

COMMITTEE OF THE WHOLE

SEPTEMBER 21, 2026

6:00 PM

1. Review of the City Manager evaluation process and selecting a date for the annual review.

NOTICE FOR, AND AGENDA FOR, A REGULAR MEETING OF THE CITY COMMISSION, CITY OF LEWISTOWN, SEPTEMBER 21, 2026 AT 7:00 P.M. AT THE CENTRAL MONTANA COMMUNITY CENTER LOCATED AT 307 W WATSON

To participate virtually the options are as follows:

To join by zoom:

<https://zoom.us/j/8486275925?pwd=dTVGbndDK253ZUJLMjRuZXU5QVpMdz09>

Meeting ID: 848 627 5925 Passcode: 59457

To participate by phone: dial (253) 215-8782 Meeting ID: 848 627 5925 Passcode: 59457

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES –Special Meeting August 31, 2026 & September 8, 2026

COURTESIES

PROCLAMATION

BOARD AND COMMISSION REPORTS

CITY MANAGER REPORT

PUBLIC COMMENT – non-agenda items

CONSENT AGENDA

Acknowledgment of the claims that have been paid from September 1, 2026, to September 17, 2026, in the amount of \$95,974.61

***REGULAR AGENDA – Resolutions, Ordinances & Other Action Items:**

1. Discussion on code enforcement process. City Manager Holly Phelps
2. Discussion and action on approving an electrical business license for Force Electric Inc
(**Action: approve, disapprove or amend electrical business license**) City Manager Holly Phelps

CITIZENS' REQUESTS

COMMISSIONER'S MINUTE

ADJOURNMENT

* All citizens are invited to make comment on any agenda item prior to action being taken by the Commission

CLASS TITLE: Code Enforcement/Animal Control Officer

ACCOUNTABLE TO: Chief of Police and his designee's

PRIMARY OBJECTIVE OF POSITION

Performs a variety of routine and complex work in the interpretation and enforcement of adopted codes and related rules and regulations.

ESSENTIAL DUTIES AND RESPONSIBILITIES

Assists, educates and informs the public on compliance with city ordinances which include but are not limited to all animal control ordinances, the city decay ordinance, weed ordinances, and junk vehicle ordinances, and all other applicable city ordinances and codes.

Responds to complaints of potential code violations.

Routinely patrols for violations of local codes as well as animals at large. Issues notices to appear for violations of any of these ordinances.

Conducts field investigations of potential violations; gathers and photographs evidence; questions or complainants, witnesses and suspects; compares facts to code requirements and makes findings; issues warnings, corrections notices, citations or makes referrals to the City Attorney.

Meets with residents, owners, tenants, contractors, developers, business owners and managers, etc. to review and explain code requirements and violations or potential violations; secures code compliance.

Drafts and distributes a variety of correspondence, memoranda, notices, flyers, brochures, media releases and reports relating to code enforcement issues and actions.

Provides information to persons who request information or assistance in code enforcement related matters.

Maintains a variety of logs and records related to inspection and enforcement activities; prepares recommendations for amendments and additions to codes or regulations which relate to the position.

Coordinates efforts with the police, planning, district health officer and related departments, the prosecuting attorney, and other staff or agencies as needed.

Works with police and prosecutors to obtain written or tape-recorded statements, depositions, or admissions, as needed.

Reviews cases being prepared for trial with emphasis on the evidentiary and legal issues crucial to successful prosecution. Prepares detailed reports of activities and investigations made; consults with prosecutors and prepares case reports for court action; testifies in court.

Assists in obtaining, enhancing, preparing or presenting exhibits or other evidence in court as required.

Carries out all other assigned duties.

DESIRED MINIMUM QUALIFICATIONS;

Graduation from high school or GED equivalent;
Two years experience related to inspection, law enforcement, code enforcement or related fields.
Any equivalent combination of education and experience.

NECESSARY KNOWLEDGE, SKILLS AND ABILITIES;

Some knowledge of code enforcement principles, practices and methods as applicable to a municipal setting; working knowledge of applicable laws, standards and regulations relating to various nuisance, animal, and public safety codes.

Ability to prepare organize and maintain reports; ability to analyze complex situations, problems and data, use sound judgment in drawing conclusions and making decisions; ability to comprehend and articulate complex facts and relationships in detail and to summarize and rite clearly, concisely and legibly, and to testify in court in an objective, concise and professional manner; ability to produce or obtain reports, photographs, evidence or exhibits; ability to communicate effectively orally and in writing; ability to establish and maintain effective working relationships with citizens, employees supervisors and the general public; ability to follow verbal and written instructions; ability to handle stressful situations and effectively deal with difficult or angry people.

Must posses a valid Montana driver's license or have the ability to obtain one prior to employment.

Ability to operate a motor vehicle, phones, cell phone, copy and fax machine. Basic knowledge of computer operations including word processing. Also basic knowledge of animal behavior, especially aggressive and or vicious dogs/cats.

PHYSICAL DEMANDS;

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities the essential functions.

Work is performed mostly in field settings. Considerable outdoor work is required. Hand-eye coordination's is necessary to operate computers and various pieces of office equipment.

While performing the duties of this job the employee is occasionally required to stand; walk; talk and hear; use hands to finger, handle, feel or operate objects, tools, or controls and reach with hands and arms. The employee is occasionally required to sit, climb, crouch, kneel, stoop, balance and crawl.

The employee must occasionally lift and or move up to eighty pounds. Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception and the ability to adjust focus.

While performing the duties of this job the employee often works in outside weather conditions and is occasionally exposed to wet, cold and/ or icy conditions. The noise level in the work environment is usually moderate.

The duties listed above are intended only as illustrations of the various types of work that may be performed. the omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position.

Job Description

Class Title: Community Development Officer (Building Inspector)

Accountable To: Public Works Director

Wages and Benefits: The wage for the position will set by bargaining agreement. It will be a full-time position. Health insurance is provided by the City of Lewistown for the employee and additional family insurance is available at the employee's expense. Paid vacation and sick leave is allowed after the qualifying probationary period is fulfilled.

Primary Objective of Position: Under the direct supervision of the Director of Public Works, administers and enforces building and related codes, reviews plans for construction, and performs a variety of inspections.

Essential Job Functions: Must have the ability to communicate orally and in writing with the public, state and local agencies. Must understand construction and building plans, analyze, evaluate, monitor construction and maintenance projects. Physical requirements are generally limited to some bending, stooping, walking, and lifting of moderate weights up to 30#s. Must possess a valid Montana Operators License.

Major Areas of Accountability and Performance: Enforces a variety of codes, included but not limited to building code, fire code, and city code. Conducts on site inspections of residential, commercial, institutional, and industrial construction projects and existing buildings to determine compliance with appropriate codes and regulations. Communicates with other departments and the public to determine needs, discuss problems, and to discuss potential remedies. Reviews building plans for compliance with codes, complete plan reviews. Occasionally will be involved with zoning, subdivision and variances procedures, maintains accurate reports, patrols the city for non-permitted projects, checks buildings for needed rehabilitation or demolition, deals patiently and tactfully with the public, issues building permits, and performs other related duties as required or assigned.

Supervision-Responsibility for work of others: none

Education, Training and experience requirements: Must be a high school graduate or its equivalent. The above knowledge, skills, and abilities are typically acquired through a combination of education and experience equivalent to: Bachelor of Science Degree in engineering, Construction Technology and two years experience in all phases of construction, inspection, or a related field. Certification as an I.C.C. building inspector or able pass the certification exam within 18 months of hire.

Examples of performance Criteria: Maintains and applies a thorough working knowledge of modern inspection methods, develops and presents effective oral and written communications, establishes and maintains effective working relationships with fellow employees, the public and other agencies. Assures that adequate and thorough records are maintained, maintains a thorough working knowledge of related codes adopted by the City of Lewistown, and maintains a working knowledge of all streets, roads, addresses and hazards within the City.

January 2023

TITLE: Planning Director

ACCOUNTABLE TO: City Manager

PRIMARY OBJECTIVE OF POSITION: Under Administrative direction, plans, implements and directs a comprehensive program of activities that will ensure sound development and service to the public consistent with City policy and with Federal and State regulations. Performs long-range planning while also providing support for current planning activities. Work varies and requires individual judgment and difficult decision making. Work is performed under general supervision.

ESSENTIAL JOB FUNCTIONS: (May not include all duties performed)

- Spearheads long-range planning efforts by updating adopted comprehensive planning documents, as well as tracking implementation of their recommended objectives.
- Works to create new planning projects to respond to development trends and other community development priorities.
- Administer and enforce the City's floodplain ordinances and permitting process.
- Prepares staff reports on planning and zoning projects and makes presentations to Advisory Boards, City Commission, Local/State/Federal agencies, special interest groups, civic groups and the general public.
- Provides zoning information to the public and interested parties, assists in reviewing development proposals requiring permits and/or public hearing approvals.
- Provides staff support to the Historic Resources Commission.
- Assists in the completion of planning requirements for the Community Development Block Grant program.
- Develops land use, subdivision, transportation, zoning redevelopment and comprehensive plans for the City.
- Prepares, reviews and analyzes data and formulates recommendations on planning problems or programs to the City.
- Prepares grant funding applications and administers those grants that have been successfully awarded.
- Assists in the development and enforcement of planning and zoning ordinances.
- Works with various community organizations in a supportive, positive and cooperative manner to accomplish Community-minded goals and activities.
- Develops department's budget, makes recommendations and administers the department's budget.
- Performs other duties as assigned.

SUPERVISION – RESPONSIBILITY FOR WORK OF OTHERS: Generally, none

REQUIREMENT OF WORK:

- Because projects are long-range in nature, must be able to work independently and make progress on initiatives with longer-term deadlines while staying abreast of more immediate responsibilities.
- Applicant must have excellent verbal skills in order to clearly communicate about a wide variety of community development concepts in meetings with the public, stakeholders and in more formal settings with boards and commissions.
- Must also possess polished writing skills in the creation of memos and staff reports.
- It is important that zoning information be conveyed accurately and in a timely fashion. Attention to detail is very important.
- Employee must perform light physical work and needs to lift and carry up to 25 pounds; must have the ability to stand, walk, sit, bend, twist, reach, kneel, ride and perform similar body movements; possess hand/eye coordination sufficient to operate a personal computer, office equipment and a motor vehicle; must have the ability to talk and hear in person or by telephone; and have the ability to see and read instructions and reports.

EDUCATION, TRAINING, AND EXPERIENCE REQUIREMENTS: Any combination of training and experience equivalent to graduation from a four-year college or university with a major in planning, architecture, public policy, geography or a related field and at least three years of planning or related experience. Knowledge of GIS application and computer skills are essential. Must possess a valid Montana Operator's license.

WORK ROUTINE: The Planning Director will work between 30-40 hours weekly, Monday through Friday, working between the hours of 8:00 a.m. and 5:00 p.m. they will be required to occasionally attend after-hours meetings. Hours worked over 40 a week will be compensated for per City Policy.

CHAPTER 14

ADMINISTRATION AND ENFORCEMENT

SECTION:

11-14-1: Building Inspector

11-14-2: Zoning Coordinator

11-14-3: Preservation Of Rights Under Present Zoning

11-14-4: Procedure In Abatement Of Violation

11-14-5: Penalties For Violation

11-14-6: Severability

11-14-7: Schedule Of Fees And Expenses

11-14-1: BUILDING INSPECTOR:

The provisions of this title shall be enforced by the building inspector or his/her assistants subject to such variations or interpretations as may be made by the board of adjustment or city commission. The building inspector shall: (Ord. 1576, 5-1-1989, eff. 6-15-1989; amd. Ord. 1664, 1-3-2000)

(A) Issue building permits for all construction, alteration or movement of buildings or structures after first determining compliance with all applicable provisions of this title.

(B) Respond to all written complaints concerning violations or alleged violations of this title.

(C) Conduct inspections as necessary to ensure compliance with the provisions of this title.

(D) Institute appropriate action or proceedings to prevent or correct unlawful construction, alteration, or movement of buildings or structures or unlawful occupancy of buildings, structures or land. (Ord. 1576, 5-1-1989, eff. 6-15-1989)

11-14-2: ZONING COORDINATOR:

The zoning coordinator shall be responsible to the city-county planning board by administering and coordinating the zoning title for the city of Lewistown.

The zoning coordinator shall supervise and facilitate the processing of applications for amendments to the official zoning map and Lewistown zoning title, special reviews, and requests for variances. It shall be his/her responsibility to present any applications or requests to the appropriate board or commission. (Ord. 1576, 5-1-1989, eff. 6-15-1989)

It shall further be the responsibility of the zoning coordinator to aid the various boards, commissions, and departments in transmitting recommendations, records and reports to the city commission. (Ord. 1576, 5-1-1989, eff. 6-15-1989; amd. Ord. 1664, 1-3-2000)

The zoning coordinator shall interpret the Lewistown zoning title, but shall not have the authority to act in any reviewing capacity as to final interpretation or enforcement. (Ord. 1576, 5-1-1989, eff. 6-15-1989)

11-14-3: PRESERVATION OF RIGHTS UNDER PRESENT ZONING:

The adoption of this title and zoning map attached thereto shall in no way negate existing property rights, uses or conditions. (Ord. 1576, 5-1-1989, eff. 6-15-1989)

11-14-4: PROCEDURE IN ABATEMENT OF VIOLATION:

If upon any inspection, the condition of a building or premises or its use or occupancy is found not to conform to the provisions of this title, the building inspector shall issue written notice to the owner or tenant specifying the manner in which the building or premises or its use or occupancy fails to conform. The owner or tenant shall take steps to make it conform as directed by the building inspector.

Appeals from the actions of the building inspector shall be made with the board of adjustment in conformance with the provisions of chapter 13 of this title. (Ord. 1576, 5-1-1989, eff. 6-15-1989)

11-14-5: PENALTIES FOR VIOLATION:

Violation of the provisions of this title or failure to comply with written notice of correction 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 not more than three hundred dollars (\$300.00) or imprisoned for not more than thirty (30) days or both and, in addition, shall pay all costs and expenses involved. Each day such violation continues shall be considered a separate offense.

The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent or other person commits, participates in, assists in, or maintains such violation each may be found guilty of a separate offense and suffer the penalties herein provided.

Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation or to bring an action to enjoin any violation of this title. (Ord. 1576, 5-1-1989, eff. 6-15-1989)

11-14-6: SEVERABILITY:

If any section or provision of this title is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this title shall not be affected. (Ord. 1576, 5-1-1989, eff. 6-15-1989)

11-14-7: SCHEDULE OF FEES AND EXPENSES:

The city commission shall establish a schedule of fees and expenses and a collection procedure for appeals and other matters pertaining to this title. The schedule of fees shall be posted in the city-county planning board office, building inspector's office, and office of the city clerk, and may be altered or amended only by the city commission. (Ord. 1576, 5-1-1989, eff. 6-15-1989; amd. Ord. 1664, 1-3-2000)

No conditional use or sign permits, variances, changes of zone or other amendments shall be issued or action taken until such fees or expenses have been paid in full. (Ord. 1576, 5-1-1989, eff. 6-15-1989)

CHAPTER 9

COMMUNITY DECAY

SECTION:

8-9-1: Purpose

8-9-2: Definitions

8-9-3: Agencies; Powers And Duties

8-9-4: Community Decay And Shielding Standards

8-9-5: Notification; Violation

8-9-1: PURPOSE:

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

(B) This chapter applies to the whole of the city and any areas which may hereafter be annexed to the city. (Ord. 1650, 9-8-1998)

8-9-2: DEFINITIONS:

AGENCY: The city agency designated to enforce the community decay ordinance.

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

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

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

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

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

SHIELDING: Refers to fencing or other manmade barriers to conceal a facility from public view. It also refers to natural barriers. Any shielding barrier must conform to all local zoning, planning, building and protective covenant provisions or applicable city ordinance. Any shielding is to be of sufficient height that none of the violation on the premises is visible to public view. (Ord. 1650, 9-8-1998)

8-9-3: AGENCIES; POWERS AND DUTIES:

The city commission hereby designates the city manager or his designee(s) in consultation with the city-county planning board as the person and agencies which shall have the following powers and duties:

- (A) The duty to inspect when there has been a complaint by more than one person that "community decay" is present in an area.
- (B) The power to formulate applicable standards by which to enforce this chapter.
- (C) The power to determine whether this chapter applies after an inspection of the property or area. The violation must be in public view.
- (D) The duty to send a written notice of violation to the owner of the property in violation of this chapter.
- (E) The power to enter upon the property in violation after written notice and a show cause hearing, if applicable, for the specific purpose of abating the violation.
- (F) The power to assess the property owner for the actual costs of an abatement made by the agency. (Ord. 1650, 9-8-1998)

8-9-4: COMMUNITY DECAY AND SHIELDING STANDARDS:

(A) Community Decay Standards: It shall be a violation of this chapter to allow any of the following conditions to exist within "public view", as defined within this chapter, on any land or property in the city:

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

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

(B) Shielding Standards:

1. All plans for shielding shall be approved by the agency prior to commencing construction of shielding.
2. When fences are used for shielding the boards may be spaced and/or slanted to reduce wind load. The space between boards when viewed from broadside shall not be more than one and one-half inches ($1\frac{1}{2}$ ") and the interval between spaces shall not be less than seven and one-half inches ($7\frac{1}{2}$ "). Rough dimensional lumber or better is acceptable. Chainlink fences with standard fiberglass or other inserts are acceptable, provided the gap between adjacent slats does not exceed one and one-half inches ($1\frac{1}{2}$ ").
3. Shielding with shrubs and trees shall provide a similar degree of shielding at all times of the year. Dirt berms are acceptable for shielding purposes, provided the berm slopes are graded smooth and seeded with an adequate

grass seed formula.

4. Other types of fencing of equivalent permanence, attractiveness, and shielding qualities, including corrugated metal, are also acceptable.

5. No more than one of the approved shielding materials shall be used on any one side of a shielding fence.

6. The fencing is to be maintained by the property owner or occupant in a neat and workmanlike manner and shall be replaced when necessary. (Ord. 1650, 9-8-1998)

8-9-5: NOTIFICATION; VIOLATION:

(A) Upon the agency's own information or upon written complaint by a member of the public that a public nuisance has been created by allowing rubble, debris, junk, or refuse to accumulate resulting in conditions that are injurious to health, indecent, offensive to the senses, or obstruct the free use of property, the agency shall inspect the property alleged to be in violation of this chapter. Upon inspection the agency shall determine whether there is a violation of this chapter. (Ord. 1696, 3-1-2004)

(B) If there appears to be a violation of this chapter, the agency shall notify the owner of the property in writing of the violation. This notice shall be sent by certified mail. This notice shall include a statement specifically describing the violation.

(C) The notice of violation to the owner shall specify that the owner has thirty (30) days from receipt of such notice within which to become in compliance with this chapter by means of removal or shielding of the conditions.

(D) The owner may, after notification of violation, submit a plan of abatement to the agency which shall include: 1) type of abatement or shielding if allowed; 2) date for commencement of action; and 3) reasons, if appropriate, why abatement cannot be started within the thirty (30) days. The agency may accept such plan and defer further proceedings under this chapter pending abatement.

(E) After thirty (30) days or the date agreed to by owner and agency, not to exceed ninety (90) days, the agency shall determine whether the violation has been abated by the owner.

(F) If the owner has failed to act, the agency shall send a notice setting a date and time for hearing before the city court notifying the owner to appear to show cause why the violation has not been abated.

(G) A show cause hearing will be held by the city court. Both the city agency and the owner may give evidence. At the end of the hearing, the court shall determine if proper notification was made and if the violation exists. The owner shall be ordered to abate it within a reasonable time.

(H) If, after a show cause hearing, the owner has not complied with the court ordered abatement, the agency may send written notification by certified mail and allow ten (10) days further to complete abatement. Ten (10) days after receipt of notice by owner, the agency may enter upon the owner's property with the specific purpose of abating or shielding the violation, whichever the agency deems appropriate.

(I) The agency may assess the property owner/user for the actual costs of the abatement.

(J) Nonpayment of the assessment by the agency may be taken as a lien upon the property and is enforceable as is nonpayment of property taxes. (Ord. 1650, 9-8-1998)

CHAPTER 8

NUISANCE WEEDS

SECTION:

8-8-1: Nuisance Weeds Defined

8-8-2: Weeds Prohibited

8-8-3: Notice To Destroy

8-8-4: Action Upon Noncompliance

8-8-1: NUISANCE WEEDS DEFINED:

"Nuisance weeds" means and includes all uncontrolled growth of vegetation of every kind and nature over twelve inches (12") in height, not grown for purposes of landscaping or food production. "Noxious weeds", as defined by state law, are not included in this definition. (Ord. 1737, 7-18-2011)

8-8-2: WEEDS PROHIBITED:

(A) No owner or owners of any lot, place, or area within the city, or the agent or tenant of such owner or owners, shall permit nuisance weeds on such lot, place, or area and one-half ($\frac{1}{2}$) of any road or street lying next to such lands or boulevard abutting thereon. The existence of such nuisance weeds shall constitute a public nuisance.

(B) Public wildland parks and recreational trails are excluded from this chapter unless vegetation is deemed a fire hazard by the fire marshal. (Ord. 1737, 7-18-2011)

8-8-3: NOTICE TO DESTROY:

When nuisance weeds exist on any lot, place, or area within the city, notice shall be given in writing to the owner or owners or tenant or agent of such owner or owners, of such lots, areas, or places. The written notice shall specify the location of nuisance weeds and shall state that such constitutes a public nuisance. The notice shall further state that such nuisance weeds must be removed or exterminated within ten (10) days of the date of mailing, and upon failure or neglect to do so, the city may proceed to have such weeds removed or exterminated and assess the costs thereof to the property. (Ord. 1737, 7-18-2011)

8-8-4: ACTION UPON NONCOMPLIANCE:

Upon the failure, neglect or refusal of any owner or owners, or agent or tenant thereof, to exterminate or remove such nuisance weeds growing, lying or located upon the owner or owner's property or upon the one-half ($\frac{1}{2}$) of any road or street lying next to the lands, or any boulevard abutting thereon, before the expiration of ten (10) days from the mailing of the written notice specified in the preceding section, the city public works director or the city fire marshal is hereby authorized to exterminate or cause the removal of such nuisance weeds. The bill of costs of extermination or removal, plus a ten percent (10%) administrative fee, shall be submitted to the city clerk. The city clerk may direct the city attorney to take any reasonable action in an attempt to collect such charges; or in addition or in lieu of such collection efforts, the city clerk shall cause such charges to be assessed against the property. (Ord. 1737, 7-18-2011)

CHAPTER 6

RESTRICTED PARKING ZONE

SECTION:

10-6-1: Restricted Parking Zone Created

10-6-2: Installation By City

10-6-3: Permits

10-6-4: Overtime Parking

10-6-5: Duty Of Police

10-6-1: RESTRICTED PARKING ZONE CREATED:

A zone within the general parking limits of the city to be known as the restricted parking zone, as herein defined, is hereby designated and created.

(A) Restricted Parking Zone Area: The restricted parking zone shall constitute that area on Main Street between 7th Avenue and Daws Street and Janeaux Street and Broadway Street between 6th Avenue and Daws Street and all cross streets between Janeaux and Broadway from 6th Avenue to Daws Street. (Ord. 1711, 4-17-2006)

10-6-2: INSTALLATION BY CITY:

In the restricted parking zone the city shall cause parking spaces to be marked or otherwise designated in such a manner and position as to facilitate the necessary regulation and control and inspection of the parking of vehicles in the restricted zone, making provisions for reserved loading zones as now marked out in the district. (Ord. 1711, 4-17-2006)

10-6-3: PERMITS:

Permits may be issued by order of the city manager for the exclusive use of parking spaces in the restricted parking zone by public carriers and taxicabs operating through or in the city; any such enterprise desiring a permanent parking stand within the restricted parking zone shall make a written application to the city manager for a permit to use such parking spaces in the zone and to have them permanently reserved for their use, which application shall specify the number of parking spaces desired and hours during which it is necessary to have the exclusive use of such spaces, and upon the granting of such permit shall use such spaces only during the hours set out in their application; and if the application is approved by the city manager, a permit shall be issued by the treasurer to such applicant upon the payment of a service and maintenance fee for each meter space to be used in the sum of one hundred dollars (\$100.00) per year. The permittee shall, while having exclusive use of such space, maintain and keep in place two (2) "No Parking" signs to indicate the ends of such zones, such signs to be of a uniform standard and to be obtained from the city. All permits shall expire on December 31 of the year of issuance. In case a permit is issued for a period of less than one year, the charge therefor will be that portion of the annual charge which the period for which the permit is issued bears to one year; provided, however, that the minimum fee shall in no case be less than one-fourth ($\frac{1}{4}$) of the annual charge. The city manager hereby reserves the right to deny any and all requests for permits, and to cancel any permits previously issued, and from time to time to increase or lower the fee to be paid; money received by reason hereof to be paid into the general fund of the city. (Ord. 1711, 4-17-2006)

10-6-4: OVERTIME PARKING:

(A) In addition to any other parking restrictions that may apply, if any vehicle shall remain parked in any parking space in the restricted parking zone for a period longer than two (2) hours during the period from eight o'clock (8:00) A.M. to five o'clock (5:00) P.M., Monday through Saturday, it shall constitute a violation of this chapter and the registered owner thereof shall be punished as hereinafter provided.

(B) It shall be no defense to such charge that the vehicle is illegally parked by another unless it is shown that at such time the vehicle is being used without the consent of the registered owner thereof. (Ord. 1711, 4-17-2006)

10-6-5: DUTY OF POLICE:

(A) It shall be the duty of the police or code enforcement officers of the city, acting in accordance with instructions issued by the city manager, to report:

1. The description of the parking space which indicates that the vehicle occupying that space is or has been parking in violation of any of the provisions of this chapter.
2. The state license number of each such vehicle.
3. The times such vehicle is parking in violation of any of the provisions of this chapter.
4. Any other fact, or knowledge of which, that is necessary to a thorough understanding of the circumstances attending such violations.

(B) Each such police or code enforcement officer shall also attach to such vehicle a notice to the registered owner thereof that such vehicle has been parked in violation of a provision of this chapter and instructing such registered owner to report to the police station in regard to such violation. Each such registered owner shall within ten (10) days of the time when such notice was attached to the vehicle pay to the desk sergeant at the police station as a bond the sum as set forth below:

1. For a first violation, twenty five dollars (\$25.00).
2. For a second violation within twelve (12) months of a first violation, fifty dollars (\$50.00).
3. For a third or subsequent violation within twelve (12) months of a second or subsequent violation, seventy five dollars (\$75.00). (Ord. 1711, 4-17-2006)

CHAPTER 2

DOGS, CATS AND SMALL ANIMALS

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6-2-1: TITLE:

This chapter shall be known as *DOGS, CATS AND OTHER SMALL ANIMALS ORDINANCE*. (Ord. 1676, 3-6-2000)

6-2-2: DEFINITIONS:

ANIMAL: Means and includes all animals which can become infected with the disease of rabies and are kept or harbored by a person within the city limits. This shall include, but is not limited to, dogs and cats.

ANIMAL CONTROL OFFICER: Any one or more of the employees of the city so designated by the city manager as animal control officers.

AT LARGE: Off the premises of the owner and not under restraint.

BODILY INJURY: Physical pain, illness, or an impairment of physical condition and includes mental illness or impairment.

OWNER: Any person owning, keeping or harboring a dog, cat or other small animal.

POUND: The place provided by the city for impounding of dogs, cats or other small animals.

SERIOUS BODILY INJURY: Bodily injury that:

- (A) Creates a substantial risk of death;
- (B) Causes a serious permanent disfigurement or protracted loss or impairment of the function or process of a bodily member or organ; or
- (C) At the time of injury, can reasonably be expected to result in serious permanent disfigurement or protracted loss or impairment of the function or process of a bodily member or organ.

The term includes serious mental illness or impairment.

VACCINATE: The inoculation of small animals with antirabies vaccine by any licensed veterinarian. (Ord. 1676, 3-6-2000)

6-2-3: ANIMALS RUNNING AT LARGE:

(A) Animals not confined to their owner's property and running at large upon the streets, avenues, alleys, parks or public grounds of the city are hereby declared to be a nuisance and the same are hereby prohibited; provided, however, that the provisions of this section shall not apply to an animal: 1) which is secured by a leash or lead held by an able bodied person, or 2) which is being trained and is in immediate voice control of the "trainer", as hereinafter defined, and the same is on public property. Any owner of an altered animal in violation of this section shall, in addition to any other costs, license fees or charges set forth herein, be fined fifty dollars (\$50.00) for a first violation and one hundred dollars (\$100.00) for a second or subsequent violation. However, if the animal is unaltered, the fine shall be seventy five dollars (\$75.00) for a first offense and one hundred fifty dollars (\$150.00) for a second or subsequent offense.

(B) Owner or trainer is hereby responsible for the disposal of any fecal material left by the animal.

(C) A "trainer" shall be defined, and exclusively identified, as an individual who has obtained a card so identifying the individual from the city police department; the card may be revoked upon determination of guilt of any violation of this chapter or by the city court judge upon a showing of abuse of the privileges thereby bestowed. The identification card shall be obtained at the cost of four dollars (\$4.00) per individual and shall be in the trainer's possession during all training. (Ord. 1676, 3-6-2000)

6-2-4: HOUSING AND SHELTERING OF ANIMALS:

Animals allowed by ordinance to be confined within the city limits shall be furnished with suitable quarters. "Suitable quarters" shall mean sheltered from the elements and provided with adequate food and fresh water. Fecal material shall not be allowed to accumulate in the area in which the animal is confined for more than seventy two (72) hours.

All fecal material shall be disposed of in suitable receptacles and not disposed of on city streets or alleys. (Ord. 1676, 3-6-2000)

6-2-5: CONFINEMENT OF FEMALE ANIMALS IN HEAT:

Every person having under his control any female animal in heat (i.e., in the estral period) shall confine such animal in a secure enclosure that prohibits the animal from coming in contact with another animal, except for planned breeding. Confinement shall be for twenty one (21) days. Such female animal not so confined is hereby declared a nuisance and owner in control of said animal is guilty of a misdemeanor. (Ord. 1676, 3-6-2000)

6-2-6: REGISTRATION OF DOGS; FEES:

(A) Animal Age Requirements For Registration: The owner of every dog kept, harbored or maintained within the city shall register and obtain a license for the dog within thirty (30) days of the dog becoming six (6) months old, or in the case of a dog six (6) months old or older newly brought into the city within thirty (30) days.

(B) Proof Of Vaccination: No license shall be issued unless the applicant produces satisfactory proof that the dog has a current vaccination for rabies. Such proof may be made by presenting the vaccination certificate referred to in this chapter.

(C) Registration Fee: All persons keeping, harboring or maintaining any dog over six (6) months of age within the city shall pay a yearly registration fee for each altered and unaltered animal owned, kept or harbored as set by resolution by the city commission. The license shall expire December 31 of the same calendar year purchased.

(D) Fee Reduction: Any dog that becomes six (6) months old on or after September 1 of any year or, which is brought into the city on or after that date shall be subject to license fee at one-half ($\frac{1}{2}$) the established rate.

(E) Registration License Renewal: Renewal of a registration license is due January 1. However, late renewals may be made until March 1, but if not paid by that date shall be subject to a license fee at twice the established rate. An owner receiving a citation for an expired license prior to March 1 shall be entitled to have the citation dismissed upon proof of current registration presented to the court.

(F) Notice Of Dog License: After January 1 and at least twenty (20) days before March 1, the city clerk shall publish a notice in a newspaper in the city that all dogs in the city must be licensed and that renewal license fees are due by March 1 and that renewal fees will double after that date. (Ord. 1742, 11-5-2012)

6-2-7: REGISTRATION OF DOGS; TAGS AND RECEIPTS:

Upon receipt of the registration fee the city shall furnish a metallic numbered tag to the owner, and make a record of the tag number, the owner's name, the animal's breed, sex, age, color, weight and rabies vaccination certificate number. The owner shall keep the numbered tag securely fastened to a collar or harness worn by the animal when off the premises of the owner, except a trainer shall have it in his or her possession when training the animal. In case a registration tag is lost or destroyed, a duplicate will be issued upon receipt of a fee as set by resolution by the city commission. (Ord. 1704, 7-5-2005)

6-2-8: UNLAWFUL LICENSE TAG:

No person shall attach a registration tag to any animal for which it was not issued, or remove a tag from the collar of any animal except to replace it with a current registration tag issued for that animal. (Ord. 1704, 7-5-2005)

6-2-9: RABIES VACCINATION REQUIRED:

It shall be unlawful for any person to own, keep or harbor any animal within the city which has not received a valid, current vaccination against rabies. Evidence of such vaccination shall be available to any animal warden, police officer or health department employee upon their request, and shall be presented to the city whenever an animal is registered. Evidence of the vaccination shall be a certificate issued by a veterinarian licensed by the state of Montana to practice veterinary services in Montana. No animal shall be released from the pound without the owner or buyer having presented proof of rabies vaccination, or a receipt for a vaccination inoculation from a veterinarian. (Ord. 1704, 7-5-2005)

6-2-10: VICIOUS ANIMALS:

(A) Any person who keeps, feeds, harbors or allows to stay about any premises occupied or controlled by him within the city, any vicious, or ferocious animal, and allows such animal to be at large or insecurely confined is guilty of a misdemeanor. When animals are used for guarding a premises, such premises shall be posted.

(B) Any animal which bites and causes bodily injury to any person, not its owner, and the person at the time being engaged in lawful conduct, is hereby declared to be vicious or ferocious.

(C) Any animal found to be at large which bites and causes bodily injury to any person not its owner and the person at the time being engaged in lawful conduct, may be ordered destroyed or removed from the city. Any animal which bites and causes serious bodily injury to any person not its owner and the person at the time being engaged in lawful conduct may be ordered destroyed or removed from the city.

(D) Any animal having bitten and caused bodily injury to more than one person is hereby declared vicious and shall be ordered destroyed or removed from the city. The cost of destroying the animal shall be borne by the owner or keeper of such animal and such cost shall not be more than fifty dollars (\$50.00). (Ord. 1676, 3-6-2000)

6-2-11: REPORT OF ANIMAL BITES REQUIRED:

Whenever a person is bitten by an animal capable of being infected with rabies, a report shall be made to the local health department. Such report shall be made by the attending physician, or by the person in charge of the hospital or dispensary where the person was treated, or by the person bitten, or by the animal control officer. (Ord. 1676, 3-6-2000)

6-2-12: QUARANTINE OF ANIMAL INFLECTING BITES OR SUSPECTED OF BEING RABID:

When any animal capable of being infected with rabies has been bitten, or is suspected of having bitten any person, or is suspected of being infected with rabies, it shall be quarantined for a period of not less than fourteen (14) days in a place designated by the public health officer or representative. (Ord. 1676, 3-6-2000)

6-2-13: DESTRUCTION OF SICK QUARANTINED ANIMALS REQUIRED:

(A) Any animal having been quarantined for having bitten a person which becomes sick and, in the opinion of a licensed veterinarian, is suspected of being infected with rabies, shall be destroyed and the animal's head shall be sent to the Montana department of livestock diagnostic laboratory for testing.

(B) The city manager is hereby authorized and has the duty, whenever in his opinion the danger to the public safety from rabid animals is made imminent, to issue his proclamation ordering persons owning, keeping or harboring animals to have the same vaccinated within thirty (30) days, and to confine the same by good and sufficient means to his premises during the time specified in such proclamation, and any animal found running at large within the city during the time specified may be taken under the control of the animal control officer. (Ord. 1676, 3-6-2000)

6-2-14: NUISANCE ANIMALS:

Animals which cause frequent or long continued noise, disturbing the comfort or repose of persons in the vicinity are hereby declared to be a nuisance. Any person who owns, harbors or keeps an animal on any premises occupied or controlled by him that allows an animal to make frequent or long continued noise shall be in violation of this section. (Ord. 1676, 3-6-2000)

6-2-15: ANIMALS TO BE IMPOUNDED:

Animals in violation of any section of this chapter may be seized and impounded by the animal control officer or by such person as the city manager may appoint for that purpose. The impoundment of any animal under this section shall not relieve the owner thereof from prosecution for violations of this chapter. (Ord. 1676, 3-6-2000)

6-2-16: COLLECTION OF FEES FOR IMPOUNDED ANIMALS:

(A) Before any animal is released from the pound, the animal control officer shall collect from the person claiming or buying such animal the sum as set by resolution by the city commission for each day the animal is confined. In addition, the person claiming or purchasing the animal will pay the registration fee if not already registered and all associated fees including altering and vaccination. (Ord. 1704, 7-5-2005)

6-2-17: DESTRUCTION OF IMPOUNDED ANIMALS:

Any animal which has been impounded under the provisions of this chapter may be adopted out after five (5) days or destroyed after ten (10) days. (Ord. 1676, 3-6-2000)

6-2-18: REDEMPTION OF IMPOUNDED ANIMALS:

The owner of any animal which has been impounded under the provisions of this chapter shall have the right to redeem the animal from the pound by presenting a receipt showing the payment of all fees as set forth in this chapter. (Ord. 1676, 3-6-2000)

6-2-19: REDEMPTION OF SOLD ANIMALS:

The owner of any animal which has been sold under the provisions of this chapter shall have the right to redeem the same within seven (7) days after the sale by paying the purchaser, or other person who acquired the same from the purchaser, the registration fee, the sum for which said animal sold and two dollars (\$2.00) per day for each day after the sale of such animal. (Ord. 1472, 5-18-1981)

6-2-20: ANIMALS ADOPTED FROM POUND:

Any person may adopt an unclaimed animal after five (5) days by paying the impoundment fee and associated fees as set forth in this chapter in addition to presenting a prepaid receipt for altering of the animal. Upon adopting and taking possession of the animal, the person shall immediately have it altered. (Ord. 1676, 3-6-2000)

6-2-21: CRUELTY TO OR ABANDONING ANIMALS; POISONING:

It is unlawful for any person to wilfully and cruelly inflict pain upon or injure any animal. It is unlawful for any person or persons to abandon any animal. It is unlawful for any person to lay out or expose any poison for the purpose of killing any animal within the city, or to aid or abet any person in so doing. (Ord. 1676, 3-6-2000)

6-2-22: FREEING CONFINED ANIMALS:

It is unlawful for any person to open gates or doors or otherwise cause or permit dogs or other animals to escape confinement against the wishes of the owner. (Ord. 1676, 3-6-2000)

6-2-23: PROVOKING ANIMALS:

It is unlawful for any person to provoke, harangue, tease, torment or in any way disturb any animal with the intent to cause it to bark or attack any person. (Ord. 1676, 3-6-2000)

6-2-24: DOG SHOWS AND SEEING EYE DOGS:

(A) No city license shall be required for dogs brought into the city for the purpose of participating in any dog show but such dog must have been vaccinated for rabies.

(B) A license shall be required for seeing eye dogs trained to assist blind persons, but the fees provided for in this chapter shall be waived. Such animals will however be required to be vaccinated. (Ord. 1676, 3-6-2000)

6-2-25: ENFORCEMENT:

It shall be the duty of the city judge to process and collect the fines for all violations established in this chapter, to establish and maintain accurate and proper records and remit all fines so collected to the city treasurer. (Ord. 1676, 3-6-2000)

6-2-26: ANIMAL CONTROL OFFICER:

The city manager shall designate an employee of the city to act in the capacity of animal control officer, giving such position the authority to issue notices to appear for violations of this chapter. They shall receive no pay other than

their regular pay as city employees, and shall not be classified as a police officer for the city. (Ord. 1676, 3-6-2000)

6-2-27: OWNER PROMISE TO APPEAR:

Whenever there is a violation of this chapter, in addition to any other remedy provided by law and instead of impounding the animal, the animal control officer may, in his/her discretion, obtain the person's promise to appear as specified in a written notice to be prepared by the animal control officer. The notice shall be in duplicate on forms provided and shall contain the name and address of the owner or controller of the animal, a description of the animal or animals, the animal's license number, if known, the date and location of the violation, the offense charged and shall require the person receiving the notice to answer the charge during the hours and at a place specified in the notice. If any dispute exists as to the ownership of the animal for the purpose of this section, the person who has registered the animal shall be deemed the owner thereof. (Ord. 1676, 3-6-2000)

6-2-28: FAILURE TO APPEAR:

Any person who fails to appear in court or at the office of the clerk of the city court in compliance with the directions contained in the notice of animal violations given him by the animal control officer for any animal violation is guilty of a misdemeanor regardless of the disposition of the charge for which such person was given the notice. (Ord. 1676, 3-6-2000)

6-2-29: PENALTY FOR VIOLATION:

Any owner, keeper or harbinger of any animal which becomes subject to any of the infractions of this chapter shall, in addition to any other costs, license fees or charges set forth herein, unless otherwise stated, be fined by the city judge not less than fifty dollars (\$50.00) or more than five hundred dollars (\$500.00) for the first offense, and not less than one hundred dollars (\$100.00) or more than five hundred dollars (\$500.00) for a second or subsequent offense. (Ord. 1682, 1-2-2001)

11983

City of Lewistown

305 W. Watson
Lewistown, MT 59457
535-1760

Business License Application

Business Name Force Electric Inc

Street Address 401 Cascade Dr Phone _____

City Lewistown State MT Zip Code 59457

Brief Description/Nature of Business Electrical

Is This a Recognized Non-Profit Organization? Yes _____ No X # of Employees _____

Owners Name and Address Joel Heath

City Lewistown State MT Zip Code 59457 Phone # 406 426 1054

Planning & Building Dept:

Legal Description: Lot _____ Blk _____ Subdivision _____ Lot Sz (sq ft) _____

Estimated Square Footage _____ Occupant Load _____ Zoning District _____

Is The Building Currently Under Construction or Remodeling? Yes _____ No _____

Remodeling or New Construction Within The Last 12 Months? Yes _____ No _____

Is Building in The City Limits? Yes _____ No _____

Fire Dept:

Primary Emergency Contact Name & # Joel Heath 406 561 9253

Secondary Emergency Contact Name & # Ashley Morris 406 366 9467

Are There Any Special Hazards Associated With Your Business That We Should Be Aware Of? Yes _____ No X If So, What Are They? _____

Do You Have Any Hazardous Materials On The Premises? Yes _____ No X If So, Do

You Have Materials Safety Data Sheets For Them? Yes _____ No _____

Are There Any Fire Extinguishers Located On The Premises? Yes X No _____ # 1

Are There Smoke Detectors On The Premises? Yes _____ No _____ # n/a

Are There Any Locked Or Blocked Exits During Business Hours? Yes _____ No _____

Applicant Signature [Signature]

City Use Only Electrician

Business License Fee: 600.00 pd

Business Classification B. E. Received By AS Date 9-15-2006

Sent to:

BUILDING DEPT _____
FIRE DEPT _____
HEALTH DEPT _____
ZONING DEPT _____
CITY MANAGER _____

Received From:

BUILDING DEPT _____
FIRE DEPT _____
HEALTH DEPT _____
ZONING DEPT _____
CITY MANAGER _____