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Title 1

GENERAL PROVISIONS

Chapters:

1-1 Seal

1-2 Publication of Ordinances

1-3 Contracts

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1-6 Meetings of the Town Council

1-7 General Penalty

Chapter 1-1

SEAL

Sections:

1-1-1 Description of Seal

1-1-1 Description of Seal. The Town of Alberton shall have a corporate seal of circular form, capable of making an indenture of the following description: On the upper side of the outer circle thereof shall be the words, "TOWN OF ALBERTON", and on the lower side of the outer circle thereof shall be the words, "STATE OF MONTANA", and across the center of the inner circle thereof shall be the words, "CORPORATE SEAL": and the same is hereby adopted and declared to be the seal of the Town of Alberton, to be used in all cases required by law or ordinance.

Chapter 1-2

PUBLICATION OF ORDINANCES

Sections:

- 1-2-1 Introduction
- 1-2-2 Passage and Posting

1-2-1 Introduction. Whenever an ordinance or resolution in the nature of an ordinance is introduced it shall not be put upon its passage until the next regular meeting, except by unanimous consent of the members of the Council. Provided, this rule shall not apply to annual appropriation ordinances or ordinances levying taxes for which the time of passage is fixed by law, or ordinances and resolutions levying special assessments for improvements at the time of passage of which due notice has been given as required by law.

1-2-2 Publication of Ordinances and Notices. Whenever notice of Town Council Meetings of hearings is required, such notice shall be posted in the following public places for two successive weeks.

- A. Alberton Town Hall (Front Door)
- B. Post Office (Bulletin Board)
- C. Valley Grocery (Bulletin Board)
- D. Sidetrack Café (Bulletin Board)

Note: C. and D. may need to be amended for changes in name or replaced by more appropriate places, as they become available.

AMENDMENTS: Deleted 1-2-2 Read: 1-2-2 Passage and Posting. *Every ordinance shall as soon as practicable after its passage be published by posting at Post Office in said Town for (2) successive weeks.* Now reads: as above. **Resolution #158 8/26/97.**

Chapter 1-3

CONTRACTS

Sections:

- 1-3-1 Responsible Bidder
- 1-3-2 Desires and Orders of Contracts
- 1-3-3 Publish Notice
- 1-3-4 Duplication of Contract
- 1-3-5 Rejection of Bids
- 1-3-6 Certified Check of Each Bid
- 1-3-7 Fund of Bidder

1-3-1 Responsible Bidder. All contracts for work or supplies or materials must be let to the lowest responsible bidder in the manner provided by the Codes of Montana, unless otherwise specially provided.

1-3-2 Desires and Orders of Contracts. When the Town Council desires to let such contract, they must by order incorporated in the minutes, specify that at a certain time and place, they will receive sealed bids for the work, supplies or materials concerning which the contract is to be let, which said order shall also specify the amount and quality of said work, supplies or materials, when and how to be performed or supplied, and the manner in which payment therefore shall be made.

1-3-3 Publish Notice. Upon making such order the Town Clerk shall publish notice thereof by posting two (2) weeks prior to the last day of receiving the bids.

1-3-4 Duplication of Contract. If any bid is accepted it shall be that of the lowest responsible bidder, and within five (5) days after the acceptance of said bid, said bidder and the Town of Alberton shall make, execute and deliver to each other in duplicate, a contract in accordance with the order, bid and this Article. Said contract on the part of the Town of Alberton, shall be executed in the name of the Town by its Mayor and attested by the Clerk.

1-3-5 Rejection of Bids. The Town Council shall have the right to reject any and all bids.

1-3-6 Certified Check of Each Bid. Each bid shall be accompanied by a certified check in the sum of ten percent (10%) of the amount of the bid, on some responsible bank, payable to the Town of Alberton. If such bid be not accepted and the bidder complies with the terms and conditions of this Article then such check shall be returned to such bidder, when his contract is substantially performed. Such check and the

proceeds thereof shall become the property of the Town of Alberton, and passed to the General Fund.

1-3-7 Fund of Bidder. The expense incurred by virtue of said contract shall be paid out of the fund designated by the Town Council and in warrants drawn on said fund, and such bidder shall receive said warrants in payment of the sum or sums due him by virtue of said contract at their full face value and shall reply exclusively on the fund on which said warrants are drawn for their payment.

Chapter 1-4

WARDS

Sections:

1-4-1 Wards

1-4-1 Wards. The territory embraced in the Town of Alberton shall be, one ward consisting of four (4) Council Members elected at large and one elected Mayor.

Chapter 1-5

ELECTIONS

Sections:

1-5-1 Elections in Accordance with State Statutes

1-5-2 Qualification of Electors

1-5-3 Term of Office

1-5-1 Elections in Accordance with State Statutes. All primary and general elections shall be held in accordance with the statutes of the state of Montana.

1-5-2 Qualification of Electors. Any person shall be qualified to vote in any and all city elections provided they are a resident of the city or an area which has been annexed and certified as such by the Clerk and Recorder of Mineral County.

1-5-3 Term of Office. Mayor shall be elected for a term of four (4) years. Council Members shall be elected for a term of four (4) years.

Repealed 1-1-6

Annual Municipal Election repealed, Changed section Meetings to Chapter 1-6 and General Penalties to section 1-7 date 8-16-9.

Chapter 1-6

MEETINGS OF THE TOWN COUNCIL

Sections:

- 1-6-1 Meetings
- 1-6-2 Election of the President of Council
- 1-6-3 Proceeding of Meeting
- 1-6-4 Order of Business
- 1-6-5 Rules

1-6-1 Meetings: The Town Council shall hold regular meetings for the transaction of municipal business on the first (1st) Tuesday of each month, and such other meetings to which the Council, by order, may adjourn, or which may be called. Special meetings may be called by the Mayor, or at the written request of three (3) members of the Council, filed with the Town Clerk, on their requisition, giving at least three (3) days notice.

1-6-2 Election of President of Council. At its first (1st) meeting succeeding the annual election the Council shall elect one (1) of its members as President of the Council, who, in the absence of the Mayor, is the presiding officer and may perform the duties of the Mayor.

1-6-3 Proceedings of Meeting. The Town Council shall convene and be called to order by the Mayor, or in his/her absence by the President of the Council, on the days designated for the meeting at 7 o'clock p.m., unless otherwise ordered, and the Town Clerk shall proceed to call the roll, and record in the minutes the names of all members present, and note the absentees, and announce whether or not a quorum is present. All meetings shall be held in the Town Hall unless otherwise ordered.

1-6-4 Order of Business. At the meetings of the Town Council the order of business, unless otherwise directed by special order of the Council entered in the Minute Book, shall be:

1. Reading, correcting if necessary and approving the minutes of the last meeting
2. Report of officers
3. Report of standing committees
4. Presentation of petition and communications
5. Unfinished business
6. New business

All questions relating to the priority of business shall be decided without

debate.

1-6-5 Rules. The proceedings of the Town Council of the Town of Alberton shall in all cases be governed by the following rules, unless the same be suspended, pro-tempore, by a vote of a majority of the Council.

1. The Mayor, or in his absence, the President of the Council, shall preserve order and decorum and shall decide all questions of order, subject to appeal to the Council.
2. A motion to adjourn shall always be in order, save when a member is addressing the chair or a vote is being taken. Motions to adjourn and lay on the table shall not be debatable.
3. Every member of the Council present shall vote upon every question submitted to the Council, unless excused, or directly interested, in which case he shall not vote.
4. Upon the final passage of any ordinance, resolution, bylaw or order, the yeas and nays shall be entered in the Minute Book, unless the same is unanimously adopted, in which case such entry may be dispensed with, except in the cases of ordinances and resolutions. And any member may demand that the yeas and the nays be recorded in any case, provided the demand is made before the vote is taken.
5. A majority of the members of the Council constitute a quorum for the transaction of business, but a less number may meet and adjourn at any time stated.

DELETED: From 1-6-1: *thereof, in writing to all members of the Council present in the Town, but whenever all members of the Council and the Mayor shall waive notice of the time and place of holding any special meeting, and such waiver shall, upon motion duly made and carried, be noted in the Minute Book kept by the Town Clerk, such special meeting shall be valid without notice.* **Resolution #160 10/3/97.**

Chapter 1-7

GENERAL PENALTY

Sections:

1-7-1 General Penalty

1-7-1 General Penalty. 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 therefore, any person upon conviction for the violation of any such provision of this Code or ordinances shall be punished by a fine not exceeding Five Hundred Dollars (\$500.00) or by imprisonment not to exceed six (6) months or by both such fine and imprisonment, for each such offense. Each day any violation of any provision of any ordinance shall constitute a separate offense.

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

1-7-2 Execution of a Fine.

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

B. If the judgment is for a fine and imprisonment until the fine is paid, the defendant must be committed to the custody of the proper officer, and by him detained until the judgment is complied with. The imprisonment must not exceed one day for every twenty-five dollars (\$25.00) of the fine.

Title 2

ADMINISTRATION AND PERSONNEL

Chapters:

2-1 Qualifications, Duties and Salaries

2-2 Compensation of the Mayor and Council Members

2-4 Duties of Fire Chief

2-6 Organizing a Volunteer Fire Company

2-8 Social Security System

2-9 Town Planning Board

Chapter 2-1

QUALIFICATIONS, DUTIES AND SALARIES

Sections:

- 2-1-1 City Judge
- 2-1-2 Oath of Office
- 2-1-3 Cases and Costs
- 2-1-4 File and Report
- 2-1-5 Duties of the Town Clerk-Treasurer
- 2-1-6 Bond for Town Clerk-Treasurer
- 2-1-7 Salary of Town Clerk-Treasurers
- 2-1-8 Engineer or Attorney, Services Secured
- 2-1-9 Officers Paid Monthly

2-1-1 City Judge. The City Judge shall keep a docket in like manner as required by the laws of the State of Montana to be kept by Justices of the Peace and shall hear and determine all suits, actions and prosecutions instituted in the City Court before him under and by virtue of the town ordinances, and shall pay all fines imposed and collected for the violation thereof to the Town Clerk-Treasurer, monthly or more often if required. Except as herein otherwise provided, the practice and procedure in City Court shall be the same as is provided by the laws of the State of Montana for Justice of the Peace Courts. The salary of the City Judge shall be set by the Alberton Town Council.

2-1-2 Oath of Office. Before entering upon the duties of his office and within ten (10) days after receiving notice of his appointment, the City Judge shall qualify by filing with the Clerk his oath of office.

2-1-3 Cases and Costs. The City Judge shall enter up in all cases such costs as are provided by law to be charges by Justices of the Peace in like cases.

2-1-4 File and Report. At the end of each calendar quarter the City Judge shall file with the Clerk for presentation to the Council, a report in writing, giving a statement of cases tried for offenses against the ordinances of the Town, which report shall be accompanied by a receipt from the Town Clerk-Treasurer for the amount of such fines.

2-1-5 Duties of the Town Clerk-Treasurer. The Town Clerk-Treasurer shall countersign all warrants drawn on the town treasury and she shall do and perform such other duties as are provided in the Montana Code Annotated, or as may hereafter be enjoined upon her by ordinance or order of the Council. Clerk shall also be a notary public.

2-1-6 Bond for Town Clerk-Treasurer. The Clerk -Treasurer shall give a bond in the amount of not less than Fifty Thousand Dollars (\$50,000.00) for all officers of the Town, for the faithful performance of her duties; said Bond to be executed by a duly authorized surety company, the premiums thereon to be paid by the Town. Said Bond, together with her oath of office, shall be filed in the office of the Mayor.

2-1-7 Salary of Town Clerk-Treasurer. The Clerk-Treasurer shall be paid a monthly salary as provided annually by Resolution.

2-1-8 Engineer or Attorney, Services Secured. If the Council shall deem it necessary to require the services of an Engineer or Attorney, such services shall be secured from time to time as deemed expedient, and upon such terms as the Council shall decide.

2-1-9 Officers Paid Monthly. The compensation of salaried officers and employees of the town shall be paid monthly by warrants drawn upon the treasury except as otherwise provided.

Chapter 2-2

COMPENSATION OF THE MAYOR AND ALDERMAN

Sections:

2-2-1 Salaries for Meetings Attended

2-2-2 Salary of Mayor

2-2-1 Salaries for Meetings Attended. The Town of Alberton will pay a salary of Forty Dollars (\$40.00) per council member for each meeting attended; but in no event shall this exceed three (3) meetings in any month.

2-2-2 Salary of Mayor. The Town of Alberton will pay a salary of Three Hundred Dollars (\$300.00) flat rate per month to the Mayor with no additional for meetings. ~~The Town of Alberton will pay a salary Sixty Seven Dollars and eight cents (\$67.08) per month to the Mayor and Twenty Dollars (\$20.00) for each special meeting.~~

AMENDMENTS: Council's salary changed to \$20.00 per month 2-2-1 and Mayors salary changed to \$67.08 per month and \$20.00 per meeting 2-2-2 3/5/99. Mayor's salary changed to \$300.00 per month 2-2-2 5/2/2012. Council's salary changed to \$40.00 per month 2-2-1 on 01/03/2017.

Chapter 2-4

Repealed 1-20-04

Amended this chapter because we are now annexed into Frenchtown Fire District.

Chapter 2-6

Repealed this section 1-20-04

Amended this section because we are now annexed into Frenchtown Fire District.

Chapter 2-8

SOCIAL SECURITY SYSTEM

Sections:

2-8-1 Old-Age and Survivors Insurance System

2-8-2 Retirement System of Montana

2-8-3 Coverage of Insurance

2-8-4 Payroll Deductions

2-8-5 Contribution Fund

2-8-1 Old-Age and Survivors Insurance System. Be it ordained by the Town Council of Alberton, Montana, that it is the considered opinion of this body that the extension of the Social Security System to employees and officers of the Town of Alberton, Montana, will be of great benefit, not only to the employees of the Town by providing that said employees and officers may participate in the provisions of the Old-Age and Survivors Insurance System, and will also be of great benefit to the Town of Alberton, Montana, by enabling it to attract and retain in employment the best personnel and thus increase the efficiency of its government.

2-8-2 Retirement System of Montana. The 33rd Legislative Assembly of the State of Montana, in regular session, enacted a statute, known as Chapter 44, 1953 Session Laws of Montana, which is the enabling Act provided for in Section 218 of Public Law 734, 81st Congress and Chapter 270, 1955 Session Laws of Montana which designated the Public Employees' Retirement System of the State of Montana to act as the State Agency to implement the coverage of employees and officers under the said Old-Age and Survivors Insurance System.

2-8-3 Coverage of Insurance. The Town of Alberton, Montana, is hereby authorized to execute and deliver to the Social Security Division, Public Employees' Retirement System, State of Montana, a plan, or plans, and agreement, required under Section 3 of said enabling Act, or Section 6, Chapter 270, 1955 Session Laws of Montana and the Social Security Act, to extend coverage to employees and officers of the Town of Alberton, Montana, and do all other things necessary to effectuate coverage of employees and officers under the Old-Age and Survivors Insurance System.

2-8-4 Payroll Deductions. The Clerk is hereby authorized to establish a system of payroll deductions to be matched by payments by the Town of Alberton to be made into the Contribution Fund of the Social Security Act through the Public Employees' Retirement System, and to make charges of this contribution to the fund or funds, from which wage or salary payments are issued to employees of the Town of Alberton,

Montana. Such payments are to be in accordance with the provisions of Section 1400 of the Federal Insurance Contribution Act on all services which constitute employment within the meaning of that Act. Payments made to the Social Security Division, PERS, State of Montana, shall be due and payable on or before the 15th day of the month immediately following the completed calendar quarter, and such payments which are delinquent shall bear interest at the rate of 1/2 of 1 per cent per month until such time as payments are made.

2-8-5 Contribution Fund. Appropriation is hereby made from the proper fund, or funds, of the Town of Alberton, Montana in the necessary amount to pay into the Contribution Fund as provided in Section 5 of the enabling Act, or Section 6 (c), Chapter 270, 1955 Session Laws of Montana and in accordance with the plan, or plans, and Agreement. Authority is given to the Mayor and the Clerk of the Town of Alberton, Montana to enter into an agreement with the Public Employees' Retirement System of the State of Montana. Which agreement shall be in accordance with Chapter 44, 1953 Session Laws of Montana or Chapter 270, 1955 Session Laws of Montana, and with paragraph 218 of the Social Security Act. Such plan and agreement shall provide that the participation of the Town of Alberton, Montana shall be in effect. (Ord. 1/1/19)

Chapter 2-9

TOWN PLANNING BOARD

Sections:

2-9-1 Establishment of Planning Board

2-9-2 Corporate Limits

2-9-3 Members

2-9-1 Establishment of Planning Board. The Town Council of the Town of Alberton, Montana, shall join with the Board of Commissioners of Mineral County, Montana, and the Town Council of the Town of Superior, Montana, for the establishment of a Town-County Planning Board.

2-9-2 Corporate Limits. The jurisdiction of the Mineral County Town-County Planning Board shall include the area within the corporate limits of the Town of Alberton, Montana, and Town of Superior, Montana, and in addition thereto, outside such corporate limits, that portion of Sections Twenty-seven (27), Twenty-eight (28), Thirty-three (33), Thirty-four (34), and Thirty-five (35), Township Seventeen (17) North, Range Twenty-six (26) West, and the lands bounded on the south and east by the Mineral County-Missoula County line, on the west by the West Section line of Section Thirty-three (33), Township Fifteen (15) North, Range Twenty-three (23) West, and on the north by the north lines of Sections Thirty-three (33) and Thirty-four (34), Township Fifteen (15) North, Range Twenty-three (23) West, and the North line of Sections Thirty-five (35) and Thirty-six (36), Township Fifteen (15) North, Range Twenty-three (23) West.

2-9-3 Members. The Town-County Planning Board shall be comprised of nine members, as follows:

Two (2) official members to be appointed by the Town Council of the Town of Alberton;

Two (2) official members to be appointed by the Board of County Commissioners;

Two (2) official members to be appointed by the Town Council of the Town of Superior,

Two (2) citizen members to be appointed jointly by the Board of County commissioners, the Mayor of the Town of Superior and the Mayor of the Town of Alberton;

One (1) member to be appointed by the Planning Board.

Title 3

REVENUE AND FINANCE

Chapters:

3-1 Town Taxes

Chapter 3-1

TOWN TAXES

Sections:

3-1-1 Proceedings for Purposes

3-1-2 Purpose of Account

3-1-1 Proceedings for Purposes. In all other respects than herein provided, the levy, assessment, equalization and collection of town taxes and the proceedings for such purposes shall be as provided by the Revised Statutes of the State of Montana, and the amendments thereto. All taxes shall be collected by the state authorities to be by them turned over to the Town as provided by Montana Code Annotated.

3-1-2 Purpose of account. For the purpose of keeping a clear and accurate account of the moneys and revenues of the Town of Alberton there is hereby established the Uniform Bookkeeping and Reporting System as provided by Montana Law.

Title 4

SEWER AND WATER

Chapters:

4-1 Water Fund

4-2 Rules and Regulations of Water Service Lines

4-3 Water Rates for the Municipal Water System

4-4 Rates and Penalties of Sewer System

4-4 Building Sewer of Public Sewer System

4-6 Sewers and Drains

Chapter 4-1

WATER FUND

Sections:

4-1-1 Created Fund

4-1-2 Money Collected

4-1-1 Created Fund. That there be and there is hereby created a fund to be known and designated as the "Water Fund".

4-1-2 Money Collected. That the money collected from the water system as revenue shall be paid into said fund, and all costs and expenses pertaining to the Alberton City Water Works shall be paid for out of said fund.

Chapter 4-2

RULES AND REGULATIONS OF WATER SERVICE LINES

Sections:

- 4-2-1 Definitions
- 4-2-2 Materials
- 4-2-3 Application
- 4-2-4 General Rules and Regulations
- 4-2-5 Penalties

1) Service Lines. A water service line is usually a three-fourths inch (3/4") or one inch (1") line which supplies water to a residence or commercial building from the town-owned distribution system located in the streets, alleys, roadways or easements. The service line is owned by the property owner.

2) Distribution System. The distribution system is the main or laterals usually located in the streets, alleys, roadways or easements which distribute the water to all areas of the town, and are the lines to which serviced lines are connected. The distribution system is owned by the Town of Alberton.

3) Corporation Stops. A corporation stop is a valve installed on the main or lateral of the distribution system to which the service line is attached. The corporation stop allows for the tapping of the main or lateral of the distribution system while the line is under pressure. The installation of the corporation stop is made by the Town of Alberton.

4) Stop Valves or Curb Stops. A curb stop is a valve installed on the service line at a location just inside of the curb. This valve is used to shut off or turn on the water to any property. The curb stop is supplied and installed by the property owner when the service line is installed.

5) Curb Box. A curb box is an adjustable cast iron tube installed over the curb stop to allow the curb stop to be turned on or off with an extension rod without digging up the curb stop.

6) A.S.T.M. A.S.T.M. refers to the American Society of Testing Materials whose specifications are used on materials.

7) A.W.W.A. A.W.W.A. refers to the American Water Works Association whose specifications are used on materials.

8) C.S. C.S. refers to Commercial Standard whose specifications are used on materials.

9) Town: Whenever in this Chapter the word "town" is used, it means the Town of Alberton, Montana.

10) Property Owner: Whenever the words "property owner" are used, it means the owner of the property to which the town is supplying water.

11) Water Registrar: Water Registrar means the person that the Town Council of the Town of Alberton has employed to administer the Alberton water system.

12) Water Well: Water Well means an excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed. This does not include a spring.

4-2-2 Materials:

1) Pipe: Pipe used on all service lines shall be Type K copper tubing conforming to A.S.T.M. Specification B42-58, or galvanized pipe or equivalent.

2) Stop Valve or Curb Stops: Curb stops furnished for this project shall conform to the requirements of A.W.W.A. Specification No. C800-55.

3) Curb Boxes: Curb boxes furnished for this improvement shall conform to Mueller Company catalogue No. H10302, extension type with Minneapolis pattern base.

4-2-3 Application:

1) No person obtaining water from the town will be entitled to use the water for any other purpose than those stated in the application, or to supply water to other persons or families.

2) Application for water to be used for any purpose shall be made at the water/sewer department upon a form provided by the Town. This form must be signed by the owner or authorized agent of the owner of the property on which water is to be used. All orders for shutting water off must be made in writing, signed by the owner or authorized agent of the owner of the property at which the water is to be shut off. When the water is ordered shut off from any premise all charges for the water used shall be immediately due and payable to the water/sewer department.

2) All applications shall be made by the owner of the property for which the service is intended.

3) The application shall state in full the purpose or purposes for which the water is required.

4) The applicant shall agree to conform to the rules and regulations of the Town of Alberton.

4-2-4 General Rules and Regulations:

1) No person obtaining water from the town will be entitled to use the water for any other purpose than those stated in the application, or to supply water to other persons or families.

2) Each property shall be provided with a separate service line in order that the water service to the property can be discontinued without affecting other properties.

3) Separate control required for each premise. The service pipes must be so arranged that the supply for each separate building or premise must be controlled by a separate curb stop and meter placed at a point designated by the water/serer department. Any exceptions need to be addressed by the City Council. (Where two (2) or three (3) properties are now connected to one (1) service line, the water registrar may insist that new services be installed, or at his discretion, may make one person responsible for the service line and bills for water used.)

Connection Required. All water inside residences, places of business, public water for institutions, properties used for human occupancy or water for nay commercial use must be water from the municipal water system. All connections to the municipal water system shall be at the owner's expense.

Separate services restrictions. Where water is being supplied prior to the adoption of the City ordinances through one service to several buildings or premises, the City Council may either decline to furnish water until separate services are provided or may continue the supply on the condition that one person shall pay for all water on the same service.

Cross Connections: There shall not be any cross-connections between individual wells and pumps and the municipal water system.

4) Water will not be supplied, or service may be discontinued, to any property where the property owner allows leaking fixtures, faucets, or pipes.

Department shut off authority. The water/sewer department reserves the right, at any time, without notice, to shut the water off in its mains for the purpose of making repairs or extensions or for any other purpose. No claim shall be made against the Town of Alberton by reason of the breaking of any service pipe or from any other damage that may result from shutting off the water.

5) Each service line will be supplied with a stop valve or curb stop located inside the curb line of the street.

Meter—Required. There shall be installed, upon the service pipe in the dwelling of each water consumer, a water meter. This meter is to be selected by and installed under direction of the employees of the water department who shall select the place on the premises where the meter shall be installed. If a water meter cannot be installed within a building on the premises, a meter vault, for the meter to be located in, must be installed at the Town's expense at a location on the premises to be determined by the employees of the water/sewer department. The meter must be protected from freezing and other damage.

Meter—Type. No meter shall be placed in service nor recognized as a standard meter within the Town unless approved by the Town's water/sewer department.

Service pipe—Standards. The service pipe within and without the premises and through the entire length to the tap in the Town's water main, together with curb cock and box, must be laid, kept in repair and protected from freezing at the expense of the owner, who shall be responsible for all damage resulting from leaks and breaks and no claim shall be made against the Town of Alberton on account of the breaking of any service pipe or apparatus, or for failure to supply water. When there is a leak in the street and it is doubtful whether the water is from a break in the Town main, or from a private service pipe, employees of the water/sewer department will make all repairs, but if it is from the service pipe, the owner of the property, or agent, will be notified and must immediately take charge of the excavation, repair the leak, replace the street, and be responsible for all the damages which may result. In case the owner or agent does not make repairs at once, the water/sewer department will proceed, and all bills for labor and materials will become a charge against said property, and shall be collected from the owner or agent, and at the end of the month, in case the bill is not paid, the enforcement of payment thereof will be performed in the same manner as for the non-payment of bills for water.

Meter—Consumer interference unlawful. If any water consumer interferes with the installation of a meter or refuses to allow the installation of a meter at the place on the premises selected by the water department the water shall be turned off and shall not be turned on again until a water meter is installed as required and a fee as established by the Town Council is paid for turning on the water. In addition the party interfering with the installation of the meter, or refusing to allow the installation of a meter may be punished as provided for violation of this ordinance.

Meter—Consumer to protect. Consumers supplied by meter shall take every

reasonable precaution to protect same from injury or damage by frost or otherwise and shall be liable for injury to meters. If, from any cause, the meter fails to register correctly, the charge to the consumer shall be at the rate used for the corresponding period of the quarter previous, or if for any reason the rate for the corresponding period of the previous quarter cannot be justly applied, the rate shall be equitably adjusted by the water department. For the testing of each meter at the request of the property owner, his agent or lessee; if the meter is found defective, no charge will be made, but if the meter is found in good order or registering in favor of the consumer, a charge as established by the Town Council will be made.

6) Only authorized employees of the water department of the Town of Alberton shall be allowed to tap the mains or laterals of the distribution system and allowed to turn on or shut off the water to any property.

Tampering with system unlawful without permission. It is unlawful for any person to open, close, turn or interfere with, or to attach, or connect with any fire hydrant, curb cock or valves without permission from the water/sewer department, or to disturb or damage any pipe, machinery, tools or other property of the water/sewer department, or to throw any substance into any reservoir or water main, or to deface or injure any building belonging to or connected with said water system.

7) Only licensed and competent plumbers shall be allowed to install service lines and connect them to the curb stops.

8) Property owners shall file a report to the water registrar immediately after the installation of a service line showing the exact location of the curb stop and the position of the service line in relation to lot corners.

9) The town may at any time discontinue supplying water in a main or lateral of the distribution system to make necessary repairs or extensions to the distribution system by notifying the property owners being affected prior to commencing work. The property owners being affected will be responsible for their equipment and/or inventory, which may be affected because of lack of water.

Rates and Charges:

Metered Rate. The owners of each premise on which a water meter has been installed shall pay for the water consumed at a rate set by a resolution of the Town Council after public hearing. This rate shall be detailed in a rate chart and shall be available on request to all water users.

Unmetered Rate. The owners of each premise on which a water meter has

not been installed shall pay for the water consumed at a flat rate set by a resolution of the Town Council after public hearing.

Deposit for Water Service. Every consumer of water must pay a deposit fee as set by the Town Council after public hearing.

Water Hookup Fee (Tapping Fee). The owners of any property shall pay a fee to tap the main water line of the Town waterworks for service to their property. This fee will be established by the Town Council after public hearing and shall be for a meter, read out, check valve, meter tails, wire and labor to tap the main line. All other costs of the tap are to be the responsibility of the property owner.

Rate and Charge Revisions. If, at any time, the rates or charges for water prove to be insufficient to adequately maintain and improve the waterworks system, the Mayor or the Town Clerk shall advise the Council and the water rates shall be revised by resolution of the Town Council after public hear.

10) Copper pipe or galvanized pipe of the type specified in Section 1 shall be used on all new or replacement services installed between the main or lateral of the distribution and the property being served.

10) Water service may be discontinued to any property for periods of not less than one (1) month. Any property owner desiring to have his water service discontinued to his property must notify the water registrar in writing thirty (30) days before the end of the month. After such notification and payment of arrearages, the water will be turned off. The base rate will still be charged to the property owner 12 months out of the year. There will be a charge of \$25.00 to have water reconnected for any service that was turned off for non-payment of services.

11) Non Compliance. Any person or entity not complying with this ordinance, shall be sent a notice of non-compliance and given a reasonable time, not to exceed 60 days, to comply with the ordinance.

Shut off-Turn on – Fee. When the water has been shut off at the curb box it shall not be turned on by any person except an employee of the water/sewer department. If the water is turned on by anyone other than an employee of the Town water/sewer department the water shall be immediately shut off and the property owner must pay a fee as established by the Town Council be the water shall again be turned on. In addition the party turning the water on shall be in violation of this ordinance and may be punished as provided in this chapter.

Causes for termination of service. If undue waste is permitted, or if water is bypassed to another consumer, or in cases of deception, misrepresentation or

abuse of the privilege of connecting with the water system, the supply of water will be turned off without notice and a penalty as established by the Town Council after public hearing shall be paid to the water/sewer department before the water is turned on and in addition the offending persons may be punished as provided in this chapter.

Billing—owners. Owners of property served with water will be held liable for all water charges. Payments will be accepted from tenants, but the owner will not be relieved of responsibility if the tenant becomes delinquent.

12) All water rates shall be charged against the owner of the property being serviced, and payment for services will be charged to the owner. Should any water account become delinquent the water service to the property may be discontinued and not turned on to that property until the account has been paid in full. Change in ownership or occupant will not affect the application of this paragraph.

13) The town reserves the right in cases of shortage of water supply or for any other causes to make and order forbidding or suspending the use of water for irrigation or sprinkling. The Town Council may at its discretion limit the use of water by giving notice through the town's official newspaper and/or posting.

Use of water for construction purposes. Contractors, builders or others needing water for construction purposes must make application to the water department prior to receiving water and the amount to be paid will be based on the established rates.

14) No person shall use water for irrigation or sprinkling during a period when a fire is in progress. All irrigation or sprinkling shall be discontinued whenever an alarm for fire is sounded, and shall not be resumed until after the fire has been extinguished.

15) The inside diameter of a hose used for sprinkling shall be three-fourths (3/4) inch. The inside diameter of the orifice or nozzle used on the hose shall not be more than one-fourth (1/4) inch. The use of a hose without a nozzle is strictly prohibited.

16) An application for water may be approved by the water registrar for building purposes. The rate to be charged by the town will be set by the Town Council at the time the application is made and the amount of water required is known. All costs and expense incident to the installation and connection of water services shall be borne by the property owner.

Meter-Fraud designated. Every person who, with intent to injure or defraud;

- A. Breaks or defaces the seal of any meter; or
- B. Obstructs, alters, injures or prevents the action of any meter or instrument used to measure or register the quantity of water supplied to a consumer thereof; or
- C. Makes any connection by means of a pipe, or otherwise, with any

main or pipe used for delivery of water to a consumer thereof, in such a manner as to take water from said main or pipe without its passage through the meter or other instrument provided for registering the amount or quantity consumed, or use any water so obtained; or

- D. Makes any connection or reconnection with such main or pipe, or turns off or on, or in any manner interferes with any valve, stop cock or other appliance connected therewith; or
- E. Prevents by the erection of any device or construction, or by any other means, free access to any meter or interferes with, obstructs or prevents by any means the reading or inspection of such meter or instrument by any of the employees of the water/sewer department, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than fifty dollars nor more than five hundred, or may be punished by imprisonment not to exceed thirty days, or both such fine and imprisonment.

17) The right is reserved by the Town of Alberton to add, alter or amend these rules and regulations as conditions and demands require.

18) It shall be the duty of the Deputy of the Town of Alberton to aid the water department in enforcing its rules and regulations. It shall be their duty to investigate and report on any violations.

Public Policy. It is the policy of the Town of Alberton to provide a healthy and safe water supply and to eliminate any potential threats of contamination or health threats to the municipal water system. In recognition of the municipal systems dependence on well water, it is also the policy of the Town of Alberton to eliminate threats to the aquifer whenever possible.

19) Property owners must be hooked up to the water services in order to have sewer hook up.

Part of contract—Consumer duty to know. The rules set forth in this ordinance are a part of the contract entered into by every consumer of Town water and the failure to know the rules will not excuse anyone from the penalty of their infringement.

20) Private water wells prohibited. All drilling and development of private wells within the Alberton City Limits for the use and benefit of property located within the Alberton City limits is prohibited. All existing water wells within the city are grand-fathered in. A variance could be given to drill a new well if used for non-domestic use. State and County guidelines would have to be met, and this would need to be brought up before the zoning board/town council.

4-2-5 Penalties.

1) Each and every violation of the rules and regulations established by this Ordinance will constitute a misdemeanor, and the offending party shall be subject to a fine of not less than Twenty-five dollars (\$25.00) or more than Five-hundred dollars (\$500.00). When the offense is one relating to plumbing, leakage, or other illegal use or waste of water, the registrar may stop the supply of water to the offender. After a bill is a month overdue a late notice will be sent to the property owner, 1st week of the month. A disconnect notice will be sent at the second week of the same month. On the third week of the same month a 24 hour disconnect notice will be delivered to the residence and if no payment is made the water will be shut off. When water has been turned off for violation of these rules and regulations, the water registrar may withhold the water until all dues and penalties have been paid in full, plus a Twenty-five dollar (\$25.00) charge to turn the water back on.

AMENDMENTS: 4-2-4 Paragraph 11) Changed: word "quarter" to "month". ADDED: The base rate will still be charged to the property owner 12 months out of the year. There will be a charge of \$25.00 to have water reconnected for any service that was turned off for non-payment of services. 4-2-4 Paragraph 13) ADDED: words and/or posting. Added 4-2-4 # 20 Private water wells prohibited. 4-2-5 Paragraph 1) ADDED: After a bill is a month overdue a late notice will be sent to the property owner, 1st week of the month. A disconnect notice will be sent at the second week of the same month. On the third week of the same month a 24 hour disconnect notice will be delivered to the residence and if no payment is made the water will be shut off. Resolution #158 8/26/97.

AMENDMENTS: 4-2-3 Paragraph 2 Changed: Application for water to be used for any purpose shall be made at the water/sewer department upon a form provided by the Town. This form must be signed by the owner or authorized agent of the owner of the property on which water is to be used. All orders for shutting water off must be made in writing, signed by the owner or authorized agent of the owner of the property at which the water is to be shut off. When the water is ordered shut off from any premise all charges for the water used shall be immediately due and payable to the water/sewer department. 4-2-4 Paragraph 3 Changed: 3) Separate control required for each premise. The service pipes must be so arranged that the supply for each separate building or premise must be controlled by a separate curb stop and meter placed at a point designated by the water/sewer department. Any exceptions need to be addressed by the City Council. (Where two (2) or three (3) properties are now connected to one (1) service line, the water registrar may insist that new services be installed, or at his discretion, may make one person responsible for the service line and bills for water used.) Add the following: Connection Required. All water inside residences, places of business, public water for institutions, properties used for human occupancy or water for any commercial use must be water from the municipal water system. All connections to the municipal water system shall be at the owner's expense.

Separate services restrictions. Where water is being supplied prior to the

adoption of the City ordinances through one service to several buildings or premises, the City Council may either decline to furnish water until separate services are provided or may continue the supply on the condition that one person shall pay for all water on the same service.

Cross Connections: There shall not be any cross-connections between individual wells and pumps and the municipal water system. 4-2-4 Paragraph 4 add: Department shut off authority. The water/sewer department reserves the right, at any time, without notice, to shut the water off in its mains for the purpose of making repairs or extensions or for any other purpose. No claim shall be made against the Town of Alberton by reason of the breaking of any service pipe or from any other damage that may result from shutting off the water. 4-2-4 Paragraph 5 Add: Meter—Required. There shall be installed, upon the service pipe in the dwelling of each water consumer, a water meter. This meter is to be selected by and installed under direction of the employees of the water department who shall select the place on the premises where the meter shall be installed. If a water meter cannot be installed within a building on the premises, a meter vault, for the meter to be located in, must be installed at the Town's expense at a location on the premises to be determined by the employees of the water/sewer department. The meter must be protected from freezing and other damage.

Meter—Type. No meter shall be placed in service nor recognized as a standard meter within the Town unless approved by the Town's water/sewer department.

Service pipe—Standards. The service pipe within and without the premises and through the entire length to the tap in the Town's water main, together with curb cock and box, must be laid, kept in repair and protected from freezing at the expense of the owner, who shall be responsible for all damage resulting from leaks and breaks and no claim shall be made against the Town of Alberton on account of the breaking of any service pipe or apparatus, or for failure to supply water. When there is a leak in the street and it is doubtful whether the water is from a break in the Town main, or from a private service pipe, employees of the water/sewer department will make all repairs, but if it is from the service pipe, the owner of the property, or agent, will be notified and must immediately take charge of the excavation, repair the leak, replace the street, and be responsible for all the damages which may result. In case the owner or agent does not make repairs at once, the water/sewer department will proceed, and all bills for labor and materials will become a charge against said property, and shall be collected from the owner or agent, and at the end of the month, in case the bill is not paid, the enforcement of payment thereof will be performed in the same manner as for the non-payment of bills for water.

Meter—Consumer interference unlawful. If any water consumer interferes with the installation of a meter or refuses to allow the installation of a meter at the place on the premises selected by the water department the water shall be turned off and shall not be turned on again until a water meter is installed as required and a fee as established by the Town Council is paid for turning on the water. In addition the party interfering with

the installation of the meter, or refusing to allow the installation of a meter may be punished as provided for violation of this ordinance.

*Meter—Consumer to protect. Consumers supplied by meter shall take every reasonable precaution to protect same from injury or damage by frost or otherwise and shall be liable for injury to meters. If, from any cause, the meter fails to register correctly, the charge to the consumer shall be at the rate used for the corresponding period of the quarter previous, or if for any reason the rate for the corresponding period of the previous quarter cannot be justly applied, the rate shall be equitably adjusted by the water department. For the testing of each meter at the request of the property owner, his agent or lessee; if the meter is found defective, no charge will be made, but if the meter is found in good order or registering in favor of the consumer, a charge as established by the Town Council will be made.*4-2-4 Paragraph 6 add: *Tampering with system unlawful without permission. It is unlawful for any person to open, close, turn or interfere with, or to attach, or connect with any fire hydrant, curb cock or valves without permission from the water/sewer department, or to disturb or damage any pipe, machinery, tools or other property of the water/sewer department, or to throw any substance into any reservoir or water main, or to deface or injure any building belonging to or connected with said water system.*2-4-2 Paragraph 9 Delete the following: *The town may at any time discontinue supplying water in a main or lateral of the distribution system to make necessary repairs or extensions to the distribution system by notifying the property owners being affected prior to commencing work. The property owners being affected will be responsible for their equipment and/or inventory, which may be affected because of lack of water.* (delete)Add: *Rates and Charges*

Metered Rate. The owners of each premise on which a water meter has been installed shall pay for the water consumed at a rate set by a resolution of the Town Council after public hearing. This rate shall be detailed in a rate chart and shall be available on request to all water users.

Un-metered Rate. The owners of each premise on which a water meter has not been installed shall pay for the water consumed at a flat rate set by a resolution of the Town Council after public hearing.

Deposit for Water Service. Every consumer of water must pay a deposit fee as set by the Town Council after public hearing.

Water Hookup Fee (Tapping Fee). The owners of any property shall pay a fee to tap the main water line of the Town waterworks for service to their property. This fee will be established by the Town Council after public hearing and shall be for a meter, read out, check valve, meter tails, wire and labor to tap the main line. All other costs of the tap are to be the responsibility of the property owner.

Rate and Charge Revisions. If, at any time, the rates or charges for water prove to be insufficient to adequately maintain and improve the waterworks system, the Mayor or the Town Clerk shall advise the Council and the water rates shall be revised by resolution of the Town Council after public hear.2-4-2

Paragraph 11 Add: Non Compliance. Any person or entity not complying with this ordinance, shall be sent a notice of non-compliance and given a reasonable time, not to exceed 60 days, to comply with the ordinance.

Shut off-Turn on – Fee. When the water has been shut off at the curb box it shall not be turned on by any person except an employee of the water/sewer department. If the water is turned on by anyone other than an employee of the Town water/sewer department the water shall be immediately shut off and the property owner must pay a fee as established by the Town Council be the water shall again be turned on. In addition the party turning the water on shall be in violation of this ordinance and may be punished as provided in this chapter.

Causes for termination of service. If undue waste is permitted, or if water is bypassed to another consumer, or in cases of deception, misrepresentation or abuse of the privilege of connecting with the water system, the supply of water will turned off without notice and a penalty as established by the Town Council after public hearing shall be paid to the water/sewer department before the water is turned on and in addition the offending persons may be punished as provided in this chapter.

Billing—owners. Owners of property served with water will be held liable for all water charges. Payments will be accepted from tenants, but the owner will not be relieved of responsibility if the tenant becomes delinquent 2-4-2 Paragraph 13 Add: Use of water for construction purposes. Contractors, builders or others needing water for construction purposes must make application to the water department prior to receiving water and the amount to be paid will be based on the established rates.2-4-2 Paragraph 16 Add: Meter-Fraud designated. Every person who, with intent to injure or defraud;

- F. Breaks or defaces the seal of any meter; or
- G. Obstructs, alters, injures or prevents the action of any meter of instrument used to measure or register the quantity of water supplied to a consumer thereof; or
- H. Makes any connection by means of a pipe, or otherwise, which any main or pipe used for delivery of water to a consumer thereof, in such a manner as to take water from said main or pipe without its passage through the meter or other instrument provided for registering the amount or quantity consumed, or use any water so obtained; or
- I. Makes any connection or reconnection with such main or pipe, or turns off or on, or in any manner interferes with any valve, stop cock or other appliance connected therewith; or

J. *Prevents by the erection of any device or construction, or by any other means, free access to any meter or interferes with, obstructs or prevents by any means the reading or inspection of such meter or instrument by any of the employees of the water/sewer department, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than fifty dollars nor more than five hundred, or may be punished by imprisonment not to exceed thirty days, or both such fine and imprisonment. 2-4-2 Paragraph 18 Add: Public Policy. It is the policy of the Town of Alberton to provide a healthy and safe water supply and to eliminate any potential threats of contamination or health threats to the municipal water system. In recognition of the municipal systems dependence on well water, it is also the policy of the Town of Alberton to eliminate threats to the aquifer whenever possible 2-4-2 Paragraph 19 Add: Part of contract—Consumer duty to know. The rules set forth in this ordinance are a part of the contract entered into by every consumer of Town water and the failure to know the rules will not excuse anyone from the penalty of their infringement.*

3) Sprinkling Days:

Even Days: All property fronting on the North side of Railroad Avenue, including the McChesney residence.

All property fronting on Adams Street.

Odd Days: All property fronting on South side of Railroad Ave.

All property fronting on other streets.

Exceptions: Property in Blocks 7, 8 and 9 on Railroad Avenue will alternate, starting with the Montana Hotel, which will be on even days.

Swimming pools: Swimming pools must be filled during regular sprinkling hours and on regular sprinkling days.

4) No open tap permitting continuous flow of water will be allowed under any circumstances.

5) All hose lines used in sprinkling shall be equipped with suitable nozzles and no larger than three-quarter inch (3/4").

6) Consumers must at their own expense, keep their fixtures and service pipes in good condition, and all waterways closed when not in use.

7) For violation of these rules for domestic, commercial or sprinkling uses, and nonpayment of charges, the Town of Alberton reserves the right to refuse water for further use, after proper notification either by the Deputy, or by registered mail: and/or impose a suitable fine, whichever the case may warrant, of the party or parties involved. They also reserve the right to impose further restrictions and regulations as may be required.

FIRE ALARM NOTICE:

All hoses using water from the Town of Alberton Water System must be SHUT OFF IMMEDIATELY when the fire Siren sounds, and sprinkling resumed only after the Fire Truck has returned to the Fire Hall, except in the use of the Fire Siren to announce the regular meeting of the Alberton Volunteer Fire Department.

4-3-4 Automatic Sprinkling Systems. Anyone who has an automatic underground sprinkling system will be allowed to sprinkle during the night from 6p.m. till 10 a.m. Not to exceed normal length of sprinkling hours (7 hours) and must be done on designated day.

DELETED: 4-3-3 1) Sprinkling Charges: Shall be set and determined by the Town Council. Resolution #158 8/26/97 ADDED: 4-3-4 Automatic Sprinkling Systems. Anyone who has an automatic underground sprinkling system will be allowed to sprinkle during the night from 6p.m. till 10 a.m. Not to exceed normal length of sprinkling hours (7 hours) and must be done on designated day. Resolution # 157 8/1/97.

Chapter 4-4

RATES AND PENALTIES OF SEWER SYSTEM

Sections:

- 4-4-1 Service of Water
- 4-4-2 Equitable Rates
- 4-4-3 Charge for Sewer
- 4-4-4 Rates in Effect
- 4-4-5 No Hookups on Public Property
- 4-4-6 Charge for Sewer Service
- 4-4-7 Policy Regarding Vacancies, Water or Sewer
- 4-4-8 Charges
- 4-4-9 No Dumping of Recreational Vehicle Sewage or Wastewater
- 4-4-10 Water\ Sewer Hook-up Rates Formula

4-4-1 Service of Water. There is hereby imposed and levied on all places of business, residences and other structures serviced by water in the Town of Alberton, Mineral County, Montana, irrespective of whether or not said places of business, residences and other structures are connected with the sewer system of the Town of Alberton, just and equitable rates for service, maintenance and operation of the sewer system of the Town of Alberton.

4-4-2 Equitable Rates. Rates shall be set from time to time by the Town Council.

4-4-3 Charge for Sewer. A charge for sewer use shall be made and collected from each owner of real or personal property in the Town of Alberton, Montana, whose property is included in the classification listed in section 2 above. All charges and rates herein provided shall be paid and collected monthly. All payments shall be made to the Town Treasurer at the office of the Town Clerk, Alberton, and all payments so collected shall be placed and maintained in a special fund designated as the "Sewer Fund".

4-4-4 Rates in effect. The rates and charges herein above provided for shall become effective, due and payable as of the first (1st) day of April, 1970, and shall be collected monthly on or before the tenth (10th) of each month, and all of such charges and rates shall be subject to collection whether such charge is based on service rendered or not. If any of the charges shall remain unpaid after the expiration of the month in which it is due, it shall be assessed against the property owner and shall remain a lien upon the real property served by such sewer connection until paid.

4-4-5 No Hookups on Public Property. No multiple hookups may be made on PUBLIC PROPERTY (in streets or alleys). If more than one line uses the same they must wye together on private property before extending in the street or alley.

4-4-6 Charge for Sewer Service. All buildings in the town limits where there is a water service will be charged for the sewer service, whether they are hooked up to use it or not. Those now hooked to a septic tank, cesspool, or sewer running to the river, will be expected to pay the new sewer as of September 1, 1970; except south of Railroad Avenue-they are denied hookup to Sewer.

4-4-7 Policy Regarding Vacancies, Water or Sewer. Notify Water Clerk, in writing, thirty days in advance.

4-4-8 Charges. The Town of Alberton will make an appropriate charge for the installation and inspection of each service connection being made, this to include multiple hookups.

4-4-9 No Dumping of Recreational Vehicles Sewage or Wastewater. No one may be permitted to dump RV Sewage or Wastewater into the Town of Alberton's Sewer System.

4-4-10 Water/Sewer Hook-up Formula: Water base rate \$6.57 x 12 = \$78.84 x 15 years = \$1,182.60 Sewer base rate \$8.12 x 12 = \$97.44 x 15 years = \$1,461.60

ADDED: 4-4-9 No Dumping of recreational Vehicles Sewage or Wastewater. See 1/2/96 minutes. DELETED: from 4-4-8: Sewer formula for hookup fee. One half (1/2) the monthly fee times twelve (12) months equals one (1) year fee times the number of years sewer has been in the ground, (installed 1968) plus materials. Resolution # 160-A 10/3/97

Chapter 4-5

BUILDING SEWER OF PUBLIC SEWER SYSTEM

Sections:

- 4-5-1 Definitions
- 4-5-2 Principals
- 4-5-3 Pipe
- 4-5-4 Joints
- 4-5-5 Connections to the Public Sewer
- 4-5-6 Requirements for Services
- 4-5-7 Restrictions
- 4-5-8 Minimum Grades

4-5-1 Definitions. Building sewers are that part of the horizontal piping of the drainage system which extends from three (3) feet outside the building and which received the discharge from the building drain and conveys it to the public sewer.

Public sewers are sewers constructed in streets, alleys, roadways and easements, and are the sewers to which the building sewers connect. All public sewers are under the control of the Town of Alberton.

Sanitary sewers are pipe which carry sewage from building sewers, but exclude any storm, surface or ground water.

A.S.T.M. refers to the American Society for Testing Materials.

C.S. refers to Commercial Standards Specifications.

4-5-2 Principals. Every building having plumbing fixtures installed or intended for human habitation and occupancy or use on premises abutting streets, alleys, roadways or easements in which there are public sewers shall have a connection with the public sewer.

4-5-3 Pipe. Piping used for building sewers shall be a minimum of four (4) inches, and shall conform to the following specifications:

Cast iron soil pipe and fittings shall conform to ASTM A74-42 or CS188-59.

Vitrified clay sewer pipe shall conform to ASTM C200-65T, Federal Specification SS-P-36lb, Class 2, or CS143-60.

Asbestos-cement non-pressure sewer pipe shall conform to ASTM C428-63T Type II, or Federal Specifications SS-P 331b.

4-5-4 Joints. Cast iron sewer pipe shall be jointed by the use of rubber compression rings or a caulked joint which shall be firmly packed with oakum or hemp and filled with molten lead for not less than a one (1) inch depth.

Vitrified clay sewer pipe shall be jointed by the use of a compression joint conforming to ASTM C425-66T.

Asbestos-cement non-pressure sewer pipe shall be provided with a sleeve coupling of the same composition as the pipe, sealed with rubber compression rings.

Joints between asbestos -cement pipe and metal pipe shall be made by means of an adapter coupling, or caulked joint packed with oakum or hemp and filled with molten lead. Approved rubber adapters may be used providing the adapter is furnished with stainless steel compression rings.

4-5-5 Connections to the Public Sewer. Connections to the public sewer shall be made with a cast iron wye branch. The wye branch furnished shall be of a make specifically manufactured for eight (8) inch asbestos-cement pipe, and shall be provided with the proper bands so that the joint between the wye branch and the public sewer line is watertight. The wye branch shall be furnished by the property owner, but the actual installation of the branch will be by the Town of Alberton personnel.

4-5-6 Requirements for Services. The building sewer shall serve no more than the buildings located on one lot, with the exception where a single building and associated structures contingent to the building occupy more than one lot.

4-5-7 Restrictions. All building sewers shall run from three (3) feet outside the building to the public sewer. All joints shall be watertight and inspected by the Town prior to back-filling trenches. In no case will it be allowed to connect a building sewer to the outlet of a septic tank and discharge the waste from the septic tank into the public sewer.

4-5-8 Minimum Grades. Building sewers shall have a minimum grade from the building to the public sewer of not less than one tenth (.10) foot in ten (10) feet.

DELETED: 4-5-9 Charges. The Town of Alberton will make an appropriate charge for the installation and inspection of each service connection being made, this to include multiple hook-ups. SEE: 4-4-8 Charges. Resolution # 160-A 10/3/97.

Chapter 4-6

SEWERS AND DRAINS

Sections:

- 4-6-1 Definitions
- 4-6-2 Use of Public Sewers Required
- 4-6-3 Private Sewage Disposal
- 4-6-4 Building Sewers and Connections
- 4-6-5 Use of the Public Sewers
- 4-6-6 Protection from Damage
- 4-6-7 Powers and Authority of Inspectors
- 4-6-8 Penalties

4-6-1 Definitions. Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

- a) "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees C., expressed in milligrams per liter.
- b) "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (5') outside the inner face of the building wall.
- c) "Building Sewer" shall mean the extension of the building drain to the public sewer or other place of disposal.
- d) "Combined Sewer" shall mean a sewer receiving both surface runoff and sewage.
- e) "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage and sale of produce.
- f) "Health Officer" shall mean an official of the County or State having jurisdiction over the design, installation, operation and maintenance of private or public sewage treatment facilities.
- g) "Industrial Wastes" shall mean the liquid wastes from industry manufacturing processes, trade or business as distinct from sanitary sewage.
- h) "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake or other

body of surface or groundwater.

i) "Person" shall mean any individual, firm, company, association, society, corporation, or group.

j) "PH" shall mean the logarithm of the reciprocal of the weight of hydrogenions in grams per liter of solution.

k) "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch in any dimension.

l) "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

m) "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface, and ground-waters are not intentionally admitted.

n) "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm-waters as may be present.

o) "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.

p) "Sewage Works" shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

q) "Sewer" shall mean a pipe or conduit for carrying sewage.

r) "Shall" is mandatory: "May" is permissive.

s) "Slug" shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

t) "Storm Drain" (sometimes termed "storm sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

u) "Superintendent" shall mean the Superintendent of Sewage Works and/or Sewage Plant Operator of the Town of Alberton, or his authorized deputy, agent or representative.

v) "Suspended Solids" shall mean solids that either float on the surface of, or are in

suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

w) "Town" shall mean the Mayor, Town Council, or its representatives acting within their appropriate limitations in accordance with town, county, state and federal laws.

x) "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

y) "Hearing Board" shall mean that Board appointed or the Town Council, if no such Board is appointed.

4-6-2 Use of Public Sewers Required.

a) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Town of Alberton, or in any area under the jurisdiction of said town, any human or animal excrement, garbage or other objectionable waste.

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

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

d) The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the town and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the town, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within ninety (90) days after date of official notice to do so, provided that said public sewer is with one hundred (100) feet of the property line.

4-7-3 Private Sewage Disposal.

a) Where a public sanitary or combined sewer is not available under the provisions of Section 4-7-2 (d), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article.

b) Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the Superintendent. The application for such

permit shall be made on a form furnished by the town, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Superintendent. A permit and inspection fee of fifty dollars (\$50.00) shall be paid to the town, at the time the application is filed.

c) A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within forty-eight (48) hours of the receipt of notice by the Superintendent.

d) The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Health and Environmental Sciences of the State of Montana. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than twenty-thousand (20,000) square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

e) At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in subsection (d) above, a direct connection shall be made to the public sewer in compliance with this ordinance, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable materials.

f) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the town.

g) No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.

h) When a public sewer becomes available, the building shall be connected to said sewer within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank run gravel or dirt.

4-7-4 Building Sewers and Connections.

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

b) There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the town. The permit application shall be supplemented by any plans, specifications, or

other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee of twenty-five dollars (\$25.00) for a residential or commercial building sewer permit and one hundred dollars (\$100.00) for an industrial building sewer permit shall be paid to the town at the time the application is filed.

c) All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the town from any loss or damage that may be directly or indirectly be occasioned by the installation of the building sewer.

d) A separate and independent building sewer shall be provided for every building: except where one building stands at the rear of another on an interior lot and no private sewer is available on can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

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

f) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and back-filling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the town. In the absence of code provisions or in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

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

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

i) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the town, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9 All such connections shall be made gas-tight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

j) The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The

connection shall be made under the supervision of the Superintendent or his representatives.

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

4-7-5 Use of the Public Sewers.

a) No person shall discharge or cause to be discharged any storm-water, surface water, groundwater, roof runoff, subsurface drainage, un-contaminate cooling water, or unpolluted industrial process waters to any sanitary sewer.

b) Storm-water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Superintendent, to a storm sewer, combined sewer, or natural outlet.

c) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

1. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
2. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitutes a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving water of the sewage treatment plant, including but not limited to cyanides in excess of two (2) mg//1 as CN in the wastes as discharged to the public sewer.
3. Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.
4. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, bit not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and flashings, entrails, paper dishes, cups, milk containers, etc. either whole or ground by garbage grinders.

d) No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, and other pertinent factors. The substances prohibited are:

1. Liquids heated in excess of one hundred and fifty degrees (150F) (65) C.
2. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred mg/1 or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150 degrees F) (0 and 65 degrees C).
3. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Superintendent.
4. Any waters or wastes containing strong acid pickling wastes or concentrated plating solutions whether neutralized of the Superintendent.
5. Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable toxic substances; or wastes exerting an excessive chlorine requirement, to such degree than any such material received in the composite sewage treatment works exceeds the limits established by the Superintendent for such materials.
6. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.
7. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulation.
8. Any waters or wastes having a pH in excess of 9.5

9. Materials which exert or cause:

- a) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
- b) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
- c) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
- d) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
- e) Water or wastes containing substances which are not amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

10. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which contain the substances or possess the characteristics enumerated in the Sections of this Article, and which in the judgment of the Superintendent, may have a deleterious effect upon the sewage works, processes, equipment, or receiving water, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

- 1. Reject the wastes,
 - 2. Require pretreatment to an acceptable condition for discharge to the sewer.
 - 3. Require control over the quantities and rates of discharge, and /or
 - 4. Require payment to cover by existing taxes or sewer charges under the provisions of Section 10 of this article. If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent, and subject to the requirements of all applicable codes, ordinances, and laws.
- f) Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters, or dwelling units. All interceptors shall be of the type and capacity approved by the Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection.

g) Where preliminary treatment of flow equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

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

i) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analysis involved will determine whether a twenty-four (24) hour composite of all out-falls of a premise is primate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24 hour composites of all out-falls whereas pH's are determined from periodic grab samples.)

i) No statement contained in this article shall be construed as preventing any special agreement or arrangement between the town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the town for treatment, subject to payment therefore, by the industrial concern.

4-7-6 Protection from Damage.

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

4-7-7 Powers and Authority of Inspectors.

a) The Superintendent and other duly authorized employees of the town bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this ordinance. The Superintendent or his representatives shall have no authority to inquire into

any processes or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

b) While performing the necessary work on private properties referred to in subsection a) above, the Superintendent or duly authorized employees of the town shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the town employees and the town shall indemnify the company against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 4-7-5, subsection h.

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

4-7-8 Penalties.

a) Any person found to be violating any provision of this ordinance except Section 4-7-6, shall be served by the town with a written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

b) Any person who shall continue any violation beyond the time limit provided for in Section 4-7-8 (a), shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding one thousand dollars (\$1,000.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

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

Title 5

BUSINESS LICENSES AND REGULATIONS

Chapter:

5.0 Occupations, Industries, Trades, and Pursuits.

Chapter 5-0

OCCUPATIONS, INDUSTRIES, TRADES, AND PURSUITS

Sections:

- 5-0-1 Business Licenses and Fees
- 5-0-2 Dates to Remain in Force
- 5-0-3 Interstate Commerce
- 5-0-4 Duty of Treasurer-Applications-Refusal
- 5-0-5 Inspection and Regulation Under Police Power
- 5-0-6 Suspensions and Revocation of Licenses
- 5-0-7 Unlawful Activities not to be Licensed
- 5-0-8 Separate Licenses Required
- 5-0-9 License Fee According to Statute
- 5-0-10 Terms of Licenses
- 5-0-11 Prosecutions and Penalties
- 5-0-12 Distribution of Fees Collected
- 5-0-13 Penalties

5-0-1 Business Licenses and Fees. No person shall conduct, operate, transact, engage in or carry on any of the industries, trades, pursuits, vocations, or businesses within the town hereafter specified and enumerated without first applying for and obtaining a license therefore from said town as herein provided, and, if such application be granted shall pay therefore as follows:

A. Retail Merchandise Establishments:

a. Selling automobiles, automobile parts and accessories, drugs, dry goods, fresh meats and/or alone or in addition to other merchandise and/or hay, fuel, lumber and all other merchandise not otherwise particularly mentioned in this chapter: The license fee shall be fifteen dollars (\$15.00) per annum.

b. Selling gasoline and/or fuel oils and the like, at so-called filling stations, either alone or in addition to other merchandise, goods, products or services: The license fee shall be fifteen dollars (\$15.00) per annum.

B. Tourist Parks: The license fee shall be fifteen dollars (\$15.00) per annum.

C. Restaurants, Cafes, or Eating Houses: The license fee shall be fifteen dollars (\$15.00) per annum.

D. Hotels, Motels, Apartment Houses and Rental of 3 or More Separate Housing

- Units: The license fee shall be fifteen dollars (\$15.00) per annum.
- E. Telephone, Telegraph, Power, Light and Water Companies: The license fee shall be seventy-five dollars (\$75.00) per annum.
- F. Moving Picture and Show Houses: The license fee shall be fifteen dollars (\$15.00) per annum.
- G. Taverns and Clubs Selling Beer and Hard Liquors: The license fee shall be one hundred and fifteen dollars (\$115.00) per annum.
- H. Taverns, Clubs and All Retail Outlets Selling Beer, But No Hard Liquor: The license fee shall be one hundred and fifteen dollars (\$115.00) per annum.
- I. Dairies Selling Any Products Other Than Home Produce: The license fee shall be fifteen dollars (\$15.00) per annum.
- J. Printing Houses: The license fee shall be fifteen dollars (\$15.00) per annum.
- K. Garages: The license fee shall be fifteen dollars (\$15.00) per annum.
- L. Oil Distributors: The license fee shall be fifteen dollars (\$15.00) per annum.
- M. Carnivals, Circuses and Menageries: The license fee shall be fifty dollars (\$50.00) per day.
- N. Trailer Courts: The license fee shall be twelve dollars (\$12.00) per annum.
A trailer court is defined as an integrated parcel of land, under single or joint ownership, designed and adapted for the temporary or permanent parking of five (5) or more mobile homes used for human habitation.
- O. Any Business, Trade, or Profession of a Comparable Nature to any Specifically Named in Section 5-0-1. The license fee shall be the same as the required of comparable businesses, trades, or professions.
- P. Persons or Companies Operating a Community Television Cable System: The license fee shall be forty dollars (\$40.00) per annum.
- Q. Taverns, Clubs, and All Retail Outlets Selling Beer and Wine, But No Hard Liquors: The license fee shall be sixty-five dollars (\$65.00) per annum.
- R. Taverns, Clubs and All Retail Outlets Selling Wine: The license fee shall be sixty-five dollars (\$65.00) per annum.

S. Door-to-door Salespersons of Goods and Merchandise: The license fee shall be fifteen dollars (\$15.00) per annum.

T. Fortune Teller: Every fortune teller, astrologer, clairvoyant or person plying a like vocation in this town shall pay a license fee of ten dollars (\$10, 00) per day. Every traveling merchant, hawker or peddler who transports goods, ware or merchandise, including agents who take orders for goods, wares or merchandise that is within the state at the time the orders are taken for them must pay a license fee of fifteen dollars (\$15.00) per annum.

5-0-2 Dates to Remain in Force. The licenses herein provided for are for the calendar year 1994 and each year thereafter while this chapter remains in force and effect.

5-0-3 Repealed

5-0-4 Duty of Treasurer-Applications-Refusal. The Clerk-Treasurer of the Town of Alberton shall be charged with collection of the licenses herein provided for and application for license, accompanied by fee therefore, shall be filed with her. On her discretion, or in the discretion of the Mayor, such application may be held until the next regular meeting of the Town Council following the application, when it shall be submitted to the Town Council, which may, in its discretion, decline to issue such license, if, in the judgment of the Council, it will be for the best interests of the Town of Alberton to refuse such license. Upon such refusal the license fee paid upon the application shall be returned to the applicant. All applications made, and all licenses issued under this application is made subject to all of Alberton, which are hereby agreed to and this license is not transferable.

5-0-5 Inspection and Regulation Under Police Power. Every person, firm, association or corporation licensed under the provisions of this ordinance shall be subject to regulation, inspection, control and supervision under the general police power of the Town of Alberton and of all of the ordinances now in force, or which may be adopted, in aid of such police power and regulation; and each and every license shall be subject to suspension and revocation as hereinafter provided.

5-0-6 Suspensions and Revocations of Licenses. Whenever in the judgment of the Mayor, the licensee under this ordinance is conducting the business, trade, occupation, vocation, performance or entertainment so licensed, in a manner which violates any ordinances or regulations under the general police power of the Town of Alberton, or in any manner detrimental to the public health, morals or welfare, he may suspend such license by notice to that effect personally served upon the licensee or left at his place of business with the person in charge thereof. Such license shall thereupon stand suspended. At the next regular meeting of the Town Council, or at any special meeting called for that purpose, such suspension shall be reported to the Town Council. The Town Council shall then have the power and authority to remove such suspension, continue for any period not exceeding sixty (60) days, or revoke such license, by order entered upon the minutes of the proceedings of the Council, a copy of which order shall be served on the licensee or left at his place of business with any person in charge

thereof, and such license shall thereupon stand renewed, suspended or revoked, as in such order specified. If when revoked, any license has an un-expired period of six (6) months or more, fifty percent (50%) of the license fee collected there under shall be refunded to the licensee upon demand; provided, that such demand for refund must be made within thirty (30) days after such revocation, or the same not be entertained.

5-0-7 Unlawful Activities not to be Licensed. No provision herein contained shall be construed as to license any trade, business, occupation, pursuit, profession or entertainment prohibited by any law of the United States, of the State of Montana or by any ordinance of the Town of Alberton.

5-0-8 Separate Licenses Required. Appeals and refunds. Except as otherwise herein provided, a separate license must be procured (where a license is required by the provisions of this ordinance) for each and every trade, occupation, pursuit, vocation or entertainment enumerated in this ordinance. When there is any doubt about classification or license fees to be paid, the matter shall be referred by the Town Clerk-Treasurer to the Mayor who shall decide the question, subject to appeal the Town Council. If such appeal be taken, no license shall be issued while the same is pending; but the applicant may pay the fee or fees required by the Mayor and apply to the Town Council at its next regular meeting for any refund to which said applicant may consider himself entitled. No application for refund not made within thirty (30) days after payment, shall be considered.

5-0-9 License Fee According to Statute. If any license fee required to be paid under the provisions of this ordinance shall be in excess of the license fee exacted by the State of Montana for the same occupation, pursuit, profession, trade, vocation, business or entertainment, where the State of Montana exacts a license fee therefore, such license fee, under this ordinance, shall be the same as the license fee exacted by the State of Montana, any other provisions in this ordinance to the contrary notwithstanding.

5-0-10 Term of Licenses. All licenses, except as otherwise herein provided, shall be payable yearly, in advance, and on or before the fifteenth (15th) day of January of each year. Any license issued for a specified date, time or place shall not be a license for any other date, time, or place. All licenses except as otherwise herein provided shall expire on December thirty-first (31st) of the year for which they are issued. A late charge of five dollars (\$5.00) per month will be charged if license is not purchased by January 15th.

5-0-11 Prosecutions and Penalties. Prosecutions for violations of this ordinance shall be in the police court of the Town of Alberton, Montana, upon written complaint of the Mayor, Town Clerk-Treasurer of said Town or of any citizen of Alberton. In addition to the fine and imprisonment hereinafter provided for violation of this ordinance, a civil judgment for the amount of the license found due and unpaid may be entered against the defendant, if found due and unpaid may be enforced by the Town of Alberton, through its Town Clerk-Treasurer, in the manner provided by the laws of the State of Montana.

5-0-12 Distribution of Fees Collected. All of the funds paid of collected under the

provisions of this ordinance shall be deposited to the credit of the General Fund of this Town.

5-0-13 Penalties. Any person violating any provision of this chapter for which another penalty has not been provided shall, upon conviction thereof, be punished as set forth in Section 1-7 of this Code.

Amendments: Section 5-0-1 License fee changed to 10.00 per day on fee chart for traveling merchant Section 5-0-03 Interstate Commerce repealed section 5-0-11 deleted town marshal 8-30-94. Chapter 5-1 thru 5-5 repealed state regulates this 9/21/94 Added 5-0-10 Term of License A late charge of \$5.00 per month will be charged if license is not purchased by January 15th.

Chapter 5-1, 5-2, 5-3, 5-5

Repealed State regulates this. 9/94& 10/26/94, 2-6-04

Title 6

BUILDING AND CONSTRUCTION

Chapter:

6-1 Adoption of Building Code

6-2 Violation; Penalty

Chapter 6-1

BUILDING AND CONSTRUCTION

Sections:

6-1-1 Adoption of Building Code

6-1-2 Violation; Penalty

6-1-1 Adoption of Building Code. The most current edition of the Uniform Building code of the State of Montana, and all amendments thereto, is declared to be the municipal building code for the purpose of prescribing regulations for the erection, construction, enlargement, alteration, repair, removal, conversion, demolition, occupancy, equipment, use, height, area, and maintenance of buildings and structures within the municipality.

The aforesaid Uniform Building Code is hereby adopted by reference and made a part of this Chapter as fully, and for all intents and purposes, as though set forth herein at length.

6-1-2 Violation; Penalty. The State will assume the enforcement of the codes in lieu of local enforcement.

Amended Title 6 Building and Construction: changed 1979 to most current edition of the Uniform Building Code of the State of Montana. 10/26/94.

Title 7

HEALTH AND WELFARE

Chapter:

7-1 Accumulations of Premises

7-2 Defining Nuisances

7-3 Duties of Board of Health

Chapter 7-1

ACCUMULATIONS ON PREMISES

Sections:

7-1-1 Duty of Owner

7-1-2 Violations; Penalty

7-1-1 Duty of Owner. It shall be the duty of the owner or occupant of any premises within the town limits to keep such premises and half of the street or alley immediately adjacent thereto and also the gutter in front of or adjoining his property clean, open and free from ashes, garbage, waste papers, cans and other debris, all refuse and growth or rank weeds and other offensive matter, and any and all accumulations of refuse of any kind.

7-1-2 Definitions: For the purposes of this chapter, the following words shall have the meanings set out below:

A. "Commercial garbage container" means watertight, insect-proof, durable metal or plastic containers having tight-fitting lids which are so designed as to be mechanically dumped, and so that they cannot be dumped over by children or animals.

B. "Garbage" means putrescible animal and vegetable wastes resulting from handling, preparation, cooking and consumption of food.

C. "Litter" means any quantity of un-containerized paper, metal, plastic, glass, or miscellaneous solid waste which may be classed as trash, debris, rubbish, refuse, garbage or junk.

D. Notice. The city shall give "notice" under this chapter by one of the following methods:

1. Delivering written notice at the place of business of the owner through which a rental agreement was made if the property is non-owner occupied;
2. Mailing a written notice by registered or certified mail to the owner, agent, occupant, or lessee at the address held out by them as the place for receipt of communications or, in the absence of such designation, to their last known address;
3. Delivery of written notice by hand to owner, agent, occupant, or lessee.

E. "Person" means an individual, group of individuals, partnership, firm, corporation, association, company, county, city, village, or improvement district.

F. "Private property" includes, but is not limited to, the following exterior locations owned by private individuals, firms, corporations, institutions or organizations: yards grounds, driveways, entranceways, passageways, parking areas, working areas, storage areas, vacant lots, and recreation facilities.

G. "Public property" includes, but is not limited to, the following exterior locations: streets, street medians, roads, road medians, catch basins, sidewalks, strips between streets and sidewalks, lanes, alleys, public rights-of-way, public parking lots, school grounds, municipal vacant lots, parks, playgrounds, other publicly owned recreation facilities, and municipal waterways and bodies of water.

H. "Refuse" means all putrescible and non-putrescible solid waste except human body wastes, including garbage, rubbish, street cleanings, dead animals, yard clippings, and solid market and solid industrial wastes.

I. Residential Garbage Container. A "residential garbage container" shall be supplied by the Garbage Disposal Company, shall be watertight, insect-proof, have overlapping tight-fitting lids, and be constructed of durable metal or plastic.

J. "Rubbish" means non-putrescible solid waste consisting of both combustible and noncombustible wastes such as paper, cardboard, abandoned vehicles, tin cans, wood, glass, crockery, lawn clippings, and similar materials.

7-1-3 Jurisdiction. The provisions of this chapter shall apply to all areas within the city.

7-1-4 Enforcement Authority. A. The county health department has the primary responsibility for enforcement of all provisions of this chapter. The Sheriffs department also has authority to enforce the provisions of this chapter.

7-1-5 Containers Commercial. A. Commercial garbage containers shall be kept covered at all times.

B. Commercial garbage containers shall be placed on a hard level surface for emptying.

C. Commercial garbage containers shall be emptied at intervals of seven days or less.

D. Commercial garbage containers are required of all of the following: All trailer courts and mobile home parks with four or more units, hotels, motels, retirement homes, nursing homes, hospitals, schools, establishments selling food or drink for consumption on or off the premises, and apartments or apartment complexes having four or more living units or any other establishment which in the judgment of the city-county health officer generates sufficient refuse to warrant a commercial container. Exceptions to this requirement may be granted by the Town of Alberton upon finding that the container is unnecessary or impracticable.

7-1-6 Containers--Residential. A. Residential garbage containers shall be kept covered at all times.

B. All residential garbage containers shall be emptied at intervals of seven days or less, unless the volume of garbage generated during this interval is normally less than the capacity of the containers.

C. Installation of sunken residential garbage containers after the effective date of the

ordinance codified in this chapter shall not be permitted.

7-1-7 Containers--Supply and use. A. Every person owning or in possession of property from which refuse is generated shall maintain at all times in a place easily accessible to the garbage collector, and where it will not be offensive or a public nuisance, one or more residential or commercial garbage containers shall be adequate to hold all refuse generated between collections.

B. All garbage accumulated on the premises shall be placed in the garbage containers.

C. Rubbish consisting wholly of lawn clippings, leaves, nonfood garden wastes, cardboard boxes, foliage trimmings and small pieces of waste lumber for collection may be stored in garbage containers or next to the garbage rack for pickup in plastic bags or neatly tied into bundles or placed in sturdy cardboard boxes. No rubbish or garbage shall be placed out for collection in paper bags or sacks.

D. No garbage, refuse or litter container shall be stored or set out for collection in the public right-of-way so as to impede or block public access or use or constitute a hazard or nuisance.

E. Any garbage, refuse or litter container which is not watertight, has sharp edges, which does not conform to prescribed standards or which has defects likely to hamper collections or injure the person collecting the contents thereof or the public generally, shall be replaced promptly by the owner or user of the container upon receipt of written notice of such defects. Failure to do so within ten days of notification shall constitute a violation of this section.

7-1-8 Keeping property and containers clean. A. It is the duty of the owner, agent, occupant, or lessee of property to keep premises free of litter, rubbish, and garbage. This requirement applies not only to loose litter, but also to materials that already are or become trapped at such locations as fence and wall bases, grassy and planked areas, borders, embankments, and other lodging points.

B. It is the duty of the owner, agent, occupant, or lessee of property to keep garbage and rubbish containers of property reasonably clean and free of offensive odors.

C. Owners, agents, occupants, or lessees whose properties face on municipal sidewalks and boulevards are responsible for keeping that portion of the sidewalks and boulevards adjacent to their property free of garbage, litter, and rubbish. Owner, agents, occupants, or lessees whose properties face on alleys are responsible for keeping that half of the alley adjacent to the property free of garbage, litter and rubbish.

D. It is unlawful to sweep or push litter from sidewalks and boulevard into streets.

E. It is the duty of every owner of vacant property to keep that property free of litter.

F. If an owner, agent, occupant, or lessee of property fails to remove litter on his or her property within ten days after notice by the county health officer or Sheriff's department, the litter may be removed by the city and the owner or his appointed agent, occupant, or lessee billed for the cost thereof.

G. If, in the determination of the county health officer a litter situation exists that constitutes an "emergency" to the city or neighboring property owners, the city may remove the litter and bill the owner, his appointed agent, occupant, or lessee of the property for the cost thereof after making a good faith effort to notify by telephone or in person, the owner, agent,

occupant, or lessee of the problem and giving him or her a twenty-four hour period to remedy the problem.

7-1-9 Distribution of Handbills. It is unlawful for any person to throw, scatter, distribute or cause to be thrown, scattered or distributed upon or along any of the sidewalks, streets, avenues or alleys, of the city, or within or upon any of the public places within the city, and bills, posters, dodgers, cards or other advertising matter of any kind.

7-1-10 Littering. A. It is unlawful for any person to throw, discard, place or deposit litter in any manner or amount on any public or private property within city limits except in containers or areas lawfully provided therefore.

B. In the prosecution charging a violation of subsection A of this section from a vehicle, proof that the particular vehicle described in the complaint was the origin of the litter, together with proof that the defendant named in the complaint was the time of the violation the registered owner of the vehicle, shall constitute in evidence a presumption that the registered owner was the person who committed the violation.

C. It is the duty of every person distributing or causing to be distributed commercial handbills, leaflets, flyers or any other advertising and informational material to take reasonable measures to keep such materials from littering public or private property.

D. It is unlawful for any person to deposit household garbage or refuse in garbage or refuse containers maintained for the use of other residences or establishments.

7-1-12 Removal of litter at construction and other sites. A. Any owner or occupant of an establishment or institution at which litter or rubbish is attendant to the packing, unpacking, loading or unloading of materials at disposal and storage of which litter and rubbish and shall make appropriate arrangements for the collection thereof.

B. It is unlawful for the owner, agent or contractor in charge of any construction or demolition site to cause, maintain, permit, or allow to be cause, maintain, permit, or allow to be caused, maintained or permitted, the accumulation of any litter or rubbish on the site before, during or after completion of the construction or demolition project.

C. It is the duty of the owner, agent, or contractor to have on the site adequate containers for the disposal of litter and rubbish and to make appropriate arrangements for its collection and transportation to an authorized facility for final disposition.

D. The owner, agent, or contractor may be required at anytime to show proof of appropriate collection or final disposition at an authorized facility.

E. It is the duty of the owner, occupant, contractor, or agent to remove at the end of each day any litter and rubbish which has not been containerized.

7-1-13 Transportation requirements. A. It is unlawful for any person to remove any garbage or carry it through the streets of the city except in vehicles having metallic or metal-lined bins, with covers so that the garbage shall not be offensive. The garbage must be protected from the wind and rain and be loaded in such a manner that none of it shall fall, drop, blow, or spill upon

the ground.

B. It is unlawful for any person to carry any rubbish on the streets except in vehicles having bins, containers, or enclosures so designed that no material loaded within shall fall, drop, blow, or spill upon the ground or public thoroughfare. Any load containing paper must be covered while moving through the streets. All rubbish so carried must be loaded into the transportation vehicle in such a manner that none of it shall fall, drop, blow, or spill upon the ground.

C. The duty and responsibility imposed by subsections A and B of this section shall be applicable alike to the owner of the truck or other vehicle, the operator thereof and the person, firm, corporation, institution or organization from which residence or establishment the cargo originated.

7-1-14 Dumping on vacant lots. It is unlawful for any person to dump, place, or leave, or cause to be dumped, placed, or left upon public property, including any of the streets, avenues, or alleys of the city any rock, gravel, dirt, earth or soil, garbage or rubbish, unless permission to do so is first obtained from the street department of the city: or to dump, place, or leave or cause to be dumped, placed or left upon any vacant or unoccupied private lot or lots within the city, and rock, gravel, dirt, earth or soil on private property, unless permission to do so shall be first obtained from the owner or owners of the vacant or unoccupied lot or lots.

7-1-14 Burning and burying garbage. Except in case of composting, it is unlawful for any person to burn or bury any garbage, rubbish, or litter in any yard or open space within the city limits, unless a disposal site license has been obtained from the Solid Waste Bureau of the Montana State Department of Health and Environmental Sciences.

7-1-15 Violation--Penalty. It is a misdemeanor for any person to do any act forbidden or to fail to perform any act required by this chapter. Every person convicted of a violation of any provision of this chapter shall be punished by a fine not to exceed five hundred dollars for each offense. Each day any violation of any provisions of this chapter shall continue shall constitute a separate offense.

Chapter 7-2

DEFINING NUISANCES

Sections:

- 7-2-1 Public Nuisance
- 7-2-2 Unwholesome Matter
- 7-2-3 Inflammable or Combustible
- 7-2-4 Clean Atmosphere
- 7-2-5 Private Yards will be Kept Clean
- 7-2-6 Obstruction of Sidewalk, Street or Alley
- 7-2-7 Awning
- 7-2-8 Duty of Occupant
- 7-2-9 Care of Dead Animals
- 7-2-10 Keeping of Swine
- 7-2-11 Persons Maintaining a Nuisance

7-2-1 Public Nuisance. The existence of any unwholesome or decaying or putrid animal or vegetable matter, the nature and condition of which tends to contaminate the atmosphere, or endanger or injure the health of persons, or which is indecent or offensive to the senses, or interferes with the comfortable enjoyment of life and the happiness of any residents or sojourners in this town, upon the premises of any residents or sojourners in this town, whether such premises be occupied by the owner or lessee thereof, is a public nuisance.

7-2-2 Unwholesome Matter. Unwholesome liquids and refuse matter, or either, kept in vats, barrels or other vessels for the space of twenty-four (24) hours, or any unwholesome liquids or refuse matter placed in cesspools or thrown upon the earth, either upon private premises or public streets or alleys, or other place within the limits of this town, which tends to contaminate the atmosphere or injure or endanger the health of persons, or which is indecent or offensive to the senses, or interferes with the comfortable enjoyment of life and the happiness of any residents or sojourners in this town, is a public nuisance.

7-2-3 Inflammable or Combustible. Any inflammable or combustible debris, hay, straw, shavings or other inflammable matter, so situated upon or about any private premises as to endanger the buildings thereon or thereabouts by communicating fire thereto, is a public nuisance.

7-2-4 Clean Atmosphere. Any barn, stable, building, shed, yard or other place wherein any animal is or has been kept, which barn, stable, building, shed, yard, or other place is suffered

to become filthy or offensive to neighbors or passersby or injurious to the health of any neighborhood, or tends to contaminate the atmosphere in any place in this town, is hereby declared to be a nuisance.

7-2-5 Private Yards will be Kept Clean. Any cellar, cesspool, privy vault, private sewer drain, or yard or premises in this town, suffered to become unwholesome, filthy, foul, or offensive to any person or persons within this town, or which is injurious to the health or offensive to the senses of any inhabitants of this town, or which tends to contaminate the atmosphere, is hereby declared to be a nuisance.

7-2-6 Obstruction of Sidewalk, Street or Alley. Any person who shall willfully and unnecessarily obstruct any sidewalk, street or alley without permission of the Mayor first had and obtained, or who shall fail to remove any obstruction placed in or upon any street, sidewalk or alley, whenever any permission previously given has been withdrawn, or when notified so to do by the Town Marshal, shall be deemed guilty of maintaining a nuisance.

7-2-7 Awning. Every person who shall maintain, or cause to be maintained, any awning projecting over any public street in this Town, which said awning shall be less than seven feet (7') above the walk, shall be deemed guilty of maintaining a nuisance.

7-2-8 Duty of Occupant. It shall be the duty of the occupant of any premises within the town limits, or in case the same are unoccupied, then the owner or his agent, to keep the sidewalks in front of and adjoining his agent, to keep the sidewalks in front of and adjoining his premises clean and safe for pedestrians, and to repair the same from time to time, and such occupant, owner or agent shall, with all reasonable dispatch, remove snow, ice, slush, mud and other impediment to safe and convenient foot travel, and to prevent the continuance and accumulation of the same. Every person failing to comply with the provisions of this section shall be deemed guilty of committing a nuisance and each day that such nuisance shall be continued shall be a separate offense.

7-2-9 Care of Dead Animals. Any dead animal suffered to remain unburied upon any private premises, or placed or left upon any street, alley, public or private grounds within this Town, or within two (2) miles in any direction from the Town Hall, except such as may from time to time be designated by the Council as the town dumping ground, is hereby declared to be a nuisance and any person being the owner of, or in charge of, or responsible for the care of such animal when the same died, who shall neglect or refuse to bury the same at least two feet (2') deep at some point more than one (1) mile from the corporate limits of the town, or at the town dumping ground, within twenty four (24) hours after death of such animal, shall be deemed guilty of maintaining a nuisance.

7-2-10 Keeping of Swine It shall be unlawful for anyone to keep any swine upon their premises or other enclosed or non-enclosed lot within the town limits of the Town of Alberton, Montana.

7-2-11 Persons Maintaining a Nuisance. Any person or persons who shall maintain or

cause to be maintained any nuisance shall be deemed in violation of this Chapter and upon conviction thereof shall be punishable as set forth in Section 1-7 of this Code.

Amended Chapter 7-1 Accumulation of Premises: replace our ordinance with Missoula's Keeping our violations: Penalties. Chapter 7-3 Deleted this section. No longer pertains to us. 10-26-94.

Title 8

ANIMALS

Chapter:

8-1 Cruelty to Dumb Animals

8-2 Regulate the Keeping of Dogs

8-3 Keeping of Livestock

Chapter 8-1

CRUELTY TO DUMB ANIMALS

Sections:

- 8-1-1 Abuse of Animals
- 8-1-2 Violations; Penalty

8-1-1 Abuse of Animals. It shall be unlawful for any person to unnecessarily or cruelly beat or otherwise torture or abuse any animal within the limits of the Town of Alberton.

8-1-2 Violations; Penalty. Any person violating any provision of this Chapter shall, upon conviction, be punished as set forth in Section 1-7 of this Code.

Chapter 8-2

DOGS

Sections:

- 8-2-1 Definitions
- 8-2-2 Vaccination
- 8-2-3 License and Registration
- 8-2-4 Tag and Collar
- 8-2-5 Dogs Running at Large
- 8-2-6 Impounding *Removed*
- 8-2-7 Notice and Redemption *Removed*
- 8-2-8 Disposition of Unredeemed Dogs *Removed*
- 8-2-9 Animals Exposed to Rabies
- 8-2-10 Emergency Rabies Control
- 8-2-11 Duties and Powers of Dog Control Officer
- 8-2-12 Number of Dogs
- 8-2-13 Cruelty to Animals; Poisoning
- 8-2-14 Nuisance Animals
- 8-2-15 Vicious Animals
- 8-2-16 Penalties

8-2-1 Definitions. As used in this chapter, unless the context otherwise indicates, the following terms shall have the meaning ascribed to each.

- (a) Owner: Any person owning keeping or harboring a dog.
- (b) At large: Off the premises of the owner and not under control of a competent person.
- (c) Restraint: Controlled by a leash not longer than six (6) feet or within a vehicle with permission of the owner; or within the property limits of premises controlled by the owner or other person consenting thereto.
- (d) Animal Shelter: Any premises provided by the Town and maintained by the Dog Control Officer for impounding and caring for dogs.
- (e) Vaccination: The inoculation of a dog with anti-rabies vaccine, having an effective immunity of at least two (2) years, and administered by a licensed veterinarian.

8-2-2 Vaccination. It is unlawful for any person to keep, maintain or harbor any dog over

six months of age unless it shall have been vaccinated, as hereinabove defined, within the preceding two (2) years.

8-2-3 License and Registration. It is unlawful for any person to keep, harbor or maintain in the Town of Alberton any dog over six months of age unless such dog is duly registered and licensed as herein provided. Licenses shall be issued by the Town Clerk, upon proof that the dog has been vaccinated against Rabies within two years of the date when such license expires, and upon payment of any annual license fee of \$10.00 for non-neutered male and un-spayed female dogs, or a lifetime license of \$10.00 for all neutered male or spayed female dogs. The annual license shall expire on January 1, following its issuance. The owner shall state at the time application is made for such license, and upon forms provided for such purpose, his name and address, the name breed, color, sex, coat and any identifying marks of the dog for which application is made, and shall provide proof of the date and by whom the vaccination was done. Further, if the owner is applying for a license for the lifetime of the dog, he shall furnish proof that the dog is either neutered or spayed. The provisions of this Section shall not apply to non-residents having dogs under restraint within the Town less than fifteen (15) days. If a dog was kept, harbored or maintained in the Town of Alberton prior to March 1, and the Owner did not obtain a license for said dog as herein provided, the required license fee for that year shall be increased \$10.00. A picture of the dog is required at the time of licensing. If a puppy, this must be updated when full grown.

8-2-4 Tag and Collar. Upon receipt of a proper application, proof of vaccination, and the license fee, the Town Clerk shall issue to the applicant a license certificate and a metallic tag. The tag shall have stamped thereon the year for which it was issued, and the number corresponding with the number on the certificate. Every owner is required to provide each dog with a substantial collar, to which the license tag shall be affixed at all times. Any dog found off the owner's premises without a license tag shall be deemed to be not licensed, even though a license has been issued for such dog. In the event that a dog tag is lost or destroyed, a duplicate shall be issued by the Town Clerk, upon presentation of an affidavit to that effect, or a receipt or duplicate receipt showing that payment of the license fee has been made for the current year, and the payment of a fee of one (\$1.00) Dollar for such duplicate. License tags are not transferable from one dog to another and it shall be unlawful for any person to cause or permit a license tag to be placed upon a dog for which it is not issued. Any dog found with a license tag issued for another dog shall be deemed to be not licensed. No refunds shall be made on any dog license fee because of the death of the dog or the owner leaving Town before the expiration of the license period.

8-2-5 Dogs Running at Large. It is unlawful for the owner of any dog to permit the same to be at large, not under restraint at any time with a leash no longer than 6 (six feet *unless the dog is voice command responsive*).

~~8-2-6 Impounding. Unlicensed dogs, or dogs found at large and not under restraint, shall be taken up by the Dog Control Officer or any law enforcement officer and impounded in the Animal Shelter. The Dog Control Officer shall make a complete register of every dog~~

impounded, showing the time and place of taking, the breed, color, sex and distinguishing marks of such dog, and if licensed, the number of the license and the name and address of the owner. Licensed dogs shall be separated from unlicensed dogs at the animal shelter and males separate from females.

~~8-2-7 Notice and Redemption.~~ It is hereby declared the duty of every owner of any dog to know its whereabouts at all times. In the event that any dog is impounded, the owner shall redeem the same within ninety six (96) hours, without any formal notice, or it shall be subject to disposal by the Dog Control Officer as hereinafter provided. The owner of any impounded dog may redeem the same within such period of time by paying the sum of Ten (\$10.00) Dollars for the first day and \$5.00 for each additional 24 hours the dog is maintained at the animal shelter. The owner of any unlicensed dog that is impounded shall obtain a license for such dog prior to the time of its release from the animal shelter.

~~8-2-8 Disposition of Unredeemed Dogs.~~ If an impounded dog is not redeemed within ninety six (96) hours from the time it is taken and impounded, it may be put to death in a humane manner.

~~8-2-9 Animals Exposed to Rabies.~~ Every dog or other animal which has been bitten by, or exposed to, any animal suspected to have been infected with rabies shall be forthwith seized and taken up by the Dog Control Officer appropriate law enforcement officer and securely and separately impounded in the animal shelter. All such animals shall be quarantined in the pound or at a licensed veterinarian hospital for a period of fourteen (14) days. It shall be the duty of the Dog Control Officer to notify the Public Health Officer of every such animal impounded. If, after observation under the supervision of the Public Health Officer for such period, any such animal, upon payment of the regular fee of three (\$3.00) dollars per day for its maintenance and care and upon compliance with licensing requirements. In the event that any animal under quarantine is diagnosed as being rabid, it shall be disposed of only under the orders and directions of the Public Health Officer in his absolute discretion.

~~8-2-10 Emergency Rabies Control.~~ Upon the positive diagnosis of rabies infection of any animal in the Town, the Mayor may issue a Town-quarantine Order, providing for the summary destruction of all animals known to have been exposed to rabies, or all unconfined animals, or may make such other orders as he deems necessary or expedient for the protection of the public.

~~8-2-11 Duties and Power of Dog Control Officer.~~ In addition to the duties and powers of the Dog Control Officer otherwise prescribed, he shall keep and maintain adequate records of all animals impounded and all actions taken in the course of his duty; he shall carry out and enforce all of the provisions of this chapter and amendments thereto; he shall enforce the licensing and control of all animals in the Town as provided in this chapter; he shall seize and take up all animals violating the terms of this chapter and maintain the same in a suitable and humane manner at the Animal Shelter where this chapter requires that an animal be put to death, he shall accomplish this in a humane manner; he shall be empowered to pursue upon private property any animal violating any provision of this chapter or when attempting to seize any animal suspected of having been exposed to rabies; he shall make complaints in Police Court for violation of this

chapter and shall attend and testify in Court when required; and he shall have authority to make out and issue tickets for violations of this chapter. ~~Town Clerk shall act as Dog Control Officer.~~

8-2-12 Number of Dogs. It shall be unlawful for any person or family, to keep, harbor or maintain any number more than two (2) dogs over six months of age, whether licensed or not, in or upon premises without first obtaining the permission of the ~~Animal Control Authority, Town of Alberton~~ and any person having any dogs over the number of two (2) and up to five (5), shall obtain a permit from the ~~Animal Control Authority Town of Alberton~~ at the cost of one dollar (\$1.00) for said permit. This Section shall not apply to licensed veterinarian hospitals, but it is intended to apply to keeping or maintaining a dog kennel and breeding dogs for profit which are hereby declared to be nuisances, unless licensed after permission granted by the ~~Animal Control Authority, Town of Alberton~~ after application and hearing. A kennel license shall be required where the applicant owns, harbors or keeps five (5) or more dogs and shall be authorized or refused in the sole discretion of the ~~Animal Control Authority, Town of Alberton~~ having regard to the facilities offered and the effect upon neighbors. The kennel license fee shall be fifteen dollars (\$15.00) per calendar year, or any part thereof, for the first five (5) dogs and one dollar (\$1.00) for every dog over the number of five (5); all licenses mentioned herein shall expire on December 31 unless sooner revoked. Upon complaint being made to the ~~Animal Control Authority Town of Alberton~~ that a licensed kennel is being operated in what is considered to be an improper manner, the ~~Animal Control Authority Town of Alberton~~ shall schedule a hearing upon the revocation. After the hearing, the ~~Animal Control Authority Town of Alberton~~ may either revoke or continue the kennel license, in its discretion. In this and all other decisions of the ~~Animal Control Authority, Town of Alberton~~ a minimum of five (5) members shall constitute a quorum and a majority vote of the members present shall constitute the decision of the Authority.

8-2-13 Cruelty to Animals; Poisoning. It is unlawful for any person to willfully and/or cruelly inflict pain upon or injure any animal. It is unlawful for any person to lay out or expose any poison for the purpose of killing any dog or other animal, or to aid or abet any person in doing so.

8-2-14 Nuisance Animals. It is hereby declared a public nuisance for any dog or other animal to destroy property or other pets, to bite, or chase after persons not trespassing on the property or the owner, to chase vehicles in public streets or ways, or by prolonged howling, yelping, barking, or any other means, cause annoyance or disturbance to any person. ~~Any such nuisance animal may be taken up and impounded by the Dog Control Officer.~~ It is unlawful for any person to own, harbor, keep, or maintain any such nuisance animal and it shall be the duty of ~~the Dog Control Officer~~ and all law enforcement officers to issue tickets and file complaints for all such violations occurring in their presence. Any person aggrieved by a nuisance animal may file a complaint at Town Hall, charging the owner with the violation of this section where the offense is not committed in the presence of ~~the Dog Control Officer~~ law enforcement officers. *First Complaint a letter will be written to the offender, second complaint a town official will talk to the offender, third complaint the Sheriff will contact the offender.* ~~Upon a third conviction under this section the nuisance animal shall be seized and taken up by the Dog Control Officer and put to death forthwith.~~

8-2-15 Vicious Animals. Whenever affidavit shall be made before the ~~Dog Control Officer or the Police~~ *law enforcement officer or the Town Judge* that any dog or other animal has bitten a person and that the person bitten was not at the time trespassing upon the property of, or injuring or attempting to injure the person, family or property of the owner, the ~~Dog Control Officer or Police~~ *law enforcement officer or Town Judge* shall issue an order requiring the owner of such dog or other animal to surrender the same to ~~the Dog Control Officer~~ *the law enforcement officer* for quarantine with in twenty-four (24) hours after service of the order. Such order may be served by ~~the Dog Control Officer~~ or any law enforcement officer and, if the owner cannot be found at his place of residence, the order may be served by leaving it with a person of suitable age and discretion at, or by placing it in a prominent place at the front door of, such residence. It is unlawful for any person to refuse or neglect to surrender any such vicious animal within twenty-four (24) hours after the service of such order as herein provided, and the ~~Dog Control Officer~~ *law enforcement officer* shall forthwith seize and impound such animal without notice. In the event that the owner is unknown upon the making of such affidavit, ~~the Dog Control Officer~~, or any law enforcement officer shall seize and impound such animal without notice. All dogs or other animals impounded under this section will be quarantined at a pound or at a licensed veterinarian hospital for the period and under the same conditions as stated in chapter 8-2-9. Any dog or other animal, which has bitten persons on separate occasions, shall be put to death by order of the Town Council. Any person may protect his pets, his property, his person, or the dangerous dog or other animal by force, even to the extent of slaying the same, if reasonably necessary.

8-2-16 Penalties. Any person found violating any provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of Twenty-five (\$25.00) Dollars for a first conviction, Fifty (\$50.00) Dollars for a second conviction, One-hundred (\$100.00) Dollars for a third conviction and a doubling for the fine for each conviction thereafter. An imposition of a fine for any conviction shall not be suspended or deferred. Any sums due for payment of required license fees and boarding costs shall also be payable at the time of payment of the fine.

AMENDMENTS: Penalties (increase) in Minutes 12/11/94 References to "Poundmaster" in all sections changed to "Dog Control Officer". Chapter 8-2 changed to follow Superiors Chapter 8.02. Keep our section 8-2-6 Number of Dogs and 8-2-20 Cruelty to Animals. 8-2-11 Duties and Power of Dog Control Officer ADDED: "Town Clerk shall act as Dog Control Officer." Resolution # 158 8/26/97. Amended Dog Ordinance by adding new impounding fee schedule 05/06/03. Amended leash law ordinance to include 6' leash on the restrain 9/2/03. Amended 8-2-5 Dogs running at large ADDED: unless the dog is voice command responsive 09/09/10. Remove 8-2-6 Impounding, 8-2-7 Notice and Redemption, 8-2-8 Disposition of Unredeemed Dogs 09/9/10. Change "Dog Control Officer" to law enforcement officer 09/09/10. Any strikethroughs are deleted items; they are replaced with italics throughout 09/09/10.

Chapter 8-3

KEEPING OF LIVESTOCK

Sections:

- 8-3-1. Locating Livestock
- 8-3-2. Rental or Multi-family Property
- 8-3-3. Nuisance Livestock
- 8-3-4. Cruelty to Animals
- 8-3-5. Violation—Penalties

8-3-1. Locating Livestock: It is hereby provided that any livestock kept within the Town of Alberton shall be situated not closer than twenty feet (20') from any residential structure occupied by someone other than the livestock owner, custodian or keeper.

8-3-2. Rental or Multi-family Property: Livestock may be kept on a single-family parcel or on a parcel with more than one dwelling if all residents and owners consent in writing.

8-3-3. Nuisance Livestock: It unlawful for the livestock owner, custodian or keeper to allow an animal to be a nuisance to any neighbors, including noxious odors or noises of a loud, persistent and habitual nature.

8-3-4. Cruelty to Animals: Livestock shall be provided with adequate, safe and clean housing, protected from predators and feed must be stored in predator-proof containers.

8-3-5. Violation—Penalties: Any person found violating any provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of twenty-five dollars (\$25.00) for a first conviction, and one hundred dollars (\$100) for a second conviction and a doubling of the fine for each conviction thereafter. After the third conviction, the Town may confiscate the animals.

Passed by the Town Council on first reading January 4, 2011.

Passed, adopted and approved on second reading February 1, 2011.

Title 9

PUBLIC PEACE, SAFETY AND MORALS

Chapters:

9-1 Disturbing the Peace

9-2 Concealed Weapons

9-2 Curfew

9-4 Civil Defense

Chapter 9-1

DISTURBING THE PEACE

Sections:

9-1-1 Disturbing the Peace

9-1-2 Violations; Penalty

9-1-1 Disturbing the Peace. If any person within the limits of the Town of Alberton shall willfully and intentionally or maliciously and unnecessarily disturb the peace and quiet of any street, neighborhood, family or person, by loud, tumultuous or unusual noises, vocal or instrumental, or shall threaten, quarrel, scold, halloo, or shall provoke or commit assault and battery, or by any other means whatever disturb the peace and quiet of any street, neighborhood, family or person, or shall curse or swear or utter obscene, profane or vulgar language, or commit and indecent or lewd act, in any public place or in view of any person or persons, every such person shall be deemed as disturbing the peace.

9-1-2 Violations; Penalty. Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable as set forth in Section 1-7 of this Code.

Chapter 9-2

CONCEALED WEAPONS AND FIREARMS

Sections:

- 9-2-1 Carrying a Concealed Weapon
- 9-2-2 Discharge of Firearms Prohibited
- 9-2-3 Exceptions; Permits
- 9-2-4 Violation; Penalty

9-2-1 Carrying a Concealed Weapon. It shall be unlawful for any person, within the corporate limits of the Town of Alberton, to carry or bear concealed upon his person, any dirk, dagger, pistol, revolver or other deadly weapon, unless a state permit is obtained.

9-2-2 Discharge of Firearms Prohibited. It shall be unlawful for any person to discharge firearms (pistol, rifle, air rifle or pistol, BB guns) of any kind or description within the limits of the Town of Alberton; provided, however, that this shall not apply to police officers in the discharge of their duties.

9-2-3 Exceptions; Permits. Anytime the Town Council may, upon application, grant permits to shooting galleries, gun clubs and others for shooting within the municipal limits in fixed locations and under fixed rules. Such permits shall be in writing attested by the Clerk conforming to such requirements as the Town Council shall demand, and the permit thus issued shall be subject to revocation at any time by action of the Town Council.

9-2-4 Violations; Penalty. Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable as set forth in Section 1-7 of this Code.

Deleted Chapter 9-3 Intoxicated Persons, 9-4 Prohibiting Prostitution, 9-5 Assistance to Prisoners, 9-6 Destruction of Property, 9-7 Unlawful Conduct. Covered by Law Enforcement. 10/26/94.

Chapter 9-3

CURFEW

Sections:

- 9-3-1 Age Restrictions
- 9-3-2 Exceptions
- 9-3-3 Parent or Guardian Liability
- 9-3-4 Violation of Ordinance

9-3-1 Age Restrictions. It shall be unlawful for any parent, or guardian or person having custody of a minor under the age of eighteen (18) years to permit such minor to go about in a vehicle, on foot, or otherwise, upon any street, avenue, road, alley or in any public place within the Town of Alberton between the hours of ten o'clock (10:00) P.M. on Sunday, Monday, Tuesday, Wednesday, and Thursday, or the hour of one o'clock a.m. (1:00) on Friday and Saturday, and the hour of six o'clock (6:00) A.M. Also that the hour of one o'clock a.m. (1:00) shall be applicable to the going about of children less than eighteen (18) years on the day preceding any legal holiday and shall be similarly applicable during the months of June, July, and August and December 23 to January 1 inclusive.

9-3-2 Exceptions. The provisions of this ordinance shall not apply to any minor going to or returning from his or her place of employment nor to any minor returning from any school activity nor to any minor accompanied by his or her parents, guardian or other adult person having the care or custody of such minor or where such minor is engaged upon an errand or business directed by his or her parent, guardian or adult person having his or her care or custody, provided, however, that any such minor embraced with the provisions of this section must have written permission from the parent, guardian or adult person having his or her care or custody and shall not unnecessarily linger or loiter at anytime while engaged or occupied as in this section above provided.

9-3-3 Parent of Guardian Liability. It shall be the duty of Peace Officers to apprehend and take into custody any minor found in violation of this ordinance. The Peace Officer shall thereupon notify said parent, guardian or adult person having his or her care or custody and such parent, guardian or adult person having his or her care or custody cannot be located, said minor shall be remanded to the custody of the County Juvenile Officer.

9-3-4 Violation of Ordinance. For a first violation of this ordinance the minor shall be released to the custody of such parent, guardian or adult person having his or her care or custody, upon written promise that such parent, guardian or adult person having his or her care or custody will assume the responsibility that said child will comply with the provisions of this ordinance.

The Officer shall keep a record of such violations.

Thereafter, any minor in apparent violation of this ordinance shall be taken to see the Juvenile Officer, released to the custody of the parent; guardian or adult person shall be guilty of a violation of this ordinance and punishable hereunder.

*Amended Chapter 9-3 to Chapter 9-8 because of deletions number of chapters changed.
Changed our Ordinance on curfew to follow Superiors. 10/26/94.*

Chapter 9-4

CIVIL DEFENSE

Sections:

- 9-4-1 Organization
- 9-4-2 Actions of the Mayor
- 9-4-3 Director and Mayor

9-4-1 Organization. The County of Mineral and Town of Alberton Civil Defense Plan is hereby approved. This plan provides for an integrated Town-County organization for Civil Defense and for operations during periods of emergency, and thereby constitutes the most effective and efficient means of meeting the Civil Defense needs of the Town of Alberton and its citizens, by making maximum use of the existing agencies and capabilities of local government within Mineral County, supported by volunteers and non-governmental personnel and resources, to prevent or minimize loss of life and property that could be caused by enemy attack or other catastrophe or disaster affecting the Town of Alberton. The Mayor of the Town of Alberton is hereby authorized to approve such revisions of said Civil Defense Plan as may be made, from time to time, if he deems the revisions to be reasonably necessary to meet the Civil Defense needs of the Town of Alberton and its citizens.

9-4-2 Actions of the Mayor. The Mayor of the Town of Alberton and the Board of County Commissioners of Mineral County shall, during periods of emergency caused by enemy attack or other catastrophe or disaster affecting the Town of Alberton, jointly direct and control the operations of the Town-County organization for Civil Defense established in said Civil Defense Plan. The Mayor is hereby authorized and directed to take, during such periods of emergency, such actions as are reasonably necessary to prevent or minimize loss of life and property, in cooperation with said Board of County Commissioners and the Civil Defense Director of Mineral County.

9-4-3 Director and Mayor. The County Civil Defense Director, under policy guidance of the Board of County Commissioners, in coordination with the Mayor, is responsible to conduct the following day-to-day activities: recommending actions, preparing budget requests, training, assignment of personnel, licensing, marking and stocking of public shelter, preparation of program paper, administration of Civil Defense Program, coordination of the program with all departments, development of Civil Defense plan and supporting documents for approval by the Mayor and Commissioners of Mineral County. The Civil Defense Director will act as Chief of Staff to the executives of the County and Town.

Chapter 9-5

FIREWORKS

Sections:

- 9-5-1 Fireworks Prohibited
- 9-5-2 Approval for Sale
- 9-5-3 Fireworks Permitted
- 9-5-4 Public Displays Permitted
- 9-5-5 Sale of Fireworks
- 9-5-6 Use of Fireworks
- 9-5-7 Unlawful Usage of Fireworks
- 9-5-8 Violations; penalty

9-5-1 Fireworks Prohibited. It shall be unlawful to possess , offer for sale, expose for sale, sell, use or explode any fireworks within the town limits except as hereinafter provided.

9-5-2 Approval for Sale. All parties must have prior approval from the Town Council and the Fire Chief before sale of fireworks within the town limits will be allowed.

9-5-3 Permissible Fireworks. Permissible fireworks shall be those not prohibited by law.

9-5-4 Public Displays Permitted. The Mayor or the Town Council may permit the public display of fireworks to be handled by a competent operator to be approved by the State Fire Marshall or by the Town Council, and so located, discharged, or fired as in the opinion of the chief of the fire department, after proper inspection, shall not be hazardous to property or endanger any person or persons. Applications for such permits shall be made in writing at least fifteen (15) days in advance of the date of the display.

9-5-5 Sale of Fireworks. It shall be unlawful to offer for sale at retail within the town, fireworks of any description before the 24th of June or after the 5th day of July. It shall be unlawful for any person under the age of eighteen (18) years to sell or offer to sell fireworks.

9-5-6 Use of Fireworks. It shall be unlawful to use or explode any fireworks within the town limits, except as provided in section 9-5-3, before the 24th day of June or after the 5th day of July; or between the hours of ten o'clock p.m. and seven o'clock a.m. of any days between the 24th day of June and the 5th day of July, inclusive, except that on the 4th day of July such use is permitted until the hour of midnight. In addition it shall be lawful to use fireworks at midnight on New Year's Eve from midnight on the evening of December 31 through to the following thirty (30) minutes into the early morning of January 1.

9-5-7 Unlawful usage of Fireworks. It shall be unlawful to throw firecrackers or other fireworks into any public streets or alleys, into or at automobiles or other conveyances, at or on persons or domestic animals, or to handle or use such fireworks in such a manner as to injure or damage persons or property of others.

9-5-8 Violations; Penalty. Any person who shall violate any of the provisions of this chapter shall, upon conviction thereof, be punishable as provided in section 1-7 of this code.

Amended: Fireworks ordinances 9-5-1 through 9-5-8 enacted 11/6/97 Resolution #161

Title 10

VEHICLES AND TRAFFIC

Chapters:

10-1 Uniform Traffic Act

10-2 Parking

10-3 Regulations of Snowmobiles

10-4 Golf Carts

Chapter 10-1

UNIFORM TRAFFIC ACT

Sections:

- 10-1-1 Adoption of Uniform Traffic Act
- 10-1-2 Application of Act; Exception
- 10-1-3 Violations; Penalty

10-1-1 Adoption of Uniform Traffic Act. All ordinances of the Town of Alberton relating to the regulation of traffic within the (town) are hereby revised and re-codified by the Uniform Act Regulating Traffic on Highways as set forth in the statutes of the Montana Code Annotated as Title 61 and prosecuted as such in the city court.

10-1-2 Application of Act; Exception. All traffic within the Town of Alberton will be governed and regulated by the provisions of said Uniform Act Regulating Traffic on Highways as so set forth in the statutes of Montana; provided that the speed limit within the (town) limits shall be 15 miles per hour on all side streets Railroad Ave and Adams St will remain at 25 miles per hour.

10-1-3 Violations; Penalty. Any person who shall violate any of the provisions of this chapter shall, upon conviction, be punishable as set forth in Section 1-7-1 of this code, unless a stricter penalty is allowable under said Act.

MCA

Definitions.....	61-1-101 to	61-1-509
General Provisions.....	61-8-101 to	61-8-112
Traffic-Control Devices.....	61-8-201 to	61-8-210
Operations.....	61-8-301 to	61-8-369
Driving While Intoxicated.....	61-8-401 to	61-8-408
Pedestrians.....	61-8-501 to	61-8-509
Bicycles.....	61-8-601 to	61-8-608
Penalties.....	61-8-701 to	61-8-722
Abandoned Vehicles.....	61-12-401 to	61-12-408
Minors.....	61-12-601 to	61-12-603
Equipment.....	61-9-101 to	61-9-423

*Amended 10-1-10-3 and adopted Superiors 10-1. 10/26/6. 08/04/09 10-1-2 changed speed limit to 15, added on all side streets Railroad Ave and Adams St will remain at 25 miles per hour.
Final reading*

Chapter 10-2

PARKING

Sections:

10-2-1 Parking

10-2-1 Parking. No parking shall be permitted on sidewalks. All parking must be parallel to the Curb. No car shall be parked so as to be facing oncoming traffic. No vehicle can be parked more than 72 hours. No repairs on any vehicle on City Streets.

Add: Chapter 10-2 Parking: No parking shall be permitted on sidewalks. All parking must be parallel to the Curb. No car shall be parked so as to be facing oncoming traffic. No vehicle can be parked more than 72 hours. No repairs on any vehicle on City Streets. 10-26-94. Amended: added 10-2-1 No parking which blocks access to designated driveways of properties. 06/01/04.

Chapter 10-3

REGULATIONS OF SNOWMOBILES

Sections:

- 10-3-1 Definition of Terms
- 10-3-2 Effect of Regulations
- 10-3-3 State Registration Required
- 10-3-4 Operations
- 10-3-5 Unlawful Operations
- 10-3-6 Operation on Private Property
- 10-3-7 Curfew
- 10-3-8 Riding on Streets, Roadways and Snowmobile Paths
- 10-3-9 Yield the Right of Way
- 10-3-10 Clinging to Vehicles
- 10-3-11 Parking
- 10-3-12 Riding on Sidewalks
- 10-3-13 Violations; Penalties

10-3-1 Definition of Terms. As used in this ordinance the following terms shall have the meanings indicated herein unless the context otherwise clearly requires that another meaning be intended:

- a) "Person" includes an individual, partnership, association, corporation and any other body or group of persons, whether incorporated or not, regardless of the degree of formal organization.
- b) "Snowmobile" includes any self-propelled, track-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 of Montana.
- c) "Owner" shall include every person as defined herein, other than a lien-holder or other person having a security interest only, holding a record title to a snowmobile, and entitled to the use or possession thereof.
- d) "Operator" shall include every person who operates or is in actual physical control of the operation of a snowmobile.
- e) "Roadway" shall include only those portions of any highway, road or street improved, designed, or ordinarily used for travel or parking of motor vehicles.

10-3-2 Effect of Regulations.

- a) It is a violation of this ordinance for any person to do any act forbidden or fail to perform any act required by this ordinance.
- 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 ordinance.
- c) 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 herein.

10-3-3 State Registration Required. The owner of a snowmobile shall register such vehicle with the Registrar of Motor Vehicles of the State of Montana, and shall further comply with all provisions of the 1969 Snowmobile Act. The owner shall display in a conspicuous place on such registered vehicle, the registered number.

10-3-4 Operations.

- 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 ninety degrees (90) to the directions 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 ordinance, unless equipped with a brake light, at least one (1) head lamp and one (1) tail lamp, which shall be lighted at all times during such operation, and unless equipped with a suitable braking device which may be operated by either hand or foot.

10-3-5 Unlawful Operations. It shall be unlawful for any person to drive or operate any snowmobile in any one or more of the following manners:

- a) In violation of any statute of the State of Montana or ordinance of the Town of Alberton, Montana, regulating the operation of motor vehicles.
- b) In a careless or reckless manner so as to endanger the person or property of another, or to cause injury or damage to either.

- c) 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.
- d) Without a muffler in good working order and in constant operation which prevents excessive or unusual noise and annoying smoke.
- e) To pull any sled or trailer or any other object without a "rigid type" hitch.

10-3-6 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.

10-3-7 Curfew. 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

10-3-8 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.

10-3-9 Yield the Right of Way. Emerging from alley, driveway, or building, snowmobile operators 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 said roadway.

10-3-10 Clinging to Vehicles. No person riding upon any snowmobile shall attach the same or himself to any vehicle upon the street or roadway.

10-3-11 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.

10-3-12 Riding on Sidewalks. No person shall ride a snowmobile on any sidewalk.

10-3-13 Violations; Penalties. Violations of any section of this ordinance shall be misdemeanors, and punishable by fine or imprisonment or both as follows:

- a) For careless or reckless operation of a snowmobile, or for the operation of a snowmobile while under the influence of intoxicants or narcotics, a fine of not more than one hundred dollars (\$100.00), or imprisonment for not more than thirty (30) days or both.

b) For violation of any other provision of this ordinance, or of any rule or regulation established hereunder, a fine of not to exceed one hundred fifty dollars (\$150.00).

Chapter 10-4

OPERATION OF GOLF CARTS ON TOWN ROADS

WHEREAS, the Alberton Town Council is charged with protecting the public safety and welfare of its citizens; and

WHEREAS, the Alberton Town Council finds that unregulated use of golf carts on public streets and roads is detrimental to the safety of the citizens of the Town of Alberton and is in violation of **MCA 61-8-391**.

Now THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Alberton Town Council of the Town of Alberton, County of Mineral, State of Montana as follows:

Section 10-4-01 Authority to Regulate

Pursuant to **MCA 61-8-391**, 2013, as enacted by the Montana legislature, the Town of Alberton is authorized, by ordinance, to enable and to regulate the operation of golf carts upon public streets, roads, and highways within the town where the speed limit is 25 miles per hour or less.

For the purpose of this ordinance, a “golf cart” is a vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of 20 miles per hour.

Section 10-4-02 Operation on Public Streets and Roads

It shall be unlawful to operate a golf cart on a public street, road, or highway right of way within the Town of Alberton except in accordance with the following provisions.

- a) Golf carts may not be operated on or in the right of way of a public street, road or highway with a posted speed limit of greater than 25 miles per hour.
- b) A person operating a golf cart under this section must have a valid driver’s license.
- c) A golf cart may not be operated on a public street or highway when permitted by this ordinance unless it is equipped with:
 - 1) at least one or not more than two headlamps;
 - 2) at least one tail lamp;
 - 3) at least one reflector;
 - 4) stop lamps;
 - 5) a horn; and
 - 6) a mirror that reflects to the driver a view of the highway
- d) Golf cart operators must carry their driver’s license on their persons at all times while operating a golf cart on public streets, roads or highways.

- e) In no instance shall a golf cart be operated at a speed greater than 20 miles per hour. Even at speeds at or below 20 miles per hour, no golf cart may be operated at a speed greater than is reasonable and prudent for the existing conditions.
- f) No golf cart may be operated in a careless or reckless manner.
- g) Golf carts must be operated at the right edge of the roadway and must yield to all vehicular and pedestrian traffic.
- h) Golf carts must be operated in accordance with all applicable state and local laws, regulations, and ordinances, including all laws, regulations and ordinances pertaining to the possession and use of alcoholic beverages. In addition, no golf cart containing any open container of alcohol shall be operated on public streets, roads, or highways.

Section 10-4-3 Violations and Penalties

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

- a) For careless or reckless operation of a golf cart, or for the operation of a golf cart while under the influence of intoxicants or narcotics, a fine of not more than one hundred (\$100.00), or imprisonment for not more than thirty (30) day or both.
- b) For violation of any other provision of this ordinance, or of any rule or regulation established hereunder, a fine of not to exceed one hundred fifty dollars (\$150.00)

Passed by the Town Council on first reading August 5, 2014.

Passed, adopted and approved on second reading September 8, 2014

TOWN OF ALBERTON:

BY: _____
Josh Acker, Mayor

ATTEST:

BY: _____
Diane Jodsaas/Clerk Treasurer

Title 11

AN ORDINANCE PROHIBITING THE SALE OF CERTAIN CLEANING PRODUCTS WITH MORE THAN A TRACE CONTENT OF PHOSPHORUS, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

Sections:

- 11-1 Intent and Purpose
- 11-2 Definitions
- 11-3 Application
- 11-4 Prohibited Phosphorus Compounds
- 11-5 Exceptions
- 11-6 Labeling
- 11-7 Penalty
- 11-8 Severability

This ordinance written completely in sections rather than separate chapters.
(Town of Alberton 1990)

Title 11

AN ORDINANCE PROHIBITING THE SALE OF CERTAIN PRODUCTS WITH MORE THAN A TRACE CONTENT OF PHOSPHORUS, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

BE IT ORDAINED by the Town Council of the Town of Alberton Montana:

Section 1. Legislative Intent and Purpose

The intent and purpose of this Ordinance shall be to:

- a) Set forth regulations, prohibitions and requirements pertaining to phosphorus compounds for direct and indirect discharges into the Town wastewater collection and treatment system enabling the Town to better attempt to comply with the Montana Pollution Discharge Elimination System Permit.
- b) Generally protect the health, safety and welfare of residents of the Town and downstream users of the Clark Fork River with respect to quality of water available to them.

Section 2. Definitions

- a) "chemical water conditioner" means a water softening chemical or other substance containing phosphorus which is intended to treat water for use in machines for washing laundry.
- b) "Commercial establishment" means any premises used for the purpose of carrying on or exercising any trade, business, profession, vocation, or commercial or charitable activity including but not limited to laundries, hotels, motels, and food or restaurant establishments.
- c) "Household cleaning products" means any product including but not limited to soaps, detergents, laundry bleaches and laundry additives used for domestic or commercial cleaning purposes, including but not limited to the cleaning of fabrics, dishes, food utensils and household and commercial premises. Household cleaning product does not mean foods, drugs, cosmetics or personal care items such as toothpaste, shampoo or hand soap.

d) "Person" means any individual, proprietor of a commercial establishment, corporation, municipality, the state or any department, agency, or subdivision of the state, and any partnership, unincorporated association, or other legal entity.

e) "Phosphorus" means elemental phosphorus.

f) "Trace quantity" means an incidental amount of phosphorus which is not part of the household cleaning product formulation, and is present only as a consequence of manufacturing, and does not exceed 0.5% of the content of the product by weight expressed as elemental phosphorus.

Section 3. Application of this Title.

The provisions of this chapter shall apply to persons engaged in the sale or commercial distribution of products that have as their substantive content prohibited phosphorus compounds within the Town of Alberton.

Section 4. Prohibited Phosphorus Compounds

a) No household or commercial cleaning product shall be distributed, sold, offered, or exposed for sale within the Town of Alberton limits if it contains phosphorus in concentrations in excess of a trace quantity, except as provided in this chapter, no dish washing detergent may be distributed, sold, offered, or exposed for sale if it contains phosphorus in excess of 8.7% by weight expressed as elemental phosphorus.

b) No chemical water conditioner or softener which contains more than 20% phosphorus by weight may be distributed, sold, offered or exposed for sale within the Town limits.

Section 5. Exceptions

The following cleaning agents and other products containing phosphorus are exempt from the provisions of this ordinance.

a) Those used in food or beverage processing.

b) Those used for industrial processes or for cleaning food and beverage processing equipment, medical or surgical equipment, or dairy equipment; and

c) Those existing stocks of phosphorus cleaning products and water conditioners which are offered for sale within the Town of Alberton limits, for a period of six months after adoption of this ordinance.

Section 6. Labeling

None of the products listed below shall be offered for sale unless the item is clearly labeled with the percent elemental phosphorus content to the nearest one-tenth of one percent accuracy, except that products which contain a trace quantity may be labeled "contains no phosphorus", "contains no phosphates", or similar labeling which makes a clear statement that phosphorus is not present in the product.

Products requiring labeling:

1. Powdered or liquid laundry detergents and soaps.
2. Powdered laundry bleaches.
3. Powdered laundry chemical water conditioners.
4. Powdered laundry pre-soak products.
5. Powdered and liquid automatic dishwasher detergents and soaps.

Section 7. Penalty

A person involved in the sale or commercial distribution of any phosphorus compound prohibited by this chapter who is unaware of the provisions of this chapter, shall for a first offense of this chapter be notified of such noncompliance by the Town Clerk and shall be given 10 days from receipt of such notice to comply with the provisions of this chapter. Failure to comply with this chapter following this 10 day period shall be a misdemeanor. A minimum fine of \$50.00 shall be imposed for each violation of this chapter. The maximum penalty that may be imposed shall be \$500.00 and no imprisonment may be imposed. Each day a violation exists shall constitute a separate and independent violation of this chapter.

Section 8. Severability.

If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

First passed and approved by the Council of the Town of Alberton, Montana, this 6th day of March 1990.

Finally passed and adopted by the Council of the Town of Alberton, Montana, this 3rd day of April, 1990.

Title 12

STREETS AND SIDEWALKS

Chapters:

12-1 Use of Public Streets

Chapter 12-1

USE OF PUBLIC STREETS

Sections:

- 12-1-1 Fire Explosives
- 12-1-2 Playing Ball Prohibited
- 12-1-3 Mailboxes
- 12-1-4 Violations; Penalty

12-1-1 Fire Explosives. The exploding of any firecrackers, fireworks, dynamite, torpedo canes or other pyrotechnics upon any street or upon any public property within the limits of the Town of Alberton or premises where any ball game or any public entertainment is being held is hereby prohibited.

12-1-2 Playing Ball Prohibited. Playing ball upon Railroad Avenue in the Town of Alberton is hereby prohibited.

12-1-3 Repealed

12-1-4 Violations; Penalty. Any person violating any provision of this chapter shall, upon conviction thereof, be punished as set forth in section 1-8 of this code.

AMENDMENTS: Deleted section 12-1-3 Free Passage of any Street, 12-1-4 Animals attached to Vehicles Prohibited, 10/26/94 deleted from 12-1-1 the word premises on the second line and replaced with the words public property. Final reading December 4th, 1998 Added 12-1-4 Mailboxes and definition. Final reading December 6, 2001. Repealed 12-1-3 Mailboxes 8-6-2002.

ZONING ORDINANCE

TOWN OF ALBERTON, MONTANA

**Adopted under Ordinance No. 13
November 5, 2013**

**ZONING ORDINANCE
TOWN OF ALBERTON, MONTANA**

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**ZONING ORDINANCE
TOWN OF ALBERTON, MONTANA**

ARTICLE 1 – GENERAL PROVISIONS

13.101 Title

This ordinance shall be known as “Zoning Ordinance – Town of Alberton, Montana.”

13.102 Authority

This ordinance is adopted under the authority granted by Section 76-2-301 of the Montana Code Annotated.

13.103 Purpose and Intent

Made in accordance with the Growth Policy of Mineral County, Alberton and Superior, the purpose of this ordinance is to promote the public health, safety and general welfare; to secure safety from fire and other dangers; to facilitate the adequate provision of motorized and non-motorized transportation, water, sewerage, schools, parks and other public requirements; to provide adequate light and air; to promote compatible urban growth; to preserve the character of the districts and their peculiar suitability for particular uses; and to conserve the value of buildings and encourage the most appropriate use of land throughout the jurisdictional area.

13.104 Applicability and Jurisdiction

1. This ordinance shall apply to all land, buildings, structures, and uses thereof located within the Town of Alberton, as shown on the Official Zoning Map. When development is exempt from the requirements of this ordinance, this ordinance shall be used as a non-binding guideline.
2. All development that is considered a subdivision by the Montana Subdivision and Platting Act (MSPA) [Title 76, Chapter 3, MCA] must adhere to the applicable provisions of The Subdivision Regulations for Mineral County and the Towns of Alberton and Superior in addition to all applicable provisions in these regulations.

13.105 Minimum Requirements

The provisions of this ordinance are the minimum requirements necessary to protect the public health, safety, and general welfare, and to implement the Growth Policy.

13.106 Severability

If any section, provision or portion of this ordinance is adjudged invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

13.107 Repeal

The February, 1985 Zoning Ordinance – Town of Alberton, Montana is repealed and replaced with this ordinance.

13.108 Conflicting Laws and Ordinances

If the provisions of this ordinance are inconsistent with those of the state or federal government, or if the provisions of this ordinance are inconsistent with one another, the more restrictive shall control.

13.109 Vested Rights

A vested right is the right to proceed with development in compliance with the previous zoning. Such vested rights are established only by having obtained a permit in compliance with the previous ordinance. Such vested rights expire with the permit. Vested rights are established for a development only as it was approved. Any material change must be in compliance with the current ordinance.

13.110 Private Agreements

This ordinance is not intended to revoke or repeal any easement, covenant or other private agreement. However, where this ordinance is more restrictive or imposes higher standards than such easement, covenant or private agreement, the requirements of this ordinance shall govern. In no case shall the Town be obligated to enforce the provision of any easement, covenant or agreement between private parties. The Town may enforce private restrictions if it is a party to such restrictions, if such restrictions were required by the Town during the land permitting and development process, in order to meet the requirements of this ordinance.

13.111 Meaning and Intent

The language of this ordinance must be read literally. This ordinance is no more or less strict than stated. Words and terms expressly defined in this ordinance have specific meanings assigned, unless the context expressly indicates another meaning.

13.112 Responsibility for Interpretation

In the event that a question arises concerning any provision or the application of any provision of this ordinance, the Administrator, acting on behalf of the Town and in consultation with the Town Attorney as may be necessary, shall be responsible for such interpretation and shall look to the Growth Policy and the overall purpose and intent of this ordinance for guidance. The Administrator shall provide such interpretations in

writing upon request and keep a permanent record of said interpretations. Any person who disputes the Administrator's interpretation may appeal to the Town Council as provided in 13.0307.

13.113 Construction Timing

Upon submittal of a land use permit application, the developer or any subordinate shall not engage in construction or demolition of improvements prior to approval of the application. The Administrator, Planning Board and Town Council are not bound to accept or approve any on-site improvements that exist prior to submittal of a permit application. The Town of Alberton shall not be responsible if improvements have to be eradicated, moved or rebuilt due to a developer making improvements not in conformance with this ordinance or any condition of approval.

13.114 Burden of Proof

The responsibility for demonstrating compliance with this ordinance is the developer's.

13.115 Sewage Disposal

To protect public health, abate nuisance and odor conditions, and to control water pollution, construction of private sewage disposal systems shall be prohibited. New development shall be connected to the Town sanitary sewer system.

ARTICLE 2 – ZONING DISTRICTS

13.201 Zoning Map

The location and boundaries of the zoning districts are hereby established as shown on the map entitled “Official Zoning Map” on file in the office of the Town Clerk. The Alberton Town Council shall regularly update the Official Zoning Map to show any changes in the planning and zoning district boundaries resulting from amendments to the map or this ordinance. Amendment dates shall be shown on the map.

Location of District Boundaries – The following rules shall apply with respect to the boundaries of the zoning districts as shown on the Official Zoning Map:

1. Where the zoning district boundary lines are indicated as following a highway, street, alley or railroad right-of-way, such boundary lines shall be the centerline of said right-of-way unless clearly shown to the contrary.
2. Boundaries indicated as following municipal limits shall be construed as following municipal limits.
3. Boundaries indicated as following platted lots lines shall be construed as following such lot lines.
4. Where any uncertainty exists as to the exact location of a zoning district boundary line, the Administrator shall determine the location of such boundary line. Any person who disputes the Administrator’s determination may appeal to the Town Council (see 13.0307).

13.202 Permitted Uses

Land uses listed as permitted in a zoning district are allowed in compliance with this ordinance upon the application and approval of a zoning compliance permit.

13.203 Conditionally Permitted Uses

Land uses listed as conditional in a zoning district are allowed in compliance with this ordinance upon the application and approval of a conditional use permit.

13.204 Evaluation of Land Uses

It is the intent of the zoning to group similar and compatible land uses into specific districts, either as permitted or conditional uses. Evaluation of uses shall be as follows:

1. The Administrator shall determine if a use not listed is materially similar to a permitted or conditional use within that district. Determinations may be appealed to the Town Council.

2. Materially similar means the use provides similar function, occurs within a similar structure or setting, and has a similar scale to a permitted or conditional use listed

13.205 Land Uses Preempted by State Law

Land uses that are required to be permitted in a zoning district by state law or those uses that only the state or federal government have jurisdiction over shall be permitted as provided by state or federal law whether or not the use is included in this Article.

13.206 Zoning Districts

A zoning district is a geographic area within which development of certain uses and buildings is permitted and certain other uses and buildings may be developed upon approval of a conditional use permit (See Article 3, Zoning Administration, for permitting procedures).

The following zoning districts and their boundaries, as shown on the Official Planning and Zoning Map, are established:

1. Residential 1 (R-1)
2. General Commercial (GC)
3. Public/Open Space (P)

13.207 Residential 1 (R-1)

The purpose of this district is to provide an area of residential living connected to public water and sewer services. No building, land or structure shall be used, and no building or structure shall be erected, structurally altered or maintained unless, otherwise provided in this title, except for one or more of the following uses.

1. Permitted Uses
 - a. Single family dwellings and accessory buildings
 - b. Two family dwellings
 - c. Doublewide mobile homes meeting the requirements of 13.0407(2)
 - d. Home occupations
 - e. Public parks and playgrounds
 - f. Community residential facilities and group homes (eight or fewer residents)
 - g. Day cares (12 or fewer children)
2. Conditionally Permitted Uses
 - a. Bed and breakfast establishments (See 13.0501)
 - b. Multiple family dwellings (See 13.0502)
 - c. Mobile Home Parks (See 13.0503)

- d. Libraries, schools and related facilities
- e. Day cares (more than 12 children)
- f. Religious institutions
- g. Public buildings and facilities, not including storage and repair shops
- h. Community residential facility and group homes (more than eight residents)

3. Area Requirements

- a. Except as provided in (b) and (e) below, the minimum lot size required for all permitted uses is 5,000 square feet with a minimum lot width of 34.5 feet
- b. The minimum lot area for two family and multiple family dwellings shall be 5,000 square feet per dwelling unit with a minimum lot width of 50 feet.
- c. Mobile home parks shall be developed in accordance with Section 13.0503.
- d. All other land uses shall have a minimum lot size of 20,000 square feet.
- e. Recorded Lots Excepted – Existing lots of record are exempt from the area requirements of this district but no new lots shall be created that do not comply.

4. Setback Requirements

- a. The minimum front yard setback from the right-of-way of streets and highways for all structures shall be 15 feet for permitted uses, 20 feet for conditional uses.
- b. The minimum rear yard setback from all structures shall be 5 feet for permitted uses, 20 feet for conditional uses
- c. Side yard shall be a width of not less than seven and half (7.5) feet. The width, however, shall not be less than one-third of the height of the building; and, where the building fronts the street and the side yard is to be parallel to an alley, or if the building is on a corner lot, it shall have a side yard on the street side not less than 10 feet in width.
- d. Accessory buildings except garages may be built no closer to property lines than 3 feet in the rear, 5 feet front and sides. Garages must be 15 feet when entered from the alley and 5 feet when not entered from the alley.
- e. When the setback requirements set forth in (a), (b), (c), or (d), above cannot be met on existing lots, the Town Council may grant a reasonable variance from these standards (See 13.0306).

5. Maximum Building Height

- a. All structures and accessory structures on residential lots shall not exceed 32 feet or two stories in height.

13.208 General Commercial (GC)

The purpose of this District is to provide for areas of general retail and service uses as well as a variety of carefully planned heavy commercial and light industrial uses. No building, land or structure shall be used, and no building or structure shall be erected, structurally altered or maintained unless, otherwise provided in this title, except for one or more of the following uses.

1. Permitted Uses

- a. Any use permitted in R-1 district.
- b. Retail and service uses including drug store, clothing, appliance sales and service, bakeries, cabinet shops, print shops, theaters, professional offices, medical offices and clinics
- a. Government, public safety/service, libraries, non-profits, civic clubs
- b. Accessory uses, including residential use of the upper stories of commercial buildings
- c. Hospitals and nursing homes
- d. Eating and drinking establishments
- c. Hardware
- d. Automobile fueling and service stations
- e. Laundry and dry cleaning establishments
- a. Funeral homes and undertaking parlors
- b. Grocery stores
- c. Gyms
- d. Feed stores
- e. Radio broadcasting station.
- f. Other business, which, in the opinion of the Administrator, are of the same general character as the uses herein enumerated (see 13.0204)

2. Conditionally Permitted Uses

- a. Agriculture
- b. Bottling plants
- c. Farm equipment factories
- d. Fertilizer plants
- e. Fuel storage tanks and terminals
- f. Grain and feed elevators and mills
- g. Heavy equipment sales, service and repair
- h. Lumber yards
- i. Manufacturing and processing of wood, metal, concrete and blacktop mix
- j. Sales and service of automobiles and farm implements
- k. Trucking and freight terminals

- l. Warehouses
 - m. Facilities for storage and repair
 - n. Hotels and motels (see 13.0504)
 - o. Regional water supply facilities
3. Performance Standards: All conditional uses listed in 13.0208(2) must meet the following performance standards prior to being issued a permit
- a. Buffer Strip: A buffer strip no less than 20 feet wide and approved by the Town Council shall provide a sight and sound barrier when abutting a residential use. The buffer shall be comprised of a combination of berms, trees, stones, shrubs and fences made of natural looking materials. Landscaping that is indigenous to the area and requires minimal irrigation is encouraged.
 - b. Storage: The open storage of materials may be permitted when located at least 50 feet from any residential use and at least 30 feet from any street or lot line. All material shall be handled so as to effectively control dust. All combustible material shall be stored in such a way as to permit free access of fire-fighting equipment.
 - c. Loading Requirements: Adequate ingress, egress, parking and turn-around space shall be provided off-street.
 - d. Off-Street Parking
 - i. All conditional uses shall provide off-street parking in accordance with section 13.0406.
4. Area and Setback Requirements
- a. Residential uses shall conform to the area and setback requirements of the R-1 district.
 - b. The minimum lot size for non-residential uses south of Railroad Ave. is 20,000 square feet. North of Railroad Ave., the minimum lot size for non-residential uses is 5,000 square feet for permitted uses and 2,000 square feet for conditional uses.
 - c. Except as provided in (3.a., above), setbacks for non-residential uses are 20 feet in the front and back, and seven and one-half (7.5) feet on each side; the width however, shall not be less than one-third of the height of the building. In areas north of Railroad Ave, there are no setbacks for non-residential uses listed as permitted in this district.
5. Height Requirements
- a. The maximum building height is 45 feet.

13.209 Public / Open Space (P)

The purpose of this district is to provide for areas for public facilities, recreation, and open lands.

1. No building, land or structure shall be used, and no building or structure shall be erected, structurally altered or maintained unless, otherwise provided in this title, except for one or more of the following uses:
 - b. Public schools, public school recreational and sports facilities;
 - c. Town offices and public community facilities;
 - d. Public and non-profit quasi-public institutions, public zoos, historical and cultural exhibits and assembly halls;
 - e. Public golf courses, playgrounds, play-fields, tennis courts, swimming pools, skating rinks and other public grounds for non- profit sports, games or recreation;
 - f. Public parks, parkways, trails, pathways, nature walks, gardens, arboretums, land reserves, undeveloped open space and related public facilities.
 - g. Flood plains, natural drainage areas and wildlife refuges;
 - h. Timber and cropland uses excluding the raising or feeding of animals;
 - i. Open land owned by government or other public agencies;
 - j. Accessory buildings directly related to permitted uses in the P District.
2. Area, width and setbacks requirements
 - a. There are no restrictions in the Public/Open Space district except that R-1 setbacks for front, side and rear yards apply to public buildings.
3. Height Requirements
 - a. Except for public schools, the maximum building height is 25 feet.

ARTICLE 3 – ZONING ADMINISTRATION

13.301 Permits Required

1. It shall be unlawful for any person to commence any development, including demolition, without obtaining an ordinance permit.
2. An ordinance permit is any permit issued under this ordinance including a zoning compliance permit, plat approval, rezoning, certificate of occupancy, amendment, demolition, variance or other action having the effect of permitting development.
3. Ordinance permits run with the land.

13.302 Zoning Compliance Permits

1. The purpose of this permit is to ensure that routine building activity complies with this ordinance. Zoning compliance permits may be combined and processed simultaneously with permits required by the town's fire and building codes, although the development's compliance with zoning shall be determined prior to action on the building permit.
2. The developer shall file a properly completed application form, a site plan, and any supporting materials necessary to demonstrate compliance with this ordinance, and the required application fee with the Administrator.
4. The Administrator shall determine whether the application is complete and sufficient for review, and may require more information from the developer.
5. After determining the application is complete and sufficient, the Administrator shall determine whether the proposed development is in compliance with this ordinance and notify the developer of the decision. If it complies, the application shall be approved and a permit shall be issued. If it fails to comply, the application shall be rejected.
6. Zoning compliance permits are valid for two years and may be extended for one additional year by the Administrator if so requested by the developer prior to expiration.
7. The Administrator may attach conditions to the permit to reduce or minimize any potential adverse impact upon other property in the area, or to carry out the purpose and intent of the growth policy, other adopted plans, or this ordinance. In such cases, any conditions shall be directly related to the impacts of the proposed use and shall be roughly proportional in both nature and extent to the anticipated impacts of the use.

8. The Administrator's decision may be appealed to the Town Council using the appeals procedure of 13.0307. A notice of appeal shall be filed with the Administrator within 30 days after the decision is issued.
9. After a permit is granted and prior to permit expiration, the developer shall apply for a certificate of occupancy and include information demonstrating the development conforms to this ordinance and any conditions of approval. The Administrator shall visit the site to check for conformance and, if verified, issue a certificate of occupancy. If the development is determined not to be in compliance, the Administrator shall notify the developer of the deficiencies. The developer must demonstrate conformance within the original or extended approval period, reapply for a permit, or appeal the Administrator's decision (see 13.0307, below). If voluntary compliance is not achieved a notice of violation may be issued. No building or premises may be used or occupied until the Administrator has issued a certificate of occupancy.

13.303 Board of Adjustment

1. The Town Council shall function as a board of adjustment, unless the Town Council deems it necessary to establish an appointed board of adjustment pursuant to Sections 76-2-321--76-2-328, MCA.
2. In functioning as a board of adjustment, the Town Council shall have the powers to hear and decide appeals, special exceptions and variances as per 76-3-323, MCA.

13.304 Conditional Use Permits

The conditional use permit procedure implements the growth policy and this ordinance by requiring public review of developments that may have a significant impact on the Town of Alberton, public facilities, or neighboring land uses. Applications for approval of a conditionally permitted use shall be submitted to the Administrator using the following procedure.

1. Application and Review Procedure
 - a. The developer shall file with the Administrator a properly completed application form, with a site plan, narrative describing the project in light of the evaluation criteria (see 2., below), any supporting materials necessary to demonstrate compliance with the growth policy and this ordinance, and the required application fee.
 - b. After receiving the application, supporting materials and fee, the Administrator shall determine whether the application is complete and sufficient for review. When an application is determined incomplete or

insufficient, the Administrator shall provide written notice to the developer indicating what information must be submitted for the review to proceed.

- c. The Administrator shall place a hearing on the proposed conditional use on the agenda of the next regular Town Council meeting for which these notice requirements can be met, and at which time will allow for its proper consideration. Notice of the hearing shall be published in a newspaper of general circulation and notice shall be sent to all landowners whose property is located within 150 feet of the subject property at least 15 days prior to the hearing.
- d. The Administrator shall prepare or contract for preparation of a report that describes the proposed conditional use, its site, its context, and its compliance, or failure to comply, with the growth policy and this ordinance. In preparation of the report, the Administrator may seek input from the police, fire, parks, department of transportation, solid waste and other departments as well as other agencies and service providers. In the report the Administrator shall propose findings of fact and a recommendation of approval, approval with conditions or denial of the proposal for the Town Council's consideration.
- e. The Town Council shall conduct a hearing on the proposed conditional use. At that hearing, the Town Council shall review the particular facts and circumstances of the proposed use and develop findings and conclusions in support of its decision. If the Town Council finds that it complies with the evaluation criteria in 2., below, it shall approve the application. If the Town Council finds that the proposed conditional use fails to comply, it shall deny of the application.
- f. Consideration of a CUP application may be tabled for no more than 35 days.
- g. Within 30 working days of the public hearing, the Town Council shall approve or deny the CUP application and adopt findings and conclusions in support of its decision.
- h. Conditions may be attached to an approval that are intended to reduce or minimize any potential adverse impact upon other property in the area, or to carry out the purpose and intent of the comprehensive plan, other adopted plans, or this ordinance. In such cases, any conditions shall be directly related to the impacts of the proposed use and shall be roughly proportional in both nature and extent to the anticipated impacts of the use.

- i. The Administrator shall notify the developer and interested parties who have specifically requested such notice of the Town Council's decision within 14 days after it is made.
- j. Development related to conditional use permits shall be complete within two years but may be extended for one additional year by the Administrator if so requested by the developer prior to expiration.

2. Evaluation Criteria

No conditional use permit shall be granted unless the Town Council finds all of the following:

- a. The conditional use will not be detrimental to or endanger the public health, safety or general welfare.
- b. The existing permitted uses in the neighborhood will not in any manner be substantially impaired or diminished by the establishment of the conditional use.
- c. The conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- d. Adequate utilities, access roads, drainage and other necessary site improvements have been provided or will be provided prior to the conditional use being initiated.
- e. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- f. The conditional use shall conform to all applicable regulations of the district in which it is located or a variance has been granted (see 13.0306).

13.305 Nonconforming Uses

The lawful use of a building, structure or premises existing at the time of the adoption or amendment of this ordinance may be continued although such use does not conform to the provisions of this ordinance.

1. If a nonconforming use is discontinued for a period of two years, any future use of the building, structure or premises shall conform to this ordinance.
2. There shall be no limit on the maintenance and repair of nonconforming uses or buildings, provided that no such activity increases the degree of nonconformity. The degree of nonconformity is the measured extent to which an existing building or use fails to comply with the standards of this ordinance. For example, the

degree of nonconformity of a parking lot that has four spaces, but serves a use requiring nine is five parking spaces. No change in the nonconforming building could be permitted that would reduce the number of parking spaces, because that would increase the degree of nonconformity.

3. When determining the status of a nonconforming use:
 - a. The Administrator shall compile and maintain a record of legal non-conforming land uses and legal non-conforming structures as such information becomes available; and
 - b. The Administrator shall gather appropriate information to determine on a case-by-case basis whether a land use constitutes a legal non-conforming land use as defined in this chapter; and
 - c. It shall be the burden of the proponent of a legal non-conforming land use status to prove all elements of such status by supplying the Administrator with a preponderance of evidence required to establish a right to legal non-conforming land use; and
 - d. Any appeals to the Administrator's determination of the status of a non-conforming land use shall be made according to 13.0307.

13.306 Variance

A variance is a relaxation of the provisions of this ordinance that will not be contrary to the purpose and intent of this ordinance or the public interest. The Town Council, acting as a board of adjustment, shall hear and decide requests for variance from the terms of this ordinance where the literal enforcement will result in practical difficulty or unnecessary hardship.

1. The developer shall file with the Administrator a properly completed variance application form, preliminary plat or site plan, narrative describing the variance request in light of the evaluation criteria (see 4., below), any supporting materials explaining why the variance is necessary, and the required application fee.
2. The Administrator shall place a hearing on the agenda of the next regular Town Council meeting for which the notice requirements can be met and at which time will permit its proper consideration. Notice shall be published in a newspaper of general circulation at least once a week for two consecutive weeks starting at least 15 days prior to the hearing and notice shall be sent to all landowners whose property is located within 150 feet of the subject property at least 15 days prior to the hearing.
3. The Administrator shall prepare, or contract for preparation of, a report that describes the proposed variance, its site, its context, and an evaluation of the request under the variance criteria and a recommendation for approval, approval with conditions, or denial.

4. The Town Council shall conduct a hearing on the proposed variance. At that hearing, the Town Council shall review the particular facts and circumstances of the proposed variance and develop findings and conclusions in support of its decision. The Town Council shall base its findings upon evidence presented to it and shall only grant the variance after determining that all of the following conditions are met:
 - a. The particular physical surroundings, lot characteristics, or topographic conditions of the property result in an unnecessary hardship;
 - b. The purpose of the variance request is not based solely on a desire for economic or other gain;
 - c. The alleged difficulty or hardship has not been created by any person presently having an interest in the property;
 - d. The variance shall not be detrimental to the public welfare or injurious to other properties in the area; and
 - e. The variance shall not be contrary to the intent and purpose of this ordinance.
5. Consideration of a variance may be tabled for no more than 35 days.
6. The concurring vote four members shall be necessary to grant a variance.
7. The Administrator shall notify the developer and interested parties who have specifically requested such notice of the Board's decision within 10 days.

13.307 Appeals

Appeal of Administrator's decision to Town Council. The Town Council, acting as a board of adjustment, shall hear appeal of any person, firm or organization aggrieved by the decision or ruling of the Administrator when there are alleged errors in the administration of this ordinance.

1. Within 30 days of publication of the Administrator's decision, the appellant shall file notice of appeal with the Administrator, specifying the grounds thereof.
2. The Administrator shall transmit to the Town Council all papers constituting the record upon which the action appealed from was taken.
3. An appeal stays all proceedings in furtherance of the action appealed unless the Administrator certifies to the Town Council that the stay would cause imminent peril to life or property. In such a case, proceedings shall not be stayed except by a restraining order which may be granted by the Town Council or by a court of record.
4. The Town Council shall publish notice of the appeal hearing in a newspaper of general circulation at least once a week for two consecutive weeks starting at least 15 days prior to the hearing and notice shall be sent to all landowners whose

property is located within 150 feet of the subject property at least 15 days prior to the hearing.

5. At that hearing, the Town Council shall review the particular facts and circumstances of the appeal and develop findings and conclusions in support of its decision.
6. The Town Council may reverse or affirm, in whole or in part, or may modify, the decision appealed from, and shall make such a decision as in its opinion ought to be made. If there is practical difficulty or unnecessary hardship in the way of carrying out the strict letter of the ordinance, the Town Council may modify any of the provisions of this ordinance relating to the use, construction or alteration of buildings or structures or the uses of land so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.
7. The concurring vote of four members shall be necessary to grant an appeal.

13.308 Amendments

The Town Council may from time to time on its own motion, or on petition, or on recommendation of the Planning Board and the Administrator, amend, supplement, repeal or revise any provision of this ordinance, including the Official Zoning Map. Such revisions shall be made using the applicable provisions of the following process:

1. The petitioner shall file a properly completed application form, the required supporting materials, including a narrative evaluating the amendment request under the review criteria in 11., below, and the required application fee with the Administrator.
2. After receiving the application, supporting materials and fee, the Administrator shall determine whether the application is complete and sufficient. If an application is determined incomplete or insufficient, the Administrator shall provide written notice to the petitioner indicating what information must be submitted for the review to proceed.
3. When the petition is determined to be complete and sufficient, the Administrator shall place a hearing on the application for an amendment on the agenda of the next regular Planning Board meeting for which the notice requirements can be met, and at which time allows for its proper consideration.
4. The Administrator shall publish notice of the hearing in the official newspaper once per week for two successive weeks starting at least 15 days before the time set for the hearing. For zoning or text amendments impacting a specific property or district, the Administrator shall also mail notice to all landowners whose property is located within 150 feet of the subject property at least 15 days prior to the hearing.

5. The Administrator shall prepare, or contract for the preparation of, a report that describes the proposed amendment and how it complies, or fails to comply, with the growth policy and the amendment criteria (see 11., below). The report shall also include a recommendation for approval, approval with modifications or denial.
6. The Planning Board shall conduct a hearing on the proposed amendment. At the hearing, the Planning Board shall determine whether the proposed amendment is consistent with the growth policy and meets the amendment criteria below. The Planning Board shall review the particular facts and circumstances of the proposed amendment and develop findings and conclusions that support its recommendation.
7. Action on a proposed amendment may be tabled, but for no more than 35 days.
8. The Administrator shall convey the Planning Board's written recommendation and public testimony to the Town Council within 10 days of the public hearing.
9. At a public hearing with public notice issued in accordance with 4., above, the Town Council shall consider the recommendation of the Planning Board and all testimony and written protest received, then approve, reject, or modify and approve the amendment. Action on the proposed amendment may be tabled, but for no more than 35 days.
10. Protest of amendments: An amendment may not become effective except upon a favorable vote of two-thirds of the present and voting members of the Town Council if a protest against a change pursuant to 76-2-305(1) MCA is
 - a. signed by the owners of 25% or more of:
 - i. the area of the lots included in any proposed change; or
 - ii. those lots or units, as defined in 70-23-102 MCA, 150 feet from a lot included in a proposed change.
 - b. For purposes of this subsection (10);
 - i. each unit owner is entitled to have the percentage of the unit owner's undivided interest in the common elements of the condominium, as expressed in the declaration, included in the calculation of the protest. If the property, as defined in 70-23-102, spans more than one lot, the percentage of the unit owner's undivided interest in the common elements must be multiplied by the total number of lots upon which the property is located.
 - ii. The percentage of the unit owner's undivided interest must be certified as correct by the unit owner seeking to protest a change pursuant to this subsection or by the presiding officer of the association of unit owners.

11. Amendment Criteria. In order to approve an amendment to this ordinance, the Town Council shall find that the amendment substantially complies with the growth policy and furthers the purpose and intent of this ordinance (see Section 13.0103). The amendment may also be designed to correct an inconsistency or error, address changing conditions or address a specific public challenge such as the need for affordable housing or downtown redevelopment. Any amendment to these zoning regulations must be made in accordance with 76-2-304 MCA, criteria and guidelines for zoning regulations. All amendments must be:
- a. Made in accordance with a growth policy; and
 - b. designed to:
 - i. secure safety from fire and other dangers;
 - ii. promote public health, public safety, and the general welfare; and
 - iii. facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.
 - c. In the adoption of zoning regulations, the Town Council shall consider:
 - d. reasonable provision of adequate light and air;
 - e. the effect on motorized and non-motorized transportation systems;
 - f. promotion of compatible urban growth;
 - g. the character of the district and its peculiar suitability for particular uses; and
 - h. conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.

13.309 Violations and Penalties

A person in violation of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than twenty-five dollars, nor more than three hundred dollars (\$300.00) for each offense, and shall be imprisoned until such fine be paid, but not exceeding fifty days. Each day that a violation is permitted to exist shall constitute a separate offense.

Whenever a violation of this ordinance occurs, any person may file a complaint in regard thereto. All such complaints shall be filed with the Administrator who shall investigate such violation and report to the Town Council for appropriate action. The process for enforcement of this ordinance shall be as follows:

1. The Administrator shall notify the occupant (and developer if they are not the same) of the violation by certified mail and/or posting on the site. The notice shall describe the violation, cite the section of this ordinance being violated, and order the responsible party to attain compliance within 30 days.

2. The notice may include a “stop work order” that requires all non-corrective development to cease, states the specific development to be stopped, the specific reasons for the ordered stoppage, and the conditions under which development may resume. If the activity does not cease, the Administrator shall ask the Town Attorney to take prompt action to end the unpermitted activity and, if a permit is not subsequently issued, to require restoration of the site to its original condition.
3. While a “stop work order” is in effect or until a violation is corrected, no permits or development approvals shall be granted for the property.
4. Any person who receives a notice of violation may request inspection by the Administrator to show that compliance has been attained within the 30 days allowed; or appeal the Administrator’s decision to the Town Council (see 13.0307, above) .
5. If voluntary compliance is not attained or an appeal is not filed within 30 days, the Administrator shall ask the Town Council and Town Attorney to begin legal action against any responsible party.
6. This enforcement process may be accelerated where the Administrator finds that public health and safety are endangered by a violation.

13.310 Public Notice

All public notices shall contain the following information:

1. The time and place of the hearing;
2. A description of any property involved, by street address if streets have been platted or designated for the area affected;
3. A description of the nature, scope and purpose of the regulation, restriction, boundary, variance request, appeal, or permit request; and
4. A statement of the times at which documentation will be available to the public for inspection and copying at the office of the Town Auditor.

ARTICLE 4 – PERFORMANCE STANDARDS

All development shall comply with the following standards, as applicable.

13.401 Adequate Public Facilities Required

1. Unless expressly authorized elsewhere in this ordinance, all development, and all lots or parcels within a development, shall be provided with water, sewer, power, telephone, paved streets, curbs, gutters, stormwater facilities, street lights and sidewalks.
2. All public facilities necessary to serve the development, including any necessary easements, extension of mains, lift stations, streets, sidewalks, and other improvements, shall be provided by the developer as set forth herein.
3. No improvements shall be made until all necessary plans, profiles and specifications have been submitted to and approved by the Town Engineer.

13.402 Solid Waste

Solid waste disposal facilities shall be provided by the developer where deemed appropriate by the Town Council. Visual screening of solid waste facilities may be required.

13.403 Mail Delivery

A means of mail delivery, such as cluster mailbox units, may be required.

13.404 Traffic Impact Analysis

If a proposed use may generate more than 500 Average Daily Traffic, the developer shall submit a traffic impact analysis (TIA) to gauge the impacts of development on transportation facilities, safety and traffic flow.

1. Preparation. A professional engineer or transportation planner must prepare the traffic impact analysis.
2. Form and Content. The TIA shall be in written form along with supporting maps and other appropriate information. At a minimum, the report must include the following elements:
 - a. Purpose and goals;
 - b. A description of the site and study area, which shall extend to the most logical collector or arterial road based on trip distribution patterns;

- c. Existing traffic circulation conditions and patterns including road geometrics, roadway capacity, conditions of roads leading to the development and other relevant information;
- d. Anticipated traffic circulation conditions and patterns including road geometrics, traffic counts, trip distribution, land uses, crash data, intersection evaluations, roadway capacity and other relevant information;
- e. Anticipated effects of the development on the existing road network; and
- f. Recommendations and alternatives to alleviate the negative effects (if any) and maintain the existing level of service after development.

13.405 Fences, Visibility at Intersections

Except as otherwise specifically provided in other codes and ordinances of the Town, the following regulations shall apply to the placement and construction of fences, landscaping and other visual obstructions at intersections:

1. Any person or developer constructing a new fence or anytime fifty percent of more of an existing fence is reconstructed or repaired by any person or contractor on any property they shall obtain a fence permit from the town.
2. No fence shall be constructed which will constitute a traffic hazard and no permit shall be granted for the placement of a fence unless the Administrator has certified that the proposed fence will not constitute a traffic hazard.
3. No person shall erect or maintain any fence which will be hazardous or dangerous to persons or animals, or which will materially damage the adjacent property by obstructing the view, shutting out the sunlight or hindering ventilation, or any fence which shall adversely affect the public health, safety and welfare.
4. Fences in residential areas shall have a maximum height of forty-eight inches adjacent to dedicated street right-of-way in a front or side yard to a point even with the front corner of the house, the remainder of the fence in the side yard shall have a maximum height of six feet. Fences adjacent to dedicated ally right-of-way shall have a maximum height of six feet. There shall be a 12 inch set back on public right-of-ways and a 12 inch set back from private property lines.
5. There shall be a fine of one hundred dollars (\$100) for not complying with the above provisions (1, 2, 3, & 4). Any new fence not in compliance with this chapter may be ordered removed by the Town Council. Any new fence not removed within thirty days notice from the Town Council or designee shall be removed by the town labor forces or by an assigned contractor with all associated cost assigned to the property owner to become a recordable lien.

13.406 Parking and Loading

1. Purpose and Intent. These standards establish off-street parking requirements designed to lessen congestion in the streets and provide a reasonable amount of parking for developments.
2. Applicability. Any building or structure erected or located and any use of land established after the effective date of this ordinance, including changes of use and additions to existing uses, shall be required to provide off-street parking in accordance with the standards in this section, with the following two exceptions:
 - a. In the General Commercial District, North of Railroad Ave, uses listed as permitted are exempt from these requirements;
 - b. Where a change of land use within an existing building or lot requires an increase in off-street parking by 10% or less, the increase shall be waived.
4. Size. A standard parking space is 9 feet wide by 20 feet deep.
5. Vertical Clearance. Each space shall have a vertical clearance of at least 8 feet.
6. Location.
 - a. For all residential uses, off-street parking shall be located on the same lot as the use they serve;
 - b. For all other uses, off-street parking shall not be located more than 300 feet from the lot and must be located within the same zoning classification as the use they serve;
 - c. For land uses other than single and two family residential, a portion of parking is encouraged to be located behind the primary structure(s) (i.e., on the opposite side of the building from the street access).
 - d. Parking shall not be located where it inhibits visibility at any intersections.
7. Plan Review and Permit Required. Parking plans including location, circulation pattern, signage, dimensions, lighting, landscaping, pedestrian and bicycle facilities and other specifications shall be drawn to scale and submitted for review and approval.
8. Construction. All off-street parking spaces and associated access shall be improved with asphalt or concrete or comparable hard surface except for temporary land uses, which may be gravel.
9. Drainage. All off-street parking areas shall be designed and constructed to allow proper drainage and include stormwater containment to be reviewed and approved by the County Engineer.
10. Landscaping and Screening.
 - a. For land uses requiring 40 or more spaces and for all land uses in the GC District, a minimum of 10% of the parking lot shall be landscaped.

- b. For all land uses requiring 10 or more spaces, a buffer strip consisting of landscape vegetation and that may include decorative fencing, rock and berms shall be required.
- 11. Lighting. Parking lot lighting shall be side-shielded and downward pointed to prevent glare from leaving the site.
- 12. Drive Aisles. Minimum aisle widths shall be
 - a. For two-way circulation and 90° parking: 24 feet;
 - b. For one-way circulation and 60° angle parking: 18 feet; and
 - c. For one-way circulation and 45° angle parking: 15 feet.
- 13. Snow Storage. A snow storage area at least 2% of the size of the parking lot, drive aisles and circulation shall be provided to avoid the loss of required parking spaces to snow storage.
- 14. Required Parking: All development shall provide at least the minimum number of off-street parking spaces established in Table 13.0406.22. Except as provided in (14), if two or more uses occupy the same building or lot, the total requirement shall be the sum of the requirements of the individual uses.
- 15. Shared Parking. At the discretion of the permitting authority (Administrator or Town Council), up to a 30% reduction in the number of parking spaces required for off-street parking may occur under the following circumstances:
 - a. When at least 50% of the parking spaces required by this section are for primarily “night time” uses such as theatres, bowling alleys, bars and related uses, and the parking spaces also serve those uses that are provided by “day time” uses such as banks, offices, furniture stores, retail, wholesale and related uses;
 - b. When at least 50% of the parking spaces required by this section for a religious institution, an auditorium incidental to a school, or a similar use, may be supplied by the off-street parking facilities provided by uses primarily of a “day-time” nature;
 - c. When the joint parking facility is located within 300 feet of either the building or land use for which the parking facility is required;
 - d. When the applicant for a joint use parking facility can demonstrate there is no substantial conflict in the principal operating hours of the buildings and uses for which the joint use is proposed; and
 - e. When a contract providing for shared use for a period of at least 15 years is executed before issuance of a permit.
- 16. Required Parking for Uses Not Listed. Where a minimum number of parking spaces for a land use is not listed in the table below, the Administrator shall determine the appropriate number of spaces based on (A) the most similar land use described herein, (B) parking requirements from other jurisdictions, and/or

(C) published sources of parking standards such as those produced by the Institute of Transportation Engineers and the American Planning Association.

17. Loading Areas.

- a. Commercial and industrial buildings shall provide one safe, properly signed off-street freight loading area for each 10,000 square feet of gross floor area or outdoor storage.
- b. Day care centers, schools, health care facilities, places of assembly and similar land uses shall provide at least one safe, properly signed off-street passenger loading area.

c.

**Table 13.0406
REQUIRED OFF STREET PARKING**

REQUIRED OFF STREET PARKING			
Residential		Commercial	
1 & 2 Family, Mobile Home	1/ du	Automobile Service Stations	2 per bay
Bed and Breakfasts	1/room = 2	Gas Stations/Convenience Stores	1/300 sq ft of floor area
Multiple Family	2/ du	Day Cares	1/employee + 1/ 8 pupils
Day Cares	1/employee = 1/8 pupils	Undertaking Parlors	1/4 seats
Group Homes and Community Residential Facilities	1/ 4 residents + 1/ employee	Barber/Beauty Parlor	One/chair + 1/ employee
Religious/Civic		General Retail	1/ 500 sq ft of retail area
Churches, Auditoriums, Theatres, Places of Assembly	0.33/ seat	Professional Office	1/ 300 sq ft of floor area
Hospitals	1/4 beds + 1/ employee	Medical/Dental Office	1/ 200 sq ft of floor area
Commercial or Trade School	1/3 students + 1/employee at capacity	Eating and drinking establishments	1/ 4 seats
Cemetery	1/employee	Shopping centers	4/ 1,000 sq ft of floor area
K-12 Schools	1.5 per classroom	General merchandise, groceries	4 / 1,000 sq ft of floor area

13.407 Mobile Homes

Any mobile home used for residential purposes within any zoning district at the time of passage of this ordinance may continue subject to the following conditions:

1. Any mobile home within any zoning district may be replaced by another mobile home upon issuance of a zoning permit. However, no permit shall be issued

unless such replacement mobile home meets all the setback requirements of the zone, or does not infringe upon the setbacks of the original mobile home.

2. On single lots, if a mobile home is removed, it must be replaced by a double-wide providing that:
 - a. the minimum width and length is 20 feet wide and 40 feet long
 - b. they must be permanently affixed to the land by a permanent foundation
 - c. they must be qualified for VA or FHA financing.

13.408 Exceptions to Height Regulations

1. Height regulations shall not be deemed to limit or restrict the height of belfries, chimneys, clock towers, elevators, bulkheads, cooling towers, grain elevators, penthouses, stacks, water towers, ornamental towers, steeples, flagpoles, wireless towers or any similar appurtenances to buildings or premises, but these structures shall be subject to such restrictions, and regulations as may be imposed by the provisions of this code and other ordinances of the town.
2. Churches, public or semipublic buildings, hospitals, schools, colleges, and private clubs may exceed the height restrictions of the district in which they are constructed; provided, that such structures shall have side yards on both sides, comply with the area regulations of the district, and in addition, the side yards shall be increased one foot in width for each five feet that the building exceeds the height regulations.

13.409 Exceptions to Area Requirements

1. The front, side, and rear yard setbacks required in the General Commercial District shall be waived when dwellings are erected above stores, shops or other commercial uses.
2. No lot area shall at any time be so reduced or diminished that the front, rear or side yards shall be smaller than prescribed by this title.
3. Every part of the required yard shall be open from its lowest point to the sky unobstructed, except for the ordinary projections of sills, belt courses, cornice and ornamental features; provided that open or closed fire escapes (stairways, balconies, towers, etc.), whether open or enclosed, project into a yard not more than five feet, and the ordinary projections of chimneys and flues, bay or breast windows are not more than eighteen inches.
4. If a residential building is to be erected in the rear of an existing or proposed building on an inside lot, there shall be side yards; provided, that the side yards shall be the same as if the building were on a separate lot, and, there shall be provided a front yard or open space between the rear lot line of the house in

front, and the rear house, of not less than twenty feet; and no area shall be included twice in providing for such rear building.

5. In no event shall the eaves, or drips, of any building or structure, extend over or beyond the property line.

ARTICLE 5 – CONDITIONAL USE STANDARDS

In addition to the provisions of Article 4, the following uses must meet these additional standards.

13.501 Bed and Breakfast Establishments

1. The establishment shall be operated by the owner of the home who must live on the property.
2. The bed and breakfast may not contain more than four guest rooms or serve more than 12 guests.
3. Food service may be provided for resident guests only.
4. Bed and breakfasts may not be leased or offered for use as reception space, office space, meeting space or similar events open to non-resident guests.
5. A maximum of one wall sign, which may be externally lit, not exceeding 8 square feet in area, may be displayed.
6. At least one off-street parking space shall be provided per room. If the parcel abuts an alley, access to guest parking shall be from the alley.

13.502 Multiple Family Dwellings

1. Pedestrian Access. A system of walkways connecting each dwelling to public sidewalks, on-site parking, other on-site multiple family dwellings, solid waste disposal areas, mail boxes, recreation areas and storage areas shall be provided.
2. Vehicular Access. At least two roads/approaches accessing public streets shall be provided for more than 15 dwelling units. The circulation pattern must be acceptable to the local fire department.
3. Parking. At least one on-site parking space shall be provided per dwelling unit. No more than 50% of the parking should be provided between the primary buildings and the primary access street.
4. Bulk and Dimension. The minimum setback from the front and back property line shall be 20 feet. Side lines shall be 7.5 feet from the eve. For accessory buildings and garages setbacks are 15 feet on garages entered at 90 degrees from the alley and 5 feet when not entered from the alley.

13.503 Mobile Home Parks

1. Mobile home parks shall contain a minimum of 3 acres of land.
2. Maximum number of mobile homes per acre is 11.
3. Minimum lot size per mobile home is 3,000 square feet

4. A greenbelt planting strip not less than 20 feet in width shall be located along all lot lines of the park not bordering the street. Such greenbelt shall be planted and maintained free of trash.
5. All structures shall have a setback of a minimum of 20 feet from any exterior park boundary and 25 feet from all streets.
6. All structures shall be set back at least 10 feet from interior mobile home park lot lines.
7. Single wide mobile homes are permitted
8. No mobile home shall be older than 12 years on the date of installation and shall be in good repair and have a well-maintained appearance.
9. Underground utility hookups shall be provided to each lot in the park.
10. All lots in the park shall be accessible at all times to emergency vehicles.
11. Off-street parking of at least two parking spaces for each mobile home unit shall be provided. Additional parking spaces may be required depending on the number of beds and use.
12. Streets in the park shall be dedicated public streets, designed and constructed according to standards recommended by the developer's engineer and approved by the Town Engineer.
13. All regulations of Montana regulatory agencies and departments relating to mobile homes shall be complied with.
14. One or more common mailbox facility shall be provided to serve the residents.
15. A school bus stop shall be provided if requested by the school district.

13.504 Hotels/Motels

1. Pedestrian Access. A system of walkways connecting each hotel building to public sidewalks, on-site parking, solid waste disposal areas, mail boxes, recreation areas and storage areas shall be provided.
2. Vehicular Access. At least two roads/approaches accessing public streets shall be provided for more than 15 rooms. The circulation pattern must be acceptable to the local fire department.
3. Parking. At least 1.2 onsite parking spaces per hotel room shall be provided. No more than 50% of the parking should be provided between the primary buildings and the primary access street.
4. Bulk and Dimension. The minimum setback from the front and back property line shall be 20 feet. Side lines shall be 7.5 feet from the eve.

ARTICLE 6 – DEFINITIONS

13.601 Definitions

For the purpose of this ordinance certain words or phrases used herein are defined as follows:

1. Access – The way by which pedestrians and vehicles shall have safe and adequate ingress and egress to the property.
2. Accessory building – A subordinate building, the use of which customarily is incidental to the main building or the main use of the premises such as garages and tool sheds. A second dwelling on a lot zoned for a single family residence is not considered a permitted accessory building.
3. Administrator – The administrative official, designated by the Town Council, to administer and enforce the provisions of this ordinance.
4. Aggregation of Lots – The combination of two or more platted lots into fewer lots that does not involve the vacation of existing easements and does not involve lots with more than one zoning classification.
5. Average Daily Traffic (ADT) – The average number of vehicles crossing a specific point on a roadway during a 24-hour period on the average working day. The projected or estimated ADT for a development shall be based on the most representative land use(s) described in the manual entitled “Trip Generation” (latest edition) published by the Institute of Transportation Engineers, or a similar source.
6. Advertising Sign – See Sign.
7. Alley – A public way which provides only secondary access to abutting property.
8. Amendment – Any change, revision or modification of the text of the ordinance or to the Official Planning and Zoning Map.
9. Animal Hospital or Veterinary Clinic – A place where animals are treated and accommodated by a veterinarian.
10. Apartment – A room or suite of rooms suitable for occupancy as a residence for one family.
11. Bed and Breakfast Establishment – A house in which the resident owner offers overnight accommodations and meal service to guests for compensation.
12. Block – A parcel of land abutting one street and surrounded by public streets, railroad rights-of-way, parks or the boundary line of the Town of Alberton.
13. Board of Adjustment – A body empowered to hear zoning variances and appeals on the enforcement and interpretation of the provisions of this ordinance. The

Alberton Town Council maintains the powers of a Board of Adjustment under this ordinance.

14. Building – Any structure intended for shelter and use of persons, animals or property.
15. Building Height – The vertical distance from mean natural grade to the highest point on a building. Building height excludes chimneys, vents and antennae.
16. Community Residential Facility – A foster home, kinship foster home, youth shelter care facility, or youth group home operated under the provisions of 52-2-621 through 52-2-623 MCA.
17. Conditional Use – A use of land which is specifically listed as a conditional use in a zoning district, and which meets the purpose and intent of that district as well as the standards, criteria and procedures for establishing such a use. The Town Council may set specific conditions for such uses, all of which must be met prior to the approval of said use in the district.
18. Day Care – Less than 24 hour, out of home care for children.
19. Developer – Developer is a generic term used in this ordinance which means the landowner or person or firm who proposes to develop land. The developer may appoint a representative for all proceedings by this ordinance.
20. Development – The performance of any building, extraction, clearing, grading or excavating operation; the making of any material change in the use of a building, structure or land; and the division of land into two or more parcels.
21. District (zoning) - A geographic area within which development of certain uses and buildings is permitted and certain other uses and buildings may be developed upon approval of a conditional use permit.
22. Dwelling – Any building or portion thereof intended for residential purposes on a permanent basis.
23. Dwelling, Multiple Family – A building having accommodations for and occupied exclusively by more than two families or households on a permanent basis, which may include apartments, townhouses or condominium buildings.
24. Dwelling, Single Family – A detached building designed for occupancy by one family or household. Also includes manufactured homes that (a) comply with the National Manufactured Home Construction and Safety Standards Act or the Uniform Building Code at the time of production, (b) are at least 1,000 square feet in size, (c) are attached to a permanent foundation, (d) are connected to public water and sewer where available, (d) have a pitched roof, eaves and siding materials that are customarily used on site-built homes in the Town of Alberton, and (e) are built offsite in a factory on or after January 1, 1990. Recreational vehicles, mobile homes and travel trailers are not single family dwellings for the purposes of this ordinance.

25. Dwelling, Two Family – A detached or semidetached building designed for or occupied exclusively by two families or households living independent of each other.
26. Dwelling Unit – A space providing private living quarters for one household. A dwelling unit may include individual cooking and sanitation facilities. An apartment, single family residence and travel trailer are examples of dwelling units.
27. Easement – A grant by the property owner to the public, a corporation, or persons, of the use of land for specific purposes.
28. Group Home – An assisted living facility or nursing home; a residence for developmentally, mentally or disabled persons; a youth foster home, transitional living facility or the like; a halfway house, and a licensed adult foster care facility.
29. Height – see building height.
30. Home Occupation – Any occupation or profession carried out by members of a family residing on the premises, which is clearly incidental and secondary to the use of the dwelling purposes and does not change the character thereof. Home occupations do not include equipment or processes that create noise, vibration, glare, fumes, odors or electrical interference detectable to normal senses off the lot. In the case of electrical interference, no equipment or process is used that creates visual or audible interference in any radio or television receivers or causes fluctuations in line voltage off the premises.
31. Hotel – A building in which lodging is provided, with or without meals, and open to transient guests.
32. Improvements – Street grading and surfacing, curbs and gutters, sidewalks, crosswalks, water mains, sanitary and storm sewers, survey monuments and other facilities.
33. Large Scale Development – A large scale development is a project that will contain 50 or more residential lots or units, or is projected to generate 500 or more ADT.
34. Loading Space – An off-street space on the same lot as the use for the temporary parking of a commercial vehicle, while loading or unloading merchandise or material, which has appropriate means of access.
35. Lot – A tract of land of at least sufficient size to meet minimum zoning requirements for use, area, and to provide such yards and other open spaces as are herein required.
36. Lot Area – The total area within the boundary lines of the lot or parcel of land not including the public right-of-way.
37. Lot, Corner – A lot abutting upon two streets at their intersection.

38. Lot Line Adjustment – A change of an existing platted boundary line between fewer than 5 adjoining lots that meets the following criteria: a) Does not involve lots within more than one zoning classification; b) Is not one lot line adjustment in a series of lot line adjustments proposed as a way to circumvent the subdivision process; and c) Where both of the resulting parcels conform to the minimum lot area and width for zoning purposes. Lot line adjustments that do not meet those criteria are reviewed as subdivisions.
39. Lot of Record – A lot, the description of which is recorded in the Office of the Register of Deeds at the time of adoption of this ordinance.
40. Material (as in a material change to an application or plat) – Significant, substantially altering the proposal or having an impact on any of the review criteria, bringing the proposal out of compliance, or impacting the public’s ability to have meaningful participation and comment.
41. Minor Change of Occupancy - A change in the use of a lot or primary structure on a lot. A minor change is one that has identical or lesser parking requirements, similar traffic generation potential, creates no additional signage (measured by square footage), and has, as determined by the zoning administrator, similar or lesser impacts on neighboring land uses.
42. Mobile Home – A detached residential dwelling unit designed for transportation after fabrication on streets or highways on its own wheels or in a trailer arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary supports, connections to utilities and the like.
43. Mobile Home Park – A tract of land designed and developed to accommodate mobile homes on lots on a lease or rental basis.
44. Non-conforming Use – A building, structure or use of land existing at the time of enactment of this ordinance which does not conform to the provisions of this ordinance.
45. Official Planning and Zoning District Map – The map showing the zoning districts of the Town of Alberton officially adopted by the Alberton Town Council.
46. Ordinance Permit – Any permit issued under this ordinance including a permit customarily called a zoning compliance permit, preliminary or final plat approval, rezoning, certification, amendment, variance, demolition or other action having the effect of permitting development.
47. Parking Space – An area surfaced for the purpose of, and sufficient area within, for storing one parked automobile and which accesses onto a street or alley. A typical parking space is 9’ x 20’.

48. Plat – A map of subdivision recorded in the office of the Register of Deeds.
49. Setback – The shortest distance between the lot line and the building line, at grade, or any above grade extension that projects more than three feet from the outer wall at grade, of any building.
- a. The front setback is measured from the lot line paralleling the public street on which the building is addressed to the nearest principal or accessory building.
 - b. The rear setback is measured from the rear lot line to any building. The rear lot line is generally parallel to the street. Corner lots have two rear yards, but except as provided in (a) above, may treat either as a side yards for the purpose of measuring setbacks.
 - c. The side setback is measured from the side lot line to the closest building.
50. Sign – Any outdoor advertising having a permanent location on the ground or attached to or painted on a building, including bulletin boards, billboards and name plates.
51. Street – A right-of-way, dedicated to public use, providing vehicular and pedestrian traffic.
52. Structure – Anything built, constructed, or erected which requires a permanent location on the ground, but not including fences.
53. Subdivision – The division of a tract or parcel into two or more lots for the purpose, whether immediate or future, of sale or lease for building development, and any plat or plan which includes the creation of any part of one or more streets, public easements, or other rights-of-way, whether public or private, for access to or from such lots, and the creation of new or enlarged parks, playgrounds, plazas, or open spaces.
54. Travel Trailer – Any portable unit designed to be used as a temporary dwelling for travel or recreational purposes. The term includes those units that contain toilet and lavatory facilities and those that do not. Travel trailer is synonymous with the term recreational vehicle.
55. Un-subdivided Land – Improved or unimproved land not divided into lots or parcels on any map of record.
56. Variance – A relaxation of the provisions of this ordinance so that it will not be in the public interest and the purpose and intent of this ordinance.

ARTICLE 7 – ORDINANCE EFFECT AND FORCE

13.701 Effect and Force

This ordinance shall take effect and be in force from and after its passage and publication by the Town Council of the Town of Alberton.

Chapter 13-17

FENCES

Sections:

- 13-17-1 Purpose
- 13-17-2 Fence Permit Required
- 13-17-3 Restrictions
- 13-17-4 Penalty

13-17-1 Purpose. The Town Council declares that the purpose of this chapter is based on its determination that it finds it necessary for public safety, health and general welfare to regulate installation of fences.

13-17-2 Fence Permit Required. Any person or contractor constructing a new fence or anytime fifty percent of more of an existing fence is reconstructed or repaired by any person or contractor on any property they shall obtain a fence permit from the town.

13-17-3 Restrictions. A) No fence shall be installed anywhere which will restrict visibility or that would cause any safety hazard.
B) Fences in residential areas shall have a maximum height of forty-eight inches adjacent to dedicated street right-of-way in a front or side yard to a point even with the front corner of the house, the remainder of the fence in the side yard shall have a maximum height of six feet. Fences adjacent to dedicated ally right-of-way shall have a maximum height of six feet. There shall be a 12 inch set back on public right-of-ways and a 12 inch set back from private property lines.

13-17-4 Penalty. There shall be a fine of one hundred dollars (\$100.) for not complying with the above chapter. Any new fence not in compliance with this chapter may be ordered removed by the Town Council. Any new fence not removed within thirty days notice from the Town Council or by his designee shall be removed by the town labor forces or by an assigned contractor with all associated cost assigned to the property owner to become a recordable lien.

*AMENDMENT: ADDED: All of Chapter17 in Title 13 Sections1-4. Resolution # 159
9/4/98.*

TITLE 14

SIGNS

Chapters:

- 14-1 Interpretation and Purpose of Title
- 14-2 Definitions
- 14-3 On-Premise Sign Requiring a Permit
- 14-4 Off-Premise Signs Requiring a Permit
- 14-5 Temporary Signs Requiring a Permit
- 14-6 Permits
- 14-7 Exempt Signs
- 14-8 Prohibited Sign Characteristics
- 14-9 Maintenance
- 14-10 Administration and Variances

Chapter 14-1

INTERPRETATION AND PURPOSE OF TITLE

Sections:

14-1-1 Interpretation and Purpose of Title.

14-1-1 Interpretation and Purpose of Title. The purpose of this Ordinance is to promote and protect aesthetic values as well as the public health, welfare and safety by regulating the size, height, design, quality of materials, construction, location, illumination and maintenance of signs and sign structures within the Alberton zoning area.

This ordinance is intended to protect property values and to create a more attractive and economic business climate, while at the same time, preserving and enhancing the scenic and natural beauty of the Town. This ordinance serves to coordinate the mutual desire of the business and the residential communities of Alberton, to maintain, preserve and enhance this unique valley and its green open spaces.

This ordinance recognizes the right of the citizenry to identify itself, its products and its services. It is intended that wasteful and unsightly competition in signs be avoided and that the community's economic value be enhanced by the attraction and direction of persons to various activities and enterprises with maximum public convenience consistent with quality and attractiveness of the community.

Provisions for the administration and enforcement of this Ordinance are included, as well as provisions for the conformance of non-conforming signs.

Chapter 14-2

DEFINITIONS

Sections:

- 14-2-1 Generally
- 14-2-2 Definitions

14-2-1 Generally

The following words and phrases, as used in this chapter, shall have the meanings ascribed to them in this section:

14-2-2 Abandoned Sign. Means an on-premises or off-premise sign, including the sign frame, which no longer correctly directs, exhorts any person, advertises a bona fide business, lessor, owner, product or activity conducted or product available at the premises to which the sign refers.

14-2-3 Affiliated Sign. Is any sign with a message identifying membership in an association of businesses - e.g. master charge, visa, etc.

14-2-4 Billboard. Is a sign designed to advertise products, services or businesses not necessarily located on the premises on which the sign is located. This sign is also designed with a painted surface or on which temporary poster panels or bulletins are mounted for the purpose of conveying a visual advertising message.

14-2-5 Border Means an edge or line constituting the perimeter of a sign.

14-2-6 Business. Means a profit making, charitable or governmental organization involved in the provision of goods or services.

14-2-7 Business Facade. Means an exterior wall, of a place of business, which wall has a doorway for pedestrian access and faces an adjacent public street, public walkway or parking lot. A series of connected walls located in parallel or general parallel planes shall be deemed a single business facade.

14-2-8 Conforming Signs. Signs which were lawfully erected and which comply with spacing, zoning, size, lighting and all other requirements under the Outdoor Advertising Act and the outdoor advertising regulations promulgated by the highway commission (Department of Transportation).

14-2-9 Directional Sign. Is a sign, other than a government sign, not more than

four (4) square feet, which provides directions for traffic flow to places of business. These signs shall be limited to logo and direction.

14-2-10 Erect. Means build, construct, hang, place, relocate, enlarge, alter, attach, suspend, paint, post or display.

14-2-11 Freestanding Sign. Means a sign so located that it is not attached to a building, fence or any structure other than a framework, post or other such device erected primarily to support the sign.

14-2-12 Gaseous Illumination. Is light created by the excitation of any gas, e.g... Neon gas.

14-2-13 Garage Sale Sign. Is a sign with a message advertising the resale of personal property by a resident on his property.

14-2-14 Graphic Design. Means any artistic design or portrayal painted on an exterior wall, fence, awning, window or other structure which is visible from any public of way, and which has as its purpose artistic effect, and not the identification of the premises or the advertisement or promotion of the interests of any private or public firm, person or organization.

14-2-15 Height. Is the distance measured from the road grade to the apex of the sign.

14-2-16 Historic Signs. Any sign which is in excess of 30 years old and has a unique historic value to the Town of Alberton, as determined by the Alberton Town Council.

14-2-17 Identification Sign. A sign erected with a message describing a place of business, its products, services or activities.

14-2-18 Indirect Lighting. Means a source of external illumination located a distance away from the sign, which lights the sign, but which is itself not visible to persons viewing the sign.

14-2-19 Internal Lighting. Means a source of illumination entirely within the sign, which makes the signs visible at night by emanating light outward. The source of illumination shall not be visible.

14-2-20 Marquee. Means a permanent roof structure attached to and supported by the building and projecting over public property.

14-2-21 Message Center. Is a sign that displays community service oriented messages along with incidental advertising for the business to which it relates. It must

contain electronically updated time, temperature and date.

14-2-22 Nameplate. Means a sign with a message that identifies only the name and or address of the occupant.

14-2-23 Non-conforming Signs. Any sign which was lawfully erected, but does not comply with the provisions of state law or local regulations passed at a later date, or which later fails to comply with the state law or regulations due to changed conditions. Illegally erected or maintained signs are not non-conforming signs.

14-2-24 Off-premise Signs. All signs which advertise a business or activity not on the particular piece of property on which they are erected.

14-2-25 On-premise Signs. All signs erected on property for the sole purpose of advertising its sale or lease or of advertising an activity conducted on the property. To qualify as on-premise, a sign advertising an activity conducted on the property must be located on the land actually used or occupied by the activity.

14-2-26 Permanent Sign. Means any sign for which a sign permit is issued with no time limit in accordance with the provisions of this chapter. Any mention of signs in this chapter shall be considered to mean permanent signs unless this chapter specifies a time limit or references to "temporary signs".

14-2-27 Place of Business. Shall mean either:

A. A building or portion thereof occupied by one business having exclusive entry and exit (e.g., none of its doorways and hallways used by another business) to and from the exterior of the building; or

B. A building or portion thereof occupied by two or more businesses having any entrance and exit to and from the exterior of the building shared by the businesses (e.g., doorways or hallways used in common.)

14-2-28 Political Sign. Is a sign with a message advocating a particular candidate, party or proposition.

14-2-29 Projecting Sign. Means a sign erected upon a building wall or canopy and projecting more than twelve inches (12") outward from the plane of the business facade.

14-2-30 Public Sign. Is a sign posted by a government officer (e.g., traffic signs and legal notices) and signs indicating utility locations.

14-2-31 Reader-board. Means a sign constructed to display an advertising message that may be changed by the manual electronic or other manipulation of letters or numbers on its face (s).

14-2-32 Real Estate Sign. Means a temporary sign with a message announcing the offer to build on, sell, rent or lease the premises upon which it is displayed.

14-2-33 Roof Signs. Prohibited.

14-2-34 Shopping Center. Means five or more businesses located on one or more parcels of land sharing common vehicular access from the street and/or common parking facilities. A single shopping center shall be deemed to include all businesses to which the common access and parking are available.

14-2-35 Sign. A sign means any medium for visual communication, including its supporting structure and source of light, which is used or intended to be used to attract attention to a location or subject matter for advertising, instruction or informational purposes and is viewable from a public right-of-way.

Double-faced, back-to-back, and V-type signs shall be considered as a single sign or structure. (Per MCA - 75-15-113.)

14-2-36 Special Event Sign. Is a banner or sign with a message identifying a civic or public event or holiday.

14-2-37 Temporary Sign. Means any sign for which a sign permit is approved and issued with a time limit or which is described in this chapter as having a time limit. All regulations of signs shall apply to temporary signs as well as to permanent signs, except as otherwise specified herein.

14-2-38 Under-Marquee Sign. Is a sign suspended under a marquee, porch, canopy, walkway covering or similar covering structure.

14-2-39 Un-zoned Commercial or Industrial Area. Means an area not zoned by state or local law, regulation or ordinance that is occupied by one or more industrial or commercial activities, other than outdoor advertising, on lands along the highway for a distance of 600 feet immediately adjacent to the activities.

14-2-40 Wall Sign. Means a sign erected upon a building, fence or other structure, at no point projecting more than twelve inches (12") horizontally to the back of the sign from the surface upon which it is erected. Also, the sign shall not project above the apex of the main roof or false roof structure, which is visible from the public right of way.

14-2-41 Window Sign. Is any sign erected inside or outside of a window or otherwise located within a building in a manner allowing conspicuous viewing from the exterior of the building through a window or opening. Merchandise displayed for sale is excluded. All interior signs up to and including those within four feet (4') of the inside of the window are considered "window signs".

Chapter 14-3

ON PREMISE SIGNS REQUIRING A PERMIT

Sections:

14-3-1 Generally

14-3-2 Characteristics

14-3-1 Generally. all on-premise signs permitted as accessory uses on commercial and industrial properties require a permit and are subject to the following regulation:

14-3-2 Characteristics - (On-premise)

- A. Projection. Projection of wall signs shall not exceed two (2) feet measured from the face of the building. No wall sign may project above the highest point of roof structure of the building to which it is attached.
- B. Setback. No on-site free standing sign may be set nearer to the lot line adjacent to a street than the required minimum setback for the principal uses permitted in the Town. No free-standing sign may be erected or placed closer than fifty (50) feet from a side or rear lot line abutting a residential property.
- C. Lighting. Signs may not incorporate animated lighting (I.E. flashing, moving, rotating or intermittent). In no event may an illuminated sign be placed or directed to cause glare or reflection that constitutes a nuisance on residential properties or a traffic hazard. The light source shall not be visible from any off-site point. All wiring, fittings, and materials used in the construction, connection and operation of illuminated signs shall be in accordance with the State Electrical Code.
- D. Height. No free-standing signs shall exceed fourteen (14) feet in height from the ground.
- E. Number of Signs Permitted. On commercial properties, one free-standing sign per one hundred and fifty (150) feet of frontage shall be permitted, provided such sign meets all other requirements of this ordinance. In addition, wall signs may be installed provided they do not exceed the allowable area.
- F. Size. The total surface area of all freestanding signs on a property is

limited to fifty (50) square feet. Wall signs shall be permitted to cover thirty percent (30%) of the exposed facade of the building on which they are mounted.

Chapter 14-4

OFF-PREMISE SIGNS REQUIRING A PERMIT

Sections:

14-4-1 Generally

A. Billboards

1. Location
2. Spacing
3. Size
4. Shielding
5. Setback
6. Lighting

B. Directional Signs

1. Location
2. Size
3. Number
4. Permits

14-4-1 Generally. Signs and billboards located on premises to which they do not specifically relate (off-premise signs) require a permit and are subject to the following regulations.

A. Billboards. All signs and billboards are specifically prohibited from erection or display upon any property classified, pursuant to the Town of Alberton Zoning Ordinance, as "Residential A or B" or "Open Space/Public/Residential (ORP)" other than those specifically allowed pursuant to "Chapter 14-7 Section 14-7-1 Exempt Signs" of this ordinance.

1. Location. All billboards must be located in areas zoned "Commercial - Less Intense" or "Industrial/Intense Commercial." No billboard can be located closer than 500 feet from any park or residential area.

2. Spacing. No billboard can be located closer than 500 feet away from the nearest billboard.

3. Size. No billboard can have a surface exceeding 300 square feet per side per face. No billboard can have a width exceeding 30 feet. Maximum height from the top of the sign shall not exceed 22 feet above ground level at the highest point.

4. Shielding. Existing billboards, within 500 feet of a park or residential area shall be shielded by evergreen landscaping.

5. Setback. No billboard may be set nearer to the lot line adjacent to a street than the required minimum setback for the principal uses in the Town in which they are passed.

6. Lighting. In no event may an illuminated billboard be placed or directed to cause glare or reflection that constitutes a nuisance residential properties or a traffic hazard. Lighting shall be directed to the face of the sign and bulbs that are not covered on the sides shall not be allowed. No flashing, moving, rotating, or intermittent light sources shall be allowed. Lighting sources shall be limited to 110 watts per bulb with a maximum bulb length of 96" maximum of 2 bulbs per billboard will be allowed. Lighting sources shall be attached to the top of the sign and be shielded. Halifane lights are prohibited.

B. Directional Signs

1. Location. Directional Signs within the town limits must be located in areas designated "Commercial - Less intense" or "Industrial."

2. Size. Directional signs can not have an area larger than 4 square -feet and can not be higher than10 feet from ground level.

3. Number. No more than (2) two, directional signs within (2) miles of the business activity or area of interest will be allowed.

4. Permits. These signs are conditional on receipt of approval by the Town Council.

Chapter 14-5

TEMPORARY SIGNS REQUIRING A PERMIT

Sections:

- 14-5-1 Allowable Signs
- 14-5-2 Deposit
- 14-5-3 Area
- 14-5-4 Removal
- 14-5-5 Additional Permits

14-5-1 Allowable Signs. The following signs may be issued a temporary permit by the Town Clerk:

- A. Portable reader-boards may be permitted for up to ten (10) consecutive days.
- B. Special event signs may be permitted for up to ten (10) consecutive days. Such signs may use moving devices such as banners, spinners, streamers, and pennants.
- C. "Going out of business" sale signs may be permitted for a period of up to sixty (60) consecutive days. There shall be twenty-four (24) month interim period between the expiration of one "going out of business" permit and the issuance of another to the same applicant, business or entity.

14-5-2 Deposit. A deposit of \$50 shall be required to insure removal at the end of the permit period. This deposit shall be made with the Town Clerk.

14-5-3 Area. The area of temporary signs shall be limited to fifty (50) square feet.

14-5-4 Removal. Upon expiration of the permit, the temporary sign and all appurtenances thereto shall be removed.

14-5-5 Additional Permits. There shall be a ninety (90) day interim period, beginning the date of expiration of the permit, before another permit may be issued for a temporary sign on the same parcel of land. This shall not apply to "Going out of Business" signs.

Chapter 14-6

PERMITS

Sections:

14-6-1 Generally

14-6-2 Application

14-6-1 Generally. It is unlawful to display, erect, relocate or alter any sign without first filing with the clerk/treasurer a written application and obtaining a sign permit except as exempted in those regulations.

14-6-2 Application. Each application for a sign permit must be accompanied by a plan or plans drawn to scale and including:

- A. The dimensions of the sign and where applicable, the dimensions of the wall surface to which it will be attached;
- B. Dimensions of the sign's supporting structure;
- C. Height of the sign;
- D. The proposed location of the sign relative to the face of the building and to the boundaries of the lot;
- E. Description of building materials, illumination and colors; and
- F. A processing fee in the amount of \$25.00 will be charged per permit. "Grand-fathered" signs will be \$5.00 each or \$10.00 for multiple signs.

Chapter 14-7

EXEMPT SIGNS

Sections:

14-7-1 Exempt Signs

14-7-1 Exempt Signs. When not containing a characteristic of a prohibited sign and when non-illuminated and containing no reflective paint, and when complying with the height limitations stated in this ordinance, the following signs may be erected without a permit:

- A. Flags of all nations, states and political jurisdictions.
- B. Garage sale signs for each residence, not to exceed six square feet (6'), temporarily erected on site for not more than one (1) week during any consecutive ninety (90) day period.
- C. Nameplates.
- D. Political signs, each not exceeding twelve square feet, located on private real property with owner's permission and temporarily erected not more than thirty (30) days prior to, and removed not more than one (1) week after the election or event to which the sign pertains.
- D. One (1) on-site real estate sign.
- F. One off-site real estate sign when the location of the dwelling is not viewable from the intersection of the public street and the access-way to the parcel, and provided the sign is located within twenty-five feet (25') of the public street intersection, and that written permission of the property owner is secured.
- G. Special event signs erected for not more than twenty-one (21) days, provided prior permission of the property owner is secured. These signs shall be removed not more than one (1) week after the event to which the sign pertains.
- H. Memorial plaques, corner stones, historical tablets and the like.
- I. Historical signs, when so designated by the Town Council.
- J. Signs located on private property which are not visible from any public right-of-way.

Chapter 14-8

PROHIBITED SIGN CHARACTERISTICS

Sections:

14-8-1 Generally

14-8-1 Generally. The following characteristics shall be prohibited in all signs:

- A. Any sign of a type which has a size or other characteristic exceeding any limitation stated in this ordinance shall be prohibited.
- B. Hazards to Exits and Entrances. No sign shall be erected in such a manner that any portion of the sign or its support is attached to, or will interfere with, the free use of any fire escape, entrance, exit or standpipe. No sign shall be erected which will obstruct any required stairway, door ventilator or window.
- C. Hazards to Traffic. No sign shall be erected in such a manner that it will or may reasonably be expected to interfere with, obstruct, confuse or mislead traffic.
- D. Motion. Except for exempt flags, any sign constructed to incorporate windblown materials, moving parts or the appearance of motion by use of flashing or reflected light or other devices shall be prohibited except that time/temperature and or message center signs shall be permitted where specifically referred to.
- E. Portable Signs. Signs erected upon trailers or portable rigs which tend to promote the business of the respective establishment shall be prohibited.
- F. Illumination. Signs with flashing lights or changing colors are prohibited.

Chapter 14-9

MAINTENANCE

Sections:

14-9-1 Generally

14-9-1 Generally. All signs shall be kept in a neat, clean and attractive condition. This includes the periodic cleaning, painting, repairing and or general maintenance of the sign. Maintenance shall also include the updating of the information provided by signs. All signs shall give an accurate representation of the current goods/prices offered, occupant, and or other circumstances that are advertised on the sign. This maintenance shall be the responsibility of the holder of the sign permit. Any sign that is not properly maintained shall be deemed to be a safety hazard or un-maintained and shall be removed by the owner within (30) thirty days of receiving a notice from the Town Council. If not removed by owner, the Town Council shall have it removed at the owner's expense.

Chapter 14-10

ADMINISTRATION AND VARIANCES

Sections:

- 14-10-1 Administration and Variances
- 14-10-2 Nonconforming Uses
- 14-10-3 Violations
- 14-10-4 Removal
- 14-10-5 Appeals
- 14-10-6 Severability

14-10-1 Administration and Variances. Only the Town Council is authorized to permit variances in the administration of this Ordinance when good taste and unusual circumstances and/or practicality justify the granting of a variance. To apply for a variance, a person must file a petition with the Town Council setting forth what variance is requested and the reasons for the request. All applications and all petitions for new sign variances shall be exclusively administered by the Town Council. The Town Council shall cause notice to be posted in at least three prominent places within the town of the time and place set for a hearing on the petition. Posting shall be made not less than ten days before the date of the hearing. At such hearing, the Town Council shall hear all persons and all objections and recommendations relative to the proposed change. Action shall be taken upon the petition by the Town Council at the next regularly scheduled meeting.

14-10-2 Nonconforming Uses.

A. Any sign lawfully erected prior to date of passage, which exceeds the limitations of this Ordinance shall be deemed nonconforming and may continue to exist until made nonconforming by the earliest of the following events.

1. No action shall be taken to increase the degree or extent of the nonconformity of the sign. A change in the information on the face of an existing nonconforming sign is allowed.
2. When any change, repair, or maintenance would constitute an expense of more than 30% of the current cost of constructing a new sign, such nonconforming sign shall either be eliminated or made to conform with the requirements of this ordinance.
3. Change of use or business, or termination of the business which existed, or
4. Destruction or deterioration of the sign to an extent of the sign to an

extent that the current cost of repair exceed thirty percent (30%) of the current cost of constructing a new sign which duplicated the old.

B. All signs deemed nonconforming by this Section shall be made to comply with the requirements of this Ordinance by June 1, 2000. Signs made nonconforming due to location shall be relocated to conforming zones.

C. All signs lawfully erected prior to the passage of this ordinance, are hereby "Grand-fathered" into this ordinance pursuant to subsection A and B of this section.

14-10-3 Violations. When in the opinion of the Town Council a violation of the code exists, the Town Clerk shall issue a written notice to the alleged violator. The order shall specify those sections of the code of which the individual may be in violation and shall state that the individual has thirty (30) days from the date of the notice to correct the alleged violation or appeal to the Town Council.

If upon inspection the Town Council finds that a sign is abandoned or structurally, materially or electrically defective, or in any way endangers public health and safety, the Town Clerk shall issue a written order to the owner of the sign and occupant of the premises stating the nature of the violation and requiring them to repair or remove the sign within thirty (30) days of the date of the order.

In cases of emergency, the Town Council may cause the immediate removal of a dangerous or defective sign without notice. Signs removed in this manner must present a hazard to the public safety.

14-10-4 Removal of Signs by the Order of the Town Council. The Town Council may cause the removal of an illegal sign in cases of emergency, or for failure to comply with the written orders of removal or repair. After removal or demolition of the sign, a notice shall be mailed to the sign owner stating the nature of the work and the date on which it was performed and demanding payment of the costs as certified by the Town Council together with an additional ten (10) percent of Town Council's cost for inspection and incidental costs.

If the amount specified in the notice is not paid within thirty (30) days of the notice, it shall become a lien against the property together with a ten (10) percent penalty for collection in the same manner as the real estate taxes.

The owner of the property upon which the sign is located shall be presumed to be the owner of all signs thereon unless facts to the contrary are brought to the attention of the Town Council as in the case of a leased sign.

For purposes of removal, the definition of sign shall include all sign embellishments and structures designed specifically to support the sign.

14-10-5 Appeals. Appeals to the Town Council may be made when a completed application is not acted upon within thirty (30) days of receipt by the Clerk or if the applicant is denied a permit. Appeals to the Town Council may also be made pertaining to a notice of violation.

The action being appealed shall be held in abeyance pending the decision of the

Town Council.

14-10-6 Severability. If a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

FINALLY PASSED AND ADOPTED by the Town Council of the Town of Alberton, Montana, on the 5th day of September 1995, and approved by the Mayor thereof on the same day.

Title 15

TREE ORDINANCE
STREET AND PARK TREES

Chapters:

- 15-1 Definitions
- 15-2 Duties and Responsibilities
- 15-3 Tree Species to be Planted
- 15-4 Spacing
- 15-5 Distance from Curb and Sidewalk
- 15-6 Distance from Street Corners and Fireplugs
- 15-7 Utilities
- 15-8 Public Tree Care
- 15-9 Pruning Standards
- 15-10 Tree Topping
- 15-11 Pruning and Corner Clearance
- 15-12 Dead or Diseased Tree Removal on Private Property
- 15-13 Removal of Stump
- 15-14 Protection of Trees
- 15-15 Interference with Town
- 15-16 Arborists License and Bond
- 15-17 Review by Town
- 15-18 Penalty

TITLE 15
TREE ORDINANCE
PARK AND STREET TREES

Sections:

15-1-1 Definitions: **Street Trees:** Street trees are herein defined as trees, shrubs, bushes, and all other woody vegetation on public right-of-way lying between property lines on either side of all streets, avenues, or ways within the Town. **Park Trees:** Park trees are herein defined as trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and all areas owned by the Town, or to which the public has free access as a park.

15-1-2 Duties and Responsibilities: It shall be the responsibility of the Town Council to study, investigate, counsel, develop and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets, and in other public areas. Such plan will be reviewed annually by the Town Council and upon approval shall constitute the official comprehensive Town tree plan.

The Town Council shall promote and supervise the establishment of a tree inventory for Street and Park Trees. The inventory shall be updated with the results of ground inspections every three years.

15-1-3 Tree Species to be Planted: The Alberton Town Council develops and maintains a list of desirable trees for planting along streets in three size classes based on mature height: small (under 20 feet), medium (20 to 40 feet) and large (over 40 feet). Efforts shall be made to ensure a sufficient diversity of tree species. Lists of trees not suitable for planting will also be created by the Town Council.

15-1-4 Spacing: The spacing of street trees will be in accordance with the three species size classes listed in Section 3 of this ordinance, and no trees may be planted closer together than the following: small trees – 15 feet; medium trees – 25 feet; and large trees – 35 feet; except in special plantings designed or approved by a landscape architect.

15-1-5 Distance from Curb and Sidewalk: The distance trees may be planted from curbs or curb lines and sidewalks will be in accordance with the three species size classes listed in Section 3 of this ordinance, and no trees may be planted closer than 2 feet for small trees and 3 feet for medium or large trees to any curb or sidewalk.

15-1-6 Distance from Street Corners and Fireplugs: No Street tree shall be planted within 35 feet of any street corner, measured from the point of nearest intersecting curb lines. No street tree shall be planted within 10 feet of any fireplug.

15-1-7 Utilities: No street trees other than those species accepted as small trees by the Town Council may be planted under, or within 10 feet of any overhead utility wire.

15-1-8 Public Tree Care: The Town shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

The Town Council may remove or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect, or other pest. This section does not prohibit the planting of street trees by adjacent property owners providing that the selection and location of said trees is in accordance with Sections 15-3 through 15-7 of this ordinance.

15-1-9 Pruning Standards: All tree pruning on public property shall conform to the ANSI A300 standards for tree care operations.

15-1-10 Tree Topping: It shall be unlawful as a normal practice for any person, firm, or Town department to top any street tree, park tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Crown reduction by a qualified arborist may be substituted, where appropriate. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this ordinance at the determination of the Town Council.

15-1-11 Pruning and Corner Clearance: Every owner of any tree overhanging any street or right-of-way within the Town shall prune the branches so that such branches shall not severely obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of thirteen feet (13') above street surface or eight feet (8') above the sidewalk surface. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The Town shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a streetlight, or interferes with visibility of any traffic control device or sign or sight triangle at intersections.

Tree limbs that grow near high voltage electrical conductors shall be maintained clear of such conductors by the electric utility company in compliance with any applicable franchise agreements. A utility tree trimming policy must be reviewed by the utility company and Town Council prior to any trimming by the utility company.

15-1-12 Dead or Diseased Tree Removal on Private Property: The Town shall have the right to cause the removal of any dead or diseased trees on private property within the Town, when such trees constitute a hazard to life and property, or harbor insects or disease, which constitute a potential threat to other trees within the Town. The Town Council will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within 60 days after the date of service of notice. In the event of failure of owners to comply with such provisions, the Town shall have the authority to remove such trees and charge the cost of removal on the owner's property tax notice.

15-1-13 Removal of Stumps: All stumps of street and park trees shall be removed below the surface of the ground so that the tip of the stump shall not project above the surface of the ground.

15-1-14 Protection of Trees: In order to maintain the overall forest, reasonable efforts shall be made to replace trees that are removed and to protect quality trees that are endangered.

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

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

15-1-15 Interference with Town: It shall be unlawful for any person to prevent, delay or interfere with the Town Council, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any street trees, park trees, or trees on private grounds, as authorized in this ordinance.

15-1-16 Arborists License and Bond: It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing street or park trees within the Town without first applying for and procuring a license. The license fee shall be \$25.00 annually in advance; provided, however, that no license shall be required of any public service company including electric utilities and their agents and contractors or Town employee doing such work in the pursuit of their public service endeavors. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of \$300,000.00 for bodily injury and \$100,000.00 property damage indemnifying the Town or any person injured or damaged resulting from the pursuit of such endeavors as herein described. Insurance amounts may vary in different states.

15-1-17 Review by Town Council: Any person may appeal any ruling or order concerning trees to the Town Council, who may hear the matter and make final decisions.

15-1-18 Penalty: Any person violating any provision of this ordinance shall be, upon conviction or a plea of guilty, subject to a fine not to exceed \$1,000.00.

PASSED AND ADOPTED by the Town Council of the Town of Alberton, Montana, on the 1st day of May, 2003, and approved by the Mayor thereof on the same day.

Title 16

WEEDS

Chapters:

16-1-1 Nuisance weeds.

16-1-2 Noxious weeds.

16-1-3 Removal of weeds; Duty of property

16-1-4 Owner, Removal by Town.

16-1-5 Statement of Charges to Offender

16-1-6 Charges for Removal by Town

16-1-7 Disposition of Monies Received by Town

16-1-8 Penalties

Chapter 16-1

Nuisance Weeds

Sections:

16-1-1 Nuisance weeds.

16-1-2 Noxious weeds.

16-1-3 Removal of weeds; Duty of property

16-1-4 Owner, Removal by Town.

16-1-5 Statement of Charges to Offender

16-1-6 Charges for Removal by Town

16-1-7 Disposition of Monies Received by Town

16-1-8 Penalties

16-1-1 Nuisance weeds: All weeds, uncontrolled grass, and other unattended vegetation growing to a height in excess of eight (8) inches on premises located within the town are declared to be nuisance weeds, pursuant to Montana Code Ann. 37-22-4101.

16-1-2 Noxious weeds: All exotic plant species established or that may be introduced in the state that may render land unfit for agriculture, forestry, livestock, wildlife, or other beneficial uses that may harm native plant communities are considered noxious weeds. Pursuant to Montana Code Ann. 37-22-2101 through 37-22-2103, the State of Montana Department of Agriculture and the Mineral County Weed Management District, may classify which plant species are considered noxious weeds. Mineral County, through its Weed Management District, has exclusive jurisdiction regarding the control of noxious weeds. Noxious weeds in Mineral County include the following:

Category One Noxious Weeds:

- (A) Canada Thistle
- (B) Field Bindweed
- (C) White Top
- (D) Leafy Spurge
- (E) Russian Knapweed
- (F) Spotted Knapweed
- (G) Diffuse Knapweed
- (H) Dalmatian Toadflax
- (I) Yellow Toadflax
- (J) St. Johnswort
- (K) Sulfer Cinquefoil
- (L) Hounds tongue
- (M) Common Tansy

Category Two Noxious Weeds:

- (N) Oxeye Daisy
- Dyers Woad
- (B) Purple Loosestrife
- (C) Tansy Ragwort
- (D) Meadow Hawkweed complex
- (E) Orange Hawkweed
- (F) Saltceder
- (G) Tall Buttercup
- (H) Perennial Pepperweed

Category Three Noxious Weeds:

- (A) Rush Skeletonweed
- (B) Yellow Starthistle
- (C) Common Crupina
- (D) Yellowflag Iris
- (E) Eurasian Watermilfoil
- (F) Blue Weed

Pursuant to the Mineral County Weed Management Program, private landowners may receive assistance from the County to control noxious weeds.

16-1-3 Removal of weeds: Duty of Property Owner, Removal by Town. The owner, his representative, contract purchaser, or any occupant of real property within the town shall once, prior to July 1 of each calendar year, cut and remove weeds and grass growing thereon or adjacent thereto on streets or alleys; and in case of failure to do so shall be subject to the punishment hereinafter provided for. The Town may cause such vegetation to be cut and removed and the expense incurred shall be charged against the owner, his representative, contract purchaser, or occupant of the real property. It shall be the duty of such persons to maintain their property so that it shall not be considered a fire hazard, or a public or private nuisance.

16-1-4 State of Charges to Offender: In the event the owner, representative of the owner, contract purchaser, or occupant of any property required by section above to cut and remove weeds and grass fails to do so, and in the event the Town causes such vegetation to be cut and removed, the Town Maintenance supervisor shall file with the Town Clerk an itemized copy of the statement to be sent to the offender, based upon charges as set forth in section and the Town Clerk shall cause a copy of such statement to be sent to such person by ordinary mail, together with a notice that such statement is due and owing for the removal of vegetation upon the property.

16-1-5 Charges for Removal by Town: A fee of Twenty Dollars (\$20.00) per hour or thirty dollars (\$30.00) minimum per lot shall be charged for weed and grass cutting work performed by the Town Maintenance Department.

16-1-6 Disposition of Monies Received by Town: All money received for payment to the Town by the owner, representative, contract purchaser, or occupant of the property as called for under section , except fines imposed under section 16-1-5 for weed and grass cutting work performed by the Town Maintenance Department, shall go directly into the General Fund.

16-1-7 Penalties: Any person violating any of the provisions of this chapter shall, upon conviction thereof, be punishable as provided in Section 1-7 General Penalty of Town's codes.

PASSED AND ADOPTED by the Town Council of the Town of Alberton, Montana, on the 7th day of January 2005, and approved by the Mayor thereof on the same day.