



TOWN
OF
HOBSON
ORDINANCES

HOBSON
MUNICIPAL CODE
2008

A Codification of the General Ordinances
Of the Town of Hobson, Montana

PREFACE

The Hobson Municipal Code is a codification of the general and permanent ordinances of the Town of Hobson, Montana. The ordinances were compiled and edited and indexed under the direction of Dale Longfellow, Mayor. This volume covers ordinances 1.01 to 15.20 passed in October, 2008.

The code is organized by subject matter under an expandable three-factor decimal numbering system which is designed to facilitate supplementation without disturbing the numbering of existing provisions. Each section number designates, in sequence, the numbers of the title, chapter, and section. Thus, Section 18.12.050 is Section .050, located in Chapter .12 of Title 18. In most instances, sections are numbered by tens (.010, .020, .030, etc.), leaving nine vacant positions between original sections to accommodate future provisions. Similarly, chapters and titles are numbered to provide for internal expansion.

In parentheses following each section is a legislative history identifying the specific sources for the provisions of that section. This legislative history is complemented by an ordinance disposition table, following the text of the code, listing by number all ordinances, their subjects, and where they appear in the codification.

A subject-matter index, with complete cross-referencing, locates specific code provisions by individual section numbers.

The Hobson Municipal Code is a codification of the general and Permanent ordinances of the Town of Hobson, Montana.

The ordinances were compiled, edited and indexed under the direction of Mayor Dale Longfellow, Councilmen: Ron Peevey, Larry Denton, Mike Woods and Bob Abel.

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PROCEDURE FOR DRAFTING ORDINANCES

New ordinances often amend, repeal or add new sections to the code.

It is important when drafting these ordinances to mention, within the ordinance, the affected code section and ordinance. The underlying ordinance of the section being changed can be determined from the ordinance history in parentheses at the end of each section.

Effect of Title

The title of an ordinance and any introductory language appearing before the ordaining clause has no legal effect. If the title states that it repeals (or amends or adds) certain provisions, but the language after the ordaining clause does not so state, the intended repeal, amendment or addition has not taken place.

Procedure When Amending Existing Code Section

Amend the code section specifically. The underlying ordinance section may also be included.

Examples: §3.04.020 of the _____ Municipal Code is amended to read as follows:
§3 of Ord. 319 and §3.04.020 of the _____ Municipal Code are amended to read as follows:

Procedure When Repealing Existing Code Section

Repeal the code section specifically, plus the underlying ordinance section if you wish. We consider both to be repealed whether you mention the underlying ordinance or not.

Examples: §3.04.020 of the _____ Municipal Code is hereby repealed.
§3 of Ord. 319 and §3.04.020 of the _____ Municipal Code are hereby repealed.

Procedure When Adding New Material to Code

If new provisions are to be added to the code, you should determine where such material would best fit within the existing section, chapter or title. If there is no existing section, chapter or title, you should assign a new title, chapter or section number. In any case, our expandable decimal numbering system is designed to allow for the incorporation of new material without disturbing the numbering system of existing material.

The following language is sufficient to locate the new ordinance in the code:

There is hereby added to the Municipal Code of _____ §5.10.033, which is to read as follows:

Subsection D is hereby added to §5.10.040 of the _____ Municipal Code as follows:

Title 1
GENERAL PROVISIONS

Chapters:

- 1.1 Code Adoption
- 1.04 General Provisions
- 1.08 Wards
- 1.12 General Penalty

Chapter 1.01
CODE ADOPTION

(RESERVED)

1.04.010

Chapter 1.04
GENERAL PROVISIONS

Sections:

- 1.04.010 Definitions.
- 1.04.020 Title of office.
- 1.04.030 Interpretation of language.
- 1.04.040 Grammatical interpretation.
- 1.04.050 Acts by agents.
- 1.04.060 Prohibited acts including causing and permitting.
- 1.04.070 Computation of time.
- 1.04.080 Construction.
- 1.04.090 Repeal shall not revive any ordinances

1.04.010 Definitions.

The following words and phrases, whenever used in this code and the ordinances of Hobson, Montana, shall be construed as defined in this section unless from the context a different meaning is intended or in particularly directed to the use of such words or phrases:

A. "Town" and "town" each mean Hobson, Montana, or the area within the territorial limits of Hobson, and such territory outside over which the town has jurisdiction or control by virtue of any constitutional or statutory provision.

B. "Council" means the town council of Hobson. "All its members" or "all councilmen" means the total number of councilmen holding office.

C. "County" means the county of Judith Basin.

D. "Law" denotes applicable federal law, the Constitution and statutes of the state of the state of Montana, the ordinances of Hobson, and, when appropriate, any and all rules and regulations which may be promulgated thereunder.

E. May. "May" is permissive.

F. "Month" means a calendar month.

G. Must and Shall. "Must and shall" are each mandatory.

H. "Oath" means and includes an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

I. "Owner," applied to a building or land, means and includes any part owner, joint owner, tenant in common, joint tenant, tenant by the entirety, of the whole or a part of such building or land.

J. "Person" means and includes a natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization or the manager, lessee, agent, servant, officer or employee of any of them.

K. "Personal property" means and includes money, goods, chattels, things in action and evidences of debt.

L. "Preceding" and "following" means next before and next after, respectfully.

M. "Property" means and includes real and personal property.

N. "Real property" means and includes lands, tenements and hereditaments.

O. "Sidewalk" means that portion of a street between the curb line and the adjacent property line intended for the use of pedestrians.

P. "State" means the state of Montana.

Q. "Street" means and includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs or other public ways in the town which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of the state.

R. "Tenant" and "occupant," applied to a building or land, means and include any person who occupies the whole or a part of such building or land, whether alone or with others.

S. "Written" means and includes printed, typewritten, mimeographed, multigraphed or otherwise reproduced in permanent visible form.

T. "Year" means a calendar year.

1.04.020 Title of office

Use of the title of any officer, employee, department, board or commission means that officer, employee, department, board or commission of the town.

1.04.030 Interpretation of language.

All words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.

1.04.040 Grammatical interpretation.

The following grammatical rules shall apply in the ordinances of the Town of Hobson unless it is apparent from the context that a different construction is intended:

A. Gender. Each gender includes the masculine, feminine and neuter genders.

B. Singular and Plural. The singular number includes the plural and the plural includes the singular.

C. Tenses. Words used in the present tense include the past and the future tenses and vice versa unless manifestly inapplicable.

1.04.050 Acts by agents.

When an act is required by an ordinance, the same being such that it may be done as well by an agent as by the principal, such requirement shall be construed to include all such acts performed by an authorized agent.

1.04.060 Prohibited acts including causing and permitting.

Whenever in the ordinances of the Town of Hobson, any act or omission is made it shall include causing, allowing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission.

1.04.070 Computation of time.

Except when otherwise provided, the time within which an act is required to be done shall be computed by excluding the first day and including the last day, unless the last day is Sunday or a holiday, in which case it shall also be excluded.

1.04.080 Construction.

The provisions of the ordinances of the Town of Hobson, and all proceedings under them are to be construed with a view to effect their promote justice.

1.04.090 Repeal shall not revive any ordinances.

The repeal of an ordinance shall not repeal the repealing clause of an ordinance or revive any ordinance which has been repealed thereby.

1.12.010

Chapter 1.12
GENERAL PENALTY

Sections:

1.12.010 Violation – Penalty.

1.12.020 Execution of fines and imprisonment.

1.12.010 Violation – Penalty.

A. Whenever in any provision of this code or other ordinance of the town any act is prohibited or is made or declared to be unlawful or an offense, or whenever in any such provision or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is otherwise provided therefore, any person upon conviction for the violation of any such provision of this code or ordinances shall be punished by a fine not exceeding five hundred dollars or by imprisonment not to exceed six months or by both such fine and imprisonment for each such offense. Each day any violation of any provision of any ordinance shall continue shall constitute a separate offense.

B. In the construction and interpretation of this section, the revocation of a license or permit shall not be considered as a recovery or penalty so as to bar any other penalty being enforced.

1.12.020 Execution of fines and imprisonment.

If the judgment is for a fine alone, execution may issue thereon as on a judgment in a civil case.

Title 2
ADMINISTRATION AND PERSONNEL

Chapters:

2.04	Town Council
2.08	Town Clerk-Treasurer
2.12	Town Judge

2.16	Police
2.20	Chief of Fire Department
2.24	Health Administration
2.36	Zoning and Planning Commission
2.40	Salaries and Compensation
2.48	Social Security and Retirement for Employees

Chapter 2.04
TOWN COUNCIL

Sections:

2.04.010 Location of meetings.

The town council shall meet and hold its regular meetings at such place as shall be provided therefore by the council on the 2nd Wednesday of every month at the hour of seven p.m.

Chapter 2.08.010
TOWN CLERK-TREASURER

Sections:

- 2.08.010 Created – Consolidation of clerk and treasurer positions.
- 2.08.020 Additional appointments
- 2.08.030 Cashier – Duties
- 2.08.040 Water collector – Duties
- 2.08.050 Compensation for additional duties.

2.08.010 Created – Consolidation of clerk and treasurer positions.

There is created the office of town clerk-treasurer who shall be appointed by the mayor with the consent of the town Council.

The office of the town treasurer will be consolidated with the office of the town Clerk to become one office called the office of the town clerk-treasurer.

The duties of the town treasurer will be included in the duties of the town clerk.

2.08.020 Additional appointments and duties.

The town clerk-treasurer is appointed cashier.

2.08.030 Town cashier – Duties.

The town clerk-treasurer is to assume, in addition to his other duties as defined by law and the order of the town council, the duty of cashier, to collect all funds of the town. Delivering such funds so collected to the town treasurer at such time and in such manner as directed by the town clerk-treasurer.

2.08.040 Sewer collector – Duties.

The town clerk-treasurer shall collect all sewer bills due the town for sewer service and those bills collected and the cash received from such collections shall be turned over to the town clerk-treasurer in such manner and at such times as the town clerk-treasurer shall direct.

2.08.050 Compensation for additional duties.

The town clerk-treasurer shall not receive any additional compensation for assuming the duties of town cashier and sewer collector.

2.12.010

Chapter 2.12
TOWN JUDGE

Sections:

2.12.020 Authority to appoint justice of the peace.

2.12.020

Town Judge contracted with Judith Basin County Justice of Peace.

2.16.010

Chapter 2.16
TOWN POLICE

Sections:

2.16.010 Chief of Police contracted with Judith Basin County.

Chapter 2.20
CHIEF OF FIRE DEPARTMENT

Sections:

- 2.20.010 Office created.
- 2.20.020 Appointment by mayor
- 2.20.030 Powers and duties.

2.20.010 Office created.

There is created the office of chief of fire department of the town

2.20.020 Appointment by mayor.

The mayor shall appoint, by and with the consent of the town council, a suitable person to hold the office of chief of fire department who shall hold such office from and after his appointment until his successor has been appointed.

2.20.030 Powers and duties.

The powers and duties of the chief of the fire department are as follows:

- A. To manage and control the fire engines and apparatus furnished by the town for the extinguishing and prevention of fires;
- B. To examine and inspect all buildings, chimneys, flues and boilers and other things within the town and require the same to be put in a safe condition or removed if liable to cause fire;
- C. To superintend and direct all fire companies;
- D. To be responsible for the condition and efficiency of Fire Halls, all fire engines, hose carts, fire hoses, chemicals and all other apparatus that is in any way connected with and used for the prevention or extinguishing of fires within the town.

Chapter 2.24
HEALTH ADMINISTRATION

Sections:

2.24.010 Health officer – Powers and duties – Furnished by Central Montana Health District

2.24.010 Health officer – Powers and duties

There shall be a health officer of the town who under the direction and control of the town council, shall enforce all ordinances and laws relating to health, and shall perform all duties and have all powers provided by laws relative to the public health and applicable to or to be exercised in municipalities by health officers.

Chapter 2.28
SUPERINTENDENT OF PUBLIC WORKS

Sections:

2.28.010 Superintendent of Sewers

2.28.020 Materials and supplies – Council Approval required when.

2.28.010 Superintendent of Sewers.

The waterworks superintendent shall be superintendent of sewers, and shall perform any duties that are or may be devolved upon such superintendent upon ordinances or otherwise.

2.28.020 Material and supplies – Council approval required when.

No contract involving the expenditure of more than one hundred dollars for material or supplies shall be awarded except by the approval of the town council.

Title 3
REVENUE AND FINANCE

Chapters:

3.04 Special Improvement District Revolving Fund

Chapter 3.04
SPECIAL IMPROVEMENT
DISTRICT REVOLVING FUND

Sections:

3.04.010 Special fund created – Purpose.

3.04.020 Fund transferability.

3.04.030 Bonds – Loan of deficient payments.

3.04.040 Special improvement district No. 15 created – General requirements.

3.04.050 Minimum balance required – Fund transfers.

3.04.010 Special fund created – Purpose.

Under and pursuant to the provisions of MCA Sections 7-12-4221 through 7-12-4228, as amended, there is created and established a special fund which shall be maintained by the town clerk – treasurer on the official books and records of the town, separate from all other funds, to be known and designated as the special improvement district revolving fund, for the purpose of securing the prompt payment of special improvement district bonds issued in payment of the cost of improvements made for the benefit of special improvement districts of the town.

3.04.020 Fund transferability.

For the purpose of providing funds for the revolving fund the town council may in its discretion, from time to time, transfer to the revolving fund from the general fund of the town such amount or amounts as may be deemed necessary, as loans from the general fund to the revolving fund, and shall, in addition to such transfers or in lieu thereof, levy and collect for the revolving fund such a tax on all the taxable property within the town as shall be necessary to meet the financial requirements of the revolving fund; provided, that such levy, together with such transfers, shall not exceed in anyone year five per centum of the principal amount of the then outstanding special improvement district bonds of the town.

3.04.030 Bonds – Loan of deficient payments.

Whenever any special improvement bond of the town or any interest thereon shall become due and payable and there shall then be either no money or not sufficient money in the appropriate district fund with which to pay the same, an amount sufficient to make up the deficiency shall be loaned, by order of the council, by the revolving fund to such district fund and used, with the amount then on hand in the district fund, to pay such bond and interest. Whenever any loan is made to any special improvement district fund from the revolving fund, the revolving fund shall have a lien therefore on all unpaid assessments and installments of assessments on such district, whether delinquent or not, and on all monies 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 borne by the bond for payment of which or of interest thereon, so much of such moneys as may be necessary to pay such loan shall by order of the council be transferred to the revolving fund. After all bonds issued on any special improvement district fund have been fully paid, all moneys remaining in such district fund shall by order of the council be transferred to and become part of the revolving fund.

3.04.040 Special improvement district No. 15 created – General requirements.

The town has created a special improvement district designated as special improvement district No. 15, in connection with which it will be necessary to issue special improvement district No. 15 bonds, and the town covenants, undertakes and agrees with the holders of these bonds and all other special improvement district bonds to be offered at public sale in the future, so long as any such bonds, or any interest thereon, remain unpaid, that it will annually authorize loans or advances from the revolving fund to each fund from which such bonds are payable

(each such fund being referred to below as the district fund), and will provide funds for the revolving fund by annual tax levies or loans from the general fund, in accordance with the following procedure:

A. Separate bond and interest accounts shall be maintained on the official books and records of the town, within each district fund. Upon the collection of the installment of principal and interest due November 30th in each year on the special assessments levied and appropriated to the district fund, the clerk – treasurer shall credit to the interest account so much thereof as may be necessary to pay interest to become due on all bonds payable from the district fund on the then next succeeding interest payment date, and shall credit the remainder thereof to the bond account. Any installment of any special assessment which is paid prior to its due date, with the interest accrued thereon to such payment date, shall be credited directly to the bond account.

B. The interest account shall be used solely to pay the interest due at annual interest payment dates on the bonds issued against the district fund. The bond account shall be used, whenever and to the extent that funds are available therein, for the redemption of such bonds in order of their registration numbers, and the payment of interest accrued thereon to the date of redemption, in accordance with MCA Sections 7-12-4201 through 7-12-4206.

C. A deficiency shall be deemed to exist in the interest account if ever the balance on hand therein, fifteen days prior to any date on which interest is due on the bonds payable from the fund, is insufficient to pay such interest in full. A deficiency shall be deemed to exist in the bond account on any date on which interest is due on bonds payable from the fund, unless the town has then or there to for redeemed bonds in a principal amount equal to the sum of all installments of special assessments paid prior to their due dates, plus a fraction of the remaining principal amount of the special assessments originally levied and appropriated to the district fund, equal to the number of installments of such assessments then and thereto for due divided by the total number of installments in which such special assessments are permitted to be paid.

D. The town council, not less than fifteen days before the date when interest is due on bonds payable from any district fund, shall issue an order authorizing a loan or advance from the revolving fund to the district fund in an amount sufficient to make good any deficiency then existing in the bond account thereof, to the extent that funds are available in the revolving fund. In the event that the balance on hand in the revolving fund fifteen days prior to any date when interest is due on special improvement district bonds of the town is not sufficient to make good all deficiencies then existing in the interest accounts of district funds, such balance shall be allocated to the district funds in which such deficiencies then exist, in proportion to the amounts of the respective deficiencies on that date. Any money subsequently received in the revolving fund shall be allocated to the interest accounts of district funds in which deficiencies in proportion to the amounts of the deficiencies on the respective dates of receipt of such money, until all interest accrued on special improvement district bonds of the town has been paid. On any date when all such accrued interest has been paid, any balance remaining in the revolving fund shall be loaned or advanced to the bond accounts of district funds in which deficiencies then exist, in amounts proportionate to the respective amounts of such deficiencies.

E. At the same time as the annual levy for general taxes is certified for collection in each year, the town council shall make a tax levy on all the taxable property within the town in such amount as shall be necessary, together with any amounts therefore transferred to the revolving fund from the general fund, to accumulate in the revolving fund, within a period not exceeding six years from and after the issuance of bonds for any special improvement district, and thereafter to maintain, at all times, a balance equal to ten percent of the principal amount remaining due of all outstanding issues of special improvement district bonds, subject to the maximum limitation stated in Section 3.04.020 of this chapter, but without other limitation as to rate or amount of such tax. All funds derived from such tax levy and transfers shall be irrevocably appropriated to the revolving fund, and used only for the purposes set forth in this chapter, until all special improvement district bonds of the town and all interest thereon are fully paid.

3.04.050 Minimum balance required – Fund transfers.

The balance required in Section 3.04.040E of this chapter to be accumulated and maintained in the revolving fund is determined to be the minimum amount necessary as a reserve for payment and redemption of maturing special improvement district bonds and interest of the town. Nothing in this chapter shall prevent the town council from appropriating to the revolving fund from other funds properly available therefore amounts in excess of the minimum reserve established in this chapter, or from transferring such excess amounts to the general fund or using such excess amounts for the purchase of property against which unpaid assessments are outstanding pursuant to MCA Sections 7-12-4227 and 7-12-4228; but the town expressly covenants and agrees with the holders from time to time of all of its special improvement district bonds that no such transfers or purchases will be made at any time in such manner as to reduce the reserve in the revolving fund below the amount agreed in this chapter be maintained. The revolving fund will be deposited in a duly qualified depository bank and secured at all times as required by MCA Sections 7-6-201 through 7-6-212, but no time deposit shall be made for a period exceeding one hundred eighty days and the town council is also authorized to invest all or any portion of the reserve in direct obligations of the United States government, payable within not to exceed one hundred eighty days from the time of such investment.

Title 5
BUSINESS LICENSES AND REGULATIONS

Chapters:

- 5.08 Door to Door Soliciting
- 5.12 Itinerant Vendors

Chapter 5.08
DOOR TO DOOR SOLICITING

Sections:

5.08.010 Declared a nuisance.

5.08.020 Violation – Penalty.

5.08.010 Declared a nuisance.

The practice of going in and upon private residences in the town by solicitors, peddlers, hawkers, itinerant merchants or transient vendors of merchandise, not having been requested or invited to do so by the owner or owners, occupant or occupants of such private residence for the purpose of soliciting orders for the sale of goods, wares and merchandise, or for the purpose of disposing of or peddling or hawking the same, is declared to be a nuisance and punishable as such nuisance as a misdemeanor.

5.08.020 Violation – Penalty.

Any person convicted of perpetrating a nuisance as described and prohibited in the first section of this chapter upon conviction thereof, shall be punished as set forth in Chapter 1.12 of this code.

Chapter 5.12
ITINERANT VENDORS

Sections:

- 5.12.010 Definitions.
- 5.12.020 License – Required – Fee.
- 5.12.030 License – Form.
- 5.12.040 Approval of town council.
- 5.12.050 Police power.
- 5.12.060 Permanent business.
- 5.12.070 Violation – Penalty.
- 5.12.010 Definitions.

5.12.010 Definitions

For the purposes of this chapter, unless the context indicates otherwise, certain words and phrases used in this chapter are defined as follows:

- A. "Consumer" means one who uses, and by using, destroys the value of the article purchased.
- B. 1.) "Itinerant tradesman" means and includes any person who temporarily follows in the Town a pursuit requiring manual or technical training and dexterity.
- 2.) "Itinerant tradesman" also means and includes any person, possessing an occupation not purely commercial, mechanical agricultural or the like to which he devotes himself and within he professes to have acquired some special knowledge used by way either of instructing, guiding or advising others or of serving them in some art who temporarily follows his profession in the Town.
- C. "Itinerant vendor" means any person, engaged or employed in the business of retailing to consumers by going from consumer to consumer, either on the streets or to their places of residence or employment, and there soliciting, selling or offering to sell, or exhibiting for sale, by sample, by catalogue, or otherwise, or taking orders for future delivery of any goods, wares or merchandise, or for services to be performed to be performed in the future.

5.12.020 License – Required – Fee.

A. Any itinerant person, firm, co – partnership or corporation desiring to follow his, or its, occupation, calling, industry or pursuit in the town shall procure from the clerk – treasurer a license for that purpose, such license fees to be as follows:

1. A license fee of ten dollars per day for itinerant vendors;
2. A license fee of ten dollars per day for itinerant tradesmen;
3. A license fee of ten dollars per day for itinerant professionals; and
4. A license fee of ten dollars per day for all other itinerants. .

B. The license fees are to be paid to the clerk – treasurer.

5.12.030 License – Form.

A. The form of licenses to be issued under this chapter shall be prescribed by the town council. The town council shall also promulgate the forms to be used in applying for such licenses and may require the applicant for such license to state in his application such facts as the town council may deem necessary to enable it to pass upon such

application, including the name and address of the applicant, and such other information as the town council may require.

B. All expenses in connection with the administration of this chapter shall be charged against the funds collected under these provisions, and any sums which may remain after the payment of such expenses shall be kept by the clerk – treasurer to be used as the town council may direct.

C. To knowingly make any false statement in the application constitutes a misdemeanor and shall be punishable as provided in Section 5. 12.070 of this chapter.

5.12.040 Approval of town council.

All licenses granted under this chapter shall be subject to the approval of the town council, and when the interest of the public requires it, the town council may, in its discretion demand a lesser or greater license fee than that which is prescribed in this chapter.

5.12.050 Police power.

Every person licensed under the provisions of this chapter shall be subject to regulation, inspection, control and supervision, under the general police power of the town and all the ordinances now in force, or which may hereafter be adopted in aid of such police power and regulation, and each and every such license shall be subject to suspension and revocation upon good cause being shown to the town council

5.12.060 Permanent business.

This chapter shall in no way affect any person, firm, co-partnership or corporation who, or which, maintains a permanent place of business or who, or which, is permanently established in the town.

5.12.070 Violation – Penalty.

Any itinerant who has not been issued a license under this act and who follows his or its occupation, calling, industry or pursuit in the town is guilty of a misdemeanor and, upon conviction thereof, shall be punished as set forth in Chapter 1.12 of this code.

Title 6
ANIMALS

Chapters:

6.04 Animals Generally

6.08 Dogs and Cats

Chapter 6.04
ANIMALS GENERALLY

Sections:

6.04.010 Ownership of Animals in City Limits

6.04.020 Running at large – Impoundment – Authority.

6.04.030 Animals running loose.

6.04.040 Sale of animals.

6.04.050 Violation – Penalty.

6.04.010 Ownership of Animals Within City Limits

It is unlawful for any person to keep, feed, harbor or allow to stay about the premises any horses, cattle, livestock, sheep, pigs, or poultry within the city limits of the town.

6.04.020 Animals Running at large – Impoundment – Authority.

It shall be the duty of the chief of police to impound any such animals or poultry so found running at large and to forthwith notify the owner or custodian thereof, if such owner or custodian can conveniently be found, and such owner or custodian may redeem the same within three days after such notice on payment of the fine provided for in this chapter, and of the reasonable costs of such impounding, and the reasonable cost of keeping such animals or poultry, and should such owner or custodian fail to redeem such animals or poultry within such time, then the chief of police shall proceed to sell the same by giving public notice of such sale by posting a notice in three of the most public places in the town, such notice shall specify the time and place of sale and describe the animals or poultry to be sold, the name of the owner or custodian, if known, and any amount claimed to be due

6.04.030 --Animals running loose.

It is unlawful for any person to permit or allow any horses, cattle, sheep, pigs or poultry to run at large within the limits of the town.

6.04.040-- Sale of animals.

At the sale such animals or poultry shall be sold at public auction to the highest bidder for cash and the proceeds of the sale shall be used, first, to defray the expense of such sale; second, to pay such fine and costs of impounding, and keeping and the surplus, if any, shall be deposited with the clerk-treasurer to be paid to the owner of the animals or poultry within one year from the date of such sale, and if not claimed with the time, then such sum shall be turned into the general funds of the town.

6.04.050 Violation –Penalty.

Any person violating any of the terms of this chapter shall be subject to a fine. Any person violating a provision of this chapter for which another penalty has not been provided shall, upon conviction thereof, be punished as set forth in Chapter 1.12 of this code.

Chapter 6.08
DOGS AND CATS

Sections:

- 6.08.010 Definitions.
- 6.08.020 License – Required – Procedure for obtaining.
- 6.08.030 License – Application.
- 6.08.040 License – Transferability – Tag issuance – Duplicates.
- 6.08.050 License – Expiration.
- 6.08.060 Rabies vaccination required.
- 6.08.070 Pound established – Animal warden appointment.
- 6.08.080 Unlicensed or stray dogs and cats.
- 6.08.090 Running at large.
- 6.08.100 Impoundment – Recordkeeping.
- 6.08.110 Impoundment – Retention period – Disposition.
- 6.08.120 Impoundment – Collection of fees.
- 6.08.130 Voluntary disposal – Fee.
- 6.08.140 Female dogs and cats in season.
- 6.08.150 Barking dogs.
- 6.08.160 Vicious dogs.
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- 6.08.200 Abandonment unlawful.
- 6.08.210 Animal kennels.
- 6.08.220 Dog or cat shows and seeing – eye dogs.

6.08.010 Definitions.

As used in this chapter, unless the context otherwise indicates:

- A. “Animal warden” means any one or more of the employees of the town designated by the mayor as animal wardens.
- B. “At large” means off the premises of the owner and not under the control of the owner or any person either by lease, cord, chain or otherwise.
- C. "Cat" means both female and male.
- D. "Disposal of dog or cat" means dogs or cats shall be shot and killed or disposed of in any manner which the animal catcher or pound master may see fit.
- E. "Dog" means both female and male.

F. "Kennel" means any premises or property of any kind or description where more than two female dogs or cats are kept for breeding purposes, or where more than one litter of pups, dogs, kittens or cats are kept for purposes of sale.

G. "Owner" means any person owning, keeping or harboring a dog and/or cat.

H. "Pound" means the place provided by the town for the impounding of dogs and cats.

I. "Vaccinate" means the inoculation of a dog or cat with an antirabies vaccine by any licensed veterinarian.

6.08.020 License – Required – Procedure for obtaining.

A. The owner of every dog or cat harbored or maintained within the town shall license such dog or cat within thirty days after such dog or cat becomes five months old, or within thirty days in the case of a dog or cat five months old or older, newly brought into the town.

B. No license shall be issued unless the applicant therefore produces satisfactory proof that such dog or cat has been vaccinated with a rabies vaccine currently effective. Such proof may be made by presenting the vaccination receipt referred to in Section 6.08.060 of this chapter.

C. Dog and cat licenses shall be issued by the mayor, or the animal warden and the animal license fee of ten dollars for each male or spayed female and twenty dollars for each unspayed female shall be collected; provided that any dog or cat becoming five months old on or about September 1st of any year or which is brought into the town on or after that date shall be subject to license at one half the regular fee.

D. The license fee on all dogs or cats is due on January 1st of each year, and if not paid within thirty days thereafter, as provided in this chapter, shall therefore, be twenty dollars for each male or spayed female and forty dollars for each unspayed female.

6.08.030 License – Application.

The owner shall, at the time of application for a license is made, state upon a printed form provided for that purpose, the name and address of the owner, the name, breed, color, sex, age, and if a female, whether spayed or not, of each dog or cat owned or kept by him; also the date such dog or cat was vaccinated and

6.08.040 License – Transferability – Tag issuance – Duplicates.

A. Upon payment of the license fee under this chapter, the clerk – treasurer or agent designated as provided in this chapter shall issue to the owner a license certificate in the form of a receipt and a metallic tag for each dog or cat so licensed. The tag shall have stamped thereon the year for which it was issued and the number appearing on the certificate. Every owner shall provide each dog or cat with a collar and shall securely attach to such collar the license tag and the vaccination tag.

B. No license provided for in this chapter is transferable, and no license tag shall be fastened to any dog or cat other than the one for which it was issued. Any person who knowingly fastens a license tag or a vaccination tag to any dog or cat other than the one for which such tag was issued or who willfully permits such dog or cat to wear any license tag or vaccination tag issued for another dog or cat, is guilty of a misdemeanor, and the animal warden shall impound every dog or cat found bearing a license tag or vaccination tag not issued for that dog or cat, and shall dispose of such dog or cat as provided by Section 6.08.110 of this chapter.

C. In case a license tag is lost or destroyed, the owner of the dog or cat shall apply to the clerk – treasurer for a duplicate tag and the clerk-treasurer shall issue a duplicate tag upon presentation of the receipt showing payment for the license for the current year and upon payment of three dollars for the duplicate tag.

D. In case a vaccination tag is lost or destroyed, the owner of the dog or cat shall apply to the veterinarian who vaccinated the dog or cat for a duplicate tag upon the presentation of the receipt showing payment for the vaccination and upon payment of such charge as the veterinarian may require

6.08.050 License – Expiration.

All licenses shall expire at twelve midnight of the last day of December, next after payment of the license fee.

6.08.060 Rabies vaccination required.

The owner of every dog or cat kept, harbored, or maintained within the town which is five months old or older shall, at such owner's expense cause such dog or cat to be vaccinated for rabies by a licensed veterinarian, and the owner of any such dog or cat who shall for thirty days willfully fail to have such dog or cat vaccinated is guilty of a misdemeanor. The veterinarian vaccinating such dog or cat shall give to the owner a rabies vaccination receipt and a metallic vaccination tag. The veterinarian shall retain a copy of the vaccination receipt for such period as the health officer of the town shall prescribe. The owner of such dog or cat when applying for the license required by Section 6.08.020 of this chapter shall present either the vaccination tag or the original vaccination receipt as proof of vaccination.

6.08.070 Pound established – Animal warden appointment.

There is established a pound in the town. The animal warden and police shall be in charge of such pound, with conjunction of the veterinarian. The animal warden shall be designated by the mayor to act as such animal warden.

6.08.080 Unlicensed or stray dogs and cats.

A. Every unlicensed dog or cat running at large shall be taken by the animal warden or pound master and immediately disposed of in any manner in which the animal warden or pound master may see fit.

B. Every person who knowingly keeps, feeds, harbors or allows to stay on premises occupied or controlled by him, any dog or cat for which no license fee has been paid, or upon which no license tag and vaccination tag are kept as required by Section 6.08.040 of this chapter, is guilty of a misdemeanor.

6.08.090 Running at large.

A. Every dog or cat, licensed, found running at large in the streets, avenues, alleys or public places within the town, or on private property belonging to persons other than the owners or persons in control of such dogs or cats, is declared to be a public nuisance and may be taken and impounded in the town pound by the animal warden, any policeman or other persons designated by the mayor from time to time for such purpose.

B. Every owner or other person in control of or feeding any dog or cat, who allow such dog or cat to be at large as defined in Section 6.08.010 of this chapter, is guilty of maintaining a public nuisance and. therefore guilty of a misdemeanor.

6.08.100 Impoundment – Recordkeeping.

Immediately upon impounding any dog or cat, the animal warden shall record in a book to be provided by the town and by him kept for that purpose, a description of such dog or cat. Such record shall state the sex, color, breed, estimated age, distinguishing marks, if any, and the date and hour of impounding, upon final disposition of such dog or cat, the record shall show the disposition.

6.08.110 Impoundment – Retention period – Disposition.

A. Every dog or cat impounded shall be held for a period of forty-eight hours after such impoundment and if not claimed by their owner or by some person acting in the owner's behalf who pays the license and impounding fees as provided in this chapter, may be put to death by the animal warden; provided, that instead of putting such dog or cat to death, the animal warden, in his discretion, may turn any such dog or cat over to some person who agrees to and who does permanently removes it from the town and who finds a home for the dog or cat outside the town and if the dog or cat is less than one year old, the animal warden may turn such dog or cat over to some person who agrees to find a home for the dog or cat inside town. In either case, such person must pay the fees referred to in Section 6.08.120 of this chapter, except that no license fee need be paid for a dog or cat to be removed from town.

B. Any female dog or cat may be released by the animal warden, free of any pound charges, provided the following procedure is followed: Citizen may express desire to adopt a female dog or cat. This animal will be held by the animal warden eight hours longer to give the citizen time to acquire a paid certificate for spaying operation by the veterinarian. The animal warden or police officer will verify the receipt by calling the veterinarian whose signature is shown.

C. A time period of seventy-two hours will be allowed for entering a veterinarian hospital for spaying purposes. Upon completion of spaying, the veterinarian must notify the animal warden of same.

D. If these time limits are not followed, the dog or cat will be reclaimed by the animal warden.

6.08.120 Impoundment – Collection of fees.

Before any dog or cat is released from the pound, the animal warden shall collect from the person claiming such dog or cat, a fee of twenty dollars for impounding such dog or cat and a fee of ten dollars for each day or fraction of a day that the dog or cat has been impounded. It is the duty of the animal warden to remit immediately all sums of money collected by him to the clerk-treasurer.

6.08.140 Female dogs and cats in season.

Every person having under his control any female dog or cat in heat (i.e., in the oestral period) shall confine such dog or cat in a house, garage or other building, and in such manner as to eliminate the congregation of other dogs or cats in the immediate vicinity of the female. Any such female dog or cat not so confined is a public nuisance, and the owner or other person in control of such dog or cat is guilty of maintaining a public nuisance and is therefore guilty of a misdemeanor. The animal warden or any policeman shall immediately abate every such nuisance by impounding or disposing of such dog or cat as provided in Section 6.08.080 or 6.08.090 of this chapter.

6.08.150 Barking dogs.

Every person who keeps, feeds, harbors or allows to stay about any premises occupied or controlled by him, any dog which by loud and continuous barking, howling or yelping constitutes an annoyance or disturbance to the neighborhood or to any considerable numbers of persons is guilty of maintaining a public nuisance and is therefore guilty of a misdemeanor.

6.08.160 Vicious dogs.

A. Any person who keeps, feeds, harbors, or allows to stay about the premises occupied or controlled by him within the town any vicious, unruly or ferocious dog, and suffer such dog to be at large or insecurely confined is guilty of maintaining a public nuisance and is guilty of a misdemeanor. Every day such dog is suffered to be at large or insecurely confined is a separate offense.

B. Upon the discretion and advice of the health officer, any animal which bites or otherwise exposes a person shall be isolated in strict confinement in a place and manner as prescribed by the town health officer and observed for at

least fourteen days after the day of infliction of the bite. If approved by the health officer, such animal must be impounded by the animal warden, in which case the owner must pay the daily fee. If the owner fails to pay such fees, the animal warden shall dispose of the animal.

c. On the digression of Law Enforcement, the animal shall be disposed of immediately if deemed necessary.

6.08.170 Running at large on school grounds.

A. Every person who owns, keeps or harbors any dog or cat who knowingly permits such dog or cat to run at large on any school grounds within the town, is guilty of maintaining a public nuisance and is therefore guilty of a misdemeanor.

B. Any officer or employee of the town and any officer or employee of any school within the town is authorized to take, chase or drive any dog or cat from such school grounds using any reasonable means therefore, and the animal warden shall impound or dispose of any dog or cat found running at large on any such school ground as provided in Section 6.08.080 or 6.08.090 of this chapter.

6.08.180 Dogs or cats in parks – Prohibited.

Every person who at any time shall take any dog or cat into any park owned by the town or who permits any dog or cat owned by such person to be in any such park or who shall induce any dog or cat to enter or remain in any such is guilty of a misdemeanor.

6.08.190 Dogs or cats in parks – Ejection authority.

Any officer or employee of the town is authorized to take, chase or drive any dog or cat from any park owned by the town any time, using any reasonable means therefore, and the animal warden shall impound or dispose of any dog or cat found running at large in any such park as provided in" Section 6.08.080 or 6.08.090 of this chapter.

6.08.200 Abandonment unlawful.

No person shall abandon or in any manner turn loose any dog or cat to stray upon the streets of the town.

6.08.210 Animal kennels.

Any person, firm or corporation maintaining a kennel as defined in Section 6.08.010 of this chapter, shall pay a license fee of 100.00 dollars per year for the maintaining of such kennel. No license shall be issued until the premises to be used for such kennel have been inspected and approved by the animal warden or by the health department of the town. Every person, firm or corporation licensed under this section shall be subject to regulation, inspection, control and supervision by the animal warden and the health department. Inspections shall be performed quarterly.

6.08.220 Dog or cat shows and seeing-eye dogs.

A. No license shall be required for dogs or cats brought into the town for the purpose of participating in any dog or cat show, but such dogs and cats must be vaccinated as required by Section 6.08.060 of this chapter.

B. Licenses shall be required for seeing-eye dogs trained to assist blind persons, when such dogs are actually being used by blind persons, but the fees provided for in Section 6.08.060 of this chapter, shall be waived, but such dogs must be vaccinated as required by section 6.08.060 of this chapter.

Title 8
HEALTH AND SAFETY

Chapters:

- 8.04 Fire Prevention and Control
- 8.08 Storage of Inflammable Liquids
- 8.12 Fireworks

Chapter 8.04
FIRE PREVENTION AND CONTROL

Sections:

8.04.010 Chief of fire department – Authority – Duties.

8.04.020 Driving across fire hoses.

8.04.030 Tampering or destroying equipment.

8.04.040 Disposal of ashes.

8.04.050 Authority to prescribe limits.

8.04.060 Burning combustible material.

8.04.070 Violation – Penalty.

8.04.080 Fire Hazards

8.04.010 Chief of fire department – Authority – Duties.

The chief of the fire department of the town or in his absence, any person acting in his capacity, may during the of any fire, within the limits of the town whenever in his judgment it becomes necessary to check or control the same, to order any fence, building or structure to be cut down and removed. He shall, with the consent of the mayor, or with the consent of any two members of the council, have power to cause any building or structure to be blown up for the purpose of checking or extinguishing the fire. He shall have power, with the con – sent of the council, to order the removal of any portion of any building that may be standing after a fire, when – ever by resolution of council such portion of any building to remain standing may be determined to be dangerous to person or property.

8.04.020 Driving across fire hoses.

It is unlawful for any person to willfully and negligently drive any dray, wagon, automobile, truck or other vehicle across, along or upon any fire hose of the fire department of the town.

8.04.030 Tampering or destroying equipment.

It is unlawful for any person to willfully move, tamper, cut, deface, destroy or injure any fire hose, fire engines, fire alarms, fire hydrants or other fire apparatus or property used by the fire department of the town.

8.04.040 Disposal of ashes.

It is unlawful for any person to deposit or keep ashes within the limits of the town except in an open space at least five feet from any building.

8.04.050 Authority to prescribe limits.

The chief of the fire department of the town may prescribe the limits in the vicinity of any fire within which no person, except those who reside therein and firemen and policemen, and those admitted by order of any officer of the fire department, shall be permitted to come, and it is unlawful for any person to break through, or attempt to break through such limits.

8.04.060 Burning combustible material.

It is unlawful for any person or persons to burn waste paper, trash, leaves, straw or other combustible material in any Alley or lot within the limits of the town unless the same is confined while burning in a can or receptacle made of wire, iron or other incombustible material except when such burning is done at a distance of at least twenty – five feet from any building, fence or other combustible material, and it is further unlawful for any person or persons to leave such fires unattended.

8.04.070 Violation – Penalty.

Any person or persons violating any of the provisions of this chapter is guilty of a misdemeanor and shall be fined not less than ten dollars no more than three hundred dollars or be confined in the jail for a period not to exceed ninety days, and each violation shall be deemed a separate offense.

8.04.080 Fire Hazards.

Any property that has grass or weeds over 6 inches tall is considered to be a fire hazard. Upon notification, the owner or tenant has 10 days to mow or remove this hazard. If in 10 days the hazard is not removed the town will hire a contractor to remove the hazard and the owner or tenant will be charged for removal and will be charged with a misdemeanor. If tenant does not pay charges the owner will be billed. If owner does not pay the charges, a lien will be put on the property. Penalty as per code 8.04.070

Chapter 8.08
STORAGE OF INFLAMMABLE
LIQUIDS

Sections:

8.08.010 Types of inflammable liquids.

8.08.020 Erection of storage tanks – Approval required.

8.08.030 Erection of storage tanks

8.08.040 Violation – Penalty.

8.08.010 Types of inflammable liquids.

Representative examples of inflammable liquids are: ether, carbon bisulfite, gasoline, naphtha, benzyl, liquefied petroleum gas, acetone, alcohol, amyl acetate, toluol, kerosene, amyl alcohol, or fuel oil.

8.08.020 Erection of storage tanks – Approval required.

It is unlawful for any person, firm, corporation, association or organization to erect, build or construct a tank or tanks for the storage of inflammable liquids within the town limits without the consent and approval of the town council with the exception of heating fuels.

8.08.030 Erection of storage tanks – over 100 gallons.

With the consent and approval of chief of the fire department, the town council may issue a permit to any person, firm, corporation or association to erect and construct a tank or tanks for the storage of inflammable liquids upon the property of the applicant.

8.08.040 Violation – Penalty.

Any person, firm, corporation or association that violates any of the provisions of this chapter is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding three hundred dollars or by imprisonment not exceeding thirty days or by both such fine and imprisonment.

Title 9
PUBLIC PEACE, MORALS AND WELFARE

Chapters:

- 9.04 Offenses Against the Person
- 9.08 Offenses Against Property
- 9.12 Offenses Against Public Decency
- 9.16 Offenses By or Against Minors
- 9.20 Weapons
- 9.24 Public Nuisances

Chapter 9.04
OFFENSES AGAINST THE PERSON

Sections:

9.04.010 Assault or battery.

9.04.010 Assault or battery.

Any person who commits an assault or battery upon any other person or persons, or who engages in any assault, battery or affray within the limits of the town shall, upon conviction thereof, be punished as set forth in Chapter 1.12 of this code.

Chapter 9.08
OFFENSES AGAINST PROPERTY

Sections:

9.08.010 Damage or destruction of property.

9.08.020 Violation of Section 9.08.010 – Penalty.

9.08.030 Radio receiving and broadcasting.

9.08.040 Electrical disturbances.

9.08.050 Violation of Sections 9.08.030 and 9.08.040 – Penalty.

9.08.010 Damage or destruction of property.

It is unlawful for any person or persons, to break, damage or destroy any lamp post, stop sign, street sign or other municipal property, or any part thereof, within the limits of the town.

9.08.020 Violation of Section 9.08.010 – Penalty.

Any person or persons who violates any of the provisions of Section 9.08.010 of this chapter is deemed guilty of a misdemeanor and upon conviction thereof, shall be punished as set forth in Chapter 1.12 of this code.

9.08.030 Radio receiving and broadcasting.

It is unlawful for any person or persons, within the limits of the town to willfully or unnecessarily disturb radio receiving and broadcasting, by electrically disturbing the atmosphere by any means or device whatsoever not necessarily incident to the operation of machinery or apparatus used in connection with a lawful business or occupation.

9.08.040 Electrical disturbances.

Section 9.08.030 of this chapter includes and covers any electrical disturbances of the atmosphere caused by any person or persons operating any electric light plant, dynamo, appliances, devices or machinery operated in connection with electricity and knowingly maintaining and operating the same in such a manner so as to unnecessarily cause an electrical disturbance of the atmosphere to such an extent as to interfere with the reception of programs broadcasted by radio.

9.08.050 Violation of Sections 9.08.030 and 9.08.040 – Penalty.

Any person or persons violating any of the provisions of Sections 9.08.030 and 9.08.040 of this chapter is deemed guilty of a misdemeanor and upon conviction thereof, shall be punished as set forth in Chapter 1.12 of this code.

Chapter 9.12
OFFENSES AGAINST PUBLIC DECENCY

Sections:

9.12.010 Houses of prostitution – Declared a nuisance.

9.12.020 Houses of prostitution – Offenses.

9.12.030 Houses of prostitution – Maintaining a nuisance.

9.12.040 Houses of prostitution – Contributing to the support.

9.12.050 Violation – Penalty.

9.12.010 Houses of prostitution – Declared a nuisance.

Every house of ill fame, or bawdy house, or house of assignation, or house of like character, and all houses, places, and rooms where men and women resort for the purpose of prostitution, or immoral purposes, are declared to be a nuisance.

9.12.020 Houses of prostitution – Offenses.

Any person who, being the owner or having the control of any house or building within the town or within three miles thereof, who shall, knowingly, lease or let such house or any part thereof for the same to be used as a bawdy house, house of ill fame, or house of assignation, or place where men and women may resort for the purposes of prostitution, shall be deemed guilty of maintaining a nuisance, and, upon conviction thereof, shall be fined; and the use of such house or any part thereof for any of the purposes prohibited in this section for a space of one month shall thereafter be deemed to be kept as such within the knowledge and by the consent of such owner and the person having charge of such house, and each day thereafter that such house shall be so used as herein prohibited, shall be considered a separate and distinct offense.

9.12.030 Houses of prostitution – Maintaining a nuisance.

Any person who shall keep or maintain a house of ill fame or bawdy house, or house of assignation, or house of prostitution, or house, room or place resorted to by men and women for the purposes of prostitution or for immoral purposes, within the limits of the town, or within three miles thereof, is guilty of maintaining a nuisance and, on conviction thereof, shall be fined; and each day that such house, place or room is kept or maintained, shall be deemed a separate and distinct offense after the first conviction, or after any such person shall have been ordered by any member of the police force or officer of the law to discontinue the same.

9.12.040 Houses of prostitution – Contributing to the support.

No person shall be an inmate of or be in any way connected with, or in any way contribute toward the support of any house of ill fame, or bawdy house, or house of prostitution, or assignation, or any place, or room resorted to by men and women for the purposes of prostitution. Nor shall any person abide therein or remain therein or visit, remain or resort to any of the houses, rooms or places of prostitution prohibited by this chapter.

9.12.050 Violation – Penalty.

Any person who violates any of the provisions of this chapter shall be liable to the penalties as provided by Chapter 1.12 of this code.

Chapter 9.16
OFFENSES BY OR AGAINST MINORS

Sections:

9.16.010 Curfew – Established.

9.16.020 Curfew – Extension.

9.16.030 Exceptions to Sections 9.16.010.

9.16.040 Duty of police officer – Violation – Penalty.

9.16.010 Curfew – Established.

It is unlawful for any parent, guardian or person having the care and custody of a minor under the age of eighteen years to permit or allow such minor to be in or upon any street, alley or public place within the town between the hours of 10:00 pm to 5:00 am the following morning, on Sundays, Mondays, Tuesdays, Wednesdays, and Thursdays, and between the hours of 12:00 pm to 5:00 am Fridays and Saturday for the months of September through May. During the months of June, July and August, the summer hours for curfew are to be from 12:00 pm to 5:00 am.

9.16.020 Curfew – Extension.

Whenever an emergency exists, such as school vacations or community functions, the school superintendent, the chief of police with the consent of the mayor may extend the curfew hours from one a.m. to five a.m.

9.16.030 Exceptions to Sections 9.16.010.

The provisions of Section 9.16.010 of this chapter shall not apply to any minor who is accompanied by a parent, guardian or other adult person having the care and custody of such minor, nor shall it apply to any minor who is in the performance of an errand directed by his or her parent, guardian or other adult person, having the care and custody of such minor, nor shall it apply to any minor who is actually at the time engaged in legitimate employment for profit; provided, however, that such minor, when upon an errand, must have the written permission of his or her parent, guardian or other adult person having the care and custody of such minor, the written permission to be dated and giving on the same day that the errand is to be performed.

9.16.040 Duty of police officer – Violation – Penalty.

It is the duty of the police officers of the town to apprehend and take into custody any minor found in violation of this chapter. The police shall thereupon summon the parent, guardian or other adult person having the care and custody of such minor. Upon a second or subsequent violation of this chapter by the minor, such parent, guardian or other person having the care and custody of the minor shall be punished by a fine of twenty five dollars. The police officer shall make a report to the juvenile officer of all minors apprehended under this chapter and a record shall be kept of such violations. If such parent, guardian or other person having the care and custody of such minor cannot be located, the minor shall be turned over to the juvenile authorities for custody until such parent, guardian or other person having the care and custody of the minor can be located and so summoned.

Chapter 9.20
WEAPONS

Sections:

9.20.010 Discharge of firearms.

9.20.020 Violation – Penalty.

9.20.010 Discharge of firearms.

It is unlawful for any person to shoot any gun, pistol or firearm, or any air gun, BB gun, air pistol, BB pistol, air rifle or BB rifle within the limits of the town; the provisions of this chapter shall not apply to any person shooting on the grounds of any organized gun club or shooting gallery.

9.20.020 Violation – Penalty.

Any person who violates any of the provisions of this chapter shall be liable to the penalties as provided by Chapter 1.12 of this code.

Chapter 9.24
PUBLIC NUISANCES
And DECAY ORDINANCES

Sections:

- 9.24.010 Purpose
- 9.24.020 Definitions
- 9.24.030 Mayor and Town Council
- 9. 24. 40 Community Decay and Shielding Standards
- 9.24.050 Notification – Violation

9 .24.010: Purpose

(A) It shall be a violation of this chapter to own or maintain any public nuisance or community decay within the city.

(B) This chapter applies to the whole of the city and any areas which may hereafter be annexed to the city.

9. 24.020: Definitions

AGENCY: The Mayor and Town Council designated to enforce the community decay ordinance.

COMMUNITY DECAY: A public nuisance created by allowing rubble, debris, junk, or refuse to accumulate resulting in conditions that are injurious to health, indecent, offensive to the senses, or obstruct the free use of property so as to interfere with the comfortable enjoyment of life or property.

COMMUNITY DECAY STANDARDS: Those standards which may be adopted by the mayor in order to provide guidance to the enforcing agency as to the application of this chapter.

PERSON: An individual, firm, partnership, company, association, corporation, city, town, or any other entity whether organized for profit or not.

PUBLIC NUISANCE: A nuisance which affects, at the same time, an entire community or neighborhood or any other considerable number of persons, although the extent of the annoyance or damage inflicted on individuals may be unequal.

PUBLIC VIEW: Any point, six feet (6') above the surface of the center of any public road, property or right of way, from which the community decay can be seen.

SHIELDING: Refers to fencing or other manmade barriers to conceal a facility from public view. It also refers to natural barriers. Any shielding barrier must conform to all local zoning, planning, building and protective covenant provisions or applicable city ordinance. Any shielding is to be of sufficient height that none of the violation on the premises is visible to public view.

9. 24. 030: Agencies powers and duties

The mayor and the town council shall have the following powers and duties:

- (A) The duty to inspect when there has been a complaint by more than three people that "community decay" is present in an area.
- (B) The power to formulate applicable standards by which to enforce this chapter.
- (C) The power to determine whether this chapter applies after an inspection of the property or area. The violation must be in public view.
- (D) The duty to send a written notice of violation to the owner of the property in violation of this chapter.
- (E) The power to enter upon the property in violation after written notice and a show cause hearing, if applicable, for the specific purpose of abating the violation.
- (F) The power to assess the property owner for the actual costs of an abatement made by the mayor and town council.

9. 24.040: COMMUNITY DECAY AND SHIELDING STANDARDS

- (A) Community Decay Standards: It shall be a violation of this chapter to allow any of the following conditions to exist within "public view", as defined within this chapter, on any land or property in the city:
 1. The piling or spreading of straw, hay, grass trimmings or similar material unless the material is to be used as soil conditioner or mulch and the material is plowed into the ground or otherwise mixed and covered with clean soil within sixty (60) days from placement upon a lot or field.
 2. The dumping, piling, or stacking of bricks, concrete blocks, waste wood, and/or similar material on open lots or fields, unless said material is stacked in neat piles and all waste material from the cleaning of such items, such as mortar, wood splinters, broken and unusable bricks, is removed to a licensed solid waste disposal facility or to some other location which has been approved by the mayor and town council within a reasonable period approved by the agency. Should such an operation be an ongoing continuous business, it shall be located in an area properly zoned for such a salvage business and shall be shielded from public view. Shielding shall meet the shielding standards outlined within these community decay standards and/or city zoning regulations.
 3. The storage or large accumulation of cardboard boxes, broken packing boxes, paper, or other similar items on lots or fields.
 4. The piling, dumping or depositing of any dirt, demolition wastes including wood, bricks, concrete, used road blacktop and other similar materials on any open lots or fields, unless such material is to be utilized for fill material to fill a coulee or land depression. If such material is used as fill material, all such material shall be completely covered with clean fill material once every ten (10) days and the fill area shall be adequately fenced to restrict access to the area. Failure to comply with the periodic cover and access control requirements shall constitute a violation of this chapter.

5. The storage and accumulation of iron, metal, component vehicle and machine parts, junk vehicles, household appliances, barrels and other salvaged metal items, unless such material is stored in an approved, licensed, and shielded motor vehicle wrecking facility. If such material is being accumulated as part of an ongoing, active salvage business other than an approved licensed motor vehicle wrecking facility, the salvage business must be located in a properly zoned area for such a business and shall be shielded from public view. Shielding shall meet the shielding standards outlined within these community decay standards and/or city zoning regulations.

The standards set forth herein are for guidance only and are not intended nor shall the same be considered the sole or exclusive standards establishing a violation.

(B) Shielding Standards:

1. All plans for shielding shall be approved by the mayor and town council prior to commencing construction of shielding.
2. When fences are used for shielding the boards may be spaced and/or slanted to reduce wind load. The space between boards when viewed from broadside shall not be more than one and one – half inches (1 1/2") and the interval between spaces shall not be less than seven and one – half inches (7 1/2"). Rough dimensional lumber or better is acceptable. Chain link fences with standard fiberglass or other inserts are acceptable, provided the gap between adjacent slats does not exceed one and one – half inches (1 1/2").
3. Shielding with shrubs and trees shall provide a similar degree of shielding at all times of the year.
4. Other types of fencing of equivalent permanence, attractiveness, and shielding qualities, including corrugated metal, are also acceptable.
5. No more than one of the approved shielding materials shall be used on any one side of a shielding fence.
6. The fencing is to be maintained by the property owner or occupant in a neat and workmanlike manner and shall be replaced when necessary.

9.24.050: Notificaion–Violation

- (A) Upon the mayor and town council own information or upon written complaint by a member of the public that a public nuisance has been created by allowing rubble, debris, junk, or refuse to accumulate resulting in conditions that are injurious to health, indecent, offensive to the senses, or obstruct the free use of property, the mayor and town council shall inspect the property alleged to be in violation of this chapter. Upon inspection the mayor and town council shall determine whether there is a violation of this chapter.
- (B) If there appears to be a violation of this chapter, the mayor and town council shall notify the owner of the property in writing of the violation. This notice shall be sent by certified mail. This notice shall include a statement specifically describing the violation.
- (C) The notice of violation to the owner shall specify that the owner has thirty (30) days from receipt of such notice within which to become in compliance with this chapter by means of removal or shielding of the conditions.
- (D) The owner may, after notification of violation, submit a plan of abatement to the mayor and town council which shall include: 1) type of abatement or shielding if allowed; 2) date for commencement of action; and 3) reasons,

if appropriate, why abatement cannot be started within the thirty (30) days. The mayor and town council may accept such plan and defer further proceedings under this chapter pending abatement.

- (E) After thirty (30) days or the date agreed to by owner and mayor and town council, not to exceed ninety (90) days, the mayor and town council shall determine whether the violation has been abated by the owner.
- (F) If the owner has failed to act, the mayor and town council shall send a notice setting a date and time for hearing before the city court notifying the owner to appear to show cause why the violation has not been abated.
- (G) A show cause hearing will be held by the city court. Both the city mayor and town council agency and the owner may give evidence. At the end of the hearing, the court shall determine if proper notification was made and if the violation exists. The owner shall be ordered to abate it within a reasonable time.
- (H) If, after a show cause hearing, the owner has not complied with the court ordered abatement, the mayor and town council may send written notification by certified mail and allow ten (10) days further to complete abatement. Ten (10) days after receipt of notice by owner, the mayor and town council may enter upon the owner's property with the specific purpose of abating or shielding the violation, whichever the mayor and town council deems appropriate.
- (I) The mayor and town council may assess the property owner/user for the actual costs of the abatement.
- (J) Nonpayment of the assessment by the mayor and town council may be taken as a lien upon the property and is enforceable as is nonpayment of property taxes.

Title 10
TRAFFIC ADMINISTRATION

Chapters:

- 10.04 Traffic Administration
- 10.08 Juvenile Traffic Court
- 10.12 Drivers
- 10.16 Accidents
- 10.20 Speed
- 10.24 Stopping, Standing and Parking
- 10.28 Weight and Size Restrictions
- 10.32 Snowmobiles
- 10.36 Bicycles and Motorcycles
- 10.40 Pedestrians
- 10.44 Parades
- 10.48 Miscellaneous Traffic Regulations

Chapter 10.04
ADMINISTRATION TRAFFIC

Sections:

10.04.010 Authority – Police department.

10.04.020 Authority – Mayor.

10.04.010 Authority – Police department.

All members of the police department are authorized and empowered to direct, control, restrict and regulate, in the interest of public safety, health and convenience, the movement of pedestrians, vehicles and traffic of every kind within the town and may, when necessary, divert or exclude all such traffic from any public highway within the town.

10.04.020 Authority – Mayor.

The mayor, when he considers the public safety requires it, may further regulate or prohibit, in whole or in part, traffic on the part of any public highway for a period of time not exceeding ten days.

Chapter 10.12
DRIVERS

Sections:

10.12.010 Drivers' licenses required.

10.12.020 Privilege limited qualified drivers.

10.12.010 Drivers' licenses required.

A. No person shall drive a motor vehicle on any street or alley within the town who is not in possession of a motor vehicle driver's license for the current year, issued to him in conformity with the laws of the state. Motor vehicles include ATV, motorcycles, snowmobiles, golf carts, and motorized scooters. Liability insurance is required on all motorized vehicles.

B. Any person violating the provisions of subsection A of this section is guilty of a misdemeanor and shall be punished by a fine not less than one nor more than fifty dollars.

10.12.020 Privilege limited to qualified drivers.

No person who is not proficient in the operation of a motor vehicle shall drive a motor vehicle on any public highway.

Chapter 10.16
ACCIDENTS

Sections:

10.16.010 Liability for negligence.

10.16.020 Duties of drivers.

10.16.010 Liability for negligence.

The owner of every vehicle running or traveling upon any public highway of the town for the conveyance of passengers, is liable for all damage to persons or property done by any person in his employment as a driver, while driving such vehicle, whether done willfully or negligently or otherwise, in the same manner such driver would be liable.

10.16.020 Duties of drivers.

It shall be the duty of any driver of a motor vehicle to report immediately to the police department, any accident, collision or mishap he himself may sustain, resulting in injury to person or property, or any with which he may be connected, and it shall be the duty of every person operating or driving any vehicle on the streets of the and coming into contact with any pedestrian, vehicle or any witness to the accident, or in case of any injured pedestrian, to such pedestrian or witness, the license number of his vehicle, the true name and address of the owner, and the name and address of each occupant of such vehicle and it shall like wise be the duty of any occupant of such vehicle, or to any person concerned in such accident, to provide upon request, his name and address. It is unlawful and a misdemeanor for either party to a collision, resulting from a mistake of judgment or arising from accident, to move away from the place of such collision without complying with this section. Drivers need to provide proof of insurance, insurance company name, policy number and date of insurance expiration.

Chapter 10.20
SPEED

Sections:

10.20.010 Montana Uniform Act adopted.

10.20.020 Speed limits established.

10.20.030 School zones.

10.20.040 Use of radar authorized.

10.20.010 Montana Uniform Act adopted.

The Montana Uniform Act regulating traffic on highways, is by this reference adopted for regulating traffic within the corporate limits of the town. At least one copy of such Act shall be kept on file in the office of the clerk -treasurer.

10.20.020 Speed limits established.

No person shall operate any motor vehicle on main street of the town limits, at a rate of speed faster than twenty-five miles per hour or through school zones designated and marked by the chief of police, or through other restricted areas as designated and marked by the chief of police, at a rate of speed faster than fifteen miles per hour, or in any case at a rate of speed such that it will endanger the property of another or the life or limb of any person, unless otherwise established and posted

10.20.030 School zones.

The chief of police shall designate and appropriately mark all school zones and other restricted zones that he may establish so that the boundaries of such restricted areas are clearly discernable to the operator, of any motor vehicle.

10.20.040 Use of radar authorized.

The use of radar by the town police upon the streets and highways within the corporate limits of the town, for the purpose of determining speed and as evidence of speed is authorized.

Chapter 10.24
STOPPING, STANDING AND PARKING

Sections:

- 10.24.010 Angle and parallel parking.
- 10.24.020 Open space and clearance – Oversized loads.
- 10.24.030 Permit required for parking when.
- 10.24.040 Distance between vehicles.
- 10.24.050 Vehicle length restrictions.
- 10.24.060 Parking within marks.
- 10.24.070 Minimum distance from property line.
- 10.24.080 Angle parking..
- 10.24.100 Obstruction of alley access.
- 10.24.110 Parking in alley
- 10.24.120 Yellow curbs.
- 10.24.130 Loading and unloading.
- 10.24.140 Positioning at curbs.
- 10.24.150 Display of vehicles.
- 10.24.160 Distance from fire hydrants.
- 10.24.170 Emergency vehicles.
- 10.24.180 Interference with traffic.
- 10.24.190 Double parking.
- 10.24.200 Parking in public places.
- 10.24.230 Manner of exiting parking spaces – General requirements
- 10.24.250 Parking on town streets
- 10.24.260 Parking or storing vehicles on town streets

10.24.010 Angle and parallel parking.

A. Where parallel parking is required by the provisions of this chapter, vehicles shall stand or be parked parallel with and within twelve inches of the curb, and shall not be parked nearer to each other than three feet.

B. Where angle parking is required, vehicles shall stand at an angle of about forty-five degrees to the curb and with the right front wheel touching or within one foot of the curb and shall not be parked nearer to each other than one foot.

C. Outside of the congested district, vehicles when parked upon the street, may be parked either parallel with the curb or at an angle thereto.

10.24.020 Open space and clearance – Oversized loads.

A. It is unlawful to park any vehicle on any street for any purpose whatsoever so that any part of such vehicle or its load extends into the street to a point nearer than eight feet from the centerline thereof.

B. The object of this provisions is to keep an open space or clearance of sixteen feet in the middle of the highway at all times, and if a vehicle or its load is of such length that it cannot be parked on a certain highway so as to conform with this and other provisions of this chapter, it shall not be left standing upon such highway.

10.24.030 Permit required for parking when.

It is unlawful for any person, firm or corporation to hereafter use or occupy any part of the public ways of the town for the following purposes, namely: The construction and use of vehicular driveways across sidewalks between business places and streets and avenues; the construction and use of stairways upon sidewalk space to basement and second floors of business buildings; for parking space for vehicles set apart by "no parking" signs; for the erection and maintenance of telephone, telegraph and electric light poles; without obtaining a permit for such use from the town council. The right is reserved to the council to deny any application for a permit for the above uses. The town council by resolution may order the discontinuance, abandonment or removal of any such uses on any part of the public ways of the town when it deems such use to be detrimental to the safety and/or convenience of the public, or when such use is not conducive to the best interest of the town.

10.24.040 Distance between vehicles.

A driver or operator of a vehicle desiring to occupy any portion of an unoccupied parking space adjoining a parked vehicle, shall in parking his vehicle conserve parking space as much as possible by parking approximately three feet from a vehicle, where parallel parking is required, and not closer than one foot or farther than two feet from such adjoining vehicle where angle parking is required

10.24.050 Vehicle length restrictions.

No truck or other motor vehicle having a wheel base of greater length than one hundred thirty-three inches, chassis or a bed of greater length than eight feet shall be parked on any street or avenue at an angle to or diagonal to the curb or in any other manner than parallel to and adjacent to the curb of such street or avenue.

10.24.060 Parking within marks.

Where parking space is marked on curb, by paint or otherwise, vehicles must park within space so designated.

10.24.070 Minimum distance from property line.

Where parallel parking is required, no vehicle shall be parked within three feet of the property line at any public highway intersection. The distance is to be measured back from the property line and along the curb line.

10.24.080 Angle parking.

Where angle parking is required, no vehicle shall be parked within sixteen feet of the property line at any public highway intersection. The distance is to be measured back from the property line and along the curb line.

10.24.100 Obstruction of alley access.

No vehicle shall be parked upon any public highway so as to block or interfere with the free use of any alley or driveway.

10.24.110 Parking in alleys.

Vehicles, other than commercial, shall not park in any alley. Commercial vehicles shall not park in alleys longer than is required to load or unload when so parked. Such vehicles shall stand as close as possible to one side of the alley and in any case shall so stand as to permit other vehicles to pass. Vehicles in alleys shall comply with the directions and orders of police officers.

10.24.120 Yellow curbs.

Vehicles must not park by curbs painted yellow.

10.24.130 Loading and unloading.

Vehicles engaged in loading or unloading passengers or commodities while on the public highway shall be loaded and unloaded continuously and as rapidly as practicable.

10.24.140 Positioning at curbs.

A. It is unlawful to stand a vehicle in such manner as to bring the left side thereof next to the curb, or to stand a vehicle at a greater distance than one foot from the curb.

B. No vehicle shall stand backed to the curb, except when actually loading or unloading some commodity.

10.24.150 Display of vehicles.

No vehicle shall be left standing on any public highway for the purpose of display or for sale or exchange without town council approval.

10.24.160 Distance from fire hydrants.

No vehicles shall be parked or left standing within fifteen feet of a fire hydrant. The distance is to be measured back from the hydrant and along the curb.

10.24.170 Emergency vehicles.

Emergency vehicles, such as ambulances and apparatus of the fire and police departments and of public utilities, while actually engaged in emergency business, are not subject to local traffic regulations.

10.24.180 Interference with traffic.

No vehicle shall be parked or otherwise stopped so as to prevent free passage of other vehicles in both directions at the same time.

10.24.190 Double parking.

No vehicle shall double park on any street except when calling for or delivering merchandise, or taking on or discharging passengers, and when access to curb parking is blocked by other vehicles, at the place of delivery, and then only for such length of time as be to load or unload.

10.24.200 Parking in public places.

No vehicle shall be left parked, except while actually being loaded or unloaded, or while taking on or discharging passengers, upon any street along the curb thereof in front of any motion picture show, theater, or other amusement house, or any hotel entrance. By front is meant the distance between the two side lines of the building or portion of building used for a motion picture show, theater, or other amusement house; provided, that the restriction contained in this section shall apply to only one entrance to anyone hotel, as selected by the proprietor thereof, and that the restricted area in front of such hotel entrance shall include a distance of thirty feet only along the curb.

10.24.230 Manner of exiting parking spaces – General requirements.

In leaving parallel parking space, vehicles must in all cases head out into the line of traffic and shall not in any case back out of such parking space.

10.24.250 Parking on town streets

Parking on town streets is limited to seventy two hours with out being moved. Vehicles must be currently licensed and operable. Vehicles left over seventy two hours without moving is a violation of this code. This municipality may remove said vehicles and the cost of removing and storage shall be charged to the owner, operator or possessor of such vehicles and may be charged with a misdemeanor and fined in an amount not to exceed ten dollars for each 24 hours such vehicle has been parked.

10.24.260 Parking or storing vehicles on town streets

Parking or storing vehicles on private property is limited to five vehicles. Anything over five vehicles will be considered a public nuisance as set forth in Chapter 9.24 and must be affectively screened by a six foot solid fence,

fencing materials must be approved by town council. Anyone not complying with this code will be perpetrating a nuisance and shall be punished as set forth in Chapter 1.12 of this code.

Chapter 10.32
SNOWMOBILES, MOTORCYCLES AND ATV'S

Sections:

- 10.32.010 Definitions.
- 10.32.020 Applicability of regulations.
- 10.32.030 State registration required.
- 10.32.040 Operating restrictions.
- 10.32.050 Unlawful acts designated.
- 10.32.060 Operation on private property.
- 10.32.070 Operating time restrictions.
- 10.32.080 Riding on streets, roadways and snowmobile paths.
- 10.32.090 Yield right-of-way.
- 10.32.100 Clinging to vehicles.
- 10.32.110 Obstructive parking.
- 10.32.120 Riding on sidewalks.
- 10.32.130 Violation – Penalty.

10.32.010 Definitions.

As used in this chapter, the following terms shall have the meanings indicated in this section, unless the context other wise clearly requires that another meaning be intended:

- A. "Operator" means and includes every person who operates or is in the physical control of the operation of a snowmobile, motorcycle or ATV.
- B. "Owner" means and includes every person as defined in this section, other than a lien holder or other person having a security interest only, holding record title to a snowmobile, motorcycle or ATV and entitled to the use or possession thereof.
- C. "Person" means and includes an individual, partnership, association, corporation and any other body or group of persons, whether incorporated or not, and regardless of the degree of formal organization.
- D. "Roadway" means and includes only those portions of any highway, road or street improved, designed or ordinarily used for travel or passage of motor vehicles.
- E. "Snowmobile" means and includes any self-propelled, track or wheel driven, vehicle designed primarily for travel on snow or ice or natural terrain, which may be steered by wheels, skies or runners, and which is not other – wise registered or licensed under the laws of the state.

10.32.020 Applicability of regulations.

- A. The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this chapter.
- B. These regulations applicable to snowmobiles shall apply whenever a snowmobile, motorcycle or ATV operated upon any street or upon any public path set aside for the exclusive use of snowmobiles, motorcycles or ATVs subject to those exceptions stated in this chapter.

10.32.030 State registration required.

The owner of a snowmobile, motorcycle, or at shall register such vehicle with the Registrar of Motor Vehicles of the state, and shall further comply with all provisions of the 1969 Snowmobile Act. The owner shall display in a conspicuous place on such registered vehicle, the registered number.

10.32.040 Operating restrictions.

A. No person shall operate a snowmobile, motorcycle or ATV upon a controlled access highway or facility.

B. A snowmobile, motorcycle or ATV make a direct crossing of a street or highway, where such crossing is necessary to get to another authorized area of operation. Such crossings shall be made at an angle of approximately ninety degrees to the direction of the highway, a place where no obstruction prevents a quick and safe crossing. The snowmobile, motorcycle or ATV shall make a complete stop before entering upon any part of the highway or road and the operator shall yield the right – of – way to all oncoming traffic.

C. No snowmobile, motorcycle or ATV shall be operated upon a public street or highway when permitted to do so by this chapter, unless equipped with at least one head lamp and one tail lamp, which shall be lighted at all times during such operation and unless equipped with a suitable braking device which may be operated by either hand or foot.

10.32.050 Unlawful acts designated.

It is unlawful for any person to drive or operate any snowmobile, motorcycle or ATV in anyone or more of the following manners:

A. At a rate of speed greater than twenty five miles per hour or reasonable and proper under all existing circumstances;

B. Without a full stop at any and all intersections;

C. In a careless or reckless manner so as to endanger the person or property of another, or to cause injury or damage to either;

D. Without a lighted head and tail light between the hours of dusk and dawn when upon crossing or when upon any public road, or when otherwise required for safety of others;

E. Operating a snowmobile, motorcycle or ATV or permitting such operation, by any person who by reason of physical or mental disability is incapable of operating the vehicle as required for safety under the prevailing circumstances;

F. Without a muffler in good working order and in constant operation which prevents excessive or unusual noise and annoying smoke.

G. To pull any sled or trailer or any other object without a "rigid type" hitch.

10.32.060 Operation on private property.

Snowmobiles, motorcycles or ATVs will not be operated on private property without the permission of the owner, and at no time shall they be operated on sidewalks or posted areas.

10.32.070 Operating time restrictions.

No snowmobiling, motorcycle riding or ATV use shall be done after the hour of ten p.m. within the town except in going to or from an evening ride.

10.32.080 Riding on streets, roadways and snowmobile paths.

A. Every person operating a snowmobile, motorcycle or ATV upon a street or roadway shall ride as near to the right hand side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

B. Persons riding snowmobiles, motorcycles or ATVs upon a street or roadway shall not ride more paths or parts of exclusive use of snowmobiles.

10.32.090 Yield right-of-way.

Emerging from alley, driveway or building shall upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right-of-way to all pedestrians approaching on the roadway.

10.32.100 Clinging to vehicles.

No person riding upon any snowmobile, motorcycle or ATV shall attach the same or himself to any vehicle upon the street or roadway.

10.32.110 Obstructive parking.

No person shall park a snowmobile, motorcycle or ATV upon a street other than upon the roadway against the curb or upon the sidewalk in such a manner as to afford the least obstruction to pedestrian traffic.

10.32.120 Riding on sidewalks.

No person shall ride a snowmobile, motorcycle or ATV upon any sidewalk within the main business district.

10.32.130 Violation – Penalty.

Violations of any section of this chapter are misdemeanors and shall be punishable by fine or imprisonment or both as follows:

A. For careless or reckless operation of a snowmobile, motorcycle or ATV, or for the operation of a snowmobile, motorcycle or ATV while under the influence of intoxicants or narcotics, a fine of not more than one hundred dollars, or imprisonment for not more than thirty days, or both.

B. For violation of any other provision of this chapter, or of any rule or regulation established under this chapter, a fine not to exceed one hundred fifty dollars.

Chapter 10.36
BICYCLES

Sections:

- 10.36.010 Effect of regulations.
- 10.36.100 Traffic laws applicable to bicyclists.
- 10.36.110 Obedience to traffic – control devices.
- 10.36.130 Riding restrictions.
- 10.36.140 Reasonable speed required.
- 10.36.160 Emerging from alleys or driveways.
- 10.36.170 Clinging to vehicles.
- 10.36.180 Carrying articles.
- 10.36.190 Parking and storage.
- 10.36.200 Riding on sidewalks.
- 10.36.210 Violation – Penalty.

10.36.010 Effect of regulations.

- A. It is unlawful for any person to do any act forbidden or fail to perform any act required in this chapter.
- B. The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this chapter.
- C. These regulations applicable to bicycles shall apply whenever a bicycle is operated upon any street or upon any public path set aside for the exclusive use of bicycles, subject to those exceptions stated in this chapter.

10.36.100 Traffic laws applicable to bicyclists.

Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle, except as to special regulations in this chapter and except as to those provisions of laws which by their nature can have no application.

10.36.110 Obedience to traffic – control devices.

- A. Any person operating a bicycle shall obey the instructions of official traffic-control signs, signals and other control devices applicable to vehicles, unless otherwise directed by a police officer.
- B. Whenever authorized signs are erected indicating that no right or left or U – turn is permitted, it is unlawful for any person operating a bicycle to disobey the direction of any such sign, except where such person dismounts from the bicycle to make any such turn, in which event such person shall then obey the regulations applicable to pedestrians.

10.36.130 Riding restrictions.

- A. A person propelling a bicycle shall not ride other than astride a permanent and regular seat attached thereto.
- B. Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of such.
- C. Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.

10.36.140 Reasonable speed required.

It is unlawful for any person to operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.

10.36.160 Emerging from alleys or driveways.

The operator of a bicycle emerging from an alley, driveway or building, shall upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right-of-way to all pedestrians approaching on said sidewalk or sidewalk area, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on such roadway.

10.36.170 Clinging to vehicles.

It is unlawful for any person riding a bicycle to attach the same or himself to any other vehicle upon the roadway.

10.36.180 Carrying articles.

It is unlawful for any person operating a bicycle to carry any package, bundle or article which prevents the rider from keeping at least one hand upon the handle bars.

10.36.190 Parking and storage.

It is unlawful for any person to park a bicycle upon a street or upon the sidewalk in a rack to support the bicycle or against a building or at the curb in such a manner as to afford the least obstruction to pedestrian traffic.

10.36.200 Riding on sidewalks.

A. It is unlawful for any person to ride a bicycle upon a sidewalk within a business district.

B. The chief of police is authorized to erect signs on any sidewalk or roadway prohibiting the riding of bicycles thereon by any person and when such signs are in place no person shall disobey the same.

C. Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian.

10.36.210 Violation – Penalty.

Any person violating the provisions of this chapter shall, upon conviction thereof, be punished as set forth in Chapter 1.12 of this code.

Chapter 10.40
PEDESTRIANS

Sections:

- 10.40.010 Protection of.
- 10.40.020 On sidewalks.
- 10.40.030 Observe traffic signals.
- 10.40.040 Jay walking.
- 10.40.050 Must be on alert.
- 10.40.060 Congregating prohibited.

10.40.010 Protection of.

The public highways of the town are primarily intended for vehicles but pedestrians have the right to cross them in safety, and all drivers of vehicles shall exercise all proper care not to injure pedestrians.

10.40.020 On sidewalks.

Pedestrians on sidewalks shall keep to the right. Pedestrians when stopped on sidewalk must stand near the building or curb lines.

10.40.030 Observe traffic signals.

Pedestrians must obey traffic signals.

10.40.040 Jay walking.

Pedestrians crossing any public high way at a street intersection within the congested district, shall cross the same on the crosswalk, being that portion of the street included within the lines of the sidewalk projected and shall not cross diagonally at such intersections.

10.40.050 Must be on alert.

In crossing a street, pedestrians shall look out for vehicles and particularly on the left until reaching the centerline of the street, and then to the right.

10.40.060 Congregating prohibited.

It is unlawful for any person to stop or loiter on a public highway crossing, or at any point on a public highway, so as to interfere with or obstruct traffic; or for any person to congregate or to willfully cause persons to congregate in any public highway in such a manner as to interfere with or obstruct traffic; or when so congregated to refuse to disperse upon being requested to do by any police officer.

Chapter 10.44
PARADES

Sections:

10.44.010 Route restrictions.

10.44.010 Route restrictions.

A. The chief of police is empowered to designate routes for parades on the public highways and to police the same, and to adopt and enforce such measures as, in his judgment, are necessary to keep the highway to be traveled upon free from obstruction.

B. No vehicle shall be driven or moved so as to pass through, into, or to interfere with any civic, military or funeral procession except at the direction of a traffic officer.

C. All persons not participating in any parade or procession shall keep off the highway temporarily closed for such parade or procession. No person shall break through or interrupt any regularly ordered parade or procession.

Chapter 10.48
MISCELLANEOUS TRAFFIC REGULATIONS

Sections:

- 10.48.010 Repairing vehicles on streets.
- 10.48.020 Climbing onto vehicles.
- 10.48.030 Riding in the rear of vehicles.
- 10.48.040 Restricted vehicles on streets.
- 10.48.050 Clinging to vehicles.
- 10.48.060 Vehicle lighting requirements.
- 10.48.080 Racing of engines.
- 10.48.090 Chains – Permitted types.
- 10.48.100 Potentially dangerous materials in streets.
- 10.48.110 Projecting loads.
- 10.48.120 Driving over sidewalks.

10.48.010 Repairing vehicles on streets.

It is unlawful for any person to construct or repair any vehicle on any public highway, except temporary repairs in case of accident.

10.48.020 Climbing onto vehicles.

No person shall, without authority of the person in charge, climb upon or into any motor vehicle, whether while the same is in motion or at rest, or hurl stones or any other missile at the same or occupants thereof, nor shall, while such motor vehicle is at rest and unattended, sound the horn or other signaling device or attempt to manipulate any of the levers, starting crank, brakes or machinery thereof, or set such vehicle in motion, or otherwise damage or interfere with the same.

10.48.030 Riding in the rear of vehicles.

It is unlawful for any person to ride on the rear of any vehicle without permission from the driver thereof, and when riding no part of such person's body shall protrude beyond the limits of the vehicle.

10.48.040 Restricted vehicles on streets.

No person having charge of a vehicle or any person having charge of a vehicle or trailer allow such trailer to remain in any public highway unless attached to a vehicle by which it may be propelled or drawn. Provided, that in case of accident, such vehicle may be moved to the side of the highway and if a good and sufficient warning devices be displayed at both ends thereof during the hours of darkness, may remain upon the highway for a period of not exceeding twenty-four hours, pending removal for repairs, except that such vehicle shall not remain upon any of the highways where standing or parking is limited, for a longer time than is necessary to effect its removal.

10.48.050 Clinging to vehicles.

A. It is unlawful for any person to alight upon the public highways from any moving vehicles, or to in any manner catch on to or otherwise attach himself, or any object or vehicle, to any moving vehicle.

B. It is unlawful for the driver, or person in charge, of any moving vehicle, to knowingly permit any person to alight upon the public highway from such vehicle while in motion, or to knowingly permit any person to, in any manner, catch on to or otherwise attach himself or any object or vehicle to such moving vehicle.

10.48.060 Vehicle lighting requirements.

Whenever a motor vehicle is stopped or parked on the public highway at night, the lights shall be turned off or dimmed.

10.48.080 Racing of engines.

It is unlawful for any person to "tune up" or "race" the engine of any motor vehicle on any public highway. The object of this provision is to prohibit loud or distressing noises.

10.48.090 Chains – Permitted types.

Skid chains shall be used only when the public highway, owing to weather conditions, are slippery, and only the regulation type of chain shall be around the wheels instead of the regulation stock chains.

10.48.100 Potentially dangerous materials in streets.

Any person, who through accident, may cause to be thrown or be placed in or upon any public highway, any glass, nails or other material likely to the rubber tires of any vehicle, shall remove the same immediately.

10.48.110 Projecting loads.

No person shall drive or propel, cause or permit to be driven or propelled, upon any public highway, any vehicle with any load or part of a load projecting more than four feet beyond the rear end or front end, or more than two feet beyond the sides of the body or carrying part of such vehicle, unless there shall be firmly attached to the extreme end of such projecting load, or part of load, in such a way as to be seen by persons approaching such vehicle, a red flag or cloth not less than sixteen inches in length or less than sixteen inches in width, by day, and a red light firmly attached to the outer extreme of such projecting load or part of a load, by night.

10.48.120 Driving over sidewalks.

Except as hereinafter provided, no vehicle shall be ridden or driven on or over any sidewalk, boulevard or curb, except over a permanent driveway therefore, constructed in accordance with the plans and specifications approved by the town council; provided, may in his discretion, upon written application stating the place of the proposed crossing and the purpose for which such crossing is desired, use a permit for a temporary crossing for a period of not longer than five days. For such temporary crossing the sidewalk and boulevard shall be kept covered with two – inch planks, not less than ten feet in length, and the outside edges of the sidewalk and curb shall be protected with planks or timbers, so as to prevent contact with the sidewalk and curb. All such planks, timbers and other obstructions shall be removed from the street and sidewalks when and as soon as such crossing is not in actual use, and no planks or timbers or other obstruction shall be allowed to remain on the street, sidewalk, or boulevard between the hours of sunset and sunrise.

STREETS, SIDEWALKS AND PUBLIC PLACES

Chapters:

12.04 Obstructions

12.08 Encroachments

12.12 Excavations

12.16 Construction of Sidewalks and Curbs

12.20 Parks

Chapter 12.04
OBSTRUCTIONS

Sections:

12.04.010 Obstructing streets.

12.04.020 Loitering in streets.

12.04.010 Obstructing streets.

It is unlawful for any person, firm or corporation to place or allow to be placed, or to remain upon any of the streets, alleys or public places of the town any vehicles, buildings, wagons, implements, machinery or anything of any kind which obstructs the free passage and use of such streets, alleys and public places, either by vehicles or pedestrians. Any person violating any of the terms of this section shall be subject to the penalties as set forth in Chapter 1.12 of this code.

12.04.020 Loitering in streets.

No person or persons shall loiter, loaf, remain or do anything on or about the streets, alleys or public places of the town so as to obstruct the same, or to render such streets, alleys or public places impassible, dangerous or inconvenient for passage by vehicles or pedestrians, and any person or persons violating the terms of this section shall be subject to the penalties as provided for in Section 12.04.010 of this chapter.

Chapter 12.08
ENCROACHMENTS

Sections:

- 12.08.010 Short title.
- 12.08.020 Scope.
- 12.08.030 Purpose.
- 12.08.040 Definitions.
- 12.08.050 Permit required when
- 12.08.060 Projection and clearance.
- 12.08.070 Enforcement.

12.08.010 Short title.

The ordinance codified in this chapter shall be known as the “Hobson Uniform Right of Way Encroachment Code.”

12.08.020 Scope.

The purpose of this chapter is to provide standards for the regulation and control of encroachments and private use of public rights-of-way within the incorporated limits of the municipality. This chapter will insure full compliance by this incorporated municipality with all applicable federal, state and local laws, in the interest of public safety and the free and safe flow of traffic.

12.08.030 Purpose.

It is the purpose and intent of this chapter to provide minimum standards to safeguard life, health, property and public welfare by regulating and controlling the placement of all signs and sign structures within the incorporated limits so as to prevent the obstruction of view of any official traffic sign, signal or device.

12.08.040 Definitions.

For the purposes of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as follows:

A. "Curbline" means the line at the face of the curb nearest to the street or roadway. In the absence of a curb, the curb shall be established.

B. "Encroachments" means and includes all private devices placed upon the public right-of-way, including devices which overhang or underlie the right-of-way.

12.08.050 Permit required when.

No private signs, eaves, marquees or similar device will be allowed to encroach on the public rights-of-way of this municipality within the incorporated limits, except as provided in this chapter and then only by permit issued by the proper authorities and revocable on ten days written notice to the permit tee. No gainful private or commercial use of the public right-of-way will be allowed. Examples: Non-emergency servicing of vehicles, parking or placing of portable advertising devices on the public right- of- way.

12.08.060 Projection and clearance.

The outermost portion of an overhanging device should be at least two feet behind the face of the curb, or where there is no curb, from the shoulder of the roadway, and the lowest portion of an overhanging device should be at least seven and one – half feet above the top of the curb, sidewalk or roadway shoulder elevation.

12.08.070 Enforcement.

Authorized city and county officials are directed to enforce all of the provisions of this chapter as provided in this chapter and in accordance with the provisions of MCA Sections 7 – 14 – 2134 through 7 – 14 – 2138. Any person, firm or corporation violating the provisions of this chapter shall be, in addition to the penalties provided by the aforementioned state law, punishable by a fine not to exceed three hundred dollars.

Chapter 12.12
EXCAVATIONS

Sections:

- 12.12.010 Permit –Required.
- 12.12.020 Permit –Application.
- 12.12.030 City to direct work.
- 12.12.040 Removal of paving.
- 12.12.050 Replacing backfill and paving.
- 12.12.060 Patching detail.
- 12.12.070 Cost of pavement repair.
- 12.12.080 Street excavations – General requirements.
- 12.12.090 Street excavations – Bond required.
- 12..12.100 Street excavations – Clerk-Treasurer approval required.

12.12.010 Permit – Required.

It is unlawful for any person, firm or corporation to open up or make any excavation in or upon any of the streets, avenues or alleys in the town for the purposes of making any connections or repairs with any sewer, water or gas pipe or main or telephone conduit, constructing any sewer, water or gas pipe, telephone conduit, without first having obtained a permit to do so as provided in this chapter.

12.12.020 Permit – Application.

Whenever any person, firm, or corporation shall desire to open up or excavate any portion of any street, avenue or alley for the purpose of connecting with or making repairs to any sewer, water, gas pipe, or main, or telephone conduit in such street, avenue, or alley or constructing any other underground conduit, he shall first make an application to the mayor, setting forth in detail the purpose for which said firm, person or corporation desires such an opening or excavation, kind of pavement, sidewalk, and curbing to be broken into and description of the property by lot, block and addition opposite which such excavation or opening is to be made.

12.12.030 Town to direct work.

All excavations made as set out in this chapter shall be made under the direction of a town representative and done in a most careful and workmanlike manner.

12.12.040 Removal of paving.

All paving, sidewalks and curbing shall be carefully removed in such a manner as to cause the least injury or damage to the pavement, sidewalk, and curbing not removed.

12.12.050 Replacing backfill and paving.

All dirt excavated, unless it is clean gravel, shall be hauled away. The backfill material placed in the ditch shall be clean, pit run gravel. It shall be placed in layers not to exceed twelve inches in depth and each layer shall be tamped with a vibrating tamper or a suitable hand tamper. When the ditch is filled to the street level, it shall be jetted or completely flooded with water.

12.12.060 Patching detail.

All work shall be completed as shown on paving patching detail attached to the ordinance codified in this chapter, marked as Exhibit A, and on file in the office of the clerk-treasurer.

12.12.070 Cost of pavement repair.

On completion of the placing of backfill in any cut in any paved street within the town limits, the licensed plumber or utility making the cut shall be billed for and shall be liable to the town a charge of 7.00 per square foot of pavement area removed, such charge being to compensate the city for the patching and repair of the street pavement. The square foot charge may be increased or decreased, as determined by the town council of town.

12.12.080 Street excavations – General requirements.

It is unlawful for any person to cut through or tear open the surface of any street within the town limits without first complying with the conditions set out in Sections 12.12.090 and 12.12.100 of this chapter.

12.12.090 Street excavations – Bond required.

Any person requesting permission to open any town street must post with the mayor a bond in the penal sum of one thousand dollars payable to the town, to protect the town from any liability of any kind' or character whatsoever, which may arise as a result of the applicant's opening any such street, or which may in anywise or manner be connected therewith, or related thereto.

12.12.100 Street excavations – Mayor and town council

The mayor may, in his discretion, for good cause, grant or refuse to grant the request of any applicant for permission to cut through or tear open the surface of any street. The refusal of the mayor to grant such request shall be subject to review by the town council. In case the request is granted, the applicant shall accomplish the proposed work under the supervision of the town representative and shall backfill any such excavation by tamping in a thorough manner.

Chapter 12.16
CONSTRUCTION OF SIDEWALKS AND CURBS

Sections:

- 12.16.040 Connection – Uniform conformance required.
- 12.16.050 Specifications – Business areas.
- 12.16.060 Specifications – Residential areas.
- 12.16.070 Concrete construction standards – General requirements.
- 12.16.080 Concrete construction standards – Particle of aggregate
- 12.16.090 Concrete construction standards – Finishing.
- 12.16.100 Markings.
- 12.16.110 Expansion joints.
- 12.16.120 Construction safety barriers.
- 12.16.130 Destruction or defacing sidewalks.
- 12.16.140 Notification of construction – Procedures.
- 12.16.150 Notification of construction – Expiration date.
- 12.16.160 Supervision – Cost assessment – Liens
- 12.16.170 Violation – Penalty.

12.16.040 Connection – Uniform conformance required.

When two points are established and the grade of a street, a venue or sidewalk is required to conform thereto, the same shall be made uniform between such points.

12.16.050 Specifications – Business areas.

The width of the sidewalk on central avenue on each side thereof, inclusive of the curbs, shall be ten feet. The inner line of such sidewalk shall be at the lot or property of the lot adjoining.

12.16.060 Specifications – Residential areas.

On all residential streets and residential avenues wherein such sidewalks shall be built, by the owner or by the town, and where a curb shall be constructed, the same shall be 5 feet from the lot line of the lot adjoining to the face of the curb. The curb shall be six inches thick and at least twelve inches deep. The top of the curb shall be level with the outer edge of the sidewalk adjoining the property or lot line. The curb shall be parallel to the lot or property line of the lot adjoining, except when such curb intersects a private driveway, alley crossing and street intersection. The curb shall swing into the sidewalk with a uniform curve whose radius shall be eight feet. A drawing is made a part thereof showing the location of sidewalks, location of curb and how curb line is brought to sidewalks at private driveways, alley crossings and street intersections on residential streets and residential avenues; such drawing is on file in the office of the clerk-treasurer.

12.16.070 Concrete construction standards – General requirements.

A. All sidewalks constructed with concrete shall have a base not less than three inches thick, composed of at least one part cement and five parts good clean bank run gravel and sand with at least seven-eighths-inch facing composed of at least one part of cement to two parts sand. The curb constructed with concrete shall be composed of one part cement to five parts of good clean bank run gravel and sand. The soft work concrete shall be tamped and struck off with a template and shall be floated until the surface has a true contour. Care should be taken to not bring

to the surface an excess of water and fine sand by over finishing. The surface edges of such curb shall be rounded to a one-quarter-inch radius.

B. The cement shall meet the requirements of the standard specifications of the American Society for Testing Materials.

C. The bank run gravel and sand should be composed of about three parts of fine aggregate and five parts coarse aggregate.

D. The facing or finish coat should be composed of one part cement to two parts of fine aggregate. The fine aggregate should pass through a one-quarter-inch screen. (See Exhibit 12.16A and 12.16B codified at the end of this chapter).

12.16.080 Concrete construction standards – Particle of aggregate.

Concrete shall be mixed until each particle of fine aggregate is coated with cement and each particle of coarse aggregate is coated with mortar.

12.16.090 Concrete construction standards – Finishing.

Concrete shall be placed immediately after mixing. It shall be tamped and struck off with a template and shall be floated until the surface has a true contour. Care should be taken to not bring to the surface an excess of water and fine sand by over finishing.

12.16.100 Markings.

The walk shall be cut into separate rectangular slabs than six feet on any one side, the surface edges of each slab shall be rounded to a one- quarter inch radius. Marking shall be exactly at cuts between slabs.

12.16.110 Expansion joints.

Expansion joints shall extend from the surface to sub-grade and shall be at right angles to the sidewalk surface. A one- half- inch expansion joint shall be made across the walk at approximately fifty foot intervals.

12.16.120 Construction safety barriers.

All persons or contractors constructing soft work concrete sidewalks within the town limits, shall before beginning construction of same, place suitable obstructions or barricades across the sidewalk and maintain red lights at the point in the same block where such construction is to terminate and shall maintain said obstructions or barricades until the concrete in such walk has set so as not to be injured by persons walking over the same and where the lights, barricades or obstructions have been so placed and maintained, it is unlawful for any person to walk, run or step upon said newly laid concrete so as to mark, mar or in any way injure the same.

12.16.130 Destruction or defacing sidewalks.

No person (other than the street commissioner) shall intentionally or willfully chip, break, cut or in any manner deface or injure any concrete in any sidewalk, curb or gutter, nor shall anyone intentionally step upon or walk, run, ride or drive over or upon any soft work concrete, on any street or avenue, of the town, and thereby making any tracks thereon or depression therein, or injury to the same before same has become set.

12.16.140 Notification of construction – Procedures.

Upon the town council ordering the construction of any sidewalk, the street commissioner shall immediately give notice thereof in writing to the owner of the property immediately abutting such sidewalk or to his agent, lessee or tenant, either by mailing or delivering the same, fully describing therein the termini, course, width and character of the walk ordered and allowing a period of thirty days during which the party, if he so desires, may construct the walk abutting on his property, and further providing that all such walks so ordered remaining un – built at the time

of the expiration of thirty days from the date of such notice, shall be built by the town at the expense of the property owner as thereafter provided.

12.16.150 Notification of construction – Expiration date.

At the expiration of thirty days from the date of the notice as aforesaid, the street commissioner must build such portions of the walks ordered as may not yet be built, within fifteen days from the date thereof.

12.16.160 Supervision – Cost assessment – Liens.

The construction of all new sidewalks ordered as provided in this chapter where the owner fails to do so shall be under the supervision and to the satisfaction of the street commissioner. The total cost of all sidewalks constructed by the town or that may be constructed or repaired by the street commissioner in accordance with the order of the town council, shall be certified by the street commissioner to the clerk-treasurer, who shall then forth-with, transmit a copy thereof to the owner of the property immediately abutting upon such sidewalk, or to his agent or tenant, either by mailing or delivering the same, which total costs of construction must be paid within one month of the date thereof, and if not paid within such time, the same shall become a lien or tax against the lot or lots abutting on the sidewalk or sidewalks and shall bear interest at the rate of one percent per month from the date of the notice and shall be collected at the same time and in the same manner as other taxes.

12.16.170 Violation – Penalty.

Any person violating any of the provisions of this chapter is guilty of a misdemeanor and shall, upon conviction thereof, be punished as set forth in Chapter 1.12 of this code.

Exhibit 12.16B

After the paving is completed, but before seal coating, the Engineer will spot the exact location of survey markers. The Contractor will then place the marker. Any marker found to be off specified location by more than $\frac{1}{4}$ " tolerance allowed shall be removed and replaced to correct location.

Portland Cement Concrete used shall be as specified for curb and gutter construction.

Basis of Payment: The basis of payment for this item shall be the unit price bid per survey marker in place.

ITEM NO. 16 STRAIGHT CURB AND GUTTER

The work to be done under this item shall include the furnishing of all labor, tools, material and equipment necessary to install straight integral curb and gutter as shown on the Plans and in accordance with the Specifications. Construction of the curb and gutter shall be in conformance with Section 74 of the Standard Specifications. Concrete used shall be Class AP as specified in Section 46 of the Standard Specifications. A cubic yard of the concrete in place shall contain not less than six (6) sacks of Portland Cement. Type II Portland Cement with an approved air-entraining admixture shall be used. The concrete shall contain not less than 4% or more than 7% entrained air.

The Contractor shall be responsible for protecting the curb and gutter in place during all construction operations. The back side of the curb shall be backfilled and tamped. If the top of the curb is below the normal ground line, the face of the curb shall be trimmed back to a 1:1 slope, minimum. Should the curb and gutter be constructed so that the top of the curb is above the normal ground level in back, the contractor will backfill against the back of the curb a minimum horizontal distance of two feet with tamped or reasonably well consolidated backfill material.

Basis of Payment: The basis of payment for this item shall be the unit price bid per linear foot of integral curb and gutter complete, in place.

ITEM NO. 17 and 18 10 FOOT AND 14 FOOT RADIUS UNITS

The work to be done under this item shall include the furnishing of all labor, tools, equipment and material necessary to install circular curb and gutter on ten foot or fourteen foot radius along with the section concrete, poured integral with curb and gutter, formed by continuing the outer gutter lines, from each direction, to the point of intersection as shown on Standard Drawing No. Std. 9. The unit shall be set to grade as staked by the Engineer. Where valley gutters will connect with a radius unit, dowels will

be placed as shown on Drawing No. Std. 9. The concrete gutter portion (which includes all concrete other than that in the curb part) shall be sloped to insure proper drainage as directed by the Engineer. Where the gutter portion and valley gutter connect, the gutter portion will meet and conform to the flow line of the adjoining valley gutter. Concrete used shall be as specified for curb and gutter. The gutter portion shall be a minimum of six (6) inches thick. Contraction joints shall be provided as specified.

Chapter 12.20
PARKS

Sections:

12.20.010 Title.

12.20.020 Scope.

12.20.030 Purpose and intent.

12.20.040 Camping – Defined.

12.20.050 Camping – Prohibited – Park hours.

12.20.060 Violation – Penalty.

12.20.010 Title.

The ordinance codified in this shall be known as the “Town of Hobson Regulations Regarding Parks.”

12.20.020 Scope.

The purpose of this chapter is to provide standards for the regulation and control of the public or private uses of the public city parks, located within the boundaries of the town.

12.20.030 Purpose and intent.

It is the purpose and intent of this chapter to provide minimum standards to safeguard the public's right to use the town parks and to prohibit such unauthorized use by itinerant groups of undesirable individuals.

12.20 .040 Camping Defined.

Camping means the use of the park premises for any and all outdoor activity including sleeping, eating and any and all outdoor recreation.

12.20.050 Camping – Prohibited – Park hours.

No overnight camping or sleeping is permitted within the boundaries of the park located within the town limits. It is also ordained by the ordinance codified in this chapter that the daily hours which the park is open to the public use shall be from the hours of seven a.m. until ten thirty p.m. The use of the park at any other time is prohibited.

12.20.060 Violation – Penalty.

Any person, firm or corporation violating the provisions of this chapter is punishable by a fine not exceeding three hundred dollars.

Title 13
PUBLIC SERVICES

Chapters:

13:04 Regulation of Sewer Use

13:12 Procedure for Determining Equitable Charges

13.36 Garbage Regulations

REGULATION OF SEWER USE
ORDINANCE # 13:04

An ordinance regulating the use of public and private sewers and drains, private wastewater disposal, the installation and connection of building sewers, and the discharge of waters and wastes into the public sewer system(s): and providing penalties for violations thereof: in the Town of Hobson, County of Judith Basin, State of Montana.

BE IT ORDAINED and enacted by Council of the Town of Hobson, State of Montana, as follows:

ARTICLE I

Definitions

Unless the context specifically indicates otherwise, the meaning of terms used in the ordinance shall be as follows:

Sec. 1

Biochemical Oxygen Demand (BOD) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees centigrade, expressed in milligrams per liter.

Sec. 2

“Building drain” shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

Sec. 3

“Building Sewer” shall mean the extension from the building drain to the public sewer or other place of disposal, also called house connection.

Sec. 4

“Combined Sewer” shall mean a sewer intended to receive both wastewater and storm or surface water.

Sec. 5

“Easement” shall mean an acquired legal right for the specific use of land owned by others.

Sec. 6

“Floated oil” is oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and wastewater does not interfere with the collection system.

Sec. 7

“Garbage” shall mean the animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.

Sec. 8

“Industrial Wastes” shall mean the wastewater from industrial processes, trade or business as distinct from domestic or sanitary wastes.

Sec. 9

“Natural Outlet” shall mean an outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

Sec. 10 “May” is permissive (See “Shall,” Sec. 18)

Sec. 11

“Person” shall mean any individual, firm, company, association, society, corporation, or group.

Sec. 12

“pH” shall mean the logarithm of the reciprocal of the hydrogen-ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen-ion concentration of 10^{-7} .

Sec. 13

“Properly shredded garbage” shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than $\frac{1}{2}$ inch (1.27 centimeters) in any dimension.

Sec. 14

“Public sewer” shall mean a common sewer controlled by a governmental agency or public utility.

Sec. 15

“Sanitary sewer” shall mean sewer that carries liquid and water – carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.

Sec. 16

“Sewage” is the spent water of a community. The preferred term is “wastewater”, Sec. 24.

Sec. 17

“Sewer” shall mean a pipe or conduit that carries wastewater or drainage water.

Sec. 18

“Shall” is mandatory (see “may,” Sec. 10).

Sec. 19

“Slug” shall mean any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 (15) minutes more than five (5) times the average twenty four (24) hour concentration or flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.

Sec. 20

“Storm drain” (sometimes termed “storm sewer”) shall mean a drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.

Sec. 21

“Superintendent” shall mean the (superintendent of wastewater facilities, and/or of water pollution control) of the Town of Hobson, or his authorized deputy, agent or representative.

Sec. 22

“Suspended solids” shall mean total suspended matter that either floats on the surface of, or is in suspension in water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in “Standard Methods for the Examination of Water and Wastewater” and referred to as non-filterable residue.

Sec. 23

“Unpolluted water” is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

Sec. 24

“Wastewater” shall mean the spent water of a community, from the standpoint of source, it may be a combination of the liquid and water – carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and storm water that may be present.

Sec. 25

“Wastewater facilities” shall mean the structures, equipment, and processes required to collect, carry away and treat domestic and industrial wastes and dispose of the effluent.

Sec. 26

“Wastewater treatment works” shall mean an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with “waste treatment plant” or “wastewater treatment plant” or water pollution control plant”

Sec. 27

“Watercourse” shall mean a natural or artificial channel for the passage of water either continuously or intermittently.

ARTICLE II

USE OF PUBLIC SEWERS REQUIRED

Sec. 1

It shall be unlawful for any person to place, deposit, or permit to be deposited, or permit to be deposited in any unsanitary manner on public or private property within the Town, any human or animal excrement, garbage, or other objectionable waste.

Sec. 2

It shall be unlawful to discharge to any natural outlet within the Town, or in any area under the jurisdiction of the Town, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

Sec. 3

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.

Sec. 4

The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purpose situated within the city or abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the Town, is hereby required at the owner(s) expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within 60 days after date to official notice to do so, provided that said public sewer is within 100 feet of the property line.

ARTICLE III

PRIVATE WASTEWATER DISPOSAL

NOT APPLICABLE

ARTICLE IV

SANITARY SEWER, BUILDING SEWERS AND CONNECTIONS

Sec. 1

No unauthorized person(s) shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Mayor.

Sec. 2

There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner(s) or his agent shall make application on a form furnished by the Town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Mayor. A permit and inspection fee of 250.00 for a residential or commercial building sewer permit and 500.00 for an industrial building sewer permit shall be paid to the Town at the time the application is filled.

Sec. 3

All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

Sec. 4

A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered an on building sewer, but the Town does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

Sec. 5

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the superintendent, to meet all requirements of this ordinance.

Sec. 6

The size, alignment, materials of construction of all sanitary sewers including building sewers, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building plumbing or other applicable rules and regulations of the Town. In the absence of suitable code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A. S. T. M. and W. P. C. F. Manual of Practice No. 9 shall apply.

Sec. 7

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

Sec. 8

No person(s) shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is approved by the Mayor for purposes of disposal of polluted surface drainage.

Sec. 9

The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulation of the Town, or the procedures set forth in appropriate specifications of the A. S. T. M. and the S. P. C. F. Manual of Practice No. 9. All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Mayor before installation.

Sec. 10

The applicant for the building sewer plant shall notify the Mayor when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Mayor or his representative.

Sec. 11

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town.

ARTICLE V

USE OF THE PUBLIC SEWERS

Sec. 1 No person(s) shall discharge or cause to be discharged any unpolluted waters such as storm water, surface water, ground water, roof runoff, subsurface drainage, or cooling water to any sewer, except storm water runoff from limited areas, which storm water may be polluted at times, may be discharged to the sanitary sewer by permission of the Mayor.

Sec. 2 Storm water other than that exempted under Section 1, Article V and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet

approved by the Mayor and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged, on approval of the Mayor to a storm sewer, combined sewer, or natural outlet.

Sec. 3 No person(s) shall discharge or cause to be discharged any of the following described water or wastes to any public sewers.

- (a). Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
- (b). Any waters containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to contaminate the sludge of any municipal system, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in or have an adverse effect on the waters receiving any discharge from the treatment works.
- (c). Any waters or wastes having a pH lower than (5.5), or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater works.
- (d). Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, un – ground garbage, whole blood, paunch manure, hair, and fleshings, entrails and paper dishes, cups, milk containers, disposable diapers, etc., either whole or ground by garbage grinders.

Sec. 4

The following described substances, materials, waters, or waste shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The Superintendent may set limitations lower than the limitations established in the regulations below if in his opinion such more severe limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability, the Mayor will give consideration to such factors as the quantity of subject waste in relations to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treat ability of the waste in the wastewater treatment plant, and other factors. The limitation or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the Mayor are as follows:

- (a). Wastewater having a temperature higher than 150 degrees Fahrenheit (65 degrees Celsius).
- (b). Wastewater containing more than 25 milligrams per liter of petroleum oil, non biodegradable cutting oils, or product of mineral oil origin.
- (c). Wastewater from industrial plants containing floatable oils, fat, or grease.
- (d). Any garbage that has not been properly shredded (see Article I, Section 13). Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
- (e). Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the Superintendent for such materials.
- (f). Any waters or wastes containing odor-producing substances exceeding limits which may be established by the Mayor.
- (g). Any radioactive wastes or isotopes of such half – life or concentration as may exceed limits established by the Superintendent in compliance with applicable state or federal

regulations.

(h) Quantities of flow, concentrations, or both which constitute a “slug” as defined herein.

(i). Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(j). Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.

Sec. 5

If any waters or wastes and discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 4 of this Article, and which in the judgment of the Mayor, may have a deleterious effect upon the wastewater facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

(a). Reject the wastes;

(b). Require pretreatment to an acceptable condition for discharge to the public sewers;

(c). Require control over the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 10 of this Article.

When considering the above alternative, the Mayor shall give consideration to the economic impact of each alternative on the discharger. If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent.

Sec. 6

Grease, oil, and sand interceptors shall be provided when, in the opinion of the Mayor, they are necessary for the proper handling of liquids wastes containing floatable grease in excessive amounts as specified in Section 4(c), or any flammable wastes, sand, or other harmful ingredients; except that such interceptors will not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Mayor, and shall be of a type and capacity approved by the accessible for cleaning and inspection.

In the maintaining of these interceptors the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captivated material and shall maintain records of the dates, and means of disposal which are subject to review by the Mayor. Any removal and hauling of the collected materials not performed by owner(s) personnel must be performed by currently licensed waste disposal firms.

Sec. 7

Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner(s) at his expense.

Sec. 8

When required by the Mayor, the owner(s) of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such structures, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Mayor. The structure shall be installed by the owner at his expense, and shall be maintained by him so to be safe and accessible at all times.

Sec. 9 The Mayor may require a user of sewer services to provide information needed to determine compliance with this ordinance. These requirements may include:

- 1). Wastewaters discharged peak rate and volume over a specified time period.
- 2). Chemical analyses of wastewaters.
- 3). Information on raw materials, processes, and products affecting wastewater ` volume and quality.
- 4). Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control.
- 5). A plot plan of sewers of the user's property showing sewer and pretreatment facility location.
- 6). Details of wastewater pretreatment facilities.
- 7). Details of systems to prevent and control the losses of materials through spills to the municipal sewer.

Sec. 10

All measurement, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association. Sampling methods, location, times, durations and frequencies are to be determined on an individual basis subject to approval by the Mayor.

Sec. 11

No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Town and any industrial concern whereby on industrial waste of unusual strength or character may be accepted by the city for treatment.

ARTICLE VI

Sec. 1

No person(s) shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenances or equipment which is a part of the wastewater facilities. Any person(s) violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

ARTICLE VII

POWERS AND AUTHORITY OF INSPECTORS

Sec. 1

The Mayor and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing pertinent to discharge to the community system in accordance with the provisions of this ordinance.

Sec. 2

The Mayor or other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. The industry may withhold information considered confidential. The industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.

Sec. 3

While performing the necessary work on private properties referred to in Article VII, Section I, above, the Mayor or duly authorized employees of the Town shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the Town employees, and the Town Shall

indemnify the company against loss of damage to its property by Town employees and against liability claims and demands for personal injury or property damage asserted against the company growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Article V, Section 8.

Sec. 4 The Mayor and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

ARTICLE VIII

PENALTIES

Sec. 1

Any person found to be violation any provisions of this ordinance except Article VI shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice permanently cease all violations.

Sec. 2

Any person who shall continue any violating beyond the time limit provided for in Article VI, Section I, shall be quality of a misdemeanor, and on conviction thereof, shall be fined in the amount not exceeding 500.00 dollars for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

Sec. 3

Any person violating any of the provisions of this ordinance shall become liable to the Town for any expenses, loss, or damage occasioned the Town by reason of such violation.

ARTICLE IX

VALIDITY

Sec. 1

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Sec. 2

The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

ARTICLE X

ORDINANCE IN FORCE

Sec. 1

This ordinance shall be in full force and effect from and after its passage, approval, recording, and publication as provided by law.

Sec. 2

passed and adopted by the Council of the Town of Hobson, State of Montana on the _____ day of _____, 1993 by the following vote:

Ayes _____ : namely _____

APPROVED this _____ day of _____, 2008.

Mayor, Town of Hobson

ATTEST:

Clerk, Town of Hobson

PROCEDURE FOR DETERMINING EQUITABLE CHARGES

ORDINANCE #13:12

An ordinance establishing the procedure for determining equitable service charges to be levied on all users which discharge wastewater to the wastewater system operated by the Town of Hobson, Montana, and providing certain prohibitions.

BE IT ORDAINED by the Town Council of the Town of Hobson, Montana:

Section 1. Purpose

The purpose of this ordinance shall be to generate sufficient revenue to pay all costs for the operation and maintenance of the complete wastewater system. The costs shall be distribution to all users of the wastewater system in proportion to each user's contribution to the total loading of the treatment works. Factors such as strength (BOD and TSS), volume, and delivery flow rate characteristics shall be considered and included as the basis for the user's contribution to ensure a proportional distribution of operation and maintenance costs to each user (or user class).

Section 2. Determining the total annual cost of operation and maintenance

The Town, or its Engineer, shall determine the total annual costs of operation and maintenance of the wastewater system which are necessary to maintain the capacity and performance, during the service life of the treatment works, for which such works were designed and constructed. The total annual cost of operation and maintenance shall include but need not be limited to, labor, repairs, equipment, replacement, maintenance, necessary modifications, power, sampling, laboratory tests, and a reasonable contingency fund.

Section 3. Determining each user's wastewater contribution percentage

The Town of Hobson, or its Engineer, shall determine each user's average daily volume of wastewater which has been discharged to the wastewater system, which shall then be divided by the average daily volume of all wastewater discharged to the wastewater system, to determine each user's Volume Contribution Percentage. The amount used as the total average daily volume of wastewater shall exclude infiltration and inflow. The Town, or its Engineer, shall determine each user's average daily poundage of a 5 – day, 20 degrees Centigrade Biochemical Oxygen Demand (BOD) which has been discharged to the wastewater system which shall then be divided by the average daily poundage of all 5-day BOD discharged to the wastewater system to determine each user's BOD Contribution Percentage.

The Town, or its Engineer, shall determine each user's average Suspended Solids (SS) poundage which has been discharged to the wastewater system which shall then be divided by the average daily poundage of all Suspended Solids discharged to the wastewater system, to determine the user's Suspended Solids Contribution Percentage. Each user's Volume Contribution Percentage shall be multiplied by the annual operation and maintenance costs for wastewater treatment of the total volume flow, of the total 5-day 20 degree Centigrade BOD and of the total Suspended Solids, respectively.

Section 4. Determining a surcharge system for users with BOD and SS

The Town, or its Engineer, will determine the average Suspended Solids (SS) and biochemical oxygen demand (BOD) daily loadings for the average residential user. The Town, or its Engineer, will assess a surcharge rate for all non – residential users discharging wastes with BOD and SS strengths greater than the average residential user. Such users will be assessed a surcharge sufficient to cover the costs of treating such users' above normal strength wastes. Normal strength wastes are considered to be 220 p.p.m BOD and 250 p.p.m. SS.

Section 5. Determining each user's wastewater service charge

Each non – residential user's wastewater treatment cost contributions as determine in Sections 3 and 4 shall be added together to determine such users' annual wastewater service charge. Residential users may be considered to be one class of user and an equitable service charge may be determined for each user based upon an estimate of the total wastewater contribution of this class of user. The governing body may classify industrial, commercial, and other non – residential establishments as a residential user, provided that the wastes from these establishments are equivalent to the wastes from the average residential user with respect to volume, suspended solids, and BOD. Each user's wastewater treatment cost contribution will be assessed in accordance with the attached rate schedule.

Section 6. Wastewater facilities replacement fund

A reserve fund called the Wastewater Facilities Replacement Fund is hereby established within the wastewater utility fund for the purpose of providing sufficient funds to be expended for obtaining and installing equipment, accessories and appurtenances during the useful life (20 years) of the wastewater treatment facilities necessary to maintain the capacity and performance for which facilities are designed and constructed. (See Appendix B).

Section 7. Payment of the user's wastewater service charge

The Town shall submit notification to the user of the user's annual wastewater service charge, prior to the date of notification of tax assessments by the County Assessor. This notification shall also be published in the newspaper of local circulation. Payments of wastewater service charges by Town of Hobson system users will be made semi – annually on or about November 30 and May 31 of each year to the County Treasurer, who will remit proceeds to the Town of Hobson wastewater utility fund. Should any user fail to pay the user wastewater service charge within three months of the due date, the Town may stop the wastewater service to the property.

Section 8. Review of each user's wastewater service charge

The Town shall review the total annual cost of operation and maintenance as well as each user's Wastewater Contribution Percentage not less often than annually and will revise the system as necessary to assure equity of the service charge system established herein and to assure that sufficient funds are obtained to adequately operate and maintain the wastewater treatment works. If a significant user, such as an industry, has completed in – plan modifications which would change that user's Wastewater Contribution Percentage, the user can present at a regularly scheduled meeting of the governing body, such factual information and the Town shall then determine if the user's Wastewater Contribution Percentage is to be changed. The Town shall notify the user of its findings as soon as possible.

Section 9. Notification

Each user will be notified, at least annually, of the rate and that portion of the user charges which are attributable to wastewater treatment services. Notification will be made pursuant to the procedure set forth in Section 7.

Section 10 Wastes prohibited from being discharged to the wastewater treatment system

The discharge of any waters containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly, or by interaction with other wastes, to contaminate the sludge of any municipal systems, or to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in or have an adverse effect on the waters receiving any discharge from the treatment works is hereby prohibited. (Article No. V of the Town's "Regulation of Sewer Use" Ordinance contains additional requirements covering the use of the Town's public sewers).

Section 11. Prohibition of clear water connections

No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

Section 12. Proper design and construction of new sewers and connections

The size, slope, alignment, materials of construction of all sanitary sewers and sewer connections, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trenches, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town, and the State of Montana. In the absence of code provisions or in amplification therefore, the materials and procedures set forth in appropriate specifications of the A. S. T. M. and W. P. C. F. Manual of Practice No. 9 shall apply. (Article No. IV of the Town's "Regulations of Sewer Use" Ordinance contains additional requirements covering the proper design and construction for the Town's sanitary sewers, building sewers, and connections).

Section 13. Validity

All ordinances or parts of ordinances in conflict herewith are hereby repealed. The invalidity of any section, clause, sentence or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

Section 14. Ordinance in force

This ordinance shall be in full force and effect from and after its passage, approval, recording, and publication as provided by law.

STATE OF MONTANA
COUNTY OF JUDITH BASIN
TOWN OF HOBSON

I, _____, the duly appointed, qualified Town Clerk of the Town of Hobson, Montana, hereby certify that the within and foregoing ordinance is a true and correct copy of the original ordinance enacted by the Town of Hobson, Montana, with the First Reading of the Ordinance No. _____ and the Second Reading and final passage on the _____ day of October, 1992

In TESTIMONY WHEREOF, I have hereto set my hand and affixed the seal of the Town of Hobson, this _____ day of _____, 1993.

(TOWN SEAL)

TOWN CLERK

APPENDIX A

RATE SCHEDULE

Residential users are considered to be one class of user and are assessed a charge of \$11.08 per month. Non – residential users with flows no greater than the average residential user’s flow of 9,756 gallons per month and with BOD₅ and TSS no greater than the average residential user’s strength of 220 ppm BOD and 250 ppm TSS will pay the same charge of \$11.08 per month as the average residential user.

APPENDIX B

WASTEWATER FACILITIES REPLACEMENT FUND SCHEDULE

The reserve fund called the Wastewater Facilities Replacement Fund established within the wastewater utility fund as an interest bearing account shall be funded by a deposit of \$1,500.00 per year obtained from the wastewater utility fund at the end of each fiscal year.

DETERMINATION OF USER CHARGE SYSTEM

TOWN OF HOBSON
WASTEWATER TREATMENT FACILITY
OCTOBER, 1992

1. ESTIMATED ANNUAL OPERATION AND MAINTENANCE COSTS

Bookkeeping	\$	500
Labor (40 hrs/month @\$10/hr)		4,800
Training		500
Equipment and Materials		200
Tests and License		720
Power		1,750
Annual Report		200
Reserve Fund		1,500
Miscellaneous		280
Insurance		750
Annual Projected O&M Budgeted	\$	11,200

ANNUAL DEBT SERVICE

Based on a \$45,00 note @9%

Interest for 10 years (as referenced in
Town of Hobson CDBG application)

\$ 7,010

TOTAL ANNUAL SEWER SYSTEM BUDGET \$ 18,210

2. AVERAGE DOMESTIC FLOW PER RESIDENCE

Estimated at 100 gallons per capita day:

$$\begin{aligned} 3.25 \text{ PE/Residence} \times 100 \text{GPCD} &= 3.25 \text{ GPD/Residence} \\ &= 1.0 \text{ Residential Equivalent} \end{aligned}$$

3. AVERAGE FLOW FOR NON – RESIDENTIAL USERS:

<u>User</u>	<u>Estimated Use of GPD</u>	<u>Residential Equivalent</u>
Grocery Store	325	1.0
Café	325	1.0
Bar	325	1.0
Office	325	1.0
School	2600	8.0

4. TOTAL NUMBER OF USER EQUIVALENTS (RE):

<u>Type</u>	<u>Number and Rate</u>	<u>Residential Equivalent</u>
Residential Users	124 x 1.0 RE	= 124
Grocery Store	1 x 1.0 RE	= 1
Bar	2 x 1.0 RE	= 2
Café	1 x 1.0 RE	= 1
Office	1 x 1.0 RE	= 1
School	1 x 8.0 RE	= 8
TOTAL RESIDENTIAL EQUIVALENTS		= 137

5. USER CHARGE PER RESIDENTIAL EQUIVALENT:

$$\begin{aligned} \frac{\text{Total Annual O\&M + Debt Service}}{\text{Total Residential Equivalents}} &= \frac{\$18,210}{137} \\ &= 132.92 \text{ Annually} \end{aligned}$$

$$\begin{aligned} \frac{\text{Annual Residential Charge}}{12 \text{ months/year}} &= \frac{132.92}{12} \\ &= 11.08 \text{ Monthly} \end{aligned}$$

6. PROPOSED RATE SCHEDULE AND ANNUAL REVENUE

<u>User Type</u>	<u>Number</u>	<u>Res. Equiv.</u>	<u>Monthly Rate/RE</u>	<u>Annual Charge</u>	<u>Montly Charge</u>	<u>Ttl. Annual Revenue</u>
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Residential	124	1.0	11.08	132.92	11.08	16,482.08
Café	1	1.0	11.08	132.92	11.08	132.92
Bar	2	1.0	11.08	132.92	11.08	265.88
Store	1	1.0	11.08	132.92	11.08	132.92
Office	1	1.0	11.08	132.92	11.08	132.92
School	8	1.0	11.08	1063.36	11.08	1,063.36

TOTAL ANTICIPATION ANNUAL REVENUE = \$18,210.08

Chapter 13.36
GARBAGE REGULATIONS

Sections:

- 13.36.010 Garbage defined. .
- 13.36.020 Containers – Required – Specifications.
- 13.36.080 Burning prohibited.
- 13.36.090 Building rubbish.
- 13.36.100 Cleanup.
- 13.36.110 Violation – Penalty.

13.36.010 Garbage defined.

"Garbage," as used in this chapter is intended to mean all refuse, animal and vegetable matter, ashes, store sweepings, tin cans, bottles, paper and rubbish, and other indestructible waste matter, but shall not be construed to mean or include basement or lawn excavations, trees or house wreckage or other like debris or any material in excess of four feet in length. It is unlawful to accumulate garbage outside the home for more than two weeks. It will be considered to be a health hazard.

13.36.020 Containers – Required – Specifications.

It shall be the duty of every owner, occupant, tenant or lessee, or any of them individually of every occupied building used for human habitation or business purpose within the city to provide or cause to be provided, portable containers sufficient in number to hold the garbage accumulating between periods of removal. All such garbage containers shall be provided with handles and tight fitting covers. The covers shall be kept on the containers at all times, except when necessarily removed for depositing or removing garbage. The owner, occupant, tenant or lessee, or any of them individually shall provide containers so constructed that the wind or dogs will not upset the containers or container. It is unlawful for any person to throw, scatter or otherwise place or have, or cause to be thrown, scattered or otherwise placed or left upon or along any street or other public place or upon any vacant or unoccupied lot or lots within the city any waste, paper, rubbish, refuse, debris or garbage of any kind.

13.36.080 Burning prohibited.

The burning of garbage, as defined in this chapter within the corporate limits of the city, in or out of incinerators is forbidden and prohibited.

13.36.090 Building rubbish.

Building rubbish resulting from new construction or extensive alterations of buildings or yards or the removal of large trees, or any trade waste condemned in large quantities, and any and all other refuse of such size that the garbage truck cannot readily accommodate, is not garbage under this chapter and must be disposed of at the expense of the person responsible for its production.

13.36.100 Cleanup.

A general city – wide cleanup shall be conducted in the city once each spring and once each fall at such time as ordered and publicly announced by the city council and accumulated garbage, rubbish and refuse shall be removed by the city or its agents free of cost to the occupants of such units and the owners of the real estate upon which such units are situated. Freon appliances must be certified Freon free.

13.36.110 Violation – Penalty.

Any violation of any provision or provisions of this chapter by any person or persons shall be punishable by a fine not exceeding five dollars for the first offense, ten dollars for the second offense and fifty dollars for the third offense.

Title 15
BUILDINGS AND CONSTRUCTION

Chapters:

15.04 Building Approval

15.06 Residential District

15.08 Moving Buildings

15.12 Installation of Television Towers

15.16 Fire Limits

15.20 Fire Safety Construction Regulations

Chapter 15.04
BUILDING APPROVAL

Sections:

15.04.010 Permit required when.

15.04.020 Issuance limitations – Special improvement district.

15.04.030 Right to refuse applications.

15.04.040 Violation – Penalty

15.04.010 Permit required when.

Before any person places or constructs or erects any building within the town limits, the person must first secure permission from the town council for this purpose.

15.04.020 Issuance limitations – Special improvement district.

No such building permission shall be granted within the limits of the city except upon condition that such building shall be properly connected with the city sewer system.

15.04.030 Right to refuse applications.

The council shall have the right to refuse any such application if the council finds that such building would be a fire hazard or detrimental to the health or general welfare of the community.

15.04.040 Violation – Penalty.

Any person who violates any of the provisions of this chapter shall, upon conviction thereof, be punished as set forth in Chapter 1.12 of this code.

Chapter 15.06
RESIDENTIAL DISTRICT

Sections:

- 15.06.01 Lot frontage
- 15.06.02 Front yards
- 15.06.03 Rear yards
- 15.06.04 Side yards

15.06.01 Lot frontage

There shall be a minimum lot frontage of not less than 50 feet.

15.06.02 Front yards

There shall be a front yard having a depth of not less than 20 feet. However, in blocks where residential buildings have been erected on forty percent or more of the lots, the front yard shall not be less than the average front yard thus established; provided, that no front yard shall be less than 20 feet nor more than 35 feet. Where buildings front on a side street (a street not parallel to the alley), the front yard shall have depth of not less than 10 feet.

15.06.03 Rear yards

Rear yards shall have a depth of not less than 5 feet.

15.06.04 Side yards

There shall be a side yard having a depth of not less than 5 feet.

Chapter 15.08
MOVING BUILDINGS

Sections:

15.08.010 Permit – Required.

15.08.020 Permit – Application.

15.08.030 Permit – Issuance.

15.08.040 Bond requirements.

15.08.050 Violation – Penalty.

15.08.010 Permit – Required.

When any person, persons, firms or corporation shall be desirous of moving a building, buildings or structure into the town limits, or be desirous of erecting, repairing, changing, demolishing, altering or moving any building or structure within the town limits, he or they shall make application to the town council for permission for that purpose and shall furnish the clerk- treasurer with a written statement of the proposed location, material, dimensions, an estimate of the cost and type of construction of the building or structure sought to be moved into the town limits, or to be constructed, altered, demolished, repaired or moved within the limits of the town.

15.08.020 Permit – Application.

The application for permission shall be signed by the owner or owners, with agreement that he or they will comply with the laws and ordinances of the town applicable thereto, and it is unlawful to move any building, buildings or structures into the town limit or to move, construct, demolish, alter or repair any building or structure within the town limits without such permission from the town council.

15.08.030 Permit – Issuance.

The town council shall examine and consider the application and if moving, construction, demolition, alteration or repairing proposed under the application will not be detrimental or hazardous to the health, safety and general welfare of the community and not in violation of any law or ordinance, the application shall be granted and the permission issued, otherwise the application shall be denied by the town council.

15.08.040 Bond requirements.

The town council may, by resolution, require a bond to be executed, payable to the town, with sureties to be approved by the clerk-treasurer. This bond, in a penal sum of not less than one hundred dollars and not more than one thousand dollars, as the mayor may deem to be a proper amount for the protection of the town to be conditioned as follows: The party receiving the permit shall pay to the town all damages the town may suffer as a consequence of the use of the streets and alleys for the moving or demolishing of such building, and shall also pay any and all liability including costs of adjudication of claims for which the city may be liable, and shall pay any and all penalties that may be incurred by such person, firm or their agents, while in the execution of the moving or demolition of the building.

15.08.050 Violation – Penalty.

Any person who violates any of the provisions of this chapter shall, upon conviction thereof, be punished as set forth in Chapter 1.12 of this code

Chapter 15.16
FIRE LIMITS

Sections:

15.16.020 Fire limits – Boundaries.

15.16.040 Removal of declared nuisances.

15.16.050 Violation – Penalty.

15.16.050 Violation – Penalty.

Any person, firm or corporation violating a provision of this chapter for which another penalty has not been provided shall, upon conviction thereof, be punished as set forth in Chapter 1.12 of this code.

Chapter 15.20
FIRE SAFETY CONSTRUCTION REGULATIONS

Sections:

15.20.010 Authority to prohibit certain buildings.

15.20.020 Suitable chimneys required – Penalty.

15.20.030 Stove pipe specifications.

15.20.010 Authority to prohibit certain buildings.

The town council shall have power by special order duly made and entered of record, after hearing of interested parties, to prohibit the erection of a wooden building in any part of the city beyond the fire limits thereof, so close to any other building previously erected, or of such dangerous character as to greatly endanger the same; provided, that this regulation shall not be construed to apply to smaller outbuildings and any person who in violation of such special order of the council shall erect prohibited buildings, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished as set forth in Chapter 1.12 of this code, and every day of continued violation shall be deemed a separate offense, and be punished in like manner.

15.20.020 Suitable chimneys required – Penalty.

After the passage of the ordinance codified in this chapter, every building erected within the limits of the town wherein fire shall be intended to be used, shall be furnished with at least one substantial brick chimney, or one of stone or other material equally as safe and fire – proof, securely plastered throughout on the inside, and also on the outside where passing through inaccessible places or near woodwork, and no person shall be allowed in any building hereafter erected within the limits of the city to run a stove pipe through the roof or side of the same nor in any place wherein such arrangement now exists within the limits shall the same be allowed to continue beyond two months from the passage of the ordinance codified in this chapter. Any violation of either of the provisions of this chapter shall, on conviction thereof, be punished as set forth in Chapter 1.12 of this code, and every day of continued violation after due notice shall be deemed a separate offense, punishable in like manner.

15.20.030 Stove pipe specifications.

After the passage of the ordinance codified in this chapter, in all buildings erected, repaired or altered within the limits of the city, when it is desired that stove pipes shall pass through any partition wall of wood or partly of wood, the same shall be secured by an iron or tin thimble with at least a two – inch air chamber, and where any pipe shall enter a chimney, the same shall be provided with an iron thimble securely fitted. And every stove, before used, shall be provided with zinc, iron, tin or something equivalent, to protect the woodwork underneath and around the stove from taking fire there from. Any violation of either of the provisions of this section shall subject the offender to a penalty as set forth in Chapter 1.12 of this chapter.

