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2 **ORDINANCE NO. 994**

3 **AN ORDINANCE AMENDING SECTION 34-128 OF THE CODE OF ORDINANCES**
4 **OF THE CITY OF GLASGOW PERTAINING TO SIDEWALK SPECIFICATIONS**

5 **WHEREAS**, The City of Glasgow (the “City”) is authorized by Montana law to promote
6 the public health, safety, aesthetic appearance, and welfare of the City. Mont. Code Ann. § 7-1-
7 4123

8 **WHEREAS**, The City is authorized by Montana law to adopt land use regulations and to
9 provide for the enforcement and administration of such regulations and otherwise provide for the
10 orderly development of the community; and

11 **WHEREAS**, The City desires to amend the sidewalk specifications located within the
12 City of Glasgow, Montana.

13 **NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY**
14 **OF GLASGOW, MONTANA:**

15 Section 1. Section 34-128 is amended to read as follows:

16 **Sec. 34-128. Sidewalk specifications.**

17 All sidewalks hereafter laid and constructed upon any street or avenue in the city shall be
18 laid and constructed of the materials and in the manner following, to wit:

- 19 (1) A foundation of sand and gravel, or such other material as the council by resolution
20 may designate, shall be laid. Such foundation shall be not less than three inches in
21 thickness, to be properly compacted and brought to within four inches of the grade of
22 the surface of the walk. On top of said foundation shall be laid four inches of concrete
23 composed of 6½ sack mix and 4000 psi at 28 days, properly mixed and taped in place,
24 using a minimum amount of water to obtain a satisfactory plasticity and workability. A
25 maximum of six gallons per bag of cement shall not be exceeded except on special
26 permission of the city engineer. Concrete shall have a consistency such that it will be
27 workable in the required position. Bags of cement in which for any reason the cement
28 has become partially set, or contains lumps of caked cement, shall be rejected;
provided, however, that the cement from such bags which is not partially set, caked, or
otherwise damaged may be salvaged and used as bulk cement. Concrete shall be
thoroughly mixed in a batch mixer of approved type and capacity for a period of not
less than 1½ minutes after all materials including water, are in the drum. Concrete shall
be placed in forms immediately after mixing avoiding segregation of aggregates or
displacement of reinforcement. No concrete shall be used which does not reach final
position in forms within 30 minutes after water is first added to mix. Concrete slabs are
to be square and four inches in thickness. One-half inch premolded bituminous filler
expansion joints are to be placed at 25-foot intervals, unless otherwise specified.
- (2) Concrete shall be worked until the coarse aggregate is forced down into the body of the
concrete and a layer of mortar is flushed to the top. The surface shall be floated to a
smooth, but not slippery finish. Early or excessive troweling or floating will not be
permitted. No dry cement or cement-sand mixture will be permitted to be spread on the
surface to absorb moisture or hasten hardening. As soon as the surface has hardened to

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2 prevent damage thereby it shall be covered with a covering satisfactory to the city
3 engineer and shall be kept wet for at least three days.

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(3) Variance for Sidewalk Specifications

a. Purpose and Scope

The purpose of this section is to provide a mechanism for property owners to request a variance from the sidewalk specifications outlined in Section 34-128. This variance process is intended to accommodate unique circumstances where strict adherence to the specifications would result in undue hardship or where alternative materials or methods would better serve the public interest without compromising safety or quality.

b. Application for Variance

Property owners seeking a variance must submit a written application and fee to the board of adjustment. The application must include:

1. A detailed description of the proposed variance, including the specific specifications from which a variance is sought.
2. Justification for the variance, demonstrating that compliance with the existing specifications would cause undue hardship or that the proposed alternative would better serve the public interest.
3. Any supporting documentation, such as engineering reports, environmental assessments, or community impact statements.

c. Review and Approval Process

4. Upon receipt of a complete application, the board of adjustment shall refer the application to the city engineer for review and recommendation.
5. The city engineer shall evaluate the application based on technical feasibility, safety, and potential impact on the community and infrastructure.
6. The board of adjustment shall hold a public hearing to consider the application, during which interested parties may present their views.
7. A variance may be granted by a majority vote of the board of adjustment if it finds that:
 - The variance will not adversely affect the public health, safety, or welfare.
 - The variance is consistent with the general intent and purpose of the sidewalk specifications.
 - The variance will not result in a significant adverse impact on the surrounding properties or the community.

d. Conditions of Approval

The board of adjustment may impose conditions on the approval of a variance to ensure that the intent and purpose of the sidewalk specifications are met. Such conditions may include, but are not limited to, additional safety measures, maintenance requirements, or limitations on the duration of the variance.

e. Appeals

Any decision by the board of adjustment regarding a variance application may be

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2 appealed to the City Council within 30 days of the decision. The appeal must be based
3 on the grounds that the decision was arbitrary, capricious, or not supported by
4 substantial evidence.

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6 **f. Expiration and Renewal**

7 Variances granted under this section shall expire one year from the date of approval
8 unless construction has commenced. Extensions may be granted by the board of
9 adjustment upon written request, demonstrating good cause for the delay.

10 This variance section is designed to ensure flexibility in the application of sidewalk
11 specifications while maintaining the integrity and safety of the city's infrastructure.

12 Section 2: Codification. This Ordinance shall be codified as follows: Chapter 34 “Streets,
13 Sidewalks and Other Public Places”, Section 34-128 Sidewalk specifications.

14 Section 3: Severability. Invalidity of a section of this ordinance shall not affect the validity of the
15 remaining sections or parts of sections.

16 Section 4: Conflicts with existing code sections. In the event a conflict exists between the
17 regulations of this chapter and other code or ordinance sections of the Glasgow City Code, the
18 terms and provisions of this chapter shall take precedence.

19 Section 5: Effective Date. This ordinance shall be in full force and effect thirty (30) days after final
20 passage and approval.

21 Section 6: Editor to re-arrange Chapter. The Editor, Municipal Code Corporation, is hereby
22 authorized to amend this section of Chapter 34-128 “Sidewalk specifications” of the existing code.

23 FIRST PASSED AND APPROVED by the City Council of the City of Glasgow, Montana, at a
24 regular session thereof held on the ___ day of _____, 2025.

25 APPROVED:

26 _____
27 ROD KARST, Mayor

28 ATTEST:

29 STACEY AMUNDSON
30 City Clerk-Treasurer

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FINALLY PASSED AND APPROVED by the City Council of the City of Glasgow, Montana, at a regular session thereof held on the ___ day of _____, 2025.

APPROVED:

ROD KARST, Mayor

ATTEST:

STACEY AMUNDSON
City Clerk-Treasurer