permit or take any other action it deems proper. (Prior code § 11.08.100)

12.08.110 Permission to deviate from requirements when.

Permission to deviate from the requirements and regulations of this chapter shall be granted by the city council only where unusual conditions or strict adherence to this chapter would cause undue and extreme hardship. (Prior code § 11.08.110)

Chapter 12.12

EXCAVATIONS

Sections:

- 12.12.010** Definitions.
- 12.12.020** Inspection fee payment and posting of bonds required.
- 12.12.030** Permit required.
- 12.12.040** Restoration by city—Fees required.
- 12.12.050** Bond required.
- 12.12.060** Minimum traffic interference required.
- 12.12.070** City may limit time for open excavation.
- 12.12.080** Backfilling requirements and responsibility.
- 12.12.090** Revocation of permit when.
- 12.12.100** Violation—Penalty.

12.12.010 Definitions.

“Excavation,” when used in this chapter, means and includes any ditch, trench, cut, hole or change of grade.

“Street,” when used in this chapter, means the entire width of a highway between the boundary lines of other public or private properties on the sides. (Prior code § 11.04.010)

12.12.020 Inspection fee payment and posting of bonds required.

Payment of inspection fees and posting of bonds is required of any person, party, corporation, business, or utility desiring to perform construction or maintenance work in roads, streets, alleys, or thoroughfares in

the city before such work may be started (i.e., street utility cuts for buried cable, electrical, telephone, cable television and gas lines); however, the city engineer may waive the bonding requirements for public utility companies such as Montana Dakota Utilities, Montana Power Company or Mountain Bell in appropriate cases. (Ord. 909, 1987: prior code § 11.04.015)

12.12.030 Permit required.

A. No person shall open up, dig into, excavate or tunnel in any of the streets, avenues, public places or alleys of the city, whether to connect with any of the mains or pipes, to connect with any sewer, or for any other purpose, without having first:

1. Obtained a permit from the city council;
2. Made a cash payment with the city clerk-treasurer; and
3. Filed with the city clerk-treasurer a good and sufficient surety bond.

B. The council shall make rules and regulations as to the amount and conditions under which such payment shall be made. The council may, in its discretion, waive the filing of bond. (Ord. 97-2 § 4 (part), 1997; prior code § 11.04.020)

12.12.040 Restoration by city—Fees required.

A. The city may at its option, upon request, agree to restore any trench or excavation with asphalt paving material after a proper permit has been obtained for the same.

B. The city will assess a fee for restoration whenever it agrees to do the work. The council may from time to time establish a minimum fee to be paid in advance for such

restoration, based upon costs for equipment, wages and materials.

C. If the actual cost to restore the street asphalt exceeds the minimum amount deposited, then the excess will be billed to the person who obtained the permit at a rate to be set from time to time by resolution of the council.

D. The city engineer shall maintain a list of repairs and restorations that the city has agreed to make. (Prior code § 11.04.025)

12.12.050 Bond required.

The bond required by Section 12.12.020 shall be in the sum of two thousand dollars and shall be executed by a surety company authorized to do business in the state, conditioned to save the city harmless from any damage or injury whatsoever to any person or property of any description, however owned, by reason of leaving open any excavation or tunnel or by reason of failure to properly guard any such excavation or tunnel or failure to place red lights at such excavation or tunnel at night. Any person may furnish a yearly bond conditioned as set forth in this section. (Ord. 02-37, 2002: prior code § 11.04.030)

12.12.060 Minimum traffic interference required.

Excavations in streets and alleys shall be made in such manner as to impede travel as little as possible. At no time during the progress of the work shall sidewalks be unnecessarily blocked to travel. (Prior code § 11.04.040)

12.12.070 City may limit time for open excavation.

The time any street or alley excavation is open may be limited by the engineer or another responsible official of the city. (Prior code § 11.04.050)

12.12.080 Backfilling requirements and responsibility.

A. After the completion of the laying of any pipe, line or conduit, or the installation or repair of any facility for which the excavation was undertaken, the excavator shall cause the work to be backfilled in such a manner as to make the street in as good a condition as before the excavation.

B. Any person making any excavation in any street or alley, as set forth in this chapter, shall be fully responsible for the maintenance of the excavation for a period of six months after the backfill thereof. If any settlement occurs in the area that was formerly excavated, the excavator or person causing the excavation shall immediately upon notice fill in the settling and put the street, alley, or avenue in as good condition as possible for use by the public. (Prior code § 11.04.060)

12.12.090 Revocation of permit when.

A. Any permit issued under authority of this chapter may be revoked for failure of the permittee to perform the work in accordance with the specifications, methods or time limit required or approved by the city.

B. Any permittee whose permit is revoked may, upon request, receive a hearing before the city council or person designated by the council. The council, after such hearing, may reinstate the permit or take any other action it deems proper. (Prior code § 11.04.070)

12.12.100 Violation—Penalty.

Any person violating a provision of this chapter shall, upon conviction thereof, be fined not more than five hundred dollars. (Prior code § 11.04.080)

Chapter 12.16

**STREET AND SIDEWALK
OBSTRUCTIONS**

Sections:

- 12.16.010 Encumbering or obstructing streets—
Permit required.**
- 12.16.020 Removal of obstruction—
Authority to order.**
- 12.16.030 Sign placement—Permit
required.**
- 12.16.040 Encroachment permit—
Required.**
- 12.16.050 Structural obstructions—
Order to remove when.**
- 12.16.060 Notice to remove
obstructions.**
- 12.16.070 Authority to remove
obstruction.**
- 12.16.080 Putting injurious
materials on street
prohibited—Violation—
Penalty.**
- 12.16.090 Dumping snow on public
property prohibited.**
- 12.16.100 Encroachment rentals—
Levy—Amount, removal
for nonpayment—
Exceptions.**
- 12.16.110 Sale of merchandise on
sidewalks—Permit
required.**
- 12.16.120 Penalty.**

- 12.16.010 Encumbering or obstructing
streets—Permit required.**

No person shall encumber or obstruct, or cause to be encumbered or obstructed, any street, sidewalk, alley or other public place in the city by placing therein or thereon any

building materials, trash, vehicle, earth, garbage, rubbish, debris, or accumulated snow and ice removed from an adjoining private premises, without first having obtained permission in writing from the city clerk-treasurer, or other responsible city official. (Ord. 97-2 § 4 (part), 1997; prior code § 11.12.010)

**12.16.020 Removal of obstruction—
Authority to order.**

The city engineer or chief of police is authorized to order any article or thing, of the kind mentioned in Section 12.16.010, which encumbers, litters or obstructs any street, sidewalk, alley or other public place within the city, to be removed. If such removal shall not be made within six hours after notice to the owner or person in charge thereof, or if the owner cannot be readily found for the purpose of the notice, the city shall cause the same to be removed to some suitable place to be designated by such official, at the expense of the person responsible therefor. (Prior code § 11.12.020)

**12.16.030 Sign placement—Permit
required.**

No person shall place or maintain any shafts of wood, iron or other material, billboards, signs, fences, poles, rods, cables, or wires in any of the streets, public places or alleys of the city without having first obtained a permit from the city council. (Prior code § 11.12.030)

**12.16.040 Encroachment permit—
Required.**

No encroachment on any public right-of-way, public sidewalk or other public property shall be allowed except by authority of an encroachment permit issued by the city council.

Applications for an encroachment permit shall be made on the forms and in accordance with the procedure prescribed by the city engineer. A fee for the permit application shall be charged to cover the administrative costs of processing as prescribed by council resolution. If the issuance of the permit is approved, the city council shall issue the permit. If the permit is denied, the applicant shall be provided with a statement of the reasons therefor, which reasons shall be entered in writing on the application. (Ord. 990, 1991; prior code § 11.12.040)

**12.16.050 Structural obstructions—
Order to remove when.**

A. Any building, fence, porch, steps, gallery, or other structural obstruction now upon or hereafter placed or erected upon any street or alley within the city, or which may be upon any new street or alley which may hereafter be opened or created within the city, shall be removed therefrom within a reasonable time, not exceeding thirty days and not less than three days after an order to remove, in writing, has been given to the owner or person responsible for the obstruction.

B. If the owner or person responsible for such obstruction cannot be readily found for the purpose of the notice, it shall be the duty of the municipal engineer or chief of police to cause the obstruction to be removed, in his discretion. The expense of the removal shall be recoverable from the owner or person responsible for the obstruction.

C. Any person who interferes with, resists or obstructs shall be deemed guilty of a violation of this chapter. (Prior code § 11.12.050)

**12.16.060 Notice to remove
obstructions.**

Notice to remove obstructions described in Sections 12.16.030 and 12.16.050, specifying same, and the place and extent of same, shall be given to the occupant or owner of the land involved, or to the person owning or causing such obstruction. Notice shall be given by leaving it at the place of residence of the person to be served, if he resides in the city, or by posting it on the obstruction, if such person does not reside in the city. (Prior code § 11.12.060)

**12.16.070 Authority to remove
obstruction.**

A. If the obstruction required to be removed by the notice of Section 12.16.060 is denied, and the owner, occupant or person controlling the matter or thing charged with being an obstruction, refuses either to remove or permit the removal thereof, the city shall commence in the proper court an action to abate the same as a nuisance, and if the city recovers judgment, it may, in addition to having the same abated, recover one hundred dollars for every day such nuisance remained after the notice, and also costs in the action.

B. The city council may, at any time, order the chief of police to forthwith remove any such obstruction without commencing an action. (Ord. 02-38, 2002; prior code § 11.12.070)

**12.16.080 Putting injurious materials
on street prohibited—
Violation—Penalty.**

A. No person shall throw or deposit upon any street, any glass bottle, glass, nails, tacks, wire, cans, or any other substance likely to injure any person, animal or vehicle upon such street.

12.16.080

B. Any person who drops, or permits to be dropped or thrown upon any street, any destructive or injurious material shall immediately remove the same or cause it to be removed.

C. Any person removing a wrecked or damaged vehicle from a street shall remove any glass or other injurious substance dropped upon the street from such vehicle.

D. A person convicted of violating this section shall be fined not less than fifty dollars. (Prior code § 11.12.080)

12.16.090 Dumping snow on public property prohibited.

It is unlawful for the owner, operator, tenant or other person in charge or control of any private property to blade, dump, or shovel, or to allow the blading, dumping, or shoveling of snow from the property into any public street, alley or right-of-way. (Ord. 829, 1986: prior code § 11.13.010)

**12.16.100 Encroachment rentals—
Levy, amount, removal for
nonpayment—Exceptions.**

A. Every person maintaining or owning a bow window, shop window, balcony, portico, stairway, porch, box, step, door, building, wall coal hole, areaway, gasoline pump, gasoline tank, sprinklers, decorative lighting, or any other structure, encumbrance, obstruction or encroachment, in or upon or extending or projecting on, over, across or above and within seven feet of the grade of any public property, public street, avenue, sidewalk or alley in the city, shall obtain an encroachment permit as set forth in Section 12.16.040, and shall pay to the city an annual encroachment rental fee therefor, on or before the thirtieth day of November of each year.

B. The amount of the annual encroachment rental fee to be paid to the city for each

structure, encumbrance, obstruction or encroachment, shall be prescribed by council resolution. If a fee is based on surface area, the surface area shall be determined by projecting the encroachment vertically up or down onto the surface of the public right-of-way or public property.

C. The city council may, annually, by resolution, make a special assessment for the annual rental required by subsection A of this section, upon the lot or lots, abutting on that part of the street, avenue or alley, and on that side of the street, avenue or alley on which a structure, encumbrance, obstruction or encroachment as described in subsection A of this section is situated, when the person who maintains or owns such structure, encumbrance, obstruction or encroachment is the owner of such abutting lot or lots. In all other cases, such rental shall be collected by other lawful means and by suit, if necessary.

D. In case of neglect, failure or refusal of any person to pay the annual rental required by subsection A of this section, the city council shall cause the structure, encumbrance, obstruction, or encroachment on which such person has failed, neglected or refused to pay such rental, to be removed from the street, sidewalk, avenue or alley in, upon, over, across or above which the same is situated, without notice.

E. The erecting or maintaining of poles by telephone, telegraph or electric light companies, for which permits have been granted by the city, are excepted from the provisions of this section. There is also excepted from the provisions of this section the maintenance of light poles and bus benches placed by the authority of the city. (Ord. 991, 1991: prior code § 11.12.090)

12.16.110 Sale of merchandise on sidewalks—Permit required.

The council may permit any person, upon application, the right to exhibit merchandise or goods, or to temporarily install booths upon sidewalks, however, such permits or licenses shall be temporary in nature and upon special permit granted by the council under controlled conditions. (Prior code § 5.40.010)

12.16.120 Penalty.

Any person violating a provision of this chapter shall, upon conviction thereof, be fined not more than five hundred dollars. (Prior code § 11.12.100)

Chapter 12.18**SPECIAL EVENT PERMIT****Sections:**

- 12.18.005 Definitions.**
- 12.18.010 Requirement to obtain special event permit.**
- 12.18.020 Permit fees.**
- 12.18.030 Application and approval process.**
- 12.18.040 Permit contents.**
- 12.18.050 Permit requirements and conditions.**
- 12.18.060 Insurance.**
- 12.18.070 Alcohol.**
- 12.18.080 Permit duration.**
- 12.18.090 Issuance of permit.**
- 12.18.100 Revocation.**
- 12.18.110 Officials to be notified of permit issuance.**

12.18.005 Definitions.

Under this chapter, "event" means and includes but is not limited to: parade, gathering, walk, run, demonstration, athletic event, speech, exhibition or motorcade. This definition is not all-inclusive and the term "event" may be what a "reasonable person" under the circumstances would believe it means. (Ord. 07-03 (part), 2007)

12.18.010 Requirement to obtain special event permit.

It is unlawful for any person to conduct any event in or upon any public street, sidewalk or alley in the city of Laurel, or knowingly participate in any such event unless and until a special event permit to conduct such event has been obtained from the city of Laurel. (Ord. 07-03 (part), 2007)

12.18.020 Permit fees.

Special event permit applicants shall pay a fee upon submittal of the application for the permit. The fee amount shall be determined by resolution passed by the city of Laurel city council. The fee is due upon application for the permit, and no permit shall issue without the fee being paid prior to issuance except by express waiver determined by the city council. The city council shall have the authority to waive the permit fee. (Ord. 07-03 (part), 2007)

12.18.030 Application and approval process.

The application for such permit shall be made in writing on an approved form available at the city clerk-treasurer's office. Any person who wants to conduct a special event on a city of Laurel street or sidewalk shall apply to the city for a special event permit at least ten working days in advance of the date of the event. The mayor may, in his or her discretion, consider any application for a permit to conduct an event that is filed less than ten working days prior to the date such event is to be conducted.

After review of the application and approval by the city public works director, chief of police, fire chief and ambulance director, and payment of the permit fee by the special event permit applicant, the mayor shall issue the special event permit, if he/she determines such issuance is in the best interest of the city of Laurel. (Ord. 07-03 (part), 2007)

12.18.040 Permit contents.

In order that adequate arrangements may be made for the proper policing of the event, the application shall contain, at a minimum, the following information:

A. The name of the applicant, the sponsoring organization, the event chairperson and the addresses and telephone numbers of each;

B. The purpose of the event, the date when it is proposed to be conducted, and the route or specific area requested for use or any proposed alternate event route or deviation from the established route, to include:

1. The location of the assembly area, the location of the disbanding area, route to be traveled, and

2. The approximate time when the event will gather, start and finish;

C. A description of the individual vehicles, groups, or bands, including a description of any sound amplification equipment to be used if applicable;

D. A statement regarding whether or not alcohol will be available or served. (Ord. 07-03 (part), 2007)

12.18.050 Permit requirements and conditions.

A. For all special event permits, the mayor may specify any other additional requirements requested by the city clerk-treasurer, police chief, fire chief, ambulance director or public works director reasonably necessary for the protection of persons or property.

B. Each permittee shall comply with all conditions stated in the special event permit. Failure by the permittee to comply with all special event permit conditions may result in revocation of the special event permit. In addition, failure to comply with the conditions may result in denial of future special event permits to the permittee that failed to comply. (Ord. 07-03 (part), 2007)

12.18.060 Insurance.

Sponsoring persons, organizations, companies, corporations or other entities apply-

ing for a special event permit shall hold the city harmless from any and all claims, damages, losses and expenses arising from the special event. Applicants for a special event permit shall agree in writing to hold harmless and indemnify the city for any and all claims, lawsuits or liability including attorney's fees and costs allegedly arising out of the loss, damage or injury to persons or personal or public property occurring during the course of or pertaining to the special event caused by the events sponsoring organizations, companies, corporations, or other entities, their officers, employees, or agents.

The sponsoring organization shall carry appropriate insurance as recommended by staff including comprehensive general liability, automobile liability and/or designated premises liability in the amount of one million dollars per occurrence and two million dollars aggregate per event or location and list the city of Laurel as an additional named insured.

The mayor has the authority to waive this requirement. Additionally, the mayor may require insurance coverage in a higher or lower amount based upon the type of special event, the number of persons anticipated to attend the special event, or the anticipated number of persons participating in the special event. (Ord. 07-03 (part), 2007)

(Ord. No. O14-02, 7-15-2014)

12.18.070 Alcohol.

No sales or soliciting are allowed unless proper licensing is prepared in advance of the special event.

The applicant must demonstrate that all state and local liquor control regulations pertaining to the sale and consumption of alcohol have been complied with and must provide copies of all applicable state and local liquor permits with the special event application.

Any person, company, corporation, association or other entity conducting a special event, within city jurisdiction, shall, at the discretion of the mayor, be entitled to a special permit to sell beer and/or alcohol to the patrons of the special event to be consumed within an enclosure wherein the event is held. The applicant must specify in their request for the special event alcohol permit, the location and size of the area wherein they propose to sell the alcohol. The mayor, at his/her discretion, may specify the location and size of the area at the special event where the alcohol may be consumed.

The fee for special event alcohol permit shall be set by council resolution. This fee shall be paid upon presentation of the special event application along with the special event alcohol permit application to the city clerk-treasurer. If the special event alcohol permit is denied, the city clerk-treasurer shall refund the special event alcohol permit fee to the applicant.

If the city has revoked a special event permit of the special event alcohol permit applicant for any reason within the last five years, the special event alcohol permit may be denied.

The police department may revoke the special event alcohol permit if those in attendance become unruly, if property is damaged, or for other reasons that adversely affect the public health, safety and welfare of the citizens of Laurel or those people attending or participating in the special event. (Ord. 07-03 (part), 2007)

12.18.080 Permit duration.

The event permit shall issue with specific delineation of the event length and proposed time requirements estimated for the event. Only under extreme conditions or situations shall the event run longer than the proposed length of time specified in the special event permit, and then only with

specific authority granted by the mayor. If the mayor permits an extension for time under this provision, the city clerk-treasurer must provide notice to the city of Laurel chief of police, fire chief and the public works director. (Ord. 07-03 (part), 2007)

12.18.090 Issuance of permit.

A. Issuing Permits. The mayor shall issue a special event permit, however, the granting of the permit is contingent upon the applicant signing the special event permit application. The special event permit must state the applicant's intent to adhere to the conditions stated in the special event permit application.

B. Denial of Permit Application. The mayor shall deny an application for a special event permit and shall notify the applicant of such denial when:

1. The mayor or other reviewing authority for the city of Laurel makes any finding contrary to the findings required to be made for the issuance of a permit, or the mayor determines issuance is not in the best interest of the city; or

2. The location, time, route, or magnitude of the event will disrupt to an unreasonable extent the movement of traffic, either pedestrian or motor vehicle; or

3. The event requires a significant quantity of law enforcement to properly control movement of participants and spectators in areas near or on the event site in such quantity to disable reasonable law enforcement protection for the spectators, participants and residents of the city of Laurel; or

4. The special event will disrupt or inhibit with other events previously granted a special event permit occurring in the city of Laurel on the same day and time; or

5. The permittee provided false or misleading information in the special event permit application concerning any relevant data; or

6. The permittee fails to agree, abide by or comply with all conditions of the special event permit.

7. Upon notice to the permittee of the denial of the special event permit, the mayor must also provide notice of denial of the special event permit to the chief of police, fire chief, ambulance director and to the public works director. (Ord. 07-03 (part), 2007)

12.18.100 Revocation.

The city may revoke any special event permit granted under the terms of this chapter if it becomes known to the city that the permittee is in any manner failing to comply with the terms of this chapter. In the event of such revocation, the person to whom such special event permit was granted shall thereafter be operating without a special event permit and shall be subject to penalties as provided in the city of Laurel Municipal Code. The special event permit granted may be revoked in the manner provided for the revocation of licenses and permits generally.

If the mayor determines that the safety of the public or property requires revocation of the special event permit due to disaster, public calamity, riot or other emergency, the special event permit may be summarily revoked by the mayor. Notice of such action revoking a special event permit shall be delivered in writing to the permittee by personal service or by certified mail, and notice shall also be provided to the city clerk-treasurer, the city of Laurel chief of police, the fire chief, the ambulance director and the public works director. (Ord. 07-03 (part), 2007)

12.18.110 Officials to be notified of permit issuance.

Immediately upon the mayor's approval and issuance of the special event permit, the city clerk-treasurer shall deliver a copy of the permit to the chief of police, the fire chief, the ambulance director and the public works director. (Ord. 07-03 (part), 2007)

Chapter 12.20

BARRICADES AND WARNING DEVICES

Sections:

- 12.20.010** Barricades and warning devices required when.
- 12.20.020** Passage upon streets with barricades prohibited.
- 12.20.030** Marking newly poured concrete prohibited.
- 12.20.040** Unauthorized removal of barricades and warning devices prohibited.
- 12.20.050** Violation—Penalty.

12.20.010 Barricades and warning devices required when.

A. Whenever excavation work in any street in the city is in progress, efficient barricades shall be erected by the contractor or other person in control, around all trenches or embankments made by him within the limits of any street or sidewalk. Red lights shall be maintained thereon from dusk to daylight until the street or sidewalk shall be restored to a safe and passable condition.

B. Failure or omission to protect against incident, in the manner required by this chapter, shall cause a forfeiture of any permit which may have been granted with reference thereto.

C. Following completion of the construction work and restoration of the street or sidewalk to a safe and passable condition, the contractor or person in charge of the work shall promptly remove all barricades, warning lights and other safety de-

vices from the street or sidewalk. (Prior code § 11.16.010)

12.20.020 Passage upon streets with barricades prohibited.

No person shall walk upon or drive upon a street, alley or sidewalk barricaded as stated in this chapter. (Prior code § 11.16.020)

12.20.030 Marking newly poured concrete prohibited.

Where lights, signs, barricades or obstructions have been placed and maintained to protect concrete, no person shall walk, run, drive, ride or step upon the newly laid concrete so as to mark, mar, or in any way injure the same. (Prior code § 11.16.040)

12.20.040 Unauthorized removal of barricades and warning devices prohibited.

Whenever any barricade, red light or other warning device shall have been placed upon the streets, alleys or sidewalks of the city by any official or employee of the city in the course of his duty, or by any contractor working on any street, alley or sidewalk, no person shall move or remove such red light, barricade or other warning device. (Prior code § 11.16.030)

12.20.050 Violation—Penalty.

Any person violating a provision of this chapter shall, upon conviction thereof, be punished by a fine of not more than five hundred dollars. (Prior code § 11.16.060)

Chapter 12.24

MOVING BUILDINGS

Sections:

- 12.24.010** Permit required.
- 12.24.020** Permit application requirements.
- 12.24.030** Restrictions on permit issuance.
- 12.24.040** Permittee duties.
- 12.24.050** Permit revocation—
Authority and conditions.

12.24.010 Permit required.

No person shall move, remove or relocate any building or structure within or into the city, nor transport by truck any building or structure through the city, without first having obtained a moving permit from the city. (Prior code § 11.20.010)

12.24.020 Permit application requirements.

A. Every application for a permit to move, remove or relocate any building or structure in the city, or to transport any building or structure through the city, shall be made to the city clerk-treasurer in writing upon forms furnished by the city and shall set forth the following information, if pertinent:

1. Address of present location of the structure;
2. Address of new location;
3. Type of construction (frame, masonry, masonry veneer, etc.);
4. Length, width and height of building or structure;
5. Specific route over which the building or structure is to be moved;

6. Type of occupancy (dwelling, garage, office, etc.) for both old and new locations;

7. Proposed moving date and time of day.

B. Every application for permit under this section shall include and be accompanied by assurance of full compliance with all state of Montana loads and loading requirements.

C. The city may require any additional information which it shall find necessary to make a fair determination of whether a permit should issue.

D. The city council may establish an application fee for the permit by resolution, and may increase or decrease the fee from time to time by further resolution, as and when the council deems the same to be appropriate. The required fee established by any such resolution must be paid by the applicant at the time of submission of the application for permit. No fee shall be required, however, for permit applications involving the moving, removing, relocating or transporting of a trailer or mobile home as defined in Section 17.08.1120 of this code. (Ord. 97-2 § 4 (part), 1997; Ord. 951, 1989; Ord. 946, 1988; prior code § 11.20.020)

12.24.030 Restrictions on permit issuance.

The following restrictions and conditions shall be observed before the issuance of a permit as required by this chapter:

A. No permit shall be issued to any person to move or relocate any building or structure upon another building site unless such use, building or proposed conversion thereof conforms to zoning and building requirements of the city.

B. No permit shall be issued to any person to move, remove or locate any building or structure which is so constructed or in such condition as to be dangerous or unsafe, or which is infested with pests or is unsanitary or which, if it be a dwelling or habitation, is unfit for human habitation, or which is so dilapidated, defective, or in such a condition of deterioration or disrepair that its relocation at the proposed site would create a safety or health hazard or would cause substantial damage or material detriment to the property in the immediate vicinity of the proposed site.

C. Every such application shall be accompanied by the written consent of the chiefs of the fire and police departments, who shall be notified of the route to be taken and when the removal or relocation shall be made.

D. The city clerk-treasurer shall specify in the permit the route to be taken in the moving of a building, such means to be used to prevent the street pavement from being subjected to abnormal stresses, and the limit of time which such building or structure shall be upon the streets or alleys.

E. No circuit or box of the city fire alarm shall be disturbed in any manner except with the permission of the chief of the fire department.

F. No building or structure which is being moved upon or over any street, alley or property of the city shall be occupied as a living quarters while such building or structure is in transit.

G. No permit, as required by this chapter, shall be issued unless the applicant shows that he has adequate machinery, appliances and equipment to safely complete the proposed moving. (Ord. 97-2 § 4 (part), 1997; prior code § 11.20.030)

12.24.040 Permittee duties.

Every permittee under this chapter shall:

A. Move a building only over streets designated for such use in the written permit;

B. Notify the city engineer in writing of the desired change in moving date and hours as proposed in the application;

C. Notify the city engineer in writing of any and all damage done to property belonging to the city within twenty-four hours after the damage or injury has occurred;

D. Cause warning lights to be displayed during the hours of darkness on every side of the building, while standing on a street, in such a manner as to warn the public of the obstruction, and shall at all times erect and maintain barricades across the streets in such a manner as to protect the public from damage or injury by reason of the moving or removal of the building;

E. Replace the house in transit on a permanent foundation, within city limits or within one mile thereof as approved by the city engineer under all applicable provisions of this code, or else remove the house in transit from city limits and the surrounding one mile area within seven calendar days after the house is first removed from its original foundation or first transported inside city limits or the surrounding one mile area;

F. Remove all rubbish and materials and fill all excavations to existing grade at the original building site so that the premises are left in a safe and sanitary condition;

G. Properly disconnect all utilities, plug the sanitary sewer with a concrete plug and have the water department disconnect the water service. (Ord. 947, 1988; prior code § 11.20.040)

12.24.050 Permit revocation—

Authority and conditions.

The building official of the city or the chief of police is authorized and empowered to revoke any permit granted under the terms of this chapter if it shall become known to him that the permittee is, in any manner, failing to comply with the terms of the permit of this chapter or, when in the opinion of the official, public convenience and safety require such revocation. (Prior code § 11.20.050)

Chapter 12.28

PARK RULES AND REGULATIONS*

Sections:

- 12.28.010** **Creation and establishment of a city park board.**
- 12.28.020** **Term of office.**
- 12.28.030** **Compensation.**
- 12.28.040** **Operation.**
- 12.28.050** **Park board authority.**
- 12.28.060** **Park hours.**
- 12.28.065** **Fees and charges.**
- 12.28.070** **Use of tennis courts restricted.**
- 12.28.080** **Use of South Pond restricted.**
- 12.28.090** **Use of motor vehicles restricted.**
- 12.28.100** **Violation—Penalty.**

* Prior history: Prior code §§ 16.02.010—16.02.050 as amended by Ords. 807, 815, 921, 938, 949, 966, 967 and 980.

12.28.010 **Creation and establishment of a city park board.**

There is created and established an advisory board to the city council that shall be known as the park board for the city of Laurel ("Board") which shall consist of seven members who shall constitute three sitting members of the city council and four members at large who must reside in the city or who must live within two miles thereof. The mayor shall appoint all members with approval of the council. The members shall come from diverse interest groups including, but not limited to, school teachers, club members, homeowners, business owners, park professionals and/or representatives from the city government. (Ord. 06-08 (part), 2006)

12.28.020 **Term of office.**

The term of office for the members shall be four years except that the term of three of the members appointed to the first board shall be for two years and the term of four members of the first board shall be for four years. In the event that a vacancy shall occur during the term of any member, his or her successor shall be appointed for the unexpired portion of the respective term. (Ord. 06-08 (part), 2006)

12.28.030 **Compensation.**

Members of the board shall serve without compensation. (Ord. 06-08 (part), 2006)

12.28.040 **Operation.**

The board shall select its own officers (if any), make its own operational rules and regulations to govern its meetings, schedule its own meetings' dates and times for the convenience of its members and shall keep a record of its proceedings. All meeting dates and times shall be posted at City Hall. A majority of the members shall be a quorum for the transaction of business. (Ord. 06-08 (part), 2006)

12.28.050 **Park board authority.**

A. The park board of the city shall have the authority and discretion to:

1. Promulgate and develop proposed ordinances, rules and/or regulations that govern the general use of all city parks with consideration of public input for presentation to the city council for consideration and adoption by the city council;

2. Establish a proposed permit system to provide for an advanced reservation system for the exclusive use of a city park or city park improvement by a person or group to be administered by city staff upon approval by the city council;

3. Prepare and adopt proposed rules or regulations governing or limiting the possession or use of alcoholic beverages in city parks by any person or group of people, including establishment of a proposed permit and registration procedure for the possession or use of alcoholic beverages by any group of people to be administered and enforced by city staff and/or the city police when applicable upon approval by the city council;

4. Negotiate terms for lease agreements for city parks or other city park related improvements with current or new users, groups or clubs on the city council's behalf. When completed, the park board shall present each negotiated proposed lease agreement to the city council for approval and adoption by resolution of the city council.

B. All park ordinances, rules and regulations promulgated by the park board shall be adopted by the city council upon recommendation by the park board pursuant to this section. All rules, regulations and/or ordinances adopted hereunder shall be posted in a public place at each park affected thereby or be available at the office of the city clerk-treasurer. (Ord. 06-08 (part), 2006)

12.28.060 Park hours.

A. Except as otherwise provided herein, all city parks shall be closed from twelve a.m. until six a.m. each night.

B. No person shall remain in or upon any city park during closed hours.

C. This section shall not apply to the overnight camping areas designated in Riverside Park.

D. The children's playground equipment commonly known as "Kids Kingdom" at Kiwanis Park shall close at sunset and reopen at sunrise.

E. Any person violating the terms of this section shall, upon conviction, be punished as set forth in Section 12.28.050 of this code. (Ord. 06-08 (part), 2006)

12.28.065 Fees and charges.

The city council shall establish reasonable fees and/or charges for the use of the pool, parks and/or recreation areas and facilities owned by the city by annual resolution after a public hearing. (Ord. 07-06 (part), 2007; Ord. 06-04 (part), 2006)

12.28.070 Use of tennis courts restricted.

A. City tennis courts shall be used only for the practice and playing of tennis. All other activities are prohibited on all city tennis courts. No person shall use or occupy any city tennis court or any part thereof for any purpose other than the playing or practicing of tennis.

B. Any person violating the terms of this section shall, upon conviction, be punished by a fine not exceeding one hundred dollars. (Ord. 06-08 (part), 2006)

12.28.080 Use of South Pond restricted.

A. The following activities are prohibited at South Pond at all times:

1. Swimming, except for approved scuba diving and skin diving as set forth in this section;

2. Motorized or power boating of any kind.

B. Scuba diving and skin diving shall be permitted at South Pond by advance permit only, subject to the following restrictions:

1. Any person, prior to skin or scuba diving in South Pond, shall first obtain from the city a permit;

2. Permits granted hereunder are given pursuant to Montana Code Annotated § 70-16-302(1). The city shall not collect any fee for issuing a permit hereunder. The city shall not be liable for any accidents or injury to persons or property derived from skin or scuba diving or related activities. Every applicant must sign release and waiver of liability before receiving a permit hereunder;

3. The city shall not issue a permit unless the applicant first displays to the city a current certification of diving qualification issued by a recognized diving training school affiliated with one of the below listed organizations. Student applicants must be accompanied by a certified instructor at all times and are subject to all other requirements of this section. The following organizations are recognized by the city as proper certifying authorities:

- a. N.A.U.I.—National Association of Underwater Instructors,
- b. P.A.D.I.—Professional Association of Diving Instructors,
- c. Y.M.C.A.—Young Men's Christian Association,
- d. N.A.S.D.S.—National Association of Skin Diving Schools,
- e. P.S.I.C.—Professional Divers Instructional College;

4. All permittees shall be subject to all federal and state laws, rules and regulations pertaining to scuba diving and skin diving;

5. Any permit issued hereunder may be revoked at any time by city police officers, with or without cause. Divers shall immediately leave the pond upon demand of any police officer.

C. Any person who violates any of the terms or provisions of this section shall, upon

conviction therefore, be punished in accordance with the provisions of Section 1.36.010 of this code. (Ord. 06-08 (part), 2006)

12.28.090 Use of motor vehicles restricted.*

A. No person shall drive or otherwise operate any motor vehicle in any city park except in or upon gravelled or paved parking areas.

B. This chapter shall not apply to city vehicles in the regular operation and conduct of city business or to construction or maintenance vehicles belonging to any contractor performing any work for the city in any city park.

C. Users of Riverside Park, however, may operate vehicles only upon designated, defined roadways therein.

D. Any violation of this chapter shall, upon conviction thereof, be punishable as provided in Section 1.36.010 of this code. (Ord. 06-08 (part), 2006)

* There were two sections numbered 16.02.020 added to the Laurel prior code.

12.28.100 Violation—Penalty.

A. Any person violating any provision of this chapter for which another penalty has not been specifically provided shall, upon conviction thereof, be punished as set forth in Section 1.36.010 of this code.

B. Any person violating any ordinance, rule or regulation adopted by the park committee pursuant to this chapter shall, upon conviction thereof, be punished by a fine not to be less than fifty dollars nor more than five hundred dollars, or by imprisonment for a term not exceeding six months, or both. (Ord. 06-08 (part), 2006)

Chapter 12.32

TREES AND BOULEVARDS*

Sections:

- 12.32.010 Boulevards to be kept in grass and trees.
- 12.32.020 Boulevards—Regulation of trees on.
- 12.32.030 Cottonwood trees prohibited.
- 12.32.040 Definitions.
- 12.32.050 Creation and establishment of a city tree board.
- 12.32.060 Term of office.
- 12.32.070 Compensation.
- 12.32.080 Duties and responsibilities.
- 12.32.090 Operation.
- 12.32.100 Tree species to be planted.
- 12.32.110 Spacing.
- 12.32.120 Distance from curb and sidewalk.
- 12.32.130 Distance from street corners and fireplugs.
- 12.32.140 Utilities.
- 12.32.150 Public tree care.
- 12.32.160 Pruning standards.
- 12.32.170 Tree topping.
- 12.32.180 Pruning and corner clearance.
- 12.32.190 Dead or diseased tree removal on private property.
- 12.32.200 Protection of trees.
- 12.32.210 Interference with the city tree board.
- 12.32.220 Arborist's license and bond.

12.32.230 Authority of adjoining property owner to plant or care for trees on boulevard or parkways.

12.32.240 Removal, cutting and injury.

12.32.250 Interference with trees by house mover, permit required.

12.32.260 Procedure for temporary removal.

12.32.270 Insects and diseases—Declared nuisance.

12.32.280 Spraying.

12.32.290 Review by the city council.

12.32.300 Violation—Penalty.

* Prior code history: Prior code §§ 11.36.010, 20.12.010 and 20.12.020.

12.32.010 Boulevards to be kept in grass and trees.

All boulevard areas must be kept in grass and trees unless specific permission is granted by the city council for other purposes. Any person failing to comply or violating the provisions of this section shall be deemed guilty of a misdemeanor. (Ord. 05-1 (part), 2005)

12.32.020 Boulevards—Regulation of trees on.

The owner of property adjoining a boulevard shall be responsible for the care and maintenance of the boulevard and he shall keep the trees planted thereon trimmed and in a condition so that the same shall not be a public nuisance; and, if necessary for the city to remove any trees from such boulevard, the costs of such removal shall be assessed against the abutting property owner. (Ord. 05-1 (part), 2005)

12.32.030 Cottonwood trees prohibited.

No cottonwood trees shall be planted or allowed to grow on private property or

boulevards within the city limits. (Ord. 05-1 (part), 2005)

12.32.040 Definitions.

As used in this chapter:

"Park trees" mean trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and all areas owned by the city, or to which the public has free access as a park.

"Street trees" mean trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or ways within the city. (Ord. 05-1 (part), 2005)

12.32.050 Creation and establishment of a city tree board.

There is hereby created and established an advisory board to the city council which will be known as the city tree board for the city of Laurel ("board") which shall consist of five members who are residents of this city or who live within two miles thereof, who shall be appointed by the mayor with approval of the council. The members shall come from different interest groups including homeowners, tree professionals, street department, and city government. (Ord. 05-1 (part), 2005)
(Ord. No. O11-04, 3-15-2011)

12.32.060 Term of office.

The term of the five persons to be appointed by the mayor shall be three years except that the term of two of the members appointed to the first board shall be for only one year and the term of three members of the first board shall be for two years. In the event that a vacancy shall occur during the term of any member, his successor shall be appointed for the unexpired portion of the term. (Ord. 05-1 (part), 2005)
(Ord. No. O11-04, 3-15-2011)

12.32.070 Compensation.

Members of the board shall serve without compensation. (Ord. 05-1 (part), 2005)

12.32.080 Duties and responsibilities.

It shall be the responsibility of the city tree board to study, investigate, counsel, develop and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets, and in other public areas. Such plan will be presented annually to the city council and upon their acceptance and approval shall constitute the official comprehensive city tree plan.

The board shall promote and supervise the establishment of a tree inventory for street and park trees. The inventory shall be updated with the results of ground inspections every three years.

The board, when requested by the city council, shall consider, investigate, make finding, report and recommend upon any special matter or question coming within the scope of its work. (Ord. 05-1 (part), 2005)

12.32.090 Operation.

The board shall choose its own officers, make its own rules and regulations, which shall be approved by the city council, and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business. (Ord. 05-1 (part), 2005)

12.32.100 Tree species to be planted.

The city tree board shall develop and maintain a list of desirable trees for planting along

streets in three size classes, based on mature height: small (under twenty feet), medium (twenty to forty feet) and large (over forty feet). Efforts shall be made to ensure a sufficient diversity of tree species. Lists of prohibited trees or trees not suitable for planting will also be developed and maintained by the board. (Ord. 05-1 (part), 2005)

12.32.110 Spacing.

The spacing of street trees will be in accordance with the three size classes listed in Section 12.32.100 of this chapter, and no trees may be planted closer together than the following: small trees, fifteen feet; medium trees, twenty-five feet; and large trees, thirty-five feet; except in special plantings designed or approved by a landscape architect. (Ord. 05-1 (part), 2005)

12.32.120 Distance from curb and sidewalk.

The distance trees may be planted from curbs or curb lines and sidewalks will be in accordance with the three size classes listed in Section 12.32.100 of this chapter, and no tree may be planted closer to any curb or sidewalk than the following: small trees, two feet; medium and large trees, three feet. (Ord. 05-1 (part), 2005)

12.32.130 Distance from street corners and fireplugs.

No street tree shall be planted within thirty-five feet of any street corner, measured from the point of nearest intersecting curbs or curb lines. No street tree shall be planted within ten feet of any fireplug. (Ord. 05-1 (part), 2005)

12.32.140 Utilities.

No street trees other than those species accepted as small trees by the city tree board

may be planted under, or within ten feet of any overhead utility wire. (Ord. 05-1 (part), 2005)

12.32.150 Public tree care.

The city shall have the right to plant, prune, maintain, and remove trees, plants, and shrubs within the lines of all streets, alleys, avenues, lanes, squares, and public grounds as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

The city tree board may remove or cause or order to be removed any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect, or other pest. This section does not prohibit the planting of street trees by adjacent property owners providing that the selection and location of said trees is in accordance with Sections 12.32.100 and 12.32.110 of this chapter. (Ord. 05-1 (part), 2005)

12.32.160 Pruning standards.

All tree pruning on public property shall conform to the ANSI A300 standards for tree care operations. (Ord. 05-1 (part), 2005)

12.32.170 Tree topping.

It shall be unlawful as a normal practice for any person, firm, or city department to top any street tree, park tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Crown reduction by a qualified arborist may be substituted, where appropriate. Trees severely damaged by

storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this chapter at the determination of the city tree board. (Ord. 05-1 (part), 2005)

12.32.180 Pruning and corner clearance.

Every owner of any tree overhanging any street or right-of-way within the city shall prune the branches so that such branches shall not severely obstruct the light from any street lamp or obstruct the view of any street intersection, and so that there shall be a clear space of thirteen feet above street surface or eight feet above the sidewalk surface. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs, which constitute a menace to the safety of the public. The city shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light, or interferes with visibility of any traffic control device or sign or sight triangle at intersections.

Tree limbs that grow near high voltage electrical conductors shall be maintained clear of such conductors by the electric utility company in compliance with any applicable franchise agreements. A utility tree trimming policy must be reviewed by the utility company and city tree board prior to any trimming by the utility. (Ord. 05-1 (part), 2005)

12.32.190 Dead or diseased tree removal on private property.

The city shall have the right to cause the removal of any dead or diseased trees on private property within the city, when such trees constitute a hazard to life and property, or

harbor insects or disease which constitute a potential threat to other trees within the city. The city tree board will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within sixty days after the date of service of notice. In the event of failure of owners to comply with such provisions, the city shall have the authority to remove such trees and charge the cost of removal on the owner's property tax notice. (Ord. 05-1 (part), 2005)

12.32.200 Protection of trees.

In order to maintain the overall forest, reasonable efforts shall be made to replace trees that are removed and to protect quality trees that are endangered.

Trees removed by decision of the city tree board or by natural causes shall be replaced somewhere in the forest on a one-for-one basis within one year. The location and species of any replacement tree shall be determined by the city tree board.

Trees of desirable species and good health shall be protected as much as possible from damage during construction, sidewalk repair, utilities work above and below ground, and other similar activities. The zone of protection shall include the ground beneath the canopy of the tree. (Ord. 05-1 (part), 2005)

12.32.210 Interference with the city tree board.

It shall be unlawful for any person to prevent, delay or interfere with the city of Laurel, its city tree board, or any of its agents while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any street trees, park trees, or trees on private grounds, as authorized by this chapter. (Ord. 05-1 (part), 2005)

12.32.220 Arborist's license and bond.

It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing street or park trees within the city without first applying for and procuring a license. The license fee shall be seventy dollars annually in advance; provided, however, that no license shall be required of any public service company including electric utilities and their agents and contractors or city employee doing such work in the pursuit of their public service endeavors. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of seven hundred fifty thousand dollars per claim and one million five hundred thousand dollars per occurrence indemnifying the city or any person injured or damaged resulting from the pursuit of such endeavors as herein described. (Ord. 05-1 (part), 2005)

12.32.230 Authority of adjoining property owner to plant or care for trees on boulevard or parkways.

Permission is given to the owners of real estate to improve their premises by planting trees and properly caring for trees in the boulevards adjoining their property after permit is obtained from the city. Such trees shall in no case interfere with the full use of the streets for public purposes, and no person shall plant any tree within the limits of any parkway, street, or alley in the city without having first obtained a written permit from the city.

It shall be the duty of any property owner to make request in writing to the city, stating the variety and precise location of each tree proposed to be planted. The permit shall specify location and variety of each tree. (Ord. 05-1 (part), 2005)

12.32.240 Removal, cutting and injury.

No person shall remove, destroy, cut, deface, trim, or in any way injure or interfere with any street or park tree without a permit from the city tree board. (Ord. 05-1 (part), 2005)

12.32.250 Interference with trees by house mover, permit required.

It shall be unlawful for any person to move any building along any street, avenue or alley in the city, in such a way as to interfere with or injure any tree or shrub in any street, avenue, alley or public place, including parks and parkways, without a written permit obtained from the city tree board. The application for such permit, and the permit issued, shall specify the particular building and the particular route to be followed. (Ord. 05-1 (part), 2005)

12.32.260 Procedure for temporary removal.

All moving of trees and shrubs made necessary by moving of buildings or any other purpose shall be done under supervision of the city tree board, at the expense of the owners of the buildings, or the party requesting the same. Should such moving cause the death of the tree, the owner of the buildings or the party requesting the temporary removal, at his own expense, shall replace the same under the supervision of the city tree board. (Ord. 05-1 (part), 2005)

12.32.270 Insects and diseases—Declared nuisance.

All insect pests and diseases known to be injurious to fruit, shade, and ornamental trees and shrubs, and all trees, shrubs and vegetable growth infested or infected therewith consti-

tute a menace, and are hereby declared to be a common nuisance. (Ord. 05-1 (part), 2005)

12.32.280 Spraying.

Every person who is owner or in possession or control or management of any lot, block or parcel of land upon which there are any fruit, shade or ornamental trees or shrubs which are infested or infected with any insect pests or diseases known to be injurious to such fruit, shade or ornamental trees or shrubs, shall, within three days, upon written order of the city tree board, spray or cause the same to be sprayed in such manner and with some insecticide designated by the city. Any person failing to comply with any such order shall be deemed guilty of maintaining a nuisance. (Ord. 05-1 (part), 2005)

12.32.290 Review by the city council.

The city council shall have the right to review the conduct, acts, and decisions of the city tree board. Any person may appeal from any ruling or order of the city tree board to the city council who may hear the matter and make final decisions. (Ord. 05-1 (part), 2005)

12.32.300 Violation—Penalty.

Any person violating any provision of this chapter shall be, upon conviction or a plea of guilty, subject to a civil fine not to exceed one hundred dollars for each violation. (Ord. 05-1 (part), 2005)

Chapter 12.36

SPECIAL IMPROVEMENT DISTRICTS

Sections:

- 12.36.010 Engineer appointed.**
- 12.36.020 Engineer—Duties.**
- 12.36.030 Engineer—Compensation.**
- 12.36.040 Attorney appointed.**
- 12.36.050 Attorney—Duties.**
- 12.36.060 Attorney to advise.**
- 12.36.070 Attorney—Compensation.**
- 12.36.080 Administrative charge levied.**
- 12.36.090 Special improvement district revolving fund.**

12.36.010 Engineer appointed.

The mayor, with the approval of the city council, shall appoint an engineer, group of engineers, a professional engineering corporation or the city engineer to perform engineering services for every special improvement district proposed and created. (Prior code § 11.80.010)

12.36.020 Engineer—Duties.

The engineer for the special improvement district shall be responsible for the professional quality, technical accuracy, and coordination of all design, drawing specification, and reports for all engineering matters. The duties of an engineer shall consist of, but not be limited to, the following:

- A. Provide site and topographic surveys;
- B. Prepare and provide advertisement for bids, information for bidders, bids form, supplementary conditions and other documents necessary to complete the contract documents;
- C. Evaluate construction bids and proposals;

D. Prepare subsurface soil investigations;

E. Advise as to the acceptability of materials and equipment proposed by contractor or substituted by contractor;

F. Supervise on-site construction and monitor the progress and quality of the construction work and guard the city and the district against apparent defects and deficiencies;

G. Review shop drawings, supplies and other submittals of the contractor for general conformance to the engineering design and compliance with the contract documents;

H. Review and prepare all change orders, progress estimates and final estimates;

I. Provide reproducible drawings and surveys showing the square footage or lineal footage involved in making the determination of the assessment of costs to the property owner;

J. Keep the city engineer informed of the progress of the work throughout the period of construction;

K. Provide general inspection services and quality control on all construction materials and construction methods. (Prior code § 11.80.020)

12.36.030 Engineer—Compensation.

The engineer shall receive such compensation as may be authorized by the city council. The engineering contract shall not call for compensation based on a percentage of the construction contract and shall be a sum certain. (Prior code § 11.80.030)

12.36.040 Attorney appointed.

The mayor, with the approval of the city council, shall appoint an attorney, a group of attorneys, a professional legal corporation or the city attorney to perform services of a legal nature for every special

improvement district proposed and created. (Prior code § 11.60.010)

12.36.050 Attorney—Duties.

It shall be the duty of the attorney for the special improvement district to see to the completion of all proceedings required in formation of a district. It shall be the duty of the attorney to draft or supervise the phraseology of any contract, ordinance, resolution, bond or other documents or instruments necessary to the special improvement district. It shall be the duty of the attorney to represent the district in litigation affecting the district. (Prior code § 11.60.020)

12.36.060 Attorney to advise.

The attorney shall be the legal advisor of the special improvement district, and shall render advice in all legal questions affecting the city and district, whenever requested to do so by the mayor or by the city council. Upon request by the mayor or the city council, he shall reduce any such opinion to writing. In addition, the attorney shall prosecute and litigate any claim or action the special improvement district may have arising out of any contract for services or contract for construction necessary to completion of the special improvements. (Prior code § 11.60.030)

12.36.070 Attorney—Compensation.

A. The attorney shall receive such compensation as may be authorized by the city council. Such compensation shall not exceed five percent of the first fifty thousand dollars of the district's bond issue and two percent of the bond issue in excess of fifty thousand dollars, except that it shall not be less than one thousand dollars.

B. The usual duties of the city attorney do not include special improvement district proceedings. If the city attorney is ap-

pointed to serve as the attorney for a special improvement district he may receive such additional compensation as may be authorized by the city council, except that it shall not exceed the amount set forth in subsection A of this section.

C. The attorney shall not be compensated for services performed prior to the creation of the special improvement district, except that the city council may reimburse the attorney for actual expenses incurred and necessary to the creation of a district. (Prior code § 11.60.040)

12.36.080 Administrative charge levied.

All special improvement districts shall be assessed one percent of the total cost of the district, which one percent shall be paid out of bond sales to the city and shall be used for the purpose of covering administrative expense. (Ord. 1037, 1992; prior code § 11.40.010)

12.36.090 Special improvement district revolving fund.

To secure the prompt payment of principal of and interest on special improvement district bonds or warrants issued by the city pursuant to the Act and determined by the Council to be so secured in accordance with the Act (collectively, the "bonds"), there has been created and established pursuant to Sections 7-12-4221 through 7-12-4227 of the Act a revolving fund to be kept and maintained by the city clerk/treasurer separate and apart from all other funds of the city, and designated as the "special improvement district revolving fund."

A. Funding of Revolving Fund. To provide funds for the revolving fund, the city:

1. From the proceeds of an issue of bonds, shall deposit at least five percent and not more than ten percent of the original

principal amount thereof in the revolving fund, as authorized and required by Section 7-12-4169(2) of the Act;

2. May, in its discretion and from time to time, but subject to the final paragraph of this Section 2, transfer to the revolving fund from the general fund of the city such amount or amounts as may be deemed necessary, and such amounts so transferred shall be considered to be loans from the general fund to the revolving fund; and

3. Shall, in addition to or in lieu of such transfers from the general fund, but subject to the final paragraph of this Section 2, levy and collect for the revolving fund a property tax on all of the taxable property in the city in amounts and at times sufficient to meet the financial requirements of the revolving fund.

The aggregate amount of the levies and transfers authorized by clauses (b) and (c) above shall not cause the balance in the revolving fund to exceed ten percent of the principal amount of the bonds then outstanding after all required transfers have been made to the district funds through fiscal year end.

B. Loans from Revolving Fund. Whenever the principal of or interest on any bond shall become due and payable during the period of the undertaking of the city to pledge the revolving fund to the payment thereof as provided in Section 7-12-4225(b) of the Act, and there shall then be either no money or insufficient money to pay the same in the special improvement district fund upon which the Bond is drawn (after the exhaustion of the district reserve account for the district, if any, as provided in Section 7-12-4169 of the Act), an amount sufficient to make up the deficiency shall be loaned by the revolving fund to such district fund, to the extent such funds are available, as provided in the next succeeding paragraph. Thereupon, the principal of or

interest on such Bond shall be paid from the money in the district fund, as supplemented by the loan.

In the event that the balance on hand in the revolving fund fifteen days prior to any date when interest is due on any bonds is not sufficient to make good all deficiencies then existing in the special improvement district funds for which bonds are outstanding, the balance on hand in the revolving fund shall be allocated to the funds of the special improvement districts in which such deficiencies then exist in proportion to the amounts of the deficiencies, until all interest accrued on all Bonds has been paid. On any date when all accrued interest on bonds has been paid, any balance remaining in the revolving fund shall be loaned or advanced to the special improvement district fund for payment and redemption of Bonds to the extent the special improvement district fund is deficient for such purpose, and, if money in the revolving fund is insufficient for all bonds then to be paid or redeemed, in an amount proportionate to the amount of such deficiencies.

C. Lien and Loan Repayment. Whenever any loan is made to any special improvement district fund from the Revolving Fund, the Revolving Fund shall have a lien therefore on the land within the district which is delinquent in the payment of its assessments and on all unpaid assessments and installments of assessments on such district (whether delinquent or not) and on all money thereafter coming into such district fund, to the amount of such loan, together with interest thereon from the time it was made at the rate of interest borne by the Bond with respect to which such loan was made.

Whenever there is money in the special improvement district fund which is not required to pay principal of or interest on any Bond, so much of such money as may be

necessary to pay the loan provided for in Section 3 shall, by order of the city council, be transferred to the revolving fund. After all of the bonds drawn on any special improvement district have been fully paid, all money remaining in such district fund (including the district reserve account), or so much of such money as may be necessary to pay the loan provided for in Section 3, shall, by order of the city council, be transferred to the revolving fund; provided, however, if the city council determines that the balance in the revolving fund is adequate for the purposes thereof, the city council, in its discretion, may transfer money in the district fund (but not money in the district reserve account) to the district's maintenance fund.

If after all the bonds drawn on any special improvement district have been fully paid and all moneys remaining in such district fund have been transferred to the revolving fund and the loan from the revolving fund pursuant to Section 3 has not been fully repaid, the city council may foreclose the lien upon property within the district owing unpaid assessments to the district for the purpose of paying off said loan to the revolving fund.

D. Covenants To Utilize Revolving Fund. In connection with the sale and issuance of special improvement district bonds or warrants, the city council may undertake and agree to secure said bonds or warrants by the revolving fund and to issue orders annually authorizing loans or advances from the revolving fund to the district fund upon which the bonds or warrants are drawn in amounts sufficient to make good any deficiency in the bond and interest accounts thereof, to the extent that funds are available in the revolving fund; and the city council may further undertake and agree to provide funds for the revolving fund by annually making the tax levy or, in lieu thereof, the

transfers from the general fund provided in Section 2, subject to any limitations imposed by law.

Such covenants to utilize the revolving fund in connection with a particular issue of bonds shall be binding upon the city so long as any principal of or interest on such bonds remains unpaid or as otherwise then provided by law or in the resolution authorizing the issuance of such Bonds.

E. Surplus Funds in Revolving Fund. Subject to any covenants undertaken by the city council pursuant to Section 5, whenever the moneys on deposit in the revolving fund exceed ten percent of the principal amount of the bonds then outstanding, the city council may order all or any part of the amount the city council considers greater than the amount necessary to be transferred to the general fund of the city.

F. Effect. Ordinance No. O11-08 amends and replaces Chapter 12.36 of the Laurel Municipal Code in its entirety, but it shall not cause the cessation of the revolving fund or reduce the security of any bond currently secured by the revolving fund. Ordinance No. O11-08 shall take effect after thirty days of its passage by the city council and approval by the mayor. The revolving fund of the city shall continue in existence and amounts deposited therein shall, from and after the effective date of Ordinance No. O-1108, be governed by Ordinance No. O11-08 until further amended by the city council. (Ord. 1038, 1992)
(Ord. No. O11-08, 10-4-2011)

Chapter 12.38

DEVELOPER REIMBURSEMENT OF WATER AND WASTEWATER EXTENSION COSTS

Sections:

12.38.010	Purpose.
12.38.020	Definitions.
12.38.030	Requirement for payment of reimbursement fee.
12.38.040	Reimbursement.
12.38.050	Applicability.

12.38.010 Purpose.

The intent and purpose of this section is to provide an equitable procedure for the reimbursement of a portion of the costs of constructing certain water and wastewater facilities to private parties who paid for the initial installation of those facilities. No person shall acquire any vested rights under the terms and provisions of this chapter. (Ord. 05-3 (part), 2005)

12.38.020 Definitions.

For the purpose of this section, the following words and phrases used herein are defined as follows:

“Customer” means any person receiving water and/or wastewater service either directly or indirectly from the city water and/or wastewater system.

“Developer” means an applicant who requests use of the city water and/or wastewater general benefit facilities to provide water and/or wastewater service to special benefit facilities which will be installed by the applicant to serve properties owned by the applicant.

“Extension” means the act or process of providing water and/or wastewater service to

properties situated within the city’s approved water or wastewater serve areas.

“Off-site special benefit facilities” mean special benefit facilities which are located between the existing water or wastewater system and the nearest boundary of the property for which service is to be provided.

“Perimeter special benefit facilities” mean special benefit facilities which are located immediately adjacent to the exterior boundaries of the property for which service is to be provided.

“Special benefit facilities” mean water or wastewater facilities which are owned and controlled by the city and which provide service solely to specific properties located within the city’s water or wastewater service areas. Typical special benefit facilities include, but are not limited to: water lines eighteen inches or smaller in diameter, water booster pumping stations serving small areas, wastewater lines twenty-four inches or smaller in diameter, and wastewater pumping stations serving small areas. (Ord. 05-3 (part), 2005)

12.38.030 Requirement for payment of reimbursement fee.

Any prospective customer owning property located outside a developer’s subdivision and desiring to connect a service line or lines to any special benefit facility which has been extended at the developer’s expense shall pay a reimbursement fee to the city. This fee shall be determined by the city’s public utilities director and shall be based upon either the prospective customer’s pro rata share of the costs of the special benefit facility involved or upon some other cost formula established by agreement between the developer and the city at the time of approval of the developer’s extension of services. This fee shall be in addition to and not in lieu of any fees that are cus-

tomarily imposed by the city for refunding of general benefit facilities. This fee shall not include any interest charges. This fee applies only to connections and does not apply to additional extensions of existing special benefit facilities. (Ord. 05-3 (part), 2005)

12.38.040 Reimbursement.

A. Developers who meet the following conditions shall be entitled to reimbursement from revenues derived from the reimbursement fees established by this section:

1. Special benefit facilities, off-site or perimeter, which front and abut property not owned by the developer, must be extended by the developer at his/her expense. Costs of special benefit facilities which are financed through special improvement districts shall not be reimbursed.

2. The extension of special benefit facilities must be for the purpose of serving property located within the corporate limits of the city. Costs of extensions of special benefit facilities to serve property outside city limits shall not be reimbursed.

3. Total project costs for the extension of the special benefit facilities must be at least ten thousand dollars.

4. Developer shall provide to the city sufficient verifiable cost data to determine the appropriate reimbursement fee to be charged to prospective customers under Section 12.38.030 of this chapter.

5. Developer shall enter into a standard reimbursement agreement with the city at the time the city approves the developer's application for extension of special benefit facilities.

6. Upon completion of the extension of the special benefit facilities, the developer must convey all right, title, and interest in the facilities to the city.

7. Developer shall provide to the city a current address for purposes of mailing his/her reimbursement payments collected hereunder.

8. Extension of special benefit facilities must be done in compliance with all rules, regulations, resolutions, and ordinances of the city, including but not limited to standards for design and construction of the facilities.

9. Violation of any of the conditions listed in this section may be grounds for denial of any reimbursement to developer.

B. All reimbursement payments to developer shall be subject to the following terms and conditions:

1. Reimbursements are payable solely from revenues derived from payment of reimbursement fees as established in this chapter. Reimbursement payments are limited to reimbursement fees actually collected, less all administrative costs incurred by the city. In no event will reimbursement payments exceed the actual cost to the developer of extending the special benefit facilities.

2. Reimbursement fees paid to the city shall be accumulated and paid to developer annually on the first working day of each November following acceptance of the special benefit facilities by the city.

3. Reimbursement payments shall not include any interest charges.

4. Reimbursement payments to developer shall be limited to reimbursement fees paid to the city on or before the seventh anniversary of the date of acceptance of the special benefit facilities by the city. Any reimbursement fees paid to the city after the seventh anniversary shall be retained by the city and used for construction of additional water and/or wastewater system facilities. (Ord. 05-3 (part), 2005)

12.38.050 Applicability.

The provisions of this chapter shall apply to special benefit facilities constructed after the effective date of the ordinance codified in this chapter except in those cases where the city has entered into a written agreement with the developer that provides that any reimbursement procedure adopted by the city will be applicable retroactively to the development that is the subject of the agreement. (Ord. 05-3 (part), 2005)

Chapter 12.40

STREET SWEEPING DISTRICTS

Sections:

- 12.40.010** Street sweeping district established.
- 12.40.020** Streets to be swept when.
- 12.40.030** Cost assessment.

12.40.010 Street sweeping district established.

A. There is created a street sweeping district which shall be known as Street Sweeping District No. 1.

B. The boundaries of District No. 1 shall be as follows:

- 1. On both sides of each street or avenue:
 - a. From the intersection of South Washington Avenue and Southeast Fourth Street to the intersection of First Avenue South and Southeast Fourth Street;
 - b. From the intersection of First Avenue South and Southeast Fourth Street to the intersection of Main Street and First Avenue;
 - c. From the intersection of Main Street and First Avenue to the intersection of Seventh Street and First Avenue;
 - d. From the intersection of Main Street and First Avenue to the intersection of Eighth Avenue and West Main Street;
 - e. From the intersection of Fifth Avenue and South First Street to the intersection of Fifth Avenue and West Main Street;
 - f. From the intersection of West First Street and Third Avenue to the intersection of East First Street and Pennsylvania Avenue;
 - g. From the intersection of West Main Street and Third Avenue to the intersection of West First Street and Third Avenue;

h. From the intersection of West Main Street and Second Avenue to the intersection of West First Street and Second Avenue;

i. From the intersection of East Main Street and Montana Avenue to the intersection of East First Street and Montana Avenue;

j. From the intersection of East Main Street and Colorado Avenue to the intersection of East First Street and Colorado Avenue;

k. From the intersection of East Main Street and Pennsylvania Avenue to the intersection of East First Street and Pennsylvania Avenue;

l. From the intersection of Main Street and First Avenue to the intersection of East Main Street and Alder Avenue. (Prior code § 11.28.010)

12.40.020 Streets to be swept when.

The streets and alleys within the above described District No. 1 shall be swept during the year as the city shall deem necessary. (Prior code § 11.28.020)

12.40.030 Cost assessment.

The costs incurred in the sweeping of District No. 1 shall be assessed against all of the lots therein, prorated among the lots according to the frontage each lot bears to the total frontage of the district. (Prior code § 11.28.030)

Chapter 12.44**STREET VACATIONS****Sections:****12.44.010 Petition required.****12.44.020 Vacating fee.****12.44.010 Petition required.**

Upon proper petition to the city council and upon notice as required by state statute, streets or alleys may be vacated. (Prior code § 11.32.010)

12.44.020 Vacating fee.

Vacating fee will be established annually by city council resolution after a public hearing to cover cost of notice and administrative costs. (Ord. 06-04 (part), 2006: prior code § 11.32.020)