

**CITY OF TOWNSEND  
ORDINANCE 2023-02**

**NOW THEREFORE**, be it ordained by the Council of the City of Townsend, in the State of Montana, as follows:

**SECTION 1:**        **ADOPTION** “1.16 GENERAL PENALTY” of the Townsend Municipal Code is hereby *added* as follows:

**ADOPTION**

1.16 GENERAL PENALTY (*Added*)

**SECTION 2:**        **ADOPTION** “1.16.010 General Penalty” of the Townsend Municipal Code is hereby *added* as follows:

**ADOPTION**

1.16.010 General Penalty (*Added*)

- A. Unless otherwise provided in this TMC, whenever a violation of any provision of this TMC is punishable as a misdemeanor, any person convicted of such criminal offense shall be punished as follows:
1. Upon a first conviction, a fine not to exceed Fifty Dollars (\$50.00);
  2. Upon a second conviction, a fine not to exceed Two Hundred Fifty Dollars (\$250.00); and
  3. Upon a third or subsequent conviction, a fine not to exceed Five Hundred Dollars (\$500.00), imprisonment in the county jail for any term not to exceed six (6) months, or both.
- B. If the sentencing judge finds that a victim has suffered a pecuniary loss, the sentencing judge shall, as part of the sentence, require payment of full restitution to the victim, as provided in § 46-18-241 to -251, MCA, regardless of whether any part of the sentence is deferred or suspended.

**SECTION 3:**        **AMENDMENT** “2.12.060 Enforcement” of the Townsend Municipal Code is hereby *amended* as follows:

## AMENDMENT

### 2.12.060 ~~Enforcement~~Penalty

- A. Any ~~person~~ violation ~~ng of~~ the provisions of TMC 2.12.020 Paragraph F; TMC 2.12.040 Paragraphs E and F; and TMC 2.12.050 Paragraphs B, D, E, F, ~~and G shall, upon conviction of City Court of this City, or before a Justice of the Peace, pay a fine of not less than Fifty Dollars (\$50.00) or more than Five Hundred Dollars (\$500.00) for each offense~~ is punishable as a misdemeanor. Any person convicted of this offense shall be fined not to exceed Five Hundred Dollars (\$500.00), imprisoned in the county jail for a term not to exceed 6 months, or both.
- B. All regularly appointed members of the Department are hereby given the necessary special police powers for the purpose of enforcing the provisions of this Chapter.
- C. It is hereby made the special duty of the chief of police and/or other peace officers who may be on duty and available for fire duty, to respond to all fire alarms and assist the Department in the protection of life and property, in regulating traffic, maintaining order and in enforcing observance of all sections of this Chapter.

**SECTION 4:        AMENDMENT** “4.16.060 Special Rules” of the Townsend Municipal Code is hereby *amended* as follows:

## AMENDMENT

### 4.16.060 Special Rules

- A. No person, except the tapper employed by the City, shall, under any circumstances, tap the distributing pipes or insert pipes therein; and any violation of this paragraph shall constitute a misdemeanor offense, and subject the offender, on conviction, to a fine not exceeding One Hundred Dollars (\$100.00) and for restitution for any damage done to the City water system is punishable as a misdemeanor.
- B. All pipes placed in connection with the City waterworks, and the pattern of all water closets, hydrants, stopcocks, and other appurtenances that are proposed to be used; shall be submitted to the inspection and subject to the approval of the City.
  - 1. The water pipe laid in trenches shall be laid not less than six feet (6') below the surface of the ground, and in such a manner as to prevent rupture by settlement.
  - 2. All service pipes shall be a minimum of 3/4" diameter and shall be AWWA C901 polyethylene pipe (200 psi, SIDR 7) meeting ASTM D2239.
  - 3. All water mains, valves and hydrants shall be a minimum of 6" diameter. All materials for water mains shall be AWWA C900 PVC (DR18, Pressure Class 235) or AWWA C151 ductile iron (Class 51, Pressure 350).
  - 4. All work shall be done in the manner required by the City or its authorized agent and shall be subject to its inspection or approval and no work underground shall be covered up until so inspected and approved.

- C. Service will not be granted when the service pipe passes over or through premises which at the time are or may thereafter, become the property of persons other than the owner of the premises to be supplied by such attachments; and in case the building does not occupy the full width of the lot on which it is situated, the service pipe must be laid in the lot reasonably clear of the building. No service pipe will be permitted to be laid in a sewer trench or within eighteen inches (18") of such trench.
- D. No plumber shall turn on the water at the curb cock, or allow any person to do so, except with the special permission of the City, or its agent. When the work in any building has been completed and tested, it shall be the duty of the plumber or fitter to turn off the water.
- E. At the City Council meeting immediately following the completion of any significant work, the City Public Works Director shall make return to the City office a basic report, stating the ordinary and special uses to which the water is to be applied, and documenting the apparatus and arrangement used, the number of floors and rooms in the building and all the particulars the case may require.
- F. As to the use of water for irrigation in the City of Townsend, the right is reserved to the Council or to a majority thereof to, at any special or regular meeting to make such rules and regulations as the circumstances then existing shall justify, and this power shall include the right to ban all sprinkling and/or irrigation or to limit said sprinkling and/or irrigation to such time as shall be determined by the Council as the various occasions may warrant.
- G. Only the premises paid for by the Consumer may be irrigated.
- H. Irrigation through hose without nozzle or sprayer of regulation size is prohibited, except to irrigate trees. This prohibition does not apply to soaker-hoses or other similar hoses which are capped and designed to irrigate slowly over time.
- I. Full water rates must be paid for every part of a building in which water is introduced, and for all fixtures or outlets connected with the service pipes; and no deductions will be made for rooms not in actual use, or on the plea that some of the occupants do not use the water, or that some of the fixtures are not used. The charge for the use of fixtures, as long as the water is turned on, can only cease when they are permanently disconnected from the service pipe.
- J. No Consumer will be permitted to use water for any other purpose than that stated in this Chapter or that estimated for in fixing the rates; or to supply water in any way to any other person or persons, or permit others to make such use, without City approval.
- K. A separate curb stop and box will be required for each separate Consumer or Service.
- L. The City shall furnish water for certain specified uses for a certain specified sum. If, therefore, Consumers, having a license for the use of water in a shop or dwelling only, use water for sprinkling; or those having a license for sprinkling only, use water for household purposes; or furnish other people with water for any purpose whatsoever except for use on the premises for the purposes specified in the application; or permit water to be taken without permission from the City, such actions are a violation of the rules. Any violation of the provisions of this Chapter ~~the rules shall constitute a misdemeanor offense, and subject the offender, on conviction, to a fine of not more than One Hundred Dollars (\$100.00)~~ is punishable as a misdemeanor.
- M. Consumers shall prevent unnecessary waste of water, and shall keep their pipes,

valves, faucets, hydrants, hose, fountains, and all apparatus, in good condition, at their own expense; and keep all water outlets closed when not in use. Keys to hydrants are not allowed to remain exposed to uses by others; nor shall hose be used without a nozzle, or to throw water beyond the limits agreed to be sprinkled. Goose necks, street or yard hydrants will not be allowed except for those already installed.

- N. Service will be subject to shut off from each and every Consumer without notice who violates any one of the above rules of this Chapter.
- O. The Fee Schedule will be posted at the City Office, with copies provided to Consumers upon request. These rates shall remain in full force and effect until changed by resolution of the City Council.

**SECTION 5:**        **AMENDMENT** “4.20.010 Other Assessed Fees” of the Townsend Municipal Code is hereby *amended* as follows:

#### A M E N D M E N T

##### 4.20.010 Other Assessed Fees

- A. If any fee for water, sewer or garbage service becomes delinquent for thirty (30) days or longer, the City Clerk or Assistant shall, in addition to all other charges assessed, assess and collect a late fee in the amount of Five Dollars (\$5.00) for each and every thirty-day (30) period that said charges(s) remain(s) delinquent.
- B. In addition to all other fees assessed, there shall be assessed the following fees for any non-emergency turn on or turn off of City water service: during standard business hours, fifteen dollars (\$15.00); outside of standard business hours, a fee as invoiced by the City for double the hourly rate of the City employee called in to perform the turn on or turn off for time actually spent on call, subject to a two hour minimum .
- C. No unauthorized person shall turn on or turn off City Water. Any ~~person convicted of violation~~ng of this paragraph provision is punishable as a misdemeanor.  
~~shall be deemed guilty of a misdemeanor and shall be fined in an amount not to exceed One Hundred Dollars (\$100.00).~~

**SECTION 6:**        **AMENDMENT** “5.04.100 Penalty” of the Townsend Municipal Code is hereby *amended* as follows:

#### A M E N D M E N T

##### 5.04.100 Penalty

Any violation of this Chapter is punishable as a misdemeanor. Any person convicted of this offense shall be fined not to exceed Five Hundred Dollars (\$500.00).  
~~solicitor who violates any provision of this Chapter may be cited for a misdemeanor offense by any law enforcement officer or City staff responsible for enforcing this Chapter. A person convicted of a misdemeanor offense pursuant to this Chapter shall be fined not to exceed Five Hundred Dollars (\$500.00).~~

**SECTION 7:**        **AMENDMENT** “5.12.280 Misdemeanor” of the Townsend Municipal Code is hereby *amended* as follows:

AMENDMENT

5.12.280 ~~Misdemeanor~~Penalty

Any violation of this Chapter~~person found in violation of this chapter shall be guilty of a misdemeanor and fined up to \$500 and sentenced to no more than six (6) months in jail~~is punishable as a misdemeanor. Any person convicted of this offense shall be fined not to exceed Five Hundred Dollars (\$500.00), imprisoned in the county jail for a term not to exceed 6 months, or both.

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**SECTION 8:**        **AMENDMENT** “6.32.020 Criminal Penalty” of the Townsend Municipal Code is hereby *amended* as follows:

AMENDMENT

6.32.020 ~~Criminal~~Penalty

Any violation of this Title is punishable as a misdemeanor~~person, firm or corporation who violates any provisions of this Ordinance, or fails to comply with any provisions of this Ordinance, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not to exceed Five Hundred Dollars (\$500.00) or imprisonment for a period not to exceed ninety (90) days or both.~~

**SECTION 9:**        **AMENDMENT** “7.04.040 Penalties” of the Townsend Municipal Code is hereby *amended* as follows:

AMENDMENT

#### 7.04.040 ~~Penalties~~Penalty

~~Any person or persons found guilty of a violation of this Chapter shall be punished by a fine of not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00), or by confinement in the City Jail for not less than five (5) days nor more than thirty (30) days, or by both such fine and imprisonment.~~violation of this Chapter is punishable as a misdemeanor.

**SECTION 10:            AMENDMENT** “7.08.040 Premises” of the Townsend Municipal Code is hereby *amended* as follows:

### A M E N D M E N T

#### 7.08.040 Premises

##### A. Maintenance - Violation - Notice

1. It shall be the duty of every owner/occupant as defined in this chapter to maintain the premises, equipment, containers and disposal areas owned or used in by him or under his/her supervision in compliance with all the requirements of this chapter and all of the applicable provisions of this Code; ~~and any violation thereof shall constitute a misdemeanor and shall be punishable under the general penalty of this Code.~~
2. Whenever an offense is observed pertaining to these requirements, the owner/occupant shall be served notice citing the violation and requiring abatement of such offense within twenty-four (24) hours. Such notice may be served by verbal notification to the responsible party, written notice delivered to any adult found on such premises, by affixing the same securely to the handle of the front door of the premises, and/or by mailing such notice to the owner/occupant of the premises. If the violator, upon receiving notice of violation, does not abate the problem within twenty-four (24) hours, the violator may be cited into City Court.

B. Alley Maintenance. All persons owning, occupying or being in control of property fronting on any alley of this City shall keep the portion of the alley between the centerline thereof and the property line of such property and fronting on such property, free from garbage, rubbish, weeds, trash, paper, or any other combustible material. Failure to carry out such duties in this paragraph or elsewhere required for the accumulation, collection, transportation and disposal of refuse in any place or in any condition not meeting the requirements of the Code is a misdemeanor.

C. Sanitary Condition Required. It shall be the duty of the owner/occupant as defined in this chapter to keep the premises under the owner/occupant's control, where refuse is stored pending collection, in a clean and sanitary condition at all times; and commensurate with good sanitary practice, to be responsible for general cleaning and maintenance of the City containers.

D. Collection - Compliance With Health Standards. Refuse shall be collected in

compliance with state and City-County health standards and in a manner which precludes the occurrence of a nuisance.

**SECTION 11:**        **ADOPTION** “7.08.080 Penalty” of the Townsend Municipal Code is hereby *added* as follows:

#### ADOPTION

7.08.080 Penalty(*Added*)

Any violation of this Chapter is punishable as a misdemeanor.

**SECTION 12:**        **AMENDMENT** “7.12.070 Penalties” of the Townsend Municipal Code is hereby *amended* as follows:

#### AMENDMENT

7.12.070 ~~Penalties~~Penalty

- A. Warning & Fine: Any violation of this Chapter is punishable as a misdemeanor~~person who violates any provision of this Chapter may be cited for a misdemeanor offense by any peace officer or City staff responsible for enforcing this Chapter.~~ Provided, however, for the first occurrence of any violation as to a specific person, a peace officer or City Staff responsible for enforcing this Chapter shall first issue a written warning to the person in violation, directing said person to abate the violation within a specific time period reasonable to the circumstances. If the the person abates the violation during this allotted time, no citation shall be issued. Any person convicted of this offense shall be fined not to exceed Five Hundred Dollars (\$500.00), imprisoned in the county jail for a term not to exceed 6 months, or both.  
~~A person convicted of a misdemeanor offense pursuant to this Chapter shall be fined not to exceed Five Hundred Dollars (\$500.00) for each offense.~~
- B. Injunction: As an additional remedy, the creation or maintenance of any noise source in violation of any provision of this Chapter shall be a public nuisance and shall be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

**SECTION 13:**        **AMENDMENT** “8.04.030 Licensing And Registration” of the Townsend Municipal Code is hereby *amended* as follows:

## AMENDMENT

### 8.04.030 Licensing And Registration

- A. No person shall own, keep or harbor any dog within the City limits, unless such dog is licensed as herein provided. Application for such license shall be made to the City Clerk, or such agent as shall be designated by the City Clerk, which shall state the name and address of the owner and the name, breed, color, age and sex of the dog. The license fee shall be paid at the time of making application, a numbered receipt given to the applicant, and a numbered metallic or plastic tag shall be issued to the owner. The yearly license fee shall be Ten Dollars (\$10.00) for each male which has been altered to be infertile or spayed female over the age of six (6) months. The yearly license fee shall be Twenty Dollars (\$20.00) for each unspayed female or unaltered male dog over the age of six (6) months. Every person engaged in operating a dog or cat kennel, as defined in this chapter, shall pay an annual license fee of Fifty Dollars (\$50.00). All dog licenses and kennel licenses shall be issued for one (1) year, beginning with May 1st. Any license issued for any dog for the year immediately preceding shall be valid to but not including August 1 of the current year. No application for a dog license shall be accepted until the applicant has produced satisfactory evidence that the dog for which the license is to be issued has been vaccinated for rabies with "avianized flury" strain rabies vaccine, within two (2) years immediately preceding the date of application. Any person licensing a dog on or after August 1 of any year shall pay an additional Five Dollars (\$5.00) unless such person can present evidence satisfactory to the City Clerk that the animal being licensed has not been kept, held, or owned within the City of Townsend for a period in excess of one (1) week immediately prior to the date on which application is made.
- B. In the event that a license tag issued for a dog shall be lost, the owner may obtain a replacement tag upon the payment of Five Dollars (\$5.00) to the City Clerk.
- C. If there is a change of ownership of a dog or kennel during the license year, the owner may have the current license transferred to the new owners upon application to the City Clerk.
- D. No person shall use for any dog a license, receipt of license tag or evidence of vaccination for rabies, issued for any other dog.
- E. ~~Any person keeping any unlicensed dog shall be deemed guilty of a misdemeanor, and shall, upon conviction, be punished by a fine of not less than Seventy-Five Dollars (\$75.00) or more than Two Hundred Fifty Dollars (\$250.00)~~ is punishable as a misdemeanor.

**SECTION 14:** AMENDMENT "8.04.060 Kennel License" of the Townsend Municipal Code is hereby *amended* as follows:

## AMENDMENT

### 8.04.060 Kennel License



- A. A kennel license will be required by any person or family owning or harboring three (3) or more dogs over six (6) months of age. The following conditions must be met before such a license will be issued:
  - 1. A completed kennel license application shall be submitted to the City Clerk together with a license fee in the amount of fifty Dollars (\$50.00).
  - 2. The intended facilities must be inspected by the Animal Control Officer, such inspection to include the physical facilities, as well as the effect on the neighborhood.
- B. All kennel licenses will expire on the 1st day of May of each year, unless sooner revoked. The Animal Control Officer will investigate all complaints concerning licensed or improperly operated kennels and may recommend revocation of the license if it is deemed necessary. The licensee will be given at least five (5) days written notice of such recommendation, during which time he/she may appeal the Animal Control Officer's recommendation. The licensing authority will then take action as required.
- C. ~~Any person keeping or maintaining any unlicensed kennel shall be deemed guilty of a misdemeanor and shall, upon conviction, be punished by a fine of not less than Seventy-Five Dollars (\$75.00) or more than Two Hundred Fifty Dollars (\$250.00)~~ is punishable as a misdemeanor.

**SECTION 15:**        **AMENDMENT** "8.08.020 Dogs Deemed A Nuisance" of the Townsend Municipal Code is hereby *amended* as follows:

#### AMENDMENT

##### 8.08.020 Dogs Deemed A Nuisance

- A. It is a public nuisance for any dog or other animal to chase vehicles in public streets, ways or parks; to cause annoyance to any person by prolonged barking, howling, yelping or other means; to run at large; or to be owned, kept or maintained without a current license. All female dogs or other dogs in heat (estrus) shall be kept in a confined area not accessible to male dogs which may be running at large.
- B. Dangerous Nuisance. It is a dangerous 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 of, or injuring or attempting to injure the person, family or property of the owner.
- C. Any such nuisance animal may be taken up and impounded by the Animal Control Officer or any law enforcement 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 Animal Control Officer and all law enforcement officers to issue tickets and file complaints for all such violations. Any person aggrieved by a nuisance animal may file a complaint in the City Court, charging the owner with the violation of this Section.
- D. ~~Any owner who violates~~ violation of this Section is punishable as a misdemeanor. Any person convicted of this offense shall be fined not to exceed Five Hundred Dollars

~~(\$500.00), imprisoned in the county jail for a term not to exceed 6 months, or both, shall be deemed guilty of a misdemeanor and shall upon conviction, be punished by a fine of not less than Seventy-Five Dollars (\$75.00) or more than Two Hundred Fifty Dollars (\$250.00).~~

- E. Upon a third conviction under this ordinance codified in this chapter within a twelve (12) month period, the dangerous nuisance animal shall be seized by the Animal

Control Officer and disposed of in accordance with the procedures set forth in TMC 8.08.060.

**SECTION 16:**        **AMENDMENT** “8.20.030 Fine Schedule” of the Townsend Municipal Code is hereby *amended* as follows:

#### AMENDMENT

~~8.20.030 Fine Schedule~~ (*Repealed*)

~~A progressive schedule of penalties shall be assessed against any animal owner found to be in violation of the provisions of this Title within a calendar year, that is not specifically provided for in another section and specifically for violation of TMC 8.08.010, Animals Running at Large.~~

|                |                                                                                                     |
|----------------|-----------------------------------------------------------------------------------------------------|
| FIRST OFFENSE  | \$75.00 to \$250.00                                                                                 |
| SECOND OFFENSE | \$75.00 to \$250.00 or one day imprisonment in the county jail or both such fine and imprisonment   |
| THIRD OFFENSE  | \$100.00 to \$300.00 or two days imprisonment in the county jail or both such fine and imprisonment |

**SECTION 17:**        **REPEAL** “8.24.020 Penalties” of the Townsend Municipal Code is hereby *repealed* as follows:

#### REPEAL

~~8.24.020 Penalties~~ (*Repealed*)

~~Any person, firm, or corporation found guilty of violating this chapter shall be punished by a fine of not less than Twenty-Five Dollars (\$25.00) nor more than Fifty Dollars (\$50.00).~~

**SECTION 18:**        **REPEAL** “8.28.020 Penalties” of the Townsend Municipal Code is hereby *repealed* as follows:

## REPEAL

### ~~8.28.020 Penalties~~ (*Repealed*)

~~Any person, persons, firm, corporation or association of any kind or character, convicted of maintaining any such nuisance as set forth in TMC 8.28.010 shall be punished by a fine of not less than Seventy Five Dollars (\$75.00) nor more than One Hundred Fifty Dollars (\$150.00); and each day's continuance of such nuisance, after notice to abate the same given by any officer or employee of said City, shall be deemed a separate offense and be punished as aforesaid.~~

**SECTION 19:**        **ADOPTION** “8.36 PENALTY” of the Townsend Municipal Code is hereby *added* as follows:

## ADOPTION

### 8.36 PENALTY (*Added*)

**SECTION 20:**        **ADOPTION** “8.36.010 - Penalty” of the Townsend Municipal Code is hereby *added* as follows:

## ADOPTION

### 8.36.010 - Penalty (*Added*)

Except as otherwise provided, any violation of this Title is punishable as a misdemeanor.

**SECTION 21:**        **AMENDMENT** “9.04.010 Unlawful To Ride Upon Sidewalk” of the Townsend Municipal Code is hereby *amended* as follows:

## AMENDMENT

### 9.04.010 Unlawful To Ride Upon Sidewalk

It shall be unlawful for any person to ride or drive upon or across any sidewalk or to hitch any horse or team so as in any manner obstruct the same to the detriment or passersby. Any

~~violation of this Section is punishable as a misdemeanor. person violating this chapter shall be fined in any sum not less than Fifty Dollars (\$50.00) nor more than Two Hundred Dollars (\$200.00).~~

**SECTION 22:**        **AMENDMENT** “9.04.020 Combustible Fodder” of the Townsend Municipal Code is hereby *amended* as follows:

AMENDMENT

9.04.020 Combustible Fodder

No person shall have or keep hay, straw or other combustible fodder in an open stack or otherwise than securely covered from fire, nor shall any occupant or owner of any premises within the platted City limits allow piles of open boxes of straw, paper or other combustible packing to be or accumulate on any part of said premises. Any violation of this Section is punishable as a misdemeanor.~~person who violates either provision of this section, or who shall neglect or refuse to take care of, or remove the same after having been notified to do so by any policeman shall upon conviction thereof be fined any sum not less than Fifty Dollars (\$50.00) nor more than Two Hundred Dollars (\$200.00).~~

**SECTION 23:**        **AMENDMENT** “9.04.030 Hitching Animal To Fence Or Railing” of the Townsend Municipal Code is hereby *amended* as follows:

AMENDMENT

9.04.030 Hitching Animal To Fence Or Railing

~~If any~~ No person shall hitch or fasten any horse or animal to any fence or railing other than those provided for that purpose or to any shade tree or lamp post either private or public in any street or alley or around any public park within the City limits.Any violation of this Section is punishable as a misdemeanor.~~such person shall pay a fine of not less than Fifty Dollars (\$50.00) nor more than Two Hundred Dollars (\$200.00).~~

**SECTION 24:**        **AMENDMENT** “9.04.040 Leaving A Team Unhitched” of the Townsend Municipal Code is hereby *amended* as follows:

AMENDMENT

#### 9.04.040 Leaving A Team Unhitched

~~Any~~ No person ~~or persons who~~ shall leave any horse or team (said horse or team being hitched to a wagon, buggy or any vehicle under a saddle) upon any street or alley within the City without the same being securely tied. Any violation of this Section is punishable as a misdemeanor. ~~shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than Fifty Dollars (\$50.00) nor more than Two Hundred Dollars (\$200.00).~~

**SECTION 25:**        **AMENDMENT** “9.04.050 Shooting Within City Limits” of the Townsend Municipal Code is hereby *amended* as follows:

#### AMENDMENT

#### 9.04.050 Shooting Within City Limits

~~Any~~ No person ~~or person who~~ shall willfully shoot~~s~~ off or discharge~~s~~ any pistol, revolver, shotgun, rifle, slingshot, air gun, bow and arrow, or cannon within the City limits. Any violation of this Section is punishable as a misdemeanor. Any person convicted of this offense shall be fined not to exceed Five Hundred Dollars (\$500.00), imprisoned in the county jail for a term not to exceed 6 months, or both. ~~shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than Fifty Dollars (\$50.00) nor more than Two Hundred Dollars (\$200.00).~~

**SECTION 26:**        **REPEAL** “9.04.060 Violations Of Any Ordinance” of the Townsend Municipal Code is hereby *repealed* as follows:

#### REPEAL

#### ~~9.04.060 Violations Of Any Ordinance~~ (*Repealed*)

~~All actions brought to punish any violations of any ordinances now or hereafter to be in force in the City shall be commenced before the City Judge. No warrant shall be issued by such City Judge until a Complaint under oath has been filed with the Court, charging a breach or violation of some ordinance by number and section with a brief description of the nature of the offense substantially as required of a criminal complaint under the state statutes. The warrant shall briefly describe the offense and shall be returnable forthwith and shall run in the name of~~

~~the State of Montana and shall be directed to any policeman of the City; when returned the City Judge must proceed to try the same, unless for good cause an adjournment is asked for or a jury demanded, in which case the same rules and regulations shall govern as govern trials for misdemeanors in justice courts in Montana, references being had to the statutes providing a code of criminal procedure.~~

**SECTION 27:**        **REPEAL** “9.04.070 Persons Arrested” of the Townsend Municipal Code is hereby *repealed* as follows:

#### REPEAL

##### ~~9.04.070 Persons Arrested~~ (*Repealed*)

~~If a person arrested as provided in this chapter shall on trial be convicted and shall fail to immediately pay the amount of any fines or costs imposed, the City Judge shall issue a mittimus in form substantially as prescribed by statutes and commit said party to the jail provided for by said City. Provided, however, any person so committed shall be allowed Twenty Five Dollars (\$25.00) per day on the amount of said fine and costs for each and every day so confined and when the person shall have served one (1) day for every Twenty Five Dollars (\$25.00) of such fine and costs, said person shall be discharged by the jail or in whose charge said person shall have been placed without any further order from the City Judge.~~

**SECTION 28:**        **AMENDMENT** “9.08.040 Violations” of the Townsend Municipal Code is hereby *amended* as follows:

#### AMENDMENT

##### 9.08.040 ~~Violations~~Penalty

Any violation of this Chapter is punishable as a misdemeanor. ~~person violating these provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not less than Fifty Dollars (\$50.00) nor more than Two Hundred Dollars (\$200.00) for the first offense; for any subsequent offense by the person, firm, association or corporation once found guilty of a violation of this chapter the minimum fine shall be not less than One Hundred Dollars (\$100.00) nor more than Four Hundred Dollars (\$400.00) and such offense shall likewise be punishable by imprisonment for not less than two (2) days nor more than ten (10) days, or by both such fines and imprisonment.~~ Any person convicted of this offense shall be fined not to exceed Five Hundred Dollars (\$500.00), imprisoned in the county jail for a term not to exceed 6 months, or both. - Additionally all fireworks possessed by any person, firm, association or corporation found guilty of a violation

of this chapter are hereby declared to be a public nuisance, and it shall be the duty of every officer authorized to make arrests, to seize such fireworks and bring the same before the City Judge and deliver the same to the City Judge. The City Judge on having fireworks brought to the court must cause the public destruction of the same, and no person, firm, association or corporation owning or claiming to own said fireworks shall have any right of action against any officer, person, or the City, for the value of such articles or for damages for the destruction thereof.

**SECTION 29:**        **AMENDMENT** “9.12.030 Penalties” of the Townsend Municipal Code is hereby *amended* as follows:

#### AMENDMENT

##### 9.12.030 ~~Penalties~~Penalty

Any violation of this Chapter is punishable as a misdemeanor. Any person convicted of this offense shall be fined not to exceed Five Hundred Dollars (\$500.00), imprisoned in the county jail for a term not to exceed 6 months, or both.  
~~person violating the provision or any portion thereof of this chapter, shall be deemed guilty of a misdemeanor, and shall be fined in any sum not less than Fifty Dollars (\$50.00) nor more than Two Hundred Dollars (\$200.00).~~

**SECTION 30:**        **AMENDMENT** “9.16.030 Violations” of the Townsend Municipal Code is hereby *amended* as follows:

#### AMENDMENT

##### 9.16.030 ~~Violations~~Penalty

Any violation of this Chapter by a parent or guardian is punishable as a misdemeanor.~~Any parent or guardian found guilty of violating any one of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction unless otherwise provided in this ordinance shall be punished by a fine of not less than Twenty Five Dollars (\$25.00) or more than Fifty Dollars (\$50.00) or five (5) hours community service or imprisonment in the Broadwater County Jail for not less than twenty four (24) hours, or by any such combination of fine, community service or imprisonment.~~

**SECTION 31:**        **AMENDMENT** “9.20.050 Penalty” of the Townsend Municipal Code is hereby *amended* as follows:

## AMENDMENT

### 9.20.050 Penalty

Any violation of this Chapter is punishable as a misdemeanor. ~~The penalty for a violation of any provision of this Chapter shall be a misdemeanor and upon conviction shall be punished by a fine not to exceed Five Hundred Dollars (\$500.00) or imprisonment for a period not to exceed Ten (10) days.~~

**SECTION 32:**        AMENDMENT “9.24.020 Penalty” of the Townsend Municipal Code is hereby *amended* as follows:

## AMENDMENT

### 9.24.020 Penalty

Any violation of this Chapter is punishable as a misdemeanor. ~~Any person who violates the provisions of this section, unless specifically provided elsewhere in this code, or Montana State Statute, shall be deemed guilty of a misdemeanor and may be fined in an amount not to exceed One Hundred Dollars (\$100.00).~~

**SECTION 33:**        AMENDMENT “9.30.080 Enforcement Remedies” of the Townsend Municipal Code is hereby *amended* as follows:

## AMENDMENT

### 9.30.080 ~~Enforcement Remedies~~ Penalty

- A. The following ~~shall constitute misdemeanor offenses~~ violations are punishable as misdemeanors:
1. Violation of Section 9.30.030 of this Chapter while the person who has a right of possession of a private residence or other private property is a participant in the party;
  2. Knowingly selling, furnishing, providing, giving, or causing to be sold, furnished, provided, or given away, any intoxicating substance to an underage person;
  3. Either of the offenses listed in Paragraph A,1 and A,2 above which also result in an underage person consuming the intoxicating substance and proximately causing serious bodily injury or death to the underage person or any other person.
- B. Any person convicted of ~~a misdemeanor these~~ offenses ~~pursuant to Paragraphs A,1 or A,2 above~~ shall be fined not more than ~~One Thousand~~ Five Hundred Dollars



~~(\$1,0500.00), no part of which shall be suspended, imprisoned in the county jail for a term not to exceed 6 months, or both and the person shall be required to perform not less than twenty-four (24) hours of community service when the person is not employed or attending school. A person convicted of misdemeanor offense pursuant to Paragraph A,3 above shall be fined not more than One Thousand Dollars (\$1,000.00); be imprisoned in the county jail for not less than six (6) month and not more than one (1) year, or both.~~

**SECTION 34:**        **AMENDMENT** “10.04.020 Penalty” of the Townsend Municipal Code is hereby *amended* as follows:

AMENDMENT

10.04.020 Penalty

~~Any person, co-partnership or corporation found guilty of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not to exceed Two Hundred Dollars (\$200.00)~~violation of this Chapter is punishable as a misdemeanor.

**SECTION 35:**        **AMENDMENT** “10.08.020 Penalty” of the Townsend Municipal Code is hereby *amended* as follows:

AMENDMENT

10.08.020 Penalty

~~Any person found guilty of violating the provisions of this act shall be fined in any sum not to exceed Fifty Dollars (\$50.00) and shall have his/her sled, wagon or other vehicle used in the commission of such misdemeanor forfeited to the City and the police officers are hereby required to confiscate the same at or after making the arrest~~violation of this Chapter is punishable as a misdemeanor.

**SECTION 36:**        **AMENDMENT** “10.12.020 Penalties For Violations” of the Townsend Municipal Code is hereby *amended* as follows:

AMENDMENT

10.12.020 ~~Penalties For Violations~~Penalty

~~Any person found guilty of a violation of this chapter or any part thereof shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not to exceed Two Hundred Dollars (\$250.00) or be confined in the City Jail for a period not exceeding thirty (30) days or by both such fine and imprisonment~~ violation of this Chapter is punishable as a misdemeanor. Any person convicted of this offense shall be fined not to exceed Five Hundred Dollars (\$500.00), imprisoned in the county jail for a term not to exceed 6 months, or both

**SECTION 37:** **AMENDMENT** “10.16.010 Parking For Patrons Of Broadwater Food Pantry” of the Townsend Municipal Code is hereby *amended* as follows:

#### AMENDMENT

10.16.010 Parking For Patrons Of Broadwater Food Pantry or Block 44

- A. The Broadwater Pantry is situated on Lot 8 of block 33 of the original townsite of Townsend. During the hours of 9:00 a.m. to 11:00 a.m. on Saturday, a person may stop, stand or park a vehicle for any purpose or period of time in a fifty (50) foot wide zone on Broadwater Street in front of said Broadwater pantry only for a period of fifteen (15) minutes.
- B. During the hours of 8:00 a.m. to 6:00 p.m. on Monday through Saturday, a person may stop stand or park a vehicle for any purpose for a period of time on those portions of Broadway Street situated in front of Lots 3, 4, 5 in Block 44 of the Original Townsite of Townsend only for a period of fifteen (15) minutes.

**SECTION 38:** **AMENDMENT** “10.16.030 Penalty” of the Townsend Municipal Code is hereby *amended* as follows:

#### AMENDMENT

10.16.030 Penalty

~~Any person convicted of any of the terms and conditions of the above sections shall be fined a fine not to exceed Fifty Dollars (\$50.00) or by imprisonment in the Broadwater County Jail for a period not to exceed five (5) days or by both such fine and imprisonment~~ violation of this Chapter is punishable as a misdemeanor.

**SECTION 39:**        **REPEAL** “10.16.040 Parking For Patrons Block 44” of the Townsend Municipal Code is hereby *repealed* as follows:

REPEAL

~~10.16.040 Parking For Patrons Block 44~~ (*Repealed*)

~~During the hours of 8:00 a.m. to 6:00 p.m. on Monday through Saturday, a person may stop stand or park a vehicle for any purpose for a period of time on those portions of Broadway Street situated in front of Lots 3, 4, 5 in Block 44 of the Original Townsite of Townsend only for a period of fifteen (15) minutes.~~

**SECTION 40:**        **REPEAL** “10.16.050 Parking In Violation” of the Townsend Municipal Code is hereby *repealed* as follows:

REPEAL

~~10.16.050 Parking In Violation~~ (*Repealed*)

~~Whenever signs are erected pursuant to this ordinance, no person shall park, stop or stand a motor vehicle in violation of the provisions indicated on said signs.~~

**SECTION 41:**        **REPEAL** “10.16.060 Penalty” of the Townsend Municipal Code is hereby *repealed* as follows:

REPEAL

~~10.16.060 Penalty~~ (*Repealed*)

~~Any person convicted of any of the terms and conditions of the above sections shall be fined an amount no to exceed One Hundred Dollars (\$100.00).~~

**SECTION 42:**        **AMENDMENT** “10.20.090 Penalty” of the Townsend Municipal Code is hereby *amended* as follows:

AMENDMENT

10.20.090 Penalty

~~Any violation of this Chapter is punishable as a misdemeanor person convicted of a violation of this Section shall be punished by a fine not to exceed Five Hundred Dollars (\$500.00) or by imprisonment in jail for a period of not exceeding six (6) months or both such fines and imprisonment.~~

**SECTION 43:**        **AMENDMENT** “10.24.050 Penalties” of the Townsend Municipal Code is hereby *amended* as follows:

A M E N D M E N T

10.24.050 ~~Penalties~~Penalty

- ~~A. It shall be unlawful and constitute a misdemeanor for any person to violate any of the provisions of this Ordinance. Any person first convicted of a misdemeanor for violation of any of the provisions of this Ordinance shall for a convictions thereof be punished by a fine of not less than Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00) or by imprisonment in the county of municipal jail not to exceed twenty (20) days. For a second conviction within one year thereafter, such person shall be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than Two Hundred Dollars (\$200.00) or by imprisonment in the county or municipal jail not to exceed forty (40) days, or by both such file and imprisonment. On a third or subsequent conviction within one year after the first conviction, such person shall be punished by a fine of not less than Two Hundred Dollars (\$200.00) nor more than Five Hundred Dollars (\$500.00) or by imprisonment in the county jail not in excess of one hundred (100) days, or by both such fine and imprisonment.~~

Any violation of this Chapter is punishable as a misdemeanor.

**SECTION 44:**        **AMENDMENT** “10.28.120 Enforcement - Penalties” of the Townsend Municipal Code is hereby *amended* as follows:

A M E N D M E N T

10.28.120 ~~Enforcement--Penalties~~Penalty

- A. Except as provided in Paragraph B below, any violation of this ~~Ordinance~~Chapter~~shall constitute a~~ is punishable as a misdemeanor ~~offense~~.
- B. Upon determination of a violation of this Ordinance, a peace officer or City staff responsible for enforcing this ~~Ordinance~~Chapter shall notify the registered owner of the vehicle in violation. The owner may be notified in person, by certified mail, or by placement of written notice on the vehicle. Notice shall include the specific violation

and a warning to correct the violation in twenty-four (24) hours or else be subject to prosecution for the violation. If the violation is corrected during this allotted time, no citation shall be issued. If the violation is not corrected during this allotted time, the peace officer or City staff is authorized to issue a citation to the registered owner of the vehicle in violation of the ~~Ordinance~~Chapter.

- C. After the initial citation, vehicles in violation of this ~~Ordinance~~Chapter must be moved to a legal parking spot within forty-eight (48) hours, or seventy-two (72) hours on a weekend or holiday. If the violation is not corrected during the allotted time, any peace officer or City staff responsible for enforcing this ~~Ordinance~~Chapter may cite the registered owner for a separate additional offense, and/or have the vehicle towed at the owner's expense.

~~D. A person convicted of a misdemeanor offense under this Ordinance shall be fined~~

~~according to the following schedule:~~

~~Upon a first conviction, Twenty-Five Dollars (\$25.00); Upon a second conviction, Fifty Dollars (\$50.00); Upon a third conviction, One Hundred Dollars (\$100.00); and Upon a fourth or subsequent conviction, not less than One Hundred Dollars (\$100.00) and not more than Five Hundred Dollars (\$500.00).~~

**SECTION 45:            AMENDMENT “10.32.060 Violation Of Provisions” of the**  
Townsend Municipal Code is hereby *amended* as follows:

#### AMENDMENT

#### 10.32.060 ~~Violation Of Provisions~~Penalty

- ~~A. It shall be unlawful and constitute a misdemeanor for any person to violate any of the provisions of the Ordinance. Any person first convicted of a misdemeanor for violation of any of the provisions of this Ordinance shall for a conviction thereof be punished by a fine of not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00) or by imprisonment in the county jail not to exceed twenty (20) days. For a second conviction within one (1) year thereafter, such person shall be punished by a fine of not less than one hundred dollars (\$100.00) nor more than two hundred dollars (\$200.00) or by imprisonment in the county jail not to exceed forty (40) days, or by both such fine and imprisonment; on a third or subsequent conviction within one (1) year after the first conviction, such person shall be punished by a fine of not less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00) or by imprisonment in the county jail not in excess of one hundred (100) days, or by both such fine and imprisonment.~~

Any violation of this Chapter is punishable as a misdemeanor.

**SECTION 46:**        **AMENDMENT** “10.36.100 Penalties” of the Townsend Municipal Code is hereby *amended* as follows:

AMENDMENT

10.36.100 ~~Penalties~~Penalty

Any ~~person convicted of any of the terms and conditions of the above sections shall be fined by a fine of not less than Fifty Dollars (\$50.00) not more than Two Hundred Dollars (\$200.00)~~violation of this Chapters is punishable as a misdemeanor.

**SECTION 47:**        **AMENDMENT** “11.04.090 Violations; Enforcement” of the Townsend Municipal Code is hereby *amended* as follows:

AMENDMENT

11.04.090 ~~Violations; Enforcement~~Penalty

- A. The following ~~shall constitute misdemeanor offenses~~are punishable as a misdemeanor:
  - 1. Failure to comply with or violating any of the provisions of the Building Codes or any order made thereunder;
  - 2. Building in violation of any permit issued pursuant to this Chapter, and from which no appeal has been taken; or
  - 3. Failure to comply with an order of the board of appeals of the City.
- B. Any person convicted of ~~a misdemeanor~~these offenses ~~pursuant to Paragraph A shall be fined not less than Twenty-Five Dollars (\$25.00) and not more than Three Hundred Dollars (\$300.00)~~shall be fined not to exceed Five Hundred Dollars (\$500.00), imprisoned in the county jail for a term not to exceed 6 months, or both.
- C. A person may be convicted severally for each and every violation and noncompliance.
- D. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue. All persons convicted of said offenses shall be required to correct or remedy such violations or defects within a reasonable time. When not otherwise specified by the Building Codes or otherwise, each five (5) day period that prohibited conditions are maintained shall constitute a separate offense. Application of this penalty shall not be held to prevent the enforced removal of prohibited conditions.
- E. The City may seek injunctive relief in any court of competent jurisdiction to assure compliance with the provisions of this Chapter.

**SECTION 48:**        **AMENDMENT** “11.08.020 Penalties For Violation” of the Townsend Municipal Code is hereby *amended* as follows:

## AMENDMENT

### 11.08.020 ~~Penalties For Violation~~Penalty

Any violation of this Chapter is punishable as a misdemeanor. Any person convicted of this offense shall be fined not to exceed Five Hundred Dollars (\$500.00), imprisoned in the county jail for a term not to exceed 6 months, or both~~person who shall violate any provision of this code or standard hereby adopted or fail to comply therewith; or who shall violate or fail to comply with any order made thereunder; or who shall build in violation of any detailed statement of specification or plans submitted build in violation of any detailed statement of specifications or plans submitted and approved thereunder; or failed to operate in accordance with any certificate or permit issued thereunder; and from which no appeal has been taken; or who shall fail to comply with such an order as affirmed or modified by the City Council of the city of Townsend or by a court of competent jurisdiction within the time fixed herein, shall severally for each and every such violation, and noncompliance, respectively, be guilty of a misdemeanor, punishable by a fine of not less than Fifty (\$50.00) nor more than Five Hundred (\$500.00) or by imprisonment for not more than 30 days or by both such fine and imprisonment.~~ The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified the application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions. Each day that prohibited conditions are maintained shall constitute a separate offense.

**SECTION 49:**        **AMENDMENT** “11.12.120 Penalties For Violations” of the Townsend Municipal Code is hereby *amended* as follows:

## AMENDMENT

### 11.12.120 ~~Penalties For Violations~~Penalty

- A. ~~Violation of the provisions of this ordinance or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be punished by a fine not exceeding \$500.00 or by imprisonment not to exceed 30 days or by both such fine and imprisonment for each such offense, and in addition shall pay~~

~~costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.~~ Any violation of this Chapter is punishable as a misdemeanor. Any person convicted of this offense shall be fined not to exceed Five Hundred Dollars (\$500.00), imprisoned in the county jail for a term not to exceed 6 months, or both.

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- B. Nothing herein contained shall prevent the City Building Inspector from taking such other lawful action as is necessary to prevent or remedy any violation.

**SECTION 50:** **AMENDMENT** “12.04.010 Excavations In Public Streets” of the Townsend Municipal Code is hereby *amended* as follows:

#### AMENDMENT

##### 12.04.010 Excavations In Public Streets

- A. Removal of Natural Soil: Permit Required: It shall be unlawful, within the corporate limits of the City, for any person to make any excavation in any of the public streets and alleys, and to disturb and remove from the surface of said streets and alleys any of the natural soil, dirt, earth or asphalt or other paving material belonging thereon, except as provided in this Section, and without first obtaining a license as provided for in TMC 12.04.020.
- B. Additions or Alterations: It shall be unlawful within the corporate limits of the City for any person to make any addition or other alterations in any of the public streets, avenues, alleys or other public grounds, except as provided for in this Section and without first obtaining a permit as provided for in TMC 12.04.020.
- C. Improving Streets: Nothing in this Section shall be construed to prevent or to prohibit the use, working, grading and improving said streets and alleys as may be authorized by law, and ordinances of the City.
- D. Penalty: Any ~~person violating any of the provisions of this Section shall, upon conviction for each and every offense, be subject to a fine not exceeding Five Hundred Dollars (\$500.00) or by imprisonment in jail for a period not exceeding Thirty (30) days or both such fine and imprisonment~~ violation of this Chapter is punishable as a misdemeanor.

**SECTION 51:** **AMENDMENT** “12.08.020 Violation Of Provisions” of the Townsend Municipal Code is hereby *amended* as follows:

#### AMENDMENT

##### 12.08.020 ~~Violation Of Provisions~~ Penalty

Any ~~person violating the provisions of TMC 12.08.010 shall be deemed guilty of committing a~~



~~nuisance and misdemeanor, and upon conviction thereof shall be fined in any sum not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00)~~violation of this Chapter is punishable as a misdemeanor.

**SECTION 52:**        **AMENDMENT** “12.12.080 Willfully Breaking Sidewalks” of the Townsend Municipal Code is hereby *amended* as follows:

#### AMENDMENT

##### 12.12.080 Willfully Breaking Sidewalks

Any ~~person, or persons,~~ willfully breaking, or in any manner injuring any sidewalk in the City, or ~~who shall driv~~inge or ~~rid~~inge any horse or other animal across such sidewalk, ~~shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not exceeding Two Hundred Dollars (\$200.00), and in addition thereto any sum that may be necessary to repair any injury to such sidewalk caused by such act, together with the costs of suit.~~is punishable as a misdemeanor.

**SECTION 53:**        **AMENDMENT** “12.12.110 Penalties” of the Townsend Municipal Code is hereby *amended* as follows:

#### AMENDMENT

##### 12.12.110 ~~Penalties~~Penalty

The council is authorized to, by resolution, make specifications, rules and regulations not inconsistent with this chapter, governing the construction of any sidewalk in the City not in conformity to said specifications, rules and regulations, and to this chapter shall be compelled to rebuild the same in accordance with this chapter, ~~and a~~ Any failure or refusal ~~person who fails or refuses~~ to rebuild such defective sidewalk within twenty (20) days after notice so to do is punishable as a misdemeanor, ~~shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not more than One Hundred Dollars (\$100.00),~~ and after the expiration of said twenty (20) days notice the City is authorized to tear up and rebuild said sidewalk in conformity to this chapter and the cost of tearing up and rebuilding shall be taxed against the property along which said sidewalk is built in accordance with City standards.

**SECTION 54:**        **AMENDMENT** “12.24.060 Penalty” of the Townsend Municipal Code is hereby *amended* as follows:

## AMENDMENT

### 12.24.060 Penalty

~~Any person violating any of the provisions of this ordinance shall, unless otherwise specifically designated in this ordinance, upon conviction thereof, be punished by a fine not exceeding One Hundred Dollars (\$100.00), or by imprisonment in the County Jail not exceeding thirty (30) days or by both such fine and imprisonment.~~ violation of this Chapter is punishable as a misdemeanor. Any person convicted of this offense shall be fined not to exceed Two Hundred Fifty Dollars (\$250.00), imprisoned in the county jail for a term not to exceed 30 days, or both.

**SECTION 55:**        **AMENDMENT** “13.40.160 Violation - Penalty - Assisting Or Abetting - Additional Remedies” of the Townsend Municipal Code is hereby *amended* as follows:

## AMENDMENT

### 13.40.160 Violation - Penalty - Assisting Or Abetting - Additional Remedies

- A. ~~Any violation of this Title or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with the grant of variances or conditional uses or any of the required conditions imposed by the City staff and/or City Council, shall constitute a misdemeanor.~~ Any person who violates this title or fails to comply with any of its requirements shall upon conviction thereof be fined or imprisoned or both, as set forth in state law regarding zoning, and in addition shall pay all costs and expenses involved in the case except as stated below. convicted of this offense shall be fined not to exceed Five Hundred Dollars (\$500.00), imprisoned in the county jail for a term not to exceed 6 months, or both.
1. Each day such violation continues shall be considered a separate offense and punishable as such.
- B. The code compliance officer is authorized to issue a notice to appear under the provisions of §46-6-310, MCA to any violator of this title.
- C. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.
- D. When a violation has not been corrected by the property owner after written notice from the City Council or its designee, the City may seek approval for filing at the Broadwater County Clerk and Recorder's Office a Notice of Violation or

Noncompliance. Such notice shall serve to advise potential purchasers of existing violations of this title or of on-going enforcement actions regarding a property. Such notice shall clearly state that the parcel or development on the parcel is in violation of this title and that correction of the violation must be made prior to the City approving additional development or redevelopment of the site. The notice shall also describe the nature of the violation and applicable citations to the relevant sections of this title.

1. When such a notice is to be filed the code compliance officer shall either:
  - a. Through the office of the City Attorney bring an action for civil and/or injunctive relief that requests a court order to record a Notice of Violation or Noncompliance; or
  - b. Schedule a public hearing to be held before the City Council with the intention of receiving an order from the City Council confirming the validity of the violation and the need for correction and authorizing the recording of the Notice of Violation or Noncompliance. Notice of such a hearing shall be provided as required by this title.
2. When a violation has been corrected for which a Notice of Violation or Noncompliance was filed, the City shall record a release of noncompliance indicating that the prior violation has been corrected. The property owner is responsible for notifying the City in writing of the correction of the violation or noncompliance. Upon receipt of such notification by the property owner, the code compliance officer shall conduct an inspection to verify correction prior to the recording of the release.

- E. The City may maintain an action or proceedings in a court of competent jurisdiction to compel compliance with, or to restrain by injunction the violation of, any provision of this title.
- F. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

PASSED AND ADOPTED BY THE CITY OF TOWNSEND COUNCIL DECEMBER 19, 2023.

|                | <b>AYE</b>        | <b>NAY</b>        | <b>ABSENT</b>     | <b>ABSTAIN</b>    |
|----------------|-------------------|-------------------|-------------------|-------------------|
| Angela Wintrow | <u>X</u>          | <u>          </u> | <u>          </u> | <u>          </u> |
| Vickie Rauser  | <u>X</u>          | <u>          </u> | <u>          </u> | <u>          </u> |
| Ken Urich      | <u>X</u>          | <u>          </u> | <u>          </u> | <u>          </u> |
| Nate Brown     | <u>X</u>          | <u>          </u> | <u>          </u> | <u>          </u> |
| Vivian Boaz    | <u>X</u>          | <u>          </u> | <u>          </u> | <u>          </u> |
| Valerie Baraza | <u>          </u> | <u>          </u> | <u>X</u>          | <u>          </u> |

Presiding Officer

Attest

  
\_\_\_\_\_  
Michael Evans, Mayor, City of  
Townsend

  
\_\_\_\_\_  
Kari Williams, City Clerk, City of  
Townsend

