CITY OF SCOBEY

MUNICIPAL

CODE

A Codification of the General Ordinances

of the City of Scobey, Montana

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Seattle, Washington

2015

TABLE OF CONTENTS

Preface

Table of Revised Pages

Title 1 General Provisions

Title 2 Administration and Personnel

Title 3 Revenue and Finance

Title 4 (Reserved)

Title 5 Business Licenses and Regulations

Title 6 Animals

Title 7 (Reserved)

Title 8 Health and Safety

Title 9 Public Peace, Morals and Welfare

Title 10 Traffic Administration

Title 11 (Reserved)

Title 12 Streets, Sidewalks and Public Places

Title 13 Public Services

Title 14 (Reserved)

Title 15 Buildings and Construction

Title 16 Subdivisions

Title 17 Zoning

Tables

Index

PREFACE

Citation to the Scobey Municipal Code: This code should be cited as SMC; i.e., "see SMC 3.05.010." A SMC title should be cited SMC Title 3. A SMC chapter should be cited Chapter 3.05 SMC. A SMC section should be cited SMC 3.05.010. Through references should be made as SMC 3.05.010 through 3.05.040. Series of sections should be cited as SMC 3.05.010, 3.05.020, and 3.05.030.

Numbering system: The number of each section of this code consists of three parts, in sequence as follows: Number of title; number of chapter within the title; number of section within the chapter. Thus SMC 3.05.020 is Title 3, Chapter 5, Section 20. The section part of the number (.020) initially consists of three digits. This provides a facility for numbering new sections to be inserted between existing sections already consecutively numbered. In most chapters of the SMC, sections have been numbered by tens (.010, .020, .030, .040, etc.), leaving nine vacant numbers between original sections so that for a time new sections may be inserted without extension of the section number beyond three digits.

Legislation: The legislative source of most sections is enclosed in parentheses at the end of the section. References to ordinances are abbreviated; thus "(Ord. 2221 § 1, 1995; Ord. 2024 § 2, 1991)" refers to Section 1 of Ordinance No. 2221 and Section 2 of Ordinance No. 2024. "Formerly" followed by a SMC citation preserves the record of original codification. A semicolon between ordinance citations indicates an amendment of the earlier section.

Codification tables: To convert an ordinance citation to its SMC number consult the codification tables. The parenthetical information at the end of each ordinance entry indicates where the ordinance has been codified. Ordinances designated as "Special," "Repealed," or "Not Codified" do not appear in the code.

Index: A complete subject matter index is included for SMC Titles 1 through 17. The index includes complete cross-referencing and is keyed to the section numbers described above.

Errors or omissions: Although considerable care has been used in the production of this code, it is inevitable in so large a work that there will be errors. As users of this code detect such errors, it is requested that a note citing the section involved and the nature of the error be e-mailed to: CPC@codepublishing.com, so that correction may be made in a subsequent update.

Computer access: Code Publishing Company supports a variety of electronic formats for searching, extracting, and printing code text; please call the publisher for more information.

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Seattle, Washington
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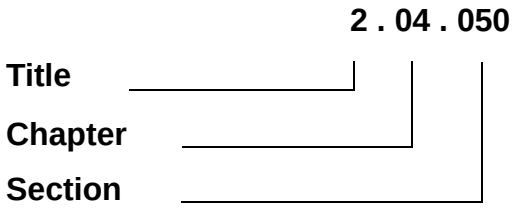
How to Amend the Code

Code Structure and Organization

The code is organized using a 3-factor decimal numbering system which allows for additions between sections, chapters, and titles, without disturbing existing numbers.



Typically, there are 9 vacant positions between sections; 4 positions between chapters; and several title numbers are "Reserved" to allow for codification of new material whose subject matter may be related to an existing title.

Ordinances of a general or public nature, or one imposing a fine, penalty or forfeiture, are codifiable. Prior to enacting a codifiable ordinance, ascertain whether the code already contains provisions on the topic.

Additions

If the proposed ordinance will add material not contained in the code, the ordinance will specify an "addition"; that is, a new title, chapter, section, or subsection will be added. For example:

Section 1. Chapter 5.20, Taxicab Licenses, is added to read as follows:

-or-

Section 1. A new title, Title 18, Zoning, is added to read as follows:

A specific subsection can also be added when appropriate:

Section 2. Subsection D is added to Section 5.05.070, to read as follows:

Amendments

If the ordinance amends existing code provisions, specify the affected section or chapter numbers in the ordinance. This kind of amendment typically adds a section to an existing chapter, or amends an existing section. Set out the entire section or subsection, not just the text (e.g., sentence) that was changed. For example:

Section 1. Section 5.05.030 is amended to read as follows:

-or-

Section 1. Section 5.05.035, Additional fees, is added to Chapter 5.05 to read as follows:

An ordinance can also amend a specific subsection of a code section:

Section 3. Subsection B of Section 5.05.070 is amended to read:

Repeals

Ordinances which repeal codified material should specify the code chapter, section, or subsection number. The chapter, section, or subsection numbers will be retained in the code, along with their title, as a record of ordinance activity (and as an explanation for gaps in the numbering sequence). The number of the repealed section or chapter can be reused at a later time when desired. For example:

Section 2. Section 5.05.020, License, is repealed.

Renumbering

If the ordinance renumbers existing code provisions (either sections or subsections), identify how remaining sections or subsections should be renumbered (or relettered).

Codification Assistance

Code Publishing Company can assist either in specifying code numbers or in providing remedies for other codification related problems free of charge. Please call us at (206) 527-6831.

TABLE OF REVISED PAGES

The following table is included in this code as a guide for determining whether the code volume properly reflects the latest printing of each page. This table will be updated with the printing of each supplement.

Through usage and supplementation, pages in looseleaf publications can be inserted and removed in error when pages are replaced on a page-for-page substitution basis.

The "Page" column lists all page numbers in sequence. The "Revised Date" column reflects the latest revision date (e.g., "(Revised 8/07)") and printing of pages in the up-to-date volume. A "—" indicates that the page has not been revised since the 2015 reformat. This table reflects all changes to the code through Ordinance 15-2, passed July 7, 2015.

Page	Revised Date
Table of Contents	—
Preface	—
Title 1	
1	—
3, 4	—
5, 6	—
7, 8	—
Title 2	
1	—
3, 4	—
5, 6	—
7, 8	—
9, 10	—
Title 3	
1	—
3	—
Title 4	
1	—
Title 5	
1	—
3, 4	—
5, 6	—
Title 6	
1	—
3, 4	—
5, 6	—
7, 8	—
9	—
Title 7	
1	—
Title 8	
1	—
3, 4	—
5, 6	—
7, 8	—
9	—
Title 9	
1	—
3, 4	—
5	—
Title 10	
1	—
3, 4	—
5, 6	—
7, 8	—
9, 10	—
11, 12	—
13, 14	—
15, 16	—
17, 18	—
19	—
Title 11	
1	—
Title 12	
1	—
3, 4	—
5, 6	—
7, 8	—
9, 10	—
11, 12	—
13, 14	—
Title 13	
1	—

Page	Revised Date
3, 4	—
5, 6	—
7, 8	—
9, 10	—
11, 12	—
13, 14	—
15, 16	—
17	—

Title 14

1	—

Title 15

1	—
3, 4	—
5, 6	—

Title 16

1	—

Title 17

1	—
3, 4	—
5, 6	—
7, 8	—
9, 10	—
11, 12	—
13, 14	—
15, 16	—
17, 18	—
19, 20	—
21, 22	—
23, 24	—
25, 26	—
27, 28	—
29, 30	—
31, 32	—
33, 34	—
35, 36	—
37, 38	—
39, 40	—
41, 42	—
43, 44	—
45, 46	—
47, 48	—
49, 50	—
51, 52	—
53, 54	—
55, 56	—
57, 58	—

Page	Revised Date
59, 60	—
61, 62	—
63, 64	—
65, 66	—
67, 68	—
69, 70	—
71, 72	—
73, 74	—

Tables

i	—
A-1, A-2	—
A-3, A-4	—
A-5, A-6	—
A-7, A-8	—
A-9, A-10	—
A-11, A-12	—
B-1, B-2	—
B-3	—

Index

Preface	—
1, 2	—
3, 4	—
5, 6	—
7, 8	—
9, 10	—
11, 12	—
13, 14	—
15, 16	—

Title 1

GENERAL PROVISIONS

Chapters:

1.01 Code Adoption
1.04 General Provisions
1.08 Wards
1.12 General Penalty

Chapter 1.01

CODE ADOPTION

Sections:

1.01.010 Code adopted.
1.01.020 Title – Citation – Reference.
1.01.030 Codification of ordinances – Authority for service.
1.01.040 Repeal of conflicting provisions.
1.01.050 Effect of catchlines.
1.01.060 Effect on past actions and obligations.
1.01.070 References to ordinances in matters of record.
1.01.080 Severability.
1.01.090 Ordinances passed before code adoption.
1.01.100 Publication and posting.
1.01.110 Hearing – Effective date.
1.01.120 Penalties for violation of municipal ordinances.

1.01.010 Code adopted.

Pursuant to the Montana Constitution and the Montana Code Annotated, there is hereby adopted the "City of Scobey Municipal Code," as revised, reformatted, indexed, recodified, compiled, edited, and republished by Code Publishing Company, Seattle, Washington. (Ord. 15-1 § 1)

1.01.020 Title – Citation – Reference.

This code shall be known as the City of Scobey Municipal Code and it shall be sufficient to refer to it as the Scobey Municipal Code or the City of Scobey Code or the Scobey City Code or the City or Municipal Code in any prosecution for any violation of any its prohibitions or offenses or in any proceeding at law or in equity. (Ord. 15-1 § 2)

1.01.030 Codification of ordinances – Authority for service.

A. This code consists of all regulatory, penalty, and administrative ordinances of the city of Scobey, MT, of a general and permanent character. Pursuant to the Montana Code Annotated, Code Publishing Company, of Seattle, Washington, in conjunction with the city clerk, is hereby authorized to recodify this code of ordinances and to make and publish future editorial amendments, technical corrections, revisions, reformats and supplements that do not affect the substantive meaning of this code for the city in consultation with and at the approval of the city clerk.

B. "Recodify" means to compile, arrange, rearrange, and prepare for publication. It includes, without changing the meaning, effect, or intent of any law:

1. Correcting or changing punctuation, capitalization, spelling, grammatical construction, and numbering as required by uniform literary and legislative drafting practice;

2. Substituting the appropriate new code reference to a section of, to a part of, or to an entire ordinance;

3. Substituting calendar date for "effective date," "hereafter," and similar terms;

4. Creating new titles, chapters, parts, sections, or other divisions of the code;

5. Changing or inserting language made necessary because of rearrangement;

6. Eliminating redundant words;

7. When given direction or authority by another statute, correcting inaccurate or obsolete references to:

a. Titles of officers or agencies, such as those changed by executive reorganization statutes;

b. Other code sections, such as those that have been repealed or repealed and replaced;

8. Changing inaccurate terminology to comply with statutory definitions or short form amendments;

9. Changing or creating section captions (catchlines) to clearly reflect the content of the section, unless the section captions are specifically and expressly adopted as part of the law by the legislature. (Ord. 15-1 § 3)

1.01.040 Repeal of conflicting provisions.

Any ordinance not preserved as changed, added to or perfected by this revision, codification, and compilation that is in conflict with any portion(s) of this code is hereby repealed, subject to the provisions of SMC 1.01.060. (Ord. 15-1 § 4)

1.01.050 Effect of catchlines.

Title, chapter and section headings shall not be deemed to govern, limit, modify or affect the scope, substantive meaning or intention of any section, chapter, or title of this code. (Ord. 15-1 § 5)

1.01.060 Effect on past actions and obligations.

Neither the adoption of this code nor the repeal or amendments of any ordinance or part or portion of any ordinance shall affect the prosecution for ordinance violations that were committed prior to the effective date of this code adoption. The adoption of this code shall not be construed as a waiver of any license, citation, fee, penalty, debt, forfeiture or obligation due and unpaid to the city on the date this code takes effect. All rights, fines, entitlements, duties, and proceedings existing pursuant to any ordinance on the date of the adoption of this code shall remain in effect unless specifically repealed in this code adoption. No bonds or cash required to be paid, posted, filed or deposited pursuant to any ordinance shall in any way be made invalid by this code adoption. (Ord. 15-1 § 6)

1.01.070 References to ordinances in matters of record.

Any reference in matters of record to any ordinance existing prior to the adoption of this code shall be construed to apply to the corresponding code provisions in effect at the time of codification. Copies of this code that have been duly certified by the city clerk shall be received without further proof as prima facie evidence of the provisions of such code in all courts and administrative tribunals of this state. (Ord. 15-1 § 7)

1.01.080 Severability.

It is hereby declared to be the intention of the city council that the sections, paragraphs, sentences, clauses and phrases of this code are severable, and if any phrase, clause, sentence, paragraph or section of this code is declared unconstitutional or without effect by any final judgment or decree of a court of competent jurisdiction, such judgment or decree shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this code. (Ord. 15-1 § 8)

1.01.090 Ordinances passed before code adoption.

The last ordinance included in the city of Scobey Municipal Code before the adoption of this code in SMC 1.01.010 is Ordinance 13-06, passed September 17, 2013. (Ord. 15-1 § 9)

1.01.100 Publication and posting.

A copy of this code has been posted and copies have been made available for public inspection in the office of the city clerk. (Ord. 15-1 § 10)

1.01.110 Hearing – Effective date.

This code shall take effect 30 days after the passage of the ordinance adopting this code. (Ord. 15-1 § 11)

1.01.120 Penalties for violation of municipal ordinances.

A. Except as provided in subsection B of this section, the city council may impose fines and penalties for the violation of any ordinance, but a fine or penalty may not exceed $500.00 and imprisonment may not exceed six months for any one offense.

B. A local government may fix penalties for the violation of an ordinance relating to local or federal wastewater pretreatment stan-

dards implementing the Federal Water Pollution Control Act, 33 U.S.C. 1251 through 1387, if the penalties do not exceed $1,000 per day for each violation or six months' imprisonment, or both. (Ord. 15-1 § 12)

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 the city of Scobey, Montana, shall be construed as defined in this section unless from the context a different meaning is intended or unparticularly directed to the use of such words or phrases:

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

"Council" means the city council of the city of Scobey. "All its members" or "all councilmen" means the total number of councilmen holding office.

"County" means the county of Daniels.

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

"May" is permissive.

"Month" means a calendar month.

"Must" and "shall" are each mandatory.

"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."

"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.

"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.

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

"Preceding" and "following" means next before and next after, respectively.

"Property" means and includes real and personal property.

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

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

"State" means the state of Montana.

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

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

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

"Year" means a calendar year. (Ord. 15-1 § 1; Ord. 87-3 § 1)

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 city. (Ord. 87-3 § 2)

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. (Ord. 87-3 § 3)

1.04.040 Grammatical interpretation.

The following grammatical rules shall apply in the ordinances of the city of Scobey, 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. (Ord. 87-3 § 4)

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. (Ord. 87-3 § 5)

1.04.060 Prohibited acts including causing and permitting.

Whenever in the ordinances of the city of Scobey, any act or omission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission. (Ord. 87-3 § 6)

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. (Ord. 87-3 § 7)

1.04.080 Construction.

The provisions of the ordinances of the city of Scobey and all proceedings under them are to be construed with a view to effect their objects and to promote justice. (Ord. 87-3 § 8)

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. (Ord. 87-3 § 9)

Chapter 1.08

WARDS

Sections:

1.08.010 Boundaries – Ward No. 1.
1.08.020 Boundaries – Ward No. 2.

1.08.010 Boundaries – Ward No. 1.

Ward No. 1 boundaries are as follows: All that part of the city of Scobey lying west of Main Street, from the southern boundary of the city to the northern boundary thereof. (Code 1987 § 1.01.010)

1.08.020 Boundaries – Ward No. 2.

Ward No. 2 of the city shall consist of all that part thereof lying east of Main Street, from the southern boundary of the city to the northern boundary thereof; and also the tract known as the Gritz Addition to Scobey. (Code 1987 § 1.01.020)

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 city 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 therefor, any person upon conviction for the violation of any such provision of this code or ordinances shall be punished by a fine not exceeding $500.00 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. (Code 1987 § 1.05.01)

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. (Ord. 87-4; Code 1987 § 1.05.02)

Title 2

ADMINISTRATION AND PERSONNEL

Chapters:

2.04 **City Council**
2.06 *Repealed*
2.08 **City Clerk-Treasurer**
2.12 **City Judge**
2.16 *Repealed*
2.20 **Chief of Fire Department**
2.24 *Repealed*
2.28 **Public Works Director**
2.32 *Repealed*
2.36 *Repealed*
2.40 **City Salaries and Compensation**
2.44 **Sick Leave for Employees**
2.48 *Repealed*

Chapter 2.04

CITY COUNCIL

Sections:

2.04.010 Location of meetings.

2.04.010 Location of meetings.

The city council of the city shall meet and hold its regular meetings at City Hall, unless otherwise designated, on the first and third Tuesdays of the month at the hour of 2:00 p.m., unless such day falls upon a legal holiday, then on next business day following. (Ord. 15-1 § 1; Ord. 10-3; Ord. 01-1; Ord. 00-1; Ord. 89-1; Code 1987 § 1.03.01)

Chapter 2.06

INDEMNIFICATION OF PUBLIC OFFICERS AND EMPLOYEES

(Repealed by Ord. 15-1)

Chapter 2.08

CITY CLERK-TREASURER

Sections:

2.08.010 Created – Consolidation of clerk and treasurer positions.
2.08.020 *Repealed*.
2.08.030 *Repealed*.
2.08.040 *Repealed*.
2.08.050 *Repealed*.
2.08.060 *Repealed*.

2.08.010 Created – Consolidation of clerk and treasurer positions.

A. There is created the office of city clerk-treasurer who shall be appointed by the mayor with the consent of the city council.

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

C. This consolidation will take effect at the end of the current term of December 31, 1985.

D. The duties of the clerk-treasurer will be defined by resolution of the city council. (Ord. 15-1 § 1; §§ 1, 2, 5 of Ord. dated 7-15-85; Code 1987 § 2.10.01)

2.08.020 Additional appointments and duties.

Repealed by Ord. 15-1. (Code 1987 § 2.10.02)

2.08.030 City cashier – Duties.

Repealed by Ord. 15-1. (Code 1987 § 2.10.03)

2.08.040 Water collector – Duties.

Repealed by Ord. 15-1. (Code 1987 § 2.10.04)

2.08.050 Bond requirements.

Repealed by Ord. 15-1. (Code 1987 § 2.10.05)

2.08.060 Compensation for additional duties.

Repealed by Ord. 15-1. (Code 1987 § 2.10.06)

Chapter 2.12

CITY JUDGE

Sections:

2.12.010 Appointment by mayor.
2.12.020 Authority to appoint justice of the peace.

2.12.010 Appointment by mayor.

The mayor shall appoint, by and with the consent of city council, a suitable person to hold the office of city judge. (Ord. 15-1 § 1; Ord. 87-5; Code 1987 § 2.12.01)

2.12.020 Authority to appoint justice of the peace.

The mayor, by and with the consent of the city council, may appoint the justice of the peace of the county, to act as city police judge, if it is in the best interests of the city. The justice of the peace who agrees to act in the capacity of city police judge shall act in all cases arising out of violations of ordinances in which the city is a party, as per Montana Codes Annotated Title 3, Chapter 11, Part 205. (Ord. 87-5; Code 1987 § 2.12.02)

Chapter 2.16

CITY POLICE

(Repealed by Ord. 15-1)

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 the fire department of the city. (Code 1987 § 2.11.01)

2.20.020 Appointment by mayor.

The mayor shall appoint, by and with the consent of the city council, a suitable person to hold the office of chief of the fire department. (Ord. 15-1 § 1; Code 1987 § 2.11.02)

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 city for the extinguishing and prevention of fires.

B. To examine and inspect all buildings, chimneys, flues, and boilers and other things within the city and require the same to be put in a safe condition or removed if liable to cause fire.

C. To direct all volunteers using any equipment or fire extinguishers provided by the city.

D. To be responsible for the condition and efficiency of all fire engines, 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 city. (Ord. 15-1 § 1; Code 1987 § 2.11.03)

Chapter 2.24

HEALTH ADMINISTRATION

(Repealed by Ord. 99-4)

Chapter 2.28

PUBLIC WORKS DIRECTOR

Sections:

2.28.010 Office created.
2.28.020 Appointment of suitable person.
2.28.030 Powers and duties.
2.28.040 *Repealed*.
2.28.050 *Repealed*.
2.28.060 *Repealed*.
2.28.070 *Repealed*.
2.28.080 *Repealed*.

2.28.010 Office created.

There is created the office of director of public works for the city. (Ord. 15-1 § 1; Code 1987 § 2.02.01)

2.28.020 Appointment of suitable person.

The mayor shall appoint, by and with the consent of the city council, a suitable person to hold the office of director of public works. (Ord. 15-1 § 1; Code 1987 § 2.02.02)

2.28.030 Powers and duties.

The powers and duties of the director of public works shall be defined by resolution of the city council. Refer to job description. (Ord. 15-1 § 1; Code 1987 § 2.02.03)

2.28.040 Additional duties.

Repealed by Ord. 15-1. (Code 1987 § 2.02.05)

2.28.050 Superintendent of sewers.

Repealed by Ord. 15-1. (Code 1987 § 2.02.08)

2.28.060 Material and supplies – Council approval required when.

Repealed by Ord. 15-1. (Code 1987 § 2.02.06)

2.28.070 Compensation.

Repealed by Ord. 15-1. (Code 1987 § 2.02.04)

2.28.080 Bond requirements.

Repealed by Ord. 15-1. (Code 1987 § 2.02.07)

Chapter 2.32

SUPERINTENDENT OF SEWERS

(Repealed by Ord. 15-1)

Chapter 2.36

ZONING AND PLANNING COMMISSION

(Repealed by Ord. 15-1)

Chapter 2.40

CITY SALARIES AND COMPENSATION

Sections:

2.40.010 Officers and employees – Established by council resolution.
2.40.020 Schedule of payments.

2.40.010 Officers and employees – Established by council resolution.

The per diem rate and salaries for mayor, council members and the various city officers and other employees of the city shall be set annually by resolution of the city council. (Ord. 15-1 § 1; Code 1987 § 2.01.01)

2.40.020 Schedule of payments.

The salaries of all officers of the city and all other employees of the city working on a fixed monthly salary shall be paid monthly on the last day of the calendar month for which the services were rendered, and the claims therefor shall be audited and allowed at the next regular meeting of the council. (Code 1987 § 2.01.02)

Chapter 2.44

SICK LEAVE FOR EMPLOYEES

Sections:

2.44.010 Adoption of uniform sick leave benefit.
2.44.020 Administration – Establishment of rules and regulations.
2.44.030 *Repealed*.
2.44.040 *Repealed*.
2.44.050 *Repealed*.
2.44.060 *Repealed*.
2.44.070 *Repealed*.

2.44.010 Adoption of uniform sick leave benefit.

A uniform sick leave benefit is adopted for city/town employees effective July 1, 1971, as pertains to accumulation of sick leave for severance lump-sum payment. (Code 1987 § 2.07.01)

2.44.020 Administration – Establishment of rules and regulations.

The department of administration of any city or town thereof is responsible for the proper administration of sick leave and shall promulgate such rules and regulations as it deems necessary to implement administration of sick leave and the prevention of abuse. When promulgated these rules and regulations are effective as to all employees of the city or town thereof. (Code 1987 § 2.07.06)

2.44.030 Eligibility – Accumulation.

Repealed by Ord. 15-1. (Code 1987 § 2.07.02)

2.44.040 Accumulation during leaves of absence.

Repealed by Ord. 15-1. (Code 1987 § 2.07.03)

2.44.050 Payment upon separation of service.

Repealed by Ord. 15-1. (Code 1987 § 2.07.04)

2.44.060 Credit for sick leave upon reemployment.

Repealed by Ord. 15-1. (Code 1987 § 2.07.05)

2.44.070 Abuse of privileges.

Repealed by Ord. 15-1. (Code 1987 § 2.07.07)

Chapter 2.48

SOCIAL SECURITY AND RETIREMENT FOR CITY EMPLOYEES

(Repealed by Ord. 15-1)

Title 3

REVENUE AND FINANCE

Chapters:

3.04 *Repealed*

Chapter 3.04

SPECIAL IMPROVEMENT DISTRICT REVOLVING FUND

(Repealed by Ord. 15-1)

Title 4

(Reserved)

Title 5

BUSINESS LICENSES AND REGULATIONS

Chapters:

5.04 **Beer, Wine and Liquor Sales**
5.08 **Door to Door Soliciting**
5.12 *Repealed*
5.16 *Repealed*

Chapter 5.04

BEER, WINE AND LIQUOR SALES

Sections:

5.04.010 Power to regulate – Statutory authority.
5.04.020 License – Required.
5.04.030 License – Application – Filing requirements.
5.04.040 License – Fee.
5.04.050 License – Transferability.
5.04.060 License – Issuance.
5.04.070 License – Display.
5.04.080 License – Fee collection.
5.04.090 Restricted hours.
5.04.100 Reporting of convictions required.
5.04.110 *Repealed*.
5.04.120 Administration – Inspection, control and supervision.
5.04.130 License – Revocation or suspension.
5.04.140 Violation – Penalty.

5.04.010 Power to regulate – Statutory authority.

Under and by virtue of the power granted to the city councils of cities and towns of this state to enact ordinances for the enforcement of Title 16, Chapter 3 MCA, as amended, and to license and regulate places of business where beer is sold, it is unlawful for any person to sell any beer in the city, other than in the manner permitted by this chapter. (Code 1987 § 5.05.01)

5.04.020 License – Required.

It is ordained that any person who desires to engage in the business of selling beer in the city, under the provisions of the "Montana Beer Act," notwithstanding the fact that the person has obtained a license from the Montana Liquor Control Board, must first apply for and obtain a license from the city as provided in this chapter, and after such license is granted, shall pay therefor an annual license fee for each year or part of each year as follows:

A. Each retailer of beer, wine and liquor the sum of $175.00. (Ord. 15-1 § 1; Ord. 87-12; Ord. dated 7/2/79; Code 1987 § 5.05.02)

5.04.030 License – Application – Filing requirements.

Every person required by this chapter to obtain a license must before commencing such business file with the clerk-treasurer an application in writing directed to the city council, and which application must be accompanied by satisfactory evidence that the applicant is the owner and holder of a subsisting license issued by the State Liquor Control Board for the same business and same location for which application for city license is made. Such application must be accompanied by the necessary license fee as provided in this chapter. (Code 1987 § 5.05.05)

5.04.040 License – Fee.

Any and all licenses issued in any one year shall expire on the thirtieth day of June of such year, and irrespective as to when such city license shall be granted there shall be no prorating of the license fee, the fee to be the same for part of a year as for a full year, and such license fee shall be payable in full in advance of granting, and once granted there will be no refund of any portion of the license fee for any cause or reason. (Code 1987 § 5.05.03)

5.04.050 License – Transferability.

A transfer of any such license may be made on application to the city accompanied by satisfactory evidence and approval of the transfer of the state license issued by the State Liquor Control Board for such business. (Code 1987 § 5.05.04)

5.04.060 License – Issuance.

Upon the filing of the application and the payment of the required license fee, the clerk-treasurer shall issue and deliver to the applicant a license to carry on the business for which the applicant holds a state license. Such city license shall be in substantially the same form as the license issued by the State Liquor Control Board and the same shall be numbered and refer to this chapter. The clerk-treasurer shall file such application and shall keep a record thereof showing the date filed, the name of the applicant, the character and location of the business, file number, etc. (Code 1987 § 5.05.06)

5.04.070 License – Display.

Any and all city licenses issued under the provisions of this chapter shall be at all times prominently displayed in the place of business of such licensees. (Code 1987 § 5.05.07)

5.04.080 License – Fee collection.

The clerk-treasurer of the city shall be charged with the collection of the licenses provided for in this chapter, and application for license, accompanied with the fee therefor, shall be filed with the clerk-treasurer of the city. The clerk-treasurer shall prepare all blanks for application and for license and all books of account in connection therewith, and all expenses in connection with the administration of this chapter shall, so far as is possible, be charged against the funds collected under this chapter. (Code 1987 § 5.05.13)

5.04.090 Restricted hours.

It is unlawful for any licensee under this chapter to sell or dispose of beer between the hours of 2:00 a.m. and 8:00 a.m. on any day of the week; and that the privileges granted by any and all licenses issued under this chapter are suspended and inoperative during the hours specified above. (Ord. 90-1; Ord. 89-3; Code 1987 § 5.05.08)

5.04.100 Reporting of convictions required.

In the case of the conviction of any person for any violations of this chapter, the police judge shall within 10 days thereafter transmit to the State Liquor Control Board a certified copy of the record of such conviction. (Code 1987 § 5.05.11)

5.04.110 Disposition of fines and penalties.

Repealed by Ord. 15-1. (Code 1987 § 5.05.15)

5.04.120 Administration – Inspection, control and supervision.

Every person, firm, association or corporation, licensed under the provisions of this chapter, shall be subject to regulation, inspection, control and supervision under the general police power of the city, and all of 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 as provided in this chapter. (Code 1987 § 5.05.14)

5.04.130 License – Revocation or suspension.

If any license issued by the State Liquor Control Board under the provisions of the Montana Code or Administrative Rules of Montana is revoked or is suspended under the provisions of either, the companion license issued under the provisions of this chapter shall be automatically revoked or suspended, as the case might be, for the same period, and in the event such action by the State Liquor Control Board shall, on appeal, be modified, or set aside, the suspension or revocation of the license issued under the provisions of this chapter shall be likewise automatically affected. (Ord. 15-1 § 1; Code 1987 § 5.05.12)

5.04.140 Violation – Penalty.

Any person who shall violate any of the provisions of this chapter shall be punished as set forth in Chapter 1.12 SMC. (Ord. 15-1 § 1; Code 1987 § 5.05.10)

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 city 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. (Ord. 15-1 § 1; Code 1987 § 9.06.01)

5.08.020 Violation – Penalty.

Any person convicted of perpetrating a nuisance as described and prohibited in SMC 5.08.010, upon conviction thereof, shall be punished as set forth in Chapter 1.12 SMC. (Code 1987 § 9.06.02)

Chapter 5.12

ITINERANT VENDORS

(Repealed by Ord. 89-5)

Chapter 5.16

LIQUOR SALES

(Repealed by Ord. 15-1)

Title 6

ANIMALS

Chapters:

6.04 Animals Generally
6.08 Dogs and Cats

Chapter 6.04

ANIMALS GENERALLY

Sections:

6.04.010 Animals defined.
6.04.020 Raising and keeping of animals prohibited.
6.04.030 Animals running at large prohibited.
6.04.040 Running at large – Impoundment – Authority.
6.04.050 Slaughtering.
6.04.060 Sale of such animals.
6.04.070 Keeping fowl or poultry.
6.04.080 Violation – Penalty.

6.04.010 Animals defined.

The word "animal" or "animals" when used in this code means any horse, cattle, jackass, mule, sheep, goat, swine, wolf or wolf-hybrid, pit bull or pit bull cross, poultry, or other animals, except commonly accepted household pets, and the singular includes the plural, and the plural includes the singular. (Ord. 15-1 § 1; Ord. 13-6 § 1; Ord. 94-7; Ord. 94-4)

6.04.020 Raising and keeping of animals prohibited.

The propagation, nurturing and keeping of animals as defined in this chapter, within the city limits excluding the Daniels County Fairgrounds and areas zoned L-1 is hereby prohibited except by laboratories, clinics or doctors, medical and veterinary, for scientific research or treatment when kept within an enclosure to prevent such animals from trespassing or becoming a nuisance. (Ord. 94-4)

6.04.030 Animals running at large prohibited.

It shall be unlawful for the owner or person having custody or responsible for the care of animals, as defined in this chapter, to permit or allow the same to run at large within the limits of the city. (Ord. 94-4; Code 1987 § 8.01.01. Formerly 6.04.020.)

6.04.040 Running at large – Impoundment – Authority.

It shall be the duty of the chief law enforcement officer for the city to distrain and 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 distraint and 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 law enforcement officer for the city 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 city, 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. (Ord. 94-4; Code 1987 § 8.01.04. Formerly 6.04.010.)

6.04.050 Slaughtering.

No person, firm or corporation shall slaughter for food purposes within the limits of the city. (Ord. 15-1 § 1; Ord. 94-4; Code 1987 § 8.01.02. Formerly 6.04.030.)

6.04.060 Sale of such 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 distraint and impounding, and keeping of any surplus, if any. Any surplus shall be deposited with the finance director to be paid to the owner of the animals or poultry within one year from the

date of such sale, and if not claimed within the time, then such sum shall be turned into the general funds of the city. (Ord. 94-4; Code 1987 § 8.01.05. Formerly 6.04.040.)

6.04.070 Keeping fowl or poultry.

Notwithstanding any of the provisions of the previous sections of this chapter, it is hereby declared unlawful for any person to keep or maintain any fowl or poultry within the limits of the city. (Ord. 94-4)

6.04.080 Violation – Penalty.

Any person violating any of the terms of this chapter shall be punished as set forth in Chapter 1.12 SMC. (Ord. 15-1 § 1; Ord. 94-4; Code 1987 § 8.01.03. Formerly 6.04.050.)

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 *Repealed*.
6.08.140 *Repealed*.
6.08.150 Barking dogs.
6.08.160 Vicious dogs.
6.08.170 Running at large on school grounds.
6.08.180 Dogs or cats in parks – Prohibited.
6.08.190 Dogs or cats in parks – Ejection authority.
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:

"Animal warden" means any one or more of the employees or agents of the city designated by the mayor as animal wardens.

"At large" means off the premises of the owner and not under the control of the owner or any person either by leash, cord, chain or otherwise.

"Cat" means both female and male.

"Disposal of dog or cat" means dogs or cats shall be disposed of in any manner which the animal catcher or poundmaster may see fit.

"Dog" means both female and male.

"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.

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

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

"Vaccinate" means the inoculation of a dog or cat with an antirabies vaccine by any licensed veterinarian. (Ord. 15-1 § 1; Ord. 13-6 § 2; Ord. 87-14; Code 1987 § 8.02.01)

6.08.020 License – Required – Procedure for obtaining.

A. The owner of every dog or cat kept, harbored or maintained within the city shall license such dog or cat within 30 days after such dog or cat becomes five months old, or within 30 days in the case of a dog or cat five months old or older, newly brought into the city.

B. No license shall be issued unless the applicant therefor 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 SMC 6.08.060.

C. Dog and cat licenses shall be issued by the clerk-treasurer or the animal warden and an animal license fee set by resolution of the city council for each animal 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 city 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 March 1st of each year, and if not paid within 30 days thereafter, as provided in this chapter, each license fee shall be subject to an additional late fee set by resolution of the city council. (Ord. 15-1 § 1; Ord. 87-14; Code 1987 § 8.02.10)

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 the name of the person who vaccinated the dog or cat. (Ord. 87-14; Code 1987 § 8.02.11)

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 wilfully 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 SMC 6.08.110.

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 $3.00 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. (Ord. 87-14; Code 1987 § 8.02.15)

6.08.050 License – Expiration.

All licenses shall expire at 12:00 midnight of the last day of December each year. (Ord. 15-1 § 1; Ord. 87-14; Code 1987 § 8.02.12)

6.08.060 Rabies vaccination required.

The owner of every dog or cat kept, harbored, or maintained within the city 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 30 days wilfully 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 city shall prescribe. The owner of such dog or cat when applying for the license required by SMC 6.08.020 shall present either the vaccination tag or the original vaccination receipt as proof of vaccination. (Ord. 87-14; Code 1987 § 8.02.13)

6.08.070 Pound established – Animal warden appointment.

There is established a pound in the city. The animal warden and police shall be in charge of such pound, in conjunction with the veterinarian. The animal warden shall be designated by the mayor to act as such animal warden. (Ord. 15-1 § 1; Ord. 87-14; Code 1987 § 8.02.17)

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 poundmaster and held for 48 hours. Upon expiration of 48 hours, the dog or cat shall be disposed of in any manner in which the animal warden or poundmaster 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 SMC 6.08.040, is guilty of a misdemeanor. (Ord. 15-1 § 1; Ord. 87-14; Code 1987 § 8.02.16)

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 city, 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 city pound by the animal warden.

B. Every owner or other person in control of any dog or cat who allows such dog or cat to be at large as defined in SMC 6.08.010 is guilty of maintaining a public nuisance and is therefore guilty of a misdemeanor. (Ord. 15-1 § 1; Ord. 87-14; Code 1987 § 8.02.18)

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 city 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. (Ord. 87-14; Code 1987 § 8.02.19)

6.08.110 Impoundment – Retention period – Disposition.

A. Every dog or cat impounded shall be held for a period of 48 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 remove it from the city and who finds a home for the dog or cat outside the city, 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 the city. In either case, such person must pay the fees referred to in SMC 6.08.120, except that no license fee need be paid for a dog or cat to be removed from the city.

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 72 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. (Ord. 87-14; Code 1987 § 8.02.20)

6.08.120 Impoundment – Collection of fees.

Before any dog or cat is released from the pound, the animal warden shall collect a fee from the person claiming such dog or cat for each day or fraction of a day that the dog or cat has been impounded. The fee is to be set by resolution of the city council. It is the duty of the animal warden to remit immediately all sums of money collected by him to the clerk-treasurer. (Ord. 15-1 § 1; Ord. 87-14; Code 1987 § 8.02.21)

6.08.130 Voluntary disposal – Fee.

Repealed by Ord. 15-1. (Ord. 87-14; Code 1987 § 8.02.22)

6.08.140 Female dogs and cats in season.

Repealed by Ord. 15-1. (Ord. 87-14; Code 1987 § 8.02.03)

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 for 30 minutes constitutes an annoyance or disturbance to the neighborhood or to any considerable numbers of person is guilty of maintaining a public nuisance and is therefore guilty of a misdemeanor. (Ord. 15-1 § 1; Ord. 96-1; Ord. 87-14; Code 1987 § 8.02.04)

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 city 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 to possible infection

may be isolated in strict confinement in a place and manner as prescribed by the city health officer and observed for at least 14 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. Any animal that, without provocation, has aggressively bitten or caused any physical injury to any person shall be prima facie presumed to be a vicious dog.

D. If a person is found guilty of violating subsection A of this section, the city judge may also, in his discretion, order that the vicious dog be disposed of within 24 hours if deemed necessary to protect the general public's health and welfare. Any person that refuses or neglects (1) to dispose of any such dog within 24 hours of receiving such order, or (2) to surrender any such dog to law enforcement for disposal within 24 hours of receiving such order, shall be guilty of a misdemeanor and shall be punished according to SMC 1.12.010. (Ord. 15-1 § 1; Ord. 13-6 §§ 3, 4; Ord. 87-14; Code 1987 § 8.02.05)

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 city is guilty of maintaining a public nuisance and is therefore guilty of a misdemeanor.

B. Any officer, agent or employee of the city, and any officer, agent or employee of any school within the city is authorized to take, chase or drive any dog or cat from such school grounds using any reasonable means therefor, 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 SMC 6.08.080 or 6.08.090. (Ord. 15-1 § 1; Ord. 87-14; Code 1987 § 8.02.06)

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 city 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 park is guilty of a misdemeanor. (Ord. 87-14; Code 1987 § 8.02.07)

6.08.190 Dogs or cats in parks – Ejection authority.

Any officer or employee of the city is authorized to take, chase or drive any dog or cat from any park owned by the city at any time, using any reasonable means therefor, and the animal warden shall impound or dispose of any dog or cat found running at large in any such park as provided in SMC 6.08.080 or 6.08.090. (Ord. 87-14; Code 1987 § 8.02.08)

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 city. (Ord. 87-14; Code 1987 § 8.02.09)

6.08.210 Animal kennels.

Any person, firm or corporation maintaining a kennel as defined in SMC 6.08.010 shall pay a license fee of $25.00 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 city. Every person, corporation, or other business entity under this section shall be subject to regulation, inspection, control and supervision by the animal warden and the health department. (Ord. 15-1 § 1; Ord. 87-14; Code 1987 § 8.02.02)

6.08.220 Dog or cat shows and seeing-eye dogs.

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

B. Licenses shall be required for seeing-eye dogs trained to assist blind persons, or companion service dogs when such dogs are actually being used by blind persons, but the fees provided for in SMC 6.08.020 shall be waived, but such dogs must be vaccinated as required by SMC 6.08.060. (Ord. 15-1 § 1; Ord. 87-14; Code 1987 § 8.02.14)

Title 7

(Reserved)

Title 8

HEALTH AND SAFETY

Chapters:

8.04 Fire Prevention and Control
8.08 Storage of Inflammable Liquids
8.12 Fireworks
8.16 Parking of Mobile Storage or Application Vehicles Containing or Having Contained Hazardous Materials
8.20 Nuisance Vegetation
8.24 Burying Concrete

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 *Repealed.*
8.04.040 Disposal of ashes.
8.04.050 Authority to prescribe limits.
8.04.060 Burning combustible material.
8.04.070 Violation – Penalty.

8.04.010 Chief of fire department – Authority – Duties.

The chief of the fire department of the city, or in his absence, any person acting in his capacity, may during the progress of any fire, within the limits of the city whenever in his judgment it becomes necessary to check or control the same, order any fence, building or structure to be cut down and removed. He shall have power, with the consent of the city council, to order the removal of any portion of any building that may be standing after a fire, whenever by resolution of the city council such portion of any building to remain standing may be determined to be dangerous to person or property. (Ord. 15-1 § 1; Code 1987 § 7.07.05)

8.04.020 Driving across fire hoses.

It is unlawful for any person to wilfully and negligently drive any dray, wagon, automobile, truck or other vehicle across, along or upon any fire hose of the fire department of the city. (Code 1987 § 7.07.01)

8.04.030 Tampering or destroying equipment.

Repealed by Ord. 15-1. (Code 1987 § 7.07.02)

8.04.040 Disposal of ashes.

It is unlawful for any person to deposit or keep ashes within the limits of the city except that cooled ashes may be deposited in a dumpster. (Ord. 15-1 § 1; Code 1987 § 7.07.03)

8.04.050 Authority to prescribe limits.

The chief of the fire department of the city 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. (Code 1987 § 7.07.04)

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 street, alley, or lot within the limits of the city of Scobey. (Ord. 88-2; Code 1987 § 7.07.06)

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 punished as set forth in SMC 1.12.010. (Ord. 15-1 § 1; Code 1987 § 7.07.07)

Chapter 8.08

STORAGE OF INFLAMMABLE LIQUIDS

Sections:

8.08.010 Types of inflammable liquids.
8.08.015 Prohibited in zoning districts R-1, R-2, R-3 and RA-1.
8.08.020 Erection of storage tanks – Approval required.
8.08.030 *Repealed*.
8.08.040 Violation – Penalty.

8.08.010 Types of inflammable liquids.

Representative examples of inflammable liquids are: ether, carbon bisulfite, gasoline, naphtha, benzole, liquified petroleum gas, acetone, alcohol, amyl acetate, toluol, kerosene, amyl alcohol, or fuel oil. (Ord. 93-4; Code 1987 § 7.04.02)

8.08.015 Prohibited in zoning districts R-1, R-2, R-3 and RA-1.

It is unlawful for any person, firm, corporation, association, or organization to own, erect, build or construct a tank or tanks in zoning districts R-1, R-2, R-3 and RA-1, for cooking, except those tanks manufactured for and used for home heating fuels. (Ord. 15-1 § 1; Ord. 93-4)

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 city limits, in zoning districts B-1, B-2 or I-1 without the consent and approval of the city council. (Ord. 15-1 § 1; Ord. 93-4; Code 1987 § 7.04.01)

8.08.030 Erection of storage tanks – Great Northern Railway Company.

Repealed by Ord. 15-1. (Ord. 93-4; Code 1987 § 7.04.03)

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 shall be punished as set forth in Chapter 1.12 SMC. (Ord. 15-1 § 1; Ord. 93-4; Code 1987 § 7.04.04)

Chapter 8.12

FIREWORKS

Sections:

8.12.010 Storage, sale or discharge prohibited.
8.12.020 Violation – Penalty.

8.12.010 Storage, sale or discharge prohibited.

Except as otherwise provided by resolution of the city council, it is unlawful for any person to store, sell, fire, explode or discharge any fireworks or explosives of any description within the city limits. (Ord. 15-1 § 1; Ord. 88-3; Code 1987 § 7.03.01)

8.12.020 Violation – Penalty.

Any person or persons who violate any of the provisions of SMC 8.12.010 is deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished as set forth in Chapter 1.12 SMC. (Ord. 15-1 § 1; Code 1987 § 7.03.02)

Chapter 8.16

PARKING OF MOBILE STORAGE OR APPLICATION VEHICLES CONTAINING OR HAVING CONTAINED HAZARDOUS MATERIALS

Sections:

8.16.010 Definitions.
8.16.020 Prohibited within the city limits of Scobey.
8.16.025 Exceptions.
8.16.030 Exemption.
8.16.040 Violation – Penalty.

8.16.010 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:

"Hazardous materials" means anhydrous ammonia, liquid fertilizer, insecticides, herbicides, or other materials and products hazardous to human health; and

"Mobile storage or application vehicle" means any mobile spray rig, pickup spray rig, nurse tank, or mobile storage unit containing or having contained hazardous materials. (Ord. 98-2)

8.16.020 Prohibited within the city limits of Scobey.

It is unlawful for any person, partnership, corporation, firm, association or organization to park or stand any type of mobile storage or application vehicle containing or having contained hazardous materials as defined in SMC 8.16.010 within the city limits of Scobey, Montana. However, it is permissible to drive the mobile storage or application vehicle containing or having contained hazardous materials on the state highways as a means to travel through the city limits. (Ord. 98-2)

8.16.025 Exceptions.

Exceptions to SMC 8.16.020 include the following:

A. Fuel Dealers. Spray equipment may access fuel dealers by entering and exiting onto the state highway to Railroad and First Avenue West; and

B. Mechanical Work. Spray equipment requiring work by Scobey mechanics must be drained and thoroughly rinsed before being brought into town. (Ord. 98-2)

8.16.030 Exemption.

Any persons, partnership, corporation, firm, association or organization may apply to the city council for an exemption from this chapter. (Ord. 15-1 § 1; Ord. 98-2)

8.16.040 Violation – Penalty.

Any person, firm, corporation or association that violates any of the provisions of this chapter is guilty of a misdemeanor and shall be punished as set forth in Chapter 1.12 SMC. (Ord. 15-1 § 1; Ord. 98-2)

Chapter 8.20

NUISANCE VEGETATION

Sections:

8.20.010 Duty to cut nuisance vegetation.
8.20.020 Reports of nuisance vegetation – Notice to owner.
8.20.030 Failure to comply – City to cut vegetation.
8.20.040 Charges for work.
8.20.050 Assessment and lien charges.
8.20.060 Appeal, hearing.

8.20.010 Duty to cut nuisance vegetation.

An owner of real property within the city shall not allow, permit, or cause any nuisance vegetation to exist in or upon such property or upon such property's adjacent boulevard, sidewalk, and curb or to the centerline of the said property's adjacent alley. It is the duty of real property owners within the city to cut and prevent all nuisance vegetation on their real property along with the adjacent areas described above.

"Nuisance vegetation" is grass or weeds in excess of 12 inches in height.

An "owner" shall be a person, party, or entity having a legally recognized ownership interest in the real property in question based upon the records of the Daniels County clerk and recorder. In the case of a pending contract for deed that is not declared to be in default, the purchasing party shall be regarded as the owner. Where property has been repossessed by a seller or lender, the seller or lender shall be regarded as the owner. In the case of property held in trust, the trustee shall be regarded as the owner. If the owner of property is deceased, incompetent, or the subject of conservatorship or guardianship, the owner's personal representative, guardian, conservator, or other acting fiduciary shall be regarded as the owner. (Ord. 08-1 § 1)

8.20.020 Reports of nuisance vegetation – Notice to owner.

All reports or complaints of nuisance vegetation shall be directed toward and received by the city clerk. Upon receiving such a report or complaint, the clerk shall cause an investigation to be made of the real property that is the subject of the report or complaint. Upon determining from such investigation that nuisance vegetation exists, the clerk shall cause to be given to the owner a notice of such violation. The notice shall provide the following information:

A. The owner shall have 10 days from the date of receipt of the notice to cut or eliminate the nuisance vegetation; and

B. If the nuisance vegetation is not cut or eliminated by the stated time, the city may cause the nuisance vegetation to be cut and the cost of such cutting, together with an administrative fee, will be charged against the owner and levied against the property as a special assessment, which will constitute a lien upon the property.

Notice of violation shall be served by sending it to the owner by certified mail through the United States Postal System to the last known address of the owner or the address as shown on the tax rolls of Daniels County, Montana. In the case of multiple owners, the notice need only be served to the owner or person whom the records of Daniels County show as the responsible party to whom tax notices or other tax related documents are to be sent or given. (Ord. 08-1 § 2)

8.20.030 Failure to comply – City to cut vegetation.

If the owner fails to comply with the request to eliminate nuisance vegetation by the deadline given in the notice, or in the event that such notice cannot be sent or delivered for whatever reason despite a diligent attempt to do so, the city shall have the right to enter the real property containing such nuisance vegetation and cause the cutting of the same. The city may have such work done by its own personnel or may contract for it to be performed by a party who is not otherwise employed by the city. (Ord. 08-1 § 3)

8.20.040 Charges for work.

A bill for the removal of the nuisance vegetation shall be sent to the owner. The charges shall consist of the actual cost of removal plus an administrative fee, which shall be set by the council. The bill shall be due upon receipt. The owner of the real property on which the nuisance vegetation was removed shall be personally liable for the costs and administrative fee. Multiple owners of property shall be jointly and severally liable for such charges. The city may pursue the collection of such costs through either judicial proceedings filed in the appropriate court against the owner, or through the foreclosure of the special assessment lien as described below, or both. (Amended during 2015 reformat; Ord. 08-1 § 4)

8.20.050 Assessment and lien charges.

At least once a year, the clerk shall prepare and present to the council a resolution containing a list of all unpaid accounts resulting from the city's cutting of nuisance vegetation. Such resolution shall identify the real property on which the nuisance vegetation was removed and the associated costs and administrative fee. Upon passage of such resolution, the charges stated therein shall constitute a special assessment and lien upon the affected property. A copy of the resolution, after passage, shall be certified and forwarded to the appropriate county officials for collection in the same manner as other taxes and special assessments. The city shall have the right to enforce or foreclose such lien with the same remedies, such as a sale of the premises, that are available under Montana law for the enforcement or foreclosure of any other tax or assessment lien. (Amended during 2015 reformat; Ord. 08-1 § 5)

8.20.060 Appeal, hearing.

Any owners or other persons who believe they have been aggrieved by the obligations, responsibilities, procedures, decisions, assessments or other actions provided here have the opportunity to appeal or challenge the same in a hearing before the Scobey city council. Any such person desiring such hearing shall notify the clerk in writing and provide a written explanation as to what actions are being questioned or appealed. Following the receipt of such notice, the mayor shall set a hearing before the council. The person making such appeal shall be notified of the date and time of the hearing and given the opportunity to appear and have the appeal heard. Following such hearing, the council shall decide the issues presented. Violations of this chapter are not criminal offenses. (Ord. 08-1 § 6)

Chapter 8.24

BURYING CONCRETE

Sections:

8.24.010 Concrete defined.
8.24.020 Burying concrete prohibited.
8.24.030 Burying concrete permitted when.
8.24.040 Violation – Penalty.

8.24.010 Concrete defined.

"Concrete," as used in this chapter, refers to any artificial, stonelike material used for various structural purposes, made by mixing cement and various aggregates, such as sand, pebbles, gravel, or shale, with water and allowing the mixture to harden. The term also includes any other artificial building or paving materials, as those containing tar. (Ord. 13-5 § 1)

8.24.020 Burying concrete prohibited.

The burying of concrete as a means of disposal of said concrete is prohibited within the city of Scobey, subject to the provisions of SMC 8.24.030. (Ord. 13-5 § 2)

8.24.030 Burying concrete permitted when.

The city council of the city of Scobey, or its designated agent, may permit an owner of a property or the owner's agent to bury concrete as a means of disposal provided: (A) it is safe to do so and (B) the burial or its effects will not be injurious to the public health or welfare. If permitted to bury concrete, the owner shall prepare and sign an affidavit in a form acceptable to the city clerk or his or her designee acknowledging the existence of the buried concrete and its general location on the property. Within 10 calendar days of the concrete burial, the owner or the owner's agent shall file the affidavit with the Daniels County clerk and recorder's office so that it runs with the land. The owner or owner's agent shall provide the

city clerk or his or her designee with satisfactory proof that the affidavit was recorded. (Ord. 13-5 § 3)

8.24.040 Violation – Penalty.

If any property owner fails to secure the city's approval before burying concrete, or otherwise violates or fails to comply with the provisions of this chapter, the owner shall be guilty of a misdemeanor, and shall be punished as set forth in Chapter 1.12 SMC. In addition, the city may abate any condition which is in violation of this chapter. (Ord. 13-5 § 4)

Title 9

PUBLIC PEACE, MORALS AND WELFARE

Chapters:

9.04 *Repealed*
9.08 *Repealed*
9.12 *Repealed*
9.16 **Offenses by or against Minors**
9.20 **Weapons**
9.24 **Public Nuisances**

Chapter 9.04

OFFENSES AGAINST THE PERSON

(Repealed by Ord. 15-1)

Chapter 9.08

OFFENSES AGAINST PROPERTY

(Repealed by Ord. 15-1)

Chapter 9.12

OFFENSES AGAINST PUBLIC DECENCY

(Repealed by Ord. 15-1)

Chapter 9.16

OFFENSES BY OR AGAINST MINORS

Sections:

9.16.010 Curfew – Established.
9.16.020 Curfew – Extension.
9.16.030 Exceptions to SMC 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 18 years to permit or allow such minor to be in or upon any street, alley or public place within the city after the hours of 11:00 p.m. on Sunday through Thursday nights and Friday and Saturday nights at 12:00 a.m. Curfew hours end daily at 5:00 a.m. (Ord. 00-2; Code 1987 § 9.07.01)

9.16.020 Curfew – Extension.

The sheriff with the consent of the mayor may extend the curfew hours from 1:00 a.m. to 5:00 a.m. (Ord. 15-1 § 1; Code 1987 § 9.07.02)

9.16.030 Exceptions to SMC 9.16.010.

The provisions of SMC 9.16.010 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 given on the same day that the errand is to be performed. (Code 1987 § 9.07.03)

9.16.040 Duty of police officer – Violation – Penalty.

It is the duty of the police officers of the city to apprehend and take into custody any minor found in violation of this chapter. The police shall thereupon contact 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 according to the provisions of Chapter 1.12 SMC.

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. (Ord. 15-1 § 1; Code 1987 § 9.07.04)

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 or BB rifle within the limits of the city. (Ord. 15-1 § 1; Code 1987 § 7.01.01)

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 SMC. (Code 1987 § 7.01.02)

Chapter 9.24

PUBLIC NUISANCES

Sections:

9.24.010 Public nuisance defined.
9.24.020 Violation – Penalty.

9.24.010 Public nuisance defined.

"Public nuisance" means and includes anything which is injurious to health, or is indecent or offensive to the senses, or corrupting to public morals, or an obstruction to the free use of property, or an interference with the comfortable enjoyment of life or property, by an entire community or neighborhood, or by a considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any public park, square, street or highway. (Code 1987 § 9.09.01)

9.24.020 Violation – Penalty.

Every person who maintains or commits, or assists in maintaining or committing any public nuisance, or who wilfully omits to perform any legal duty which relates to the removal of a public nuisance, is guilty of a misdemeanor and shall, upon conviction thereof, be punished as set forth in Chapter 1.12 SMC. (Code 1987 § 9.09.02)

Title 10

TRAFFIC ADMINISTRATION

Chapters:

10.04 **Traffic Administration**
10.08 *Repealed*
10.12 **Drivers**
10.16 **Accidents**
10.20 **Speed**
10.24 **Stopping, Standing and Parking**
10.25 **Operation and Parking of Trucks, Tractors, Trailers and Buses**
10.26 **Recreational Vehicles**
10.28 *Repealed*
10.32 **Snowmobiles**
10.36 **Bicycles and Motorcycles**
10.40 **Pedestrians**
10.44 **Parades**
10.48 **Miscellaneous Traffic Regulations**

Chapter 10.04

TRAFFIC ADMINISTRATION

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 city, and may, when necessary, divert or exclude all such traffic from any public highway within the city. (Code 1987 § 10.01.02)

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 10 days. (Code 1987 § 10.01.10(26))

Chapter 10.08

JUVENILE TRAFFIC COURT

(Repealed by Ord. 15-1)

Chapter 10.12

DRIVERS

Sections:

10.12.010 Driver's licenses required.
10.12.020 *Repealed*.

10.12.010 Driver's licenses required.

A. No person shall drive a motor vehicle on any street or alley within the city 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.

B. Any person or persons who violate the provisions of subsection A of this section is guilty of a misdemeanor and, upon conviction thereof, shall be punished as set forth in Chapter 1.12 SMC. (Ord. 15-1 § 1; Code 1987 § 10.01.03(5))

10.12.020 Privilege limited to qualified drivers.

Repealed by Ord. 15-1. (Code 1987 § 10.01.03(6))

Chapter 10.16

ACCIDENTS

Sections:

10.16.010 *Repealed*.
10.16.020 Duties of drivers.

10.16.010 Liability for negligence.

Repealed by Ord. 15-1. (Code 1987 § 10.01.10(24))

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. It shall be the duty of every person operating or driving any vehicle on the streets of the city 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, to provide 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. It shall likewise 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 judgement or arising from accident, to move away from the place of such collision without complying with this section. (Code 1987 § 10.01.10(25))

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 city. At least one copy of such Act shall be kept on file in the office of the clerk-treasurer. (Code 1987 § 10.02.01)

10.20.020 Speed limits established.

No person shall operate any motor vehicle on Main Street of the city and First Avenue of the city, east of Main Street to the city limits, at a rate of speed faster than 25 miles per hour, and no person shall operate or drive any motor vehicle on any of the other streets and public highways of the city at a rate of speed faster than 20 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 15 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. (Code 1987 § 10.01.10(35))

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 discernible to the operator of any motor vehicle. (Code 1987 § 10.01.10(36))

10.20.040 Use of radar authorized.

The use of radar by the city police upon the streets and highways within the corporate limits of the city, for the purpose of determining speed and as evidence of speed, is authorized. (Code 1987 § 10.02.02)

Chapter 10.24

STOPPING, STANDING AND PARKING

Sections:

10.24.010 Parallel parking.
10.24.020 Open space and clearance – Oversized loads.
10.24.030 Permit required for parking when.
10.24.040 *Repealed*.
10.24.050 Vehicle length restrictions.
10.24.060 Parking within marks.
10.24.070 *Repealed*.
10.24.080 *Repealed.*
10.24.090 Parking within fire limits.
10.24.100 Obstruction of alley access.
10.24.110 Parking in alleys.
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 *Repealed*.
10.24.210 Overnight parking – Restrictions.
10.24.220 Overnight parking – Removal.
10.24.230 Manner of exiting parking spaces – General requirements.
10.24.240 *Repealed*.

10.24.010 Parallel parking.

All vehicles parked within the city limits of the city of Scobey are required to use parallel parking and shall stand or be parallel with and within 18 inches of the curb and shall not be parked nearer to each other than three feet. (Ord. 15-1 § 1; Ord. 02-3; Code 1987 § 10.01.06)

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 these provisions is to keep an open space or clearance of 16 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. (Code 1987 § 10.01.07(1))

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 city 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 city council. The right is reserved to the council to deny any application for a permit for the above uses. The city council by resolution may order the discontinuance, abandonment or removal of any such uses on any part of the public ways of the city, 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 city. (Code 1987 § 10.01.07(22))

10.24.040 Distance between vehicles.

Repealed by Ord. 15-1. (Ord. 02-3; Code 1987 § 10.01.07(2))

10.24.050 Vehicle length restrictions.

No truck or other motor vehicle having a wheel base of greater length than 133 inches, chassis or a bed of greater length than eight feet shall be parked on any street or avenue or

in any other manner than parallel to and adjacent to the curb of such street or avenue. (Ord. 02-3; Code 1987 § 10.01.07(19))

10.24.060 Parking within marks.

Where parking space is marked on curb, by paint or otherwise, vehicles must park within space so designated. (Code 1987 § 10.01.07(3))

10.24.070 Minimum distance from property line.

Repealed by Ord. 15-1. (Code 1987 § 10.01.07(7))

10.24.080 Angle parking.

Repealed by Ord. 02-3. (Code 1987 § 10.01.07(8))

10.24.090 Parking within fire limits.

No motor vehicle shall be parked at any one place in the boundaries of the fire limits of the city for more than 24 hours. Any police officer may cause the same to be removed and certify the cost of such removal to the city judge who shall add the amount thereof to any fine assessed against the owner or operator of such vehicle for the violation of such parking regulation. Whenever the space occupied by a parked motor vehicle is necessary for loading or unloading some commodity, the driver of such vehicle shall move away from such space upon request of a police officer and if the owner or driver be not present, the police officer may cause such vehicle to be removed. (Ord. 15-1 § 1; Code 1987 § 10.01.07(20))

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. (Code 1987 § 10.01.07(10))

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. (Code 1987 § 10.01.07(11))

10.24.120 Yellow curbs.

Vehicles must not park by curbs painted yellow. (Code 1987 § 10.01.07(9))

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. (Code 1987 § 10.01.07(18))

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 18 inches from the curb.

B. No vehicle shall stand backed to the curb, except when actually loading or unloading some commodity. (Ord. 15-1 § 1; Code 1987 § 10.01.07(12), (17))

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. (Code 1987 § 10.01.07(16))

10.24.160 Distance from fire hydrants.

No vehicles shall be parked or left standing within 15 feet of a fire hydrant. The distance is to be measured back from the hydrant and along the curb. (Code 1987 § 10.01.07(6))

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. (Code 1987 § 10.01.07(21))

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. (Code 1987 § 10.01.07(13))

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 may be necessary to load or unload. (Code 1987 § 10.01.07(15))

10.24.200 Parking in public places.

Repealed by Ord. 15-1. (Code 1987 § 10.01.07(14))

10.24.210 Overnight parking – Restrictions.

It is unlawful for any person to park a motor vehicle or vehicle of any kind on Main Street and First Avenue east of Main Street in the city for a period of time longer than 30 minutes between the hours of 3:00 a.m. and 5:00 a.m. of any day. Physicians on emergency calls are excepted. (Code 1987 § 10.06.01)

10.24.220 Overnight parking – Removal.

All vehicles which are parked on Main Street and First Avenue east of Main Street during the time prohibited as provided in this chapter may be removed by the municipality and the cost of removing and storage shall be charged to the owner, operator or possessor of such vehicle, and the owner, operator or possessor of such vehicle may be charged with a misdemeanor and fined in an amount not to exceed $10.00 for each day such vehicle has been so parked, plus costs of removing and storing such vehicle. (Ord. 15-1 § 1; Code 1987 § 10.06.02)

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. (Code 1987 § 10.01.07(4))

10.24.240 Manner of exiting parking spaces – Warning.

Repealed by Ord. 15-1. (Code 1987 § 10.01.07(5))

Chapter 10.25

OPERATION AND PARKING OF TRUCKS, TRACTORS, TRAILERS AND BUSES

Sections:

10.25.010 Prohibited.
10.25.020 Exceptions.
10.25.030 Definitions.
10.25.040 Penalty.

10.25.010 Prohibited.

Except as herein otherwise expressly provided, it shall be unlawful for the owner or operator of any truck, bus, tractor, trailer, or combination thereof as described in SMC 10.25.030 to operate, park or let stand or permit the same to be operated, parked or let stand on any street or alley within any residential zone of the city of Scobey, Montana. Such vehicles need not be carrying a load to be in violation of this section. (Ord. 12-2 § 1)

10.25.020 Exceptions.

A. Any truck, bus, tractor, trailer or any combination thereof as described in SMC 10.25.030 which is being operated, parked or let stand for the express purpose of loading or unloading merchandise, property, goods or passengers or for providing a service in a residential zone, or the operation, parking or standing of such truck, bus, tractor, trailer or combination thereof during that time while the driver or operator thereof has stopped, parked, is standing in a residential zone to eat or for other necessary purposes; provided, however, that such operating, parking or standing shall not be for longer than one hour, and in no case shall overnight parking be allowed except when such operation, parking or standing is necessitated by an emergency or by act of God.

B. Any vehicle which is engaged in providing emergency services for public safety or welfare or providing for the maintenance and repair of public or private property. (Ord. 12-2 § 2)

10.25.030 Definitions.

"Buses" means any motor vehicle equipped for carrying passengers for hire or transporting schoolchildren, on its own chassis and which is licensed or grossed for 16,000 pounds GVW or more.

"Tractor" means any motor vehicle having motive power designed or used for pulling or drawing other motor vehicles, including trailers, or semitrailers and designed or used for pulling or drawing another vehicle while carrying a portion of its load, or both, and which is licensed or grossed for 16,000 pounds GVW or more either as a single unit or combination thereof.

"Trailer" means any vehicle without motive power designed or used for carrying property or persons wholly on its own structure and for being drawn by a tractor or other motor vehicle, and includes any such vehicle when formed by or operated as a combination of a tractor, trailer or semitrailer of the dolly type such as that commonly known as a trailer dolly, including home trailers.

"Trucks" means any motor vehicle designed for carrying loads on its own chassis and which is licensed or grossed for 16,000 pounds GVW or more. (Ord. 12-2 § 3)

10.25.040 Penalty.

Any persons violating any of the provisions of this section shall upon conviction be punished as follows:

A. Upon first conviction, by a fine of not less than $50.00 nor more than $100.00.

B. Upon a second or subsequent conviction, by a fine of not less than $100.00 nor more than $200.00.

C. Upon a third or subsequent conviction thereof, by a fine of not less than $200.00 nor more than $300.00 or by imprisonment not to exceed five days or by both such fine and imprisonment. (Ord. 12-2 § 4)

Chapter 10.26

RECREATIONAL VEHICLES

Sections:

Article I. Parking of Occupied Recreational Vehicles on Public Rights-of-Way

10.26.010 Regulation of occupied recreational vehicles.
10.26.020 Definitions.
10.26.030 Penalty.

Article II. Parking of Occupied Recreational Vehicles on Lots

10.26.040 Occupied recreational vehicles on lots.
10.26.050 Exceptions.
10.26.060 Definitions.
10.26.070 Penalty.

Article I. Parking of Occupied Recreational Vehicles on Public Rights-of-Way

10.26.010 Regulation of occupied recreational vehicles.

It is unlawful to occupy, or permit or allow to be occupied, a recreational vehicle that is located on a street, alley, or public right-of-way within the city of Scobey, Montana. This prohibition applies to any or all of the following persons who each may be separately liable for violations of this article and who are subject to its enforcement jointly or severally with any others liable for the same offense: (A) Any or all persons who occupy a recreational vehicle in violation of this article; and (B) Any or all owners of a recreational vehicle occupied in violation of this article. This provision shall not apply to an occupied recreational vehicle located on city streets, alleys, or rights-of-way for a short duration (not more than 72 hours) by guests or visitors. (Ord. 12-3 § 1)

10.26.020 Definitions.

"Located" means parked, resting, sitting, standing, placed, or situated by any means or in any manner.

"Occupy" means the use of a recreational vehicle for living, sleeping, dwelling, housekeeping, business, residence, or other purposes associated with human habitation, for any duration and whether occurring on an overnight basis.

"Recreational vehicle" means a mobile or moveable vehicle or unit designed or serving as living quarters for recreational, camping, travel, temporary, short-term, or seasonal use, and that either has its own power, is mounted on or towed by another vehicle. The term includes, but is not necessarily limited to, the commonly known or recognized types of recreational vehicles: camping trailer, fifth wheel trailer, motor home, park trailer, travel trailer, pop-up tent trailer, and truck camper. The term "recreational vehicle" is intended to include vehicles or units whether factory or home built, whether towed or carried on a motor vehicle. The term includes campers that are affixed to a bed of a truck and also converted vehicles such as buses, trucks, or trailers. Recreational vehicles may or may not have kitchen or toilet facilities or self-contained water or sewage systems.

"Street, alley, or public right-of-way" means real property anywhere within the city of Scobey, Montana, dedicated to the public or for the use of the public for streets, roads, thoroughfares, alleys, avenues, or other public purposes or ways of travel as shown by records, plats, subdivisions, deeds or other recorded documents or instruments in the office of the Daniels County clerk and recorder. (Ord. 12-3 § 2)

10.26.030 Penalty.

Any persons violating any of the provisions of this section shall upon conviction be punished as follows:

A. Upon first conviction, by a fine of not less than $50.00 nor more than $100.00.

B. Upon a second or subsequent conviction, by a fine of not less than $100.00 nor more than $200.00.

C. Upon a third or subsequent conviction thereof, by a fine of not less than $200.00 nor more than $300.00 or by imprisonment not to exceed five days or both such fine and imprisonment. (Ord. 12-3 § 3)

Article II. Parking of Occupied Recreational Vehicles on Lots

10.26.040 Occupied recreational vehicles on lots.

It is unlawful to occupy, or permit or allow to be occupied, a recreational vehicle that is located on a lot within the city of Scobey, Montana. This prohibition applies to any or all of the following persons who each may be separately liable for violations of this article and who are subject to its enforcement jointly or severally with any others liable for the same offense: (A) any or all persons who occupy a recreational vehicle in violation of this article; (B) any or all owners of a recreational vehicle occupied in violation of this article; and (C) any or all owners of the lot on which is located a recreational vehicle occupied in violation of this article. (Ord. 12-4 § 1)

10.26.050 Exceptions.

A. This prohibition shall not apply to any recreational vehicles that are lawfully located in a facility that is licensed by the state of Montana for the parking of occupied recreational vehicles and permitted by the city code.

B. This article does not apply to a recreational vehicle located on a lot that is occupied for a short duration by guests or visitors. However, for any one lot, or premises consisting of multiple lots held in common ownership, the occupied use of a recreational vehicle by such guests or visitors for such short durations shall not, on an aggregate or cumulative basis, exceed 21 days in any single calendar year.

C. This article does not apply to recreational vehicles not occupied as that term is defined herein, as long as the location of the recreational vehicle is otherwise lawful. (Ord. 12-4 § 2)

10.26.060 Definitions.

"Located" means land or real property, located within any part of the city of Scobey, Montana, and held as an individual unit or parcel of ownership shown on a certificate of survey, subdivision plat, deed, or other instrument of record in the office of the Daniels County clerk and recorder. Publicly dedicated real property such as a street, alley, or right-of-way is not considered a lot.

"Occupy" means the use of a recreational vehicle for living, sleeping, dwelling, housekeeping, business, residence, or other purposes associated with human habitation, for any duration and whether occurring on an overnight basis.

"Recreational vehicle" means a mobile or movable vehicle or unit designed or serving as living quarters for recreational, camping, travel, temporary, short-term, or seasonal use and that either has its own power or is mounted on or towed by another vehicle. The term includes, but is not necessarily limited to, the commonly known or recognized types of recreational vehicles: camping trailer, fifth wheel trailer, motor home, park trailer, travel trailer, pop-up tent trailer, and truck camper. The term "recreational vehicle" is intended to include vehicles or units whether factory or home built; whether or not hitched to a self-propelled vehicle; whether on or off wheels; whether towed or carried on motor vehicle. The term includes campers that are affixed to a bed of a truck and also converted vehicles such as buses, trucks, or trailers. Recreational vehicles

may or may not have kitchen or toilet facilities or self-contained water or sewage systems. (Ord. 12-4 § 3)

10.26.070 Penalty.

Any persons violating any of the provisions of this article shall upon conviction be punished as follows:

A. Upon first conviction, by a fine of not less than $50.00 nor more than $100.00.

B. Upon a second or subsequent conviction, by a fine of not less than $100.00 nor more than $200.00.

C. Upon a third or subsequent conviction thereof, by a fine of no less than $200.00 nor more than $300.00 or by imprisonment not to exceed five days or both such fine and imprisonment. (Ord. 12-4 § 4)

Chapter 10.28

WEIGHT AND SIZE RESTRICTIONS

(Repealed by Ord. 12-1)

Chapter 10.32

SNOWMOBILES

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 otherwise clearly requires that another meaning be intended:

"Operator" means and includes every person who operates or is in the physical control of the operation of a snowmobile.

"Owner" means and includes every person as defined in this section, other than a lienholder or other person having a security interest only, holding record title to a snowmobile, and entitled to the use or possession thereof.

"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.

"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.

"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, skis or runners, and which is not otherwise registered or licensed under the laws of the state. (Code 1987 § 10.10.01)

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 is operated upon any street or upon any public path set aside for the exclusive use of snowmobiles, subject to those exceptions stated in this chapter. (Code 1987 § 10.10.02)

10.32.030 State registration required.

The owner of a snowmobile shall register such vehicle with the Registrar of Motor Vehicles of the state, and shall further comply with Section 23-2-601 et seq., MCA. The owner shall display in a conspicuous place on such registered vehicle the registered number. (Ord. 15-1 § 1; Code 1987 § 10.10.03)

10.32.040 Operating restrictions.

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

B. A snowmobile may 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 90 degrees to the direction of the highway, at a place where no obstruction prevents a quick and safe crossing. The snowmobile 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 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 opera-

tion and unless equipped with a suitable braking device which may be operated by either hand or foot. (Code 1987 § 10.10.04)

10.32.050 Unlawful acts designated.

It is unlawful for any person to drive or operate any snowmobile in any one or more of the following manners:

A. At a rate of speed greater than 15 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 or permitting such operation, by any person who by reason of physical or mental disability is incapable of operating the snowmobile 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. (Code 1987 § 10.10.05)

10.32.060 Operation on private property.

Snowmobiles 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. (Code 1987 § 10.10.06)

10.32.070 Operating time restrictions.

No snowmobiling shall be done after the hour of 10:00 p.m. within the city, except in going to or returning from an evening ride. (Code 1987 § 10.10.07)

10.32.080 Riding on streets, roadways and snowmobile paths.

A. Every person operating a snowmobile 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 upon a street or roadway shall not ride more than single file except on paths or parts of roadways set aside for the exclusive use of snowmobiles. (Code 1987 § 10.10.08)

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. (Code 1987 § 10.10.09)

10.32.100 Clinging to vehicles.

No person riding upon any snowmobile shall attach the same or himself to any vehicle upon the street or roadway. (Code 1987 § 10.10.10)

10.32.110 Obstructive parking.

No person shall park a snowmobile 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. (Code 1987 § 10.10.11)

10.32.120 Riding on sidewalks.

No person shall ride a snowmobile upon any sidewalk. (Ord. 15-1 § 1; Code 1987 § 10.10.12)

10.32.130 Violation – Penalty.

Violations of any section of this chapter shall be punishable as set forth in Chapter 1.12 SMC. (Ord. 15-1 § 1; Code 1987 § 10.10.13)

Chapter 10.36

BICYCLES AND MOTORCYCLES

Sections:

10.36.010 Effect of regulations.
10.36.020 *Repealed*.
10.36.030 *Repealed*.
10.36.040 *Repealed*.
10.36.050 *Repealed*.
10.36.060 *Repealed*.
10.36.070 Lamps and safety equipment.
10.36.080 *Repealed*.
10.36.090 *Repealed*.
10.36.100 Traffic laws applicable to bicyclists.
10.36.110 Obedience to traffic-control devices.
10.36.120 *Repealed*.
10.36.130 Riding restrictions.
10.36.140 Reasonable speed required.
10.36.150 *Repealed*.
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 *Repealed*.
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. (Code 1987 § 10.08.01)

10.36.020 License – Required.

Repealed by Ord. 15-1. (Code 1987 § 10.08.02)

10.36.030 License – Application.

Repealed by Ord. 15-1. (Code 1987 § 10.08.03)

10.36.040 License – Issuance.

Repealed by Ord. 15-1. (Code 1987 § 10.08.04)

10.36.050 License plate – Issuance – Attachment.

Repealed by Ord. 15-1. (Code 1987 § 10.08.05)

10.36.060 Inspection.

Repealed by Ord. 15-1. (Code 1987 § 10.08.06)

10.36.070 Lamps and safety equipment.

Every bicycle when in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least 500 feet to the front and a red reflector on the rear of a type which shall be visible from all distances from 50 feet to 300 feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle. A lamp emitting a red light visible from a distance of 500 feet to the rear may be used in addition to the red reflector. (Code 1987 § 10.08.19)

10.36.080 Transfer of ownership.

Repealed by Ord. 15-1. (Code 1987 § 10.08.07)

10.36.090 Rental agencies.

Repealed by Ord. 15-1. (Code 1987 § 10.08.08)

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. (Code 1987 § 10.08.09)

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. (Code 1987 § 10.08.10)

10.36.120 Riding at night prohibited.

Repealed by Ord. 15-1. (Code 1987 § 10.08.11)

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. (Code 1987 § 10.08.12)

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. (Code 1987 § 10.08.13)

10.36.150 Riding in school zones.

Repealed by Ord. 15-1. (Code 1987 § 10.01.03(10))

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. (Code 1987 § 10.08.14)

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. (Code 1987 § 10.08.15)

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. (Code 1987 § 10.08.16)

10.36.190 Parking and storage.

It is unlawful for any person to park a bicycle upon a street other than upon the roadway against the curb 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. (Code 1987 § 10.08.17)

10.36.200 Riding on sidewalks.

Repealed by Ord. 15-1. (Code 1987 § 10.08.18)

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 SMC. (Code 1987 § 10.08.20)

Chapter 10.40

PEDESTRIANS

Sections:

10.40.010 *Repealed*.
10.40.020 *Repealed*.
10.40.030 *Repealed*.
10.40.040 *Repealed*.
10.40.050 *Repealed*.
10.40.060 Congregating prohibited.

10.40.010 Protection of.

Repealed by Ord. 15-1. (Code 1987 § 10.01.08(1))

10.40.020 On sidewalks.

Repealed by Ord. 15-1. (Code 1987 § 10.01.08(6))

10.40.030 Observe traffic signals.

Repealed by Ord. 15-1. (Code 1987 § 10.01.08(3))

10.40.040 Jay walking.

Repealed by Ord. 15-1. (Code 1987 § 10.01.08(5))

10.40.050 Must be on alert.

Repealed by Ord. 15-1. (Code 1987 § 10.01.08(2))

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 wilfully 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. (Code 1987 § 10.01.08(4))

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. (Code 1987 § 10.01.10(15))

Chapter 10.48

MISCELLANEOUS TRAFFIC REGULATIONS

Sections:

10.48.010 Repairing vehicles on streets.
10.48.020 *Repealed*.
10.48.030 Riding in the rear of vehicles.
10.48.040 *Repealed*.
10.48.050 Clinging to vehicles.
10.48.060 *Repealed.*
10.48.070 *Repealed*.
10.48.080 *Repealed*.
10.48.081 *Repealed.*
10.48.090 *Repealed*.
10.48.100 *Repealed*.
10.48.110 Projecting loads.
10.48.120 Driving over sidewalks.
10.48.130 U-turns.

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. (Code 1987 § 10.01.10(6))

10.48.020 Climbing onto vehicles.

Repealed by Ord. 15-1. (Code 1987 § 10.01.10(7))

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. (Code 1987 § 10.01.10(8))

10.48.040 Restricted vehicles on streets.

Repealed by Ord. 15-1. (Code 1987 § 10.01.10(9))

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. (Code 1987 § 10.01.10(11), (12))

10.48.060 Vehicle lighting requirements.

Repealed by Ord. 15-1. (Code 1987 § 10.01.10(16))

10.48.070 Running of engines.

Repealed by Ord. 15-1. (Code 1987 § 10.01.10(17))

10.48.080 Racing of engines.

Repealed by Ord. 15-1. (Code 1987 § 10.01.10(18))

10.48.081 Dynamic braking devices prohibited.

Repealed by Ord. 04-1. (Ord. 03-1; Ord. 02-2)

10.48.090 Chains – Permitted types.

Repealed by Ord. 15-1. (Code 1987 § 10.01.10(21))

10.48.100 Potentially dangerous materials in streets.

Repealed by Ord. 15-1. (Code 1987 § 10.01.10(22))

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 16 inches in length or less than 16 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. (Code 1987 § 10.01.10(23))

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 therefor, constructed in accordance with the plans and specifications approved by the city council. (Ord. 15-1 § 1; Code 1987 § 10.01.10(27))

10.48.130 U-turns.

The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction upon any street other than at an intersection, except that no such turn shall be made at any of the following intersections:

A. Any intersection posted “No U-turn”;

B. Any intersection of an alley with a street;

C. Any intersection of a street with a state highway;

D. Any intersection of an alley with a state highway. (Ord. 89-2)

Title 11

(Reserved)

Title 12

STREETS, SIDEWALKS AND PUBLIC PLACES

Chapters:

12.04 Obstructions
12.05 *Repealed*
12.08 Encroachments
12.12 Excavations
12.16 Construction of Sidewalks and Curbs
12.20 Roseland Park
12.24 Airport Regulations
12.28 Street Maintenance District

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 city, any 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 teams, 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 SMC. (Code 1987 § 12.04.01)

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 city, so as to obstruct the same, or to render such streets, alleys or public places impassible, dangerous or inconvenient for passage by teams, vehicles or pedestrians, and any person or persons violating the terms of this section shall be subject to the penalties as provided for in SMC 12.04.010. (Code 1987 § 12.04.02)

Chapter 12.05

SIDEWALK MAINTENANCE

(Repealed by Ord. 15-1)

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 "Scobey Uniform Right-of-Way Encroachment Code." (Code 1987 § 10.09.01)

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 ensure 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. (Code 1987 § 10.09.02)

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. (Code 1987 § 10.09.06)

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:

"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.

"Encroachments" means and includes all private devices placed upon the public right-of-way, including devices which overhang or underlie the right-of-way. (Code 1987 § 10.09.03)

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 10 days' written notice to the permittee. No gainful private or commercial use of the public right-of-way will be allowed. Examples: nonemergency servicing of vehicles, parking or placing of portable advertising devices on the public right-of-way. (Code 1987 § 10.09.04)

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. (Code 1987 § 10.09.05)

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 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 $300.00. (Code 1987 § 10.09.07)

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 city 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. (Code 1987 § 12.02.01)

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 clerk-treasurer, 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. (Code 1987 § 12.02.02)

12.12.030 City to direct work.

All excavations made as set out in this chapter shall be made under the direction of a city representative and done in a most careful and workmanlike manner. (Code 1987 § 12.02.03)

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. (Code 1987 § 12.02.04)

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 12 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. (Code 1987 § 12.02.05)

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. (Code 1987 § 12.02.07)

12.12.070 Cost of pavement repair.

On completion of the placing of backfill in any cut in any paved street within the city limits, the licensed plumber or utility making the cut shall be billed for and shall be liable to the city a charge of $2.75 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 city council of the city. (Ord. dated 10/17/83; Code 1987 § 12.02.06)

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 city without first complying with the conditions set out in SMC 12.12.090 and 12.12.100. (Code 1987 § 12.03.01)

12.12.090 Street excavations – Bond required.

Any person requesting permission to open any city street must post with the clerk-treasurer a bond in the penal sum of $1,000 payable to the city, to protect the city 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. (Code 1987 § 12.03.02)

12.12.100 Street excavations – Clerk-treasurer approval required.

The clerk-treasurer 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 clerk-treasurer to grant such request shall be subject to review by the city council. In case the request is granted, the applicant shall accomplish the proposed work under the supervision of the city street commissioner and shall backfill any such excavation by tamping in a thorough manner. (Code 1987 § 12.03.03)

Chapter 12.16

CONSTRUCTION OF SIDEWALKS AND CURBS

Sections:

12.16.010 Datum plane and grade.
12.16.020 Survey required.
12.16.030 Use of words or Arabic numerals.
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.

12.16.010 Datum plane and grade.

The certain horizontal plane being ____ feet below the surface of a bronze benchmark, placed in the crosswalk crossing Second Avenue, and on the west side of Main Street. The benchmark being located five feet in an easterly direction and 14 feet in a northerly direction from the northeast corner of Lot No. 1, Block No. 11, in the original townsite of Scobey. (Code 1987 § 12.05.01)

12.16.020 Survey required.

All grades of streets, avenues, alleys or sidewalks or other grades established by authority of the city shall be surveyed, established and

recorded with reference to the elevation of the same above the datum plane. (Code 1987 § 12.05.02)

12.16.030 Use of words or Arabic numerals.

All numbers, fractions and combinations of numbers used with reference to grades in the city in ordinances, notices, records or otherwise, shall be, unless the same is specially shown to mean otherwise, to be taken, understood and construed to mean distance above such datum plane and such numbers may be stated by the use of words or Arabic numerals. (Code 1987 § 12.05.03)

12.16.040 Connection – Uniform conformance required.

When two points are established and the grade of a street, avenue or sidewalk is required to conform thereto, the same shall be made uniform between such points. (Code 1987 § 12.05.04)

12.16.050 Specifications – Business areas.

The width of the sidewalk on business streets and business avenues, on each side thereof, inclusive of the curbs, shall hereafter be five feet. The inner line of such sidewalk shall be at the lot or property line of the lot adjoining. (Code 1987 § 12.05.05)

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 city, and where a curb shall be constructed, the same shall be 14 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 12 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 curbline 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. (Code 1987 § 12.05.06)

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 overfinishing. 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 of 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 Exhibits 12.16A and 12.16B codified at the end of this chapter.) (Code 1987 § 12.05.07)

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. (Code 1987 § 12.05.08)

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 overfinishing. (Code 1987 § 12.05.09)

12.16.100 Markings.

The walk shall be cut into separate rectangular slabs not greater 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. (Code 1987 § 12.05.10)

12.16.110 Expansion joints.

Expansion joints shall extend from the surface to subgrade and shall be at right angles to the sidewalk surface. A one-half-inch expansion joint shall be made across the walk at approximately 50-foot intervals. (Code 1987 § 12.05.11)

12.16.120 Construction safety barriers.

All persons or contractors constructing soft work concrete sidewalks within the city 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. (Code 1987 § 12.05.12)

12.16.130 Destruction or defacing sidewalks.

No person (other than the street commissioner) shall intentionally or wilfully 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 city, and thereby making any tracks thereon or depression therein, or injury to the same before same has become set. (Code 1987 § 12.05.13)

12.16.140 Notification of construction – Procedures.

Upon the city 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 30 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 unbuilt at the time of the expiration of 30 days from the date of such notice, shall be built by the city at the expense of the property owner as thereinafter provided. (Code 1987 § 12.05.14)

12.16.150 Notification of construction – Expiration date.

At the expiration of 30 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 15 days from the date thereof. (Code 1987 § 12.05.15)

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 city or that may be constructed or repaired by the street commissioner in accordance with the order of the city council, shall be certified by the street commissioner to the clerk-treasurer, who shall then forthwith 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. (Code 1987 § 12.05.16)

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 SMC. (Code 1987 § 12.05.17)

Exhibit 12.16A

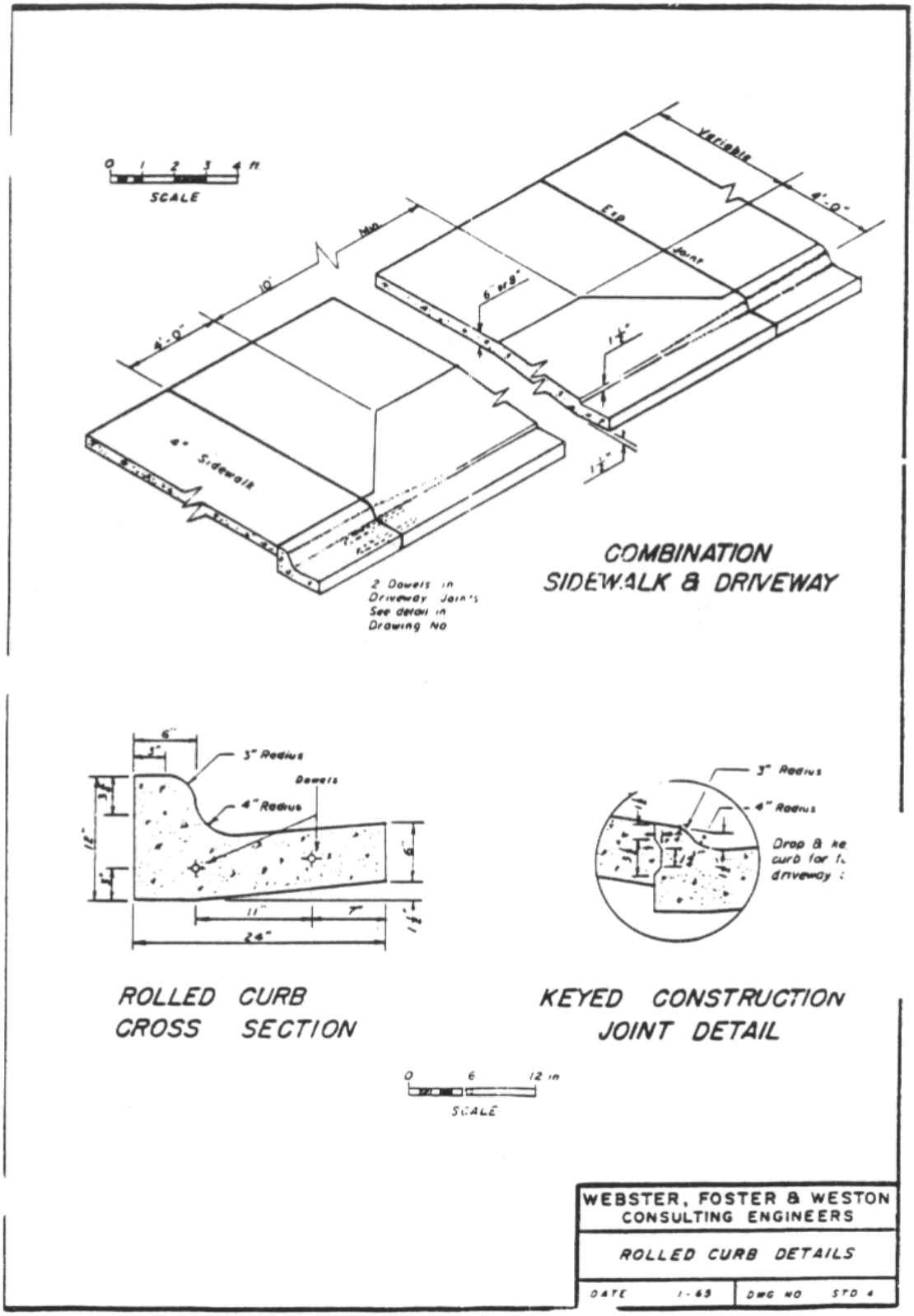


Exhibit 12.16B

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 one-quarter-inch 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 sacks of Portland Cement. Type II Portland Cement with an approved air-entraining admixture shall be used. The concrete shall contain not less than four percent or more than seven percent 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 cut 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 NOS. 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 10-foot or 14-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 ensure 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 inches thick. Contraction joints shall be provided as specified.

Chapter 12.20

ROSELAND PARK

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 chapter shall be known as the "City of Scobey Regulations Regarding Roseland Park." (Code 1987 § 10.11.01)

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 park known as Roseland Park located within the boundaries of the city. (Code 1987 § 10.11.02)

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 Roseland Park and to prohibit such unauthorized use by itinerant groups of undesirable individuals. (Code 1987 § 10.11.05)

12.20.040 Camping – Defined.

Camping means the use of the Roseland Park premises for any and all outdoor activity including sleeping, eating and any and all outdoor recreation. (Code 1987 § 10.11.03)

12.20.050 Camping – Prohibited – Park hours.

No overnight camping or sleeping is permitted within the boundaries of Roseland Park located within the city 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 7:00 a.m. until 10:30 p.m. The use of Roseland Park at any other time is prohibited. (Code 1987 § 10.11.04)

12.20.060 Violation – Penalty.

Any person, firm or corporation violating the provisions of this chapter is punishable by a fine not exceeding $300.00. (Code 1987 § 10.11.06)

Chapter 12.24

AIRPORT REGULATIONS

Sections:

12.24.010 Public safety – Police power.
12.24.020 Use of airport property.
12.24.030 Unlawful use restrictions – Exception.
12.24.040 Violation – Penalty.

12.24.010 Public safety – Police power.

The ordinance codified in this chapter is declared to be an exercise of the police power of the county airport commission, city of Scobey and the state of Montana for public safety and its provisions shall be liberally construed for the accomplishment of that purpose. (Code 1987 § 2.04.04)

12.24.020 Use of airport property.

It is unlawful for any person, firm or association to conduct or participate in any activity on airport property which interferes with its use for aeronautical purposes. (Code 1987 § 2.04.01)

12.24.030 Unlawful use restrictions – Exception.

It is unlawful for any person, firm or association to use that part of the airport property situated inside of the existing fence, or any hangar or buildings situated thereon, for automobile repair, storage, maintenance or operation, except after obtaining permission from the airport commission. Crop dusting equipment and equipment used for the servicing and maintenance of aircraft are specifically excluded from the provisions of this chapter. (Code 1987 § 2.04.02)

12.24.040 Violation – Penalty.

Each violation of this chapter, or any part thereof, constitutes a misdemeanor. Any person, firm, or association violating any of the provisions of this chapter shall, upon conviction thereof, be punished by a fine of not less than $10.00 nor more than $150.00 and each day a violation continues to exist constitutes a separate offense. (Code 1987 § 2.04.03)

Chapter 12.28

STREET MAINTENANCE DISTRICT

Sections:

12.28.010 Creation.
12.28.020 Property included.
12.28.030 Maintenance.
12.28.040 Maintenance – Performance.
12.28.050 Costs assessment.
12.28.060 Maintenance cost estimate.

12.28.010 Creation.

The city council of the city of Scobey, Montana, authorizes and empowers the city to create a street maintenance district in order to prepare and improve streets, avenues and alleys. The maintenance will be of a durable and continuing benefit. (Ord. 97-1)

12.28.020 Property included.

Said street maintenance district will include all properties within the incorporated city limits of Scobey (see map attached to the ordinance codified in this section), and will be designated as Street Maintenance District No. 97. (Ord. 97-1)

12.28.030 Maintenance.

Maintenance of any part of the streets and avenues of the city of Scobey would include the following, but is not limited to sprinkling, graveling, oiling, chip sealing, seal coating, overlaying, treating, general cleaning, sweeping, flushing, snow removal, and leaf and debris removal. (Ord. 97-1)

12.28.040 Maintenance – Performance.

The maintenance in said maintenance district may be done by contract or by forces employed by the city or both, in such manner as the council may elect. (Ord. 97-1)

12.28.050 Costs assessment.

The assessment of costs in said maintenance district will be in accordance with the taxable lot options as stated in MCA 7-12-4422. (Ord. 97-1)

12.28.060 Maintenance cost estimate.

The city council shall estimate, as near as practicable, the cost of maintenance in each established district annually, not later than the second Monday in August, with an amount equal to not less than 75 percent of the entire cost of said work. (Ord. 97-1)

Title 13

PUBLIC SERVICES

Chapters:

13.04 Sewer Administration and Enforcement
13.08 Sewer Connections
13.12 Sewer Charges
13.16 Cesspools, Septic Tanks and Private Sewers
13.20 Water Administration
13.24 Water Rates
13.28 Water Use Regulations
13.32 Watering Restrictions
13.36 Garbage Regulations
13.40 Discontinuance of Water, Sewer and/or Garbage Service

Chapter 13.04

SEWER ADMINISTRATION AND ENFORCEMENT

Sections:

13.04.010 Administration.
13.04.020 Compliance with regulations required.
13.04.030 Receipt for fees paid.
13.04.040 Violation – Penalty.

13.04.010 Administration.

A. The public works director of the city shall have the control of the sewers and drains of the city and everything done and to be done in the premises, to the end that a proper and efficient system of sewerage may be maintained, except as otherwise provided in this chapter.

B. The public works director shall, under the direction of the city council, take the general supervision of all sewers and their connections which are now or may hereafter be built by the city or which may be permitted to be built under its authority, and shall take charge of the building and repairs of the same and all matters in connection with the sewerage of the city and he shall be ex officio building inspector within and for the city. (Ord. 15-1 § 1; Code 1987 § 4.01.03)

13.04.020 Compliance with regulations required.

All work performed must be done in accordance with rules and regulations on file in the office of the public works director. (Ord. 15-1 § 1; Code 1987 § 4.01.16)

13.04.030 Receipt for fees paid.

All sums to be paid by any person for licenses or permits, as provided for in this chapter, shall be paid to the city treasurer. (Ord. 15-1 § 1; Code 1987 § 4.01.15)

13.04.040 Violation – Penalty.

Any person licensed to make connections with sewers and drains who is guilty of a violation of the provisions of this chapter shall, upon conviction thereof, be immediately deprived of his license or fined as provided in SMC 1.12.010, or both. (Ord. 15-1 § 1; Code 1987 § 4.01.14)

Chapter 13.08

SEWER CONNECTIONS

Sections:

13.08.010 Connections – Qualifications of licensed personnel.
13.08.020 Connections – Permit required.
13.08.030 Application – Contents – Fee.
13.08.040 Bond requirements – Conditions of connection.
13.08.050 Tapping line prohibited – Exception.
13.08.060 Separate connections required – Exception.
13.08.070 Authority of city – Notification requirements.

13.08.010 Connections – Qualifications of licensed personnel.

No connection shall be made with any sewers or drains except by persons regularly licensed to perform that description of work. (Ord. 15-1 § 1)

13.08.020 Connections – Permit required.

No connection shall be made with any sewer without a permit from the public works director and all connection charges having been paid in advance to the clerk-treasurer, and no house drain or private sewer will be allowed to be put in place nor any work in connection therewith commenced or prosecuted unless the permit to construct the drain or sewer is in the possession of the licensed drain layer or land owner at the site of the proposed work or with one of his employees engaged in the work. Any opening or connection made into any sewer without such permission or in any manner different from the mode prescribed for such openings or connections by the chapter shall, upon conviction thereof, subject the person making the same and the occupier or owner of the premises directing it to a penalty of not less than $10.00 and not more than $300.00 for each and every day the connection or opening shall remain after notice by the clerk-treasurer or public works director to close and disconnect the same, and all connection charges having been paid in advance to the clerk-treasurer. (Ord. 10-1 § 2; Code 1987 § 4.01.08)

13.08.030 Application – Contents – Fee.

Application for permits may be made by the persons employed to do the work or the owners of the property and must state the location, the name of the owner, number of the building to be connected and now occupied, and a plan shall be deposited with the public works director or the clerk-treasurer, drawn in ink to a scale which shall show the whole course of the drain from the connection with the sewer to its terminus within the building line. All applications must be accompanied by the clerk-treasurer receipt for $5.00 for each connection, to cover the expense of inspection and of making out and filing in the city public works director's office a plan of the connection. (Ord. 15-1 § 1; Code 1987 § 4.01.09)

13.08.040 Bond requirements – Conditions of connection.

All contractors, before commencing work, shall file a bond in the office of the clerk-treasurer to the sum of $2,000, with one or more sureties to be approved by the mayor and clerk-treasurer, conditioned that he will be responsible in damages consequent upon, for or on account of any opening in any street by him or anyone in his employment for making any connection with any public or private sewer or for any other purpose or object whatever, and that he will also replace and restore the street over such opening to as good a condition as he found it, and all openings in any of the streets shall be opened and closed in conformity with rules and regulations as set forth by the city council from time to time, information may be obtained from the clerk-treasurer, keep guards by day and lights by night during the progress of such work, and keep and main-

tain the same in good order, to the satisfaction of the public works director and clerk-treasurer, and will pay all fines that may be imposed upon him by law. (Ord. 15-1 § 1; Ord. 10-1 § 3; Code 1987 § 4.01.13)

13.08.050 Tapping line prohibited – Exception.

Every house or building will be separately and independently connected with the public sewer when such sewer is provided, unless a special permit is granted by the city council. (Ord. 15-1 § 1; Code 1987 § 4.01.10)

13.08.060 Separate connections required – Exception.

Every house or building will be separately and independently connected with the public sewer when such sewer is provided, unless a special permit is granted by the city council. (Code 1987 § 4.01.11)

13.08.070 Authority of city – Notification requirements.

The city council shall have the power to order the owner of any house upon any street or part of street in the city to make connection with the sanitary sewerage system of the city. It shall be the duty of every owner of any house situated upon any lot upon the line of any sewer in the city after being ordered so to do by the city council and notice thereof given, to make connections with the sewer nearest to such house, and for that purpose when any such connection shall be ordered by the city council, it shall be the duty of the public works director or the chief of police to give notice of such order to the owner of such house or to his agent. (Ord. 15-1 § 1; Code 1987 § 4.01.07)

Chapter 13.12

SEWER CHARGES

Sections:

13.12.010 *Repealed*.
13.12.020 Date payable.
13.12.030 Collection and billing procedures.

13.12.010 Charges established.

Repealed by Ord. 15-1. (Ord. 05-1 § 1; Ord. 02-1; Ord. 99-3; Ord. 97-3; Ord. 94-1; Ord. 93-1; Ord. 87-10; Code 1987 § 4.01.04)

13.12.020 Date payable.

The charge or rental levied and assessed in this chapter shall be payable on or before the tenth day of each calendar month following the billing. (Code 1987 § 4.01.05)

13.12.030 Collection and billing procedures.

The charges and costs for sewer set by the city council shall be collected and billed as follows: The clerk-treasurer shall cause such charges to be made against the person occupying the unit for which sewerage is used. All sanitary sewerage collection is to be billed and paid every month. If such bill shall become delinquent for one month, after such billing, the owner of the real estate upon which the unit is situated is to be given notice of such delinquency. If any amount be delinquent and not paid by September 1st of each year, said amount may be assessed and taxed against the real estate. (Ord. 15-1 § 1; Code 1987 § 4.01.06)

Chapter 13.16

CESSPOOLS, SEPTIC TANKS AND PRIVATE SEWERS

Sections:

13.16.010 Construction or use – Permit required.
13.16.020 Maintenance conditions.

13.16.010 Construction or use – Permit required.

No cesspool, septic tank or private sewer shall be constructed or used without the consent of the county sanitarian, and a written permit therefor obtained from him. Plans and specifications for cesspools, septic tanks and private sewers must accompany the application with sufficient information to ascertain whether the same will be sanitary and constructed in accordance with his regulations and those of the State Board of Health. All permits required under the provisions of this section must be obtained before the work of construction is commenced. (Ord. 15-1 § 1; Code 1987 § 4.01.01)

13.16.020 Maintenance conditions.

All cesspools, septic tanks and private sewers shall be kept and maintained by the persons owning or using the same in a sanitary condition and in a condition conforming with the regulations of the health officer and the State Board of Health. (Code 1987 § 4.01.02)

Chapter 13.20

WATER ADMINISTRATION

Sections:

13.20.010 Public works director – Powers and duties – Enforcement.
13.20.020 Clerk-treasurer – Duties.
13.20.030 City public works director – Duties.
13.20.040 Tapping water mains – Permit required.

13.20.010 Public works director– Powers and duties – Enforcement.

A. It shall be the duty of the public works director to exercise general control and management of the waterworks system of the city.

B. It shall be the duty of the public works director and the chief of the fire department, and all persons in the employment of the city to enforce all rules, regulations and parts of this chapter, Chapters 13.24 and 13.28 SMC, by making prompt complaint before the city court judge against any and all persons violating the rules, or any of the provisions of this chapter and Chapters 13.24 and 13.28 SMC. (Ord. 15-1 § 1; Code 1987 § 4.01.18)

13.20.020 Clerk-treasurer – Duties.

It shall be the duty of the city clerk or public works director to perform the following acts:

A. To issue permits to tap mains or make connections with the same, or service pipes or extensions, or to make such extensions, and to keep record of all permits issued.

B. To keep a record of any and all applications for water services issued, discontinue the same upon notice or failure to pay rent thereunder as hereinafter provided.

C. To notify the city public works director and city council of the filing of all applications for water services, permits issued for tapping mains, making connections, or extensions and when application has been duly made and all of the requirements of this chapter and Chap-

ters 13.24 and 13.28 SMC are complied with, the public works director or clerk-treasurer shall order the assistants to turn on the water under such application.

D. To keep a correct record of all moneys collected by the clerk-treasurer, charging him will all money due the water system, current and delinquent and to credit him every month with money received and accounted for the delinquent due.

E. To furnish the public works director or his assistants and city council a list showing the name of each and every person receiving a supply of water from the system and a description of the premises supplied who have not paid the required charges for the same and order the public works director or his assistants forthwith to shut off the supply of water from the described premises. (Ord. 15-1 § 1; Code 1987 § 4.01.19)

13.20.030 City public works director – Duties.

The waterworks system of the city shall at all times be under the supervision of the city public works director. The city public works director shall:

A. Have charge of all contracts and see that they are faithfully executed;

B. Recommend and have charge of the ordering of all water mains, their location and size, the location of all valves, specials and hydrants;

C. Have charge of the erection or changes of all buildings, engines, pumps, fixtures, boilers, basins, reservoirs, tunnels and grounds;

D. Keep a correct record of all mains laid, special castings, valves, hydrants, etc., located in the lines. (Amended during 2015 reformat; Code 1987 § 4.01.21)

13.20.040 Tapping water mains – Permit required.

Before any person who shall be desirous of obtaining water from the system shall proceed to lay any service or other water pipe, such person shall apply to the clerk-treasurer for a permit to tap the main or other pipe, which permit shall state the exact location at which the main or other pipe is to be tapped. (Ord. 15-1 § 1; Ord. 10-1 § 4; Code 1987 § 4.01.20)

Chapter 13.24

WATER RATES

Sections:

13.24.010 Established.

13.24.010 Established.

The rates charged by the city for the use of water provided by the city to its patrons shall be in such amount as has heretofore been established by the city or as shall be hereafter established by the city, a copy of which is on file in the office of the clerk-treasurer. (Code 1987 § 4.01.17)

Chapter 13.28

WATER USE REGULATIONS

Sections:

13.28.010 General requirements.
13.28.015 Duty to use municipal water/wastewater facilities.
13.28.016 Duty to use municipal water/wastewater facilities – Exceptions.
13.28.018 Duty to use municipal water/wastewater facilities – Private systems permitted when.
13.28.020 Application procedures.
13.28.030 Voluntary discontinuance.
13.28.040 Meter reading and billing.
13.28.045 Utility deposits.
13.28.050 Connections by owners outside district – Permit required.
13.28.060 Separate connections required.
13.28.070 Stop cocks – Construction.
13.28.080 Stop cocks – Location of boxes.
13.28.090 Pipe specifications.
13.28.100 Private hydrants on public property.
13.28.110 City liability restrictions.
13.28.120 Use of large quantities – Meter required.
13.28.130 Use of hose prohibited – Exception.
13.28.140 Nozzle size requirements – Penalty.
13.28.150 Prevention of wasting water required.
13.28.160 Use of hose during fire alarm.
13.28.170 Meters – Size and locations.
13.28.180 Meters – Required when.
13.28.190 Meters – Protection from steam.
13.28.200 Meters – Damaging.
13.28.210 Meters – Property of city – Removal.
13.28.220 Consumers supplying water to others.
13.28.230 Discontinuing service.

13.28.240 Accidents resulting in lack of service – Liability.
13.28.250 Turning off water for repairs to system.
13.28.260 *Repealed*.
13.28.270 Disconnections – Notice to city.
13.28.280 Unauthorized use – Penalty.
13.28.290 Right of entry of city employees.
13.28.300 Workmanship of plumbers.
13.28.310 Reporting violations – Enforcement.

13.28.010 General requirements.

The rules and regulations established in this chapter are established for the management, control and protection of the waterworks system. The rules shall be considered a part of the contract with every person who takes water supplied by the city and every person taking water shall be considered as having expressed consent to be bound thereby. (Code 1987 § 4.01.22)

13.28.015 Duty to use municipal water/wastewater facilities.

The owner of any house, building, or other property used for human occupation, employment or recreation, which is situated within the corporate city limits and abuts any street, alley or right-of-way in which there is situated municipal water supply system facilities or municipal wastewater facilities within 1,000 feet of the property line, shall at the owner's expense properly connect and use such facilities. (Ord. 94-3)

13.28.016 Duty to use municipal water/wastewater facilities – Exceptions.

Excepted from SMC 13.28.015 are any existing or future water wells which are used exclusively for domestic irrigation purposes or other uses not conflicting with any regulation or statute of the city, county or state. (Ord. 94-3)

13.28.018 Duty to use municipal water/wastewater facilities – Private systems permitted when.

When municipal water/wastewater services are not available as herein provided, private water/wastewater systems may be used; provided, that all such systems shall be constructed, installed and maintained under and pursuant to the rules and regulations of city/county/State Department of Health and Sanitation. (Ord. 94-3)

13.28.020 Application procedures.

Application for the use of water must be made at the office of the clerk-treasurer on the printed forms furnished for the purpose. The applications must be made by the owner or agent of the property to be benefited, designating the lot, block and street where water is desired and shall state all the purposes for which the water may be required and shall sign a contract therefor and shall pay for the actual cost of installing the meter and/or any remote control meter reading device. No taps will be made to the mains until the applicant for whom such connection is to be made has signed the contract mentioned in this chapter. (Ord. dated 1/3/83; Code 1987 § 4.01.22 (Rule 1))

13.28.030 Voluntary discontinuance.

Owners or consumers desiring to discontinue the use of water shall notify the clerk-treasurer who will have the meter read and make such refunds as are found to be due the person when service is discontinued. The water will then be turned off and on again without charge. (Code 1987 § 4.01.22 (Rule 2))

13.28.040 Meter reading and billing.

The public works director or assistant shall read the meters every month and the water clerk shall bill for such water on the final day of the month.

Water rates as billed are due on the tenth day of the month following billing. If not paid on or before the twentieth day of the next month, the water service will be discontinued. All charges must be paid in full and a nonrefundable charge as set by the city council must be paid prior to having service reestablished.

Should the occupant of the premises which was disconnected for nonpayment turn the water on or suffer or cause it to be turned on before the terms of this section are met, upon conviction shall be punished under SMC 1.12.010. (Ord. 15-1 § 1; Ord. 93-2; Ord. dated 1/3/83; Code 1987 § 4.01.22 (Rule 3))

13.28.045 Utility deposits.

There shall be required a deposit as set by the city council on all new accounts or on account reestablished after becoming delinquent. Such deposits shall be refunded to the depositor if the account is kept current for a period of one year from the date of inception. (Ord. 15-1 § 1; Ord. 08-2; Ord. 99-1; Ord. 93-3)

13.28.050 Connections by owners outside district – Permit required.

A. No resident or property owner located outside the water district and the city shall be permitted to tap onto the water system or connect onto the sewer system without first obtaining special permission from the city council and paying a hook up charge as determined by the council, in which case the permission given to the property owner to connect with the sewer and tap onto the water system shall be in the nature of a license only and shall not become a vested right merely because the property owner is put to considerable expense in constructing a drain from his premises and connecting with the sewer and water system. The council may at any time order same disconnected therefrom in case the sewer with which the connection is made becomes a nuisance.

B. The construction of such sewer or water must be under the supervision of the city and the location, kind and size of pipe will be prescribed by the city as the following. This applies to connections already made. A charge for the following will be made annually and is to be paid in advance:

1. To reimburse amount expended by the city for construction and maintenance of sewer system;

2. To reimburse amount expended for construction and maintenance of water system;

3. For tapping water main, furnishing corporation cock and installing meter;

4. Shall pay for the water as hereinbefore provided in addition to subsections (B)(1), (B)(2) and (B)(3) of this section.

C. There being a wide variation in different cases, it is impossible to name annual charges to be made, but the city council shall have each case investigated and make reasonable charges depending on the districts and conditions. The services may be discontinued without further notice for noncompliance with this section. (Code 1987 § 4.01.22 (Rule 4))

13.28.060 Separate connections required.

Two or more premises with separate owners cannot be supplied from one and the same connection. (Code 1987 § 4.01.22 (Rule 5))

13.28.070 Stop cocks – Construction.

Every service pipe must be furnished with a stop and waste placed within one foot after pipe enters cellar wall. The stop must have a handle or wrench attached to turn same, and should be turned off and on at least once a month to see that same is in working order, so that water can be readily shut off and drained from pipes for the protection of the premises in case of leaks. (Code 1987 § 4.01.22 (Rule 6))

13.28.080 Stop cocks – Location of boxes.

All stops, boxes and cut-offs for controlling the supply of water to the consumers shall be placed within the street and all stop boxes shall

conform to the surface of the sidewalk unless ordered otherwise. (Ord. 15-1 § 1; Code 1987 § 4.01.22 (Rule 7))

13.28.090 Pipe specifications.

Consumers will be required to use, in making connections with the city water mains with the street lines, copper or AWWA and NSF approved polyethylene or PVC pipe. (Ord. 04-2; Code 1987 § 4.01.22 (Rule 8))

13.28.100 Private hydrants on public property.

No private hydrant shall be located on the sidewalk or in any easy place of access to the public, unless metered and then only by special permit. (Code 1987 § 4.01.22 (Rule 9))

13.28.110 City liability restrictions.

The city shall not be responsible for pipes and fixtures. All owners, at their own expense, must keep the service pipe from the city mains, and all their apparatus, in good working order and properly protected from frost and other dangers. No claim shall be made against the city on account of the breaking of any service pipe or apparatus, or for accidental failure in supply of water. No reduction from the regular rates will be made for any time that service pipes or fixtures may be frozen. (Code 1987 § 4.01.22 (Rule 10))

13.28.120 Use of large quantities – Meter required.

Elevators and all other service requiring large quantities of water will only be supplied through meters. (Code 1987 § 4.01.22 (Rule 11))

13.28.130 Use of hose prohibited – Exception.

Hose use shall not be permitted except where the premises are rated. (Code 1987 § 4.01.22 (Rule 12))

13.28.140 Nozzle size requirements – Penalty.

Consumer shall not use any hose larger than three-fourths-inch diameter, and sprinkling without nozzle or from nozzle larger than one-fourth-inch opening is strictly forbidden. Violation of this rule shall subject the offender to a penalty as provided in SMC 1.12.010 and the water may be turned off and shall not be turned on again until such penalty has been paid. (Ord. 15-1 § 1; Code 1987 § 4.01.22 (Rule 13))

13.28.150 Prevention of wasting water required.

Consumer shall prevent unnecessary waste of water and keep all water outlets closed when not in actual use. Hydrants, basins, urinals, water closets, bath tubs or any other openings must not be left running to prevent water from freezing in pipes, or for any other purpose, and for unnecessary waste of water the city reserves the right to cut off the supply and assess a penalty which shall be paid before the water is turned on again. (Code 1987 § 4.01.22 (Rule 14))

13.28.160 Use of hose during fire alarm.

During all alarms of fire the use of hose, yard fountains, hydraulic motors, elevators and all outlets where constant flow of water is maintained is positively forbidden. This rule will be strictly enforced and if violated will subject the offender on conviction to a fine of not more than $300.00. (Code 1987 § 4.01.22 (Rule 15))

13.28.170 Meters – Size and locations.

All premises using the city's water supply must be equipped with an adequate water meter, furnished by the city. If such meter is not the size generally offered by the city, the consumer will be charged the cost difference between the two meters. If any consumer shall install more than one meter, that consumer shall pay for the total cost of the second and

above meters. The city shall require that every meter installed be equipped with an outside readout. The consumer shall pay for the cost of the readout, as determined by the city council. The cost of the meter alone shall be paid for by the city. Plumbing costs are to be the consumers' responsibility. Meters may be placed on service pipe not to exceed three feet from the wall where such pipe enters the premises, with a stop and waste on each side of the meter. Such meter and outside readout shall be placed as to easy access to the officers of the water department and must be protected from freezing and other danger. (Ord. 87-1; Code 1987 § 4.01.22 (Rule 16))

13.28.180 Meters – Required when.

All services will be metered with an outside readout as deemed necessary or beneficial by the city council. (Ord. 87-1; Code 1987 § 4.01.22 (Rule 17))

13.28.190 Meters – Protection from steam.

If the meter is placed on pipe connected with boiler or other hot water apparatus, a check valve must be placed between such meter and the boiler or other hot water apparatus to protect meter from backing pressure of steam or hot water. (Code 1987 § 4.01.22 (Rule 18))

13.28.200 Meters – Damaging.

If meters are not placed as directed in this chapter and where meters are broken by negligence of owners or occupants of premises, the same shall be paid for by owner of premises, and in case payment thereof is neglected or refused, the water supply shall be turned off and shall not be turned on until payment is made of amount due. (Code 1987 § 4.01.22 (Rule 19))

13.28.210 Meters – Property of city – Removal.

All meters shall be and remain the property of the city and may be removed whenever the water committee or public works director may so elect. In the event of a meter getting out of order and failing to register, the consumer shall be charged at the average daily consumption as shown by the meter during the last two months that same was in good order. Meter may be used without notice by the public works director for the detection or prevention of waste on premises having a fixed rate and in such case the excess shall be charged the meter rate in addition to the fixed rate. (Ord. 15-1 § 1; Code 1987 § 4.01.22 (Rule 20))

13.28.220 Consumers supplying water to others.

A. No occupant or owner of any building into which water is introduced will be allowed to supply water to other persons or families without special permission of the public works director. The water will be furnished for a certain specified sum.

B. If, therefore, consumers furnish other people or supply water for animals, or for sprinkling, washing vehicles or for building purposes, or permit it to be taken without knowledge or consent of the water department, it is a violation of the contract and consumers so offending will be required to pay double the price of water so used and the city reserves the right to shut off the supply for abuses of water privileges.

C. When the water has been turned off for the violation of the rules the city will withhold it until all dues and penalties have been paid. (Ord. 15-1 § 1; Code 1987 § 4.01.22 (Rule 21))

13.28.230 Discontinuing service.

In case there shall be any water rent delinquent and the supply has been turned off, the water shall not be turned on again until all of such delinquent water rents shall have been paid, including $25.00 for turning the water on and reestablishing service. Also, a deposit of $200.00 will be required prior to the water

being turned on. (Ord. 15-1 § 1; Ord. 13-2; Ord. dated 1/3/83; Code 1987 § 4.01.22 (Rule 22))

13.28.240 Accidents resulting in lack of service – Liability.

The city will not be held responsible for accidents resulting from insecure boilers or from variation in water pressure or the amount of the water from the mains, or collapse from any cause whatsoever. (Code 1987 § 4.01.22 (Rule 23))

13.28.250 Turning off water for repairs to system.

The city reserves the right at any time without notice to shut the water off its mains for the purpose of making repairs or extensions or any other purpose, and no claim shall be made against the city by reason of the breakage of any service pipe or service cock, or from any other damage that may result from shutting off water for repairing, laying or relaying mains, hydrants or other connections. (Code 1987 § 4.01.22 (Rule 24))

13.28.260 Water for building purposes.

Repealed by Ord. 15-1. (Code 1987 § 4.01.22 (Rule 25))

13.28.270 Disconnections – Notice to city.

No deductions will be made from the rates on account of any of the fixtures not being used. If they are not in use the same should be disconnected, written notice given to the office of the clerk-treasurer and charges for their use will cease. (Code 1987 § 4.01.22 (Rule 26))

13.28.280 Unauthorized use – Penalty.

Whoever shall by himself, or by any other person acting under his authority, use or take water from any part of the waterworks aforesaid, without a license or permit, or shall without authority from the public works director, open, to dig out, curb over or remove any fire plug or hydrant, stop cock valve, valve box or other fixtures appertaining to the waterworks, or shall let on or shut off water into or from any water pipe, wherever situated, is deemed guilty of a misdemeanor and upon conviction shall be punished as provided in SMC 1.12.010. (Ord. 15-1 § 1; Code 1987 § 4.01.22 (Rule 27))

13.28.290 Right of entry of city employees.

The public works director, or other officer or employee of the city waterworks, shall be permitted at all times to enter the premises or buildings of consumers to examine the water pipes and fixtures and the manner in which the water is used, and in case of fraudulent representation on the part of the consumer, or willful or unreasonable waste of water, such consumer shall forfeit any payment made, and the city may cause the water to be turned off and assess the damages to the premises. (Ord. 15-1 § 1; Code 1987 § 4.01.22 (Rule 28))

13.28.300 Workmanship of plumbers.

No person except a regularly licensed plumber will be permitted to do any work on any pipes or connections made with the mains or water supply of the waterworks of the city. Plumbers failing to perform their work according to the established rules and regulations therefor or executing it unskillfully or to the detriment of the city waterworks, may be prohibited from making connections with the city mains. (Code 1987 § 4.01.22 (Rule 29))

13.28.310 Reporting violations – Enforcement.

A. It shall be the duty of the police of the city to give vigilant aid to the water department in the enforcement of its rules and regulations, and to this end they shall report all violations thereof that come to their knowledge to the public works director.

B. A copy of these rules may be furnished to all owners and consumers of water, and the same shall be considered a part of the contract

made between the city and every such owner and consumer. (Ord. 15-1 § 1; Code 1987 § 4.01.22 (Rule 30))

Chapter 13.32

WATERING RESTRICTIONS

Sections:

13.32.010 Declaration of emergency – Authority.
13.32.020 Declaration of emergency – Rationing plan.
13.32.030 Violation – Penalty.

*Prior ordinance history: Ord. dated 8/6/84.

13.32.010 Declaration of emergency – Authority.

In the best interests of the city, the mayor may declare an emergency for water as he deems necessary. (Ord. dated 7/15/85; Code 1987 § 4.01.23(1))

13.32.020 Declaration of emergency – Rationing plan.

When such an emergency is declared, no watering will be allowed from the hours of 4:00 p.m. until 9:00 p.m. each day, and the west side of the town shall water on Monday, Thursday and Saturday, the east side of the town shall water on Tuesday, Friday and Sunday. Wednesday shall be used only for watering city parks and cemetery, or as deemed appropriate by the mayor. (Ord. dated 7/15/85; Code 1987 § 4.01.23(2))

13.32.030 Violation – Penalty.

Each person guilty of violating this chapter shall be punished by a fine not exceeding $500.00 or by imprisonment not to exceed six months or by both such fine and imprisonment for each offense. Each day of violation constitutes a separate offense, as stated under Chapter 1.12 SMC. (Ord. dated 7/15/85; Code 1987 § 4.01.23(3))

Chapter 13.36

GARBAGE REGULATIONS

Sections:

13.36.010 Garbage defined.
13.36.020 *Repealed*.
13.36.030 Assessment of costs – Classifications.
13.36.040 Collection fee schedule.
13.36.050 *Repealed.*
13.36.060 Collection and billing.
13.36.070 Solicitation of bids.
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. (Code 1987 § 7.02.01)

13.36.020 Containers – Required – Specifications.

Repealed by Ord. 15-1. (Code 1987 § 7.02.02)

13.36.030 Assessment of costs – Classifications.

There shall be various classifications of units for the purposes of assessment of costs and charges as set by resolution of the city council. (Code 1987 § 7.02.05)

13.36.040 Collection fee schedule.

Charges for garbage collection shall be set and collected as provided by resolution of the city council. (Ord. 15-1 § 1; Ord. 10-2; Ord. 06-1; Ord. 98-3; Ord. 94-2; Ord. 87-11; Code 1987 § 7.02.06)

13.36.050 Senior citizen rates.

Repealed by Ord. 88-1. (Code 1987 § 7.02.11)

13.36.060 Collection and billing.

The charges and costs shall be collected and billed as follows: The clerk-treasurer shall cause such charges to be made against the person occupying the unit for which garbage is collected. If such bill shall become delinquent for one month, the owner of the real estate upon which the unit is situated is to be given notice of such delinquency. If any amount be delinquent and not paid by September 1st of each year, such amount shall be assessed and taxed against the real estate from which the garbage is removed. (Ord. 15-1 § 1; Code 1987 § 7.02.07)

13.36.070 Solicitation of bids.

The city council shall have the power to advertise for bids for the purpose of entering into a contract providing for the removal of garbage from the units as set out above. The city shall receive not less than 20 percent of the charges paid for such garbage collection, the collector to receive not more than 80 percent of the charges paid and the contract shall be awarded to the lowest responsible bidder. The collector shall provide at his own expense adequate equipment for the removal of the garbage. Upon the letting of such a contract, the person receiving the same shall give a bond to the city in such a sum as shall be designated by the city council, which bond shall provide for the faithful performance of such contract; or the city council is authorized and empowered to purchase equipment and hire personnel for

the removal of the garbage and other refuse accumulated within the city. (Code 1987 § 7.02.08)

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. (Code 1987 § 7.02.03)

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. (Code 1987 § 7.02.04)

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 ex-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. (Code 1987 § 7.02.09)

13.36.110 Violation – Penalty.

Any person or persons who violate any of the provisions of this chapter is deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished as set forth in Chapter 1.12 SMC. (Ord. 15-1 § 1; Code 1987 § 7.02.10)

Chapter 13.40

DISCONTINUANCE OF WATER, SEWER AND/OR GARBAGE SERVICE

Sections:

13.40.010 Procedure for discontinuance.
13.40.020 Conditions for reestablishment.
13.40.030 Request for extension or modification.
13.40.040 Shutoff valve.

13.40.010 Procedure for discontinuance.

A. Notice to Disconnect. Prior to discontinuance of water, sewer and/or garbage services, there shall be provided to the delinquent account customer a written or printed notice stating the intention to discontinue services for such delinquency. Such notice shall be given at least five business days in advance of the time at which such services are to be discontinued.

B. Hours Discontinuance Permitted. Water shall be discontinued for delinquency in payment between the hours of 8:00 a.m. and 3:00 p.m. on Mondays, Tuesdays, Wednesdays, and Thursdays. Water shall not be discontinued on Friday, Saturday, Sunday, or the day prior to or on holidays recognized by the city.

C. Remedy Prior to Shutoff. Water services will not be discontinued for the premises receiving a shutoff notice if, prior to the time discontinuance of service is scheduled, the customer pays all past due amounts owed for water, sewer and/or garbage service. (Ord. 13-3 § 1)

13.40.020 Conditions for reestablishment.

In the event water, sewer and/or garbage service to any premises has been discontinued for a delinquent account as provided herein, such service will be reestablished upon payment of the total balance owed for water, sewer and/or garbage service, including a $25.00 reconnection fee. (Ord. 13-3 § 2)

13.40.030 Request for extension or modification.

A customer may request, for reasons of hardship or other special circumstances, an extension of a due date for the payment of accrued or delinquent utility charges for water, sewer and/or garbage services, or other modification of or extension to the terms and conditions under which such services are provided. All such requests must be made to the city mayor, either orally or in writing. On the basis of proven hardship or special circumstances, it is within the discretion of the mayor to grant a modification of or exception to such terms and conditions. (Ord. 13-3 § 3)

13.40.040 Shutoff valve.

A. Required. Premises receiving city water service shall have a shutoff valve located on the water service line between the water main and the meter so that the supply of water to the premises can be shut off and turned on. Where water services to the premises have been discontinued due to the demolition, vacancy or removal of the serviced structure or other reason, an operable shutoff valve in good repair shall be located on the water service line as long as the line is connected to the city main.

B. Maintenance. The shutoff valve and box shall be kept in good repair and operable condition at all times by the owner of the premises and any occupant thereof.

C. Inoperable Valve.

1. Notice to Repair. In the event that a shutoff valve is found by the city to be inoperable, leaking or otherwise in need of replacement or repair, the city shall provide the account holder or the owner of the premises with a notice requiring that the shutoff valve be repaired or replaced within 30 days of the date of the mailing of the notice.

2. Failure to Comply. If the repair or replacement is not made within such time, the city may repair or replace the valve and the cost of such repair or placement shall be billed to the owner or added to the account for the affected premises.

D. Access. Shutoff valves shall be placed and maintained in a location that is easily accessible by city personnel. The owner, tenant or occupant shall not cause access by city personnel to the shutoff valve to be obstructed or prevented by any means whatsoever. Such obstructions shall be immediately removed upon the request by the city to do so. In the event that the city personnel's immediate access to a shutoff valve is denied or obstructed for any reason, the city personnel may remove any such obstructions. Any costs or expenses incurred by the city as the result of the removal of such obstructions may be billed to the owner or added to the account for the premises involved. (Ord. 13-3 § 4)

Title 14

(Reserved)

Title 15

BUILDINGS AND CONSTRUCTION

Chapters:

15.04 *Repealed*
15.08 *Repealed*
15.12 **Installation of Television Towers**
15.16 **Fire Limits**
15.20 **Fire Safety Construction Regulations**

Chapter 15.04

BUILDING PERMITS

(Repealed by Ord. 15-1)

Chapter 15.08

MOVING BUILDINGS

(Repealed by Ord. 15-1)

Chapter 15.12

INSTALLATION OF TELEVISION TOWERS

Sections:

15.12.010 Permit – Required.
15.12.020 Permit – Application.
15.12.030 Construction regulations.
15.12.040 Violation – Penalty.

15.12.010 Permit – Required.

No person, firm, company or corporation shall erect or install an outside television mast, tower or antenna 10 feet or more in height in the city without having first obtained a permit therefor from the office of the clerk-treasurer. (Code 1987 § 11.02.01)

15.12.020 Permit – Application.

Any person, firm, company or corporation desiring to erect or install a television mast, tower or antenna shall make written application to the clerk-treasurer for a permit therefor, setting forth and describing the mast, tower and antenna to be erected, stating the height, the nature of the material of which it is to be constructed, the location and the manner in which it is to be attached to the building and such application shall be accompanied by a fee as set by the city council. (Ord. 15-1 § 1; Code 1987 § 11.02.02)

15.12.030 Construction regulations.

A. An Underwriters Laboratories approved lightning arrestor or its equivalent is required on all antenna lead-ins unless the lead-ins are of the metal shielded type with the metal shield properly grounded.

B. Lead-in conductors attached to buildings shall be so installed that they cannot swing within two feet of conductors carrying 250 volts or less, or within 10 feet of conductors carrying more than 250 volts. The clearance between lead-in conductors and any conductor forming part of a lightning rod system shall be not less than six feet. The part of the lead-in

that comes in contact with the building shall be supported at intervals of not more than 15 feet apart.

C. Conductive supporting poles, masts or other structures supporting antennas shall be permanently and effectively grounded with a minimum of No. 10 copper or No. 8 aluminum wire. Poles or masts which are themselves the sole antenna are, of course, exempt from this rule.

D. No television mast, pole, tower or antenna shall be mounted or attached to a chimney.

E. Poles or masts over 12 feet in height must be guyed with three or more wires to one position. Masts or poles 20 feet to 30 feet must be guyed to a minimum of two positions with the uppermost guy wires to be within two feet of the top of the pole or tower. The angle of the guys must not be less than 30 degrees from the vertical mast; wire used shall be of the stranded rust-proofed type. Anchors shall be of equal strength or stronger than the combined wires connected to them. All guys fastened to the ground shall be protected by a sufficient safety guard to a minimum of eight feet vertically from the ground.

F. All self-supporting towers, poles or masts over 10 feet in height shall be designed and installed to withstand an actual wind velocity of 90 miles per hour.

G. Metal supporting poles, masts, towers or other structures located on buildings provided with lightning protection must have an interconnection between the grounding conductors and the lightning surge conductors.

H. Plumbing vent stacks or natural gas piping shall not be used to ground antenna masts, poles or towers; instead, all grounding conductors shall be attached, preferably to a cold water pipe supplied by an underground water distribution system, with the water meter properly jumpered. Where not available, grounding conductors shall be attached to a standard driven ground rod six feet or longer. No pole, mast, tower or structure used to support antenna shall be so located that in falling it might fall across a utility distribution line over 250 volts unless that mast, pole, tower or structure has a double strength guy in such a position so as to keep that pole, mast, tower or structure from falling across such utility line.

I. All towers, masts, poles or antennas attached to a building shall be noncombustible and corrosive resistant. (Code 1987 § 11.02.03)

15.12.040 Violation – Penalty.

It is unlawful for any person, firm, company or corporation to erect or install an outside television mast, tower or antenna 10 feet or more in height in the city without first obtaining a permit therefor as provided in this chapter and any person, firm, company or corporation violating any of the provisions of this chapter shall, upon conviction thereof, be punished as set forth in Chapter 1.12 SMC. (Code 1987 § 11.02.04)

Chapter 15.16

FIRE LIMITS

Sections:

15.16.010 Fire limits – Blocks designated.
15.16.020 *Repealed*.
15.16.030 Fireproof buildings.
15.16.040 Removal of declared nuisances.
15.16.050 Violation – Penalty.

15.16.010 Fire limits – Blocks designated.

All of Blocks 2, 3, 6, 7, 10 and 11 of the original townsite of the city of Scobey, in Daniels County, Montana, are constituted and declared to be the present fire limits of the city of Scobey. (Code 1987 § 7.08.01)

15.16.020 Fire limits – Boundaries.

Repealed by Ord. 87-2. (Ord. 46 § 1, 1919)

15.16.030 Fireproof buildings.

From and after the passage and approval of this chapter, no person, firm or corporation shall, within the fire limits as set forth in this chapter, erect or construct any building or outbuilding other than one substantially fireproofed, that is to say the exterior wall thereof shall be constructed of brick, stone, cement or other noncombustible material, and the roof thereof shall be of tin, iron, slate or other material equally fireproof; and no wooden building now standing within such fire limits shall be repaired or rebuilt in the event such building shall be damaged or destroyed by fire or other elements or decay, unless such damage or destruction shall be less than 40 percent of the value thereof; and no wooden building shall be added to or enlarged, nor shall any smokehouse or ash house be permitted within such fire limits; nor shall any wooden building be moved from outside such limits to a lot or location within the same; nor shall any wooden building be moved from one location to another within such fire limits, except that any such building now in course of being moved from one point to another within such limits shall be allowed to be set in place. The mayor of such city shall with the approval of the city council appoint some suitable person to act as inspector of any buildings which may be damaged or destroyed by fire or the elements and the report of such persons as to the extent of the damages or loss to such building shall, when approved by the city council, be conclusive. (Code 1987 § 7.08.02)

15.16.040 Removal of declared nuisances.

Any building or structure erected, repaired, enlarged or removed in violation of this chapter is declared to be a nuisance, and it shall be the duty of the chief of law enforcement of the city to require the persons who are responsible for such nuisance to remove the same forthwith and if he or they shall refuse or neglect to remove the same within 24 hours after such notice, it shall be the duty of the chief of law enforcement to do so, and the costs and expense incurred in removing such nuisance shall be charged to and may be recovered from the party or parties responsible therefor by action in the name of the city. (Ord. 15-1 § 1; Code 1987 § 7.08.03)

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 SMC. (Code 1987 § 7.08.04)

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 city 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 SMC, and every day of continued violation shall be deemed a separate offense, and be punished in like manner. (Code 1987 § 15.03.01)

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 city 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 fireproof, 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 SMC, and every day of continued violation after due notice shall be deemed a separate offense, punishable in like manner. (Code 1987 § 15.03.02)

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 therefrom. Any violation of either of the provisions of this section shall subject the offender to a penalty as set forth in Chapter 1.12 SMC. (Code 1987 § 15.03.03)

Title 16

SUBDIVISIONS

(Reserved)

Title 17

ZONING*

Chapters:

17.01 General Provisions
17.02 Establishment of Districts
17.03 Application of District Regulations
17.04 R-1 Residential
17.05 R-2 Residential
17.06 R-3 Residential
17.09 RA-1 Residential Apartment
17.13 B-1 General Business
17.14 B-2 Central Business
17.16 I-1 Light Industrial
17.18 P-1 Public
17.19 Planned Unit Development District (PUD)
17.20 Supplementary Regulations
17.23 Nonconforming Lots, Uses and Structures
17.24 Off-Street Parking Design Standards
17.25 Off-Street Loading Design Standards
17.27 Zoning Administrator
17.28 Zoning Commission
17.29 Amendments and Changes
17.30 Board of Adjustment
17.31 Appeals
17.32 Variances
17.33 Conditional Use Permits
17.34 Additional Requirements for Specific Conditional Uses
17.35 Administrative Adjustments
17.36 Enforcement
17.37 Definitions

Chapter 17.01

GENERAL PROVISIONS

Sections:

17.01.010 Title.
17.01.020 Severability.
17.01.030 Repealing clause.
17.01.040 Purpose.

17.01.010 Title.

This title and all chapters herein shall be known and cited as the "city of Scobey zoning ordinance" in accordance with and exercising the authority of the laws of the state of Montana, Montana Code Section 76-2-301. (Ord. 13-1)

17.01.020 Severability.

Where any word, phrase, clause, sentence, paragraph, or section, or other part of these regulations is held invalid by a court of competent jurisdiction, such judgment shall affect only that part held invalid. (Ord. 13-1)

17.01.030 Repealing clause.

Ordinance Number 1460 of the city of Scobey, Montana, and all parts or portions of other ordinances in conflict herewith are hereby repealed. (Ord. 13-1)

17.01.040 Purpose.

The purpose of this title is to promote the health, safety and general welfare of the community; to promote the visual and aesthetic objectives of the community; to conserve energy and natural resources; to lessen congestion in the streets and to provide adequate accommodations for transportation of people and goods; to provide adequate light and air; to promote the efficient use of land; to facilitate the provision of transportation, water, sewer, schools, parks, stormwater management, other public requirements and environmental needs; to promote orderly development according to the Scobey growth policy and other adopted city land use and facilities policies; to secure safety from fire, panic, and other dangers; to regulate and restrict the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards and other open spaces, and the location and use of buildings, structures and land for trade, industry, residences and/or other purposes. (Ord. 13-1)

Chapter 17.02

ESTABLISHMENT OF DISTRICTS

Sections:

17.02.010 Official zoning map.
17.02.020 Interpretations of boundaries.
17.02.030 Interpretation of uses.

17.02.010 Official zoning map.

The city is hereby divided into zones or districts, as shown on the official zoning map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this chapter. Within such districts, the city will regulate and restrict the creation, construction, reconstruction, alteration, repair, or use of buildings, structures, or land. For the purpose of this chapter, the city is hereby divided and classified into the following use districts:

A. R-1: Residential.
B. R-2: Residential.
C. R-3: Residential.
D. RA-1: Residential Apartment.
E. B-1: General Business.
F. B-2: Central Business.
G. I-1: Light Industrial.
H. P-1: Public.
I. PUD: Planned Unit Development Overlays.

The official zoning map, including any changes made pursuant to this title, shall be maintained by and available in the office of the city clerk and zoning administrator. The official zoning map shall be the final authority as to the current zoning status of land and water areas, buildings and other structures in the city. (Ord. 13-1)

17.02.020 Interpretations of boundaries.

Where uncertainty exists as to the boundaries of districts as shown on the official zoning map, the boundaries shall be interpreted as following the nearest logical line to that shown:

A. Boundaries indicated as approximately following the centerline of streets, highways, or alleys shall be construed to follow such centerlines;

B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;

C. Boundaries indicated as approximately following city limits shall be construed as following such city limits;

D. Boundaries indicated as approximately following railroad lines shall be construed as following such railroad lines;

E. Boundaries indicated as approximately following the centerline of streams, rivers, canals, or ditches shall be construed as following such centerlines;

F. Boundaries indicated as parallel to or extensions of features indicated on the official zoning map shall be determined by the scale on the map;

G. Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map or where other circumstances or controversy arise over district boundaries, the zoning administrator shall interpret the district boundary; and

H. Where property abuts an unzoned public or private right-of-way, the zoning designation of the property adjoining the right-of-way shall be deemed to extend to the centerline of the right-of-way, or, if the property on the opposite side of the right-of-way is not within the city limits, the zoning designation shall extend to the opposite side of the right-of-way. (Ord. 13-1)

17.02.030 Interpretation of uses.

If questions arise concerning the appropriate classification of a particular use, or if the specific use is not listed, the zoning administrator shall determine the appropriate classification for that use. In interpreting use classification, the zoning administrator shall determine the listed use, if any, which is so like the requested

use in purpose, function, character, and effect as to be substantially similar to said listed use. Neither the intent of this title nor the intent of the district will be abrogated by such classification. Appeal of the interpretation may be made pursuant to Chapter 17.31 SMC. (Ord. 13-1)

Chapter 17.03

APPLICATION OF DISTRICT REGULATIONS

Sections:

17.03.010 Application of district regulations.

17.03.010 Application of district regulations.

Except as otherwise provided herein, the regulations set by this chapter and Chapters 17.04 through 17.19 SMC shall be the minimum regulations and all regulations as categorized shall apply uniformly to each class or kind of structure or land and particularly:

A. No building, structure or land shall hereafter be used or occupied, and no building, structure, or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered unless it is in conformity with all of the regulations herein specified for the district in which it is located and a building permit, if necessary, has been issued.

B. No part of any yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this title shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

C. No yard or lot existing at the time of adoption of the ordinance codified in this title shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of the ordinance codified in this title shall meet at least the minimum requirements established by this title.

D. The Scobey city council shall determine the appropriate zoning for any and all areas to be annexed to the city but shall request a recommendation from the Scobey city planning board and zoning commission. The adopted Scobey growth policy and relevant legal precedent shall be the primary considerations in the selection of an appropriate zoning classifica-

tion. When such zoning of annexed territory is to be effective at the time of such annexation, the planning board shall have held a public hearing in order that the city council may determine the proper zoning.

E. The following shall be an exception to the required lot areas as set out in Chapters 17.04 through 17.19 SMC:

1. Lots which are nonconforming in respect to lot area requirements.

2. Sublots are not subject to the area, yard, or other dimensional requirements of this title, but the parent tract shall be subject to the property development standards of each zoning district and the density requirements set forth in this title.

F. Any building permit or other authorization issued, granted or approved in violation of the provisions of this title shall be null and void and of no effect without the necessity of any proceedings for a revocation or nullification thereof. Any work undertaken or use established pursuant to any void building permit or other authorization shall be unlawful and no action may be taken by any officer or any employee of the city purporting to validate any such violation.

G. Multiple contiguous lots held in common ownership may obtain a written zoning lot determination by the zoning administrator. The purpose of the zoning lot determination is to recognize the exterior boundaries of the combined lots as a single tract of land for zoning purposes, including the application of the area, dimensional, and setback requirements of the zoning ordinance. Any modification of the interior lot lines pursuant to a boundary line adjustment, amended plat or other instrument, other than the elimination of the interior lot lines, shall void the written zoning lot determination.

H. No use of land shall be permitted or conditionally permitted within the city of Scobey that is in violation of federal, state, or local law. (Amended during 2015 reformat; Ord. 13-1)

Chapter 17.04

R-1 RESIDENTIAL

Sections:

17.04.010 Intent.
17.04.020 Permitted uses.
17.04.030 Uses which may be permitted by conditional use permit.
17.04.040 Property development standards.

17.04.010 Intent.

A transitional district intended to provide for estate-type residential development and for the performance of limited agricultural activities. This district would normally be located in transitional areas on the fringes of the city and serve as a buffer between urban and rural/agricultural uses. Lots within this zoning district may have city municipal water and/or sewer. (Ord. 13-1)

17.04.020 Permitted uses.

A. Agricultural and horticultural uses.

B. Day care, home (12 or fewer).

C. Dwelling, single-family.

D. Home occupations (refer to SMC 17.20.060).

E. Parks.

F. Safe houses. (Ord. 13-1)

17.04.030 Uses which may be permitted by conditional use permit.

A. Bed and breakfast.

B. Cemeteries, mausoleums and columbariums.

C. Church.

D. Community center.

E. Day care, center (13 or more).

F. Golf courses.

G. Greenhouses, nursery, landscaping materials.

H. Group home, eight or fewer.

I. Guest house.

J. Police and fire stations.

K. Monument manufacture and sales.

L. Residential care home or facility.
M. Schools:
1. K-12.
2. Post-secondary.
N. Shooting and archery:
1. Indoor.
2. Outdoor (archery only).
O. Utilities (primary distribution site). (Ord. 13-1)

17.04.040 Property development standards.

A. Minimum lot area (sq ft): 7,000.
B. Minimum lot width (ft): 50.
C. Minimum Setbacks (ft):

Front Yard	15
Side Yard	5
Rear Yard	10
Side Corner	15
Attached Garage (Front/Side Corner)	20
Accessory Structures	See SMC 17.20.020

D. Maximum building height (ft): 35.
E. Permitted lot coverage (percent): 35.
F. Off-street parking (refer to Chapter 17.24 SMC).
G. Fences (refer to SMC 17.20.040):

	Maximum Height (ft):
Front	4
Rear	6.5
Side	6.5
Side Corner	6.5

(Amended during 2015 reformat; Ord. 13-1)

Chapter 17.05

R-2 RESIDENTIAL

Sections:

17.05.010 Intent.
17.05.020 Permitted uses.
17.05.030 Uses which may be permitted by conditional use permit.
17.05.040 Property development standards.

17.05.010 Intent.

A district intended to provide adequate lot areas for lower density residential development; should have good thoroughfare access, and be in proximity to community and neighborhood facilities, i.e., schools, parks, shopping areas, etc. This development will normally require all public utilities. (Ord. 13-1)

17.05.020 Permitted uses.

A. Day care, home (12 or fewer).
B. Dwelling, single-family.
C. Home occupations (refer to SMC 17.20.060).
D. Parks.
E. Safe houses. (Ord. 13-1)

17.05.030 Uses which may be permitted by conditional use permit.

A. Bed and breakfast.
B. Church.
C. Community center.
D. Day care center (13 or more).
E. Dwelling:
1. Townhouse (two attached units).
2. Townhouse (three or more attached units).
3. Duplex.
F. Golf courses.
G. Group home, eight or fewer.
H. Police and fire stations.
I. Residential care home or facility.
J. Schools:
1. K-12.

2. Post-secondary.

K. Utilities (primary distribution site).

L. Pet grooming. (Ord. 15-2; Ord. 13-1)

17.05.040 Property development standards.

A. Minimum lot area (sq ft): 7,000.

B. Minimum lot width (ft): 50.

C. Minimum setbacks (ft):

Front Yard	15
Side Yard	5
Rear Yard	10
Side Corner	15
Attached Garage (Front/Side Corner)	20
Accessory Structures	See SMC 17.20.020

D. Maximum building height (ft): 35.

E. Permitted lot coverage: 35 percent.

F. Off-street parking (refer to Chapter 17.24 SMC).

G. Fences (refer to SMC 17.20.040):

Maximum Fence Heights (ft):

Front Yard	4
Side Yard	6.5
Rear Yard	6.5
Side Corner	6.5

(Amended during 2015 reformat; Ord. 13-1)

Chapter 17.06

R-3 RESIDENTIAL

Sections:

17.06.010 Intent.
17.06.020 Permitted uses.
17.06.030 Uses which may be permitted by conditional use permit.
17.06.040 Property development standards.

17.06.010 Intent.

A district intended to provide lot areas for urban residential development. This district should have good thoroughfare access, and be in proximity to community and neighborhood facilities, i.e., schools, parks, shopping areas, etc. Development within this district must be served by all public utilities. (Ord. 13-1)

17.06.020 Permitted uses.

A. Day care, home (12 or fewer).

B. Dwelling, single-family.

C. Home occupations (Refer to SMC 17.20.060).

D. Parks.

E. Safe houses. (Ord. 13-1)

17.06.030 Uses which may be permitted by conditional use permit.

A. Bed and breakfast.

B. Church.

C. Community center.

D. Day care, center (13 or more).

E. Dwelling:

1. Townhouse (two attached units).

2. Townhouse (three or more attached units).

3. Duplex.

F. Golf courses.

G. Group home, eight or fewer.

H. Mobile home, owner occupied.

I. Police and fire stations.

J. Residential care home or facility.

K. Schools:

1. K-12.

2. Post-secondary.

L. Utilities (primary distribution site). (Ord. 13-1)

17.06.040 Property development standards.

A. Minimum lot area (sq ft): 6,000.

B. Minimum lot width (ft): 50.

C. Minimum setbacks (ft):

Front Yard	15
Side Yard	5
Rear Yard	10
Side Corner	15
Attached Garage (Front/Side Corner)	20
Accessory Structures	See SMC 17.20.020

D. Maximum building height (ft): 35.

E. Permitted lot coverage (percent): 45.

F. Off-street parking (refer to Chapter 17.24 SMC).

G. Fences (refer to SMC 17.20.040):

Maximum Heights (ft):

Front	4
Side	6.5
Rear	6.5
Side Corner	6.5

(Amended during 2015 reformat; Ord. 13-1)

Chapter 17.09

RA-1 RESIDENTIAL APARTMENT

Sections:

17.09.010 Intent.
17.09.020 Permitted uses.
17.09.030 Uses which may be permitted by conditional use permit.
17.09.040 Property development standards.

17.09.010 Intent.

A residential district intended to provide for urban areas for multifamily use and compatible nonresidential uses of medium land use intensity. It should be served with all public utilities and be in close proximity to municipal services, parks, or shopping districts. (Ord. 13-1)

17.09.020 Permitted uses.

A. Church.

B. Day care, home (12 or fewer).

C. Dwelling:

1. Single-family.
2. Duplex.
3. Townhouse (two attached units).

D. Home occupations (Refer to SMC 17.20.060).

E. Parks.

F. Safe houses. (Ord. 13-1)

17.09.030 Uses which may be permitted by conditional use permit.

A. Bed and breakfast.

B. Community center.

C. Day care, center (13 or more).

D. Dwelling:

1. Townhouse (three or more attached units).
2. Multifamily.

E. Golf courses.

F. Group home:

1. Eight or fewer persons.
2. Nine or more persons.

G. Homeless shelters.

H. Police and fire stations.
I. Residential care home or facility.
J. Schools:
1. K-12.
2. Post-secondary.
3. Commercial.
K. Utilities (primary distribution site). (Ord. 13-1)

17.09.040 Property development standards.

A. Minimum lot area (sq ft): 6,000 plus 1,500 for each additional unit beyond duplex.
B. Minimum lot width (ft): 50.
C. Minimum setbacks (ft):

Front Yard	15
Side Yard	5
Rear Yard	10
Side Corner	15
Attached Garage (Front/Side Corner)	20
Accessory Structures	See SMC 17.20.020

D. Maximum building height (ft): 35.
E. Permitted lot coverage (percent): 45.
F. Off-street parking (refer to Chapter 17.24 SMC).
G. Fences (refer to SMC 17.20.040):

Maximum Heights (ft):

Front	4
Side	6.5
Rear	6.5
Side Corner	6.5

(Amended during 2015 reformat; Ord. 13-1)

Chapter 17.13

B-1 GENERAL BUSINESS

Sections:
17.13.010 Intent.
17.13.020 Permitted uses.
17.13.030 Uses which may be permitted by conditional use permit.
17.13.040 Property development standards.

17.13.010 Intent.

A district which provides for a variety of sales and service establishments to serve both the residents of the area and the traveling public. This district depends on the proximity to major streets and arterials and should be located in business corridors or in islands. (Ord. 13-1)

17.13.020 Permitted uses.

A. Athletic club.
B. Assembly, light.
C. Auctions, indoor.
D. Auto parking, surface.
E. Auto (RV, boats, motorcycles) sales and/or repair.
F. Auto rental, limo, shuttle (taxi) services.
G. Auto service station.
H. Bakery.
I. Banks and financial institutions.
J. Barber and beauty services.
K. Bed and breakfast.
L. Bus station.
M. Car wash, auto detailing shop.
N. Catering establishments.
O. Church.
P. Community center.
Q. Day care:
1. Home (12 or fewer).
2. Center (13 or more).
R. Dwelling:
1. Single-family.
2. Duplex.
3. Townhouse (two attached units).
S. Food bank.

T. Funeral homes and crematoriums.

U. Greenhouses, nursery centers and landscaping materials.

V. Grocery stores.

W. Home occupations (refer to SMC 17.20.060).

X. Hotel, motel.

Y. HVAC/electrical/plumbing, sales/service.

Z. Janitor services.

AA. Laboratories, tech research, development and testing.

BB. Laundromats or dry cleaners.

CC. Libraries, museums and similar cultural facilities.

DD. Lumber/building material sales (with outdoor display/storage).

EE. Media (newspaper, radio, TV).

FF. Media, towers and facilities (accessory).

GG. Microbreweries.

HH. Office:

1. Professional/governmental.
2. Medical (with limited overnight stay).

II. Pack and ship shops.

JJ. Parks.

KK. Photographic studio.

LL. Police and fire stations.

MM. Print and copy shops.

NN. Post office.

OO. Recreation area, indoor.

PP. Rental service stores and yards.

QQ. Repair shops:

1. Appliance.
2. Clothing/electronics.

RR. Restaurants.

SS. Retail business.

TT. Safe houses.

UU. Schools, commercial.

VV. Small engine sales, service and repair.

WW. Tattoo parlor.

XX. Theaters.

YY. Veterinary clinic, small animals. (Ord. 13-1)

17.13.030 Uses which may be permitted by conditional use permit.

A. Assembly halls/stadiums/convention hall facilities (includes public fair grounds, auditoriums, and racetracks).

B. Auto or vehicle body shops.

C. Auto parking, structure.

D. Bars, taverns, and clubs (administrative CUP).

E. Casino (refer to SMC 17.34.040).

F. Contractor's storage yard.

G. Dwellings:

1. Multifamily.
2. Townhouse (three or more attached units).

H. Group home:

1. Eight or fewer persons.
2. Nine or more persons.

I. Homeless shelters.

J. Kennels, animal shelters (administrative CUP).

K. Mini-storage/recreational vehicle storage (administrative CUP).

L. Mobile home (owner occupied).

M. Recreation area, outdoor.

N. Residential care home or facility.

O. Shooting/archery, indoor (administrative CUP).

P. Utilities (primary distribution site). (Ord. 13-1)

17.13.040 Property development standards.

A. Minimum lot area (sq ft): 7,000.

B. Minimum lot width (ft): 70.

C. Minimum Setbacks (ft):

Front Yard	15
Side Yard	5
Rear Yard	10
Side Corner	15
Attached Garage (Front/Side Corner)	20

Accessory Structures	See SMC 17.20.020

D. Maximum building height (ft): 40 (60 with conditional use permit).

E. Permitted lot coverage (percent): N/A.

F. Off-street parking (refer to Chapter 17.24 SMC).

G. Fences (refer to SMC 17.20.040):

Maximum Heights (ft):

Front	4
Side	6.5
Rear	6.5
Side corner	6.5

(Amended during 2015 reformat; Ord. 13-1)

Chapter 17.14

B-2 CENTRAL BUSINESS

Sections:

17.14.010 Intent.
17.14.020 Permitted uses.
17.14.030 Uses which may be permitted by conditional use permit.
17.14.040 Property development standards.

17.14.010 Intent.

A business district intended to set apart that portion of the city which forms the center for financial, commercial, governmental, professional and cultural activities. This district is not intended for general application throughout the planning area. (Ord. 13-1)

17.14.020 Permitted uses.

A. Athletic club.

B. Auto parking, surface.

C. Bed and breakfast.

D. Bakery.

E. Banks and financial institutions.

F. Barber and beauty services.

G. Bus station.

H. Car wash, auto detailing shop.

I. Catering establishments.

J. Church.

K. Community center.

L. Day care:

1. Home (12 or fewer).
2. Center (13 or more).

M. Dwellings:

1. Single-family.
2. Duplex.
3. Townhouse (two attached units).
4. Multifamily (multifamily dwellings on the second or higher floor are permitted).

N. Food bank.

O. Funeral homes and crematoriums.

P. Grocery stores.

Q. Home occupations (refer to SMC 17.20.060).

R. Hotel, motel.

S. Police and fire stations.

T. Libraries, museums and similar cultural facilities.

U. Laundromats or dry cleaners.

V. Media (newspaper, radio, TV).

W. Media, towers and facilities (accessory).

X. Microbreweries.

Y. Office:

1. Professional/governmental.
2. Medical with limited overnight stay.

Z. Parks.

AA. Pack and ship shops.

BB. Photographic studio.

CC. Post office.

DD. Print and copy shops.

EE. Recreation area, indoor.

FF. Repair shops (clothing, electronics).

GG. Restaurants.

HH. Retail business.

II. Schools, commercial.

JJ. Safe houses.

KK. Senior center.

LL. Tattoo parlors.

MM. Theaters.

NN. Veterinary clinic, small animals. (Ord. 13-1)

17.14.030 Uses which may be permitted by conditional use permit.

A. Assembly halls/stadiums/convention hall facilities (includes public fair grounds, auditoriums, and racetracks).

B. Auto (RV, boat, motorcycle) sales and/or repair.

C. Auto parking, structure.

D. Auto service station.

E. Bars, taverns and clubs (administrative CUP).

F. Casino (refer to SMC 17.34.040).

G. Dwellings:

1. Townhouse (three or more attached units).
2. Multifamily.

H. Group home:

1. Eight or fewer persons.
2. Nine or more persons.

I. Homeless shelters.

J. Residential care home or facility.

K. Utilities (primary distribution site). (Ord. 13-1)

17.14.040 Property development standards.

A. Minimum lot area: N/A.

B. Minimum lot width (ft): N/A.

C. Minimum yards (ft):

Front Yard	N/A
Side Yard	N/A
Side Corner	N/A
Rear Yard	N/A
Attached Garage (Front/Side Corner)	20
Accessory Structures	See SMC 17.20.020

D. Maximum building height (ft): 40 (unlimited with CUP).

E. Permitted lot coverage (percent): N/A.

F. Off-street parking (refer to Chapter 17.24 SMC).

G. Fences (see SMC 17.20.040):

Maximum Fence Heights (ft):

Front	4
Side	6.5
Rear	6.5
Side corner	6.5

(Amended during 2015 reformat; Ord. 13-1)

Chapter 17.16

I-1 LIGHT INDUSTRIAL

Sections:

17.16.010 Intent.
17.16.020 Permitted uses.
17.16.030 Uses which may be permitted by conditional use permit.
17.16.040 Property development standards.

17.16.010 Intent.

An industrial district intended to provide areas for light industrial, research and technology. The uses would typically not create objectionable characteristics (such as dirt, noise, glare, heat, odor, smoke, etc.), which extend beyond the lot lines. (Ord. 13-1)

17.16.020 Permitted uses.

A. Auctions, indoor.
B. Aircraft maintenance/repair.
C. Art foundry, metal sculpture, molding and casting.
D. Assembly, light.
E. Auto (RV, boats, motorcycles) sales and/or repair.
F. Auto parking, surface.
G. Auto or vehicle body shops.
H. Auto service station.
I. Auto rental, limo, shuttle (taxi) services.
J. Bakery.
K. Bus station.
L. Car wash, auto detailing shop.
M. Catering establishments.
N. Contractor's storage yards.
O. Farm machinery assembly, repair and sales.
P. Feed/seed/processing/cleaning.
Q. Fertilizer, bulk sales.
R. Film production studios.
S. Food bank.
T. Food processing, light.
U. Greenhouses, nursery centers, landscaping materials.
V. Glazier.
W. Heavy equipment sales and service.
X. HVAC/electrical/plumbing, sales/service.
Y. Janitor services.
Z. Laboratories, tech research, development and testing.
AA. Laundromats or dry cleaners.
BB. Laundries/dry cleaning plants.
CC. Lumber/building material sales with outdoor display/storage.
DD. Manufactured home sales lot.
EE. Manufacturing, light (no smoke, fumes, odor, dust).
FF. Media (newspaper, radio, TV).
GG. Media, towers and facilities (accessory).
HH. Microbreweries.
II. Mobile homes.
JJ. Monument manufacture and sales.
KK. Office, professional/governmental.
LL. Pack and ship shops.
MM. Parks.
NN. Print and copy shops.
OO. Police and fire stations.
PP. Recreation area, indoor.
QQ. Rental service stores and yards.
RR. Repair shops:
1. Appliance.
2. Clothing/electronics.
SS. Recycling center.
TT. Retail, limited (showrooms only).
UU. Safe houses.
VV. Schools, commercial.
WW. Shooting/archery, indoor.
XX. Small engine sales, service and repair.
YY. Taxidermy facilities.
ZZ. Technology, research, design, engineering and telecommunication facilities.
AAA. Truck and trailer rental.
BBB. Truck terminal.
CCC. Utility storage yards and associated offices.
DDD. Veterinary clinic:
1. Large animal.
2. Small animal.
EEE. Warehousing and distribution.

FFF. Woodworking shops, mill work. (Ord. 13-1)

17.16.030 Uses which may be permitted by conditional use permit.

A. Assembly halls/stadiums/convention hall facilities (includes public fair grounds, auditoriums, and racetracks).

B. Auction yards, livestock.

C. Auto wrecking/salvage yards.

D. Energy production.

E. Forest products and manufacturing.

F. Fuel oil/gas/petroleum products, bulk storage/sale.

G. Grain elevators.

H. Kennels, animal shelters (administrative CUP).

I. Mini-storage/recreational vehicle storage (administrative CUP).

J. Pre-release centers.

K. Recreation area, outdoor.

L. Scrap processing yard (recycle/metal yard).

M. Shooting/archery, outdoor (archery only).

N. Telecommunication towers and cellular communication towers (including radio, TV, Internet, phone and cable providers).

O. Utilities (primary distribution site). (Ord. 13-1)

17.16.040 Property development standards.

A. Minimum lot area (ft): 7,000.

B. Minimum lot width (ft): 70.

C. Minimum setbacks (ft):

Front Yard	20
Side Yard	10
Rear Yard	10
Side Corner	20
Accessory Structures	See SMC 17.20.020

D. Maximum building height (ft): 40 (60 with conditional use permit).

E. Permitted lot coverage (percent): N/A.

F. Off-street parking (refer to Chapter 17.24 SMC).

G. Fences (refer to SMC 17.20.040):

Maximum Heights (ft):

Front	4
Side	8*
Rear	8*
Side corner	8*

*Option to increase side, rear and side corner fence heights by 2 feet with barbed wire.

(Amended during 2015 reformat; Ord. 13-1)

Chapter 17.18

P-1 PUBLIC

Sections:

17.18.010 Intent.
17.18.020 Permitted uses.
17.18.030 Uses which may be permitted by conditional use permit.
17.18.040 Property development standards.

17.18.010 Intent.

A public district intended to provide and reserve areas for public uses in order to preserve and provide adequate land for a variety of community facilities which serve the public health, safety and general welfare. Such public uses would include schools, public buildings, parks, airports, jails, utilities, etc. (Ord. 13-1)

17.18.020 Permitted uses.

A. Aircraft hangars.
B. Auto parking:
1. Surface.
2. Structure.
C. Bus station.
D. Community center.
E. Food bank.
F. Libraries, museums and similar cultural facilities.
G. Office, professional/governmental.
H. Parks.
I. Police and fire stations.
J. Post office.
K. Safe houses. (Ord. 13-1)

17.18.030 Uses which may be permitted by conditional use permit.

A. Assembly halls/stadiums/convention hall facilities (includes public fair grounds, auditoriums, and racetracks).
B. Cemeteries, mausoleums and columbariums.
C. Energy production.
D. Golf courses.
E. Homeless shelters.
F. Hospital (including treatment centers and 24-hour care facilities).
G. Jail facilities.
H. Landfill.
I. Monument manufacture and sale.
J. Pre-release center.
K. Recreation area, outdoor.
L. Schools:
1. K-12.
2. Post-secondary.
M. Telecommunication towers and cellular communication towers (including radio, TV, Internet, phone and cable providers).
N. Utilities (primary distribution site).
O. Utility storage yards and associated offices. (Ord. 13-1)

17.18.040 Property development standards.

A. Minimum lot area (sq ft): 7,000.
B. Minimum lot width (ft): 70.
C. Minimum setbacks (ft):

Front Yard	15
Side Yard	5
Side Corner	10
Rear Yard	15
Attached Garage (Front/Side Corner)	20
Accessory Structures	See SMC 17.20.020

D. Maximum building height (ft): 40 (60 with conditional use permit).
E. Permitted lot coverage (percent): 45.
F. Off-street parking (refer to Chapter 17.24 SMC).

G. Fences (refer to SMC 17.20.040):

Maximum Heights (ft):	
Front	4
Side	6.5
Rear	6.5
Side corner	6.5

(Amended during 2015 reformat; Ord. 13-1)

Chapter 17.19

PLANNED UNIT DEVELOPMENT DISTRICT (PUD)

Sections:

17.19.010 Intent.
17.19.020 General.
17.19.030 Standards for planned unit development district (PUD).

17.19.010 Intent.

A planned unit development district shall serve as an overlay zoning district. It shall function in concert with one or more of the underlying zones to provide a comprehensive, integrated development plan which will serve to modify the underlying zone and, where appropriate, subdivision standards with the intent of providing flexibility of architectural design and density as well as providing the option to mix land uses and densities while preserving and enhancing the integrity and environmental values of an area. (Ord. 13-1)

17.19.020 General.

The following application and review procedures shall apply to designation and approval of all planned unit developments in the city.

A. Initiation of Application. The land owner(s) or designee(s) shall schedule a pre-application meeting with the city zoning administrator prior to official submission of a PUD application. The PUD application shall be submitted on a form provided by the city. Where multiple owners of the property or properties exist, all owners shall either sign the application or submit a letter of consent authorizing submission of the PUD application.

B. PUD Application Thresholds. It is anticipated that PUD applications will be submitted in one of two forms: a PUD full application meeting all the requirements of this section and a PUD placeholder application which serves as a place marker for a future PUD

application. Within any PUD application it is possible to incorporate one or both of the categories listed below:

1. PUD Full Application. This application will be processed in accordance with the full provisions of this chapter and will require the submission of all application materials required in subsection C of this section, PUD Application Materials.

2. PUD Placeholder Application. This submittal typically is involved with annexation and initial zoning or a rezoning in which the applicant requests a PUD designation noting the applicant's intent to develop a PUD and enter into a development agreement with the city, binding the property to a future PUD application but not providing any application materials or development plan nor receiving any entitlements other than a commitment between the city and the applicant that if development is to proceed it will be done via the PUD process. Prior to development of the PUD the applicant would proceed using the full PUD application process.

C. PUD Application Materials. The full PUD application submittal shall contain the following information in the form of an overall PUD development plan and supporting text:

1. A listing of each deviation or class of deviation from the underlying zoning district and a justification of the appropriateness for the deviation;

2. A listing of each deviation or class of deviation from the city subdivision regulations design standards and a justification of the appropriateness for the deviation;

3. An existing topo map showing existing buildings and features and a proposed topo map showing proposed topography using one- to five-foot intervals drawn to a scale not less than one inch equals 200 feet showing all proposed streets, lots, buildings, open space, wetlands, floodplain, environmental hazards, storm water facilities and other elements basic to the development;

4. Proposed locations, areas, densities and types of residential and nonresidential uses and structures within the area proposed to be developed and maximum height of buildings or structure;

5. Proposed plans for handling:

a. Vehicular traffic;

b. Pedestrian traffic routes and trails including safe routes to school;

c. Sewage disposal; conceptual storm water drainage and water supply;

d. Parks and open space;

e. Parking;

f. Prominent landscaping, buffering, site perimeter and entrance treatment features;

g. Club houses, sales offices;

h. Retaining wall work in excess of three feet in height;

i. Common fencing designs and locations where proposed;

j. Commercial, directional and entrance signage;

k. Street lighting and parking lot lighting where applicable;

l. Any other pertinent site development features;

6. Elevation drawings which demonstrate visually the general architectural features of each proposed building or architecturally distinct group or type of buildings and the site perimeter treatment. Note: This may be waived by the zoning administrator on a case specific situation for uses listed below which may include but are not limited to:

a. Single-family detached housing when the lots equal or exceed the minimum lot size of the underlying zone; and

b. Two-unit townhouse or duplex development which is alley loaded and the lots equal or exceed the minimum lot size of the underlying zone.

7. The PUD plan shall show the boundary lines of adjacent subdivided or unsubdivided land and the existing zoning of the area proposed for the PUD overlay;

8. A timeline expressing the order in which the development shall occur and estimated time for completing key components or phases;

9. Adequate provision for a homeowners association or other public or private management organization to provide for the operation and maintenance of all private (non-governmental) common facilities including any private streets or alley ways, homeowners' parks, club houses, sales offices, open space, trails, recreational facilities and amenities, shared parking facilities, private lighting systems, subdivision entrance signage and common mail receptacles;

10. Adequate provisions shall be made for maintenance of all public common facilities (e.g., a trail or park) which are developed on public land, but intended to be maintained by a private organization or homeowners' association;

11. Where a PUD also involves a subdivision of land, it shall also meet the application requirements of the Scobey subdivision regulations and the Montana Subdivision and Platting Act at the time the preliminary plat is submitted;

12. For multi-phase projects to be developed over a long period of time or where project components are proposed which may not be built for many years:

a. The first phase of development must comply with the full application process outlined above.

b. Each phase of a multi-phase PUD must be able to be freestanding.

c. Each phase of a PUD shall not exceed the density provisions of the underlying zone as limited by the PUD. Where a phase is proposed that complies with the overall PUD plan but the actual density of the particular phase may exceed the average density allowed by the underlying zone and PUD agreement, the applicant shall either provide the necessary corresponding open space or park facilities or suitably bond for them for development in a later phase.

d. Future phase or major development components may show conceptual street designs, proposed park and open space areas, trail concepts, proposed residential density, housing types (single-family, townhouse, apartment, etc.) and commercial areas versus detailed lot, block, street and park development and building designs. Based on a finding and associated conditions placed on the PUD at time of approval, the applicant may be required to provide more specific information prior to development of succeeding phases based on one of the following processes: (Note: The planning staff, planning board or council, at their discretion, may also request additional or more complete information relative to the future phases or components prior to recommending or granting initial PUD approval).

i. A finding that the outstanding items are significant and therefore future phases or components should follow the full PUD application process; or

ii. A finding that the outstanding items are generally minor and therefore future phases or components should be reviewed under the conditional use permit process; or

iii. A finding that the outstanding issues are insignificant and therefore future phases or components should be subject to administrative review by the Scobey site review committee; or

iv. A combination of the above provisions;

13. Any other information, plans and details which the city staff, planning board and/or city council may request to fully evaluate the development proposal and its impacts.

D. Review of Application. Upon submission of the application the zoning commission shall review such application based on the following:

1. The compliance of the proposed PUD with the city growth policy and in particular the density and use policies of the plan;

2. The extent to which the PUD departs from the underlying zoning and the reasons why such departures are or are not deemed to be in the public interest, and the mitigating conditions that the PUD provides to address the deviations;

3. The extent to which the PUD departs from the subdivision regulations (if subdivision is anticipated) and the public works standards for design and construction applicable to the subject property, the reasons why such departures are deemed to be in the public interest, and the mitigating conditions that the PUD provides to address the deviations;

4. The overall internal integrity of the PUD including the appropriate use of internal design elements, the use of buffers between different land uses, the use of transitions between uses of greater and lesser intensity, the use of enhanced design features to provide connectedness for both vehicle and pedestrian traffic throughout the PUD and the use of innovative and traditional design to foster more livable neighborhoods;

5. The nature and extent of the public parks and common open space in the PUD, the reliability of the proposal for maintenance and conservation of these areas and the adequacy or inadequacy of the amount and function of the parks and open space in terms of the land use, densities and dwelling types proposed in the PUD;

6. The manner in which the PUD plan makes adequate provision for public services, provides adequate control over vehicular traffic and furthers the amenities of recreation and visual enjoyment;

7. The relationship, beneficial or adverse, of the PUD plan upon the neighborhood in which it is proposed to be established in concert with the underlying zone;

8. In the case of a plan which proposes development over a period of years, the sufficiency of the terms and conditions proposed to protect and maintain the integrity of the PUD; and

9. Conformity with all applicable provisions of this chapter.

E. Action by the Zoning Commission.

1. The zoning commission shall hold at least one work session on a proposed PUD plan prior to any public hearing. The work session is intended for information purposes only to inform both the public and the commission about the various aspects of the project. It is not intended to be a public hearing and the commission shall take no formal action on the application. As a courtesy, all adjoining property owners shall be invited to at least one work session. This invitation may be included within the formal public hearing notice or it may be sent separately.

2. The zoning commission shall hold a public hearing on the application pursuant to SMC 17.28.030. The zoning commission shall submit its recommendations to the city council. The zoning commission may recommend approval in whole or in part, may recommend modification and can impose conditions which will clarify facets of the PUD, implement city standards, regulations or policy, or serve to mitigate potential negative impacts, or the commission may recommend disapproval.

F. Action by the City Council. The city council shall consider the recommendation of the zoning commission and may affirm, modify or deny the PUD. If the PUD is approved, the applicant shall submit a final PUD in accordance with the conditions of approval as adopted by city council. When the city council approves the PUD, the area of land involved shall be re-designated as a PUD district by ordinance which shall incorporate the final PUD including any conditions or restrictions that may be imposed by the city council and shall constitute the zoning for the district.

G. Preparation and Filing of Final PUD. Upon approval of the preliminary PUD by the city council, the property owner(s) shall proceed with the preparation of the final PUD plan:

1. The final PUD plan shall incorporate all the conditions imposed by the city council at the time of approval of the preliminary plan;

2. The applicant shall submit three signed copies of the PUD, final plan and related documents to the planning department. Upon approval by the zoning administrator, one signed copy of the plan shall be returned to the applicant, a signed copy shall be retained on file in the city clerk's office and one signed copy shall be kept on file with the planning department;

3. Upon receipt of the final PUD plan and related documents by the planning department, the city attorney shall prepare a PUD agreement between the city and the developer(s) binding the developer, his successors, heirs and assigns to the terms and conditions of the PUD;

4. The final PUD shall be submitted to the planning department in a timely fashion following approval by the city council but in no case shall a final plat or building permit be issued until the final PUD plan has been submitted and approved and the PUD agreement has been executed;

5. Where there is a question concerning compliance with a condition of the PUD, by either the applicant or planning staff, the issue will be forwarded to the next available Scobey site review committee meeting. If the issue cannot be satisfactorily resolved it shall be forwarded to city council; and

6. Prior to the approval of a final plat or where a subdivision is not involved prior to issuance of a certificate of occupancy or commencement of a use approved by a PUD, when specific aspects of the PUD are not yet completed that are pertinent to the phase or use, the city council shall require bonding or any other appropriate collateral to ensure that all required public improvements or conditions of approval specifically required to be in place prior to final plat, occupancy or commencement of use as appropriate shall be satisfactorily completed in accordance to the approved plans, specifications and time schedule.

H. Limitation on Rezoning. The zoning commission shall not initiate any amendment to the PUD before the completion of the development as long as development is in conformity with the approved detailed PUD and proceeding in accordance with the time requirements imposed therein by the completion schedule.

I. Amending an Approved Final PUD.

1. Once approved, a PUD may be amended by the developer(s). Proposed amendments shall be submitted to the Scobey site review committee. The committee shall make one of the following findings:

a. The change(s) is deemed minor in scope and may be granted or denied with or without conditions by the Scobey site review committee; or

b. The change(s) is deemed major, in which case the amendment(s) is forwarded to the city council for consideration and final action. Note: Any action of the Scobey site review committee is appealable to the city council.

2. Individual property owners within the PUD may bring forth amendments, which shall be processed as an amendment to the official zoning map in accordance with Chapter 17.29 SMC.

J. Abandonment or Expiration. The zoning administrator shall monitor the PUD for compliance with the completion schedule set forth in the approved development plan and to assure that all improvements have been made in accordance with the approved development plan. The following procedures are to be followed when the PUD fails to comply with the completion schedule:

1. PUDs or portions thereof which do not involve or require a subdivision:

a. If a PUD project falls out of compliance with its approved completion schedule, notice of noncompliance with the completion schedule shall be delivered in writing to the landowner and/or developer;

b. No later than 30 days after the notice of noncompliance is delivered the landowner and/or developer may request from the city council an extension of time. Said request shall set forth a proposed completion schedule and/or new timetable for installation of the improvements. The city council may grant one or more extension(s) but each extension is a matter of grace which, if approved, may be subject to additional conditions imposed by the city council which may be deemed necessary to address issues that have arisen due to the lapse in time;

c. Abandonment shall be deemed by the city council to have occurred when the landowner/developer is deemed to be out of compliance with the approved completion schedule and has failed to secure an extension as provided for in subsection (J)(1)(b) of this section;

d. Upon the abandonment of a development authorized under this section the city council shall direct the zoning administrator to do the following:

i. If a portion of the PUD site was developed in accordance with the PUD, the PUD shall stay in force for that portion already developed; and

ii. For that portion of the PUD which was not developed under the terms of the PUD, the provisions of the PUD shall lapse and the site shall revert back to a PUD placeholder designation as provided for in subsection (B)(2) of this section.

2. For PUDs which are implemented by or subject to a subdivision application the developer has the option to request the PUD approval coincide with the preliminary plat approval and any phasing thereof or the PUD approval may exceed the time frame approvals of the underlying preliminary plat. In this case the developer shall provide reasons the PUD approval should extend beyond any preliminary plat approvals for the planning board and city council to consider:

a. If the PUD approval coincides with the underlying preliminary plat and the preliminary plat lapses, the PUD conditions of approval for that area shall lapse.

i. In such case the city shall notify the property owner of the lapse of the preliminary plat and associated PUD conditions of approval;

ii. The zoning administrator shall modify the PUD designation on the official zoning maintaining the underlying zoning classification but classifying the property as a PUD placeholder as provided for in subsection (B)(2) of this section.

b. If the PUD approval extends beyond the underlying preliminary plat approval, the developer shall request extensions of the PUD on a yearly basis after expiration of the underlying preliminary plat.

i. At least 30 days prior to the expiration of the PUD approval the landowner and/or developer may request from the city council an additional one-year extension. Said request shall set forth a revised completion schedule and/or new timetable for installation of the improvements and completion of the project. The city council may grant one or more extensions but each extension is a matter of grace which, if approved, may be subject to additional conditions imposed by the city council which may be deemed necessary to address issues that have arisen due to the lapse in time.

ii. If the PUD project fails to secure an extension or falls out of compliance with its approved completion schedule provided for in subsection (J)(2)(b)(i) of this section, the project will be considered abandoned.

iii. Upon the abandonment of a development authorized under this section, the city council shall direct the zoning administrator to do the following:

(A) If a portion of the PUD site was developed in accordance with the PUD, the PUD shall stay in force for that portion already developed;

(B) For that portion of the PUD which was not developed under the terms of the PUD, the provisions of the PUD shall lapse and the site shall revert back to a PUD placeholder designation as provided for in subsection (B)(2) of this section. (Ord. 13-1)

17.19.030 Standards for planned unit development district (PUD).

A. General Standards.

1. "Developable area of a PUD" shall be defined as all land that could potentially be available for development including land in existing or potential lots, streets, open space and parks. "Undevelopable area" is defined as land within unbuildable areas including land in a 100-year floodplain, BPA power line easements, federally designated wetlands, and slopes in excess of 30 percent unless satisfactory geotechnical information is submitted by a licensed engineer.

2. Both the permitted and conditionally permitted uses of the underlying zone shall be deemed to be eligible for inclusion as permitted uses in a PUD; however, not all such uses may be deemed appropriate within the overall design of a particular PUD and may be limited or modified by the PUD plan.

B. Establishment of PUD Districts.

1. Residential PUD District.

a. Minimum size is two acres including both developable and undevelopable area. For PUDs less than two acres in size, a PUD application may be submitted; however, such site will not be eligible for a density bonus as provided for in Table 1 below.

b. A residential PUD district may be established in areas zoned R-1 through R-3 and RA-1.

c. Housing types within a residential PUD may include single-family, duplex and multifamily housing arranged in attached, detached, townhouse, apartment or condominium configurations.

d. Residential dwelling unit density: Within a proposed residential PUD district residential densities are set forth below:

Table 1: PUD Density Allocation

Underlying Residential District	Max # Dwelling Units/Developable Acre
R-1 District	4 dwelling units
R-2 District	4 dwelling units
R-3 District	6 dwelling units
RA-1 District	10 dwelling units

i. Table 1 provides for the maximum number of dwelling units per developable acre. Developable acres are based on land in developable area and exclude undevelopable land as defined in subsection (A)(1) of this section;

ii. PUDs are not entitled automatically to the maximum density allowed in Table 1 above. Density shall be established based upon:

(A) An analysis of the environmental factors affecting the land;

(B) Compatibility with surrounding land uses and impact on adjacent neighborhood;

(C) Availability of public infrastructure and services; and

(D) Consistency with the Scobey growth policy.

iii. Residential density bonuses: The maximum PUD residential density provided for in Table 1 may be increased in the following situations:

(A) Up to a 20 percent increase in residential units for projects which exceed the minimum park and open space requirements as follows:

(1) A five percent increase in density for each 10 percent increase over and

above the minimum required developed park lands.

(2) A five percent increase in density for each 10 percent increase of open space over and above the minimum park land requirement.

(3) Up to a 20 percent bonus density (at a rate of two additional housing units for each affordable unit created) for projects which advance long term work force housing opportunities (rental or owner occupied housing available to people earning up to 80 percent of median income). For lots/units to be eligible they must be associated with such organizations as Habitat for Humanity, a local housing authority, a single or multi-county housing assistance organization or an incorporated land trust.

e. Commercial uses and their associated parking may be allowed in a residential PUD district, provided:

i. Lots devoted to commercial uses and their associated parking shall not occupy more than 10 percent of the developable land area of the PUD district;

ii. Commercial uses shall be so located, designed and operated as to serve primarily the needs of persons within the district and secondarily persons residing elsewhere; and

iii. The acreage proposed for commercial use and its parking shall be excluded from the gross acreage when computing total allowable dwelling units.

f. Residential park/open space requirements:

i. The minimum park land required is based on a ratio of 0.03 acres per residential unit. Residential units are defined as both owner and renter occupied units and includes single-family and multifamily attached and detached construction but specifically excludes licensed retirement, assisted living or nursing home units.

ii. Lands considered undevelopable as provided for in subsection (A)(1) of this section shall not be considered as meeting the minimum park land and open space requirements.

iii. The applicant shall submit a plan for development of each of the park areas. The approved plans shall be fully implemented by the applicant.

iv. In addition to developed park lands, the PUD shall incorporate open space features, where and when appropriate to enhance the overall development, to serve as a necessary noise or visual barrier or to protect sensitive areas such as stream setbacks, floodplains, areas of steep slopes or other fragile areas.

v. The first 20 feet of width of a required pedestrian trail system (trail and associated easement) shall be considered a transportation facility and shall not be counted towards any open space or park land requirement.

2. Commercial PUD District.

a. Minimum size is two acres of developable area.

b. A commercial PUD district may be established in areas zoned B-1, B-2, P-1 and I-1.

3. Industrial PUD District.

a. Minimum size is two acres of developable area.

b. An industrial PUD district may be established in areas zoned I-1 and P-1.

4. Residential Mixed Use PUD.

a. The minimum size is five acres of developable area.

b. A residential mixed use PUD may be established in areas zoned R-1 through R-3, RA-1, B-1, and P-1.

c. The predominant land use character of the PUD must be residential; commercial uses should primarily be sized and located to address the needs of the immediate neighborhood.

d. The residential uses and densities appropriate to a mixed use PUD are the same as those permitted in a residential PUD.

e. Commercial uses appropriate to a mixed use PUD are the same as those permitted in a commercial PUD.

f. Incompatible industrial and commercial uses are not permitted.

g. The combined area of all commercial/industrial lots cannot exceed 35 percent of the developable area.

5. Nonresidential Mixed Use PUD.

a. Minimum size is two acres of developable area.

b. A nonresidential mixed use PUD may be established in any zoning district which would allow a commercial or industrial PUD.

c. Uses allowed under either a commercial or industrial PUD are allowed. (Amended during 2015 reformat; Ord. 13-1)

Chapter 17.20

SUPPLEMENTARY REGULATIONS

Sections:

17.20.010 Intent.
17.20.020 Accessory uses.
17.20.030 Exceptions to height regulations.
17.20.040 Fences, walls, hedges.
17.20.050 Greenbelts.
17.20.060 Home occupations.
17.20.070 Lots in two zones.
17.20.080 Mobile homes.
17.20.090 Principal structures.
17.20.100 Safe houses.
17.20.110 Side corner setback reduction.
17.20.120 Single-family and duplex dwellings – Design standards.
17.20.130 Site plan review.
17.20.140 Special events.
17.20.150 Structures to have access.
17.20.160 Sublots.
17.20.170 Visibility at intersections.

17.20.010 Intent.

The supplementary regulations listed and described herein apply to a specific district, to several districts, or to all districts. These regulations pertain to certain specific uses, authorize certain exemptions, or relate to unusual conditions. (Ord. 13-1)

17.20.020 Accessory uses.

In addition to any permitted or conditionally permitted principal uses, accessory uses and structures are permitted as set forth in this section.

A. General Provisions. Each permitted accessory use shall:

1. Be customarily incidental to the principal use established on the same lot;

2. Be subordinate to and serve such principal use;

3. Be subordinate in area, extent, and purpose to such principal use; and

4. Contribute to the comfort, convenience, or necessity of users of such principal use.

B. Standards for accessory uses and structures. The following is a list of restrictions on accessory uses and structures:

1. Setbacks.

Table 2: Setbacks

	Front	Side	Rear	Side Corner
Accessory Structures (larger than 200 square feet)	See setback for principal structure	5 ft	5 ft	See setback for principal structure
Accessory Structures (200 square feet or less)	See setback for principal structure	N/A	N/A	See setback for principal structure

When a garage or carport is entered from an alley, it shall not be located closer than 10 feet from the alley right-of-way line. When a garage or carport is entered from any other public or private right-of-way, it shall not be located closer than 20 feet from the right-of-way line unless a greater setback is provided for under the particular zoning district development standards.

2. In R and RA zones, accessory structures shall not exceed 18 feet in height and are limited to single story construction. Accessory structures in other zones shall not exceed the maximum height for principal structures as provided under the particular zoning district development standards.

3. No accessory structure or use shall be constructed or established on any lot prior to the time of the substantial completion of the construction of the principal structure to which it is accessory.

4. Accessory structures shall be limited to no more than 1,000 square feet in size. (Amended during 2015 reformat; Ord. 13-1)

17.20.030 Exceptions to height regulations.

A. The height limitations contained in any district regulations do not apply to spires, belfries, cupolas, chimneys, water tanks, ventilators, elevator housing, grain elevators, or other agriculture buildings, telecommunication towers and cellular communication towers and facilities, unless otherwise prohibited by Federal Aviation Regulations, part 77.

B. The height of any structure may be limited pursuant to requirements related to a conditional use permit. The limitation may be less than otherwise allowed under this title.

C. Additional height may be allowed under a conditional use permit in those zones where additional height is provided for under the development standards.

D. Masts for flagpoles and antennas accessory to an allowed use shall not exceed the height limits of the zoning district.

E. Masts for flagpoles must be set back from the property line to prevent the intrusion of the extended flag into or over any public right-of-way or adjoining property. (Ord. 13-1)

17.20.040 Fences, walls, hedges.

A. Except as otherwise provided by this title, no fence, hedge, or freestanding wall shall exceed 48 inches in height anywhere within or bounding the front yard or 78 inches within the rear, side corner, or side yards when placed within the required yard setback areas. Fences, hedges, and walls shall not interfere with clear vision triangles. A single archway serving as a pedestrian entrance and being no more than nine feet tall, five feet wide and four feet deep, may be attached to a fence in the required setback area.

B. Open wire fences exceeding the above heights may be built around schools, day cares, tennis courts, swimming pools, or other public or quasi-public institutions when necessary for the safety or restraint of occupants thereof. The acceptable height of said fences shall be determined by the zoning administrator after giving consideration to the character of the neighborhood, available options on site, and purpose of the fence.

C. Security fences are allowed on side and rear yards up to eight feet in height when used to enclose commercial or industrial storage yards. Barbed wire may be used along the upper one-third portion of the fence (up to a total of two feet). Barbed wire is not permitted within the front or side corner setback area.

D. Except where necessary to contain livestock and as otherwise indicated in subsection C of this section, no barbed wire or other sharp fencing materials and no electrically charged fences shall be erected or maintained in any district created by this code. When electrically charged fences are used, such fence shall be posted with warning signs at intervals not to exceed 150 feet where such fences are adjacent to public rights-of-way or other zoning districts. (Ord. 13-1)

17.20.050 Greenbelts.

A. All sites in a B or I classified district having a common boundary with an R or RA classified property shall erect and maintain a view-obscuring fence or dense, coniferous hedge along such common boundary. Fences shall not be less than six feet in height. Any vegetation shall be a minimum of three feet in height at planting and obtain a height of not less than six feet at maturity. Where the wall of a building, or public alley, or public street is on such common boundary, no separate wall, fence or hedge need be installed along that portion of the boundary occupied by such building, street, or alley. Fences and hedges utilized as greenbelts are subject to the height limitations for the district in which they are located.

B. Fences or greenbelts erected as a requirement of this section shall be maintained in a neat and orderly manner, and any vegetation shall be healthy and attractive. (Amended during 2015 reformat; Ord. 13-1)

17.20.060 Home occupations.

Home occupations are allowed in conjunction with any residential use that is a primary residence for the occupant(s); provided, that:

A. The home occupation is clearly incidental and secondary to the use of the property as a residence.

B. Any commodity sold upon the premises must be produced on the premises. This is not intended to preclude the occasional home party sales associated with such products as Tupperware, Amway and Avon. Home occupations would include but not be limited to music lessons, educational tutoring, consulting services, personal services and photography studios.

C. Home occupations would not include any type of auto, boat or RV repair, maintenance or painting; any type of food preparation for on-site consumption or retail sales which include items not produced on site, or any other use which creates traffic uncharacteristic of a residential area or requires outdoor storage of materials.

D. Any disturbance such as noise, vibration, smoke, dust, odor, heat or glare beyond the confines of the dwelling unit or accessory

building would not be in excess of that which would normally be anticipated in a residential area.

E. There shall be no exterior display, or exterior storage of materials, house calls after 9:00 p.m. or before 8:00 a.m., or other indication from the exterior that the dwelling unit or accessory building is being used in part for any use other than that of a dwelling or accessory building for purely residential purposes.

F. There shall be no employees other than those residing on the premises.

G. There shall be no pedestrian or vehicular traffic in excess of that which is characteristic of a typical neighborhood of its type and shall not exceed more than one at a time or eight all day.

H. A wall sign flush mounted to the building not to exceed six square feet may be allowed in association with a home occupation. (Ord. 13-1)

17.20.070 Lots in two zones.

District boundaries shall, except for unique conditions or circumstances, take into consideration property boundaries as platted and every effort shall be made to not divide a platted lot, parcel or tract of land into two or more use districts. If, however, a property is divided into two use districts, the property may be utilized in conformance with one zoning district or the other as long as the use is confined to that portion of the property for which it is zoned. The remainder of the lot lying within the other zoning classification will remain open. This is not meant to preclude the possibility of the owner applying for a zone map amendment or subdivision of the lot to address the situation. (Ord. 13-1)

17.20.080 Mobile homes.

In an R-3 district, mobile homes must be occupied by the owner of the lot and the home. In an I-1 district, the owner of the lot does not have to occupy the mobile home. Each mobile home must be installed on its own lot. (Ord. 13-1)

17.20.090 Principal structures.

In any B, P, or I district, more than one structure housing a permitted and customary principal use may be erected on a single lot or tract of land; provided, that yard and other requirements of this code shall be met for each structure as though it were on an individual lot. This provision shall not apply to any lot within an R district where only one principal structure is permitted. Multiple structures proposed in an RA district shall be subject to approval as a conditional use. (Amended during 2015 reformat; Ord. 13-1)

17.20.100 Safe houses.

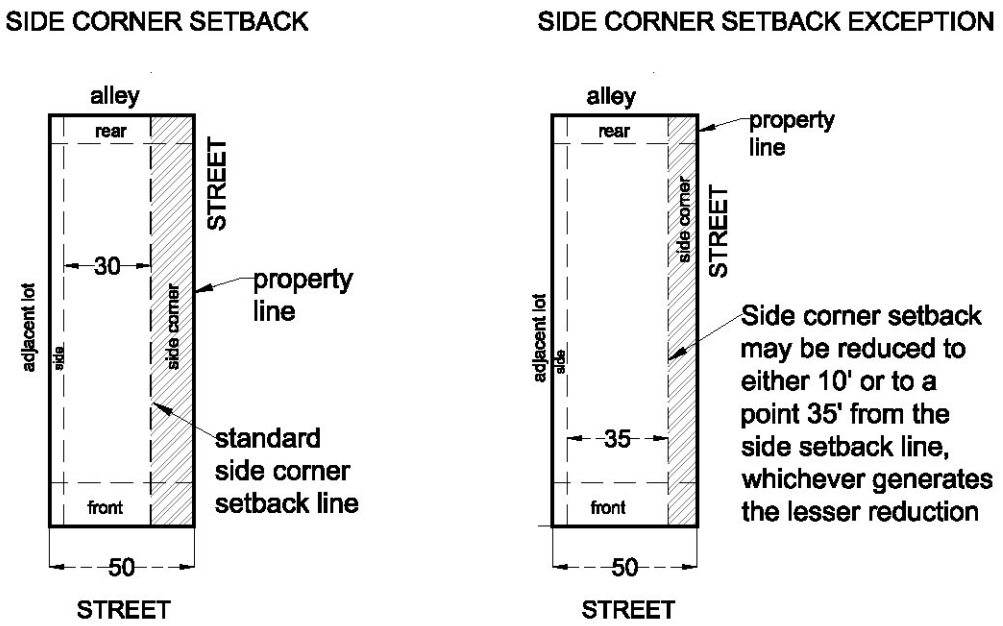
Safe houses are not subject to public review because of the need for anonymity to protect the victims of domestic violence and abuse from their abusers. However, they will be required to be reviewed and approved by the Scobey planning commission for compliance with applicable health, safety and zoning regulations prior to occupancy. Periodic inspections shall be conducted to ensure compliance with fire and life safety codes. Any inquiries or issues associated with the review process shall be kept strictly confidential to the extent allowed by law in order to protect the integrity, intent and operation of the safe house. Information acquired as part of the review process will be kept confidential. Should issues arise within the neighborhood regarding the operation of the safe house the city of Scobey shall make every reasonable effort to amicably resolve potential conflicts. (Ord. 13-1)

17.20.110 Side corner setback reduction.

Notwithstanding any side corner setback otherwise required under this title, if the distance between the side setback and side corner setback (i.e. the buildable width) on a corner lot is less than 35 feet, development may occur

within the side corner setback to either a point 35 feet from the side setback or 10 feet from the side corner property line, whichever generates a lesser encroachment. (See Figure 1).

Figure 1: Side Corner Setback Exception



(Ord. 13-1)

17.20.120 Single-family and duplex dwellings – Design standards.

The purpose of this section is to promote public health, safety and welfare and to ensure neighborhood compatibility by establishing minimum standards for single-family dwellings and duplexes. All single-family dwellings and duplexes shall comply with the following standards:

A. As used in this section, a manufactured home means:

1. A single-family dwelling, built off site in a factory on or after January 1, 1990;

2. That is placed on a permanent foundation;

3. Is at least 1,000 square feet in size;

4. Has a pitched roof and siding materials that are customarily used on site-built homes; and

5. Is in compliance with the applicable prevailing standards of the United States Department of Housing and Urban Development at the time of its production.

B. All single-family dwellings and duplexes must be site-built or manufactured homes and must:

1. Be a minimum of 20 feet at the narrowest width;

2. For factory assembled housing, have all tow bars, wheels and axles removed at time of installation;

3. Be placed on a permanent foundation that meets applicable building code requirements; and

4. Have not been previously located.

C. Site-built homes may be moved as follows:

1. To a different location on the same parcel;

2. From one lot in the city to a different lot; or

3. From outside the city to a lot inside the city. (Ord. 13-1)

17.20.130 Site plan review.

The purpose of this section is to establish site design criteria and review procedures to promote the general health and welfare by encouraging attention to site planning and giving regard to the natural environment, creative project design, and the character of the neighborhood or area.

A. Application of These Procedures. These procedures shall apply to all developments within the zoning jurisdiction of the city of Scobey. The site plan shall be submitted and approved prior to the issuance of any building permit for any construction, development or any site preparation. A pre-application conference with the city is strongly encouraged prior to the preparation of any site plan or working drawings. Distinction is made below between the procedures and standards applicable to minor and major site plans.

B. Application for Minor Site Plan Approval. Minor site plan approval will be required for single-family dwellings and duplexes. Exterior structural remodeling projects, not involving an expansion of a structure or use, are also subject to minor site plan approval when such remodeling does not involve a change of use.

1. Two sets of working drawings including site plan for a single-family dwelling or duplex on an existing lot shall be submitted directly to the city for review to show compliance with the Scobey zoning ordinance. The city is authorized to require any revisions and/or attach any conditions necessary to ensure compliance.

2. A site plan/application is required to have the following information:

a. Name, address, and phone number of owner, builder/architect and/or engineer;

b. Building site address, lot and block number, legal description of property, north arrow, and date;

c. All lot lines, easements, rights-of-way, and distances to both the wall line and the eave line of all existing and proposed structures, drawn to a reasonable and accurate scale; and

d. Location of all buildings, parking areas, driveways (including paving details), fences and other improvements.

C. Major Site Plan Approval. Commercial, industrial, and multifamily developments and remodeling of existing structures when a change of use or structural expansion would result shall be subject to the following application and review procedures:

1. Site Plan Information. In addition to a completed zoning permit application form, three sets of working drawings and three site plans shall be submitted incorporating the following information:

a. Boundary line of property with dimensions and a north arrow indicator;

b. Topography contours at a minimum interval of one foot;

c. Adjacent streets and street rights-of-way to a distance of 150 feet, including existing and proposed improvements such as curb, gutter, sidewalks, bike paths, and landscape boulevard treatments/plantings;

d. Utilities and utility rights-of-way or easements;

e. All existing and proposed structures, including distances to both the wall line and the eave line of all structures;

f. Water bodies, floodplain, and wetlands;

g. Grading and drainage plans;

h. Location of fire hydrants and designated fire lanes/turnarounds;

i. Sidewalks, walkways, driveways, loading areas and docks;

j. Provision for handicapped accessibility, including but not limited to wheelchair ramps, parking spaces, handrails, and curb cuts;

k. Fences and walls;

l. Exterior signs;

m. Exterior refuse collection areas;

n. Site plan review fee as established by the city council.

2. Criteria for Design Review. The following criteria shall be utilized by the city of Scobey in reviewing site plans to ensure that the purpose and intent of this title and all other applicable city ordinances are met:

a. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of the neighborhood or area, and safe and efficient development of the site.

b. The proposed development or physical improvements will not impair or interfere with (i) the development, use, enjoyment or value of other property in the vicinity; (ii) the orderly development of the neighborhood; or (iii) the area as a whole.

c. Project Development.

i. The proposed development or physical improvement has a desirable, efficient and workable interrelationship among buildings, parking, circulation, open space, landscaping and related activities and uses;

ii. The proposed development or physical improvement is in character with the design qualities of other developments in the area; and

iii. Utilities are placed underground.

d. Curbs, gutters, sidewalks, and boulevard landscaping in adjacent rights-of-way shall be developed or upgraded to current public works design and construction standards. Travel surfaces may, where appropriate, be required to be repaired or upgraded. Boulevard landscaping shall include grass and tree species.

e. Development or physical improvement shall provide sufficient landscaping to assure a pleasant and aesthetic on-site environment and provide protective screening, when necessary. This may include landscaping for the front yard or any yard adjacent to any public right-of-way, along any lot adjacent to a residential zone, or in association with off-street parking areas. All landscaping shall be continually maintained including necessary watering, weeding, pruning and replacing, in a substantially similar manner as approved.

3. Review Authority for Major Site Plan Approval. The city has the authority to review and require revisions to any major site plan.

4. Power to Amend Plans. When approving an application for a site design and use, the city will include any or all of the following conditions, if they find it necessary to meet the intent and purpose and the criteria for approval of this title:

a. Require the retention and restoration of existing historically significant structures on the project site.

b. Require the modification or revision of the design or remodeling of structures, signs, accessory buildings, etc. to be consistent with all city codes, ordinances, policies and guidelines.

c. Require on-site fire protection during the construction phase of a project.

d. Require placing all utilities underground.

e. Require new developments to provide limited controlled access onto a public street by means of traffic signals, traffic controls and turning islands, landscaping, or any other means necessary to ensure the viability, safety, and integrity of the public street as a true corridor. In some cases, the city may require the developer to provide off-site improvements and right-of-way consideration, including but not limited to water, sanitary sewer, storm drainage, street improvements, pedestrian ways, lighting and signalization. The city may require the developer to also furnish the city with appropriate engineering studies regarding the various impacts that the development might have on the city's public facilities as per the city's standards for design and construction.

f. Require on-site pedestrian access and connectivity to adjacent facilities, separate pedestrian access ways, and sidewalks/bike paths.

5. Permit Issuance for Major Site Plans. The city shall issue a permit for the development upon a finding that all applicable city regulations and guidelines of this section have been adhered to.

D. Appeals. Any applicant for site plan approval may file an appeal when aggrieved by a decision or interpretation made by the city.

1. A written appeal and payment of a fee as prescribed by the city council must be received in the city office within 30 days from the time the officer(s) charged with the enforcement of this section have made a written interpretation or determination on the site plan application.

2. The city staff shall review the appeal and transmit the appeal and associated materials to the city council.

3. The city council shall act on the appeal within 30 days following receipt of the appeal by the city.

4. Decisions by the city council shall be by resolution. The basis for the decision on each appeal and a detailed summary of the facts and basis supporting such determination shall be recorded in the decision and shall constitute a part of the record thereof. (Ord. 13-1)

17.20.140 Special events.

Special events such as car shows, boat shows, RV shows, carnivals, concerts and similar outdoor activities are permitted in the B, I, and P zones provided they do not exceed seven days in a one-month period. (Ord. 13-1)

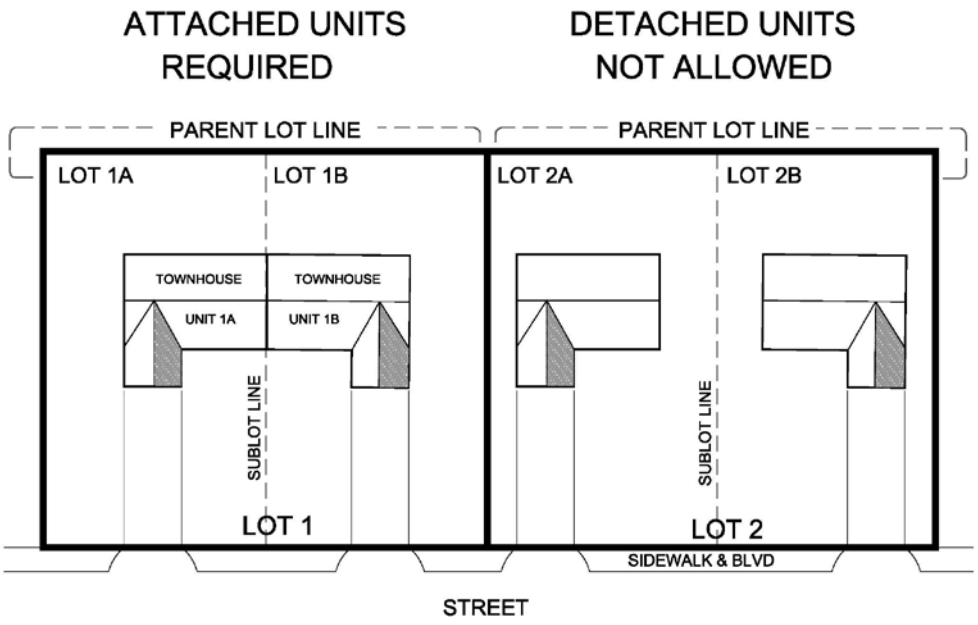
17.20.150 Structures to have access.

Every building hereafter erected or moved shall be on a lot adjacent to a public street or with access to an approved private street, and all structures shall be located on lots as to provide safe convenient access for servicing, fire protection, and required off-street parking. (Ord. 13-1)

17.20.160 Sublots.

Sublots may be created in any zoning district other than the R-1. Sublots are subject to subdivision approval and, if required, a conditional use permit.

Figure 2: Sublots



A. Site Requirements.

1. The allowable number of sublots shall be determined by dividing the gross area of the parent lot by the density limits of the applicable zoning district. In the event that the design utilizes common ownership of common areas, the area of the lot(s) plus the common area shall be divided by the density limits of the applicable zoning district to determine the allowable number of sublots.

2. In no case, however, shall a sublot located in an R or RA zone have more than one dwelling unit thereon.

B. Building Limitations.

1. The yard, height, and area requirements of the district shall apply to the entire area of the parent lot.

2. Common ownership of the yards is permitted.

3. The shared interior property boundary(ies) is/are required to be developed at a zero lot line.

4. Sublots shall not be used to develop detached units. (See Figure 2 above.) (Ord. 13-1)

17.20.170 Visibility at intersections.

In any residential district, fences, signs, walls, hedges, or other planting may be permitted in any required yard; provided, that nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede a clear vision triangle. (See Chapter 17.37 SMC, Definitions.) (Ord. 13-1)

Chapter 17.23

NONCONFORMING LOTS, USES AND STRUCTURES

Sections:

17.23.010 Intent.
17.23.020 Nonconforming structures.
17.23.030 Nonconforming uses.
17.23.040 Nonconforming accessory uses and structures.
17.23.050 Changes to historically significant residential structures.
17.23.060 Reconstruction.

17.23.010 Intent.

It is the intent of this chapter to permit nonconformities which were lawful before the adoption of this code to continue until they are removed. It is further the intent of this chapter that nonconformities shall not, unless otherwise permitted by this chapter, be enlarged upon or expanded, or be used as grounds for adding other structures or uses prohibited elsewhere in the same district. Nonconforming uses are declared by this chapter to be incompatible with permitted uses in the district involved. However, to avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment to this title and which actual building construction has been carried on diligently. A change of tenancy, ownership, or management of any legally existing nonconforming use is allowed. (Ord. 13-1)

17.23.020 Nonconforming structures.

If a structure was lawfully constructed (conforming to zoning regulations then in effect) prior to the effective date of adoption or amendment of this code and does not conform with the current standards of this code, the

structure may remain as long as it remains otherwise lawful and subject to other conditions set forth herein.

A. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

B. Changes to Nonconforming Structures. A structure conforming with respect to use but nonconforming with respect to other standards may be enlarged or altered; provided, that the enlargement or alteration does not further deviate from these regulations. For example, an extension, whether horizontal along a property line or vertical with additional height, of a structure within a setback area creates a further deviation beyond the existing nonconformity.

C. Repairs and Maintenance.

1. On any nonconforming structure, work may be done on ordinary repairs, maintenance, and remodeling to an extent not exceeding 25 percent of the replacement value of the building in any one year. The repair or replacement of bearing walls and foundations is permitted.

2. Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or portion thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official. Such work may exceed 25 percent of the replacement value of the building in any one year. (Ord. 13-1)

17.23.030 Nonconforming uses.

If the lawful use of a structure or land was established prior to the effective date of adoption or amendment of this code (conforming to zoning regulations then in effect) and does not conform with the current standards of this code, the use may continue as long as it remains otherwise lawful and subject to other conditions set forth herein.

A. Any structure, or structure and land, in or on which a nonconforming use is superseded by a permitted use shall thereafter conform to the regulations of the district in which it is located and the nonconforming use may not thereafter be resumed.

B. The removal or destruction of a structure containing a nonconforming use shall eliminate the nonconforming status of the use.

C. If both a structure and land are nonconforming, the removal or destruction of the structure shall eliminate the nonconforming status of the land.

D. Whenever a nonconforming use of a structure or premises is abandoned for 180 days, the structure or land shall not thereafter be used except in conformance with the regulations of the district in which it is located.

E. A structure devoted to a nonconforming use may only be enlarged, extended, constructed or structurally altered, and a use of land devoted to a nonconforming use may only be enlarged or extended, if a conditional use permit is obtained.

1. Any change(s) allowed by such permit(s) is/are limited to a cumulative increase of 50 percent in the area devoted to the nonconforming use. The allowable increase shall apply to each of the following:

a. The gross square footage of land occupied by the use;

b. The gross square footage of the footprint of the structure(s); and

c. The gross square footage of the floor area of the structure(s).

2. Whenever the expansion of a nonconforming use involves a cumulative increase of 25 percent or less of the area devoted to the nonconforming use, an administrative conditional use permit shall be required.

3. A conditional use permit shall be obtained for any expansion involving an increase of more than 25 percent, but less than or equal to 50 percent. (Ord. 13-1)

17.23.040 Nonconforming accessory uses and structures.

No use or structure which is accessory to a principal nonconforming use or structure shall continue after such principal use or structure shall have ceased or terminated, unless such accessory use or structure shall thereafter conform to all the regulations of the zoning district in which it is located. (Amended during 2015 reformat; Ord. 13-1)

17.23.050 Changes to historically significant residential structures.

Modifications to existing historically significant residential structures that may be eligible or are on the historical registry will be allowed to encroach into the setback area established for the district in which they are located if:

A. The purpose of the modification is to regain the historical integrity of the building; and

B. The proposed modifications, alterations, additions or other changes are reviewed and approved by the architectural review committee. (Ord. 13-1)

17.23.060 Reconstruction.

A. A nonconforming building, structure or use upon the land having been wholly or partially damaged or destroyed by fire or other calamity may be reconstructed; provided, that:

1. The process of reconstruction is commenced within 180 days of the date of destruction.

2. Any reconstruction must be completed without unreasonable delay.

3. This provision shall not exempt the structure or use from other applicable regulations nor does it allow the replacement of structures or uses that were willfully demolished, destroyed, or removed.

B. If reconstruction has not commenced within 180 days, the property, building and structure or use upon the land shall not thereafter be occupied, except by a use which is permitted in the district in which it is located. (Ord. 13-1)

Chapter 17.24

OFF-STREET PARKING DESIGN STANDARDS

Sections:

17.24.010 Intent.
17.24.020 Required parking for new construction, expansions, and change of use.
17.24.030 Design.
17.24.050 Minimum standards by use.

17.24.010 Intent.

The intent of this section is to reduce traffic congestion and the need for parking on public streets and to provide off-street parking adequate for each type of development in terms of quantity, location and design. This chapter is also intended to help avoid the negative impacts associated with excess off-street parking requirements in the downtown and in adjacent neighborhoods. (Ord. 13-1)

17.24.020 Required parking for new construction, expansions, and change of use.

No building permit shall be issued within the city limits for the construction or enlargement of any building or structure nor shall said permits be issued for the change of use of any building or structure unless the requirements established by this title regarding off-street parking areas are satisfied. Whenever any building is enlarged, off-street parking shall be provided for said addition. Parking spaces shall be reviewed whenever a change of use increases the amount of required parking. The requirement for additional spaces shall equate to the difference between the number of parking spaces required for the existing use and the proposed use. (Amended during 2015 reformat; Ord. 13-1)

17.24.030 Design.

A. Size. A parking space is typically nine feet wide and 20 feet deep. In cases where stacking spaces are required or otherwise provided, each stacking space shall be a minimum of nine feet wide and 20 feet deep.

B. Location. Off-street parking areas must be accessible from a public street.

C. Access to off-street parking must be at least 24 feet wide, or 12 feet wide where one-way entrances/exits are used.

D. Off-street residential parking must be located on the same lot as the dwelling unit and may not be located in any front yard, except for the driveway.

E. Off-street parking areas serving commercial, industrial, public or institutional uses must be located within 500 feet of the use, and may not be located in required front yards.

F. Off-street parking areas serving multifamily residential developments of more than 10 units, commercial, industrial, and institutional uses must comply with the following provisions:

1. Grading and Drainage. Off-street parking areas shall be graded and any needed swales, culverts, or other drainage facilities installed to remove surface runoff in a manner that does not adversely affect adjacent properties, public streets, or surface waters.

2. Surfacing. Off-street parking areas shall be surfaced with gravel or equivalent material. Parking areas containing 20 or more spaces shall be surfaced with concrete or asphalt.

3. Screening. Where an off-street parking area abuts a residential use or zoning district, the parking area shall be effectively screened at the property line(s) by an acceptably designed sight-obscuring wall, fence or planting screen.

4. Lighting. No lighting used to illuminate a parking area shall face, or have its light source directly visible from, any residential use or residential zoning district. (Ord. 13-1)

17.24.050 Minimum standards by use.

Minimum Parking Standards by Use

Athletic Clubs:	1 space per 200 gross square feet of floor area.
Auditoriums, Convention Facilities and Assembly Halls:	1 space per 4 fixed seats or 1 space per 40 square feet of gross floor area used for assembly purposes, whichever is greater.
Auto Repair and Maintenance Services:	2 spaces per bay in addition to the bay, plus 1 space per gas pump located at the pump.
Automotive Sales and Service:	1 space per 1,500 square feet of gross floor area plus parking required for repair and maintenance services.
Banks:	1 space per 500 square feet of gross floor area plus 4 spaces off-street waiting (loading) spaces per drive-in lane (2 stacking spaces per drive-up ATM).
Beauty and Barber Shops:	2 spaces per operator.
Bowling Alleys:	4 spaces per alley.
Business and Professional Offices:	1 space per 300 square feet gross floor area.
Cemetery:	1 space per employee.
Churches:	1 per 4 seats or 90 lineal inches of pew or 40 square feet of gross floor area in the largest assembly area.
Commercial or Trade School:	1 space per 3 students, plus 1 space per employee (including faculty) at capacity class attendance period.
Community and Recreation Center:	1 space per 250 square feet of gross floor area or 1 space per 4 patrons to the maximum capacity, plus 1 space per employee on the largest shift.
Convenience Grocery:	1 space per 300 square feet of gross floor area, plus 1 space per gas pump located at the pump.
Day Care Home, Day Care Center, Group Day Care Home or Nursery School:	1 space for teacher/employee plus 1 loading space per 6 students with a maximum of 2 loading spaces to be provided on the street adjacent to the property where the facilities are located.

Minimum Parking Standards by Use (Continued)

Furniture, Appliance, Hardware Stores:	1 per 600 square feet gross floor area.
Golf Courses:	3 spaces per hole of main course, plus 1 space per tee for the driving range.
Grocery and Supermarkets:	1 space per 300 square feet of gross floor area.
Hospitals:	1 per 2 beds, excluding bassinets, plus 1 per 5 employees on maximum working shift, plus 1 per each staff doctor.
Hotels, Motels:	1 per sleeping room plus 1 per each 2 employees, plus 50 percent of the parking required for accessory restaurants, bars, and convention facilities.
Libraries, Museums and Art Galleries:	1 per each 500 square feet gross floor area.
Manufacturing Uses, Research Testing and Processing, Assembling All Industries, Wholesale Business (No Outlet Sales):	1 per 1,000 square feet gross floor area.
Medical/Dental Clinics:	4 per 1,000 square feet gross floor area.
Mortuaries:	1 per 4 seats or 90 lineal inches of pew or 40 square feet of gross floor area used for assembly purposes.
Nursery and Landscaping Supply Uses:	1 space per 300 square feet of gross floor area of inside sales or display.
Offices: Business, Professional, Governmental	2 per 1,000 square feet of gross floor area.
Private Clubs and Lodges:	1 space per 100 gross square feet.
Recreational Vehicle Park:	1.5 spaces per each recreational vehicle site, plus 1 space per employee on the largest shift.
Repair Services:	1 space per 300 square feet of gross floor area.

Minimum Parking Standards by Use (Continued)

Residential:	Single-family residence, accessory single-family, and duplex: 2 spaces per unit. Multifamily: 1-1/2 spaces per unit. Bed and breakfast: 2 spaces plus 0.5 per sleeping room. Rooming houses and dormitories: Minimum of 1 space per sleeping room (more may be required under the conditional use permit process). Shelters, public and private: 1 space per 5 occupants. Convalescent or nursing homes for aged, disabled or handicapped: 1 space per 8 beds plus 1 space per employee/maximum shift. Elderly housing (projects qualifying under federal regulations) and assisted living complexes: 1 space per 2 dwelling units.
Restaurants and Bars:	1 per 4 seats of customer seating.
Retail:	1 per 250 square feet gross floor area.
Schools, Elementary and Junior High:	1 per classroom plus 1 per 8 seats in auditorium.
Schools, High:	1 space per 4 students plus 1 per classroom.
Veterinary Clinic, Pound, Shelter, Commercial Kennel:	1 space per 400 square feet of gross floor space.
Warehouse and Storage:	1 space per 2,000 square feet of gross floor area for warehouses; 2 per manager’s office for storage unit.

(Ord. 13-1)

Chapter 17.25

OFF-STREET LOADING DESIGN STANDARDS

Sections:

17.25.010 Intent.
17.25.020 Standards.
17.25.030 Berths required.

17.25.010 Intent.

The intent of this chapter is to reduce traffic hazards and congestion by providing off-street loading berths on the same lot as the building to be served by deliveries of goods without adverse effects on adjacent properties. (Ord. 13-1)

17.25.020 Standards.

A. Off-street loading berths shall be provided on the same lot as the use they serve and shall not occupy the front yard of the lot they serve.

B. Each loading berth shall be designed with access to a public street or alley and so designed as not to interfere with traffic movement.

C. Each berth shall be at least 10 feet by 25 feet in size with a height clearance of 14 feet.

D. Loading berths shall not be considered as off-street parking spaces.

E. All or part of the required loading berths may be within buildings.

F. If more than one use is combined in one building, the fractional requirements for each use shall be added together. (Ord. 13-1)

17.25.030 Berths required.

Off-street loading berths shall be provided in accordance with the following schedule:

A. One off-street loading space shall be required for every industrial, institutional, and commercial use having a gross floor area of 5,000 square feet, plus one additional loading space for each additional 10,000 square feet of loading space. (Ord. 13-1)

Chapter 17.27

ZONING ADMINISTRATOR

Sections:

17.27.010 Creation.
17.27.020 Powers and duties.
17.27.030 Limitations of power.

17.27.010 Creation.

There is hereby created the position of a Scobey zoning administrator who shall be a duly appointed person charged with the administration, interpretation and enforcement of these zoning regulations. (Ord. 13-1)

17.27.020 Powers and duties.

The zoning administrator, his assistant or designee will:

A. Enforce the provisions of these regulations.

B. Keep complete, accurate and secure records.

C. Accept applications and appeals and ensure their appropriateness and completeness.

D. Accept and remit fees as established in the adopted administrative procedures.

E. Update these regulations and the official zoning map as directed by the Scobey city council.

F. Provide for the accuracy and security of the official zoning map.

G. Undertake any other administrative function appropriate to the office of the zoning administrator.

H. Issue any permit granted by the Scobey city council and make periodic inspections to verify that all conditions of such granted permits are complied with by the applicant or his agent.

I. Receive and investigate allegations of noncompliance or violation of these regulations and file a complaint where such allegations are based on apparent fact.

J. Refer any matters under appeal to the planning board or board of adjustment for their action.

K. Make recommendations to the planning board or board of adjustment in connection with any application for variance.

L. Determine the location of any district boundary shown on the zoning map adopted as part of these regulations when such location is in doubt as provided for in SMC 17.02.020.

M. Refer to the planning board or board of adjustment any appeal of the determination of the zoning administrator as relative to SMC 17.31.010.

N. Issue zoning lot determinations upon request for a landowner who desires to utilize multiple contiguous lots as a single parcel for application of the bulk and dimensional requirements of this title. (Ord. 13-1)

17.27.030 Limitations of power.

The zoning administrator shall not:

A. Make any changes in the uses categorically permitted in any zoning classification or zoning district, or make any changes in the terms of these zoning regulations, or make any changes in the terms, classifications or their boundaries on the official zoning map without the prior specific direction of the city council following the procedures herein set forth by these regulations.

B. Issue any variance without the specific direction to do so from the city council, planning board or board of adjustment. (Ord. 13-1)

Chapter 17.28

ZONING COMMISSION

Sections:

17.28.010 Creation.
17.28.020 Membership.
17.28.030 Powers and duties.

17.28.010 Creation.

There is hereby created the "zoning commission," also known as (A) the Scobey city planning board and (B) the zoning commission for the city of Scobey in accordance with Montana Code Section 76-2-307. The zoning commission is commonly referred to as the "planning board," and use of the term "planning board" in this title is intended to apply to either or both as appropriate. (Amended during 2015 reformat; Ord. 13-1)

17.28.020 Membership.

The membership of the zoning commission shall consist of at least five members, having terms and qualifications as set forth by Montana Code Sections 76-1-221 through 76-1-224. The members of the zoning commission shall serve without compensation, other than reimbursement for approved budgeted expenditures incurred in carrying out the functions of the zoning commission. (Ord. 13-1)

17.28.030 Powers and duties.

It shall be the duty of the zoning commission to hold public hearings where necessary and make recommendations to the city council on all matters concerning or relating to the creation of zoning districts, the boundaries thereof, the appropriate regulations to be enforced therein, the amendments of these regulations, conditional use permits, and any other matter within the scope of the zoning power. The zoning commission is also authorized to confer with and advise other city, county, regional, or state planning boards or zoning commissions. (Ord. 13-1)

Chapter 17.29

AMENDMENTS AND CHANGES

Sections:

17.29.010 Initiation and amendment.
17.29.020 Investigation of amendment.
17.29.030 Hearing for amendment.

17.29.010 Initiation and amendment.

A. The city council may, from time to time, amend, supplement, or change the text of this title and the official zoning map. An amendment, supplement, or change may be initiated by the city council or zoning commission.

B. A property owner affected by these regulations may also seek an amendment, supplement, or change to the official zoning map via petition and application to the zoning administrator.

C. Any individual may submit a petition and application regarding amendments, supplements, or changes relating to the text of this title. (Ord. 13-1)

17.29.020 Investigation of amendment.

Upon initiation of an amendment, supplement, or change by the city council or the zoning commission, or upon petition from a property owner or individual, the zoning commission shall cause to be made such an investigation of facts bearing on such initiation or petition as will provide necessary information to assure that the action of each such initiation or petition is consistent with the intent and purpose of this title. When considering an application for amendment to the official zoning map, the zoning commission and city council shall be guided by and give consideration to the following:

A. Whether the new zoning was designed in accordance with the growth policy.

B. Whether the new zoning will affect motorized and nonmotorized transportation systems.

C. Whether the new zoning will secure safety from fire and other dangers.

D. Whether the new zoning will promote public health, public safety and general welfare.

E. Whether the new zoning includes the reasonable provision of adequate light and air.

F. Whether the new zoning will facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

G. Whether the new zoning gives consideration to the character of the district and its peculiar suitability of the property for particular uses.

H. Whether the new zoning was adopted with a view of conserving the value of buildings.

I. Whether the new zoning will encourage the most appropriate use of land throughout the municipality. (Ord. 13-1)

17.29.030 Hearing for amendment.

The zoning commission shall hold public hearings on the matters referred to in such initiation or petition at which parties in interest and citizens shall have an opportunity to be heard.

A. At least 15 days' notice of time and place of such hearing shall be published in an official paper or paper of general circulation in the city.

B. All property owners within 150 feet of the site of the proposed zone change shall be notified via the United States mail at least 15 days prior to the public hearing.

C. Names and addresses of adjoining property owners will be provided to the city planning department by the applicant and will be certified by the county clerk and recorder's office or an authorized title company.

D. After such hearing or hearings, the zoning commission will make reports and recommendations on said petition or initiation to the city council.

E. Based on the results of the zoning commission hearing, the staff report and the findings of the zoning commission, the city council shall by ordinance render a decision to grant, amend or deny the requested amendment.

F. Such amendments shall not become effective except by the favorable vote of two-thirds of present members of the city council whenever a protest signed against such changes is signed by the owners of 25 percent or more of the area of:

1. The lots included in such proposed change; or

2. Those lots immediately adjacent on either side thereof within the block; or

3. Those directly opposite thereof extending 150 feet from the street frontage of such opposite lots. (Ord. 13-1)

Chapter 17.30

BOARD OF ADJUSTMENT

Sections:

17.30.010 Creation.
17.30.020 Membership.
17.30.030 Powers and duties.
17.30.040 Limitations of power.
17.30.050 Meeting procedures.

17.30.010 Creation.

There is hereby created the “board of adjustment” for the city of Scobey in accordance with Montana Code Section 76-2-321. (Ord. 13-1)

17.30.020 Membership.

The membership of the board of adjustment shall consist of five members having terms and qualifications as set forth by Montana Code Section 76-2-322. The members shall serve without compensation. (Ord. 13-1)

17.30.030 Powers and duties.

The board of adjustment shall have authority to:

A. Hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this title or of any ordinance adopted pursuant thereto; and

B. Authorize upon appeal in specific cases such variance from the terms of this title as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this title will result in unnecessary hardship and so that the spirit of this title shall be observed and substantial justice done. (Ord. 13-1)

17.30.040 Limitations of power.

The board of adjustment shall not by either variance or appeal process make any change in the uses categorically permitted in any zoning classification or zoning district; or amend the zoning text or map. (Ord. 13-1)

17.30.050 Meeting procedures.

A. Meetings of the board shall be held at least once a month; provided, there is business to transact and at such other times as the chairman of the board may determine.

B. All regular board meetings shall be open to the public.

C. The board shall adopt its own rules of procedure and keep minutes of its proceedings, findings and action in each case and the vote of each member present on each question considered in the proceedings, unless a member disqualifies himself.

D. The presence of four members shall be necessary to constitute a quorum.

E. Four affirmative votes shall be necessary for granting a variance or appeal.

F. No proxy vote is permissible. (Ord. 13-1)

Chapter 17.31

APPEALS

Sections:

17.31.010 Basis of appeal.
17.31.020 Application and procedure.
17.31.030 Appeals from the board of adjustment.

17.31.010 Basis of appeal.

Any person, the city of Scobey, or federal, state, county, school district or city government agency, may file an appeal when aggrieved by a decision or interpretation made by the zoning administrator; provided, that the appeal is based on an allegation that:

A. The zoning administrator made an error in interpretation of these regulations; and

B. The erroneous interpretation specifically aggrieves the appellant. (Ord. 13-1)

17.31.020 Application and procedure.

A. Appeals must be filed in the manner provided, and after payment of fees as prescribed by the city council, within 30 days from the time the officer charged with enforcement of these regulations has made a written interpretation or determination of these regulations.

B. No part of any such fee shall be returnable after an appeal is filed and such fee is paid, except upon petition by the appellant and approval by the zoning administrator. No fee paid for an action which is declared closed or ruled invalid shall be refunded; provided, that a refund shall be allowed upon petition by the applicant if the board rules in favor of the applicant.

C. The appeal, fee, and supporting materials must be received in the office of the zoning administrator at least 30 days prior to the next regularly scheduled meeting of the board.

D. The zoning administrator shall fix a reasonable time for the hearing and give notice thereof to the parties of interest and the public

by publishing notice in a newspaper of general circulation in the community, at least 15 days prior to such hearings.

E. Where an appeal concerns a particular piece of property, all property owners within 150 feet of the subject property shall be notified by mail at least 15 days prior to said hearing. (When the subject property abuts a public right-of-way, the 150-foot measurement shall be in addition to this right-of-way along the abutting side.)

F. The zoning administrator shall transmit any appeal with all supporting materials to the board of adjustment at least three days before the scheduled public hearing.

G. An appeal under the terms of these regulations stays all proceedings in the matter appealed from unless the zoning administrator certifies to the board of adjustment that, by reason of the facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed, except by a restraining order granted by the board hearing the appeal or by a court of record on application and notice to the zoning administrator from whom the appeal was taken and on due cause shown.

H. Decisions of the board of adjustment shall be by motion. The basis for the decision on each appeal, and a detailed summary of the facts and basis supporting such determination shall be recorded in the decision and shall constitute a part of the record thereof.

I. The concurring vote of four members of the board shall be necessary to reverse any order, requirement, decision, or determination of the zoning administrator, or to decide in favor of the applicant on any matter.

J. A hearing may be continued at the request of the applicant or upon motion of the board, provided however, that the granting of a continuance is a matter of grace, resting solely in the discretion of the board, and a refusal to continue is not a denial of a right, conditional or otherwise.

K. Decision on continuance of a hearing can be reached by a simple majority, but must be made prior to voting on the application itself. (Ord. 13-1)

17.31.030 Appeals from the board of adjustment.

Appeals from the board of adjustment to a court of record are governed by Montana Code Section 76-2-327. (Ord. 13-1)

Chapter 17.32

VARIANCES

Sections:

17.32.010 Application.
17.32.020 Processing of application.
17.32.030 Appeal from board of adjustment.

17.32.010 Application.

Certain circumstances exist or arise wherein an unnecessary hardship is created through strict adherence to the provisions of these regulations. There is hereinafter provided provisions for the granting of a variance from the provisions of these regulations, so that the public welfare is secured and substantial justice can be done to those so affected. Application procedures for a variance follow:

A. Application for a variance may be filed by any property owner or their designated agent for the affected property.

B. Such application shall be made on a form provided by the office of the zoning administrator. Multiple requests for variance for the same project may be filed on a single application and charged a single fee.

C. The completed application and fee as set by the city council shall be submitted to the zoning administrator.

D. The application must be complete and received with the required fee in the office of the zoning administrator at least 30 days prior to the next regularly scheduled meeting of the board of adjustment.

E. No part of any such fee shall be refundable after an application is filed and such fee paid, except under petition by the applicant and approval by the zoning administrator. No fee paid for an action which is declared closed or ruled invalid shall be refunded. (Ord. 13-1)

17.32.020 Processing of application.

A. Notice of the hearing shall be placed in a newspaper of general circulation in the community at least 15 days prior to the date of the hearing.

B. Written notice shall be mailed to all property owners within 150 feet of the subject property at least 15 days prior to the said hearing. (Where the subject property abuts a public right-of-way, the 150-foot measurement shall be in addition to this right-of-way along the abutting side.)

C. The zoning administrator shall transmit any appeal with all supporting materials to the board of adjustment at least three days before the scheduled public hearing.

D. Before any variance can be granted, the board shall make findings of fact based upon evidence produced at a public hearing setting forth and showing that the following circumstances exist:

1. In considering all proposed variances to this title, the board shall, before making any findings in a specified case, first determine that the proposed variance will not amount to a change in the use of the property to a use which is not permitted within the district;

2. That special conditions and circumstances exist which are peculiar to the land such as size, shape, topography or location, not applicable to other lands in the same district and that literal interpretation of the provisions of this title would deprive the property owner of rights commonly enjoyed by other properties similarly situated in the same district under the terms of this title;

3. That the special conditions and circumstances do not result from the actions of the applicant;

4. That granting the variance requested will not confer a special privilege to the subject property that is denied other lands in the same district;

5. That granting the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in

the vicinity and zone in which subject property is situated;

6. The board of adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance and that the variance is the minimum variance that will make possible the reasonable use of the land;

7. The board of adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this title and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; and

8. The fact that property may be utilized more profitably will not be the sole element of consideration before the board of adjustment.

E. Every decision of the board of adjustment shall be made by motion and shall be based upon findings of fact and every finding of fact shall be supported in the record of its proceedings. The enumerated conditions required to grant a variance under these regulations shall be construed as limitation on the power of the board to act.

F. In approving a variance, the board may impose such conditions as are in its judgment necessary to promote the general provisions of these regulations.

G. It shall take the affirmative vote of four members of the board to grant a variance.

H. A hearing may be continued at the request of the applicant or upon motion of the board; provided, however, that the granting of the continuance is a matter of grace, resting solely in the discretion of the board, and a refusal to continue is not a denial of a right, conditional or otherwise.

I. Decision on continuance of a hearing can be reached by a simple majority but must be made prior to voting on the application itself.

J. A variance shall be valid indefinitely, provided it is exercised within one year of the date of issuance, or as otherwise provided for by the board of adjustment. (Ord. 13-1)

17.32.030 Appeal from board of adjustment.

A. A request may be re-heard only when there has been a manifest error affecting the board's decision; or it appears that a substantial change in facts, evidence or conditions has occurred. Such determinations shall be made by the zoning administrator within 60 days of final action by the board.

B. Any person aggrieved by any decision of the board of adjustment may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or part, specifying the grounds of illegality. Such petition shall be presented to the court within 30 days after the filing of decision in the office of the board of adjustment. Appeals from the board of adjustment to a court of record are governed by Montana Code Section 76-2-327. (Ord. 13-1)

Chapter 17.33

CONDITIONAL USE PERMITS

Sections:

17.33.010 General provisions.
17.33.020 Application.
17.33.030 Processing of application – Full conditional use permit only.
17.33.040 Administrative conditional use permits
17.33.050 Violations.
17.33.060 Termination and transferability.
17.33.070 Denial of application.
17.33.080 Review criteria.
17.33.090 Burden of applicant.
17.33.100 Decision based on findings.

17.33.010 General provisions.

A. No structure, building or land shall be used, constructed, altered, moved or expanded where a conditional use permit (as used in this section "conditional use permit" includes both a full conditional use permit and an administrative conditional use permit unless otherwise noted) is specifically required by the terms of these regulations until a conditional use permit for such use has been issued.

B. Any use which was lawfully established prior to the adoption, extension or application of these regulations and which is now permitted by these regulations subject to a conditional use permit, may continue in the same manner and to the same extent without securing a conditional use permit. (Ord. 13-1)

17.33.020 Application.

A. Application for a conditional use permit shall be made by the owner of the affected property on a form obtainable from the zoning administrator.

B. The completed application and associated fee shall be submitted to the zoning administrator. Said fee is not refundable. (Ord. 13-1)

17.33.030 Processing of application – Full conditional use permit only.

A. The zoning administrator shall:

1. Accept the completed application;

2. Circulate the application to city departments and other advisory agencies as deemed necessary for evaluation;

3. Set a public hearing date;

4. Publish a notice advertising the public hearing before the planning board at least once in a newspaper of general circulation in the community at least 15 calendar days prior to the meeting of the planning board at which the application is to be considered;

5. Mail written notice to all property owners within 150 feet of the subject property not less than 15 calendar days prior to the time of the planning board hearing (where the subject property abuts a public right-of-way, the 150-foot measurement shall be in addition to the right-of-way along the abutting side); and

6. Prepare a staff report which establishes the basis for a recommendation on the requested conditional use.

B. The planning board shall hold the public hearing.

1. Testimony should be specific in establishment of the level and degree of positive or negative impacts associated with the project.

2. Based on factual findings, the planning board shall make a recommendation to the city council to approve, approve with conditions, or deny the application.

C. The city council shall, based upon the record, approve, conditionally approve, or deny the conditional use permit request.

D. The zoning administrator shall notify the applicant of the council decision and forward a conditional use permit with conditions, if any, or a letter of denial as appropriate. (Ord. 13-1)

17.33.040 Administrative conditional use permits

A. Administrative uses fall into three categories:

1. Designated as ACUP in the zoning district standards;

2. Up to 25 percent cumulative expansions of nonconforming uses (see SMC 17.23.030); and

3. Up to 25 percent cumulative expansions of existing CUPs.

B. Application.

1. A completed application shall be submitted to the zoning administrator.

2. The application shall contain:

a. A certified list of property owners within 150 feet (excluding adjacent rights-of-way);

b. The fee as established by the city council; and

c. Other information as requested by the zoning administrator.

C. The zoning administrator shall:

1. Accept the completed application;

2. Mail written notice to all property owners within 150 feet of the subject property providing at least 15 days for formal comment (where the subject property abuts a public right-of-way, the 150-foot measurement shall be in addition to the right-of-way along the abutting side); and

3. Review the application pursuant to the review criteria contained in this chapter.

D. If no public comment is received, the zoning administrator shall approve, conditionally approve, or deny the application as appropriate.

E. If public comment is received, the zoning administrator shall contact the applicant.

1. If the comment can be satisfactorily resolved by additional information or appropriate conditions, the zoning administrator shall approve, conditionally approve, or deny the application as appropriate.

2. If the comment is of substance and cannot be mitigated, the zoning administrator shall schedule the conditional use permit for the next available planning board public hearing and follow the procedures as outlined above for the processing of an application for a full CUP.

F. If the applicant wishes to appeal the zoning administrator's decision regarding the application, the application shall be forwarded to the planning board for consideration. Their recommendation shall be forwarded to the city council for a determination as to whether the permit should be approved, conditionally approved, or denied. Any appeal by the applicant must be submitted in writing to the zoning administrator within 30 days from the date the permit was issued or denied. The applicant shall be responsible for paying a fee equal to the difference between an administrative and a full conditional use permit at the time the request for appeal is submitted. Any application forwarded to the planning board shall be processed as a full conditional use permit, including, but not limited to, public notice as provided in SMC 17.33.030. (Ord. 13-1)

17.33.050 Violations.

Failure to comply with the terms and/or conditions of a conditional use permit is a violation of this title in addition to a violation of any other applicable ordinance or policy. (Ord. 13-1)

17.33.060 Termination and transferability.

A. The conditional use permit shall run with the lot, building, structure, or use and shall not be affected by changes in ownership.

B. The conditional use permit shall terminate 18 months from date of authorization if commencement of the authorized activity has not begun:

1. Unless otherwise spelled out in the conditions of approval; or

2. Unless the applicant can demonstrate and maintain a continuous good faith effort (preparing financing, securing state or federal permits, undertaking engineering and design,

etc.) in commencing the activity. An extension request must be submitted to the zoning administrator, who may grant up to two one-year extensions. (Ord. 13-1)

17.33.070 Denial of application.

A. In the event an application is denied by the city council, no resubmittal of an application for a conditional use permit may be made for one year from the date of said denial, unless sufficient new evidence or conditions are offered to the zoning administrator to demonstrate that circumstances have altered and that further consideration of the application is warranted. In such an event, the resubmittal application shall follow the same procedures as the original, and shall be treated as a new application.

B. Denial of an application for a conditional use permit may be appealed to a court of competent jurisdiction within 30 days from the date of such a denial. (Ord. 13-1)

17.33.080 Review criteria.

A. No conditional use permit shall be issued except upon a finding that the proposed use conforms to the requirements set forth in this chapter and that the proposed conditional use will have no more adverse effect on the health, safety, or comfort of persons living or working in the area and will be no more injurious, economically or otherwise, to property or improvements in the surrounding area than would any use generally permitted in the district. An authorized conditional use may not be denied arbitrarily or if no specific adverse effect is found.

B. A conditional use permit may be granted only if the proposal, as submitted, conforms to all of the following general conditional use permit criteria, as well as to all other applicable criteria that may be requested:

1. That the site is suitable for the use. This includes:

a. Adequate usable space;

b. Height, bulk and location of structures;

c. Adequate access; and

d. The absence of environmental constraints (floodplain, slope, etc.).

2. That the site plan for the proposed use will provide the most convenient and functional use for the lot. Consideration should include:

a. Parking scheme;

b. Loading areas;

c. Exterior lighting;

d. Traffic circulation;

e. Open space;

f. Fencing/screening;

g. Landscaping; and

h. Signage.

3. That the following services and facilities are available and adequate to serve the needs of the use as designed and proposed:

a. Sewer;

b. Water;

c. Storm water drainage;

d. Garbage collection;

e. Fire protection;

f. Police protection;

g. Streets;

h. Sidewalks and bike trails; and

i. Other public services.

4. That the proposed use will not be detrimental to abutting properties in particular and the neighborhood in general. Typical negative impacts which extend beyond the proposed site include:

a. Excessive traffic generation;

b. Noise or vibration;

c. Dust, glare, heat;

d. Smoke, fumes, gas, or odors; and

e. Inappropriate hours of operation.

5. That the historical uses and established use patterns be weighed with recent change in trends in the neighborhood.

6. That the proposed use will not cause or contribute to a decline in property values of adjacent properties. (Ord. 13-1)

17.33.090 Burden of applicant.

The burden of proof for satisfying the aforementioned criteria considered for approval shall rest with the applicant and not the city council. The granting of the conditional use permit is a matter of grace, resting in the discretion of the city council and a refusal is not the denial of a right, conditional or otherwise. (Ord. 13-1)

17.33.100 Decision based on findings.

Every decision of the city council pertaining to the granting, denial or amendment of a request for a conditional use permit shall be based upon findings of fact, and every finding of fact shall be supported in the records of its proceedings. (Ord. 13-1)

Chapter 17.34

ADDITIONAL REQUIREMENTS FOR SPECIFIC CONDITIONAL USES

Sections:

17.34.010 Animal hospitals, pounds, kennels, animal shelters, and veterinary clinics.
17.34.020 Bed and breakfast.
17.34.030 Building height (additional).
17.34.040 Casinos.
17.34.050 Day care centers – 13 or more individuals.
17.34.060 Dwellings, multifamily.
17.34.070 Electrical distribution stations.
17.34.080 Extractive industries.
17.34.090 Mini-storage, recreation vehicle storage.
17.34.100 Transmission towers and cellular communication towers, equipment and facilities.

17.34.010 Animal hospitals, pounds, kennels, animal shelters, and veterinary clinics.

A. Household animals (specifically dogs and cats) boarded overnight should be kept in climate-controlled, soundproofed buildings. Where facilities are not soundproofed, no partially or fully enclosed structure or fenced open area (runs, pens, etc.) used to confine animals shall be closer than 100 feet to an adjacent property line.

B. Household animal excreta shall be removed from the site daily or as otherwise necessary to avoid the spread of objectionable odors, insects, pests, and objectionable surface drainage. (Ord. 13-1)

17.34.020 Bed and breakfast.

A. The conditional use permit shall specify the number of rental rooms and total number of guests permitted in the facility.

B. The bed and breakfast uses shall be limited to the principal structure and not extend to any accessory structure.

C. Room rentals shall not exceed 14 consecutive days.

D. The bed and breakfast facility must maintain an up-to-date guest register.

E. The owner(s) of the dwelling or the manager of the facility must be in permanent residence and maintain full use of the kitchen, dining room, living room, and at least one bedroom and bathroom not accessible to the overnight lodgers.

F. Overnight lodgers shall not have direct access to cooking facilities although the permanent resident(s) of the dwelling may provide breakfast service to the guests.

G. The residential structure shall not be significantly modified to provide additional sleeping rooms or exhibit a nonresidential appearance.

H. The use of the bed and breakfast facilities shall be limited to the exclusive use of the residential dwellers and their overnight guests. No other use such as a restaurant, bar or otherwise which attracts nonboarding customers is permitted. No alcoholic beverages shall be sold on the premises.

I. No people other than the residents of the dwelling may be employed or otherwise assist in the operation of a bed and breakfast facility. (Amended during 2015 reformat; Ord. 13-1)

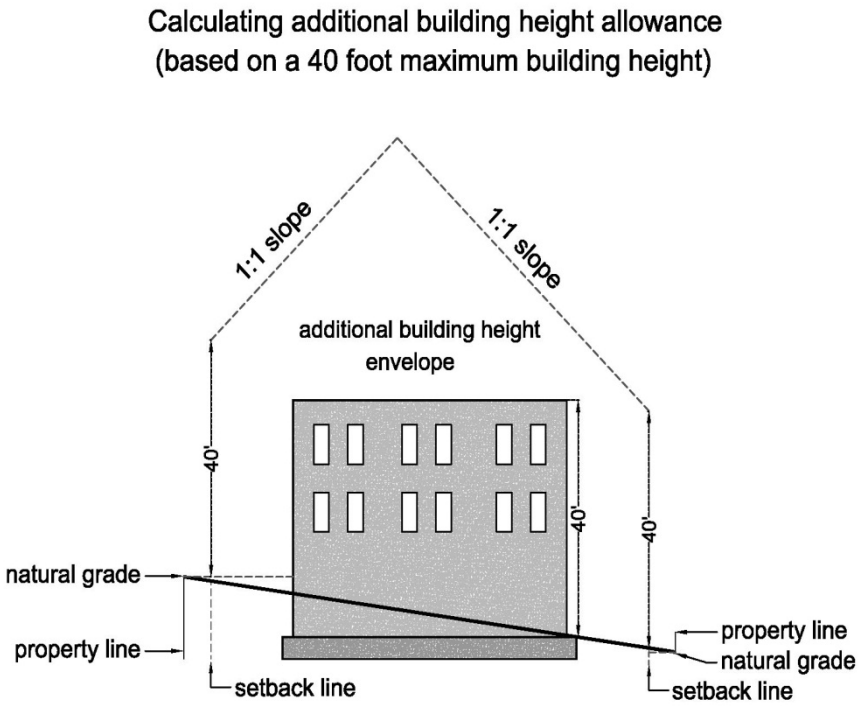
17.34.030 Building height (additional).

A. Structures requiring a conditional use permit due to additional building height, in addition to any other applicable standards, are subject to the following standards:

1. No additional height shall be allowed within 150 feet of any R or RA zone. Any right-of-way adjacent to the subject property shall be excluded from the measurement.

2. No structure (subject to SMC 17.20.030 regarding exceptions to height regulations) shall extend above a 1:1 slope established with a beginning point at the applicable setback line at an elevation equal to the elevation at natural grade at the nearest point on the property line, plus the maximum height allowed in the zoning district. (Figure 12)

Figure 12: Additional Building Height Allowance



(Ord. 13-1)

17.34.040 Casinos.

A. Casinos shall be a minimum of 300 feet from churches, schools, parks, city residential zones, and other casinos, measured from property line to property line.

B. Casinos may be located closer than 300 feet from churches, schools, parks, city residential zones, and other casinos, measured from property line to property line, if the casino is considered a minor accessory use and meets the parameters of both subsections C and D of this section.

C. A casino is considered a minor accessory use to a primary use if the primary use (e.g. restaurant or bar, but not shopping center or other multi-use designation) and its associated facilities constitute at least 90 percent of the proposed floor space and the casino constitutes no more than 10 percent of the proposed use. In addition, the casino is generally shielded or screened from view of the primary use and patrons.

D. The following design standards as appropriate may be placed on the casino:

1. Limiting or prohibiting the on-premises signage or building from using the following:

a. Any terms such as gaming, gambling, cards, dice, chance, etc.

b. Any reference to any associated activity or any symbols or words commonly associated with gaming.

c. Any words, terms, figures, art work, or features intended or designed to attract attention to the fact that a casino is on site.

d. Neon lighting.

2. Limiting the number and location of entrances into the casino.

3. Increasing landscaping requirements in order to create a buffer between the casino and adjacent land uses. (Ord. 13-1)

17.34.050 Day care centers – 13 or more individuals.

A. Where outside recreation facilities are provided, a minimum four-foot-high sight-obscuring fence around the recreation area may be required to be maintained and the recreation area should be situated in the rear half of the site.

B. In all residential (R-1 through R-3 and RA-1) zones:

1. Existing residential structures shall not be significantly modified so as to exhibit a nonresidential appearance;

2. Signage shall be architecturally compatible with the primary building;

3. Preference is given to day care centers located on collector or arterial streets; and

4. Any new construction allowed in a residential zone for the operation of a day care facility shall substantially resemble a conventional single-family dwelling. (Amended during 2015 reformat; Ord. 13-1)

17.34.060 Dwellings, multifamily.

A. All multifamily dwellings shall provide pedestrian access from the main entrance(s) of the building(s) to the right-of-way.

B. For multifamily dwellings with five or more units (including common developments which contain five or more units), one of the following shall be provided:

1. Five hundred square feet of land per unit which has recreational value for the residents;

2. Recreational amenities equivalent to the fair market value of 500 square feet of undeveloped land per unit;

3. Equivalent funds payable to the city to develop neighborhood facilities in the immediate vicinity; or

4. A combination of any of the above. (Ord. 13-1)

17.34.070 Electrical distribution stations.

When located within an R, RA, or B zone, electrical distribution stations shall meet the following requirements:

A. The station shall be completely surrounded by a security fence that shall be at least eight feet in height.

B. The perimeter of the electrical distribution station shall be landscaped with sight-obscuring trees, shrubs or bushes. Such landscaping shall be designed to improve the appearance of the site while allowing for normal operational and safety factors of the station.

C. A parcel of land that does not meet the minimum lot area requirement of the zone may be created for the placement of an electrical distribution station. The site shall be large enough to accommodate any required landscaping. (Ord. 13-1)

17.34.080 Extractive industries.

Requirements contained in this section shall not exempt the owner or operator of an extractive industry from compliance with the Montana Open Cut or Strip Mine Reclamation Act, Title 82, Chapter 4, MCA, but shall be in addition to the requirements of said Act.

A. Operational Requirements. The site of an extractive industry shall be of sufficient size and dimensions to accommodate the proposed operations. Consideration shall be given to noise, light, dust, smoke and vibration and how they affect adjoining properties. Blasting operations shall be restricted to Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m. Off-street parking areas adequate for all employee vehicles and trucks shall be provided.

B. Plan for Development of the Site. The plan to be submitted with the application for a conditional use permit shall include a plan for development of the subject property which shall consist of two phases: The exploitation phase and the reuse phase.

1. Exploitation Phase. The plan for the exploitation phase shall show the proposed development as planned in relation to surrounding property within 300 feet and shall include topographic surveys and other materials indicating existing conditions, including soil and drainage and the conditions, including drainage, topography and soil which shall exist at the end of the exploitation phase. Contour intervals for topography shall be five feet in areas where slope is 10 percent or greater and two feet in areas where slope is less than 10 percent.

2. The plan for the exploitation phase shall demonstrate the feasibility of the operation proposed without creating hazards or causing damage to other properties. This plan shall also show the different states of exploitation, where and how traffic will be handled, where equipment will be operating, the location and dimension of structures, the manner in which safeguards will be provided, including those for preventing access by children and other authorized persons to dangerous areas. The final stage of this plan shall indicate how the project is to be finished in accordance with the phase for reuse.

3. Reuse Phase. The plan for the reuse phase shall indicate how the property is to be left in a form suitable for reuse for purposes permissible in the district, relating such reuses to uses existing or proposed for surrounding properties. Among items to be included in such plan are feasible circulation patterns in and around the site, the treatment of exposed soil or subsoil including measures to be taken to replace topsoil or establish vegetation in excavated areas in order to make the property suitable for the proposed reuse and treatment of slopes to prevent erosion. (Ord. 13-1)

17.34.090 Mini-storage, recreation vehicle storage.

A. This section shall apply to the review of mini-storage and recreational vehicle storage facilities proposed to be located in districts that require a conditional use permit for the establishment of such uses.

1. All buildings shall meet the required setback of the district. However, on sites where the rear property line is adjacent to a commercial district, no rear setback is required.

2. Landscaping that produces a sight-obscuring barrier shall be provided in areas adjacent to residentially zoned areas and to collector and arterial streets. Landscaping shall consist of a variety of hardy evergreen materials consisting of trees, low-, medium-, and high-profile shrubs, together with suitable ground cover such as native grasses, bark, ornamental gravel, or a combination thereof.

3. Building heights shall be limited to one story (18 feet at the peak).

4. One parking space shall be provided for the on-site manager with two additional spaces provided at the leasing office.

5. Parking shall be provided by parking/driving lanes adjacent to the storage units. These lanes shall be at least 26 feet wide.

6. All storage shall be kept within an enclosed building, except fossil fuel engines or storage tanks or any boat or vehicle incorporating such components, which shall be stored in screened exterior areas. This provision shall not be interpreted to permit the storage of partially dismantled, wrecked, or inoperable vehicles.

7. Any use other than storage is prohibited. The offering for sale or sale thereof of any item from or at mini-storage or recreational vehicle storage facilities is expressly forbidden, except that the facility owner may hold liquidation sales of contents of rental units to recover rental fees except as allowed by law.

8. The repair, construction, or reconstruction of any boat, engine, motor vehicle, or

furniture, and the storage of any fossil fuel engine or fossil fuel storage tank or any boat or vehicle incorporating such components is prohibited within any structure on a tract of land designated as a mini-storage or recreational vehicle storage facility.

9. The exterior architecture of the structures shall be designed to conceal the industrial and storage use of the property. The design shall also focus on neighborhood compatibility, particularly along collector and arterial streets.

10. RV storage must also comply with current Scobey Municipal Code. (Ord. 13-1)

17.34.100 Transmission towers and cellular communication towers, equipment and facilities.

A. The location of the transmission towers and cellular communication towers, equipment and facilities shall take into consideration the following:

1. Visual effects;
2. Height;
3. Structural integrity;
4. Radiation emissions;
5. Effects on adjoining land use;
6. Possibility of shared use;
7. Effects on city airport operations;
8. Effects on other communication devices; and
9. Site location alternatives.

B. General requirements of a conditional use permit for locating a transmission tower or cellular communication tower shall include:

1. Required collocation on an existing tower or other structure whenever possible and practical;

2. Screening equipment and structures when located adjacent to a residential district;

3. Engineer's certification regarding structural safety;

4. Location of the tower so that visual impact to adjacent property owners is limited to the greatest extent possible;

5. That the structure be placed to avoid location on the crest of a mountain or hill or extension into the skyline thus creating aesthetic concerns;

6. Address potential FAA (Federal Aviation Administration) lighting requirements for aviation safety;

7. That the structure/tower be camouflaged to blend in with the surrounding environment;

8. The new structure shall allow for collocation with a minimum of four other users;

9. That all transmission and cellular communication towers be located a minimum of one mile apart, unless collocation opportunities do not exist;

10. If a security fence is proposed, a five-foot-tall dense landscaping screen shall be planted around the security fence of any structure/tower;

11. Where a new tower is proposed, the applicant shall demonstrate that there is no feasible existing structure on which to locate; and

12. A freestanding tower shall be set back from the right-of-way line(s) a distance equal to the height of the tower.

C. Should any cellular communication tower, facility or antenna be abandoned or cease to operate for a period of 180 days, the structure/tower shall be removed at the expense of the owner. It shall be the responsibility of the structure/tower owner to promptly notify the city if a facility is abandoned or ceases operation. (Ord. 13-1)

Chapter 17.35

ADMINISTRATIVE ADJUSTMENTS

Sections:

17.35.010 Intent.
17.35.020 Authority.
17.35.030 Procedure.
17.35.040 Standards subject to administrative adjustment.
17.35.050 Criteria.
17.35.060 Additional criteria related to specific standards.
17.35.070 Termination and transferability.

17.35.010 Intent.

The intent of this chapter is to provide administrative relief in the form of minor deviations from specific requirements under this code. The administrative relief is to be provided upon a showing by an applicant that certain circumstances exist which are beneficial to the community to design around rather than strictly applying the code. Only those standards specifically listed under SMC 17.35.040 are eligible for relief, and only upon the appropriate showing. (Amended during 2015 reformat; Ord. 13-1)

17.35.020 Authority.

The zoning administrator is authorized to review and approve, conditionally approve, or deny an application for an administrative adjustment in accordance with this chapter. (Ord. 13-1)

17.35.030 Procedure.

A. An applicant shall submit a completed application form and fee to the zoning administrator.

B. After reviewing the application for compliance with this code and in particular with the criteria listed in this chapter, the zoning administrator shall approve, conditionally approve, or deny the application.

C. The zoning administrator may grant a lesser modification than the maximum allowed by this chapter. (Ord. 13-1)

17.35.040 Standards subject to administrative adjustment.

Standard	Allowable Modification
Height limits for buildings (contained in development standards for each zoning district)	10%
Building setbacks (contained in development standards for each zoning district)	20%
Minimum required number of parking spaces (SMC 17.24.050)	10%

(Amended during 2015 reformat; Ord. 13-1)

17.35.050 Criteria.

Administrative adjustments shall be approved upon a finding that the applicant has met the following criteria:

A. General. The request is consistent with the character of development in the surrounding area, and will not result in incompatible uses.

B. Mitigates Adverse Impacts. Any adverse impacts resulting from the adjustment will be mitigated to the maximum extent practicable.

C. Technical Nature. The request is of a technical nature (i.e., relief from a dimensional or design standard) and is based on three or more of the following:

1. Required to compensate for some unusual aspect of the site or the proposed development that is not shared by landowners in general;

2. Supporting an objective or goal from the purpose and intent statements of the zone district where located;

3. Proposed to provide improved architectural appearance or site design;

4. Proposed to save healthy existing trees; or

5. Proposed to maintain the historic integrity of a structure which is on, or is eligible to be on, the historic registry.

D. Does Not Substantially Interfere with Adjacent Land. The request will not substantially interfere with the convenient and enjoyable use of adjacent lands, and will not pose a danger to public health or safety. (Ord. 13-1)

17.35.060 Additional criteria related to specific standards.

A. Height Limits. An adjustment to building height is allowable when the additional height is necessitated by a specific function of the building or constraint of the site. The height shall not exceed the standards set forth for additional height permitted by conditional use permit. (Ord. 13-1)

17.35.070 Termination and transferability.

A. The administrative adjustment shall:

1. Run with the lot, building, structure, or use;

2. Shall not be affected by changes in ownership; and

3. Terminate 18 months from the date of approval if commencement of the authorized activity has not begun unless otherwise stated in the approval; and

B. The administrative adjustment may be extended by the zoning administrator for an additional 12 months if it is demonstrated that the applicant has made a continuous good faith effort to commence the approved development. (Ord. 13-1)

Chapter 17.36

ENFORCEMENT

Sections:

17.36.010 Penalty for violation.
17.36.020 Use of available remedies authorized.

17.36.010 Penalty for violation.

Any person or corporation, whether owner, lessee, principal agent, employee, or otherwise, who violates any provisions of these regulations or permits any such violation or fails to comply with any of the requirements thereof, or who erects, constructs, reconstructs, alters, enlarges, converts, moves, or uses any building or uses any land in violation of any detailed statement or plans submitted by him and approved under the provisions of these regulations, may be subject to penalties as a municipal infraction pursuant to Chapter 1.12 SMC. Each day of continued violation shall constitute a separate, additional violation. The zoning administrator or his authorized agent is hereby authorized to enforce the city of Scobey zoning ordinance by issuing a civil citation to the landowner, landowner's agent, and any other party or parties responsible for violations of this title. (Ord. 13-1)

17.36.020 Use of available remedies authorized.

In the event that any building or structure is erected, reconstructed, altered, converted, or maintained, or any building, structure, or land is used in violation of these regulations, the proper legal authorities of the city council, in addition to other remedies, may institute any appropriate action or proceedings to: prevent such unlawful erection, maintenance, or use; restrain, correct, or abate such violation; prevent the occupancy of such building, structure or land; or prevent an illegal act, conduct, business, or use in or about such building, structure or land. (Ord. 13-1)

Chapter 17.37

DEFINITIONS

Sections:
17.37.010 Definitions.

17.37.010 Definitions.

All words in this title shall be first defined as provided herein and, if not defined herein, shall have their customary dictionary definitions. For the purposes of this title certain words and terms used herein are defined as follows: Words used in the present tense include the future tense; words used in the singular include the plural, and words used in the plural include the singular; the word "shall" is always mandatory; the word "person" includes a firm, association, organization, partnership, trust, corporation or company, as well as an individual; the word "lot" includes the words "plot" or "parcel"; the word "building" includes the word "structure"; the words "used" or "occupied," as applied to any land or building, shall be constructed to include the words "intended, arranged, or designed to be used or occupied"; the words "map" or "zoning map" mean the zoning map(s) of the zoning jurisdiction of the city of Scobey that delineate the area to be governed by these regulations.

"Abandonment" means the act of intentionally and permanently giving up, surrendering, deserting or relinquishing property, or a property right. In regard to a use, it is the actual cessation of a "nonconforming use" coupled with the intent not to put the premises again to the same use. Proof of said intent must be clearly inferable from existing facts, such as actively pursuing in good faith the sale or lease of a property as a continuation of the existing use.

"Accessory building/structure" means a detached subordinate building/structure situated on the same lot with the principal building/structure and used for an accessory use.

"Accessory use" means a subordinate use of a building, other structure, or use of land:

1. Which is clearly incidental to the primary use of the principal building, other structure, or use of land; and
2. Which is used customarily in connection with the principal building, other structure, or use of land; and
3. Which is located on the same zoned lot with the principal building, other structure, or use of land.

"Agriculture" means the use of land for agricultural, horticultural and silvicultural purposes, including farming, dairying, pasturage, grazing land, animal and poultry husbandry, feed lots, and includes the necessary accessory uses for packing, treating, storing or shipping of products. Does not include the manufacturing aspects of timber or agricultural activities such as animal slaughtering, wood processing plants, etc.

"Airport" means any runway, landing area or other facility whether publicly or privately owned and operated, and which is designed or used either by public carriers or by private aircraft for the landing and taking off of aircraft and/or helicopters, including all necessary taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings and open spaces.

"Alley" means a passage or way, open to public travel, and dedicated to public use, affording a secondary means of vehicular and pedestrian access to abutting lots and not intended for general traffic circulation.

"Alteration" means a change or rearrangement of the structural parts of existing facilities, or an enlargement by extending the sides or increasing the height or depth, or the moving from one location to another.

"Arterial" means a street having the primary function of moving traffic and secondary function of providing access to adjacent land. Arterials generally carry relatively large volumes of traffic. Arterials have two to four lanes of traffic and provide limited access to abutting property.

"Assembly halls/stadiums/convention hall facilities" means an open, partially enclosed, or fully enclosed facility used or intended to be used primarily for spectator sports, entertainment events, expositions, and other public gatherings. Typical uses include convention and exhibition halls, sports arenas, and amphitheaters.

"Assembly, heavy" means the fitting or joining of parts of a mechanism by means of fasteners, nuts and bolts, screws, glue, welding, or other similar technique which may include the construction, stamping, or reshaping of any of the component parts. Heavy assembly may generate noise, vibration, smoke, or odors outside of the structure housing the activity or off-site. Activity may occur both indoors and outdoors.

"Assembly, light" means the fitting together of already manufactured parts into a complete or semi-complete unit. (This would not limit the casting or forming of some components on site but such processes would typically not generate noise, vibration, smoke or odor.) Typically, all activity usually occurs indoors.

"Athletic club" means a facility designed for the major purpose of physical fitness which includes, but is not limited to, such equipment as weight resistance machines, whirlpools, saunas, showers, swimming pools and lockers.

"Auction yards, livestock" means any sale where livestock is sold by an auctioneer in an outdoor setting.

"Automobile detailing shop" means a facility wherein automobiles are cleaned. The seats and carpet are generally shampooed and the engine compartment degreased. The exterior is generally waxed. Customary and incidental associated uses shall not include painting, body work, or mechanical repair.

"Automobile or vehicle body shops" means a facility which provides collision repair services, including, but not necessarily limited to, welding, body frame straightening, replacement of damaged parts, and painting.

"Automobile sales and/or repair" means an area, other than a street, used for the display, sale or repair of new or used automobiles, boats, RVs, motorcycles, or trailers, whether inside a structure or in an outside area.

"Automobile service station" means any building or premises used primarily for the retail sale of gasoline and lubricants, but which may also provide for the incidental servicing of motor vehicles including grease racks, tire repairs, battery charging, hand washing of automobiles, sale of merchandise and supplies related to the servicing of motor vehicles and minor replacements, but excluding body and fender work, engine overhauling, painting, welding, storage of automobiles not in operating condition or other work involving noise, fumes, glare or smoke.

"Automobile wrecking/salvage" means the dismantling or wrecking of motor vehicles or trailers, or the storage, sale or dumping of dismantled or partially dismantled, obsolete or wrecked vehicles or their parts.

"Bakery" means an establishment primarily engaged in the retail sale of bakery products, but which may involve the production of baked goods for off-site sales.

"Banks and financial institutions" means an establishment that is open to the public and primarily engaged in the receipt, disbursement or exchange of funds and currencies, and that performs closely related functions such as making loans, investments, and fiduciary activities.

"Barber and beauty services" includes barber shops, hair styling, salons, nail care, hair removal, ear piercing, and other such similar businesses.

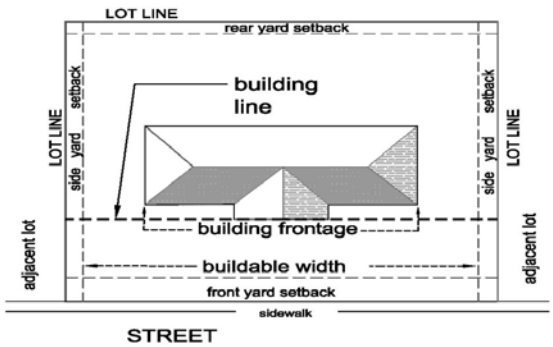
"Bars and taverns" means an establishment whose primary activity is the sale of alcoholic beverages to be consumed on the premises.

"Bed and breakfast" means a single-family dwelling with a resident family or manager in permanent residence where bedrooms without individual cooking facilities are rented for overnight lodging. Breakfast may be provided by the resident(s) to the overnight patrons.

"Buffer" means open spaces, landscaped areas, fences, walls, berms, or any combination thereof used to physically and visually separate one use or property from another in order to mitigate the impacts of noise, light, or other nuisance.

"Buildable width" means the distance between the required side setbacks (or side and side corner setbacks) of a lot. (Figure 13)

Figure 13: Building Width, Building Frontage, and Building Line

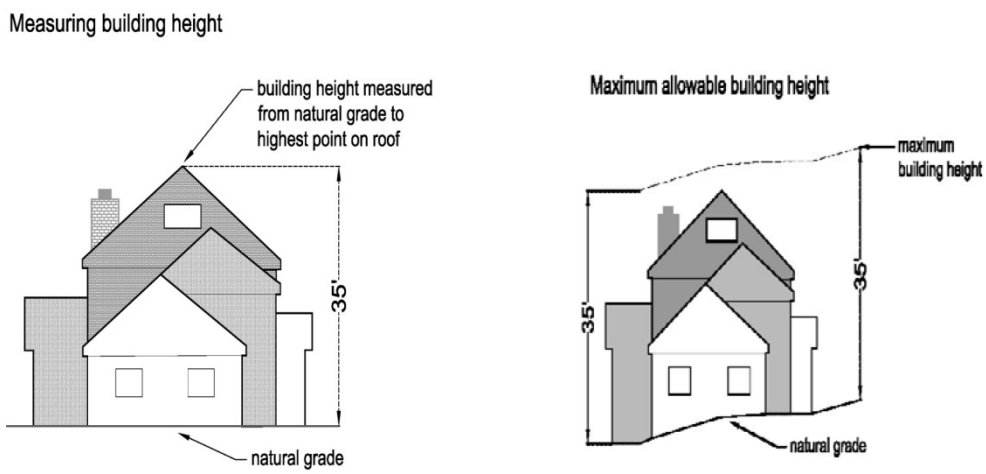


"Building" means any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals or chattels. When any portion thereof is completely separated from every other portion thereof by a division wall without openings then each such portion shall be deemed to be a separate building.

"Building frontage" means the maximum width of a building measured in a straight line parallel with the abutting street, or, if the abutting right-of-way is a curved line, parallel with a line tangent to the property line at its midpoint. (See Figure 13 above.)

"Building height, maximum" means the maximum allowable vertical distance from the undisturbed ground level at the eave line of the building to a plane that is parallel with that undisturbed ground at the highest point of the roof or parapet wall. Variable slopes would require multiple planes to be established. (Figure 14)

Figure 14: Building Height, Maximum



"Building line" means the line of that face, corner, roof or part of a building nearest the property line. A building line shall be established parallel to the property line which that side of the building faces or, if the abutting right-of-way is a curved line, parallel with a line tangent to the property line at its midpoint. (See Figure 13 above.)

"Business" means the purchase, sale, offering for sale, or other transaction involving the handling or disposition of any article, service, substance or commodity for livelihood or profit, or the management or occupancy of the office buildings, offices, recreation or amusement enterprises, or the maintenance and use

of buildings, offices, structures, or premises by professions and trades or persons rendering services.

"Campground" means any area or tract of land used or designed to accommodate two or more camping parties, including cabins, tents, camping trailers or other camping outfits (see also "Recreational vehicle park").

"Canopy structure" means any overhead protective structure which is constructed in such a manner as to allow pedestrians/vehicles to pass under.

"Carport" means a structure to house or protect motor vehicles which has at least 50 percent of the total area of its sides open to the weather.

"Casino" means an establishment that offers any form of legalized gambling authorized under Title 23, Chapter 5, Parts 1 (except for Montana Code Section 23-5-160 regarding shaking dice or shake-a-day games) and 3 through 6, MCA, either as a primary use or as an accessory use. Organizations and facilities designated as exempt under state law shall not be classified as casinos.

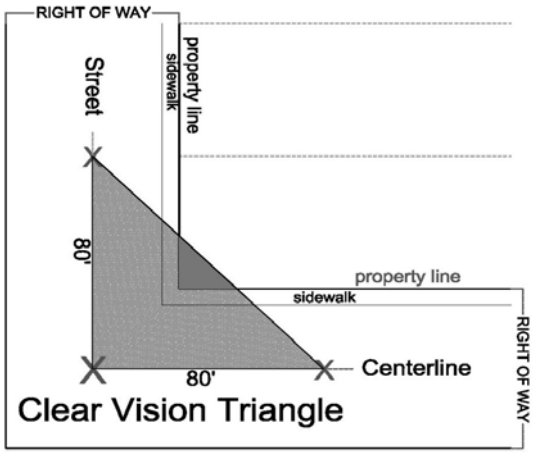
"Catering establishment" means an establishment in which the principal use is the preparation of food and meals on the premises, and where such food and meals are delivered to another location for consumption.

"Change of use" means the replacement of an existing use by a new use, or a change in the nature of an existing use, but not including a change of ownership, tenancy, or management where the previous nature of the use, line of business, or other function is substantially unchanged.

"Church" means a building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

"Clear vision triangle" means an area established within a triangular area formed by the intersection of the center lines of the adjoining streets and a straight line connecting points on such center lines 80 feet from such intersection, in which the height of landscaping and vegetation is limited. (Figure 15)

Figure 15: Clear Vision Triangle



"Club" means an incorporated or unincorporated association of persons organized for social, fraternal, religious, athletic, educational, literary or charitable purposes whose activities are confined to the members and their guests and are not extended to the general public.

"Collector" means a street or road having the equally important functions of moving traffic and providing access to adjacent land. Collector streets have two traffic lanes and two parking lanes.

"Commence" means to start or begin; in relation to a project, "commence" means taking active steps towards starting a project, as opposed to intentions, and includes, but is not necessarily limited to, good faith efforts to secure financing, finalize plans, acquire additional permits necessary for construction, site preparation/construction, and/or actually beginning operation of the business/use. See also "Abandonment."

"Commercial" means any activity conducted with the intent of realizing a profit from the sale of goods or services to others.

"Community center" means a place, structure, area, or other facility used for and providing religious, fraternal, social, or recreational programs. It is not operated for profit and generally open to the public and designed to accommodate and serve the community.

"Conditional use" means a use that may be allowed in one or more zones as defined by this title but which, because of characteristics peculiar to such use, or because of the size, technological processes or equipment, or because of the exact location with reference to surroundings, streets and existing improvement or demands upon public facilities, requires a special degree of control to make such uses consistent with and compatible to other existing or permissible uses in the same zone or zones.

"Condominium" means an estate in real property consisting of an undivided interest in common in a portion of a parcel of real property, together with a separate interest in the space in a residential, industrial, or commercial building on such real property such as an apartment, office, or store.

"Contractor's storage yard" means open spaces used for the storage of machinery, equipment, materials, and supplies used by the contractor in the pursuit of his business. This is intended to be a yard owned or leased by a contractor engaged in some kind of construction work.

"Day care" means a use which means care for children or adults other than the parent or other person living with the individual on a regular basis for daily periods of less than 24 hours, whether that care is for daytime or nighttime hours. "Family day care home" means a place in which supplemental care is provided to three to six children or adults on a regular basis. "Group day care home" means a place in which supplemental care is provided to seven to 12 children or adults on a regular basis. "Day care center" means a place in which care is provided to 13 or more children or adults on a regular basis.

"Density" means the number of dwelling units per gross acre in any residential development.

"Detached" means a building/structure surrounded on all sides by open space.

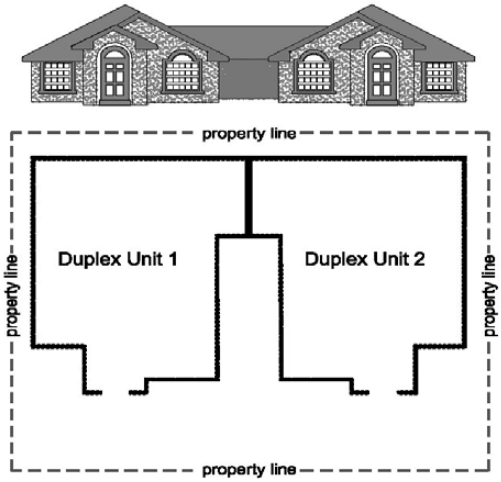
"Developed properties" means a lot upon which a principal structure is located or a lot that is developed for its intended use (e.g., parking lot or park).

"District, use" means an area defined as to boundaries and location on an official zoning map and within which area only certain types of land uses are permitted and within which other types of land uses are excluded, as set forth in this title.

"Dwelling" means a building used for human residential purposes.

"Dwelling, duplex" means a building designed as two structurally joined dwelling units and occupied exclusively by one family per dwelling unit living independently of each other, and with separate entrances. "Structurally joined" means a substantial structural connection with a roof and other features. "Structurally joined" shall not include such improvements as decks, patios, architectural embellishments, below-grade connections, or other connections not involving a substantial roof connection. (Figure 16)

Figure 16: Dwelling, Duplex



"Dwelling, multifamily" means a building or buildings attached to each other and containing three or more dwelling units. The term "multifamily dwelling" is intended to apply to such dwelling types as triplex, fourplex, or apartments where any dwellings have their primary access to a common hallway or corridor or directly to the outside.

"Dwelling, single-family" means a building designed with living quarters for occupancy by one household only, and containing one dwelling unit on a lot.

"Dwelling, townhouse" means ownership of a parcel of land with an attached single-family dwelling unit that is connected with one or more similar dwelling units but separated from the other similar dwelling unit(s) by a common party wall having no doors, windows or other provisions for human passage or visibility. In order to be considered a townhouse as opposed to another dwelling type, such as a duplex or multifamily dwelling, each of the attached dwelling units must have (1) independent water and sewer service lines and metering pursuant to the applicable plumbing code and any other city regulations; and (2) a two-hour fire wall separating the unit from any adjoining units.

"Dwelling unit" means one or more rooms designed for or occupied by one household for living or sleeping purposes and containing kitchen and bathroom facilities for use solely by one household. All rooms comprising a dwelling unit shall have access through an interior door to other parts of the dwelling unit.

"Enlarged" means, for structures, additions which increase the square footage of the structure; for uses, expansion of services offered or an increase in the square footage of the building or lot occupied.

"Environmental factors" means physical characteristics such as streams, rivers, hills, ponds, wetlands and high ground water which affect development of the land. This includes but is not limited to slopes in excess of 30 percent, the 100-year floodplain and critical wildlife habitat.

"Extractive industries" are commercial or industrial operations involving the removal and processing of natural accumulations of sand, rock, soil, gravel or any mineral.

"Fence" means a masonry wall or a barrier composed of posts connected by boards, rails, panels or wire for the purpose of enclosing space or separating parcels of land. The term "fence" does not include retaining walls.

"Floodplain" means the areas subject to the city of Scobey floodplain management ordinance, generally the channel of a river or stream and the area adjoining a river or stream, which would be covered by floodwater of a base flood except for designated shallow flooding areas that receive less than one foot of water per occurrence. The floodplain consists of a floodway and a floodway fringe.

"Food bank" means an establishment operated by a nonprofit entity for the distribution of groceries to the general public for free.

"Food processing, heavy" means the preparation, processing, or canning and packaging of food products. Associated preparation, processing, canning or packaging of food may generate noise, vibration, smoke, or odors outside of the structure housing the activity or off site.

"Food processing, light" means the preparation, processing, or canning and packaging of food products. Associated preparation, processing, canning or packaging of food would typically not generate noise, vibration, smoke or odor outside of the structure housing the activity or off site.

"Frontage" means the length of the property line of any one premises along a public right-of-way on which it borders.

"Frontage, lot" means the distance for which the front boundary line of the lot and the street line are coincident.

"Garage" means an accessory building or an accessory portion of the main building, enclosed on not less than three sides and designed or used only for the shelter of vehicles owned or operated by the occupants of the main building or buildings and which does not exceed 1,000 square feet in size.

"Golf course" means a tract of land laid out for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a clubhouse (which may include a restaurant, bar and limited retail), restrooms, driving range, and shelters as accessory uses.

"Grade" means the average level of the finished ground surfaces surrounding a structure, within a distance of 20 feet.

"Greenhouses, nursery, landscaping materials" means an establishment where flowers, shrubbery, vegetables, trees, and other horticultural and floricultural products are grown both in open and enclosed buildings and includes the storage and sale of dirt, rocks, bark, mulch and similar complementary materials for the landscaping and growing of flowers, shrubbery, vegetables and trees.

"Gross acreage" means the entirety of the area within the boundaries of the proposed development properties.

"Gross area" means the area of a lot including all private accessways, roadway and/or alley easement within the lot boundaries.

"Group home" means a residential facility for eight or fewer persons (as a protected use under state law) or for nine or more persons, excluding the supervisors/operators, providing living facilities, sleeping rooms and meals and which shall have a permit issued by the appropriate governmental agency (See Montana Code Section 76-2-412). This definition also includes a youth foster home, a kinship foster home, a youth shelter care facility, a transitional living program, or youth group home as further defined in Montana Code Section 52-2-602; a halfway house operated in accordance with regulations of the department of public health and human services for the rehabilitation of alcoholics or drug dependent persons; a licensed adult foster family care home; or an assisted living facility licensed under Montana Code Section 50-5-227.

"Growth policy" means a general long range plan which guides development and growth of the city and is officially adopted by the Scobey city council.

"Heavy equipment, sales and service" means the sale and repair of large equipment including but not limited to: trucks with greater than a one and one-half ton rating, cranes, crawler-type tractors, earth movers, dump trucks, and other equipment of equal or greater size and weight.

"Heavy industrial" means industrial uses and services that include the processing of raw materials (timber, wood chips, minerals, gravel, etc.) and use yards or outbuildings for the storage and manipulation of the raw materials. Uses include, but are not limited to, mills, refineries, crushing facilities, stamping facilities, etc. These uses are often, but not always, associated with by-products.

Home Occupation. A "home occupation" is any occupation, profession, activity or use which is clearly a customary, incidental and secondary use of a residential dwelling unit and which does not alter the exterior of the property or affect the residential character of the neighborhood.

"Homeowners' park" means a park which has been dedicated as part of a subdivision for the primary use by the property owners within the subdivision, and is maintained through private funds provided from annual fees paid to the homeowners' association. A homeowners' park may include a community center.

"Hotel/motel" means a building, containing five or more individual sleeping rooms or suites, each having a private bathroom attached thereto, for the purpose of providing overnight lodging facilities to the general public for compensation with or without meals, excluding accommodations for employees. Where a hotel/motel is permitted as a principal use, all uses customarily and historically accessory thereto for the comfort, accommodation and entertainment of the patrons, including the service of alcoholic beverages, shall be permitted upon proper licensure. However, any use classified as a "casino" shall be considered to be a separate principal use on the property and shall be subject to the appropriate regulations under this title.

"Interior lot lines" means the common boundary line between two or more adjoining lots under common ownership.

"Kennel, animal shelters" means the boarding, breeding, raising, grooming, or training of five or more dogs, cats, or other household pets of any age not owned by the owner or occupant of the premises, and/or for commercial gain.

"Laboratories, tech research, development and testing" means a building or group of buildings in which are located facilities for scientific research, development, testing, assembly, repair, and manufacturing such as: biotechnology, pharmaceuticals, medical instrumentation or supplies, communications and information technology, electronics and instrumentation, and computer hardware and software. Office, warehousing, wholesaling, and distribution of the finished products produced at the site are allowed as part of this use.

"Landfills" means a lot or portion thereof used for the burial of nonhazardous and nonmedical farm, residential, institutional, commercial, or industrial waste.

"Landscaping" means some combination consisting primarily of planted, living trees, shrubs, hedges, vines, ground cover and flowers suitable for the climate, exposure and site condition. In addition, the combination or design may include earth sculpture, cobble, bark, mulch, edgers, flower tubs, rock and such structural features as foundations, pools, art works, screens, walls, fences or benches, but such objects alone shall not meet the requirements of this provision. The selected combination of objects and plants for landscaping purposes shall be arranged in a harmonious manner compatible with the building and its surroundings.

"Light manufacturing" means the manufacturing, fabricating or casting of individual components of a larger unit or a complete unit. All such processing must occur indoors and would not typically generate noise, vibration, smoke, dust or odor detectable at the property boundary line. Furthermore, all new materials and final components should be limited in size, bulk and weight so that they could be handled by one worker without the aid of machines.

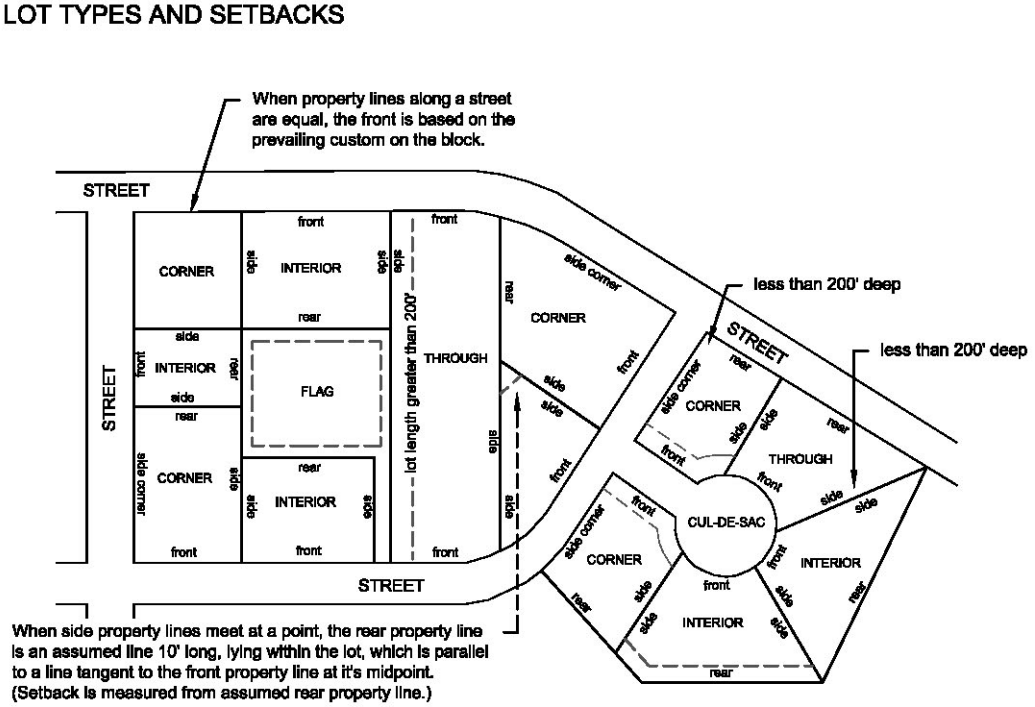
"Loading space" means a space or berth used for the loading or unloading of cargo, products, or materials from vehicles.

"Lot" means a parcel of land, tract, or lot on file and of record in the office of the clerk and recorder, Daniels County, Montana. A zoning lot may include multiple contiguous lots held in single ownership upon written determination by the zoning administrator.

"Lot area" means the total horizontal area within the boundary lines of a lot. Where surface utility or street easements are located within a parcel, lot area computation shall not include that area contained within the easement.

"Lot coverage" means the total area of a lot covered by the principal and accessory buildings, or structures including any area occupied by overhangs or roofs and any attachment to a building or structure, but excluding (1) open decks less than 30 inches in height (measured from grade to top of the platform); and (2) an eave extending up to two feet from the exterior wall of the building or structure.

Figure 17: Lot Types and Setbacks



"Lot, flag" means an irregularly shaped lot typified by being almost entirely land-locked and having limited access and/or no direct frontage. Access to a public or private street is typically by an extended strip of land either deeded or by easement. For development setbacks, the property boundary abutting a public or private street shall be the front of the lot with the associated front setback; all other lot line setbacks shall adhere to the rear setback requirement of the district.

"Lot, interior" means a lot fronting on one street. (See Figure 17 above.)

Lot Length. The length (or depth) of a lot shall be:

1. If the front and rear lines are parallel, the shortest distance between the lines.

2. If the front and rear lines are not parallel, the shortest distance between the midway point of the front lot line and midpoint of the rear lot line.

3. If the lot is triangular, the shortest distance between the front lot line and a line parallel to the front lot line, not less than 10 feet long lying along the rear of the lot but still wholly within the lot.

Lot Line (See Figure 17 above).

1. Lot, Front. The front property line of a lot shall be determined as follows:

a. Corner Lot. The front property line of a corner lot shall be the shorter of the two lines adjacent to the streets as platted, subdivided or laid out. Where the lines are equal, the front line shall be that line which is obviously the front by reason of the prevailing custom of the other buildings on the block. If such front is not evident, then either may be considered the front of the lot, but not both.

b. Interior Lot. The front property line of an interior lot shall be the line bounding the street frontage.

c. Through Lot. The front property line of a through lot shall be that line which is obviously the front by reason of the prevailing custom of the other buildings in the block. Where such front property line is not obviously evident, the zoning administrator shall determine the front property line. Such a lot over 200 feet deep shall be considered, for the purpose of this definition, as two lots each with its own frontage.

2. Lot, Rear. The rear property line of the through lot is that lot line opposite to the front property line. Where the side property lines of a lot meet in a point, the rear property line shall be assumed to be a line not less than 10 feet long, lying within the lot and parallel to the front property line. In the event that the front property line is a curved line then the rear property line shall be assumed to be a line not less than 10 feet long, lying within the lot and parallel to a line tangent to the front property line at its midpoint.

3. Lot, Side. The side property lines of a lot are those lot lines connecting the front and the rear property lines of a lot.

4. Lot, Side Corner. On a corner lot, it is the remaining street frontage after the front lot line has been determined.

"Lot, through" means a lot fronting on two streets that do not intersect on the parcel's lot lines. May be referred to as "double frontage lot." (See Figure 17 above.)

"Lot width" means the dimension of the lot line at the street, or in an irregular shaped lot the dimension across the lot at the building line, or in a corner lot the narrow dimension of the lot at a street or building line.

"Manufactured home" means a single-family dwelling, built off site in a factory on or after January 1, 1990, that is placed on a permanent foundation, is at least 1,000 square feet in size, has a pitched roof and siding materials that are customarily used on site-built homes, and is in compliance with the applicable prevailing standards of the United States Department of Housing and Urban Development at the time of its production.

"Manufacturing, heavy" means the manufacturing of products from raw or unprocessed materials, where the finished product may be combustible or explosive. This category shall also include any establishment or facility using large unscreened outdoor structures such as conveyor belt systems, cooling towers, cranes, storage silos, or similar equipment that cannot be integrated into the building design, or engaging in large-scale outdoor storage. Any industrial use that generates noise, odor, vibration, illumination, or particulate that may be offensive or obnoxious to adjacent land uses, or requires a significant amount of on-site hazardous chemical storage shall be classified under this land use. Heavy manufacturing may generate noise, vibration, smoke, or odors outside of the structure housing the activity or off site. Activity may occur both indoors and outdoors.

"Manufacturing, light" means an establishment engaged in the indoor manufacturing, assembly, fabrication, packaging or other industrial processing of finished parts or products, primarily from previously prepared materials where such process would not typically generate noise, vibration, smoke or odor. Typically, all manufactured fabricated parts and the final assembled or packaged product would be limited in size, bulk and weight so that it could be handled by one worker without the aid of machines. Furthermore, all activity usually occurs indoors.

"Marquee" means any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

"Maximum sign area allowance" means the total amount of sign area permitted for a lot.

"Media (newspaper, radio, TV)" means establishments primarily engaged in the provision of broadcasting, electronic or printed publications containing information and editorials on current events and news of general interest.

"Media, towers and facilities (accessory)" means a tower, pole, or similar structure that supports a telecommunications antenna operated for receiving or transmitting communication signals in the day to day operations of a media company. Such tower, pole, or similar structure shall be located on the same lot as the media company utilizing such equipment.

"Microbrewery, brew pub and mini-brewery" means a brewery where the total amount of beer sold or delivered directly to all retailers does not exceed 10,000 barrels a year and is licensed in accordance with state law.

"Mini-storage/recreational vehicle storage" means storage facilities intended primarily for domestic usage and generally do not exceed 400 square feet per unit.

"Mobile/manufactured home" means a single-family residential unit fabricated at a factory and transported on its own chassis to a building site for occupation as a dwelling unit with or without a permanent foundation.

"Moved" means the physical act of transporting a structure from one location on a lot to another location on the same lot or from one lot in the city to a different lot in the city.

"Nameplate" means a nonelectric on-premises identification sign giving only the name, address, and/or occupation of an occupant or group of occupants.

"Neighborhood" means less than city-wide in scale. Typically this would be an area of one-half mile, but not more than one mile, in radius which has a set of unifying characteristics such as housing style or quality, similar income strata, economic livelihood, topographic features, local recreational facilities or convenience shopping. Residents would normally be within walking distance of basic convenience services. Factors such as a railroad and highway rights-of-way, major streets, rivers and severe topographic constraints will form boundaries and serve to separate neighborhoods.

"Nonconforming" means a condition that occurs when, on the effective date of adoption of this code or a previous ordinance or on the effective date of an ordinance text amendment or rezoning, an existing lot, structure, building, sign, development, or use of an existing lot or structure does not conform to one or more of the regulations currently applicable to the district in which the lot, structure, building, sign, development, or use is located.

"Office, medical with limited overnight stay" means a facility other than a hospital where human patients may be lodged overnight for up to five days for examination and treatment by a group of physicians or other health care professionals.

"Office, professional/governmental" means an office for the use of a person or persons generally classified as professionals, such as architects, engineers, attorneys, accountants, doctors, dentists, chiropractors, psychiatrists, psychologists, and the like (but wherein no overnight care for patients is given). This would also include, but not be limited to, title companies, travel agencies, insurance companies, real estate offices, and other persons providing services utilizing training in and knowledge of the mental discipline as distinguished from training in occupations requiring mechanical skill or manual dexterity or the handling of commodities.

"Office zoning map" means the map delineating the boundaries of zoning districts which, along with the zoning text, comprises the zoning ordinance.

"Off-street loading berth" means a space, exclusive of driveways, aisles, maneuvering areas, ramps, and landscaping areas for the temporary parking of a commercial vehicle while loading or unloading goods or materials, and which abuts upon a street, alley, or other appropriate means of access.

"Off-street parking" means parking facilities for motor vehicles on other than a public street or alley.

"Open space" means any part of a lot unobstructed by structure(s) from the ground upward. Any area used for parking or maneuvering of automotive vehicles or storage of equipment or refuse shall not be deemed open space.

"Pack and ship shops" means a small, primarily retail establishment which, in addition to selling supplies for mailing and shipping, would accept packages for shipping through private carriers. A public post office is not a pack and ship shop.

"Parent lot" means in instances where sublots are created, the parent lot is defined as the land within the exterior boundaries of those sublots which are intended to have adjoining structures and intended to be developed with townhouse-style construction with no setbacks along the interior sublot lines within the parent lot. Setbacks and other property development standards are applied to the external boundaries of the parent lot.

"Parks" means a noncommercial, not-for-profit facility designed to serve the recreation needs of the residents of the community. Such facilities include mini parks, neighborhood parks, community parks, large urban parks, regional parks, and special use areas, linear parks and open spaces, all as described in the parks and recreation comprehensive master plan. Such facilities may also include, but shall not be limited to, ball fields, football fields, soccer fields, and pools/spray parks if they meet the above definition. Commercial amusement facilities, such as water slides, go-cart tracks, and miniature golf courses and passive open spaces shall not be considered parks. (See also "Homeowners' park.")

"Permanent" means having attachment to the ground through the use of a footing and foundation system in conformity with existing building codes.

"Permanent residence" means an individual's primary place of abode.

"Permitted use" means any use authorized or permitted alone or in conjunction with another use in a specified district and subject to the limitations of the regulations of such use district.

"Person" means, for the purposes of this chapter, any individual, corporation, association, firm, partnership, or similarly defined interest.

"Photographic studios" means an establishment primarily engaged in the business of taking and processing photos, typically with a room designed for portrait sessions, as distinguished from a retail store which would process photos taken by a customer.

"Platted lot lines" means lot lines established through the subdivision process.

"Point of purchase display" means advertising of a retail item accompanying its display, e.g., an advertisement on a product dispenser.

"Pre-release centers" are community based correctional facilities operated by either the state or nonprofit Montana corporations under contract with the Department of Corrections. The facilities provide supervision, counseling, assistance in locating employment, life skills training, and guidance. They function as a component of the state correctional system.

"Principal structure" means the main structure on a property which would typically house a principal use.

"Principal use" means the primary or predominant use to which the property is or may be devoted, and to which all other uses on the premises are accessory.

"Print and copy shops" means an establishment primarily engaged in the business of providing services related to photocopying, printing, and production of documents for individual customers, as opposed to larger scale printing/publishing operations.

"Property development standards" means standards generally relating to bulk and dimensional requirements which govern the development of land and/or structures.

"Quasi-public" means any facility to which a class or a group of the public is permitted to attend or use subject to the regulations of a club or other organization owning or regulating such facility.

"Reconstructed" means the rebuilding of a structure in such a manner and to such an extent as to substantially replace the existing structure.

"Recreation vehicle" means a travel trailer or camping trailer designed to be towed, motorized homes, and pick-up campers or coaches designed and constructed for human habitation, which can be operated independently of utility connections and designed to be used principally as a temporary dwelling for travel, recreation and vacation and is not intended for permanent or year-round habitation.

"Recreational area, indoor" means a commercial recreational land use conducted entirely within a building, including, but not necessarily limited to, an arcade, bowling alley, gymnasium, pool or billiard hall, skating rink, swimming pool, or tennis court.

"Recreational area, outdoor" means predominantly participant uses conducted in open or partially enclosed or screened facilities. Typical uses include driving ranges, go-karts, miniature golf, swimming pools, and tennis courts.

"Recreational vehicle park" means any lot, tract or parcel of land used or offered for use in whole or in part with or without charge for the parking of occupied recreational vehicles, tents or similar devices used for temporary (i.e., 180 days or less) living quarters for recreational camping or travel purposes. (See also "Campground.")

"Repairs and maintenance" means the repair or replacement of fixtures, wiring, roofing, plumbing, or structural components not exceeding 25 percent of the replacement value of the building or structure.

Replacement Permit. In relation to billboards, "replacement permit" is a permit issued to anyone who permanently removes a lawfully existing billboard which allows the installation of a new billboard at the same or different location.

"Residential" means regularly used by its occupants as a permanent place of abode, which is made one's home as opposed to one's place of business and which has housekeeping and cooking facilities for its occupants only. In situations where a dwelling is rented or leased, a residential use would involve lease periods of one month or more.

"Residential care home or facility" means a facility that provides for long-term residence with one or more of the following types of care: 24-hour per day substitute care, food, lodging, training, education, supervision, habilitation, rehabilitation, and treatment they need, but which for any reason cannot be furnished in the person's own home.

"Restaurant" means any land, permanent building, structure or portion thereof, where food is provided for sale for consumption on the premises for three or more persons, or where food is prepared and sold for consumption off the premises, including a cafe, coffeehouse, lunchroom, tearoom, dining room, drive-in, carry-out, or other similar establishments, shall be considered a restaurant; however, any establishment where the preparation of food is merely incidental to the sale of food products, such as grocery stores and food markets, shall not be included. Restaurants and cafeterias connected with the operations of hospitals, nursing homes, boarding houses, schools, and private industry for employees and their guests shall be considered as accessory to the principal use.

"Retail" means a business serving the consumer needs of the general public as opposed to a business that is a producer or a wholesaler of goods. Retail businesses include but are not limited to the following: shops/stores/businesses that sell gifts, cards, appliances, art, art supplies, automobile parts, bicycles, books, stationery, camera supplies, clothing, flowers, groceries, furniture, garden supplies, hardware, toys, paint, shoes, sporting goods, wall and floor coverings, jewelry, electronics, pet and pet supplies, and/or crafts. Except as otherwise referenced elsewhere in this title, other uses specifically listed as permitted or conditional uses in Chapters 17.04 through 17.18 SMC shall not be deemed retail businesses for the purpose of this title.

"Retail, limited" means a retail use limited to a specified list provided in this title.

"Right-of-way" means any road or street maintained and used for access and travel. A right-of-way includes not only the constructed roadway, but also the entirety of the strip of land acquired by reservation, dedication, prescription, or condemnation, or otherwise set aside, for purposes of the right-of-way. A right-of-way may be either private (not publicly owned and maintained) or public.

"Right-of-way line" means the lines that form the boundaries of the right-of-way.

Road. See "Street."

Safe Houses. A "safe house" is typically operated as a community based nonprofit organization intended to stop abuse in the family environment by providing crisis intervention, shelter services for abuse victims, counseling, advocacy and education without regard to gender, age, race or economic status. The safe house will typically operate on a 24-hour basis providing victims of domestic violence and their children a refuge from their abusers.

"School, commercial" means a building where instruction is given to pupils in arts, crafts or trades, and operated as a commercial enterprise as distinguished from K-12 schools and college/universities endowed and/or supported by public taxation, or similar private institutions. This category of use would also include such forms of instruction as music lessons, martial arts studios and dance studios.

"Scrap processing yard (recycle/metal yard)" means outdoor establishments primarily engaged in assembling, breaking up, sorting, and the temporary storage and distribution of recyclable or reusable scrap and waste materials, including auto wreckers engaged in dismantling automobiles for scrap, and the incidental wholesale or retail sales of parts from those vehicles. Includes light and heavy processing facilities for recycling.

"Service area" means an outdoor area on a lot primarily used for loading, waste disposal, deliveries, and/or similar activities.

"Setback" means the horizontal distance required between any structure (i.e., the furthest extension of the structure, typically an eave line or deck) and a lot line. This distance is to be measured at right angles to the lot line. The setback line shall be parallel with the lot line.

"Shelter" means a facility operated by a public or private party wherein the temporary boarding of the transient, homeless, or indigent is provided as a public service to satisfy a demonstrated public need.

"Shooting and archery" means the use of an outdoor area (outdoor) or a structure (indoor) for archery and/or the discharging of firearms for the purposes of target practice or temporary competitions.

"Shopping center" means one or more buildings containing at least three separate businesses planned, developed and managed as a unit, with off-street parking provided on the property.

"Showroom" means a use that is primarily industrial in nature but provides limited show room and/or retail floor area for the purpose of display and sales. The predominate industrial character of the business would be established by recognized product storage, warehousing, and distribution of products. These business

uses should include the manufacture, storage and distribution of items as a primary component of the business. The use may include delivery of items as a routine and regular part of conducting business. This may include warehousing, staging and rental or sale of large items or products. This would not include large scale retail outlets that routinely warehouse and hold large inventories.

Sight Obscuring. In relation to fences and landscaping, "sight obscuring" means the creation of a visual buffer between adjoining uses, or between a use and a right-of-way.

"Site-built home" means a residential structure constructed on the lot where it is intended to be permanently located.

"Small engines" means engines generally associated with lawnmowers, motorcycle engine, outboard motors, chain saws, tillers and the like. Does not include automobile engines.

"Stacking space" means a place designed for cars to temporarily wait while in a drive-through lane. Vehicles in stacking spaces typically are left running with the driver remaining in the vehicle.

"Storage containers" means any factory-built container or part thereof designed or used for freight or storage and includes Conex boxes and sea-land containers. Conex boxes are lockable box-like containers designed for use by businesses to ship supplies overseas. Sea-land trailers are semi-truck trailers with detachable undercarriages that can be stacked for ship or rail transport.

"Storage warehouse/yard" means any lot, or portion of a lot, which is used for the sole purpose of the outdoor storage of fully operable motor vehicles, construction equipment, construction materials, or other tangible materials and equipment.

"Street" means a public or private thoroughfare which affords the principal means of access to abutting properties.

"Structural alterations/modifications" means any change in the supporting members of a structure, such as bearing walls or partitions, columns, beams or girders, sign supports and frames, or any substantial change in the roof or in the exterior walls.

"Structural expansion" means any work which results in the enlargement of a structure's height, footprint, cubic content, or other measurement of size.

"Structure" means a combination of materials constructed and erected permanently on the ground or attached to something having a permanent location on the ground, including signs. Not included are residential fences less than six feet in height, driveways, sidewalks, patios and other at-grade improvements, retaining walls, rockeries, and similar improvements of a minor character less than three feet in height.

"Sublot" means a portion of a platted lot designed for separate ownership from other portions of the lot and used for townhouse or other construction that has separate ownership of parcels. Areas of common ownership to be utilized as open space, setback areas, or for other purposes are not considered to be sublots.

"Tattoo parlor" means a commercial use involving the marking of skin of persons with a design by a process of pricking or ingraining an indelible pigment or by raising scars, or similar method. A tattoo parlor would also involve body piercing on any body part below the neck, as opposed to beauty services.

"Telecommunication companies and/or radio common carriers" means a company that provides wireless services. As used in this title, "carrier" shall also include companies that build telecommunication towers and lease tower space to carriers.

"Telecommunication towers and cellular communication towers" means a tower, pole, or similar structure that supports a telecommunication antenna operated for commercial purpose above ground in a fixed location,

freestanding, guyed, or on a building or other structure, as distinguished from accessory media towers and facilities.

Temporary. For the purposes of these regulations, "temporary" shall mean a limited period of time, generally less than 180 days when in reference to a time frame, or not having or requiring permanent attachment to the ground, or involving structures which have not required permanent attachment to the ground.

"Truck terminal" means any premises used by a motor freight company as a carrier of goods, which is the origin or destination point of goods being transported, for the purpose of storing, transferring, loading, and unloading goods.

"Use" means any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained, or occupied, or any activity, occupation, business, or operation carried on or intended to be carried on in a building or other structure or on a tract of land.

Use District. See "District, use."

"Utilities (primary distribution site)" means a public or quasi-public service performing some public service and subject to special governmental regulations, or a governmental agency performing similar public services. Such services would typically include, but are not limited to, water tanks, electric substations, and TV cable antenna farms. This category is not intended to cover utility lines, lift stations, and other standard minor infrastructure components.

"Utility storage yards and associated offices" means open spaces used for the storage of machinery, equipment, materials, and supplies used by the utility, and offices used in support of the utility company.

"Veterinary clinic, large animals" means a building or premises for the medical or surgical treatment of small or large animals or pets, including dog, cat, livestock or other large animals. This category includes the boarding of hospitalized animals, but excludes the boarding of animals not subjected to medical or surgical treatment.

"Veterinary clinic, small animals" means a building or premises for the medical or surgical treatment of small animals or pets, including dogs and cats but not livestock or other large animals. This category includes the boarding of hospitalized animals, but excludes the boarding of animals not subjected to medical or surgical treatment.

"Warehousing and distribution" means a use where goods are received and/or stored for delivery to the ultimate customer at remote locations.

"Woodworking shops, mill work" means an establishment, relatively small in scale, where furniture or other items made primarily of wood are constructed through manual labor (with or without the use of power tools) as opposed to larger scale operations, particularly those using automated equipment.

"Yard" means a space on the same lot with a principal building, which is open and unoccupied other than by steps, walks, terraces, driveways, lamp posts and similar structures, and unobstructed by structures, except as otherwise provided in this title. (See also "Lot line.")

"Yard, required" means the minimum dimension of a front, side, rear, or side corner yard as established by the use regulations for each district.

Zero Lot Line. In relation to sublots, "zero lot line" means that there is no required setback from the interior sublot boundaries within the parent lot. (Amended during 2015 reformat; Ord. 13-1)

Tables

	Page
Cross-Reference Table	**A-1**
Ordinance Table	**B-1**

CROSS-REFERENCE TABLE

This table provides users with the legislative history and the current disposition of the sections in the 1987 Code.

Thus, Code 1987 Section 1.01.020 was derived from Ordinance 59 and currently appears in this code as Section 1.08.020.

The legislative history information was derived from the Code of Ordinances for the City of Scobey, adopted by Resolution No. 443, passed August 21, 1978.

Code 1987 Section	Ordinance History	Herein
1.01.010		1.08.010
1.01.020	Ord. 59	1.08.020
1.02.01		Repealed by 87-2
1.02.02		Repealed by 87-2
1.02.03		Repealed by 87-2
1.02.04		Repealed by 87-2
1.02.05		Repealed by 87-2
1.02.06		Repealed by 87-2
1.02.07		Repealed by 87-2
1.02.08		Repealed by 87-2
1.02.09		Repealed by 87-2
1.02.10		Repealed by 87-2
1.02.11		Repealed by 87-2
1.02.12	Ord. 299	Repealed by 87-2
1.03.01	Ord. 45	2.04.010
1.04.01	Ord. 305	Repealed by 87-2
1.05.01		1.12.010
1.05.02		1.12.020
2.01.01		2.40.010
2.01.02	Ord. 310	2.40.020
2.02.01		2.28.010
2.02.02		2.28.020
2.02.03		2.28.030
2.02.04		Repealed by 15-1
2.02.05		Repealed by 15-1
2.02.06		Repealed by 15-1
2.02.07		Repealed by 15-1
2.02.08	Ord. 49	Repealed by 15-1
2.03.01		Repealed by 15-1
2.03.02		Repealed by 15-1
2.03.03		Repealed by 15-1
2.03.04		Repealed by 15-1

Code 1987 Section	Ordinance History	Herein
2.03.05	Ord. 50	Repealed by 15-1
2.04.01		12.24.020
2.04.02		12.24.030
2.04.03		12.24.040
2.04.04	Ord. 272	12.24.010
2.05.01		Repealed by 15-1
2.05.02	Ord. 277	Repealed by 15-1
Ch. 2.06		Repealed by 99-4
2.07.01		2.44.010
2.07.02		Repealed by 15-1
2.07.03		Repealed by 15-1
2.07.04		Repealed by 15-1
2.07.05		Repealed by 15-1
2.07.06		2.44.020
2.07.07	Ord. 300	Repealed by 15-1
2.08.01		Repealed by 87-2
2.08.02		Repealed by 87-2
2.08.03		Repealed by 87-2
2.08.04		Repealed by 87-2
2.08.05		Repealed by 87-2
2.08.06	Ord. 4a	Repealed by 87-2
2.09.01		Repealed by 15-1
2.09.02		Repealed by 15-1
2.09.03		Repealed by 15-1
2.09.04		Repealed by 15-1
2.09.05	Ord. 257	Repealed by 15-1
2.10.01		2.08.010
2.10.02		Repealed by 15-1
2.10.03		Repealed by 15-1
2.10.04		Repealed by 15-1
2.10.05		Repealed by 15-1
2.10.06	Ord. 254	Repealed by 15-1
2.11.01		2.20.010
2.11.02		2.20.020
2.11.03	Ords. 31, 54, 91	2.20.030
2.12.01		2.12.010
2.12.02		2.12.020
2.12.03		Repealed by 87-5
4.01.01		13.16.010
4.01.02		13.16.020

Code 1987 Section	Ordinance History	Herein
4.01.03		13.04.010
4.01.04		Repealed by 15-1
4.01.05		13.12.020
4.01.06		13.12.030
4.01.07		13.08.070
4.01.08		13.08.020
4.01.09		13.08.030
4.01.10		13.08.050
4.01.11		13.08.060
4.01.12		Repealed by 10-1
4.01.13		13.08.040
4.01.14		13.04.040
4.01.15		13.04.030
4.01.16		13.04.020
4.01.17		13.24.010
4.01.18		13.20.020
4.01.19		13.20.020
4.01.20		13.20.030
4.01.21		13.20.030
4.01.22	Ord. 289	13.28.010
4.01.22(Rule 1)	Ord. 289	13.28.020
4.01.22(Rule 2)	Ord. 289	13.28.030
4.01.22(Rule 3)	Ord. 289	13.28.040
4.01.22(Rule 4)	Ord. 289	13.28.050
4.01.22(Rule 5)	Ord. 289	13.28.060
4.01.22(Rule 6)	Ord. 289	13.28.070
4.01.22(Rule 7)	Ord. 289	13.28.080
4.01.22(Rule 8)	Ord. 289	13.28.090
4.01.22(Rule 9)	Ord. 289	13.28.100
4.01.22(Rule 10)	Ord. 289	13.28.110
4.01.22(Rule 11)	Ord. 289	13.28.120
4.01.22(Rule 12)	Ord. 289	13.28.130
4.01.22(Rule 13)	Ord. 289	13.28.140
4.01.22(Rule 14)	Ord. 289	13.28.150
4.01.22(Rule 15)	Ord. 289	13.28.160
4.01.22(Rule 16)	Ord. 289	13.28.170
4.01.22(Rule 17)	Ord. 289	13.28.180
4.01.22(Rule 18)	Ord. 289	13.28.190
4.01.22(Rule 19)	Ord. 289	13.28.200
4.01.22(Rule 20)	Ord. 289	13.28.210

Code 1987 Section	Ordinance History	Herein
4.01.22(Rule 21)	Ord. 289	13.28.220
4.01.22(Rule 22)	Ord. 289	13.28.230
4.01.22(Rule 23)	Ord. 289	13.28.240
4.01.22(Rule 24)	Ord. 289	13.28.250
4.01.22(Rule 25)	Ord. 289	Repealed by 15-1
4.01.22(Rule 26)	Ord. 289	13.28.270
4.01.22(Rule 27)	Ord. 289	13.28.280
4.01.22(Rule 28)	Ord. 289	13.28.290
4.01.22(Rule 29)	Ord. 289	13.28.300
4.01.22(Rule 30)	Ord. 289	13.28.310
4.01.23(1)		13.32.010
4.01.23(2)		13.32.020
4.01.23(3)		13.32.030
5.01.01		Repealed by 89-5
5.01.02		Repealed by 89-5
5.01.03		Repealed by 89-5
5.01.04		Repealed by 89-5
5.01.05		Repealed by 89-5
5.01.06		Repealed by 89-5
5.01.07	Ord. 120	Repealed by 89-5
5.02.01		Repealed by 15-1
5.02.02		Repealed by 15-1
5.02.03	Ord. 94	Repealed by 15-1
5.03.01	Ord. 1	Repealed by 87-2
5.03.02		Repealed by 87-2
5.04.01		Repealed by 15-1
5.04.02		Repealed by 15-1
5.04.03		Repealed by 15-1
5.04.04		Repealed by 15-1
5.04.05		Repealed by 15-1
5.04.06		Repealed by 15-1
5.04.07		Repealed by 15-1
5.04.08		Repealed by 15-1
5.04.09		Repealed by 87-8
5.04.10		Repealed by 15-1
5.04.11		Repealed by 15-1
5.04.12		Repealed by 15-1
5.04.13		Repealed by 15-1
5.04.14		Repealed by 15-1
5.04.15	Ord. 303	Repealed by 15-1

Code 1987 Section	Ordinance History	Herein
5.05.01		5.04.010
5.05.02		5.04.020
5.05.03		5.04.040
5.05.04		5.04.050
5.05.05		5.04.030
5.05.06		5.04.060
5.05.07		5.04.070
5.05.08		5.04.090
5.05.09		Repealed by 87-8
5.05.10		5.04.140
5.05.11		5.04.100
5.05.12		5.04.130
5.05.13		5.04.080
5.05.14		5.04.120
5.05.15	Ord. 302	Repealed by 15-1
7.01.01		9.20.010
7.01.02	Ords. 6, 123a	9.20.020
7.02.01		13.36.010
7.02.02		Repealed by 15-1
7.02.03		13.32.080
7.02.04		13.32.090
7.02.05		13.36.030
7.02.06		13.36.040
7.02.07		13.32.060
7.02.08		13.32.070
7.02.09		13.32.100
7.02.10		13.32.110
7.02.11	Ords. 281, 311	Repealed by 88-1
7.03.01		8.12.010
7.03.02	Ord. 265	8.12.020
7.04.01		8.08.020
7.04.02		8.08.010
7.04.03		Repealed by 15-1
7.04.04	Ord. 116	8.08.040
7.06.01		Repealed by 87-1
7.06.02	Ord. 78	Repealed by 87-1
7.07.01		8.04.020
7.07.02		Repealed by 15-1
7.07.03		8.04.040
7.07.04		8.04.050

Code 1987 Section	Ordinance History	Herein
7.07.05		8.04.010
7.07.06		8.04.060
7.07.07	Ord. 93	8.04.070
7.08.01		15.16.010
7.08.02		15.16.030
7.08.03		15.16.040
7.08.04	Ord. 99	15.16.050
8.01.01		6.04.030
8.01.02		6.04.050
8.01.03		6.04.080
8.01.04		6.04.040
8.01.05	Ord. 2	6.04.060
8.02.01		6.08.010
8.02.02		6.08.210
8.02.03		Repealed by 15-1
8.02.04		6.08.150
8.02.05		6.08.160
8.02.06		6.08.170
8.02.07		6.08.180
8.02.08		6.08.190
8.02.09		6.08.200
8.02.10		6.08.020
8.02.11		6.08.030
8.02.12		6.08.050
8.02.13		6.08.060
8.02.14		6.08.220
8.02.15		6.08.040
8.02.16		6.08.080
8.02.17		6.08.070
8.02.18		6.08.090
8.02.19		6.08.100
8.02.20		6.08.110
8.02.21		6.08.120
8.02.22		Repealed by 15-1
8.02.23	Ord. 304	Repealed by 87-14
9.01.01	Ord. 5	Repealed by 15-1
9.02.01	Ord. 7	Repealed by 87-2
9.03.01		Repealed by 15-1
9.03.02		Repealed by 15-1
9.03.03		Repealed by 15-1

Code 1987 Section	Ordinance History	Herein
9.03.04		Repealed by 15-1
9.03.05	Ord. 20	Repealed by 15-1
9.04.01		Repealed by 87-2
9.04.02	Ord. 22	Repealed by 87-2
9.05.01	Ord. 73	Repealed by 87-2
9.06.01		5.08.010
9.06.02	Ord. 261	5.08.020
9.07.01	Ord. 263	9.16.010
9.07.02		9.16.020
9.07.03		9.16.030
9.07.04		9.16.040
9.08.01		Repealed by 87-2
9.08.02	Ord. 266	Repealed by 87-2
9.09.01		9.24.010
9.09.02	Ord. 83	9.24.020
10.01.01		Repealed by 87-2
10.01.02		10.04.010
10.01.03(1)		Repealed by 87-2
10.01.03(2)		Repealed by 87-2
10.01.03(3)		Repealed by 87-2
10.01.03(4)		Repealed by 87-2
10.01.03(5)		10.12.010
10.01.03(6)		Repealed by 15-1
10.01.03(7)		Repealed by 87-2
10.01.03(8)		Repealed by 87-2
10.01.03(9)		Repealed by 87-2
10.01.03(10)		Repealed by 15-1
10.01.03(11)		Repealed by 87-2
10.01.03(12)		Repealed by 87-2
10.01.04		Repealed by 87-2
10.01.05		Repealed by 87-2
10.01.06		10.24.010
10.01.07(1)		10.24.020
10.01.07(2)		Repealed by 15-1
10.01.07(3)		10.24.060
10.01.07(4)		10.24.230
10.01.07(5)		Repealed by 15-1
10.01.07(6)		10.24.160
10.01.07(7)		Repealed by 15-1
10.01.07(8)		Repealed by 02-3

Code 1987 Section	Ordinance History	Herein
10.01.07(9)		10.24.120
10.01.07(10)		10.24.100
10.01.07(11)		10.24.110
10.01.07(12)		10.24.140
10.01.07(13)		10.24.180
10.01.07(14)		Repealed by 15-1
10.01.07(15)		10.24.190
10.01.07(16)		10.24.150
10.01.07(17)		10.24.140
10.01.07(18)		10.24.130
10.01.07(19)		10.24.050
10.01.07(20)		10.24.090
10.01.07(21)		10.24.170
10.01.07(22)		10.24.030
10.01.08(1)		Repealed by 15-1
10.01.08(2)		Repealed by 15-1
10.01.08(3)		Repealed by 15-1
10.01.08(4)		10.40.060
10.01.08(5)		Repealed by 15-1
10.01.08(6)		Repealed by 15-1
10.01.09(1)		Repealed by 12-1
10.01.09(2)		Repealed by 12-1
10.01.09(3)		Repealed by 12-1
10.01.10(1)	Ord. 255B	Repealed by 87-2
10.01.10(2)	Ord. 255B	Repealed by 87-2
10.01.10(3)	Ord. 255B	Repealed by 87-2
10.01.10(4)	Ord. 255B	Repealed by 87-2
10.01.10(5)	Ord. 255B	Repealed by 87-2
10.01.10(6)	Ord. 255B	10.48.010
10.01.10(7)	Ord. 255B	Repealed by 15-1
10.01.10(8)	Ord. 255B	10.48.030
10.01.10(9)	Ord. 255B	Repealed by 15-1
10.01.10(10)	Ord. 255B	Repealed by 87-2
10.01.10(11)	Ord. 255B	10.48.050
10.01.10(12)	Ord. 255B	10.48.050
10.01.10(13)	Ord. 255B	Repealed by 87-2
10.01.10(14)	Ord. 255B	Repealed by 87-2
10.01.10(15)	Ord. 255B	10.44.010
10.01.10(16)	Ord. 255B	Repealed by 15-1
10.01.10(17)	Ord. 255B	Repealed by 15-1

Code 1987 Section	Ordinance History	Herein
10.01.10(18)	Ord. 255B	Repealed by 15-1
10.01.10(19)	Ord. 255B	Repealed by 87-2
10.01.10(20)	Ord. 255B	Repealed by 87-2
10.01.10(21)	Ord. 255B	Repealed by 15-1
10.01.10(22)	Ord. 255B	Repealed by 15-1
10.01.10(23)	Ord. 255B	10.48.110
10.01.10(24)	Ord. 255B	Repealed by 15-1
10.01.10(25)	Ord. 255B	10.16.020
10.01.10(26)	Ord. 255B	10.04.020
10.01.10(27)	Ord. 255B	10.48.120
10.01.10(28)	Ord. 255B	Repealed by 87-2
10.01.10(29)	Ord. 255B	Repealed by 87-2
10.01.10(30)	Ord. 255B	Repealed by 87-2
10.01.10(31)	Ord. 255B	Repealed by 87-2
10.01.10(32)	Ord. 255B	Repealed by 87-2
10.01.10(33)	Ord. 255B	Repealed by 87-2
10.01.10(34)	Ord. 255B	Repealed by 87-2
10.01.10(35)	Ord. 255B	10.20.020
10.01.10(36)	Ord. 255B	10.20.030
10.01.10(37)	Ord. 255B	Repealed by 87-2
10.02.01		10.20.010
10.02.02	Ord. 286	10.20.040
10.03.01		Repealed by 87-1
10.03.02		Repealed by 87-1
10.03.03		Repealed by 87-1
10.03.04		Repealed by 87-1
10.03.05		Repealed by 87-1
10.03.06		Repealed by 87-1
10.03.07	Ord. 271	Repealed by 87-1
10.04.01		Repealed by 15-1
10.04.02	Ord. 278	Repealed by 15-1
10.05.01		Repealed by 87-1
10.05.02		Repealed by 87-1
10.05.03		Repealed by 87-1
10.05.04		Repealed by 87-1
10.05.05		Repealed by 87-1
10.05.06	Ord. 282	Repealed by 87-1
10.06.01		10.24.210
10.06.02	Ord. 283	10.24.220
10.07.01		Repealed by 87-2

Code 1987 Section	Ordinance History	Herein
10.07.02		Repealed by 87-2
10.07.03	Ord. 291	Repealed by 87-2
10.08.01		10.36.010
10.08.02		Repealed by 15-1
10.08.03		Repealed by 15-1
10.08.04		Repealed by 15-1
10.08.05		Repealed by 15-1
10.08.06		Repealed by 15-1
10.08.07		Repealed by 15-1
10.08.08		Repealed by 15-1
10.08.09		10.36.100
10.08.10		10.36.110
10.08.11		Repealed by 15-1
10.08.12		10.36.130
10.08.13		10.36.140
10.08.14		10.36.160
10.08.15		10.36.170
10.08.16		10.36.180
10.08.17		10.36.190
10.08.18		Repealed by 15-1
10.08.19		10.36.070
10.08.20	Ords. 294, 107	10.36.210
10.09.01		12.08.010
10.09.02		12.08.020
10.09.03		12.08.040
10.09.04		12.08.050
10.09.05		12.08.060
10.09.06		12.08.030
10.09.07	Ord. 295	12.08.070
10.10.01		10.32.010
10.10.02		10.32.020
10.10.03		10.32.030
10.10.04		10.32.040
10.10.05		10.32.050
10.10.06		10.32.060
10.10.07		10.32.070
10.10.08		10.32.080
10.10.09		10.32.090
10.10.10		10.32.100
10.10.11		10.32.110

Code 1987 Section	Ordinance History	Herein
10.10.12		10.32.120
10.10.13	Ord. 297	10.32.130
10.11.01		12.20.010
10.11.02		12.20.020
10.11.03		12.20.040
10.11.04		12.20.050
10.11.05		12.20.030
10.11.06	Ord. 298	12.20.060
11.01.01		Repealed by 15-1
11.01.02		Repealed by 15-1
11.01.03		Repealed by 15-1
11.01.04		Repealed by 15-1
11.01.05	Ord. 273	Repealed by 15-1
11.02.01		15.12.010
11.02.02		15.12.020
11.02.03		15.12.030
11.02.04	Ord. 252	15.12.040
Chapter 11.03		Repealed by 13-1
11.03 §§ 1 – 15.10		Repealed by 13-1
12.01.01		Repealed by 15-1
12.01.02		Repealed by 15-1
12.01.03		Repealed by 15-1
12.01.04		Repealed by 15-1
12.01.05	Ord. 284	Repealed by 15-1
12.02.01		12.12.010
12.02.02		12.12.020
12.02.03		12.12.030
12.02.04		12.12.040
12.02.05		12.12.050
12.02.06		12.12.070
12.02.07	Ord. 293	12.12.060
12.03.01		12.12.080
12.03.02		12.12.090
12.03.03	Ord. 264	12.12.100
12.04.01		12.04.010
12.04.02	Ord. 80	12.04.020
12.05.01		12.16.010
12.05.02		12.16.020
12.05.03		12.16.030
12.05.04		12.16.040

Code 1987 Section	Ordinance History	Herein
12.05.05		12.16.050
12.05.06		12.16.060
12.05.07		12.16.070
12.05.08		12.16.080
12.05.09		12.16.090
12.05.10		12.16.100
12.05.11		12.16.110
12.05.12		12.16.120
12.05.13		12.16.130
12.05.14		12.16.140
12.05.15		12.16.150
12.05.16		12.16.160
12.05.17	Ord. 84	12.16.170
12.06.01		Repealed by 15-1
12.06.02	Ord. 88	Repealed by 15-1
15.01.01		Repealed by 15-1
15.01.02		Repealed by 15-1
15.01.03		Repealed by 15-1
15.01.04	Ord. 104	Repealed by 15-1
15.02.01		Repealed by 15-1
15.02.02		Repealed by 15-1
15.02.03		Repealed by 15-1
15.02.04		Repealed by 15-1
15.02.05		Repealed by 15-1
15.03.01		15.20.010
15.03.02		15.20.020
15.03.03	Ord. 29	15.20.030

ORDINANCE TABLE

This table lists all ordinances. If an ordinance is codified, its location in the code is cited by chapter number at the end of the ordinance description. Ordinances are codified if they are general, permanent, and/or include penalty provisions for noncompliance. “Not codified” indicates that the ordinance could have been codified but was not for some reason (superseded by a later ordinance, codified in a separate publication). “Special” means the ordinance was special in nature or for a specific period of time (e.g., budget, annexation, tax levy, street vacation).

46	Fire limits and building construction standards (Repealed by 87-2)
118	Moving buildings (Repealed by 15-1)
7/2/79	Amends prior code § 5.05.02, alcoholic beverages (5.04)
11/19/79	Franchise grant to Nemont Cablevision, Inc., cable television (Special)
6/2/80	Capital improvement fund established (Repealed by 87-2)
7/7/80	Adds Ch. 11.03 to prior code Title 11, zoning (Repealed by 13-1)
9/8/81	Adds Ch. 2.12 to prior code, office of the police judge (Repealed by 87-5)
4/19/82	Adds subsections 4.3A and 4.3B, and amends general definitions and §§ 3.3, 3.6, 3.7, 3.10, 4.7, 4.8, 4.9, 4.10 and 5.5 of Ch. 11.03, zoning (Repealed by 13-1)
1/3/83	Amends prior code § 4.01.22, rules regulating use of water (13.28)
1/17/83	Amends prior code § 9.04.01, unlawful conduct (Repealed by 87-2)
5/2/83	Amends prior code Ch. 15.02, moving and demolition of buildings (Repealed by 15-1)
10/17/83	Repeals and replaces prior code § 12.02.06, pavement cutting (12.12)
8/6/84	Adds § 4.01.23 to prior code Ch. 4.01, emergency watering regulations (13.32)
7/15/85	Combines offices of clerk and treasurer (2.08)
7/15/85	Adds § 4.01.23 to prior code Ch. 4.01, emergency watering regulations (13.32)
87-1	Repeals and replaces Rules 16 and 17 of prior code § 4.01.22, sewers (13.28)
87-2	Repeals prior code §§ 1.02.01 through 1.02.12, 1.04.01, Chapter 1.06, §§ 2.08.01 through 2.08.06, 4.01.23, 5.03.01, 5.03.02, 5.04.09, 7.06.01, 7.06.02, 9.02.01, 9.04.01, 9.04.02, 9.05.01, 10.01.01, 10.01.03(1) through (4), (7), (8), (9), (11) and (12), 10.01.04(1) through (19), 10.01.05, 10.01.10(1) through (5), (10), (13), (14), (19), (20), (28) through (34) and (37), 10.07.01, 10.07.02, 10.07.03 and Ords. 2A, 3, 3A, 9, 10, 11, 12, 16, 19, 24, 25, 27, 30, 31, 34, 40, 46, 52, 57, 60, 63, 68, 72, 75, 77, 81, 82, 85, 86, 92, 95, 96, 98, 100, 101, 103, 105, 107, 108, 109, 110, 113, 114, 115, 117, 119, 122, 123, 253, 256, 259, 260, 268, 269, 270, 271, 275, 276, 279, 280, 280A, 282, 285, 287, 288, 290, 296, 301, 306, both numbered 307, dated 8/6/87, 308, 309 and 310 (Repealer)
87-3	Adopts general provisions (1.04)
87-4	Repeals prior code § 1.05.02(b) (1.12)

87-5	Repeals and replaces prior code Ch. 2.12, office of the police judge (2.12)
87-6	Amends prior code § 2.05.02, police officers (Repealed by 15-1)
87-7	Repeals and replaces prior code Ch. 2.06, health officer (Repealed by 99-4)
87-8	Repeals prior code Ch. 1.02 and § 5.05.09 (Repealer)
87-9	Amends prior code § 5.01.01, itinerants (Repealed by 89-5)
87-10	Amends prior code § 4.01.04, sewer charges (Repealed by 15-1)
87-11	Amends prior code § 7.02.06, sanitation charges (13.36)
87-12	Amends prior code § 5.05.02, beer license fees (5.04)
87-13	Repeals prior code Chs. 10.03 and 10.05, poll tax ordinance dated 1922 and business license ordinance dated 12/12/16 (Repealer)
87-14	Repeals prior code Ch. 8.02, dogs and cats (6.08)
87-15	Amends prior code § 11.1, zoning ordinance (Repealed by 13-1)
88-1	Repeals § 13.36.050, utility rates (Repealer)
88-2	Amends § 8.04.060, burning combustible material (8.04)
88-3	Amends § 8.12.010, fireworks (8.12)
89-1	Amends § 2.04.010, council meetings (2.04)
89-2	Adds § 10.48.130, U-turns (10.48)
89-3	Amends § 5.04.090, beer sales (5.04)
89-4	Amends § 5.16.080, liquor sales (5.16)
89-5	Repeals Ch. 5.12, itinerant vendors (Repealer)
90-1	Amends § 5.04.090, beer sales (5.04)
90-2	Amends § 5.16.080, liquor sales (5.16)
93-1	Amends § 13.12.010, sewer charges (Repealed by 15-1)
93-2	Amends § 13.28.040, water billing (13.28)
93-3	Adds § 13.28.045, utility deposits (13.28)
93-4	Amends Ch. 8.08, inflammable liquids (8.08)
94-1	Amends § 13.12.010, sewer charges (Repealed by 15-1)
94-2	Amends § 13.36.040, garbage collection (13.36)
94-3	Adds §§ 13.28.015, 13.28.016 and 13.28.018, water and wastewater service (13.28)
94-4	Amends Ch. 6.04, animals (6.04)
94-5	Adds Ch. 12.05, sidewalk maintenance (Repealed by 15-1)
94-6	(Tabled)
94-7	Amends § 6.04.010, animals (6.04)
96-1	Amends § 6.08.150, dogs (6.08)
97-1	Street maintenance district (12.28)
97-2	(Failed)
97-3	Amends § 13.12.010, sewer charges (Repealed by 15-1)
98-1	(Tabled)
98-2	Adds Ch. 8.16, hazardous materials (8.16)
98-3	Amends § 13.36.040, garbage collection (13.36)
98-4	Adds Ch. 2.06, indemnification of public officers (Repealed by 15-1)
99-1	Amends § 13.28.045, utility deposits (13.28)
99-2	Amends § 9.16.010, curfew (Failed)
99-3	Amends § 13.12.010, sewer charges (Repealed by 15-1)
99-4	Repeals § 2.24.010, health officer (Repealer)
99-5	Cable franchise (Special)
00-1	Amends § 2.04.010, council meetings (2.04)
00-2	Amends § 9.16.010, curfew (9.16)
01-1	Amends § 2.04.010, council meetings (2.04)

02-1	Amends § 13.12.010, sewer charges (Repealed by 15-1)
02-2	Adds § 10.48.081, dynamic braking devices (Repealed by 04-1)
02-3	Amends §§ 10.24.010, 10.24.040, 10.24.050; repeals § 10.24.080, parking (10.24)
03-1	Amends § 10.48.081, dynamic braking devices (Repealed by 04-1)
04-1	Repeals § 10.48.081, dynamic braking devices (Repealer)
04-2	Amends § 13.28.090, water main connections (13.28)
04-3	(Did not pass)
05-1	Amends § 13.12.030 [13.12.010], sewer charges (Repealed by 15-1)
06-1	Amends § 13.36.040, collection fee (13.36)
07-1	(Replaced by 08-1)
08-1	Nuisance vegetation (8.20)
08-2	Amends § 13.28.045, utility deposits (13.28)
10-1	Adds § 13.20.040(C); amends §§ 13.08.020 and 13.08.040; repeals § 13.08.010, water and sewer (13.08, 13.20)
10-2	Amends § 13.36.040, collection fee schedule (13.36)
10-3	Amends § 2.04.010, city council meetings (2.04)
12-1	Repeals Ch. 10.28, weight and size restrictions (Repealer)
12-2	Operation and parking of trucks, tractors, trailers and buses (10.25)
12-3	Parking of occupied recreational vehicles on public rights-of-way (10.26)
12-4	Parking of occupied recreational vehicles on lots (10.26)
13-1	Repeals and replaces Title 17, zoning (17.01, 17.02, 17.03, 17.04, 17.05, 17.06, 17.09, 17.13, 17.14, 17.16, 17.18, 17.19, 17.20, 17.23, 17.24, 17.25, 17.27, 17.28, 17.29, 17.30, 17.31, 17.32, 17.33, 17.34, 17.35, 17.36, 17.37)
13-2	Amends § 13.28.230, discontinuing water service (13.28)
13-3	Procedure for discontinuance of water, sewer and/or garbage service (13.40)
13-4	Grants license for construction, operation and maintenance of an IPTV system (Special)
13-5	Burying concrete as a means of disposal (8.24)
13-6	Adds §§ 6.08.010(J), 6.08.160(C) and (D); amends § 6.04.010, vicious dogs (6.04, 6.08)
15-1	Adopts code, including additions, amendments and repeals (1.01, 1.04, 2.04, 2.08, 2.12, 2.20, 2.28, 2.40, 5.04, 5.08, 6.04, 6.08, 8.04, 8.08, 8.12, 8.16, 9.16, 9.20, 10.12, 10.24, 10.32, 13.04, 13.08, 13.12, 13.16, 13.20, 13.28, 13.36, 15.12, 15.16)
15-2	Amends § 17.05.030, zoning (17.05)

INDEX PREFACE

The index to the code is primarily for assisting the code user to find provisions not readily accessible through the table of contents. An index entry has been created for each section of the code. Additional entries have been made for the following topics:

Bond. When a bond is required for a particular enterprise, a separate entry in the index has been created under **Bond**.

License. Any section requiring a license is also indexed under **License**.

Permit. Any section requiring a permit is also indexed under **Permit.**

CROSS-REFERENCES

Cross-references have been included to assist the user in finding code provisions indexed under another heading. If the index does not appear to list a topic, the code may not regulate the provision.

The following kinds of cross-references appear in the index:

Entry	***Purpose/Description***
Weeds *See* **Nuisances**	Specific nuisances are indexed under **Nuisances**.
See also **Zoning**	Additional entries on the subject may appear in **Zoning**.
Airport *See* **Zoning**	The entry for Airport appears as a subheading under **Zoning**.
Animal control officer *See under* **Animal**	The entry appears as a subheading under a different heading.
See also definitions *under* Character generators	There are additional, and related, entries under a separate subheading under the same main heading.
Cafe *See* **Cabaret**	No entry for **Cafe**, but refers user to a related subject.

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– A –

Airport
Interference unlawful 12.24.020
Public safety, police power 12.24.010
Unlawful uses, exceptions 12.24.030
Violation, penalty 12.24.040
Alcohol *See* **Beer sales**
Animal
See also **Dog, cat**
Defined 6.04.010
Raising, keeping
fowl, poultry 6.04.070
prohibited where, when 6.04.020
Running at large
impoundment 6.04.040
prohibited 6.04.030
sale 6.04.060
Slaughtering 6.04.050
Violation, penalty 6.04.080
Animal shelter *See* **Zoning**
Assembly hall *See* **Zoning**
Auto sales, repair, service, rental *See* **Zoning**

– B –

Bank, financial institution *See* **Zoning**
Bar, tavern *See* **Beer sales**; **Zoning**
Barber, beauty services *See* **Zoning**
Bed and breakfast *See* **Zoning**
Beer sales
See also **Zoning**
Convictions, reporting required 5.04.100
Hours restricted 5.04.090
Inspection, control, supervision 5.04.120
License
application, filing requirements 5.04.030
display 5.04.070
fee
collection 5.04.080
generally 5.04.040
issuance 5.04.060
required 5.04.020
revocation, suspension 5.04.130
transferability 5.04.050
Statutory authority 5.04.010
Violation, penalty 5.04.140
Bicycles
Applicability, effect 10.36.010
Carrying articles 10.36.180
Clinging to vehicles 10.36.170
Emerging from alleys, driveways 10.36.160
Lamps, safety equipment 10.36.070
Parking, storage 10.36.190
Reasonable speed required 10.36.140
Restrictions generally 10.36.130
Traffic control device obedience 10.36.110
Traffic law applicability 10.36.100
Violation, penalty 10.36.210
Board of adjustment *See* **Zoning**
Bond
Excavation 12.12.090
Sewer connection 13.08.040

– C –

Cashier, city *See* **Clerk-treasurer, city**
Casino *See* **Zoning**
Cat *See* **Dog, cat**
Church *See* **Zoning**
City officers, employees
Salaries, compensation
established by council resolution 2.40.010
payment schedule 2.40.020
Sick leave
administration, rules, regulations 2.44.020
uniform benefit adopted 2.44.010
Titles 1.04.020
Clerk-treasurer, city
Created, consolidated 2.08.010
Code
Acts by agents 1.04.050
Adopted 1.01.010
Catchlines effect 1.01.050
Codification authority 1.01.030
Conflicting provisions 1.01.040
Construction 1.04.080
Definitions
affirm 1.04.010
affirmed 1.04.010
all councilmen 1.04.010
all its members 1.04.010
city 1.04.010
council 1.04.010
county 1.04.010
following 1.04.010
law 1.04.010
may 1.04.010
month 1.04.010
must 1.04.010
oath 1.04.010
occupant 1.04.010
owner 1.04.010
person 1.04.010
personal property 1.04.010
preceding 1.04.010

property 1.04.010
real property 1.04.010
shall 1.04.010
sidewalk 1.04.010
state 1.04.010
street 1.04.010
swear 1.04.010
sworn 1.04.010
tenant 1.04.010
town 1.04.010
written 1.04.010
year 1.04.010
Effective date 1.01.110
Interpretation
generally 1.04.030
grammatical 1.04.040
Ordinances
passed before code adoption 1.01.090
reference in matters of record 1.01.070
repeal shall not revive 1.04.090
Past actions, obligations 1.01.060
Penalty, general *See* **Penalty, general**
Prohibited acts include causing, permitting 1.04.060
Publication, posting 1.01.100
Severability 1.01.080
Time computation 1.04.070
Title, citation, reference 1.01.020
Violation
See also **Penalty, general**
of ordinances 1.01.120
Community center *See* **Zoning**
Concrete
Burying
exceptions 8.24.030
prohibited 8.24.020
Defined 8.24.010
Violation, penalty 8.24.040
Convention hall *See* **Zoning**
Council, city
Meetings location 2.04.010
Criminal code *See* Specific Offense
Curfew
Enforcement, violation, penalty 9.16.040
Established 9.16.010
Exceptions 9.16.030
Extension 9.16.020

– D –

Day care center, home *See* **Zoning**
Dog, cat
See also **Animal**
Abandonment unlawful 6.08.200
Barking dogs 6.08.150
Definitions
animal warden 6.08.010
at large 6.08.010
cat 6.08.010
disposal of dog or cat 6.08.010
dog 6.08.010
kennel 6.08.010
owner 6.08.010
pound 6.08.010
vaccinate 6.08.010
Impoundment
fees, collection 6.08.120
recordkeeping 6.08.100
retention period, disposition 6.08.110
Kennels
See also **Zoning**
license required 6.08.210
License
application 6.08.030
expiration 6.08.050
required, procedure 6.08.020
transferability, tag issuance, duplicates 6.08.040
Parks
ejection authority 6.08.190
presence prohibited 6.08.180
Pound established, animal warden appointment 6.08.070
Rabies vaccination required 6.08.060
Running at large
generally 6.08.090
on school grounds 6.08.170
Shows, seeing-eye dogs 6.08.220
Unlicensed, stray 6.08.080
Vicious dogs 6.08.160
Door to door soliciting *See* **Soliciting**
Dwelling *See* **Zoning**

– E –

Excavation
Backfill, paving replacement 12.12.050
Bond required 12.12.090
City direction 12.12.030
Clerk-treasurer approval required 12.12.100
Compliance required 12.12.080
Patching detail 12.12.060
Pavement repair cost 12.12.070
Paving removal 12.12.040
Permit
application 12.12.020
required 12.12.010

– F –

Fees *See* Specific Fee
Fire
See also **Inflammable liquids**
Ashes disposal 8.04.040
Combustible material, burning unlawful 8.04.060
Construction regulations
chimneys 15.20.020
stove pipes 15.20.030
wooden buildings 15.20.010
Department chief
Appointment 2.20.020
Created 2.20.010
Powers, duties 2.20.030, 8.04.010
Hoses, driving across unlawful 8.04.020
Limits
designated 15.16.010
fireproof buildings 15.16.030
nuisance removal 15.16.040
prescription authority 8.04.050
violation, penalty 15.16.050
Violation, penalty 8.04.070
Firearms
Discharge unlawful when 9.20.010
Violation, penalty 9.20.020
Fireworks
Storage, sale, discharge prohibited 8.12.010
Violation, penalty 8.12.020
Flammable liquids *See* **Inflammable liquids**
Funeral home, crematorium, mortuary *See* **Zoning**

– G –

Garbage
Bid solicitation 13.36.070
Building rubbish 13.36.090
Burning prohibited 13.36.080
Cleanup, city-wide 13.36.100
Defined 13.36.010
Discontinuance *See under* **Public services**
Fees, costs
assessment, classifications 13.36.030
collection, billing 13.36.060
schedule 13.36.040
Violation, penalty 13.36.110
Golf course *See* **Zoning**
Greenhouse, nursery *See* **Zoning**
Grocery store *See* **Zoning**
Group home *See* **Zoning**

– H –

Hazardous materials *See under* **Vehicles**
Home occupation *See* **Zoning**
Hospital *See* **Zoning**
Hotel, motel *See* **Zoning**

– I –

Inflammable liquids
Prohibited where 8.08.015
Tank erection, approval required 8.08.020
Types 8.08.010
Violation, penalty 8.08.040

– J –

Judge, city
Appointment 2.12.010
County justice of the peace as city police judge 2.12.020

– K –

Kennels *See under* **Dog, cat**

– L –

Laundromats, dry cleaners *See* **Zoning**
License
Animal kennel 6.08.210
Beer sales 5.04.020
Dog, cat 6.08.020

– M –

Microbrewery *See* **Beer sales**; **Zoning**
Minors *See* **Curfew**

– N –

Nuisance vegetation
Appeal, hearing 8.20.060
Cutting duty 8.20.010
Definitions
nuisance vegetation 8.20.010
owner 8.20.010
Failure to comply
abatement by city 8.20.030
assessment, lien charges 8.20.050
work charges 8.20.040
Reports, notice to owner 8.20.020
Nuisances *See* **Public nuisances**

– O –

Offenses *See* Specific Offense
Office *See* **Zoning**
Ordinances *See* **Code**

– P –

Parades *See under* **Traffic**
Parking
See also **Traffic**; **Vehicles**; **Zoning**
Alleys
generally 10.24.110
obstructing access unlawful 10.24.100
Curb positioning 10.24.140
Display, sale, exchange purposes 10.24.150
Distance from fire hydrants 10.24.160
Double 10.24.190
Emergency vehicles 10.24.170
Exiting spaces 10.24.230
Fire limits 10.24.090
Loading, unloading 10.24.130
Markings 10.24.060
Open space, clearance, oversized loads 10.24.020
Overnight
removal 10.24.220
restrictions 10.24.210
Parallel 10.24.010
Permit required when 10.24.030
Recreational vehicles
definitions
located 10.26.020, 10.26.060
occupy 10.26.020, 10.26.060
recreational vehicle 10.26.020, 10.26.060
street, alley, or public right-of-way 10.26.020
in public rights-of-way
prohibited when 10.26.010
violation, penalty 10.26.030
on lots
exceptions 10.26.050
prohibited 10.26.040
violation, penalty 10.26.070
Traffic interference unlawful 10.24.180
Vehicle length restrictions 10.24.050
Yellow curbs 10.24.120
Parks *See* **Roseland Park**; **Zoning**
Pedestrians
Congregating prohibited 10.40.060
Penalty, general
Designated 1.12.010
Fine, imprisonment 1.12.020
Permit
Encroachment 12.08.050
Excavation 12.12.010
Parking 10.24.030
Sewer
connection 13.08.020
private, cesspool, septic tank 13.16.010
Television tower installation 15.12.010
Water
connection by owner outside district 13.28.050
main tapping 13.20.040
Personnel *See* **City officers, employees**
Planning board *See* Commission *under* **Zoning**
Print, copy shop *See* **Zoning**
Public nuisances
See also **Nuisance vegetation**
Defined 9.24.010
Unlawful, violation, penalty 9.24.020
Public services
See also **Garbage**; **Sewer**; **Water**
Discontinuance
extension, modification request 13.40.030
procedure 13.40.010
reestablishment conditions 13.40.020
Public works director
Appointment 2.28.020
Created 2.28.010
Powers, duties 2.28.030

– R –

Recreation area *See* **Zoning**
Refuse *See* **Garbage**
Repair service, shop *See* **Zoning**
Residential care home, facility *See* **Zoning**
Restaurant *See* **Zoning**
Retail business *See* **Zoning**
Roseland Park
Camping
defined 12.20.040
prohibited 12.20.050
Hours 12.20.050
Purpose, intent 12.20.030
Scope 12.20.020
Title 12.20.010
Violation, penalty 12.20.060

– S –

Safe house *See* **Zoning**
School *See* **Zoning**
Sewer
See also **Water**
Administration 13.04.010

Cesspools, septic tanks, private sewers
construction, use, permit required 13.16.010
maintenance conditions 13.16.020
Charges
collection, billing procedures 13.12.030
payable when 13.12.020
Compliance required 13.04.020
Connections
city authority, notification requirements 13.08.070
licensed personnel qualifications 13.08.010
permit
application contents, fee 13.08.030
bond requirements 13.08.040
required, form, issuance 13.08.020
separate required, exception 13.08.060
tapping line prohibited, exception 13.08.050
Discontinuance *See under* **Public services**
Fee payment, receipt 13.04.030
Violation, penalty 13.04.040
Sidewalks *See* **Streets, sidewalks**
Snowmobiles
Applicability 10.32.020
Clinging to vehicles 10.32.100
Definitions
operator 10.32.010
owner 10.32.010
person 10.32.010
roadway 10.32.010
snowmobile 10.32.010
Obstructive parking 10.32.110
Private property 10.32.060
Restrictions generally 10.32.040
Sidewalks 10.32.120
State registration required 10.32.030
Streets, roadways, snowmobile paths 10.32.080
Time restrictions 10.32.070
Unlawful acts designated 10.32.050
Violation, penalty 10.32.130
Yielding right-of-way 10.32.090
Soliciting
Nuisance declared 5.08.010
Violation, penalty 5.08.020
Solid waste *See* **Garbage**
Street maintenance district
Costs
assessment 12.28.050
estimate 12.28.060
Created 12.28.010
Maintenance
defined 12.28.030
performance 12.28.040
Property included 12.28.020
Streets, sidewalks
See also **Excavation**; **Pedestrians**; **Traffic**
Encroachments
definitions
curbline 12.08.040
encroachments 12.08.040
enforcement, violation, penalty 12.08.070
permit required when 12.08.050
projection, clearance 12.08.060
purpose 12.08.030
scope 12.08.020
title 12.08.010
Loitering unlawful 12.04.020
Obstructing unlawful 12.04.010
Sidewalk, curb construction
concrete construction standards
aggregate particles 12.16.080
finishing 12.16.090
generally 12.16.070
connection, uniform conformance required 12.16.040
construction safety barriers 12.16.120
datum plane, grade 12.16.010
destruction, defacing unlawful 12.16.130
expansion joints 12.16.110
markings 12.16.100
notification
expiration date 12.16.150
procedures 12.16.140
specifications
business areas 12.16.050
residential areas 12.16.060
supervision, cost assessment, liens 12.16.160
survey required 12.16.020
violation, penalty 12.16.170
words, Arabic numerals 12.16.030

– T –

Tattoo parlor *See* **Zoning**
Telecommunication facility, tower *See* **Zoning**
Television tower installation
Construction regulations 15.12.030
Permit
application 15.12.020
required 15.12.010
Violation, penalty 15.12.040
Theater *See* **Zoning**
Traffic
See also **Parking**; **Pedestrians**; **Vehicles**
Accidents, driver duties 10.16.020
Authority
mayor 10.04.020

police department 10.04.010
Clinging to vehicles 10.48.050
Driver's license required 10.12.010
Parades, route restrictions 10.44.010
Projecting loads 10.48.110
Riding in rear of vehicles 10.48.030
Sidewalks, driving over 10.48.120
Speed
limits established 10.20.020
radar use authorized 10.20.040
school zones 10.20.030
state law adopted 10.20.010
Trucks, tractors, trailers, buses in residential zones
definitions
buses 10.25.030
tractor 10.25.030
trailer 10.25.030
trucks 10.25.030
exceptions 10.25.020
prohibited 10.25.010
violation, penalty 10.25.040
U-turns 10.48.130
Trash *See* **Garbage**

– U –

Utility distribution site, storage yard, office
See **Zoning**

– V –

Vegetation *See* **Nuisance vegetation**
Vehicles
See also **Bicycles**; **Parking**; **Snowmobiles**; **Traffic**
Hazardous materials storage, application
definitions
hazardous materials 8.16.010
mobile storage or application vehicle 8.16.010
exceptions 8.16.025
exemption 8.16.030
prohibited 8.16.020
violation, penalty 8.16.040
Repairing on streets unlawful 10.48.010
Veterinary clinic *See* **Zoning**
Violation *See* **Penalty, general**

– W –

Ward boundaries
Ward No. 1 1.08.010
Ward No. 2 1.08.020
Warehousing, distribution *See* **Zoning**

Water
See also **Sewer**
Accidents, lack of service, liability 13.28.240
Administration powers, duties
clerk-treasurer 13.20.020
enforcement generally 13.20.010
public works director 13.20.010, 13.20.030
Application procedures 13.28.020
Billing *See* Meters
City liability restrictions 13.28.110
Connections
owners outside district, permit required 13.28.050
separate required 13.28.060
Deposits 13.28.045
Disconnection, city notice 13.28.270
Discontinuance
See also under **Public services**
delinquent water rent 13.28.230
voluntary 13.28.030
Duty to use municipal facilities
exceptions 13.28.016
generally 13.28.015
private systems permitted when 13.28.018
Emergency watering restrictions
authority 13.32.010
rationing plan 13.32.020
violation, penalty 13.32.030
Hoses
nozzle size requirements, violation, penalty 13.28.140
use
during fire alarm 13.28.160
prohibited, exception 13.28.130
Hydrants, private 13.28.100
Large quantities, meter required 13.28.120
Main tapping, permit required 13.20.040
Meters
city property, removal 13.28.210
damaging 13.28.200
reading, billing 13.28.040
required when 13.28.180
size, locations 13.28.170
steam protection 13.28.190
Pipe specifications 13.28.090
Plumber workmanship 13.28.300
Rates established 13.24.010
Requirements generally 13.28.010
Right of entry 13.28.290
Shutoff valve 13.40.040
Stop cocks
box location 13.28.080
construction 13.28.070

Supplying to others 13.28.220
Turning off, system repairs 13.28.250
Unauthorized use, penalty 13.28.280
Violations, reporting, enforcement 13.28.310
Waste prevention required 13.28.150
Water, sewer collector *See* **Clerk-treasurer, city**
Weapons *See* **Firearms**

– Z –

Zoning
Accessory uses 17.20.020
Adjustment board *See* Board of adjustment
Administrative adjustments
authority 17.35.020
criteria
generally 17.35.050
specific standards 17.35.060
intent 17.35.010
procedure 17.35.030
standards subject 17.35.040
termination, transferability 17.35.070
Administrator
created 17.27.010
limitations 17.27.030
powers, duties 17.27.020
Agricultural uses
R-1 district 17.04.020
Aircraft hangar
P-1 district 17.18.020
Aircraft maintenance, repair
I-1 district 17.16.020
Amendments, changes
hearing 17.29.030
initiation 17.29.010
investigation 17.29.020
Animal hospital
conditional use requirements 17.34.010
Animal shelter
B-1 district 17.13.030
conditional use requirements 17.34.010
I-1 district 17.16.030
off-street parking 17.24.050
Apartment district, residential *See* RA-1 district
Apartments *See* Dwelling, multifamily
Appeals
application, procedure 17.31.020
basis 17.31.010
board of adjustment 17.31.030
Appliance store
off-street parking 17.24.050
Archery
B-1 district 17.13.030
I-1 district 17.16.020, 17.16.030
R-1 district 17.04.030
Art foundry
I-1 district 17.16.020
Art gallery
off-street parking 17.24.050
Assembly hall
B-1 district 17.13.030
B-2 district 17.14.030
I-1 district 17.16.030
off-street parking 17.24.050
P-1 district 17.18.030
Assembly, light
B-1 district 17.13.020
I-1 district 17.16.020
off-street parking 17.24.050
Athletic club
B-1 district 17.13.020
B-2 district 17.14.020
off-street parking 17.24.050
Auction yard, livestock
I-1 district 17.16.030
Auction, indoor
B-1 district 17.13.020
I-1 district 17.16.020
Auditorium *See* Assembly hall
Auto body shop
B-1 district 17.13.030
I-1 district 17.16.020
Auto detailing shop
B-1 district 17.13.020
B-2 district 17.14.020
I-1 district 17.16.020
Auto rental
B-1 district 17.13.020
I-1 district 17.16.020
Auto sales, repair
B-1 district 17.13.020
B-2 district 17.14.030
I-1 district 17.16.020
off-street parking 17.24.050
Auto service station
B-1 district 17.13.020
B-2 district 17.14.030
I-1 district 17.16.020
off-street parking 17.24.050
Auto wrecking, salvage yard
I-1 district 17.16.030
B-1 district
conditional uses 17.13.030
development standards 17.13.040
established 17.02.010
intent 17.13.010

permitted uses 17.13.020
B-2 district
conditional uses 17.14.030
development standards 17.14.040
established 17.02.010
intent 17.14.010
permitted uses 17.14.020
Bakery
B-1 district 17.13.020
B-2 district 17.14.020
I-1 district 17.16.020
Bank, financial institution
B-1 district 17.13.020
B-2 district 17.14.020
off-street parking 17.24.050
Bar, tavern
B-1 district 17.13.030
B-2 district 17.14.030
off-street parking 17.24.050
Barber, beauty services
B-1 district 17.13.020
B-2 district 17.14.020
off-street parking 17.24.050
Bed and breakfast
B-1 district 17.13.020
B-2 district 17.14.020
conditional use requirements 17.34.020
off-street parking 17.24.050
R-1 district 17.04.030
R-2 district 17.05.030
R-3 district 17.06.030
RA-1 district 17.09.030
Board of adjustment
created 17.30.010
limitations 17.30.040
meeting procedures 17.30.050
membership 17.30.020
powers, duties 17.30.030
Boat sales, repair *See* Auto sales, repair
Bowling alley
off-street parking 17.24.050
Building height *See* Development standards
Building material sales
B-1 district 17.13.020
I-1 district 17.16.020
Bus station
B-1 district 17.13.020
B-2 district 17.14.020
I-1 district 17.16.020
P-1 district 17.18.020
Business districts *See* B-1 district; B-2 district
Car wash
B-1 district 17.13.020
B-2 district 17.14.020
I-1 district 17.16.020
Casino
B-1 district 17.13.030
B-2 district 17.14.030
conditional use requirements 17.34.040
Catering establishment
B-1 district 17.13.020
B-2 district 17.14.020
I-1 district 17.16.020
Cellular communication tower *See* Telecommunication tower
Cemetery, mausoleum, columbarium
off-street parking 17.24.050
P-1 district 17.18.030
R-1 district 17.04.030
Central business district *See* B-2 district
Church
B-1 district 17.13.020
B-2 district 17.14.020
off-street parking 17.24.050
R-1 district 17.04.030
R-2 district 17.05.030
R-3 district 17.06.030
RA-1 district 17.09.020
Club, lodge, private
B-1 district 17.13.030
B-2 district 17.14.030
off-street parking 17.24.050
College *See* School, K-12, post-secondary
Commission
created 17.28.010
membership 17.28.020
powers, duties 17.28.030
Community center
B-1 district 17.13.020
B-2 district 17.14.020
off-street parking 17.24.050
P-1 district 17.18.020
R-1 district 17.04.030
R-2 district 17.05.030
R-3 district 17.06.030
RA-1 district 17.09.030
Conditional use permits
application 17.33.020
burden of proof 17.33.090
decision basis 17.33.100
denial 17.33.070
processing
administrative CUP 17.33.040
full CUP 17.33.030
required when 17.33.010
review criteria 17.33.080

termination, transferability 17.33.060
violations 17.33.050
Conditional uses
B-1 district 17.13.030
B-2 district 17.14.030
I-1 district 17.16.030
P-1 district 17.18.030
R-1 district 17.04.030
R-2 district 17.05.030
R-3 district 17.06.030
RA-1 district 17.09.030
Contractor's storage yard
B-1 district 17.13.030
I-1 district 17.16.020
Convalescent, nursing home
off-street parking 17.24.050
Convenience grocery
off-street parking 17.24.050
Convention hall
B-1 district 17.13.030
B-2 district 17.14.030
I-1 district 17.16.030
off-street parking 17.24.050
P-1 district 17.18.030
Crematorium *See* Funeral home, crematorium, mortuary
Cultural facility *See* Library, museum, cultural facility
Day care center
B-1 district 17.13.020
B-2 district 17.14.020
conditional use requirements 17.34.050
off-street parking 17.24.050
R-1 district 17.04.030
R-2 district 17.05.030
R-3 district 17.06.030
RA-1 district 17.09.030
Day care home
B-1 district 17.13.020
B-2 district 17.14.020
off-street parking 17.24.050
R-1 district 17.04.020
R-2 district 17.05.020
R-3 district 17.06.020
RA-1 district 17.09.020
Definitions
abandonment 17.37.010
accessory building/structure 17.37.010
accessory use 17.37.010
agriculture 17.37.010
airport 17.37.010
alley 17.37.010
alteration 17.37.010
arterial 17.37.010
assembly halls/stadiums/convention hall facilities 17.37.010
assembly, heavy 17.37.010
assembly, light 17.37.010
athletic club 17.37.010
auction yards, livestock 17.37.010
automobile detailing shop 17.37.010
automobile or vehicle body shops 17.37.010
automobile sales and/or repair 17.37.010
automobile service station 17.37.010
automobile wrecking/salvage 17.37.010
bakery 17.37.010
banks and financial institutions 17.37.010
barber and beauty services 17.37.010
bars and taverns 17.37.010
bed and breakfast 17.37.010
buffer 17.37.010
buildable width 17.37.010
building 17.37.010
building frontage 17.37.010
building height, maximum 17.37.010
building line 17.37.010
business 17.37.010
campground 17.37.010
canopy structure 17.37.010
carport 17.37.010
casino 17.37.010
catering establishment 17.37.010
change of use 17.37.010
church 17.37.010
clear vision triangle 17.37.010
club 17.37.010
collector 17.37.010
commence 17.37.010
commercial 17.37.010
community center 17.37.010
conditional use 17.37.010
condominium 17.37.010
contractor's storage yard 17.37.010
day care 17.37.010
day care center 17.37.010
density 17.37.010
detached 17.37.010
developed properties 17.37.010
district, use 17.37.010
dwelling 17.37.010
dwelling, duplex 17.37.010
dwelling, multifamily 17.37.010
dwelling, single-family 17.37.010
dwelling, townhouse 17.37.010
dwelling unit 17.37.010
enlarged 17.37.010

environmental factors 17.37.010
extractive industries 17.37.010
family day care home 17.37.010
fence 17.37.010
floodplain 17.37.010
food bank 17.37.010
food processing, heavy 17.37.010
food processing, light 17.37.010
frontage 17.37.010
frontage, lot 17.37.010
garage 17.37.010
golf course 17.37.010
grade 17.37.010
greenhouses, nursery, landscaping materials 17.37.010
gross acreage 17.37.010
gross area 17.37.010
group day care home 17.37.010
group home 17.37.010
growth policy 17.37.010
heavy equipment, sales and service 17.37.010
heavy industrial 17.37.010
home occupation 17.37.010
homeowners' park 17.37.010
hotel/motel 17.37.010
interior lot lines 17.37.010
kennel, animal shelters 17.37.010
laboratories, tech research, development and testing 17.37.010
landfills 17.37.010
landscaping 17.37.010
light manufacturing 17.37.010
loading space 17.37.010
lot 17.37.010
lot area 17.37.010
lot coverage 17.37.010
lot, flag 17.37.010
lot, interior 17.37.010
lot length 17.37.010
lot line, front 17.37.010
lot line, rear 17.37.010
lot line, side 17.37.010
lot, through 17.37.010
lot width 17.37.010
manufactured home 17.37.010
manufacturing, heavy 17.37.010
manufacturing, light 17.37.010
map 17.37.010
marquee 17.37.010
maximum sign area allowance 17.37.010
media (newspaper, radio, TV) 17.37.010
media, towers and facilities (accessory) 17.37.010
microbrewery, brew pub and mini-brewery 17.37.010
mini-storage/recreational vehicle storage 17.37.010
mobile/manufactured home 17.37.010
moved 17.37.010
nameplate 17.37.010
neighborhood 17.37.010
nonconforming 17.37.010
occupied 17.37.010
off-street loading berth 17.37.010
off-street parking 17.37.010
office, medical with limited overnight stay 17.37.010
office, professional/governmental 17.37.010
office zoning map 17.37.010
open space 17.37.010
pack and ship shops 17.37.010
parent lot 17.37.010
parks 17.37.010
permanent 17.37.010
permanent residence 17.37.010
permitted use 17.37.010
person 17.37.010
photographic studios 17.37.010
platted lot lines 17.37.010
point of purchase display 17.37.010
pre-release centers 17.37.010
principal structure 17.37.010
principal use 17.37.010
print and copy shops 17.37.010
property development standards 17.37.010
quasi-public 17.37.010
reconstructed 17.37.010
recreation vehicle 17.37.010
recreational area, indoor 17.37.010
recreational area, outdoor 17.37.010
recreational vehicle park 17.37.010
repairs and maintenance 17.37.010
replacement permit 17.37.010
residential 17.37.010
residential care home or facility 17.37.010
restaurant 17.37.010
retail 17.37.010
retail, limited 17.37.010
right-of-way 17.37.010
right-of-way line 17.37.010
safe house 17.37.010
school, commercial 17.37.010
scrap processing yard (recycle/metal yard) 17.37.010
service area 17.37.010
setback 17.37.010

shall 17.37.010
shelter 17.37.010
shooting and archery 17.37.010
shopping center 17.37.010
showroom 17.37.010
sight obscuring 17.37.010
site-built home 17.37.010
small engines 17.37.010
stacking space 17.37.010
storage containers 17.37.010
storage warehouse/yard 17.37.010
street 17.37.010
structural alterations/modifications 17.37.010
structural expansion 17.37.010
structurally joined 17.37.010
structure 17.37.010
sublot 17.37.010
tattoo parlor 17.37.010
telecommunication companies and/or radio common carriers 17.37.010
telecommunication towers and cellular communication towers 17.37.010
temporary 17.37.010
truck terminal 17.37.010
use 17.37.010
used 17.37.010
utilities (primary distribution site) 17.37.010
utility storage yards and associated offices 17.37.010
veterinary clinic, large animals 17.37.010
veterinary clinic, small animals 17.37.010
warehousing and distribution 17.37.010
woodworking shops, mill work 17.37.010
yard 17.37.010
yard, required 17.37.010
zero lot line 17.37.010
zoning map 17.37.010
Dental clinic *See* Medical, dental clinic
Design facility
I-1 district 17.16.020
Development standards
B-1 district 17.13.040
B-2 district 17.14.040
height
additional, conditional use requirements 17.34.030
exceptions 17.20.030
I-1 district 17.16.040
P-1 district 17.18.040
R-1 district 17.04.040
R-2 district 17.05.040
R-3 district 17.06.040
RA-1 district 17.09.040
side corner setback reduction 17.20.110
Districts established 17.02.010
Dry cleaners
See also Laundry, dry cleaning plant
B-1 district 17.13.020
B-2 district 17.14.020
I-1 district 17.16.020
Dwelling, duplex
B-1 district 17.13.020
B-2 district 17.14.020
design standards 17.20.120
off-street parking 17.24.050
R-2 district 17.05.030
R-3 district 17.06.030
RA-1 district 17.09.020
Dwelling, multifamily
B-1 district 17.13.030
B-2 district 17.14.020, 17.14.030
conditional use requirements 17.34.060
off-street parking 17.24.050
RA-1 district 17.09.030
Dwelling, single-family
B-1 district 17.13.020
B-2 district 17.14.020
design standards 17.20.120
off-street parking 17.24.050
R-1 district 17.04.020
R-2 district 17.05.020
R-3 district 17.06.020
RA-1 district 17.09.020
Dwelling, townhouse
B-1 district 17.13.020, 17.13.030
B-2 district 17.14.020, 17.14.030
R-2 district 17.05.030
R-3 district 17.06.030
RA-1 district 17.09.020, 17.09.030
Elderly housing, assisted living complex
off-street parking 17.24.050
Electrical distribution station
conditional use requirements 17.34.070
Electrical sales, service
B-1 district 17.13.020
I-1 district 17.16.020
Energy production
I-1 district 17.16.030
P-1 district 17.18.030
Enforcement
penalty 17.36.010
remedies authorized 17.36.020
Engineering facility
I-1 district 17.16.020
Extractive industries
conditional use requirements 17.34.080

Fair grounds
B-1 district 17.13.030
B-2 district 17.14.030
I-1 district 17.16.030
P-1 district 17.18.030
Farm machinery assembly, repair, sales
I-1 district 17.16.020
Feed, seed processing, cleaning
I-1 district 17.16.020
Fence, wall, hedge 17.20.040
Fertilizer bulk sales
I-1 district 17.16.020
Film production studio
I-1 district 17.16.020
Financial institution *See* Bank, financial institution
Fire station *See* Police, fire station
Food bank
B-1 district 17.13.020
B-2 district 17.14.020
I-1 district 17.16.020
P-1 district 17.18.020
Food processing, light
I-1 district 17.16.020
Forest products, manufacturing
I-1 district 17.16.030
Fuel oil, gas, petroleum bulk storage, sale
I-1 district 17.16.030
Funeral home, crematorium, mortuary
B-1 district 17.13.020
B-2 district 17.14.020
off-street parking 17.24.050
Furniture store
off-street parking 17.24.050
General business district *See* B-1 district
Glazier
I-1 district 17.16.020
Golf course
off-street parking 17.24.050
P-1 district 17.18.030
R-1 district 17.04.030
R-2 district 17.05.030
R-3 district 17.06.030
RA-1 district 17.09.030
Grain elevator
I-1 district 17.16.030
Greenbelt 17.20.050
Greenhouse, nursery
B-1 district 17.13.020
I-1 district 17.16.020
off-street parking 17.24.050
R-1 district 17.04.030
Grocery store
B-1 district 17.13.020
B-2 district 17.14.020
off-street parking 17.24.050
Group home
B-1 district 17.13.030
B-2 district 17.14.030
R-1 district 17.04.030
R-2 district 17.05.030
R-3 district 17.06.030
RA-1 district 17.09.030
Guest house
R-1 district 17.04.030
Hardware store
off-street parking 17.24.050
Heavy equipment sales, service
I-1 district 17.16.020
Height *See* Development standards
Home occupation
B-1 district 17.13.020
B-2 district 17.14.020
R-1 district 17.04.020
R-2 district 17.05.020
R-3 district 17.06.020
RA-1 district 17.09.020
supplementary regulations 17.20.060
Homeless shelter
B-1 district 17.13.030
B-2 district 17.14.030
P-1 district 17.18.030
RA-1 district 17.09.030
Horticultural uses
R-1 district 17.04.020
Hospital
off-street parking 17.24.050
P-1 district 17.18.030
Hotel, motel
B-1 district 17.13.020
B-2 district 17.14.020
off-street parking 17.24.050
HVAC sales, service
B-1 district 17.13.020
I-1 district 17.16.020
I-1 district
conditional uses 17.16.030
development standards 17.16.040
established 17.02.010
intent 17.16.010
permitted uses 17.16.020
Industrial district, light *See* I-1 district
Interpretation
boundaries 17.02.020
uses 17.02.030
Intersection visibility 17.20.170

Jail facility
P-1 district 17.18.030
Janitor services
B-1 district 17.13.020
I-1 district 17.16.020
Kennel
B-1 district 17.13.030
conditional use requirements 17.34.010
I-1 district 17.16.030
off-street parking 17.24.050
Laboratory
B-1 district 17.13.020
I-1 district 17.16.020
Landfill
P-1 district 17.18.030
Landscaping materials, supply
B-1 district 17.13.020
I-1 district 17.16.020
off-street parking 17.24.050
R-1 district 17.04.030
Laundromat
B-1 district 17.13.020
B-2 district 17.14.020
I-1 district 17.16.020
Laundry, dry cleaning plant
I-1 district 17.16.020
Library, museum, cultural facility
B-1 district 17.13.020
B-2 district 17.14.020
off-street parking 17.24.050
P-1 district 17.18.020
Light industrial district *See* I-1 district
Limo, shuttle, taxi service
B-1 district 17.13.020
I-1 district 17.16.020
Lots in two zones 17.20.070
Lumber sales
B-1 district 17.13.020
I-1 district 17.16.020
Manufactured home sales lot
I-1 district 17.16.020
Manufacturing
light, I-1 district 17.16.020
off-street parking 17.24.050
Map 17.02.010
Media establishment
B-1 district 17.13.020
B-2 district 17.14.020
I-1 district 17.16.020
Media tower, facility
B-1 district 17.13.020
B-2 district 17.14.020
I-1 district 17.16.020
Medical, dental clinic
off-street parking 17.24.050
Metal sculpture molding, casting
I-1 district 17.16.020
Microbrewery
B-1 district 17.13.020
B-2 district 17.14.020
I-1 district 17.16.020
Mini-storage
B-1 district 17.13.030
conditional use requirements 17.34.090
I-1 district 17.16.030
off-street parking 17.24.050
Mobile home
I-1 district 17.16.020
owner-occupied
B-1 district 17.13.030
R-3 district 17.06.030
supplementary regulations 17.20.080
Monument manufacture, sale
I-1 district 17.16.020
P-1 district 17.18.030
R-1 district 17.04.030
Mortuary *See* Funeral home, crematorium, mortuary
Motel *See* Hotel, motel
Motorcycle sales, repair *See* Auto sales, repair
Museum *See* Library, museum, cultural facility
Newspaper media *See* Media
Nonconforming lots, uses, structures
accessory uses, structures 17.23.040
historically significant residential structures, changes 17.23.050
intent 17.23.010
reconstruction 17.23.060
structures 17.23.020
uses 17.23.030
Nursery school *See* Day care center
Nursery, plant *See* Greenhouse, nursery
Off-street loading
berths required 17.25.030
intent 17.25.010
standards 17.25.020
Off-street parking
design 17.24.030
intent 17.24.010
minimum standards 17.24.050
required 17.24.020
Office
B-1 district 17.13.020
B-2 district 17.14.020
I-1 district 17.16.020
off-street parking 17.24.050
P-1 district 17.18.020

P-1 district
conditional uses 17.18.030
development standards 17.18.040
established 17.02.010
intent 17.18.010
permitted uses 17.18.020
Pack and ship shop
B-1 district 17.13.020
B-2 district 17.14.020
I-1 district 17.16.020
Park
B-1 district 17.13.020
B-2 district 17.14.020
I-1 district 17.16.020
P-1 district 17.18.020
R-1 district 17.04.020
R-2 district 17.05.020
R-3 district 17.06.020
RA-1 district 17.09.020
Parking structure
B-1 district 17.13.030
B-2 district 17.14.030
P-1 district 17.18.020
Parking, surface
B-1 district 17.13.020
B-2 district 17.14.020
I-1 district 17.16.020
P-1 district 17.18.020
Penalty See Enforcement
Permitted uses
B-1 district 17.13.020
B-2 district 17.14.020
I-1 district 17.16.020
P-1 district 17.18.020
R-1 district 17.04.020
R-2 district 17.05.020
R-3 district 17.06.020
RA-1 district 17.09.020
Pet grooming
R-2 district 17.05.030
Photographic studio
B-1 district 17.13.020
B-2 district 17.14.020
Planned unit development overlays *See* PUD district
Plumbing sales, service
B-1 district 17.13.020
I-1 district 17.16.020
Police, fire station
B-1 district 17.13.020
B-2 district 17.14.020
I-1 district 17.16.020
P-1 district 17.18.020
R-1 district 17.04.030
R-2 district 17.05.030
R-3 district 17.06.030
RA-1 district 17.09.030
Post office
B-1 district 17.13.020
B-2 district 17.14.020
P-1 district 17.18.020
Pound *See* Animal shelter
Pre-release center
I-1 district 17.16.030
P-1 district 17.18.030
Principal structures 17.20.090
Print, copy shop
B-1 district 17.13.020
B-2 district 17.14.020
I-1 district 17.16.020
Public district *See* P-1 district
PUD district
established 17.02.010
intent 17.19.010
procedures 17.19.020
standards 17.19.030
Purpose 17.01.040
R-1 district
conditional uses 17.04.030
development standards 17.04.040
established 17.02.010
intent 17.04.010
permitted uses 17.04.020
R-2 district
conditional uses 17.05.030
development standards 17.05.040
established 17.02.010
intent 17.05.010
permitted uses 17.05.020
R-3 district
conditional uses 17.06.030
development standards 17.06.040
established 17.02.010
intent 17.06.010
permitted uses 17.06.020
RA-1 district
conditional uses 17.09.030
development standards 17.09.040
established 17.02.010
intent 17.09.010
permitted uses 17.09.020
Racetrack *See* Stadium
Radio media *See* Media
Recreation area, indoor
B-1 district 17.13.020
B-2 district 17.14.020
I-1 district 17.16.020

Recreation area, outdoor
B-1 district 17.13.030
I-1 district 17.16.030
P-1 district 17.18.030
Recreation center
off-street parking 17.24.050
Recreational vehicle park
off-street parking 17.24.050
Recreational vehicle sales, repair *See* Auto sales, repair
Recreational vehicle storage
B-1 district 17.13.030
conditional use requirements 17.34.090
I-1 district 17.16.030
Recycling center
I-1 district 17.16.020
Regulations generally, applicability 17.03.010
Rental service store, yard
B-1 district 17.13.020
I-1 district 17.16.020
Repair service, shop
B-1 district 17.13.020
B-2 district 17.14.020
I-1 district 17.16.020
off-street parking 17.24.050
Repealer 17.01.030
Research, development, testing facility
B-1 district 17.13.020
I-1 district 17.16.020
off-street parking 17.24.050
Residential apartment district *See* RA-1 district
Residential care home, facility
B-1 district 17.13.030
B-2 district 17.14.030
R-1 district 17.04.030
R-2 district 17.05.030
R-3 district 17.06.030
RA-1 district 17.09.030
Residential districts *See* R-1 district; R-2 district; R-3 district
Restaurant
B-1 district 17.13.020
B-2 district 17.14.020
off-street parking 17.24.050
Retail business
B-1 district 17.13.020
B-2 district 17.14.020
limited, showroom, I-1 district 17.16.020
off-street parking 17.24.050
Rooming house, dormitory
off-street parking 17.24.050
Safe house
B-1 district 17.13.020
B-2 district 17.14.020
I-1 district 17.16.020
P-1 district 17.18.020
R-1 district 17.04.020
R-2 district 17.05.020
R-3 district 17.06.020
RA-1 district 17.09.020
supplementary regulations 17.20.100
School, commercial
B-1 district 17.13.020
B-2 district 17.14.020
I-1 district 17.16.020
off-street parking 17.24.050
RA-1 district 17.09.030
School, K-12, post-secondary
off-street parking 17.24.050
P-1 district 17.18.030
R-1 district 17.04.030
R-2 district 17.05.030
R-3 district 17.06.030
RA-1 district 17.09.030
Scrap processing yard
I-1 district 17.16.030
Senior center
B-2 district 17.14.020
Setbacks *See* Development standards
Severability 17.01.020
Shelter
off-street parking 17.24.050
Shooting, indoor
B-1 district 17.13.030
I-1 district 17.16.020
R-1 district 17.04.030
Site plan review 17.20.130
Small engine sales, service, repair
B-1 district 17.13.020
I-1 district 17.16.020
Special event 17.20.140
Stadium
B-1 district 17.13.030
B-2 district 17.14.030
I-1 district 17.16.030
P-1 district 17.18.030
Storage *See* Mini-Storage; Recreational vehicle storage; Warehousing, distribution
Street access 17.20.150
Sublots 17.20.160
Supermarket *See* Grocery store
Supplementary regulations, intent 17.20.010
Tattoo parlor
B-1 district 17.13.020
B-2 district 17.14.020
Tavern *See* Bar, tavern

Taxi service *See* Limo, shuttle, taxi service
Taxidermy facility
I-1 district 17.16.020
Technology facility
See also Research, development, testing facility
I-1 district 17.16.020
Telecommunication facility
I-1 district 17.16.020
Telecommunication tower
I-1 district 17.16.030
P-1 district 17.18.030
conditional use requirements 17.34.100
Television media *See* Media
Theater
B-1 district 17.13.020
B-2 district 17.14.020
Title 17.01.010
Trade school *See* School, commercial
Transmission tower
conditional use requirements 17.34.100
Truck terminal
I-1 district 17.16.020
Truck, trailer rental
I-1 district 17.16.020
University *See* School, K-12, post-secondary
Utility distribution site
B-1 district 17.13.030
B-2 district 17.14.030
I-1 district 17.16.030
P-1 district 17.18.030
R-1 district 17.04.030
R-2 district 17.05.030
R-3 district 17.06.030
RA-1 district 17.09.030
Utility storage yard, office
I-1 district 17.16.020
P-1 district 17.18.030
Variances
appeal 17.32.030
application 17.32.010
processing 17.32.020
Veterinary clinic
B-1 district 17.13.020
B-2 district 17.14.020
conditional use requirements 17.34.010
I-1 district 17.16.020
off-street parking 17.24.050
Violation *See* Enforcement
Warehousing, distribution
I-1 district 17.16.020
off-street parking 17.24.050
Wholesale business
off-street parking 17.24.050
Woodworking shop, mill work
I-1 district 17.16.020
Zoning, planning commission *See* Commission *under* **Zoning**